

3 February 2017

LWVAF, Report from the Capitol, Week 4

This week the General Assembly met for four days, completing Days 5 to Day 8. It will return next Tuesday, Feb. 7, for a four day week. The Senate is expected to pass the amended FY17 budget next week. It will be different in some ways from the version passing the House, so a conference committee is likely to be formed to resolve the differences.

Legislation has been offered plentifully. A few bills are getting out of committee, usually those without much controversy. The Rules Committee in each chamber has begun work, setting the agenda for the following day. And the General Assembly has set its calendar for the remainder of the session. CrossOver Day will be Day 28 on March 3, and adjournment will be Thursday, March 30.

CA = constitutional amendment. Requires a 2/3s vote in each chamber and a majority vote in the next general election scheduled for November 2018.

In CHAMBERS

GOVERNMENT - GENERAL

SB 85 Jeffares – 17 **PASSED** Senate

Licensed brewers may sell directly to customers at the brewery site up to 3000 gallons per year for consumption both on and off site. Off premise consumption sales limited to 288 oz/day/customer (24 cans at 12 oz each). Off premise sales only on days and during hours permitted by local law. Repeals the requirement to take a tour of the brewery.

HEALTH

SB 70 Miller – 49 **PASSED** Senate

The hospital Medicaid financing program sunset is extended to 2020. *This is the bed tax which is also the state match to federal Medicaid funding. It raises about \$300 million and pulls down \$600 million in federal funds which are sent to hospitals to help cover the cost of uninsured patients.*

TRANSPORTATION/DRIVING

HB 38 Powell – 32 **PASSED** House

Class C drivers licenses may be used for 3-wheeled vehicles with steering wheels. Class M licenses can be used on 3-wheeled motorcycles with handle bars for steering.

In COMMITTEE

GOVERNMENT - GENERAL

HB 144 Ehrhart – 36 **DO PASS** in H.Agriculture & Consumer Affairs

Sets disease-free requirements for sale of dogs and cats by retail pet stores.

GOVERNMENT – COURTS AND CRIMES

HB 88 Fleming – 121 **DO PASS** in H.Judiciary

A superior court judge shall vacate the office immediately if disbarred or suspended from the practice of law whether voluntary or involuntary.

GOVERNMENT – COUNTIES AND CITIES

HB 14 Jones – 167 **DO PASS** in H.Judiciary

Sheriffs paid a salary only shall remit any fees collected to the county treasurer or fiscal officer within 30 days of receipt. ***No consequences are itemized in this proposal. In other areas of commerce, cash deposits have to be done within much shorter periods of time, such as one or two days.***

HEALTH

HB 1 Spencer – 180 DO PASS in H.Judiciary

GA Space Flight Act. Limits liability of space flight bases and entities utilizing those bases by anyone participating in a space flight, except crew members. ***In short, be anywhere near a space flight base and if injured therein or any damage to your property, it is your loss.***

SB 4 Unterman – 45 DO PASS in S.Health & Human Services

Establishes the GA Mental Health Treatment Task Force to develop applications for a Medicaid Waiver and block grant funding. Legislative approval required before submission. There are 306,000 adults with serious mental illnesses in GA and less than one third are being served by the state. Effective treatment may also necessitate substance abuse treatment. The task force is 15 members, 3 Senators, 3 House members, and 9 appointed by the governor from specified state departments. Report due 1-1-18.

HB 40 Turner – 21 DO PASS in H.Agriculture & Consumer Affairs

A veterinarian shall disclose the rabies vaccination of an animal within the veterinarian's care within 24 hours of a written request by a doctor of any person bitten by the animal. ***Currently, medical records of an animal must be kept confidential just as those for a person.***

HB 154 Cooper – 43 DO PASS in H.Health & Human Services

Authorizes a dentist, without being on site, to supervise up to 4 licensed dental hygienists in schools, hospitals, clinics, public health programs, volunteer community health settings, senior centers, and battered women's shelters. The hygienists must maintain professional liability insurance. Effective 1-1-18. Findings show:

- 1/3 of older adults have untreated tooth decay
- ¼ of those ages 65-74 have severe gum disease
- 60,000 Georgians sought emergency dental care at Grady Hospital in 2009, costing \$25 million
- 118 of GA's 159 counties are considered areas of dental health professional shortage
- Professional preventative hygiene services can help prevent such conditions and is the most cost effective.

HIGHER EDUCATION

HB 37 Ehrhart – 36 DO PASS in H.Higher Education

Private post secondary institutions shall not adopt sanctuary policies. Withholding state funds for the institution and its students can be the penalty.

REVENUE/TAXATION

SB 14 Burke – 11 DO PASS in S.Finance

An income tax credit for donations to health institutions for members of LLCs, shareholders of subchapter 'S' corporations or partners in a partnership up to \$10,000 per year may be taken only against income from those sources.

NEW LEGISLATION

CHILDREN

SB 74 McKoon – 29 S.Judiciary

When an unemancipated minor seeks an abortion, the court must find clear and convincing evidence that the minor is mature. ***Clear and convincing evidence is the addition to this code section.***

SB 97 Parent - 42 S.Education & Youth

Child care subsidies are expanded to 2 years, currently 1 year, for parents in a job training or educational program.

EDUCATION

HB 13 Jones – 167 H.Ways & Means

Creates a tax credit up to 50% of \$500 for any full time teacher or aide in K-12 for costs of items used in a classroom or instructional setting in a qualified school, public or private, home study program, pre-K, or early care and education program. Credit cannot exceed the taxpayer's tax liability or be carried forward or applied to a prior year. Effective 1-1-17 through 12-13-21.

SB 68 Hill – 6 S.Education & Youth

Establishes Individual Student Savings Accounts in graders K-12. State funds, but not federal or local dollars, for participating students are deposited into the account and the funds can be used for private school expenses. The student must first enroll, but not necessarily attend, a public school to determine how much money the state will provide. Annually, 50% of the prior year's funds can be rolled over for this year's expenditure, one expense being the first year of post secondary. Students served in 2017-2018 are limited to .5% of the total K-12 enrollment; in 2018-19, the limit is 1%; and in 2019-2020 and beyond, there is no limit. ***This is a voucher, pure and simple. LWV OPPOSES. It sends public funds to secular institutions and there is no accountability for the services rendered.***

SB 76 Black – 8 S.Education & Youth

ESPLOST proceeds between a county school district and any city school districts therein shall be split based on the FTE enrollment in each system unless an agreement between the school systems can be arrived at. No legislation is required to solidify the agreement. Enabling legislation for SR 95.

SB 77 Fort – 39 S.Education & Youth

Compulsory school ages changed to age 6-17, currently 6-16, unless student has completed high school.

SB 83 Jackson – 2 S.Education & Youth

Raises the mandatory attendance age to 17 ½, currently 16, unless a high school diploma has been earned.

SR 95 Black – 8 S.Education & Youth

CA to divide ESPLOST proceeds between a county school system and any city school system therein. The split shall be based on the FTE in each system unless an agreement is reached between the systems for another formula which no longer has to be ratified by the legislature. Enabling legislation is SB 76.

SB 98 Parent – 42 S.Education & Youth

Capital outlay funds may be used for pre-K programs provided by the local school system. Projected enrollments into the pre-K program can be used for projecting capital outlay needs.

HR 101 Chandler – 105 H.Special Rules

Creates a 5 member House Study Committee on College Course Credit to make recommendations to higher education institutions and the legislature about standardizing methods of awarding postsecondary credit to high school students for Advanced Placement (AP), Cambridge Advanced (A/AS), College Level Examination Program (CLEP), and International Baccalaureate (IB) tests.

HB 139 Belton – 112 H.Education

Requires all financial information to be disclosed publicly by school and school district and dictates how schools can be compared, i.e. by per pupil or per square foot expenditure. ***Currently, the chart of accounts required to be used by school districts makes such per school expenditures problematic, except for direct salaries which constitute 80% or more per school while central office salaries are not generally distributed between schools served. Distributing much of the non-salaried expenses ordered by the school district but used by multiple schools requires cost accounting techniques which do not exist in school districts and for which the state has provided no resources to effect.***

HB 148 Glanton – 75 H.Education

Requires DOE to provide a unique identification number for students who are children of active military personnel so that statistics can be aggregated for them. ***The DOE already identifies these students in their digital record.***

HB 170 Jones – 53 H.Education

Student Online Personal Information Protection Act. Personal information in any digital format on a web site, service, or application applying to K-12 education can only be used by and for K-12 purposes. The operator of the web site cannot knowingly engage in targeted advertising, use any information gathered for non-K-12 purposes, sell, disclose, or amass a profile of the information. The operator shall maintain reasonable security procedures.

HB 178 Belton – 112 H.Education

Supplemental to existing funding for K-12 school counselors, a counselor shall be funded 1 to 200 military students in a school system and shall spend at least half time advising students or their parents.

HB 175 Cox – 108 H.Regulated Industries

By local resolution or ordinance, an eating establishment serving only wine and beer may locate closer to a school. ***Currently, they must be 100 yards from a school if only wine and beer are sold; if spirits are also sold, the distance is 200 yards from a school.***

HB 194 Jones – 25 H.Government Affairs

Zoning by cities and counties must consider the impact on local school systems and the potential for overcrowding. ***Currently, some governing entities don't even talk to the school system.***

HB 198 Dempsey – 13 H.Education

In grades 6 – 12 when the required information about the meningitis vaccine is distributed by the school, information about influenza and its vaccine is also to be distributed.

HB 200 Newton – 123 H.Education

Local boards of education are to adopt a policy authorizing students to carry and self-administer sunscreen to help prevent skin cancer for overexposure.

HB 201 Stephens – 164 H.Ways & Means

A motor fuel exemption is to be reinstated for fuel used in public transit vehicles, vehicles used on public post secondary campuses if free transfer from public transportation in the same jurisdiction as the campus, and school buses when fuel is purchased directly by the school system.

ELECTIONS/ETHICS

HB 22 Bruce – 61 H.Government Affairs

Each county election superintendent may permit any voter in the county to vote in any county precinct in any election on election day. Requires safeguards to prevent the person from voting more than once. ***That can be done now if the voter votes a paper (provisional) ballot, but those ballots take a high degree of effort for the central departmental staff to process. OR precinct specific paper ballots must be available for every precinct in every precinct, which is a nightmare to keep track of, or a ballot printing machine must be available in every precinct. The DRE voting machines could be used by such voters as they are currently capable of storing all ballot types used within any county, but communications to other precincts on election day that a non-precinct resident voter has cast a digital ballot is not possible with the current equipment. Easier and much cheaper for the voter to vote early, or at the correct precinct.***

HB 133 Pezold – 133 H.Government Affairs

Changes the number of signatures to get on a ballot for a state or national office to 2% of the votes cast in the last election for the office the candidate is running for. Currently it is 1% of the registered voters. If the office is newly constituted or never had an election, the number of votes required is based on the active voter registrations, i.e. excludes inactive registrations. If the candidate has run for this office before and polled 5% or more, the number of signatures required is halved. If the candidate polled 10% or more in a previous run for this office, the signature requirement is waived.

HB 164 Price-48 H.Government Affairs

Appointed candidates to an elected office cannot be identified as ‘incumbent’ on the ballot. ***Webster says an incumbent is one who occupies an office. It does not distinguish between elected or appointed.***

HB 167 Bentley – 139 H.Government Affairs

Requires voter registration applications to be processed within 45 days of receipt by the Secretary of State or a county registration office. If not, the applicant may seek injunctive relief from the Superior Court of Fulton County for the Secretary of State or Superior Court of the county where the local registration office is located. ***This proposal does not indicate whether the application has to be complete before the time clock starts. The Secretary of State does not process voter registration applications, it only forwards any received to the appropriate county registration office.***

HB 180 Dreyer – 59 H.Government Affairs

Voters who have moved but have not changed their voter registration reflecting their current address may go to the precinct that serves their current residence, swear that their address is the valid one, and vote an regular ballot (presumably on the DRE). Post secondary institutions are to give a student a paper voter registration form every time they change their address with the institution. Polling places are to be located within 25 miles of every voter in the precinct. Advanced voting locations shall be allocated one per 150,000 electors.

GOVERNMENT - GENERAL

SR 105 Heath – 31 S.Government Oversight

CA to repeal the prohibition of public money going to sectarian institutions. ***Currently, religious institutions must incorporate as a non profit to receive state public funds. Non profits cannot discriminate in staffing or clientele or use the funds for any sectarian purpose. Passage of this amendment would allow them to do either with public funds.***

HB 177 Marin – 96 H.Government Affairs

All entities of state and local government shall take reasonable steps to provide access to public services for English Language Learners. This may include oral language services, translation of materials of all types into any language spoken by at least 3% of the population.

HB 190 Hanson – 80 H.Judiciary

Updates and clarifies antenuptial agreements, prenups. Must be signed by both parties with two witnesses, one of which is a notary.

GOVERNMENT – COURTS AND CRIMES

SB 90 Fort – 39 S.Public Safety

Effective 1-1-18, law enforcement officers who conduct traffic stops or respond to emergency calls as their primary duty shall be equipped with audio/video recording devices. Most recordings are not to be publicly disclosed.

SB 94 Fort – 39 S.Judiciary

Regulates use of no knock warrants including the requirement that an officer announce personal authority and purpose before entry.

HB 149 Powell – 32 H.Public Safety and Homeland Security

Bodily fluids and tissue, both human and animal, need to be cleaned up after serious injury, illness, or death. Law enforcement with GBI oversight and Department of Natural Resources will establish rules and regulations, and license those who clean up such trauma sites and their employees. Entities must be licensed, bonded, free of drug use, have liability insurance up to \$1 million. Temporary licenses up to 90 days for specific services can be issued in case of a public health emergency or state of emergency.

HB 166 Price – 48 H.Judiciary

Family child care learning home operators are to be excused from jury duty.

HB 151 Waites – 60 H.Public Safety & Homeland Security

Prohibits use of restraints on pregnant women inmates during labor, delivery, or post delivery recovery.

HB 185 Coomer – 14 H.Judiciary

Full-time associate judges of probate court cannot practice law outside of the role of judge except when serving as a military judge advocate general.

GOVERNMENT – COUNTIES AND CITIES

HB 189 Nelson – 125 H.Government Affairs

Contracts entered into with any county, city, or other political subdivision shall contain specific performance and cost measures. The contract shall also provide that it can be cancelled by the government entity if projected annual costs exceed the contracted amount.

GOVERNMENT - EMPLOYMENT

SB 66 Jackson – 2 S.Government Oversight

At least one minority person is to be interviewed when the state is filling vacancies of executive heads of state agencies.

The minorities listed in the bill do not include women.

HB 182 Dukes – 154 H.Industry & Labor

Prohibits employers from requesting credit checks on employees or prospective employees except if the job requires a fiduciary responsibility, expense account, access to financial or personal information of customers, employees, or the employer, or is a managerial position which sets direction or control of the business.

HB 184 Boddie – 62 H.Industry & Labor

Requires employers to provide reasonable accommodations to employees and job applicants for pregnancy, childbirth, lactation, or breast feeding, or related conditions. Department of Labor is to develop courses to educate the public on such accommodations.

HB 202 Powell – 171 H.Appropriations

Increases the salary of the governor to \$175,000 per year, currently \$60,000, effective 1-1-19.

GOVERNMENT – ENVIRONMENT

SB 65 Ginn – 47 S.Natural Resources & Environment

The fee for collection or disposal of scrap tires is to be collected even if the old tires are not turned over to the tire seller.

GOVERNMENT – FEDERAL ISSUES

SB 93 Jackson – 2 S.Government Oversight

Permits government entities to work with legal residents to utilize any services required and assist immigrants in going through the naturalization process.

SB 100 Fort – 39 S.Government Oversight

A person with a valid visa to enter the U.S. cannot be detained or rejected from entry at any airport or seaport in this state.

GUNS

HB 10 Oliver – 82 H.Public Safety & Homeland Security

Prohibits and provides penalties for possession, sale, transport, distribution of assault weapons, large capacity magazines, armor-piercing bullets, and incendiary .50 caliber bullets. Enhanced penalties for possession and use of machine guns.

SB 80 Martin – 9 S.Judiciary

Law enforcement officers who are retired in good standing with 10 or more years of service, citizens and residents of GA, and receiving benefits under an applicable retirement system, can carry a weapon anywhere in this state.

SB 91 Henson – 41 S.Public Safety

Guns cannot be transferred if recipient is found on the GA Information Sharing and Analysis Center when a judicial review is required. The probate court can grant relief if person is found to be unlikely to act in a dangerous manner.

SB 92 Henson – 41 S.Judiciary

Law enforcement may stop a person at any time and ask for a person's license to carry or proof of exemption for such license. **Currently, peace officers cannot request to see a copy of a license to carry.**

HB 156 Gurtler – 8 H.Public Safety & Homeland Security

GA Constitutional Carry Act of 2017. Repeals the prohibition for guns to be carried by those so licensed into any park, historic area, memorial, or recreation area. Allows guns in most places currently excluded, including airports.

HEALTH

SB 71 Stone – 23 S.Judicial

Health savings accounts and medical savings accounts are exempt from bankruptcy proceedings.

SB 81 Unterman – 45 S.Health & Human Services

Naloxone, which reverses opioid related overdoses, can now be dispensed by the state health officer to law enforcement per an executive order by the governor in December 2016. This bill codifies the executive order. Other provisions include requiring pharmacists to report prescriptions for schedule II, III, IV, and V drugs, collection of stats on neonatal abstinence syndrome, and on-site inspections of drug abuse treatment and education programs.

SB 88 Mullis – 53 S.Regulated Industries & Utilities

Regulates narcotic treatment programs and licenses programs in 49 regions of the state.

SB 96 Watson – 1 S.Health & Human Services

Death in a nursing home, hospice, or if suspicious or unusual, may be declared by a registered nurse, nurse practitioner, or physician assistant, even if the patient is an organ donor. **Currently, organ donor patients have to be declared dead by a physician only.**

SB 102 Miller – 49 S.Health & Human Services

Defines emergency cardiac care centers which are hospital based and similar in organization as stroke and trauma centers. Cardiac Care Centers throughout the state can ensure the rapid triage, assessment, treatment, and transport of patients experiencing out-of-hospital cardiac arrest or heart attack or its complications. There are to be 3 levels of cardiac care centers, with Level I being the most comprehensive. Each level shall seek agreements with hospitals at other levels to facilitate transfer of patients for needed services. The Office of Cardiac Care is established within the Department of Public Health to designate which hospitals are to become emergency cardiac care centers and to collect data with the goal of improving survival rates and adjust any processes as necessary.

HB 157 Kelley – 16 H.Health & Human Services

Physicians who advertise or hold themselves out to the public can be requested to provide evidence of their certification in their specialty.

HB 161 Price – 48 H.Health & Human Services

Exempts persons employed by or agents for a harm reduction organization from laws prohibiting distribution of hypodermic syringes or needles. A harm reduction organization works to reduce the spread of HIV and other infectious diseases among intravenous drug users. Pharmacists and their interns and externs are already exempted.

HB 165 Price – 48 H.Health & Human Services

Physicians should not be required to fulfill professional development requirements as a prerequisite for hospital or staff privileges, employment in state medical facilities, reimbursement from third parties or malpractice insurance coverage.

HB 173 Chandler – 105 H.Health & Human Services

A marriage and family therapist is added to those professionals relative to involuntary evaluation and emergency admission of mental illness or alcohol, drug abuse or drug dependent individuals.

HB 188 Abrams – 89 H.Appropriations

Authorizes appropriations to meet the state match for Medicaid expansion up to 138% of the federal poverty level. ***Medicaid expansion would insure 500,000 persons, of the 2 million uninsured in the state, generate \$65 million in economic activity and create 56,000 jobs. Veterans are included in the uninsured count up to 25,000 and their spouses, about 7,000.***

REVENUE/TAXATION

HB 4 Spencer – 180 H.Ways & Means

Property owners who utilize conservation use covenants must be current on payment of all taxes to the county or be considered in breach of the covenant. The covenant shall not be issued or renewed until all taxes have been paid in full.

SB 79 Beach – 21 S.Regulated Industries & Utilities and

HB 158 Stephens - 164 H. Regulated Industries

Destination Resort Act. Authorizes two casino resorts, one in the Atlanta area with a \$2 billion investment and one in a county between 250K and 900K population with a \$450 million investment. Creates the 5 member GA Gaming Commission to regulate casino gambling in all of its aspects. A destination resort must plan to get 60%+ revenues from non-gaming sources. A non-refundable application fee of \$1 million is used by the Commission to defray costs of review and investigation of the applications. The license when approved is \$50 million with annual registration fee of \$5 million thereafter. Each licensee will pay a gross receipts tax of 20% to the commission to pay for operating costs. All unappropriated funds at year end in excess of \$5 million are transferred to the GA Lottery to be used for HOPE scholarships (70%) and a needs-based scholarship (30%). None is designated for pre-K. Suppliers are licensed at \$5000 and employees must get an occupational license for 4 years at \$250. ***This bill is so prescriptive that what is left for the Gaming Commission is to enforce it. Also the GA Student Finance Corporation is dictated to as to the use of its funds, when it already has criteria about how to split them.***

HB 81 McCall – 33 H.Ways & Means

Adds hospital organizations to the list of government entities to whom taxpayers may owe debts and which the entities may capture income tax refunds to those taxpayers to satisfy such debt.

SR 93 McKoon – 29 S.Appropriations

CA to dedicate licensing revenues from athletic and entertainment events to a special fund that will not lapse. The fund is to be used to regulate such events.

SR 104 Heath – 31 S.Finance

CA to prohibit the levy of a state wide property tax. ***Currently, this is one quarter of a mill, about \$20 a year on a property worth \$200,000 with no exemptions.***

HB 115 Powell – 32 H.Ways & Means

Taxis, limousines, and other for-hire vehicles will pay \$300 each for a state decal to be displayed thereon in lieu of collecting and remitting sales taxes.

HB 134 Epps – 144 H.Ways & Means

A sales tax for transportation purposes for public transit, rails, and buses may be for 20 years. If the sales tax includes roads, bridges, airports, or seaports, it can only be for 5 years.

HB 141 Stephens – 164 H.Ways & Means

Hotel/Motel excise taxes can be used to acquire, refurbish, and restore as well as support a government owned facility. Also eligible is a visitor's center located in a historic building or structure.

HB 142 Frye – 118 H.Ways & Means

Imposes fees on employers for late delivery of required W-2 and 1099 forms to employees. Effective for tax year 2017.

HB 145 Gravely – 62 H.Ways & Means

State sales tax computation on jet fuel for commercial aircraft is 100% if going to an instate destination and 55% if going out of state. Does not apply to any local sales tax which gets 100% on the purchase.

HB 181 Lott – 122 H.Ways & Means

The Revenue Commissioner may provide confidential sales tax information to a county finance officer or tax commissioner for the purpose of researching anomalies, errors, misuse of sales tax exemptions, etc. The information remains confidential and abnormalities may be revealed only to the commissioner or members of the county or city government authority in executive session.

HB 193 Turner – 21 H.Ways & Means

Income tax computation for standard deductions shall be modified by the CPI, effective 1-1-18.

TRANSPORTATION, DRIVING

SB 27 McKoon – 29 S.Transportation

Property acquisitions for transportation purposes may include reasonable attorney's fees and litigation expenses including expenses of investigation, witnesses, and miscellaneous expenses of trail preparation.

SB 43 Davenport – 44 S.Public Safety

Operating a motor vehicle without securing a load is a misdemeanor of a high and aggravated nature, currently a misdemeanor.

SB 54 McKoon – 29 S.Transportation

Defines an 'autonomous' vehicle as a driverless vehicle which must have a human available to intervene if necessary, must visibly indicate when in autonomous mode, and shall alert the operator if there is some failure of an autonomous feature which might be a safety concern.

HB 150 Powell – 32 H.Transportation

State Road and Tollway Authority may cause a vehicle registration to be placed on hold if tolls and fees are not paid. May access any state income tax refund to satisfy the indebtedness.

HB 160 Tanner – 9 H.Transportation

Creates the 14 member GA Commission on Transit Governance and Funding which shall be abolished on 12-31-18. The commission shall be investigative and advisory only, study and assess needs for potential funding to provide a system of mass transportation and its facilities for metro areas of the state.

HB 163 Price – 48 H.Public Safety & Homeland Security

Neither private nor commercial vehicle operators may operate a wireless device while driving.

LOCAL – Fulton County and Cities Therein

HB 131 Bruce – 61 H.Local Legislation

Expands the borders of the City of South Fulton to include the Fulton County Industrial District if the local constitutional amendment which created the Industrial District is repealed, see HB 132.

HB 132 Bruce – 61 H.Local Legislation

Repeals the local constitutional amendment to keep Fulton County Industrial Park as unincorporated, effective 1-1-18. Requires a vote of the citizens. If HB 131 also passes, the City of South Fulton will absorb the industrial park.

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