

26 January 2018

## LWVAF, Report from the Capitol, Week 3

This week the General Assembly met for four days, completing Day 10 of the 40 legislative days constitutionally allowed. The calendar for the rest of the session has been adopted which sets February 28 as CrossOver Day, Day 28, and sine die adjournment on March 29. The legislators return on Monday for another four-day week.

As happens at the early part of each session, lots of legislative proposals are introduced and the committees have not had sufficient time to process much. What has passed has been mostly local legislation (law that affects only a specific area of the state) and resolutions.

The flood of bills in the early part of the session have only about a 10% chance of passage, if prior sessions are a guide. But the subject matter of any bill may pass eventually into law by being attached to another bill. This process usually takes place near the end of the session, in a process called 'code shopping'. Amendments to any bill must affect the same code section as the original bill.

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**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.  
**NNS** = Needs No Signature

### In CHAMBERS

#### GOVERNMENT – GENERAL

**SR 607** Kirk – 13 **NNS PASSED** Senate

Commends Mrs. Eunice Lastinger Mixon as the Distinguished Older Georgian for 2018. *Among other things Mrs. Mixon was a doorkeeper in the Senate for 12 years where I first met her. We connected because her first name is Sally which she didn't use because it was also the name of her mother or aunt. She also served on the state Board of Elections and board of Student Finance Commission. Eventually, she joined the League.*

#### GOVERNMENT – COURTS AND CRIMES

**SB 327** Albers – 56 **PASSED** Senate

A medical examiner's inquiry will now longer be required for patient deaths while unintended by a physician. Either the coroner or the medical examiner will determine if an inquiry is necessary.

**SR 588** Unterman – 45 **NNS PASSED** Senate

The Senate lauds the Child Exploitation and Computer Crimes Unit of the GBI in its mission to detect, investigate and assist in prosecution of those who exploit children via the Internet and to conduct forensic analysis and processing related to criminal activity for the GBI and other law enforcement agencies. Declares January as the Human Trafficking Month at the Capitol.

#### LOCAL – FULTON and its CITIES

SB 303	Albers – 56	<b>PASSED</b> Senate	H.LLeg	For Alpharetta
SB 304	Albers – 56	<b>PASSED</b> Senate	H.LLeg	For Johns Creek
SB 305	Albers – 56	<b>PASSED</b> Senate	H.LLeg	For Milton
SB 306	Albers – 56	<b>PASSED</b> Senate	H.LLeg	For Mountain Park
SB 307	Albers – 56	<b>PASSED</b> Senate	H.LLeg	For Roswell

Identical bills except for the named city. Additionally, the House has five bills that are identical except for the named city, and the date of the local referendum is November 6, 2018. None of the House bills have moved. These cities are within the legislative district of the author as is Sandy Springs which already has this provision. Other cities in Fulton County may get this proposal if it is introduced by their representatives or senators.

A homestead exemption for municipal purposes for the increase in assessment over the base year. The base year is 2016, or the previous year the exemption is first granted to the current owner. The base year assessment can be increased annually by the lesser of 3% or the CPI for urban consumers. The exemption will not apply to improvements or additional land. An unremarried surviving spouse will retain the exemption as long as the spouse occupies the homesteaded property. Applies to 2019 and beyond. Local referendum is required, to be held in conjunction with the general primary on May 22, 2018. ***Critics of the huge assessment increases for 2017, which were rolled back by Fulton County Commission to those of 2016, will not be satisfied. The court has declared that the Commission did not have the power to do the rollback, and an additional assessment will be levied for 2017. Assessments will rise in 2018. January 1 of each year is the date for determining fair market value.***

**SR 618** Albers – 56 **NNS PASSED** Senate

Recognizes Senator Branden Beach – 21 on his retirement as CEO of the North Fulton Chamber of Commerce, having served 15 years in that position.

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## **In COMMITTEE**

### **HEALTH**

SB 321 Tillery – 19 DO PASS in S.Judiciary

Increases civil penalties for fraudulent Medicaid claims to the federally authorized maximum of \$22,363, now \$11,181 plus 3 times the damages which the GA Medicaid program sustains because of the act of the claimant.

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## **NEW LEGISLATION**

### **CHILDREN**

SB 336 Unterman – 45 S.Judiciary

A provider of electronic communications or remote computing services shall not notify the subscriber or customer of any subpoena for computer or electronic devices used in certain offenses against a minor or violations involving trafficking of persons for labor or sexual servitude.

### **EDUCATION – PREK - 12**

SB 330 Wilkinson – 50 S.Agriculture & Consumer Affairs

Green 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 655 Williams – 145 H.Education

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.

HB 718 Scott – 76 H.Education

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 722 Casas – 107 H.Education

For Move On When Ready or dual credit courses, adds to the definition of eligible postsecondary institution as ‘any non-profit, baccalaureate degree granting post secondary institution in existence for at least 10 years in Georgia and is accredited by the Council for Higher Education Accreditation or the United States Department of Education’. **Sectarian schools?**

HB 728 Coleman – 97 H.Ways & Means

The Public Education Innovation Fund Foundation income tax credit is applicable beginning in the 2018 tax year. The tax credit is \$1000 for single taxpayers and \$2500 for joint taxpayers. The proceeds are used for public schools that need financial help in increasing their student achievement. The 3 year sunset is proposed for removal.

HB 740 Nix – 69 H.Education

K-3 students shall receive vision screening, hearing screening, and a speech-language assessment prior to any out of school suspension of 5 days or more excluding 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.

HB 743 Clark – 98 H.Education

Students participating in interscholastic sports 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 seem to apply to intramural sports.**

HR 898 Coleman – 97 H.Education

Creates the 15 member Joint Study Committee on the Establishment of a State Accreditation Process. Members include 3 legislators from each chamber, the state school superintendent, the state board of education chair, the state Charter School Commission chair, the Office of Student Achievement director, the chancellor of the University System, and five appointees of the governor to include a local board of education member, a local school superintendent, a principal, a teacher, and a parent. The group is to study the resources and structure needed, any impediments, the interaction with existing private accreditation agencies, aligning accreditation reviews with charter or contract renewals for charter systems and strategic waiver systems, establishment of a state process for annual review of system charters and contracts including student achievement, local board of education governance and financial management, possible consequences of losing state accreditation and the possibility of establishing a school board review commission. Report due 12-1-18.

## **EDUCATION – POSTSECONDARY**

SB 331 Henson – 41 S.Higher Education

Lottery winners may remain anonymous for up to 4% of their winnings for costs of maintaining confidentiality.

SB 339 Ligon – 3 S.Higher Education

Requires University System of GA and its institutions to adopt policies to allow free speech on any subject and any speaker invited by students, student groups, or faculty to orate in public areas of the campus. Restrictions of speech are allowed if it achieves a compelling government interest, is the least disruption means of furthering such governmental interest, leaves open other opportunities to engage in expressive conduct, and provides for spontaneous assembly and

distribution of literature. Restrictions of student speech allowed only for activity not protected by the First Amendment, such as violations of state or federal law, defamation, harassment, threats, invasion of privacy, or action that unlawfully disrupts the function of the institution.

SB 348 Harper – 7 S.Public Safety

Gives arrest powers to POST certified Technical College System of GA campus police in the manner that USG campus police have it.

HB 471 Brockway – 102 H.Higher Education

Bans USG institutions from limiting or restricting a student's expression or subject a student to disciplining action because of the reaction to or opposition to such expression by listeners or observers. The institution cannot deny any student organization based on their beliefs. Student activity fees will not be mandatory. A student may sue the institution if student feels aggrieved. ***If the group is white nationalist, neo Nazi, or women as slaves, this bill would prevent any action by the institution to remove such a group.***

HB 700 Belton – 112 H.Higher Education

The service cancellable loan available to GA National Guard members for undergraduate degrees is extended to post graduate degrees. The Guard member must remain active in the Guard for two years following the last period of study for the degree.

HB 702 Clark – 147 H.Higher Education

Students in STEM (science, technology, engineering, and math) fields who agree to work as a civil service employee at a defense installation in GA for 1 year past their eligibility for loan repayments, up to five years, may become eligible for a service cancellable loan administered by Student Finance Commission.

HB 713 Chandler – 102 H.Higher Education

Student eligibility for HOPE Zell Miller Scholarship (which pays 100% of tuition) for home schoolers or those graduating from an ineligible high school is changed to a score in the 91<sup>st</sup> percentile on ACT or SAT, currently the 93<sup>rd</sup> percentile. Effective 7-1-18 for home schoolers and 7-1-20 for those graduating from an ineligible high school.

## **ELECTIONS & ETHICS**

### **GOVERNMENT – GENERAL**

SB 310 Jones – 22 S.Regulated Industries & Utilities

Establishes the internet as an open platform for consumer use. Requires any internet service provider which provides broadband service to disclose accurate information regarding management practices, performance, and commercial terms of that service. Prohibits blocking lawful content, application services and non-harmful devices. Also bans unreasonable discrimination in transmitting lawful network traffic. Public Service Commission will make the rules. Fines shall not exceed \$500,000 for violations.

SB 312 McKoon – 29 S.Economic Development & Tourism

The Secretary of State may impose fees not to exceed \$50 per filing for expedited processing and filing of corporate documents.

HB 689 Williams – 145 H.Insurance

Deceased depositors without a will will have up to \$10,000 of the amount on deposit used for funeral expenses and expenses of the last illness paid in the order they are received. Same criteria for insurance proceeds when no beneficiary is named.

HB 699 Belton – 112 H.Public Safety and Homeland Security

Documented military firefighting training may be accepted as basic firefighting training.

HB 719 Scott – 76 H.Defense & Veterans Affairs  
Requires housing authorities to give preference to homeless veterans.

HR 899 Nix – 69 **NNS** H.Special Rules  
Establishes September 6 of each year as Marquis de LaFayette Day. The Marquis toured Georgia and has several memorials here, one being the town of LaGrange, named for his home in France. September 6 was his birthday.

## **GOVERNMENT – COUNTIES AND CITIES**

SB 302 Parent – 42 S.Government Oversight and  
HB 650 Oliver – 82 H.Government Affairs  
Local governments may relocate, remove, conceal, or obscure any public monument by a local adopted resolution.

## **GOVERNMENT – COURTS AND CRIMES**

SB 335 Unterman – 45 S.Judiciary and  
HB 732 Silcox – 52 H.Judiciary Non-Civil  
Expands the offense of trafficking a person for sexual servitude to include patronizing such person in addition to solicitation of that person.

SB 345 Jordon – 6 S.Banking & Financial Institutions  
Prohibits consumer credit reporting agencies from charging a fee for placing or removing a security freeze on the consumers account which is used to prevent identity theft.

SB 347 Kirk – 13 S.Judiciary  
Criminal trespass on a grave of a military person is now a misdemeanor of a high and aggravated nature and includes defiling a grave marker, monument or memorial. Criminal trespass on any other grave is a misdemeanor.

HB 703 Hitchens – 161 H.Public Safety and Homeland Security  
Creates the Governor's Office of Public Safety Support to provide counseling and support to those and their family members in law enforcement, firefighters, prison guards, first responders, state highway employees, GA National Guard. The director is appointed by the governor and shall have experience as a public safety officer. The office shall respond to requests to provide counseling services or any other critical incident support services for any incident including death or other tragedies. May use chaplains, mental health professionals and trained public safety officer personnel. The office shall develop and hold training courses in critical incident stress management.

HB 705 Kelley – 16 H.Judiciary  
Magistrate courts may have jurisdiction when the value of damages for a property claimed does not exceed \$25,000, currently \$15,000.

HB 716 Rakestraw – 19 H.Judiciary Non-Civil  
Those desiring treatment for drug or alcohol abuse or dependence or mental health issues may contact their local law enforcement for information on available treatment programs. The law enforcement may refer such person to the treatment program. The person shall not be arrested, charged, or prosecuted for the infraction for which the person sought information.

HB 737 Cox – 108 H.Public Safety and Homeland Security

Any police officer who is exposed to bodily fluids while making a lawful arrest may ask a court to require the arrestee to submit to a blood test for HIV, AIDS, Hepatitis B or Hepatitis C. Test results cannot be used in any criminal proceeding of the arrestee.

## **GOVERNMENT – EMPLOYMENT**

SB 333 Black – 8 S.Retirement and  
HB 692 Maxwell – 17 H.Retirement

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.

HB 701 Tanner – 9 H.Health & Human Services  
Applicants for state employment are tested for illegal drugs which now include opioids.

HB 706 Taylor – 173 H.Retirement  
Benefits from the Employees Retirement System, Teachers Retirement System, Public School Employees Retirement System may be assigned by any beneficiary to a funeral home for funeral services of a member of the retirement system.

HB 720 Scott – 76 H.Industry & Labor  
An employee cannot be discharged or discriminated against for asking about, discussing, or disclosing wage rate information. Increases the fine on employers to \$1000, currently \$100.

## **GOVERNMENT – ENVIRONMENT**

SB 340 Orrock – 36 S.Natural Resources & Environment  
Directs the Environmental Protection Division of the Department of Natural Resources to adopt rules and regulations to limit carbon emissions.

## **HEALTH**

SB 334 Unterman – 45 S.Health & Human Services  
Transfers the Board of Nursing to the Department of Community Health from the office of Secretary of State.

SB 344 Thompson – 5 S.Health & Human Services  
The GA Retail Marijuana Code authorizes the parameters for cultivation, manufacture, distribution, or selling of retail marijuana. Enabling legislation for SR 614.

SB 346 Thompson – 5 S.Health & Human Services  
Removes state law penalties against medical use and cultivation of marijuana, thus protecting qualifying patients as well as their physicians and designated caregivers from arrest and prosecution. Possession limited to 2 ounces and 8 marijuana plants. The Department of Revenue is authorized to register at least 3 in-state medical marijuana dispensaries and 14 distribution centers. DOR shall be the oversight agency. The bill is extensive in outlining procedures for use of medical marijuana.

SB 351 Unterman – 45 S.Health & Human Services  
Authorizes the Board of Nurses to promulgate rules for Advanced Practice Registered Nurses to engage as a licensed independent practitioner in rural counties (under 50,000 excluding military personnel) in GA.

SR 593 Seay – 34 S.Rules

Asks Congress to require under the ADA act that public restrooms provide adult changing stations for the disabled and elderly for diaper changes. **Currently, the floor must be used.**

SR 614 Thompson – 5 S.Health & Human Services

CA to legalize and regulate marijuana. Fees and tax proceeds from the sale of marijuana are to be divided equally between education and transportation infrastructure. Enabling legislation is SB 344.

HB 715 Hugley – 136 S.Health & Human Services

Women with dense breast tissue who get a mammogram are to be given a notice of such condition with information that cancer is harder to detect in such tissue and encouragement to discuss with a health care provider whether other tests may be appropriate.

HB 733 Alexander – 66 H.Health & Human Services

Psychiatrists are eligible for service cancellable loans who serve in rural areas lacking mental health services. Must be a U.S. citizen and GA resident at the time of the loan and have graduated from an accredited health care educational program. **Physicians, dentists, and advanced practice nurses already eligible for such loans.**

HB 742 Gurtler – 8 H.Agriculture & Consumer Affairs

If a veterinarian determines that a rabies inoculation would compromise an animal's health, the animal shall be exempt from vaccination.

## **REVENUE & TAXATION**

HB 690 Ridley – 6 H.Ways & Means

Limits valuation of leased motor vehicles, in addition to new ones, to the value of the total of payments according to the lease agreement.

HB 694 Harrell – 106 H.Ways & Means

Electronic filing is now required for motor vehicle taxes submitted by distributors.

HB 696 Kelley – 16 H.Ways & Means

A sales tax exemption for computer equipment sold or leased for use in high-technology data centers if total value of the purchase exceeds \$15 million. Purchaser must have a tax exemption certificate from the Revenue commissioner. A high-technology data enter means \$250 million in aggregate costs for design, construction, and equipment over 10 years.

HB 697 Taylor – 173 H.Ways & Means

A sales tax exemption until 2023 for purchases by non-profit health centers and volunteer health clinics. Current exemptions sunset on 6-30-18.

HB 723 Watson – 1 H.Ways & Means

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

HB 729 Harrell – 106 H.Ways & Means

Repeals the code section regarding the manner and time of making the state ad valorem tax levy (OCGA 48-5-8).

HB 731 Buckner – 137 H.Ways & Means

A sales tax exemption for feminine hygiene products. Products would still be taxed for local sales tax purposes.

HB 735 Bentley – 139 H.Ways & Means

An income tax credit for expenditures on the maintenance of a railroad track owned or leased by a Class III railroad as of 1-1-18. Credit is 50% of the total expenditures up to \$3500 times the number of miles of track owned or leased by that railroad. Effective 1-1-2019.

HB 741 Corbett – 174 H.Ways & Means

Fair market value for income-producing property shall consider actual income and expense data as one component of such fair market value. **Currently, the law requires such data to be 'utilized'.**

## **TRANSPORTATION & DRIVING**

SB 341 Anderson – 24 S.Public Safety

Ignition interlock devices shall include a camera to photograph who is using it and the date, time, and test results. Installation shall begin 7-1-18.

SB 342 Harbin – 15 S.Public Safety

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 691 Belton – 112 H.Defense & Veteran Affairs

A military identification card may serve as satisfactory documentation of a person's social security number.

HB 717 Kelley – 16 H.Motor Vehicles

Consumer protection laws for motor vehicles shall also apply to autonomous motor vehicles.

HB 721 Powell – 32 H.Motor Vehicles

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.

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