

22 March 2019

## LWVAF, Report from the Capitol, Week 10

This week the General Assembly completed three legislative days, completing Day 35. Next week they will return for four more, taking Wednesday off as a committee day. The last day will be Monday, April 2, Day 40, adjournment sine die!

The process is following a very expected course. Bills we thought were dead are being resurrected as amendments to other bills. The educational savings account bill, which failed on the Senate floor has been tacked onto another rather mundane House educational bill by the Senate committee. It now returns to the House where there will be no more committee work on it. The whole chamber will agree or not agree, generally depending on the philosophy of the House sponsor with input from the chamber leadership. The House will do similar things to Senate bills. Legislative advocates and reporters find themselves reading those bills again and again, until well after Day 40.

The budget, the only bill that **must** pass, has emerged from the Senate Appropriations Committee. It will probably be on the floor early next week. Differences between it and the version passed by the House will then have to be worked out in the few days left. This report will outline the differences next week.

The abortion bill, HB 481, is on the Senate floor today. Too late to be reported on today.

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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 2020.

**DV** = Differing Versions

**NNS** = Needs No Signature

**TGFS** = To Governor for Signature

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### In CHAMBERS

#### EDUCATION – PREK – 12

**SB 67** Burke – 11 **PASSED** Senate **PASSED** House **TGFS**

Local school districts which have sustained damage or destruction of an educational building caused by a fire or natural disaster where the majority of the building is destroyed or damaged shall be immediately qualified to receive capital outlay funds. ***Currently, to be eligible for capital outlay funds, the school district must develop and the SBOE approve a five-year capital outlay plan, the building must be on the annual request for funds, and the local school system has on hand funds to meet its share of the costs. This proposal eliminates the need to revise the capital outlay plan and get SBOE approval for same.***

#### ELECTIONS & ETHICS

**SB 177** Brass – 28 **PASSED** Senate **PASSED** House **TGFS**

Provides directions for how local governmental entities will have district lines drawn. They may bring a proposal or have one drawn up by the Reapportionment Office before the vote for a check to insure guidelines have been met. They must get a sponsor who represents all or part of the governmental entity.

#### GOVERNMENT – GENERAL

**SB 17** Gooch – 51 **PASSED** Senate **PASSED** House **TGFS**

Authorizes telephone cooperatives and their broadband affiliates to provide broadband services. **An effort to bring broadband to rural GA.**

**SB 170** Thompson – 14 **PASSED** Senate **PASSED** House **TGFS**

The Honor and Remember Flag is designated as Georgia's emblem of the services and sacrifices of those of the U.S. Armed Forces who gave their lives in the line of duty. Flag maybe displayed on any day veterans are honored and can be displayed only with two other flags on a flagpole (the U.S. flag and the state flag) on any state owned building. Must be manufactured in the U.S. Local governments may display the flag on Flag Day in June and July 4.

## **GOVERNMENT – ENVIRONMENT**

**HB 223** Dickey – 140 **PASSED** House **PASSED** Senate **TGFS**

Excludes air emissions from animal waste from any requirement to report to the Environmental Protection Division of any spill or release. Also released from reporting is the application of pesticides and handling and storage of same by an agricultural producer.

## **HEALTH**

**SB 121** Walker – 20 **PASSED** Senate **PASSED** House **TGFS**

The Prescription Drug Monitoring data base must hold date for 5 years, currently 2 yrs. The Attorney General's Medicaid Fraud Unit is authorized to access the data base for enforcement purposes.

**HB 374** LaHood – 175 **PASSED** House **PASSED** Senate **TGFS**

A certified medication aide in an assisted living community with a certificate in good standing may administer liquid morphine upon a hospice physician's order to a patient in hospice. The initial dose is to be administered by a RN. **Liquid morphine is frequently given during the last 24 hours of life to ease pain and anxiety.**

## **REVENUE & TAXATION**

**HB 35** Watson – 172 **PASSED** House **PASSED** Senate **TGFS**

A sales tax exemption to any nonprofit which provides poultry diagnostic and disease monitoring services. **A fiscal note indicates revenue loss to the state is \$150,000. This exemption is primarily directed to a lab in Gainesville which gets \$3 million/year in the state budget. So the exemption makes the appropriation go further.**

**HB 168** Taylor of 173 **PASSED** House **PASSED** Senate **TGFS**

A sales tax exemption to volunteer nonprofit health centers should be extended for five additional years. **No fiscal note was attached because the exemption already exists and is merely being extended.**

## **TRANSPORTATION & DRIVING**

**HR 368** Smith – 134 **NNS** **PASSED** House

Urges construction of I-14 which will go from Kileen, TX to Augusta, GA. Much of the nrastructure currently exists in GA as the Fall Line Freeway.

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**In COMMITTEE**

## **BUDGET**

**HB 31** Ralston – 7 **PASSED** House **DO PASS** in S.Appropriations **DV**

FY20 budget, beginning July 1, 2019 and ending June 30, 2020. All state employees will receive a 2% salary increase which includes local government employees on a state salary scale such as education bus drivers, food service workers,

school nurses, sheriffs and their deputies, clerks of the courts, and tax commissioners. Certified teachers got a \$2775 raise from the House; the Senate provided a \$3000 raise. ***Differences in all areas of the budget will be reconciled by a conference committee after it passes the Senate.***

## **CHILDREN**

HB 64 Prince – 127 **PASSED** House DO PASS in H.Judiciary

Reports of child abuse shall be reported to relevant law enforcement including military law enforcement if the parent is on active duty and the child welfare organization shall notify the military installation's family advocacy program.

HB 70 Efrstration – 104 **PASSED** House DO PASS in S.Judiciary **DV**

A clean up of the guardian/conservator process for minors in GA.

SB 104 Payne – 54 **PASSED** Senate DO PASS in H.Judiciary **DV**

An order to not resuscitate a minor child may be issued only with an order, oral or written, from the parent.

SB 158 Strickland – 17 **PASSED** Senate DO PASS in H.Juvenile Justice **DV**

Anti-Human Trafficking Protective Response Act. Department of Family and Children Services is authorized to provide emergency care and supervision to any child for up to 7 days without a court order when the child is a victim of trafficking for labor or sexual servitude. Any law enforcement officer, agency, or DFCS shall refer a child suspected of being trafficked to an organization which provides comprehensive trauma informed services. A child may be removed from its home if s/he is a victim of trafficking. A person can be charged with trafficking if they receive anything of value or benefit financially from the sexual servitude of another. A child under age 18 cannot be charged with prostitution.

## **EDUCATION – PREK-12**

SB 48 Martin – 9 **PASSED** Senate DO PASS in H.Education

All students in K are to be tested for dyslexia. Students in 1-3 should be tested if they exhibit signs of reading problems. Parents may decline this screening. DOE shall produce an informational handbook for local school systems to help in determining dyslexia and adopt policies for the identification and assistance of students with dyslexia. Teachers are to be trained in recognition of this condition. DOE shall have a pilot of 3 school districts, one each small, medium, and large, in the fall of 2019. Effective statewide in fall of 2021. ***Estimated cost per test is \$8.***

HR 52 Corbett - 174 **NNS** DO PASS in H.Education

Encourages the Department of Education, local school districts and schools to consider the profound educational impact of dyslexia has on students and to address the condition.

SB 60 Martin – 9 **PASSED** Senate DO PASS in H.Education **DV**

High school students participating in interscholastic sports and their parents are to be provided information on sudden cardiac arrest. Parent shall sign that their student(s) have received this information. The school shall hold an informational meeting each fall. Students who pass out or faint while participating in a sport are to be removed from playing and can return only after a health care evaluation.

HB 68 Carson – 46 **PASSED** House DO PASS in S.Education & Youth **DV**

No organization which operates, owns, is affiliated with, or a subsidiary of an accrediting organization for K-12 schools can be a student scholarship organization. ***Senate adds:*** Educational Savings Accounts with an enrollment cap of 2.5% from every school system and 2.5% statewide. ***Public money is being proposed to support private schools, a form of voucher. The fiscal note for a similar House bill indicates \$218 million cost in 2029. League of Women Voters OPPOSES vouchers in any form.***

SB 68 Sims – 12 **PASSED** Senate DO PASS in H.Education **DV**

Local school board members must be exposed to 'financial management' in their required training. A candidate for reelection to the board must have completed all prior annual training requirements. The financial status of the local school system must be reviewed at each regular school board meeting. The SBOE is to create a template for such review. The Department of Audits and Accounts shall designate local school systems with 3 consecutive years of reported irregularities or budget deficits as 'high risk' school districts; those with irregularities or deficits for 1 or 2 consecutive years are to be labeled moderate risk. A corrective action plan is to be developed within 120 days. School districts cannot be approved for a flexibility contract if 'high risk' without a corrective action plan. Office of Student Achievement shall monitor each local school system's financial stability. Oath of school superintendents to include a promise to manage the finances of the school system, and the superintendent is to report to the board during each monthly meeting the financial status. The superintendent must complete all financial management and governance trainings. Newly elected local board members are to be given guidance and training about the school system's audit findings and risk status. Charter schools and charter systems have these same requirements. **House adds:** (HB 32) Renames 'turnaround coach' to 'transformation specialist'. Changes thrust of training to school district level rather than individual schools. Adds 'creating prototypes of best practices' to the duties of Chief Turnaround Officer. Creates the GA Turnaround collaborative to advise the Chief Turnaround Officer, composed of several agency heads and a few legislators. Teachers in turnaround schools may get a \$7500 stipend, 2/3 paid by the state and the rest by the local school system, if each agrees to work 3 years in the school and to teach curricula designated by the Chief Turnaround Officer. The stipend may be converted to a permanent salary step after the three years of the Turnaround Officer and State Board of Education approval. (HB 86) Teachers may file a complaint regarding personnel performance evaluation ratings and any procedural deficiencies of the local board of education or charter school which does the evaluation. **Currently, there are 17 'high risk' school districts.**

HB 83 Douglas – 78 **PASSED** House DO PASS in S.Education & Youth

Students in grades K-5 shall be given 30 minutes average of recess daily preferably outdoors except on days when they receive physical education or structured activity time. Local boards of education shall adopt a policy to ensure that recess is safe and scheduled to provide a break in academic learning and shall not be withheld as punishment. Effective fall of 2019.

SB 83 Mullis – 53 **PASSED** Senate DO PASS in H.Education **DV**

The following courses may be made available to high school students:

- History and Literature of the Old Testament
- History and Literature of the New Testament
- On the Hebrew Scriptures, Old Testament of the Bible
- On the New Testament of the Bible
- On the Hebrew Scriptures an the New Testament of the Bible

The local board of education may recommend a version of the text to be used for study of the Old or New Testament, but the teacher or the student may choose another version. The material must be presented in an objective manner, and all laws on this subject are to be adhered to. **(HB 562)** The REACH (Realizing Educational Achievement Can Happen) scholarship for low-income students is added to the law books. **This scholarship has existed since 2012 but has never been codified. Doing so will ensure it will continue to exist.**

HB 130 Nix – 69 **PASSED** House DO PASS in S.Education & Youth

The Georgia Foundation for Public Education will become a non-profit (501.c.3) to aid the foundation in carrying out its powers. It will issue an annual report, copies to the chairs of the Education committees. It must declare its donors annually. **Currently, the Foundation supports programs in the state's special schools for the blind and deaf. Non-profit status is required by many donors.**

HB 459 Ehrhart – 36 **PASSED** House DO PASS in S.Public Safety **DV**

Local boards of education will submit twice yearly the names and drivers license numbers of persons driving school buses. DPS will notify the submitting local board if a drivers license or driving privileges have expired or been cancelled suspended or revoked. The bus driver is also tasked with such notification. The data is not available for public

disclosure. [HB 394] Police and fire chiefs may train and equip non-sworn police employees, fire fighters, and volunteers to assist in traffic control. Such persons shall not have arrest powers.

HB 527 Dickey - 140 **PASSED** House DO PASS in S.Finance  
QBE weights are changed to reflect appropriations.

HB 530 Hitchens - 161 **PASSED** House DO PASS in S.Education & Youth  
Parents may not remove a child from school to evade detection of child abuse and neglect. The local school district will receive a copy of the parent 'intent to home school' document which goes to DOE. If a child does not attend for 45 days and no intent to home school has been filed, the local school shall inform DFCS so an assessment can be made if the withdrawal was made to avoid educating the child.

## **EDUCATION – POSTSECONDARY**

SB 91 Hufstetler – 52 **PASSED** Senate DO PASS in H.Higher Education **DV**  
Accredited orthodontic schools are exempt from regulation of non-public postsecondary educational institutions.  
**Medical schools are already exempt.**

SB 161 Tippins – 37 **PASSED** Senate DO PASS in H.Higher Education **DV**  
Grades will be weighted .5 points for advanced placement, dual credit, or international baccalaureate courses when computing eligibility for HOPE and Zell Miller scholarships. **House adds:** Effective on signature of governor so 2019 graduates can benefit. **Weighting is already done by regulation, except for the weighting of an A, which was not done because it elevated enough students to the Zell Miller Scholarship which costs more to fund, thus denying the regular HOPE to other students. This proposal adds the weights to the A and has no fiscal note.**

## **GOVERNMENT – GENERAL**

SB 2 Gooch – 51 **PASSED** Senate DO PASS in H.Energy, Utilities & Telecommunications **DV**  
Authorizes electric membership corporations to offer broadband services. Prohibits cross-subsidization between the corporation's broadband and natural gas services or electric services. **An effort to bring broadband to rural GA.**

SB 6 Kirkpatrick – 32 **PASSED** Senate DO PASS in H.Public Safety & Homeland Security **DV**  
Bans the use of drones to deliver or attempt to deliver contraband to any state or county correctional facility. Drones cannot be used to photograph any place of incarceration without permission. Violation is a felony.

HB 197 Dempsey – 13 **PASSED** House DO PASS in S.Science & Technology  
The Office of Planning and Budget shall establish the Georgia Data Analytic Center to securely receive, maintain, and transmit data from various agencies and other entities. The data, which shall not be personally identified, is to be used for state research projects and grant applications.

HB 213 Corbett – 174 **PASSED** House DO PASS in S.Agriculture & Community Affairs **DV**  
Georgia Hemp Farming Act. This is commercial hemp. Growers will be licensed and processors will be permitted. Both will allow GBI, Department of Agriculture, state and local law enforcement to come onto property at any time to inspect. If the hemp has higher concentrations of THC than allowed, the entire crop will be destroyed. Only three processors will be allowed in the state and each must put up \$100,000 for consideration of a permit. Colleges and universities are asked to research additional uses for hemp and how better to grow it.

HB 227 Frye – 118 **PASSED** House DO PASS in S.Insurance & Labor  
Insurance companies cannot discriminate against a victim of sexual assault.

HR 228 Glanton – 75 **NNS** DO PASS in H.Judiciary

Urges the President and Congress to secure citizenship of internationally adopted adults.

## GOVERNMENT – COUNTIES AND CITIES

SB 95 Robertson – 29 **PASSED** Senate DO PASS in H.Energy, Utilities & Telecommunications  
A contract between a local government and a utility for services shall not exceed 20 years, currently 10 yrs.

HB 311 Welch - 110 **PASSED** House DO PASS in S.Judiciary **DV**  
Sovereign immunity can be waived for state and local governments and school districts when an aggrieved person has an injury or the imminent threat of injury due to a state law, agency regulation, local ordinance or policy or by an employee within the scope of the employee's official duties. Does not include monetary relief, attorney fees, or expenses of litigation. **As examples, one can collect damages if hit by a garbage truck or has property damage because of a government owned storm drain or water main break.**

HB 315 Newton – 123 **PASSED** House DO PASS in S.Government Oversight **DV**  
Consultants with contracts with counties, cities, local school boards, or other local government entities to prepare or develop specifications or requirement for bids, requests for proposal, procurement orders, or purchase orders shall agree to avoid any appearance of impropriety, follow all policies and procedures of the governmental entity, and disclose any transaction or relationship that could give rise to conflicts of interests.

HB 349 Martin - 49 **PASSED** House DO PASS in S.State & Local Government  
Counties may exercise redevelopment powers in incorporated areas within the county when authorized by resolution of the city governing authority.

## GOVERNMENT – COURTS AND CRIMES

SB 9 Jones – 22 **PASSED** Senate DO PASS in H.Judiciary Non-Civil **DV**  
Creates a misdemeanor of a high and aggravated nature for the crime of intentionally coercing another person over 18 to engage in sexually explicit conduct the first offense. Thereafter, the violation is a felony.

SB 29 Jones – 22 **PASSED** Senate DO PASS in H.Judiciary  
A sheriff, deputy sheriff, or other person from the sheriff's office shall have the same sovereign immunity as other local government employees and agents for motor vehicle claims.

SB 32 Kirkpatrick – 32 **PASSED** Senate DO PASS in H.Judiciary **DV**  
Anyone who acts in good faith and rescues or attempts to rescue an animal from a locked motor vehicle is not liable for civil damages.

SB 110 Stone - 23 **PASSED** Senate DO PASS in H.Judiciary **DV**  
Establishes the Business Court which was enabled by passage of the constitutional amendment in November 2018. **The fiscal note indicates it will take \$300,000 to establish the court and operating expenses will be about \$1 million/year. It expects to handle several hundred cases per year.**

HB 217 Gaines – 117 **PASSED** House DO PASS in S.Health & Human Services  
Employees and agents of syringe Services Programs are immune from civil and criminal liability for possession, distribution, or exchange of hypodermic syringes or needles and related supplies as part of such services.

HB 247 Silcox – 52 **PASSED** House DO PASS in S.Special Judiciary **DV**  
Repeals the enhanced penalty for a person who commits battery on a person age 65 or older. Exploitation shall now include the illegal taking of resources belonging to a disabled adult or elder person when access was obtained due to the disabled adult or elder person's mental or physical incapacity.

HB 281 Anulewiz – 42 **PASSED** House DO PASS in S.Judiciary

A pimping and pandering first violation is a misdemeanor of a high and aggravated nature. The second and subsequent violations are a felony.

HB 282 Holcomb – 81 **PASSED** House DO PASS in S.Judiciary **DV**

Evidence in sexual assault cases can be held forever, currently 10 years, if the victim cooperates with law enforcement. Otherwise, the evidence is kept for a minimum of one year.

## **GUNS**

HB 33 Lumsden – 12 **PASSED** House DO PASS in S.Veterans, Military & Homeland Security

Active duty service members located out of state shall have 6 months after discharge from active duty or from reassignment to this state to renew their gun carry license. Must carry military orders or written verification by commanding officer as to his/her service. ***One wonders why six months for this, when they must get their drivers license renewed within 30 days.***

## **HEALTH**

HB 63 Cooper - 43 **PASSED** House DO PASS in S.Insurance & Labor **DV**

Requires health benefit plans to establish step therapy protocols. ***Step therapy is where cheaper therapies must first be used before insurance will cover more expensive ones.***

SB 106 Tillery – 19 **PASSED** Senate DO PASS in H.Special Committee on Access to Quality Health Care

Authorizes application for a Medicaid waiver before June 30, 2020, to serve patients with incomes up to 100% of the federal poverty level. ***Currently, in GA Medicaid serves very few adults, mostly children.***

HB 481 Setzler – 35 **PASSED** House DO PASS in S.Science & Technology **DV**

Abortions cannot be performed if a heartbeat has been detected unless the fetus is not viable or the life of the mother is at risk, rape or incest. Unborn children shall be counted in state population based determinations and can be claimed as a dependent on the parents' income tax filing. ***Does this unborn child require a name, a social security number, and a birthdate as other dependents do?***

## **REVENUE & TAXATION**

SB 65 Harper – 7 **PASSED** Senate DO PASS in H.Ways & Means **DV**

The transfer of a motor vehicle title between legal entities, each at least 50% owned by the same person, is not a taxable event.

HR 164 Powell – 171 **PASSED** House DO PASS in S.Appropriations **DV**

CA to have fees or taxes collected for a specified purpose be used for that purpose. Such revenues sources shall have a ten-year duration. If the revenues are 1% or more of the total state revenues, the funds cannot be dedicated. ***The state budget is currently about \$26 billion; 1% is \$260 million.) Often, these fees/taxes are used to keep the state in business during recession years rather than for the purpose for which they were imposed or they are deposited in the general fund rather than a specific fund and simply not used for their declared purpose.***

HB 182 Harrell – 106 **PASSED** House DO PASS in S.Finance

E-retailers must collect sales tax if they do \$100,000 a year business with Georgia residents, currently \$250,000. They are no longer required to notify customers of the need to pay the use tax if sales tax is not collected.

SB 216 Mullis - 53 **PASSED** Senate DO PASS in H.Ways & Means **DV**

Local governments may collect prepayments of ad valorem (property) taxes. Taxpayers shall exercise a prepayment agreement with the local government for no more than the amount of tax levied in the prior year. Prepayment can also be made in installments if the agreement stipulates. Effective 7-1-19.

HB 221 Rogers – 10 **PASSED** House DO PASS in S.Finance

The GA World Congress Center limit on bonded indebtedness is increased to \$500,000,000, currently \$400 million.

HB 266 Weidower - 119 **PASSED** House DO PASS in S.Finance

Doubles the income tax deduction for contributions to 529 plans to \$4000 per year per beneficiary. Effective tax year 2020.

HB 314 Stephens – 164 **PASSED** House DO PASS in S.Finance **DV**

Provides for titling of watercraft to use GA waters except vessels owned by the federal government. Owner shall present a bill of sale to demonstrate that the sales tax has been paid.

HB 365 Blackmon – 146 **PASSED** House DO PASS in S.Finance **DV**

The fair market value of a used motor vehicle used for alternative motor vehicle tax shall be the retail price paid. The combined rate for state and local tax shall not exceed 6.6% of fair market value from July 2019 through June 2023, currently 7%. Motor vehicles model years 1963 through 1989, currently 1985, shall be taxed at .5%.

## **TRANSPORTATION & DRIVING**

HB 307 Powell - 32 **PASSED** House DO PASS in S.Judiciary **DV**

Abandoned Motor Vehicle Act. Outlines an extensive procedure for dealing with motor vehicles that are left on roads and public rights of way, private property, or at repair shops. Costs of towing, storing, selling, and getting information on the owner(s) can be recovered from the sale of the motor vehicle or paid by the owner.

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## **NEW LEGISLATION**

### **LOCAL – FULTON and its CITIES**

SB 251 Jordan – 6 S.SLGO and

HB 656 Jackson - 64 H.Local Legislation

The chairperson of the Fulton County Board of Registration and Elections shall be chosen by the county commission.

***Currently, the law provides that the Fulton County legislative delegation shall choose the board chairperson, but to date has never done so. The current chair was chosen by the county commission prior to the change in the law which was prompted by significant disappointment of the local delegation in the performance of the previous chairs.***

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League of Women Voters – Atlanta/Fulton

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