

2 March 2018

LWVAF, Report from the Capitol, Week 8

This week the General Assembly met for three days, completing Day 29 which included CrossOver Day. Thus, this report focuses on chamber action, with one exception. Next week they return on Monday for a three day week.

The only bill that must pass is the budget for the following year. And it has not yet emerged out of House committee. There is some concern about the impact of the federal tax bill changes on the state budget, which are still being clarified. The budget is the only general bill that can cross over at any time.

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
TGFS = To Governor for Signature

In CHAMBERS

CHILDREN

SB 74 McKoon – 29 **PASSED** Senate H.Juvenile Justice
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.***

SB 131 Tillery – 19 **PASSED** Senate **PASSED** House **DV**
Adoption proceedings will be stayed while an appeal of an order to terminate parental rights is pending.

SB 375 Ligon – 3 **PASSED** Senate H.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 774 Stone – 23 **PASSED** Senate
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
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

HB 273 Douglas – 78 **PASSED** House **PASSED** Senate **DV**
There shall be an average of 30 minute daily of physical activity for students in K-5, both structured and unstructured. Physical Education will be counted in this time. ***Senate: removes mandate. Adds: Not on inclement or special programming days.***

SB 293 Black - 8 **PASSED** Senate

Required employers to pay retirement on part time employees, but the employees earn no additional credit.

SB 355 Hufstetler – 52 **PASSED** Senate

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

SB 401 Tippins – 37 **PASSED** Senate H.Education

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. Technical colleges which have dual enrolled high school students are to report grades and other student aspects of the course so the data can be included in the longitudinal data system.

SB 457 Tate – 38 **PASSED** Senate

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. 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 482 Cantrell – 22 **FAILED** in House

Educational Savings Accounts to be established for K-12 students into which the state would deposit the amount of money it would have appropriated if the student had been enrolled in a public school. Office of Treasury to administer the fund. Money could be used by parent for private school tuition, post secondary expenses, texts, tutoring services, and other services student might need. ***Fiscal note indicates costs would be dependent on the number of currently enrolled private school students who opened an ESA, but expected at least a \$17 million first year costs and could go up to \$63 million. Only 60 YES votes were generated for this bill.***

HB 494 Dempsey – 13 **PASSED** House

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 718 Scott – 76 **PASSED** House

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 759 Turner – 21 **PASSED** House

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 844 Houston – 170 **PASSED** House

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.

HB 852 Smith – 41 **PASSED** House

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.**

EDUCATION – POSTSECONDARY

SB 82 Jackson – 2 **PASSED** Senate

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.

SB 339 Ligon – 3 **PASSED** Senate

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 **PASSED** House

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 **PASSED** Senate

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 664 Teasley – 37 **PASSED** House S.Finance

Increases the amount deposited in a 529 account for postsecondary use by a student that may be deducted from income to \$4000, from \$2000. If a joint return is filed, the deduction may be up to \$8000.

GOVERNMENT – GENERAL

SB 376 Shafer – 48 **PASSED** Senate

HB 866 Turner – 21 **PASSED** House

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 493 Stovall – 74 **PASSED** House S.Government Oversight

Videos of public board meetings posted on their website must include the public comment section unless there are technical difficulties with the taping. The video is to be retained for the same length of time as the retention policy indicates.

GOVERNMENT – COUNTIES AND CITIES

SB 414 Tippins – 37 **PASSED** Senate

Local governments may issue written notices to organizations which use collection receptacles for failure to clean and maintain them and the areas around them. Copies of the notice are to be sent to the property owner and the paid solicitors. There is a 10-day period to remediate the violation. If 3 violations in a year, the local government authority may petition the Superior Court to issue an order to remove the receptacle from the boundaries of the local government for up to 3 years.

GOVERNMENT – COURTS AND CRIMES

SB 39 Unterman – 45 **PASSED** Senate

A second or subsequent conviction for pandering shall be a felony and require registration on the State Sexual Offenders Registry.

HB 890 Fleming – 121 **PASSED** House

Using an emergency exit after shoplifting shall be a misdemeanor. ***If caught, the shoplifters will be charged with one more crime. Emergency exits frequently have audible alarms which cause people to vacate stores to determine the cause of the signal. First responders then have far more obstacles to navigate in trying to find the shoplifters.***

HEALTH

SB 382 Martin – 9 **PASSED** Senate

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 437 Payne – 54 **PASSED** Senate

A minor child candidate for non-resuscitation may have such an order issued with parent consent either written or oral. The consent of the minor is also required if the attending doctor finds the minor to be sufficiently mature to understand the impact.

REVENUE & TAXATION

HB 81 McCall – 33 **PASSED** House

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 **TABLED** in Senate

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.***

HR 238 Watson – 172 **PASSED** House

CA to put .75% of sales tax revenues into a trust fund to be used for protection and preservation of conservation land to protect drinking water sources, water quality, state and local parks and conserve forests, fish, wildlife habitats. The trust

fund shall not lapse. ***The constitution requires all funds unspent at year end to be returned to the general treasury. Because the funds in this trust account will not lapse, a constitutional amendment is required.***

HB 811 Powell – 171 **PASSED** House

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 918 Efstoration – 104 **TGFS** 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. Exemption of jet fuel from most sales taxes (\$40 million) removed. ***The governor’s proposal to rebate to taxpayers the increase in state income taxes expected from changes in the federal tax code. The windfall is estimated to be over \$5 Billion over 5 years. The requirement remains to file state taxes with either itemized or standard deduction as was used in the federal return for the same tax year. GA Budget & Policy Institute estimates that this bill will cost the general treasury more than \$100 million per year, that is, more is forgiven than would have been taxed without the bill. (Analysis done prior to removal of the jet fuel exemption.) Part of the windfall could have been used to replace the old voting machines (\$100-\$125 million), and/or to eliminate the austerity cuts in the education budget (\$167 million), or to expand Medicaid to the 600,000 without insurance. Then, consider a rebate.***

TRANSPORTATION & DRIVING

SB 386 Beach – 21 **PASSED** Senate

Creates the 11-member Atlanta-region Transit Link ‘ATL’ Commission to plan and coordinate transit services, establish facilities, and fund throughout the region. Members include the governor who serves as chair, DOT commissioner, CEO of MARTA, Atlanta mayor, Clayton County Commission chair and one mayor from Clayton County, DeKalb CEO and one mayor, Fulton County Commission chair and one additional mayor. It shall determine and prioritize transit projects throughout the region and shall administer the payment of such projects through a sales tax of up to 1% levied by the county in which projects are to be located. The county must call the referendum and levy the tax. Operations will be under MARTA.

SB 460 Beach – 21 **PASSED** Senate

All transit systems in the 13 county metro area would be branded under the ATL label, attached to their current corporate name.

HB 673 Carson – 46 **PASSED** House

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 be 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 721 Powell – 32 **PASSED** House S.Public Safety

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.***

HB 940 Cauble – 111 **PASSED** House

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.

In COMMITTEE

GOVERNMENT – GENERAL

HR 794 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 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.***

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