

10 March 2017

LWVAF, Report from the Capitol, Week 9

The General Assembly met for three days this week, culminating with Day 31. It will return on Monday for a four day week.

This week was slow. After the long and busy day for both chambers last Friday, CrossOver Day, each chamber had to assign every bill that crossed over and begin vetting them in committee. The more complicated the proposal, the longer that takes. A few bills reported this week passed last week but were not on last week's report.

Rumor has it that the budget will get to the Senate floor next week. This is the only bill that has to be passed. And it will undoubtedly be different than the House version. So it will not yet be over for that bill.

Enjoy this shorter newsletter, perhaps the last of this session. Sine die adjournment is scheduled for March 30.

BOLD Bill Number = final passage

DV = Differing Versions

NNS = Needs No Signature

TGFS = To Governor for Signature

In CHAMBERS

EDUCATION

HB 425 Chandler – 105 **PASSED** House S.Education & Youth

Urges local school systems to allow state mandated tests to be administered by paper and pencil at parent request.

Discourages punitive actions for students refusing to participate in any mandated test, federal, state or local. DOE to provide example of educational activity for student to engage in while others are taking the test. *If the law says one must take a test, then one must suck it up and take the test. Doing what is required is also part of education.*

GOVERNMENT - GENERAL

SR 194 Wilkinson – 50 **NNS PASSED**

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.*

HB 309 Barr – 103 **PASSED** House S.Veterans, Military & Homeland Security

The state shall incur no liability when an organized militia is engaged in state or federal duty or training except for vehicle accidents. *Includes the GA National Guard.*

GOVERNMENT – COURTS AND CRIMES

HB 452 Petrea – 166 **PASSED** House S.Public Safety

Aliens released from federal custody into GA are to be publicly posted by the GBI within 12 hours and be sent to the GA Sheriffs' Association. The information is to come from the Law Enforcement Notification System of the Enforcement Integrated Database of the U.S. Department of Homeland Security.

GOVERNMENT – ENVIRONMENT

SB 191 Jeffares – 17 **PASSED** Senate H.Energy, Utilities, & Telecommunications

A new petroleum pipeline or an extension of an existing one requires a permit from the director of Environmental Protection Division of Department of Natural Resources. No permit will be issued within the GA coastal zone

management program. The process for application of a permit is outlined which includes notifying landowners and counties of the route. A hearing is to be held. Eminent domain cannot be used until a permit is issued. Rules and regulations to be issued by 7-1-18.

GOVERNMENT – FEDERAL ISSUES

SR 195 Hufstetler – 52 **NNS PASSED** Senate

Requests Congress call a constitutional convention to term limit members of Congress. *Commonly referred to as an Article V convention. The concern expressed is that once a constitutional convention is convened, it can address any area of the document. Our current constitution was created by a convention called to 'fix' the Articles of Confederation. There is already a method of limiting service of an office holder - it is called an election.*

HEALTH

SB 102 Miller – 49 **PASSED** Senate & House **TGFS**

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 146 Gravely – 67 **PASSED** House **PASSED** Senate **DV**

Firefighters who get specific cancers receive \$25000 at the time of the diagnosis and after an evaluation at 6 months, if the firefighter cannot return to work, 60% of salary for an additional 36 months. *2/3s of firefighters get cancer compared to 22% of the general population.*

REVENUE/TAXATION

HB 59 Stephens – 164 **PASSED** House **S.Finance**

Revises the income tax credit for rehabilitation of historic structures. The limit on credits is removed for historic structures which are not homes, currently \$5 million. The credits may be sold and resold, currently limited to one transfer of ownership. Effective 1-1-18 and automatically repealed 12-31-27, but the General Assembly could repeal earlier when the law would revert to its current state. *If the General Assembly repeals, it can refashion these credits as it chooses and not be limited to a prior definition.*

SB 133 Walker – 20 **PASSED** Senate **H.Ways & Means**

The corporate net worth tax is not to apply to corporations with a net worth of less than \$100,000. *Currently, they pay a graduated tax of \$100 or less.*

HB 209 Hawkins - 27 **PASSED** House **S.Finance**

Disabled veterans getting a final determination from the U.S. Department of Veteran Affairs which has a period of retroactive eligibility shall be entitled to a refund of all property taxes paid during the past three years.

HB 283 Knight – 130 **PASSED** House & Senate **TGFS**

Aligns the GA tax code with changes in the IRS tax code.

TRANSPORTATION/DRIVING

HB 458 Powell – 32 **PASSED** House **S.Government Oversight**

Automated traffic enforcement safety devices, red light cameras, in school zones may be administered by a third party authorized by the local police. These third parties do not need to be POST certified. Warning signs of the use of such devices are to be posted. The owner of a vehicle is assumed to be the driver, except if it is a rental car when the lessee of

the vehicle is assumed to be the driver. The owner or lessee may present evidence that someone else had to have been driving, such as a stolen vehicle report.

LOCAL

HB 377 Beskin – 54 PASSED House & Senate TGFS

Clarifies the manner of election of the chair of the Fulton County Commission. If the office becomes vacant and there is more than 6 months left in the term, a special election will be held. If less than 6 months in the term, the governor shall appoint a sitting commissioner to serve the unexpired term of chair. *John Eaves, current chair, has announced he will run for Atlanta mayor in 2017, creating a vacancy in that office with a term expiring in December 2018.*

HB 534 Price – 48 PASSED House S.State & Local Government

Roswell city council members may serve up to 3 consecutive terms, beginning 1-1-18. Prior experience is not counted. No one who has served three or more terms as mayor is eligible to run again for mayor.

In COMMITTEE

CHILDREN

HB 75 Willard – 51 PASSED House DO PASS in S.Judiciary

Child abuse records that contain information provided by law enforcement or prosecutors related to criminal prosecution of a case are closed to the public.

HB 86 Oliver – 82 PASSED House DO PASS in S.Judiciary

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

HB 359 Fleming – 121 PASSED House DO PASS in S.Health & Human Services

A parent may transfer by the power of attorney the temporary custody of the child to a grandparent, step grandparent, aunt, uncle, great aunt, great uncle, cousin, or sibling of the child. Cannot transfer authority to consent to marriage, adoption, abortion or termination of parental rights. The temporary custodian must accept in writing. The parent must notify the non-custodial parent of such transfer of custodianship, and the non-custodial parent may object. Such power of attorney shall not be used to enroll a child in a school to participate in extracurricular activities or subvert an investigation about the child's welfare. The parent may revoke the power of attorney. Generally such powers of attorney are for one year or less unless given to a grandparent when it may be unlimited.

EDUCATION

HB 139 Belton – 112 PASSED House DO PASS in S.Education & Youth

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.*

GOVERNMENT - GENERAL

SB 46 Ligon – 3 PASSED Senate DO PASS in H.Judiciary

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.

GOVERNMENT – COUNTIES AND CITIES

HB 14 Jones – 167 **PASSED** House DO PASS in S.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.*

GOVERNMENT – COURTS AND CRIMES

HB 39 Powell – 32 **PASSED** House DO PASS in S.Regulated Industries & Utilities

Real estate appraisers, brokers, and salespeople convicted of offenses are to report them within 10 days to the Board of Real Estate Professionals. A hearing must be requested within 60 days. If not, the board may revoke the license without a hearing.

HB 88 Fleming – 121 **PASSED** House DO PASS in S.Judiciary

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

HB 149 Powell – 32 **PASSED** House DO PASS in S.Public Safety

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 213 Golick – 40 **PASSED** House DO PASS in S.Judiciary

Adds fentanyl to morphine, opium, and heroin regarding the offense of trafficking in illegal drugs. *Fentanyl is cheap to produce and is much stronger. It is often used to cut heroin, contributing to overdoses.*

HB 303 Ballinger – 23 **PASSED** House DO PASS in S.Special Judiciary

State Commission on Family Violence members have terms increased to 3 years, currently 2 years, with a two consecutive term limit which is not applicable to those serving by virtue of office.

GOVERNMENT – ENVIRONMENT

SR 152 Ginn – 47 **PASSED** Senate DO PASS in H.Natural Resources & Environment

Creates the 17 member Joint Study Committee on Stream Buffers in GA to make recommendations on how the state can strike a balance between clean water protection and private property rights. Each chamber will have 5 members, plus 6 citizens and the Environmental Protection Division director. Report due 12-1-17.

SR 224 Ginn – 47 **PASSED** Senate DO PASS in H.Natural Resources & Environment

Creates the 12-member Joint Study Committee on Storm-Water Management Fees for the purpose of assessing a more equitable way to impose fees based on the impact from such property on storm water collection and disposal systems. The committee members are 2 each from Senate and House, 4 with local government expertise, and 4 private property owners subject to storm-water management fees. Report due 12-31-17.

HEALTH

HB 1 Spencer – 180 **PASSED** House DO PASS in S.Science & Technology **DV**

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 be responsible for any injury therein and any damage to your property is your loss.*

SB 47 Hufstetler – 52 **PASSED** Senate DO PASS in H.Health & Human Services **DV**
Exempts from licensure a physician licensed in another state but traveling into GA with a sports team for training or competition. The physician cannot practice in the state and is limited to serving the team members and staff. ***Senate:*** Includes physician assistants and athletic trainers.

SB 71 Stone – 23 **PASSED** Senate DO PASS in H.Judiciary
Health savings accounts and medical savings accounts are exempt from bankruptcy proceedings.

SB 96 Watson – 1 **PASSED** Senate DO PASS in H.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.***

SB 103 Mullis – 53 **PASSED** Senate DO PASS in H.Insurance
Allows pharmacists to recommend alternative medication which will serve the patient, such as a generic.

SB 109 Williams – 27 **PASSED** Senate DO PASS in H.Health & Human Services
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.

HB 157 Kelley – 16 **PASSED** House DO PASS in S.Health & Human Services
Repeals the provision that physicians who advertise or hold themselves out to the public can be requested to provide evidence of their certification in their specialty. ***The law created a monopoly for two entities that board certified physicians. The repeal gives the legislature a chance to start over with this situation of providers claiming to be certified when they're not or their credentials are less than preferred.***

SR 188 Unterman – 45 **NNS** DO PASS in S.Health & Human Services
Creates the 9 member Senate Committee on Barriers to Georgians' Access to Adequate Healthcare. Members include physicians, one Advanced Practiced Registered Nurse, and others by virtue of office in the health care field. ***Sponsor wishes to provide authority to APRNs to serve residents of GA in lieu of physicians, finding that they are licensed for family medicine, pediatrics, geriatrics, mental health, women's health, midwifery. There are 11,300 APRNs in GA now.***

HB 210 Lott – 122 **PASSED** Senate DO PASS in S.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.

HB 382 Pruett – 149 **PASSED** House DO PASS in S.Health & Human Services **DV**
GA Commission on Women shall be placed under the Department of Public Health for budgetary purposes only.

REVENUE/TAXATION

HB 125 Stephens – 164 **PASSED** House DO PASS in S.Finance **DV**
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 181 Lott – 122 **PASSED** House DO PASS in S.Finance
The Revenue Commissioner may provide confidential personal 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.

TRANSPORTATION/DRIVING

HB 38 Powell – 32 **PASSED** House DO PASS in S.Public Safety
Class C drivers licenses may be used for 3-wheeled vehicles with steering wheels. Class M licenses can be used or 3-wheeled motorcycles with handle bars for steering.

HB 136 Carter – 175 **PASSED** House DO PASS in S.Public Safety **DV**
When applying for a drivers license or permit, one must surrender any drivers licenses or permits in the applicant's possession which will be returned marked to make it apparent it is no longer valid. A receipt from Department of Drivers Services will be proof of eligibility to drive until the drivers license or permit is received. Foreign jurisdictional licenses or permits must be declared but not surrendered. Temporary licenses or permits of non-citizens issued by DDS will be so marked 'non-citizen'. Physically impaired parents or guardians who are driven by a licensed driver age 14 or 15 no longer have to prove they previously held a drivers license. Collection agencies may be used to collect unpaid fines, particularly super speeder fines by out of staters. ***Eighteen million in fines was uncollectable. A DDS bill.***

HB 150 Powell – 32 **PASSED** House DO PASS in S.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.

NEW LEGISLATION

LOCAL

SB 269 Fort – 39 S.State and Local Government
An Inspector General is created for the City of Atlanta to do financial and programmatic reviews of city government for compliance with the city charter and state and federal law, may investigate allegations of improper conduct or actions by city officials and employees, may issue subpoenas and may refer cases for prosecution. The IG will be appointed by the city council from recommendations made from a committee of chief judges of Fulton County Superior Court and State Court, and DeKalb Superior Court. The candidate must be an Atlanta resident, age 25 or over, and a member of the state bar in good standing. Cannot be a relative or business partner within 3 years of appointment of the mayor, any department or agency head or any city council member. To be appointed by 12-1-17 for a six year term. May be removed by a vote of the city council from a recommendation of the same committee which recommends hiring, or if no recommendation, by a 3/4s vote of the city council.

HB 538 Willard - 51 H.Retirement
Effective 7-1-18 the Fulton County Schools Board of Education will create a new pension plan for teachers into which all assets of the current teacher pension plan will be transferred. The board shall be chosen as determined by local act of the General Assembly. The board may change other aspects of the plan without getting legislative approval, but must notify the local delegation chair when such changes are made.

HB 545 Beskin – 54 H.Local Legislation
A 100% homestead exemption for Atlanta Public Schools for taxpayers age 70 and over. Includes millage for both operating and bonded indebtedness. Local referendum required. If passed, effective 1-1-18.

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Sally FitzGerald, Capitol Observer
sallyfitz@bellsouth.net

League of Women Voters – Atlanta/Fulton

www.lwvaf.org

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