

3 February 2018

LWVAF, Report from the Capitol, Week 4

This week the General Assembly met for four days, completing Day 14. They are half way to CrossOver Day, which is Day 28 on Feb 28. They will return on Monday for another 4-day week.

The legislative faucet is completely open and the committees are meeting in earnest to hear selected bills. The Rules committees in each chamber are setting the floor calendars, so each bill has yet one more hurdle to overcome to get a chance for passage. While this system is challenging for bill sponsors, it allows more eyes to contemplate the contents of the bill, or as it is known under the Gold Dome, to 'perfect' the language.

Some bills held over from 2017 are getting attention. In general, House bills numbered under 650 and Senate bills numbered under 300 were introduced last year.

This week and next this report may be quite long. Bills must be heard in committee, receive a DO PASS, and get out of Rules Committee onto the floor calendar to have a chance of passage in the full chamber before CrossOver Day. As this is the second year of the session, all bills not passing this year, die. Generally, only about 10% of the bills introduced eventually pass. Other bills may pass as amendments to other bills.

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.

CCR = Conference Committee Report. A conference committee report cannot be amended.

DV = Differing Versions

NNS = Needs No Signature

TGFS = To Governor for Signature

In CHAMBERS

BUDGET

HB 683 Ralston – 7 **PASSED** House S.Appropriations

F2018A Budget. The current year budget being amended to reflect the increase in revenues of \$306 million. In general, the amended budget funds the increase in enrollments in public schools, and 'trues' up the numbers for costs in other departments. The top items in the governor's recommendations are:

\$10 million in Community Affairs for beach nourishment projects, after several hurricanes.

27 million in Community Health to reflect increased need in Medicaid

23 million in Community Health to provide a state match for hospital federal funds

102 million in DOEducation for QBE student increases not part of projected enrollment in original budget

15 million in DOEducation to buy 194 local school buses @ \$77,000 each with cash, not bonds as in the past. **House increases to \$15.5 million for 200 buses.**

3 million in Forestry Commission to combat wildfires.

15 million in Human Services for Out-of-Home Care utilization

5 million in GBI for implementation of the statewide criminal justice e-filing system

2.7 million in Natural Resources to provide additional public access and land management activities

5.2 million in Public Health for GA Trauma Care from Super Speeder fines and collections

4 million in Public Safety to purchase 93 law enforcement pursuit vehicles

10 million in University System for Augusta University Graduate Medical School to cover an operating deficit

17 million in Revenue for Forestland Protection grant reimbursements

10.7 million in Student Finance Commission for additional students in dual enrollment programs, Lottery funds

18 million in Student Finance Commission for public school students for the Zell Miller scholarship, Lottery funds
25.2 million in DOT to expand 11 runway lengths to handle larger aircraft.

CHILDREN

SB 131 Tillery – 19 **PASSED** Senate

Adoption proceedings will be stayed while an appeal of an order to terminate parental rights is pending.

GOVERNMENT – ENVIRONMENT

HB 205 Meadows – 5 **CCR Adopted by House**

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.

GOVERNMENT – FEDERAL ISSUES

HR 939 Marin – 96 **ADOPTED** Opposes a request by the U.S. Department of Justice to add an untested citizenship question to Census 2020. In April 2018 the Census Bureau must submit final wording of the questionnaire to Congress. The fear is that the question will significantly depress response rate because people fear the information will not remain secured. The 14th Amendment mandates that all persons be included in the census count.

HEALTH

SB 321 Tillery – 19 **PASSED** Senate

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.

Currently, the amounts are between \$5500 and \$11,000.

REVENUE & TAXATION

HB 658 Ehrhart – 36 **PASSED** House S.Finance

Excise tax on rooms and lodging by counties and cities shall have no sunset date and can be collected in perpetuity.

TRANSPORTATION & DRIVING

HB 150 Powell – 32 **TGFS** 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.

In COMMITTEE

CHILDREN

SB 74 McKoon – 29 DO PASS in S.Judiciary

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

HB 344 Dempsey – 13 **PASSED** House DO PASS in S.Judiciary **DV**

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

EDUCATION – PREK-12

SB 330 Wilkinson – 50 DO PASS in S.Agriculture & Consumer Affairs

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 728 Coleman – 97 DO PASS in 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.

EDUCATION – POSTSECONDARY

SB 331 Henson – 41 DO PASS in S.Higher Education

On Senate floor calendar for Monday.

Lottery winners may remain anonymous for up to 4% of their winnings for costs of maintaining confidentiality. **Four states currently allow total anonymity and 4 more offer partial confidentiality to winners.**

SB 348 Harper – 7 DO PASS in 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 432 Dubnik – 29 **PASSED** House DO PASS in S.Higher Education

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. It is the state's way of 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.**

HB 700 Belton – 112 DO PASS in 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.

GOVERNMENT – GENERAL

SB 17 Unterman – 45 DO PASS in S.Regulated Industries & Utilities

The Brunch Bill. Sunday alcohol sales may begin at 11 a.m. in private establishments and wineries if the local governing authority adopts a resolution or ordinance. Government owned facilities such as GA World Congress Center already have this privilege. **Currently, private establishments may not serve alcohol until 12:30 on Sunday. There are about 4000 such establishments in the 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.

HB 493 Stovall – 74 DO PASS in H.Government Affairs

Minutes of public boards must include the public comment section, word for word.

SR 587 McKoon – 29 DO PASS in S.Rules

CA to declare English as the official language of GA and ban government use of any other language. ***There is already a state law to such effect. Federal law requires the use of other languages if population has reached a threshold of numbers using such language. State law cannot overrule federal law.***

GOVERNMENT – COUNTIES AND CITIES

HB 365 Kirby – 114 DO PASS in H.Retirement

Death benefits for members in good standing of the Sheriffs' Retirement Fund of GA are increased to \$25,000, currently \$15,000.

HB 679 Beskin – 54 DO PASS in H.Government Affairs

Annexation and deannexation cannot take place between a municipal election and 90 days prior to the election.

Eliminates confusion on the part of voters and election officials on who is eligible to vote in the municipal election.

GOVERNMENT – EMPLOYMENT

SB 333 Black – 8 DO PASS in S.Retirement and

HB 692 Maxwell – 17 DO PASS in 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 DO PASS in H.Health & Human Services

Applicants for state employment are tested for illegal drugs which now include opioids

HB 706 Taylor – 173 DO PASS in 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.

HEALTH

SB 31 McKoon – 29 DO PASS in S.Health & Human Services

The Department of Community Health board shall have two active members of the state health benefit plan, one a member of Employees Retirement System and one from Teachers Retirement System. Of those two, one shall be active and one shall be a retired member. Creates the 12 member State Health Benefit Plan Customer Advisory Council to advise the Commissioner of Community Health. Each member must be members of the state health benefit plan, either active or retired.

SB 118 Unterman – 45 DO PASS in S.Insurance & Labor

Autism must be covered by insurance up to age 21, currently age 6.

HB 473 Kirby – 10x DO PASS in H.Health & Human Services

Service animals, primarily dogs, must be trained to provide a necessary service to physically or mentally impaired individuals. Dogs which provide comfort and companionship are pets, and should not be allowed to go where animals are generally not permitted. One who uses an untrained animal and indicates the animal is a trained service animal can be fined up to \$2,000. ***Sponsor has been working on this bill for three years.***

SR 593 Seay – 34 DO PASS in 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.**

REVENUE & TAXATION

HB 756 Hilton – 95 DO PASS in H.Ways & Means

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.**

TRANSPORTATION & DRIVING

HB 287 Kirby – 114 **PASSED** House DO PASS in S.Veterans, Military, & Homeland Security

Adds stepparents to those who may get a Gold Star vehicle license plate free. Gold Star license plates are for parents, spouses, siblings and spouses of siblings of military personnel killed in action.

HB 666 Wilkerson – 38 DO PASS in H.Motor Vehicles

License plates of motor vehicles must have the annual decal in the lower right corner of the plate to be readily identifiable.

HB 723 Watson – 1 DO PASS in H.Ways & Means

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

LOCAL – FULTON and its CITIES

HB 538 Willard - 51 DO PASS in 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 teachers retirement system 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.

NEW LEGISLATION

CHILDREN

SB 315 Ligon – 3 S.Judiciary

The Keep Faith in Adoptions and Foster Care Act. Allows a child placing agency to decline to accept a referral from DFCS and decline to perform services not referred under a contract with the department based on the child-placing agency's sincerely held religious beliefs. Prevents the department from discriminating against or causing any adverse actions against a child-placing agency based on its sincerely held religious beliefs. **How does any entity that is not human have any religious beliefs? Discrimination seems to be okay on one end of a contract with the state but not the other.**

SR 681 Harbin – 16 S.Rules

Urges Congress to propose the Parental Rights Amendment, HJR 121 by Hultgren of Illinois. It states:

- The liberty of parents to direct the upbringing, education, and care of their children is a fundamental right;
- The parental right to direct education includes the right to choose public, private, religious, or home schools, and the right to make reasonable choices within public schools for one's child;
- Neither the United States or any state shall infringe upon these rights without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served;
- The parental rights guaranteed by this article shall not be denied or abridged on account of disability;

- This article shall not be construed to apply to a parental action or decision that should end life.
The courts have already established these rights.

EDUCATION – PREK - 12

SB 355 Hufstetler – 52 S.Regulated Industry & Utilities

Exempts public K-12 schools from paying the costs of financing a nuclear power plant.

SB 361 Williams – 27 S.Education & Youth

Students are to be allowed to express religious viewpoints before, during, or after school as a reflection of their free speech rights. They should not be discriminated against for such expression. Faculty may participate in discussion during the school day with students in these expressions. Religious groups may meet at the school in the same manner as non-sectarian groups. The local board of education shall adopt a policy on voluntary expression of religious viewpoints and a model policy is included in this bill. ***The U.S. Supreme Court has ruled that students may not verbally express religious views during the school day nor can any employee of a public school encourage or participate in them. Students under compulsory attendance laws are considered a captured audience and are protected from such viewpoints during the school day as a separation of church and state issue.***

SB 362 Tippins – 37 S.Education & Youth

The State Board of Education shall establish an innovative assessment pilot program of 3 to 5 years to examine one or more alternative assessments (tests) and accountability systems aligned with state academic standards. Up to 10 school districts may participate, selected by the SBOE. Participating local school systems would be excused from using the state testing instruments. Any necessary approvals or waivers needed from USED would be handled by the SBOE and DOE. The SBOE and DOE shall identify a plan to demonstrate comparability between innovating assessments and state-wide assessments. Effective 2018-19 school year.

HB 759 Turner – 21 H.Education

The GA Special Needs Scholarship shall not require a prior year attendance at a public school if the parent is on active duty military ***or*** the student has previously qualified for the scholarship. ***If the parent goes off active duty, the student does not have to change schools and the scholarship-voucher will continue to pay for any private school tuition.***

HB 762 Cantrell – 22 H.Education

Adds age-appropriate sexual abuse and assault awareness and prevention education for K-9 students to the existing sex ed requirement.

HB 763 Nix – 69 H.Education

Improvement in school climate shall become a focus of the student attendance committee for each school system. Student discipline data is to be included in the annual report to the state board of education.

HB 781 Tanner – 9 H.Education

The ESPLOST may be used for maintenance and operations up to 50% of the projected revenues. The sales tax for education purposes on motor fuel shall not be imposed on amounts over \$3 per gallon. Enabling legislation for HR 992.

HB 787 Hilton – 95 H.Education

State charter schools may be members of RESAs, Regional Education Service Agencies, and utilize any services provided to membership. Changes the state charter school funding formula to be based on a state-wide average, currently an average of the 5 lowest wealthy school systems.

HB 788 Stovall – 74 H.Education

Allows a student to register for school under another address other than the student's residence if the resident at the other address agrees. ***The purpose for educating students who live within the attendance zone is at least two fold:***

those taxpayers have paid to support these children, not those from other jurisdictions; and accepting students from anywhere else makes planning for enrollment very difficult, such as how many teacher to hire, books to buy, bus routes to run, classrooms needed, etc.

HB 801 Hilton – 95 H.Education

The GA Special Needs Scholarship (voucher) is renamed 'GA Individualized Education Act'. Allows funds to be used for non-school providers. Transfers administration of the scholarship to the state Treasurer from the Department of Education. Up to 50% of the funds may be rolled over to the following year. ***LWV OPPOSES vouchers by any name.***

HR 992 Tanner – 9 H.Education

CA to allow ESPLOST funds to be used for school district operating budgets, known as maintenance and operations expenses. Enabling legislation is HB 781. ***Currently, ESPLOST funds may be used only for capital projects or retirement of debt for capital expenditures.***

EDUCATION – POSTSECONDARY

HB 778 England – 116 H.Higher Education

Transfers the CTAE programs from the Department of Education to the Technical College System of GA. DOE will adopt curriculum standards for the programs which serve K-12 students, as recommended by the TCSG. Also transferred are the oversight and sponsorship of extracurricular programs around this pathway, such as Future Farmers of America. Effective 7-1-19.

HB 794 Scott – 76 H.Higher Education

The lottery will provide one or more games to benefit homeless veterans. Enabling legislation for HR 991.

HR 991 Scott – 76 H.Higher Education

CA to provide that the lottery may provide games to benefit homeless veterans. Enabling legislation is HB 794.

ELECTIONS & ETHICS

SB 363 Brass – 28 S.Ethics

Allows advanced voting ballots cast on the voting machines to begin tabulation at 6 p.m. Precinct hours in all polling locations on election day shall be 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. ***This provision to hold open Atlanta's precincts predates advanced voting. Fulton County has wanted to count advanced voting ballots beginning at the same time that mail-in absentee ballots are counted. This bill provides some relief but still does not treat both types of advanced votes similarly. Ballots from the largest counties in the state are often late in getting results posted because of the large number of ballots they cannot count until after the polls close.***

GOVERNMENT – GENERAL

SB 376 Shafer – 48 H.Banking & Financial Institutions

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.***

HB 767 Werkheiser – 157 H.Industry & Labor

An applicant for unemployment insurance benefits filing electronically must prove that each is a citizen of the U.S. ***Those filing in person already have to prove citizenship.***

GOVERNMENT – COUNTIES AND CITIES

SB 379 Jones – 25 S.Transportation

Creates the 13 member Georgia Major Airport Operations and Management Board. The governor appoints 9 members, the Lt. Governor and Speaker appoint two members each. No two appointees shall reside in any one congressional district. No one holding elective office is eligible. Terms are 6 years, staggered. The board will assume control over any airport owned by a political subdivision which has over 400,000 takeoffs and landings annually and provides public commercial aviation services. **Atlanta.**

GOVERNMENT – COURTS AND CRIMES

HB 765 Thomas – 56 H.Judiciary Non-Civil

Increases the penalties for hit-and-run so that it is a felony if a person loses a member of his/her body, loses the use of a body member, has serious disfigurement, or organic brain damage.

HB 802 Willard – 51 H.Judiciary Non-Civil

If a defendant was under 18 at the time a crime was committed, no sentence of death or life without parole shall be imposed. Establishes the number of years a sentence is to be served before a parole is granted if the crime was committed prior to age 18.

HB 803 Willard – 41 H.Judiciary Non-Civil

Prohibits trafficking of a disabled adult, elder person or resident or of any taking of the property or money of such person for use by someone other than such person. Establishes penalties for such felonies.

HR 993 Efration – 104 H.Judiciary

CA to permit the state to establish business courts. Judges to be appointed, not elected, by the governor for 5 year terms and shall have been members of the bar for at least 7 years and have significant experience in business or other complex litigation.

GOVERNMENT – CAPITOL AND GROUNDS

SB 379 Albers – 56 S.Finance

Legislative proposals and amendments thereto having a fiscal impact shall require an economic analysis issued by the state auditor prior to consideration and shall state the fiscal impact for 10 years. ***This has been needed for a very long time.***

GOVERNMENT – FEDERAL ISSUES

HR 969 Mitchell – 88 H.Judiciary

Ratifies the Equal Rights Amendment to the U.S. Constitution. ***This is symbolic only, as the time for ratification has long passed. But Georgia never approved that amendment at the time. It failed to be approved by just one state.***

HEALTH

HB 747 Cooper – 43 H.Health & Human Services

Hemophilia patients receiving medical assistance may have access to medications prescribed with no restrictions such as a preferred drug list or prior authorization.

HB 755 Cannon – 58 H.Health & Human Services

Establishes a 3-year pilot program to provide pre-exposure prophylaxis drug assistance or services to persons at risk of being infected with HIV. Counties at risk of HIV outbreaks shall be identified by the Center for Disease Control & Prevention. Participants shall be subject to clinical guidelines of CDC.

HB 764 Clark – 98 H.Health & Human Services

Adds Post Traumatic Distress Syndrome to the conditions eligible for prescription marijuana, or low THC oil. Sets up conditions for cultivating, manufacturing, selling, and tracking low THC oil in GA, preferably through post secondary institutions.

HB 776 Douglas – 78 H.Health & Human Services

Permits electronic monitoring in an adult patient's room in a long-term care facility with patient permission. When room is shared, both must agree. The device may be turned off at the patient's request for any reason. The patient pays for the equipment and any installation costs. The facility must allow access to any part of the building needed for installation, and cannot charge for the electricity used.

HB 799 Cooper – 43 H.Insurance

Patients admitted for emergency care to a hospital which is 'out of network' for that patient's health benefit plan, cannot receive post-stabilizations from that facility until the facility has gotten authorization prior to providing such care. If such authorization is not granted, the patient is to be transferred at the health care benefit plan's expense to an 'in network' facility. If the patient or guarantor refuses transfer, the costs must be borne by the patient.

REVENUE & TAXATION

HB 749 Blackman – 146 H.Ways & Means

Excludable from taxable net income is any income received by a surviving family member, regardless of age, of a deceased veteran when such income is based on the veteran's service record.

HB 753 Hogan – 179 H.Ways & Means

The \$5/night excise tax imposed for transportation purposes shall not be levied by any non-profit conference and retreat center used by the public while attending seminars, retreats, and similar learning programs. ***All signers are from the southeast coastal section of the state which has several of these centers.***

HB 758 Battles – 15 H.Ways & Means

A sales tax exemption from 7-1-18 to 12-31-20 for an automobile museum of at least 57,000 square feet with 3 temporary galleries, a theater, and a garage of at least 26,500 square feet for restoration and storage.

HB 793 LaRiccia – 169 H.Ways & Means

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 796 Corbett – 174 H.Ways & Means

Restores the school tax free holiday to two periods in the fall for 2018 – August 4 and 5, and September 29 and 30. ***The sales tax holidays were cancelled because the state and local jurisdictions lost too much revenue.***

TRANSPORTATION & DRIVING

HB 750 Clark – 98 H.Motor Vehicles

Veteran motor vehicle licenses, which are free, would no longer require the license holder to have served during wartime or any conflict to which personnel were committed by the President of the United States. All other requirements remain, principally that the veteran must be honorably discharged.

HB 774 Powell – 32 H.Public Safety & Homeland Security

Allows trespassing vehicles to be booted. Those operating vehicle immobilization services are to be licensed annually through the Department of Public Safety. Those booting vehicles shall have ID cards on them while they are engaged in that activity. Sets the maximum fees that can be charged for removal of the boots and for storage of a vehicle. Local governments may not regulate such services within their borders.

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