

23 February 2018

## LWVAF, Report from the Capitol, Week 7

The General Assembly met for four days this week, completing Day 26. Next week it will return for 3 more days which will include CrossOver Day on Day 28, the day a bill must exit its chamber of origin to be considered for passage this session. Until CrossOver, each chamber has handled its own legislation; after CrossOver, each chamber begins to focus on the other chamber's legislation. Local legislation is not bound by CrossOver Day rules.

An incredible amount of legislation gets passed out of committee in the few days prior to CrossOver. Some of it is just bad. Why is such a thing allowed? Perhaps the committee chairs feel an obligation to their colleagues to give them the chance, or perhaps they just get tired of being bugged by the sponsors. The Rules Committees become more important in being another filter. Even if the Rules Committee passes on the bill to the floor, the presiding officer can defer legislation or simply fail to call up the bill. Despite the urban rumor, there are a lot of eyes and minds reviewing legislation and most of what is passed is thought to be important for the welfare of the state's citizens or for a political advantage in an election year.

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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.

**DV** = Differing Versions

**NNS** = Needs No Signature

**TGFS** = To Governor for Signature

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### **In CHAMBERS**

#### **EDUCATION – PREK – 12**

SB 330 Wilkinson – 50 **PASSED** Senate

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.

SB 401 Tippins – 37 **PASSED** Senate

Students in middle school will have their career oriented aptitudes in addition to their career interests be a factor in developing their individual graduation plan to be used in selecting some high school courses. In 2018, school counselor roles in grades 6-12 will be reviewed by DOE and a report prepared for the state board of education and the General Assembly by 12-31-2018. The report shall include recommendations for changes to ensure student success. This study is effective for 2018 only.

HB 743 Clark – 98 **PASSED** House

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 787 Hilton – 95 **PASSED** House

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. Virtual charters will get funding for the hardware provided to students and the servers to handle them. ***A fiscal note indicates the cost of changing the funding basis will cost \$17 million in the first year. State charter schools will get forward funding for expected enrollment over 2%, but traditional schools must wait until the midterm budget to get paid for the number of students who have enrolled over the previous year. Traditional schools get no money for computer hardware. There are 90,000 students enrolled in state charter schools; traditional schools have 1.7 million.***

HB 853 Dempsey – 13 **PASSED** House

No student placed in a psychiatric residential treatment facility by the parent pursuant to a physician's order can be charged tuition. ***There are 6 such facilities in the state. A student who is admitted will continue the student's educational program. If there is an IEP, it will also follow the student. Funds will be supplied by the home school for the duration of the stay.***

## **ELECTIONS & ETHICS**

HB 907 Fleming – 121 **PASSED** House

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.

## **GOVERNMENT – GENERAL**

SB 319 Albers – 56 **PASSED** Senate

Creates the Department of Public Safety with a commissioner of fire safety and a 17 member Fire Safety Board. It assumes the responsibilities for much of the State Fire Marshall, the Georgia Fire Academy, GA Firefighter Standards and Training Council. Effective 7-1-19. ***This 177 page bill reassigns responsibilities but doesn't change any requirements. All current rules and regulations continue in effect until they expire or are explicitly revoked or amended.***

## **GOVERNMENT – EMPLOYMENT**

HB 816 Gravely – 67 **PASSED** House

Fingerprinting and criminal records checks shall be required to become an employee of Department of Revenue, must be renewed every 10 years, and must apply to contractors and their subcontractors.

## **HEALTH**

HB 161 Price – 48 **PASSED** House

Exempts persons employed by or are agents of a harm reduction organization from laws prohibiting distribution of hypodermic syringes or needles. A harm reduction organization works to reduce the spread of HIV and other infectious diseases among intravenous drug users. Pharmacists and their interns and externs are already exempted. ***There are 38 states that have some sort of needle exchange service. It slows down the transmission of diseases such as HIV and Hepatitis C, both of which can be costly to treat.***

HB 646 Dempsey – 13 **PASSED** House

Reinstates a pilot program with a postsecondary institution for obesity patients who have bariatric surgery. The program will last for another 3 years and have up to 100 participants who are members for at least two years in the state health benefit plan. They must have a body mass index greater than 40, or greater than 35 with comorbidities. The program will keep data on the progress of each of these patients, reporting them to the House and Senate Health & Human Services committees. The pilot program and this code section will end on June 30, 2022.

## REVENUE & TAXATION

HB 327 Powell – 171 **PASSED** House S.Finance

The title tax fee on automobiles is 6.75%, down from 7%; the fee for vehicles brought into the state is 4%, currently 7%; leased vehicles are valued at the amount to be paid under the contract; used cars are valued at the price paid, not the book value which is usually lower. The fees are remitted to the county tag agent in the county the vehicle is to be housed, which withholds its share and forwards the rest to the state. The schedule for what is retained for the county and school district, and city if there is one, is outlined in the bill. Effective 7-1-18.

SB 371 Anderson--24 **PASSED** Senate H.Ways & Means

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.

HB 697 Taylor – 173 **PASSED** House 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 735 Bentley – 139 **PASSED** House S.Finance

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 per mile of track owned or leased by that railroad. Any credit claimed reduces the costs basis of the track. Effective 1-1-2019. Repealed 1-1-29. ***A Class III railroad is a short line, such as the sight- seeing train that leaves out of Blue Ridge and goes to the North Carolina border and back.***

HB 840 Hitchins – 161 **PASSED** House

A taxpayer on active military duty in a combat zone shall not incur any penalties or fines for business and occupational taxes not received on time. Such tax and fees are to be paid within 60 days of return from military service.

HB 918 Efstoration – 104 **PASSED** House

The revision of the tax code prompted by the changes in the federal tax code. Standard exemption is doubled for state income taxes for all taxpayers. The top income tax rate is lowered to 5.75% for tax year 2019, down from 6%. If the General Assembly agrees and the new governor signs, it will be further lowered to 5.5% for 2020 and beyond. Waives motor vehicle title tag fees for vehicles 15 years and older. Exempts jet fuel from most sales taxes. ***The governor's proposal to rebate to taxpayers the increase in state income taxes expected from the change in federal tax code. He estimates the windfall without changes would be over \$5 Billion over 5 years. The requirement remains to file state taxes using either itemized or standard deduction, the same as was used in the federal return.***

## TRANSPORTATION & DRIVING

HB 717 Kelley – 16 **PASSED** House S.Transportation

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

## **In COMMITTEE**

### EDUCATION – PREK-12

SB 457 Tate – 38 DO PASS in S.Education & Youth

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 proposal will require that GEMA set a schedule for each school to practice the responses defined in those plans so all will know what to do. Fire and tornado drills 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 718 Scott – 76 DO PASS in 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 844 Houston – 170 DO PASS in H.Education

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 1036 Kendrick – 93 **NNS** DO PASS in H.Education

Encourages schools to offer computer skills, and to ensure access to them by all students. Computing jobs are the number one source of new wages in the U.S., the average salary for such jobs is almost twice the average salary for all jobs, and there are 20,000 open computing jobs now in the state.

## **EDUCATION – POSTSECONDARY**

SB 339 Ligon – 3 DO PASS in 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.

HB 392 Fleming – 121 DO PASS in H.Higher Education

Students enrolled in Move On When Ready at eligible postsecondary institutions which have five terms per academic year, the state payment for those courses would be aligned with the number of terms.

SB 405 Millar – 40 DO PASS in S.Higher Education

A grant for students in an institution of the University System, if appropriated by the General Assembly, of \$1500/semester if several conditions are met: family income is \$48,000 or under, students is receiving a federal PELL grant but not a HOPE scholarship, has a high school GPA of at least 2.3, and either ACT scores of 21 or higher, SAT scores of 480 or higher on the reading-writing portion and 530 or higher on math, earned a 3 or better on at least 2 Advanced Placement courses, 4 or higher on at least 2 International Baccalaureate exams, or passed an end-of-gateway assessment under the Carl Perkins Act. Additionally, the student must work 15 hours/week during the semester and maintain a GPA of at least 2.3. ***Sponsor has advocated for a long time for financial help for students without sufficient resources and not eligible for HOPE.***

HB 702 Clark – 147 DO PASS in 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 loan repayment assistance administered by Student Finance Commission. Funds will come from state appropriations and private contributions.

## ELECTIONS & ETHICS

SB 309 McKoon – 29 DO PASS in S.Ethics

Eliminates the provision that the City of Atlanta may hold polls open until 8 p.m. for municipal elections. Requires the call for a special primary to be made within 45 days of the vacancy, previously 60 days. A U.S. Senate vacancy with 12 or more months remaining in the term shall have a replacement filled with a special primary and election. If less time left in the term, the governor will appoint a replacement. Vacancies in the U.S. House of Representatives shall be filled with a special primary and election. For General Assembly vacancies, if more than 12 months left in term, the replacement shall be by primary and election. If less than 12 months, the issuance of a writ of election will be at the discretion of the governor. If a General Assembly vacancy exists when a special session is called, and 12 months or less are in the term, the governor shall call for a special primary and election if the governor feels there is sufficient time to conduct such elections through a possible runoff prior to the conclusion of the special session. **Currently, these vacancies filled by election do not have a primary. GOP and DEM candidates run on the same ballot and the top two vote getters go into a runoff if no one gets 50% + 1 votes. The proposal requires a GOP and DEM primary, each with the possibility of a runoff, the winners to go to an election along with 3<sup>rd</sup> party candidates, and a possible runoff before a new representative is determined. The proposal thus eliminates the possibility of two persons of the same party going into a runoff, as happened in a 2017 senatorial election.**

SB 363 Brass – 28 DO PASS in S.Ethics

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 volume of early votes, Fulton 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 does allow an early start. Results cannot be disclosed until after the polls close.**

SR 752 Harbin – 16 NNS DO PASS in S.Finance

Senate urges Congress to repeal the Johnson amendment for houses of worship. **Currently, houses of worship are treated like any other non-profit in that none can support or oppose a political candidate or party. It was named after LBJ who carried it in the U.S. Senate. This resolution asks that houses of worship be able to support or oppose candidates or political parties from the pulpit and still retain their non-profit status.**

## GOVERNMENT – GENERAL

HB 309 Barr – 103 PASSED House DO PASS in 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. **Same for the GA National Guard.**

HB 866 Turner – 21 DO PASS in H.Banks & Banking

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.**

SB 402 Gooch – 51 DO PASS in S.Regulated Industries & Utilities

Broadband and other communications technologies may be deployed on interstate highway rights of way if enabled by DOT. DOT in consultation with Georgia Technology Authority will plan for, establish, and implement a long-term policy regarding use of interstate highway rights of way and state owned roads for such purposes. The Department of Community Affairs will establish a Georgia Broadband Ready Community Site designation. Grants, if appropriated, will be available for broadband underserved communities. Creates a sales tax exemption for purchase of broadband equipment to serve these underserved communities. **Will this allow power poles to line our interstates?**

HB 689 Williams – 145 DO PASS in 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 or the beneficiary is deceased.

HR 943 Morris – 2 **PASSED** House DO PASS in S.Rules

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 35<sup>th</sup> parallel, north of the southernmost bank of the Tennessee River. A flawed survey of 1818 erroneously marked the 35<sup>th</sup> 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 35<sup>th</sup> parallel but none have been successful. **Georgia wants the 35<sup>th</sup> parallel accurately defined so it can access water from the Tennessee River.**

## GOVERNMENT – COUNTIES AND CITIES

HB 336 Parsons – 44 DO PASS in H.Energy, Utilities, & Telecommunications

Counties, cities, and consolidated governments may apply to be a broadband ready community through Department of Economic Development. The broadband must have a capacity of at least 10 millisecond downloads and 1 millisecond uploads. Aimed to make broadband more accessible to rural or remote areas.

## GOVERNMENT – COURTS AND CRIMES

HB 703 Hitchens – 161 DO PASS in 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. 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. **Sponsor, a former GA State Patrol officer, indicates there is data to show that such support provided within the first 48 to 72 hours can keep officers from getting PTSD.**

HB 732 Silcox – 52 DO PASS in 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.

HB 765 Thomas – 56 DO PASS in 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 803 Willard – 41 DO PASS in 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.

## GOVERNMENT – EMPLOYMENT

HB 810 McCall – 33 DO PASS in H.Government Affairs

Authorizes local workforce development boards or their committees and their associated local elected officials’ organizations and their committees to conduct meetings by teleconference. **Currently, only agencies with state-wide jurisdictions or its committees are so authorized. This is a single signer bill and may not get much traction.**

## HEALTH

SB 325 Kirkpatrick – 32 DO PASS in S.Health & Human Services

Interstate Medical Licensure Compact Act is to be administered by the Georgia Composite Medical Board. The compact allows expedited licensure of doctors licensed by other state within the compact. Outlines the authority of the compact board on the member states.

SB 351 Unterman – 45 DO PASS in 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.

SB 420 Rhett – 33 DO PASS in S.Health & Human Services

Requires health clubs with at least 100 clients to have one functioning automated external defibrillator on site.

HR 447 Rakestraw - 19 DO PASS in H.Health & Human Services

Pornography is a health crises leading to a broad spectrum of individual and public health impacts and societal harms. Porn normalizes violence and abuse of women and children and increases demand for sex trafficking prostitution, and child sexual abuse.

HB 755 Cannon – 58 DO PASS in 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.

## REVENUE & TAXATION

HB 81 McCall – 33 DO PASS in H.Ways & Means

Adds hospital organizations to the list of government entities to whom taxpayers may owe debts and which the entities may capture income tax refunds to those taxpayers to satisfy such debt.

SR 104 Heath – 31 DO PASS in S.Finance

CA to prohibit the levy of a state wide property tax. **Currently, this is not collected by law. When imposed, this tax was one quarter of a mill, about \$20 a year on property worth \$200,000 with no exemptions. Those opposed said that it is a tool in the tool box if the state needs it, so why put it in the constitution and make it harder to access. In 2017, this bill FAILED to get a constitutional super majority in the Senate. It was RECONSIDERED and recommitted to committee.**

HB 696 Kelley – 16 DO PASS in H.Ways & Means

A sales tax exemption until 2028 for computer equipment sold or leased for use in high-technology data centers if the firm does not get a tax abatement, if there is a \$20 million bond filed, and if the business does not leave the state or cease to exist during the period. A high-technology data enter means \$250 million in aggregate costs for design, construction, and equipment over 10 years.

HB 811 Powell – 171 DO PASS in H.Ways & Means

Allows the Department of Revenue to release taxpayer information to contractors to analyze further taxpayer delinquencies. Contractors will be compensated with a portion of the funds collected. All data shared with the contractor is to be kept confidential, and destroyed after the analysis is made.

HB 820 Beskin – 54 DO PASS in H.Ways & Means

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 DO PASS in H.Agriculture & Community 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 391 Beach – 21 DO PASS in S.Transportation

Vehicles owned or operated by a transit authority are exempt from requirement for identification and regulations of motor vehicles.

HB 401 Clark – 98 DO PASS in H.Motor Vehicles

Persons operating a motor vehicle may not wear any device which impairs a person's vision.

HB 673 Carson – 46 DO PASS in H.Judiciary Non-Civil

Use of wireless telecommunication devices while driving must be with a hands-free accessory. Bans any actions which distract the driver while operating a motor vehicle. Wireless telecommunication device use while driving will lose 3 points on the driver's license, 4 points for a second or subsequent violation. Exceptions for use are when: the motor vehicle is lawfully parked; reporting on some type of emergency; used by a public safety employee within the scope of employment; used by a public utility employee or contractor within the scope of employment while responding to a public utility emergency. Fines collected are to deposited in the state general fund and used for trauma care. Violation of this law which results in a death is punishable by imprisonment of at least 3 – 15 years.

HB 774 Powell – 32 DO PASS in 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 of \$65 that can be charged for removal of the boots and for storage of a vehicle. Local governments may regulate such services within their borders.

HB 940 Cauble – 111 DO PASS in H.Motor Vehicles

The requirement for Department of Driver Services to mark and return surrendered licenses and personal identification cards to the applicant is changed to be discretionary on the part of DDS.

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Sally FitzGerald, Capitol Observer

[sallyfitz@bellsouth.net](mailto:sallyfitz@bellsouth.net)

League of Women Voters – Atlanta/Fulton

[www.lwvaf.org](http://www.lwvaf.org)

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