

16 March 2018

LWVAF, Report from the Capitol, Week 10

This week the General Assembly completed Day 35. The legislators will return Monday for another three-day week.

The time has arrived when bills need to be read again as committees and authors are combining them in an effort to get the subject matter onto the floor for passage. This report indicates such when **DV** is shown. The write-up will identify the added language if it has been posted and this writer has not yet fallen asleep at the monitor. Bills with a **DV** will go through the AGREE-DISAGREE process, and must pass both chambers in identical form.

Because this is the second year of the legislative term, some bills are being resurrected from the refuse pile. HB 205 and SB 3 are two examples in this week's report. Each was passed by both chambers last year in different forms and was put into a conference committee which did not complete its work before sine die in 2017. Now, both are on their way to the governor's desk, having been pushed by their authors to resolution and a vote on the conference committee report.

The final day for bills to exit committee is Friday of next week, Day 38. The Senate will develop a calendar for Day 39, and what is not passed will be on the floor for Day 40. The House builds a calendar for Day 39, and perhaps a supplemental calendar or two, and meets on Day 39 to build one or more calendars for Day 40. Hence, the many committee meetings this week and next to get bills voted out so the Rules Committees can have the opportunity to consider them for a spot on the floor debate calendars. Unpassed bills are not held over for next year. They must be reintroduced if they are to be considered and start the process all over again.

Election bills may get to the floor calendar in the remaining days, having exited the House Government Affairs committee this week. One will replace our voting machines if money is appropriated. Another will allow advanced votes to be counted before the polls close. Both of these bills eliminate the exception for Atlanta to hold their precincts open until 8 p.m. for municipal elections. A third bill which raises the minimum salary for state and some local elected officials supported with state funds will also prevent a raise from taking place until after the end of the current term, a current loophole some elected folk have found and are trying to benefit from.

Enjoy the weekend. Erin go braugh!

BOLD Bill Number = final passage

DV = Differing Versions

NNS = Needs No Signature

TGFS = To Governor for Signature

In CHAMBERS

CHILDREN

HB 344 Dempsey – 13 **PASSED** House **PASSED** Senate **DV**

Allows certain parties other than movants to request a paternity test from DHS in a case regarding child support orders.

HB 513 Dickerson – 113 **PASSED** House **PASSED** Senate **DV**

Hospitals are to post signs that they are a safe place to leave newborns for adoption as prescribed by the Department of Community Health.

EDUCATION – PREK – 12

SB 3 Tippins – 37 **PASSED** Senate **PASSED** House **TGFS**

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 6-12 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.

SB 330 Wilkinson – 50 **PASSED** Senate **PASSED** House **DV**

Georgia Agriculture Education Act. Agriculture education will be based on a nationally recognized model with 3 parts, daily instruction, hands on real-world learning through supervised agriculture experience (SAE), with leadership and learning opportunities through Future Farmers of America participation. DOE shall develop the curriculum with input from agriculture education teachers. A pilot program will begin in 2019-2020 to provide agriculture education in 6 elementary schools, one in each Agriculture Education region which shall be evaluated at the end of the third year with a report to legislative Education committees. Professional Standards Commission shall extend the agriculture education in-field certification to elementary school (K-5) teachers.

HB 844 Houston – 170 **PASSED** House **PASSED** Senate **TGFS**

The Georgia Commission for Persons who are Deaf or Hard of Hearing is the new name for the existing GA Commission of Hearing Impaired and Deaf Persons. Membership is increased to 10, from 7, and includes those who are deaf or hard of hearing, use American Sign Language or Spoken English or a combination. A task force with this commission shall make recommendations to the governor and General Assembly regarding improvements to services to these populations from birth through literacy at the end of grade 3. Establishes coordination between Departments of Education, Early Care And Learning, and Health.

HR 1017 Corbett - 104 **NNS** **PASSED**

Encourages all schools and local and state education agencies to recognize that dyslexia must be addressed because it has a profound effect on education of the person who has it.

EDUCATION – POSTSECONDARY

SB 82 Jackson – 2 **PASSED** Senate **PASSED** House **TGFS**

Residency requirements for HOPE scholarship and grant for students will be satisfied if the student is in the GA National Guard, the reserves of any U.S. armed forces, an active duty military service member stationed in GA or lists GA as the member's home of record or the member's spouse or dependent child.

HB 432 Dubnik – 29 **PASSED** House **PASSED** Senate **TGFS**

Tuition equalization grants may be made to unaccredited schools if they were previously approved. ***TEGs go to private postsecondary colleges in GA for instate students enrolled and are credited against the student's tuition liability. The state is acknowledging that there would have been a cost if that student had enrolled in one of the public universities. It currently runs about \$1000/year. The proposal is for two institutions that were for-profit and converted to not-for-profit and have not yet resolved a couple of issues in their new accreditation request. Each was eligible for TEGs prior to the conversion.***

ELECTIONS & ETHICS

HB 907 Fleming – 121 **PASSED** House **PASSED** Senate **TGFS**

If there is a vacancy in the office of district attorney with 27 months or less left in the term, the governor appoints a successor. A special election is to be called for the next state wide general election to fill that term. ***This process is the same as that of a superior court judge vacancy.***

GOVERNMENT – GENERAL

SB 17 Unterman – 45 **PASSED** Senate **PASSED** House **TGFS**

The Brunch or Mimosa Bill. Sunday alcohol sales may begin at 11 a.m. in private establishments and wineries if a local referendum passes. Government owned facilities such as GA World Congress Center already have this privilege.

Currently, private establishments, about 4000 in GA, may not serve alcohol until 12:30 on Sunday.

SR 794 Miller – 49 **PASSED** Senate **PASSED** House **TGFS**

Creates the 6 member Joint Georgia-North Carolina and Georgia-Tennessee Boundary Line Commission, 3 legislators from each chamber. The boundary is to lie at the 35th parallel, north of the southernmost bank of the Tennessee River. A flawed survey of 1818 erroneously marked the 35th parallel south of its actual location and the survey was never accepted by Georgia. Several attempts have been made to adjust the borders to the true location of the 35th parallel but none has been successful. **Georgia wants the 35th parallel accurately defined so it can access water from the Tennessee River.**

GOVERNMENT – COUNTIES AND CITIES

HB 257 Tankersley – 160 **PASSED** House **PASSED** Senate **TGFS**

A local government entity must register with the Department of Community Affairs to receive state funds, and shall not incur debt or credit obligations before registering.

GOVERNMENT – EMPLOYMENT

SB 333 Black – 8 **PASSED** Senate **PASSED** House **TGFS**

A city may choose to pay the costs or fees associated with an employee's 401K type deferred compensation plan. A public employer may choose to automatically enroll all employees in such a plan. **Asked for by GA Municipal Association.**

GOVERNMENT – ENVIRONMENT

HB 205 Meadows – 5 **PASSED** House **PASSED** Senate **TGFS**

Regulates hydraulic fracking in GA to protect our underground fresh water supply. Increases drilling permit fee to \$500, now \$25. Raises bond maximum to \$100,000. Levies a severance tax on oil and gas extracted with 1/3 going to the county where the well is located and 2/3 to the state.

HEALTH

SB 118 Unterman – 45 **PASSED** Senate **PASSED** House **DV**

Autism must be covered by insurance up to age 12, currently age 6, for up to \$30,000/year. **House:** Allows coverage for age 20 and under for up to \$35,000/year, effective 1-1-19. **Currently, GA has the lowest age for capping coverage in the nation. Medicaid and the State Health Plan cover autism until age 21.**

SB 321 Tillery – 19 **PASSED** Senate **PASSED** Senate **DV**

Increases civil penalties for fraudulent Medicaid claims to the federally authorized amounts of between \$11,181 and \$22,363 plus 3 times the damages which the GA Medicaid program sustains because of the act of the claimant. **House:** Refers directly to federal law for the amounts, so when federal law changes, state law does not need to be changed.

Currently, the amounts in state law are between \$5500 and \$11,000; in federal law between \$11,181 and \$22,363.

SB 382 Martin – 9 **PASSED** Senate **PASSED** House **TGFS**

A Board of Optometry shall get prior approval from the Department of Public Health for an appropriate curriculum for any injectable training for optometrists so as to safeguard the public health of GA citizens.

SB 406 Strickland – 17 **PASSED** Senate **PASSED** House **DV**

Owners and employees of health care entities serving the elderly shall pass a background check. Owners will be fingerprinted.

REVENUE & TAXATION

SB 371 Anderson--24 **PASSED** Senate **PASSED** House **TGFS**

Department of Revenue will furnish to cities a list of businesses within that collect sales taxes. The city may know of other businesses within that should be collecting sales taxes.

TRANSPORTATION & DRIVING

HB 79 Pezold – 133 **PASSED** House **PASSED** Senate **TGFS**

Data captured by an automated license plate recognition system or any other source must be destroyed after 30 months and can only be accessed for law enforcement and judicial purposes. Data is not available for freedom of information.

LOCAL – FULTON and its CITIES

SB 412 Orrock – 36 **PASSED** Senate **PASSED** House **TGFS**

City of Hapeville is authorized to levy an excise tax.

HB 979 Raffensperger – 50 **PASSED** House **PASSED** Senate **DV**

The City of Johns Creek mayor and any councilmember shall serve no more than two consecutive 4-year terms of office.

Senate: 3 consecutive 4-year terms. Serving as a council member is not to be counted for any term as mayor.

HB 1036 Martin – 49 **PASSED** House S.SLGO

Fulton Court Superior Court will require that tax parcel identification number information be included on documents recorded in the real property records of the clerk.

In COMMITTEE

CHILDREN

HB 305 Beskin – 54 **PASSED** House DO PASS in S.Health & Human Services

Stepparents and former stepparents are now eligible to be custodians of a child should the court decide it is in the best interest of the child. The child must have lived with the stepparent for a period of time, usually a year, and the adult must agree to be the custodian in all respects.

HB 654 Beskin – 54 **PASSED** House DO PASS in S.Judiciary

Reintroduction of the recommendations of the Georgia Child Support Commission which were developed over three years. ***A similar bill has passed in 2018 and is on the governor's desk for signature. It has elements in it that were not in the recommendations. This is a Plan B.***

SR 774 Stone – 23 **PASSED** Senate DO PASS in H.Judiciary Non-Civil

Creates the 11 member Joint Study Committee on Adoption Expenses. Serving will be 3 members from each legislative chamber, 2 appointed by the governor with knowledge of adoption process, commissioner of Department of Human Services, a Superior Court judge, and a Juvenile Court judge. The issue is to determine what are reasonable living expenses to provide for the mother and the oversight of such payments.

HB 906 Dempsey – 13 **PASSED** House DO PASS in S.Judiciary

Department of Human Service records from foster parents or former foster parents are not eligible for public disclosure except for the name.

EDUCATION – PREK-12

SB 457 Tate – 38 **PASSED** Senate DO PASS in H.Public Safety & Homeland Security **DV**

Requires schools to practice the response to risks as defined in their safety plans on a schedule recommended by GEMA. ***Safety plans are already required for GEMA oversight. This bill requires that GEMA set a schedule for each school to practice the responses defined in those plans so all will know what to do. Fire drills and weather related situations already are required to be done on a required schedule. A student brought this proposal to the sponsor before the latest school shooting in FL and came to the Capitol to testify before the committee.***

HB 494 Dempsey – 13 **PASSED** House DO PASS in S.Education & Youth **DV**

Early Care and Learning hearings regarding emergency closure of a program shall permit hearsay evidence. Background checks of directors and employees shall be comprehensive, not just a fingerprint check. If the person does not pass, that person cannot work nor live at the facility while children are present.

HB 655 Williams – 145 **PASSED** House DO PASS in S.Education & Youth **DV**

Public schools must post a sign with a toll free phone number to DFCS, Department of Family and Children Services, to receive reports of child abuses and neglect. The State Board of Education may adopt rules about the size and location of such a sign. ***Sponsor wants students to know they can self-report sexual abuse. Adults in the school, both employees and volunteers, are already mandatory reporters to a designated administrator in the school who passes on these reports to DFCS. Senate adds HB 762: Adds age-appropriate sexual abuse and assault awareness and prevention education for K-9 students to the existing sex ed requirement. This curriculum has been implemented in 31 states. There is a curriculum for sex ed available with federal funding.***

HB 718 Scott – 76 **PASSED** House DO PASS in S.Education & Youth

Up to 5 excused absences each year for two years are to be allowed for students of active or former military on extended active duty for the student to attend individual or group therapy as recommended by a licensed physician or psychologist.

HB 739 Williams – 168 **PASSED** House DO PASS in S.Education & Youth

Renames the law section that permits expedited certification for military spouses the Tracey Rainey Act. ***She is the wife of a military general and has publicized far and wide the GA program for military spouses.***

HB 740 Nix – 69 **PASSED** House DO PASS in S.Education & Youth **DV**

Before K-3 students are to be given out of school suspension for more than five days in the school year, the student shall be enrolled in the RTI, Response to Intervention, process to determine if there are any physical reasons for the misbehavior, such as vision, hearing, or speech-language issues. Does not apply for infractions of possession of a weapon, drugs or other dangerous instruments or if the student's behavior endangered others. Requires parental permission. Special education students or those under Section 504 shall have a meeting convened to review appropriate supports for the student. ***Statewide, 2600 students in this age group receive suspensions exceeding 4 days at a time when the schools are trying to lay the foundations for literacy. RTI is a process defined at the federal level for students who have disciplinary issues and a cause, if any, needs to be determined.***

HB 743 Clark – 98 **PASSED** House DO PASS in S.Education & Youth

Students participating in interscholastic sports in grades 9-12 are to be informed about the nature and warning signs of sudden cardiac arrest. The Department of Education shall develop and post on its website guidelines and other

materials to inform students about sudden cardiac arrest. Students and parents will sign annually that such materials have been reviewed. **Does not apply to intramural sports.**

HB 852 Smith – 41 **PASSED** House DO PASS in S.Education & Youth

Allows school systems to permit a student to finish a school year at the school enrolled if more than half the school year has elapsed even if the student’s residence changes, as long as student is still living within the school system. Parent will be responsible for transportation of the student. Students with chronic disciplinary problems are excluded from this privilege. **Currently, many school systems allow similar options, such as being allowed to finish the semester.**

ELECTIONS & ETHICS

SB 363 Brass – 28 **PASSED** Senate DO PASS in H.Government Affairs

Allows advanced voting ballots cast on the voting machines to begin tabulation at 6 p.m. Restricts precinct hours in all polling locations on election day from 7 a.m. to 7 p.m., eliminating the exception for the City of Atlanta in municipal elections to hold their precincts open until 8 p.m. **Because of the large number of early votes, one large county has wanted to count advanced voting ballots beginning at the same time that mail in absentee ballots can be counted. This bill does not give that kind of flexibility but it does allow some head start on the task. Results cannot be disclosed until after the polls close.**

SB 403 Thompson – 14 **PASSED** Senate DO PASS in H.Government Affairs **DV**

The current voting machines will no longer be used as of 1-1-2024. Selection of new equipment must be done in 2018 and shall be used in the 2020 Presidential Preferential Primary. An audit may be conducted prior to results certification beginning in 2020. In 2024, an audit shall be done prior to certifying the results. Bill favors ballot marking devices which are electronic machines which mark a paper ballot, and a tabulation machine in the precinct to count the paper ballots and secure them in a locked box. **House adds:** The RFP would be issued by SOS in Sept 2018 after approval by the state Elections board and equipment would be ordered, if funds appropriated, by March 2019. **Changing voting equipment statewide will require over \$100 million. It is not in the FY19 budget as currently proposed, but would be required to be in the FY19 amended or FY20 budget if this timeline is to be met. The DREs were first used in 2002, are no longer made, and getting replacement parts is a real challenge for election superintendents.**

GOVERNMENT – GENERAL

SB 376 Shafer – 48 **PASSED** Senate DO PASS in H.Banks & Banking and

HB 866 Turner – 21 **PASSED** House DO PASS in S.Finance

Bans consumer credit reporting agencies from charging a fee for placing or removing a security freeze on a customer’s account. **Currently, fees of \$3 to \$10 are allowed for each action.**

GOVERNMENT – COUNTIES AND CITIES

HB 381 Corbett – 174 **PASSED** House DO PASS in S.Judiciary

Vacant mobile homes can be classified as derelict or intact for purposes of disposal or creation of liens by the local authority governing the land on which it is located. The owner of the land can have the vacant mobile home removed if derelict, or the owner of the mobile home will have a lien imposed for costs to make the home habitable.

SB 397 Watson – 1 **PASSED** Senate DO PASS in H.Government Affairs

Cities may hire state licensed real estate brokers to assist in selling surplus real property.

HB 876 Corbett – 174 **PASSED** House DO PASS in S.Agriculture and Community Affairs

Local governments cannot ban use of wood in building construction if all other requirements are met. **Part of the Rural Agenda to support GA’s forestry industry and to allow farm buildings to be erected with wood. Some cities have banned the use of wood in buildings over 3 stories tall to reduce the loss of life and property in apartment house fires.**

GOVERNMENT – COURTS AND CRIMES

SB 327 Albers – 56 **PASSED** Senate DO PASS in H.Judiciary Non-Civil

A medical examiner's inquiry will now longer be required for patient deaths while unintended by a physician. ***Either the coroner or medical examiner shall decide if an inquiry is needed. The GBI's morgue is behind on autopsies, so unnecessary ones will not contribute to the backlog.***

HB 732 Silcox – 52 **PASSED** House DO PASS in S.Judiciary

Expands the offense of trafficking a person for sexual servitude to include patronizing such person in addition to solicitation of that person.

GOVERNMENT – EMPLOYMENT

SB 430 Brass – 28 **PASSED** Senate DO PASS in H.Government Affairs **DV**

Raises salaries of all local employees required by state law – judges, clerks of court, sheriffs, tax commissioners, etc. ***House adds:*** Elected officials cannot raise their own salary until after the end of their current term.

GOVERNMENT – ENVIRONMENT

HB 879 Jones – 167 **PASSED** House DO PASS in S.Natural Resources & Environment

Among other requirements, an owner or operator of a coal ash pond shall notify the local government in which the pond is located when liquids are being removed from the pond and discharged into the waters of the state.

HEALTH

SB 8 Unterman – 45 **PASSED** Senate DO PASS in H.Insurance **DV**

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 370 Wilkinson – 50 **PASSED** Senate DO PASS in H.Health & Human Services

Medicaid recipients who die shall have the first \$25,000 of their estate waived from recapture by Medicaid. ***Currently, if the estate is valued under \$25,000, there is no recapture, but if it is above \$25,000, Medicaid takes all of it up to the Medicaid liability. Generally, this is the home, as eligibility for Medicaid limits other assets to \$2000.***

REVENUE & TAXATION

SB 328 Albers – 56 **PASSED** Senate DO PASS in H.Ways & Means **DV**

Repeals as of 12-31-18 these income tax exemptions:

- Federal qualified transportation fringe benefits
- Private drivers education courses
- Diesel particulate emission reduction technology equipment.

Bills raising revenue must start in the House, but bills decreasing revenue may start in either chamber.

HB 697 Taylor – 173 **PASSED** House DO PASS in S.Finance

A sales tax exemption until 2019 for purchases by non-profit health centers and volunteer health clinics. Current exemptions sunset on 6-30-18. ***The original proposal was for a 5 year extension. The legislature is waiting for information to extend for the additional 4 years.***

HB 723 Watson – 1 **PASSED** House DO PASS in S.Finance

A sales tax exemption for purchases by any non-profit organization which provides veterinary diagnostic and disease monitory services.

HB 729 Harrell – 106 **PASSED** House DO PASS in S.Finance **DV**

Repeals the law regarding the manner and time of making the state ad valorem tax levy which is no longer levied.

HB 756 Hilton – 95 **PASSED** House DO PASS in S.Finance

County and city SPLOST annual reports of the amounts spent on allowable projects are to be produced within 180 days of the end of the fiscal year. **Current language requires filing by 12-31, which is the end of the taxable year for most local governments, but apparently not all.**

HB 793 LaRiccia – 169 **PASSED** House DO PASS in S.Finance

A sales tax exemption for an aquarium is extended to 2022 and requires an annual report to the Department of Revenue who will share it with the House Ways & Means and Senate Finance committees. The report is to include the total number of visitors admitted, average monthly number of full time employees, and total amount of exempt purchases made in the prior year. **GA Aquarium in Atlanta.**

HB 820 Beskin – 54 **PASSED** House DO PASS in S.Finance

Establishes the procedure to be used by a county when their tax digest is not approved in 2017. **All signers are from Fulton County which encountered little guidance when the 2017 tax digest was rejected by DOR.**

HB 886 Watson – 176 **PASSED** House DO PASS in S.Agriculture & Consumer Affairs

The sales tax exemption for agriculture purchases is increased to \$5000, from \$2500. Adds 'livestock' to the products grown over several years where the amount of sales can be averaged for tax purposes. Fees increased to \$150 for a three year exemption certificate. Requires greater oversight to insure the exemption is not misused.

TRANSPORTATION & DRIVING

SB 342 Harbin – 15 **PASSED** Senate DO PASS in H.Motor Vehicles **DV**

An owner of a motor vehicle cited for not having a revalidation decal attached to the license plate is to be fined only \$50 if the decal is displayed on the vehicle when appearing in court.

HB 721 Powell – 32 **PASSED** House DO PASS in S.Public Safety **DV**

DDS may approve additional drivers education courses which offer:

- On-line 30 hours of instruction plus 6 hours of private in-car instruction provided by a drivers training school so licensed
- On-line 30 hours of instruction plus 40 hours parent in-car curriculum provided by DDS
- DDS provided 30 hours of instruction plus 6 hours on-the-road instruction provided by a licensed driver training school which will administer the driving skills test.

A driving school may apply to administer the knowledge and driving tests if they have been licensed for 5 years, currently 2 years. **The sponsor indicated that the flakier schools are those which have just recently gone into business.**

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