

17 February 2017

LWVAF, Report from the Capitol, Week 6

This week the General Assembly met for four days, Days 17 through Day 20. It has completed **half** the allotted days for any session. Yeah! Next week, it will return on Tuesday for another four day week. Again?

A couple of bills were signed this past week, one of them being the amended budget. The governor did not line item veto any items, so money can begin flowing to the designated targets. The other bill was the extension of the hospital bed tax.

CrossOver Day comes earlier this year, on Day 28, which will be March 3. Legislation must pass its original chamber by the end of that day to be considered by the second chamber for passage this year. And committees are working hard to get that legislation to the Rules Committees so that there is a chance of a floor vote. Because this is the first year of a two-year legislative term, bills not passed this year will be held over to consideration next year. Until CrossOver Day, each chamber works to move its own bills, with rare exceptions. After CrossOver, it turns its attention to those having crossed.

The anticipated Plan B for K-12 schools has been unveiled as HB 338. Read the details below. It was heard today in the House Education Committee, but no vote was taken. Expect it to be voted out next week. There are some good things about this bill, over the defeated Amendment 1 of last November. The sponsor actually sought and used some of the input from educational representatives. The bad news is that it looks like Amendment 1 Lite. And there are some unanswered questions, like who pays for all this and what is the criteria for 'schools of greatest need' for starters.

Legislative Day at the Capitol for League is **Tuesday, February 21**, in 606 Legislative Office Building. Come on down! No charge. Coffee and meeting old friends at 8:30, program at 9 a.m. Registration at lwvga@lwvga.org

BOLD Bill Number = final passage

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

DV = Differing Versions

NNS = Needs No Signature

TGFS = To Governor for Signature

In CHAMBERS

BUDGET

HB 43 Ralston – 7 **PASSED** House & Senate **SIGNED**

AFY17. Very few changes were made. The governor's emergency fund received an appropriation for victims of the storms in So. GA. Equipment grants for technical education in high schools was included for \$5.5 million.

EDUCATION

SR 95 Black – 8 **PASSED** Senate

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. If no agreement can be reached, the school system with the higher enrollment may call a referendum for the area which it serves. Enabling legislation is SB 76.

HB 139 Belton – 112 **PASSED** House

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. DOE will collect and develop the website. Individual districts and schools which have a web site must include a link to the DOE site. *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 expenses 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. DOE could distribute indirect expenses among the schools in the district on the bases of percent of FTEs in each school.

HB 198 Dempsey – 13 **PASSED** House

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.

GOVERNMENT - GENERAL

SB 46 Ligon – 3 **PASSED** Senate

Establishes the parameters for space flight in GA. Defines the liability for any injuries or property damage for space activities for passengers. Any injury or death can collect damages only for willful and wanton misconduct or gross negligence.

SR 194 Wilkinson – 50 **NNS PASSED** Senate

Commends the GA peanut industry and recognizes March 20 as Peanut Butter and Jelly Day at the state capitol. *Come on down for a free PBJ lunch.*

GOVERNMENT – COURTS AND CRIMES

SB 18 Harper – 7 **PASSED** Senate H.Public Safety & Homeland Security

Retired security police officers of the GA Public Safety Training Centers may retain their badges and weapons if they leave under honorable conditions. *This is a perk of most other state and many local law enforcement agencies.*

SB 45 Walker – 20 **PASSED** Senate

Bans ‘upskirting’. Conviction is a felony but judge can reduce to a misdemeanor. Excludes those under 17, as they would be covered by the juvenile authorities.

HB 185 Coomer – 14 **PASSED** House

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.

HB 214 Golick – 40 **PASSED** House

Falsifying proof of motor vehicle insurance has the penalty increased to \$10,000 and 2 to 10 years imprisonment.

HEALTH

SB 12 Unterman – 45 **PASSED** Senate H.Health & Human Services and

HB 154 Cooper – 43 **PASSED** House S.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.

SB 16 Watson – 1 **PASSED** Senate

Adds ‘autism’ to the conditions that can be treated by medical marijuana and reduces to 3%, from 5%, the amount of active ingredients in it.

SB 40 Unterman – 45 **PASSED** Senate H.Health & Human Services

Emergency Medical Technicians may transport mentally ill patients if probably cause to believe treatment is required and a physician at the receiving facility agrees.

SB 41 Unterman – 45 **PASSED** Senate H.Health & Human Services

Those who rent or sell durable medical equipment directly to customers are to be licensed for a 3 year term, except entities already licensed such as hospitals, ambulatory surgical centers, pharmacies and pharmacists, government owned health care facilities, skilled nursing facilities, assistant living facilities, licensed health care professionals who provide durable medical equipment within their scope of practice, suppliers of insulin and infusion pumps and related services, and manufacturers and wholesale distributors that do not provide equipment directly to customers.

SB 70 Miller – 49 **PASSED** Senate & House **SIGNED**

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.*

REVENUE/TAXATION

HB 61 Powell – 171 **PASSED** House S.Finance

Retailers who do not now collect sales tax (e-tail and catalog sales) are to either begin collecting and remitting it to the state or notifying each buyer that taxes are due, and filing with the state annually in January of the next year an itemized statement of every buyer in GA and the amount of purchases each has made the previous tax year totally \$500 or more. A retailer is defined as one with annual sales of \$250,000 in the state or 200 transactions. *This only requires the collection of state sales tax of 4%; local tax collection is not required. Think Amazon and other on line retailers. The state lost \$274 million in sales tax revenue due to internet sales; the local entities collectively lost \$205 million.*

HB 117 Watson – 172 **PASSED** House S.Finance

Voluntary contributions in addition to the price of a ticket to amusement, sports, or entertainment shall not be sales taxable. *Ticket price is \$50, but the check is for \$75. Only the \$50 is sales taxable.*

HB 125 Stephens – 164 **PASSED** House

Personal property used to maintain, refit, or repair a boat during a single event is not sales taxable over \$500,000. The items must be securely attached to the boat, such as an engine, parts, equipment. *Anything that floats is eligible.*

HB 195 Harrell – 106 **PASSED** House S.Finance

For profit corporations may participate in indirect ownership of a not-for-profit home for the mentally disabled without the loss of an exemption for property taxes. Statewide referendum required in November 2018.

TRANSPORTATION/DRIVING

SB 89 Shafer – 48 **PASSED** Senate H.Transportation

Authorizes the commissioner of DOT to take over the GA Freight Railroad Program to enhance the state's investment in freight rail projects for public benefit and to support a safe and balanced transportation system for GA. *The Savannah Harbor expansion means more cargo containers have to be transported throughout the state. Doing it by rail keeps some traffic off our roads.*

HB 160 Tanner – 9 **PASSED** House

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.

In COMMITTEE

CHILDREN

HB 86 Oliver – 82 DO PASS in H.Juvenile Justice

Those entities that are required to report child abuse to DFCS shall also include reporting acts of trafficking a person for sexual servitude.

HB 116 Reeves – 34 DO PASS in H.Judiciary Non Civil
Superior Court, rather than Juvenile Court, shall have original jurisdiction over minors charged with aggravated assault with use of a firearm and aggravated battery. The Superior Court may return it to Juvenile Court for jurisdiction unless the victim is a law enforcement officer or older than 65.

SB 131 Tillery – 19 DO PASS in H.Juvenile Justice
Adoption proceedings will be stayed while an appeal of an order to terminate parental rights is pending.

EDUCATION

SB 3 Tippins – 37 DO PASS in S.Education & Youth
Creating Opportunities Needed Now to Expand Credentialed Training, CONNECT, is a grade 6-12 career education program which includes such work based learning such as internships, apprenticeships, cooperative education, service learning or employability skill development. Department of Education to develop the program with Technical College System of GA and may include industry credentialing. Updates to the K-12 capital outlay programs to include career education labs and facilities to support industry credentialing and may include funds for equipment grants. Adds industry credentialing to programs of schools eligible to receive students in the BRIDGE program, Building Resourceful Individuals to Develop GA's Economy. This and other industry credentialing programs are for schools which are low performing.

HB 114 Dickey – 140 DO PASS in H.Education
Bans local boards of education for excluding students from consideration of valedictorian or salutatorian if the student is enrolled in any dual enrollment courses. Student must have taken at least one course at the high school during grades 9-12. *In limited cases, there has been resentment when students enrolled in dual credit courses for part of the day, and have higher grade point averages than students who have taken all course work at the school, were named valedictorian or salutatorian.*

ELECTIONS/ETHICS

HB 42 Lumsden – 12 **PASSED** House DO PASS in S.Ethics
Ballot mistakes may be reported by the local election superintendent to the Secretary of State for correction. If a federal office is on the ballot, local entities may align special elections and their runoff dates to fall on the same dates as federal elections and runoffs, to save money. *Currently, to correct ballot errors, a citizen must file a court case to get a court order get a ballot language change. A federal court has required GA to have runoffs for federal offices later that the state has runoffs for all other offices. Allowing local election superintendents the flexibility to hold local elections and runoffs on the same dates as for federal offices means fewer dates for precincts to be open and fewer cycles of advanced voting, thus saving some money. Federal office elections often create a domino effect of special elections as local office holders vacate to run for higher office, for example, the vacancy for the congressional district 6 seat.*

GOVERNMENT – GENERAL

SB 85 Jeffares – 17 **PASSED** Senate DO PASS in H.Regulated Industries **DV**
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). Licensed distilleries may sell up to three 750 milliliters bottles/day/customer and up to 500 barrels annually. Off premise sales only on days and during hours permitted by local law. Repeals the requirement to take a tour of the brewery or distillery.

HB 87 Raffensperger – 50 DO PASS in H.Small Business Development
Annual registration of corporations, partnerships, and associations may be extended to 3 years by the Secretary of State.

HB 190 Hanson – 80 DO PASS in 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

HB 9 Blackmon – 146 DO PASS in H.Judiciary Non Civil

Bans using any device to film under or through a person's clothing by anyone 16 and over without consent of the person observed. Exceptions are law enforcement if investigating or prosecuting a criminal offense or a retailer monitoring a customer changing room if signage conspicuously warns of such surveillance.

HB 15 Willard – 51 DO PASS in H.Judiciary

By January 2018, superior and state courts can require electronic filing of documents and payment of fees. Once a court has begun mandatory electronic filings in civil cases, non-electronic documents may not be accepted otherwise except for an emergency, adoption proceedings, pauper affidavits, documents under seal or presented in camera or ex parte, or documents to which access is restricted by law or court order.

SB 95 Stone – 23 DO PASS in S.Judiciary

The state wide master jury list developed by the GA Crime Information Center will now include a token numerical value of the social security number of each name. Race as an identifier has been removed. The Council shall provide the agency supplying the names the software to generate this token numerical value. ***Why is the social security number necessary for a jury member? This exposes the jury member to identity theft if the 'token number' can be cracked.***

HB 149 Powell – 32 DO PASS in 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.

HEALTH

SB 8 Unterman – 45 DO PASS in S.Health & Human Services

Provides for procedures by health insurance plans and health providers for transparency to patients about costs and multiple providers called upon by the patient's physician for billing for services. An extensive bill and most prescriptive. ***Patients get bills from providers who are not in their network, because their primary doctor who is in the network chose to use them for required jobs, such as anesthesiologist or pathologist. This proposal is to enlighten the patient about such 'surprise' bills which are covered less fully by their insurance plan, or perhaps not covered at all.***

SB 71 Stone – 23 DO PASS in S.Judicial

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

SB 81 Unterman – 45 DO PASS in S.Health & Human Services

Naloxone, which reverses opioid related overdoses, can now be dispensed by the state health officer 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 DO PASS in S.Regulated Industries & Utilities

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

SB 96 Watson – 1 DO PASS in 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 DO PASS in 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.

SB 109 Williams – 27 DO PASS in S.Public Safety

Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (REPLICA) is a multistate compact to recognize EMTs, advanced EMTs and paramedics licensure, authority, and regulation from other states in the compact.

HR 170 Cooper – 43 DO PASS in H.Health & Human Services

Urges state agencies, medical service providers, health care agencies, research facilities, medical schools, and all interested parties to work toward increasing research, clinical care, and medical education for myalgic encephalomyelitis.

HB 206 Kelley – 16 DO PASS in H.Health & Human Services

Small errors of omission, clerical, computer, or unintentional errors in billing, coding, or required documentation, shall not constitute fraud or a basis to recoup full payment for medical assistance. Proof of intent to commit fraud required to impose criminal penalties.

HB 210 Lott – 122 DO PASS in H.Health & Human Services

Blood banks shall not be included in the term ‘clinical laboratory’ unless the blood or its parts are intended for the manufacturing of biological products and are regulated by the federal drug administration.

REVENUE/TAXATION

HB 162 Price – 48 DO PASS in H.Judiciary

An income tax refund may be kept and forwarded to the state agency or court to which the taxpayer is a debtor.

TRANSPORTATION/DRIVING

HB 234 Frye – 118 DO PASS in H.Public Safety & Homeland Security

Rapid-flash beacons at unsignalized intersections or mid-block crosswalks activated by pedestrians or bicycle riders shall require vehicles to stop until the pedestrian or bicycle has cleared the intersection or crosswalk.

NEW LEGISLATION

EDUCATION

HB 338 Tanner – 9 H.Education

A Chief Turnaround Officer, CTO, will be hired by the state board of education and report to the board. This shall be a person with at least 15 years of experience, experience as a principal or higher for at least three years, extensive experience in turning around failing schools. The CTO will then hire turnaround coaches to work with schools in the greatest need of assistance. These schools are identified by the CTO, criteria unknown. An evaluation will be done by the turnaround team as to the needs in the school. Coaches will assist in creating local collaborations to address personal and community conditions such as poverty, lack of economic development, safety, transportation options for parents and students, adult educational opportunities, wellness, and mental health services. Each local board that is under a contract with DOE, currently 178 of the 180 school districts, will request changes to the contract to agree to receive assistance for its needy schools. Those without contracts will be held to current law for school under achievement. If after 2 years, the school is not improving, the CTO may require various adjustment by the local board of education including removal of school personnel, becoming a charter school, appointing a new principal, relocating students, allowing another school system to

manage the school. If after 5 years, one half or more of a local school district's schools are not improving, the governor can remove the school board members in a manner similar to removal when accreditation is lost. A Joint Study Committee on the Establishment of a State Accreditation Process is created, presumably to take Southern Association of Colleges and Schools, SACS, out of the picture, or at least diminish its presence in any school. ***Plan B, the alternative to the failed Amendment 1. Familiar concepts. The CTO reports to the governor through the state board of education, also appointed by the governor who seemingly does not want to work through the elected state school superintendent to evaluate and assist these failing schools. The mechanism for determining if a school will be considered for remediation is unstated, which means it could change annually. Paying for these new services is not stated, but it will probably be through the local school systems in which these schools reside.***

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