

5 April 2019

LWVAF, Report from the Capitol, Week 12

Adjournment Sine Die! It's over. This week the General Assembly met for just one day, Day 40, but it felt like three days or more. Included herein are the bills that have appeared in this newsletter which passed. Bills that have not passed are eligible for consideration next year, except for those that failed on a floor vote.

The governor has 40 calendar days to either sign or veto bills, which is May 12. In Georgia, bills not signed become law anyway. Most take effect July 1, the beginning of the fiscal year. However, some were passed to take effect upon governor's signature. Others take effect on January 1, particularly tax bills which align with the tax year.

Not all final versions of bills have been posted, so it is possible that different wording passed than what is reported here. That will be corrected when the final report is issued.

See you next year.

BOLD Bill Number = final passage

NNS = Needs No Signature

TGFS = To Governor for Signature

In CHAMBERS

CHILDREN

HB 70 Efstration – 104 **TGFS** A clean up of the guardian/conservator process for minors in GA.

HB 79 Gilliard – 162 **TGFS** Blind persons shall not be discriminated against by the courts, Department of Human Services, or a child-placing agency in matters relating to child custody, guardianship, foster care, visitation, placement, or adoption. The purpose is to prevent children being removed from blind parents or caregivers.

HB 228 Welch – 110 **TGFS** Minimum age for marriage is age 17, currently 16. Person must also be an emancipated minor. The older party may not be more than 4 years older, and each member of the couple shall have completed approved premarital education. An earlier marriage with parental consent is repealed. The Department of Public Health is to prepare a fact sheet for public availability for premarital educational providers. If the parties marry in another state and return to Georgia, the age requirements for marriage still apply.

HB 543 Efstration – 104 **TGFS** A court may appoint an equitable caregiver to an unrelated person. The caregiver must have established a bond with the child, such as a widowed stepparent and must have behaved as a parent and accept full and permanent responsibility of the child without expectation of any compensation.

HR 585 Gilliard - 162 **NNS** Creates the 11-member House Study Committee on Gang and Youth Violence. There will be 5 legislative members and the Commissioner on Juvenile Justice or designee, the Commissioner of Human Services or designee, and the State School Superintendent or designee, plus 3 persons who are representatives of community or social services organizations having programs for youth to be appointed by the Speaker. GA has 71,000 gang members or associates. The committee will study and make recommendations on getting sufficient resources to combat gangs which are taking lives and damaging property of GA residents.

HR 590 Bennett - 94 **NNS** Creates the 8-member House Study Committee on Pediatric Acute-Onset Neuropsychiatric Syndrome (PANS) and Pediatric Autoimmune Neuropsychiatric Disorder Associated with Streptococcal infection (PANDAS). There will be 5 legislative members and a practicing psychiatrist, pediatrician, and public health practitioner.

Both conditions cause sudden onset of obsessive-compulsive disorder in children who often develop tics, severe separation or general anxiety, irritability, aggression, personality changes, ADHD, marked deterioration in school performance and developmental regression. It is estimated that 1 in 200 children have PANS or PANDAS. Either can be very expensive to treat and many insurance companies do not cover the costs. Many health care providers are not knowledgeable about the newer, more effective treatments and training is needed. Early treatment can produce marked improvement which may prevent childhood mental illnesses and depression.

EDUCATION – PREK – 12

SB 15 Albers – 56 **TGFS** Keeping Georgia’s Schools Safe Act. Every public school, K-12, shall conduct a threat assessment, an evaluation to effectively respond, prevent, or reduce the threat of violence, mass casualty incidents, and other acts of violence, natural disasters, and hazardous materials or radiological accidents. The first shall be done by January 1, 2021, and every 5 years thereafter. Additional safety issues to be included in the resulting School Safety Plan are risks in school safety zones, for school functions in non-instructional hours, and in school transportation of students. Safety plan drills are required. The principal or designee will act as the school safety coordinator. Safety coaches are optional for schools and may be paid or volunteer. GEMA shall train school safety coaches who shall be current or former members of the armed forces, law enforcement, or fire departments.

HB 68 Carson – 46 **TGFS** 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. ***The Senate had added the Educational Savings Account bill, a form of voucher, in committee but it was removed by the Rules committee before it went up for a vote. League of Women Voters OPPOSES vouchers in any form***

SB 83 Mullis – 53 **TGFS** 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 and 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. 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 subject to appropriations.***

HB 459 Ehrhart – 36 **TGFS** 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. 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.

GOVERNMENT – GENERAL

SB 2 Gooch – 51 **TGFS** 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.***

HB 25 Belton – 112 **TGFS** A military service member with orders to relocate for 90 days or more may cancel services for television, video, or audio programming or internet access or membership in a health spa without penalties.

SB 77 Mullis - 53 **TGFS** Anyone who damages, destroys, loses a government owned monument or memorial or removes it without replacing it shall be liable for triple the cost of repair or replacement and possible damages, attorney fees, and court costs.

HB 213 Corbett – 174 **TGFS** 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.

GOVERNMENT – COUNTIES AND CITIES

HB 311 Welch - 110 **TGFS** Sovereign immunity can be waived for state and local governments, but not 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 **TGFS** 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.

GOVERNMENT – COURTS AND CRIMES

SB 9 Jones – 22 **TGFS** 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 31 Rhett – 33 **TGFS** Law enforcement officers will not be liable for any action done while performing any duty at the scene of an emergency while rescuing pet out of a locked vehicle when same is in danger. ***Clarifies existing code.***

HB 239 Efration – 104 **TGFS** Enabling legislation for the creation of a Business Court approved by voters in November 2018. The court will be located in Atlanta, have a judge who is a lawyer with experience in business litigation. Provides for clerks, aides, and authority to establish a court system, details how cases can get to this court and any appeals therefrom. Effective 1-1-20.

HB 282 Holcomb – 81 **TGFS** Evidence in sexual assault cases can be held 30 years from date of arrest or 7 years from completion of sentence, whichever occurs last, currently 10 years. If no arrest is made, the evidence is to be kept for 50 years.

HB 353 Carpenter – 4 **TGFS** Staging a motor vehicle collision with the intent to commit insurance fraud is a felony with a penalty of one to 5 years in prison. Aggravated staging of a motor vehicle collision occurs if someone is injured or dies and the penalty is 5 to 20 years in prison. Making a fraudulent claim related to staging a motor vehicle collision can get 1 to 5 years.

HB 424 Silcox – 52 **TGFS** Gang activity includes trafficking anyone for labor or sexual servitude.

HB 470 Sainz – 180 **TGFS** Persons charged as first offenders must provide a DNA sample for analysis. ***Currently, DNA is not required unless one has been convicted.***

GOVERNMENT – EMPLOYMENT

SB 171 Wilkinson - 50 **TGFS** Increases the state compensation for clerks of the superior court, judges of the probate court, magistrate judges, sheriffs, chief deputy registrars, tax collectors and commissioners. Fulton, Cobb, DeKalb and Gwinnett are not affected because they have local legislation which sets the salaries for these employees. **Local employees required by the state constitution have not had a raise in 13 years, although they have received COLA increases. This bill increases the base salary with all the COLAs and adds another 5%. Effective January 2021.**

HB 279 Lumsden – 12 **TGFS** Law enforcement officers appointed by the Commissioner of Department of Revenue as a special agent or enforcement officer may use a departmental vehicle while working an off-duty job which requires police powers, have been approved by the commissioner, and has been determined to further the department’s mission and service to the state. The vehicle cannot be used at any political function.

GOVERNMENT – ENVIRONMENT

HR 48 Gilliard - 162 **NNS** Supports GA’s coastal tourism and fisheries and opposes off-shore drilling and seismic testing.

HB 220 Rogers – 10 **TGFS** The tire disposal fee sunset date is extended to June 2022, currently July 2019. Owners or operators of a solid waste disposal facility will collect a 51 cent/ton surcharge until 6-30-22, currently 75 cents/ton.

GOVERNMENT – FEDERAL ISSUES

HR 51 Morris - 26 **TGFS** Creates the six-member Georgia-North Carolina and Georgia-Tennessee Boundary Line Commission to meet with similar commissions of North Carolina and Tennessee. A faulty survey in 1818 of the boundary has never been corrected. The true boundary is the 35th parallel, north of the southernmost bank of the Tennessee. **Georgia wants access to the water in the Tennessee River to meet the needs of its growing population.**

HEALTH

HB 63 Cooper - 43 **TGFS** 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.**

HB 166 Silcox – 52 **TGFS** Genetic counselors are to be licensed.

HB 345 Cooper - 43 **TGFS** Prohibits the use of restraints on pregnant inmates during labor or delivery unless there is reason to believe the inmate may injure herself or others.

HB 324 Gravely – 67 **TGFS** Georgia Hope Act. Permits the growing, processing, and selling of marijuana for those on the Low THC oil registry, about 8400 people. Creates the Georgia Access to Medical Cannabis Commission which shall license and oversee all growers, processors, and retailers. Allows 2 licensees to grow marijuana and 2 processors which have extensive background requirements and very high license fees, \$250,000 for growers and \$100,000 for processors. Sites for growing and processing must be 3000 feet away from any school, early care and education location or house of worship. The University of Georgia will be the central research institution, will receive all seeds, plants, and materials and send them to other institutions which are doing research. The General Assembly will create a Medical Cannabis Oversight Committee to review all activity. Each plant and product will be uniquely identified from seed to user to better able to track that the product is going only to an authorized medical user. The product will be sold only to doctors from whom the patients will get it. **This proposal has extensive elements to ensure that only the authorized users get these products, that growing and production facilities can be inspected at any time, that tracking the product from seed to user does not allow for diversion of any of it. The bill states affirmatively that recreational use of marijuana is still against the law in this state and nation and GA is not about to allow it to happen.**

HR 589 Newton - 123 **NNS** Creates the 9-member House Study Committee on Maternal Mortality. Membership shall be 7 legislators of which two are African American women and 2 members of the GA Maternal Mortality Review Commission. The committee will review the data that suggest women in the U.S. are more likely to die of childbirth or pregnancy related causes than women in other high-income countries; GA is among the 10 highest states in maternal mortality; 60% of maternal deaths are preventable; and current GA Maternal Mortality Review Commission, which has been meeting for 3 years, needs more data and time to determine their recommendations.

REVENUE & TAXATION

SB 120 Albers - 56 **TGFS** An economic analysis issued by the state auditor shall be required for any bill that provides a tax incentive or extends an existing tax incentive, defined as an exemption, exclusion or deduction. The analysis shall be an estimate for 5 years of the net effect on the net change in state revenue, state expenditures, economic activity, public benefits. The analysis must be attached to the bill for any further action in the General Assembly or for it to take effect, if passed. As of May 1, the chairs of House Ways & Means and Senate Finance may each request up to three economic analyses to be done by December 1. Each request is to be limited to one provision and shall specify an exemption, exclusion, or deduction from the state tax base, or credit against a tax, deferral of a tax, rebate of taxes paid, tax abatement, or preferential tax rate to be analyzed.

SB 138 Martin - 9 **TGFS** Disabled first responders will get a free license plate, an income tax exemption for disability payments, and an exemption for title ad valorem tax, TAVT, up to \$50,000 for all autos owned. Includes law enforcement officers, fire fighters, emergency medical technicians all of whom were injured in the line of duty. Authorizes a license plate to recognize the Sickie Cell Foundation of GA.

HB 314 Stephens – 164 **TGFS** 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.

TRANSPORTATION & DRIVING

SB 103 Davenport – 44 **TGFS** Airports owned, controlled, or operated by a county, city or other political subdivision, shall provide at least 2 priority parking spaces for disabled veterans whose vehicle has a veterans license plate.

SB 227 Martin – 9 **TGFS** A special license plate for the GA Alliance of Boys & Girls Clubs. A distinctive logo or emblem shall be designated for the license plates of an alternative fueled vehicle owned by any manufacturer, distributor, or manufacturer headquarters. Vehicles with this license plate can use the HOV and other preferential use lanes. ***Vehicles must still have two or more persons to use such lanes.***

HB 307 Powell - 32 **TGFS** 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.

HB 339 McClain – 100 **TGFS** Special license plates are authorized for the GA Aquarium, Autism Alliance of GA, Alpha Kappa Alpha Sorority, and Alabama A & M University. Fees collected will support the designated organizations.

LOCAL – FULTON and its CITIES

SB 250 Jordan – 6 **TGFS** Fulton County State Court shall have the same number of judges as the combined number of judges in the Civil Court of Fulton County and the Criminal Court of Fulton County. The chief judge may appoint, with a majority vote of the other judges, up to four people to serve as pro tempore judges, pro hoc judges, and judicial officers on a part-time basis.

HB 460 Robichaux – 48 **TGFS** The City of Roswell is authorized to levy an excise tax up to 8% on any room in a hotel, motel, inn, etc. Proceeds will be used for promoting tourism, conventions, and trade shows, and tourism product development.

HB 656 Jackson - 64 **TGFS** 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 county elections department which the board oversees. The other members of the board are selected by the political parties.***

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