

1 February 2019

## LWVAF, Report from the Capitol, Week 3

This week the General Assembly met for three days, completing Days 5 through 7 of the 40 legislative days allowed. The Senate did not meet on 'Snow' day, and the House met only briefly but long enough to have it count. They take a long 5-day weekend for the Super Bowl and return on Tuesday for a four day week. There will be another schedule adopted by Friday for future legislative days.

Election bills are somewhat more visible this year, after our very close gubernatorial election last November. Some are very concerned about the candidate for governor being the chief election official (i.e. the Secretary of State) for that election. There is also an increasing resistance to purging the voter registration files. Expect lots of discussion on these issues.

Purging the voter registration files is allowed by both federal and state law. People who die, move out of state, are serving a sentence for a felony, are adjudged incompetent clearly cannot cast a vote in GA. There is no need to have these people on the voter rolls. The objection to purging seems to come from those who are purged for a defined period of inactivity at the polls. In GA, if a voter does not vote in any election for two consecutive general elections which are held every two years, the county voter registration office is required to try to contact that person to verify their address. If there is no response for three additional years, the voter's registration is dropped.

What might have happened to such a voter? Some might have died out of state and no one in state notified GA officials. Others might have been incarcerated out of state. And there is the registrant that is simply apathetic and simply didn't bother to go cast that vote. The question is: "Are these sufficient reasons to keep these individuals on the voter registration rolls at taxpayer expense?" If the answer is 'NO', then the discussion is "How long shall the state wait to decide the voter is not eligible any longer to vote in GA?"

Each report of the Legislative Newsletter is posted at [www.lwvaf.org](http://www.lwvaf.org), and most if not all of it is also part of the Under The Gold Dome legislative newsletter of the LWV of Georgia and posted at [www.lwvga.org](http://www.lwvga.org).

-----

**CA** = constitutional amendment. Requires a 2/3s vote in each chamber and a majority vote in the next general election scheduled for November 2020.

**NNS** = Needs No Signature

-----

### **In COMMITTEE**

#### **EDUCATION – PREK - 12**

SB 25 Health – 31 DO PASS in S.Government Oversight

Clarifies when a motor vehicle must stop for a school bus approaching from the opposite direction.

#### **GOVERNMENT – GENERAL**

HB 23 Houston – 170 DO PASS in H.Economic Development & Tourism

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 22 Houston – 170 DO PASS in H.Economic Development & Tourism

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

-----

## NEW LEGISLATION

### CHILDREN

HB 79 Gilliard – 162 H.Juvenile Justice

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 80 Werkheiser – 157 H.Judiciary

To be eligible for food stamps, one must cooperate with child support enforcement in making child support payments.

### EDUCATION – PREK - 12

HB 32 Tanner – 9 H.Education

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 list of 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 40 Scott = 76 H.Education

Requires local school systems to conduct dyslexia screenings every year in K-2 and as recommended by the teacher in grades 3-12. Requires the State School Superintendent to employ a dyslexia consultant. ***In recent years the legislature has refrained from ‘requiring’ and instead recommends, asks, or incents the agency or school district to act.***

SB 40 Jackson – 2 S.Judiciary

Bans all sexual contact between an employee or a volunteer in a school in a school and an enrolled student.

HB 53 Carpenter – 4 H.Education

A local school system cannot discriminate against a student or parent based on religious views or expression. Requires the school district to allow students free expression of their religious viewpoint in homework, artwork, and other assignments. Students in public schools may pray or engage in religious activities during the school day, before and after. Religious groups are to be given same access to school facilities as other groups and may wear clothing and jewelry displaying religious symbols or messages. The local school district shall adopt a policy providing student speakers at all school events, especially graduation. The proposal includes a sample policy for adoption by school districts. Permits employees the same freedoms and may sponsor religious groups assisting them in planning meetings and activities, be present for student led religious expression. ***This bill sponsor seems not to be aware that the U.S. Supreme Court has ruled on these very issues and their directions cannot be trumped by state law.***

HB 59 Belton – 112 H.Education

Students in military families may enroll in a school based on military orders of the parent, rather than after establishment of residency.

HB 68 Carson – 46 H.Education

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.

HB 69 Turner – 21 H.Education

A student is eligible for a special needs scholarship if the student was previously qualified therefore. ***This does not allow a student to be remedied from a special education.***

HB 75 Ehrhart – 36 H.Public Safety & Homeland Security

Drivers have to stop for a school bus when the roadway is divided by a barrier or grass way, not with just a turn lane.

HB 78 Clark – 98 H.Education

High school students participating in interscholastic athletic activities are to be informed about sudden cardiac arrest. Coaches are to review such guidelines annually.

HB 83 Douglas – 78 H.Education

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.

HB 86 Benton – 31 H.Education

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.

HB 87 Clark – 98 H.Education

Home study students may participate in extracurricular and interscholastic activities in the student's resident public school system. The student's academic progress shall be attested to by the parent. Bans athletic associations from prohibiting such students' participation. Fees may be charged on the same basis as for enrolled student. ***Currently, academic standing is attested to by faculty of the school. Athletic associations typically require member schools to allow only full-time enrolled students to participate in an event or activity that represents that school. Home school parents feel their student is eliminated for consideration of sports scholarships because of inability to play on a team. The decision to home school was made by the parent, not the public school or school system.***

## **EDUCATION – POSTSECONDARY**

HB 16 Scott – 76 H.Higher Education

Excludes foster care assistance from income for financial aid for homeless and foster youth applicants and students in the university system and the technical colleges.

HB 36 Trammell – 132 H.Higher Education

Creates a HOPE tuition-free grant for students seeking certification or diplomas in a Technical College institution in a high demand field as determined by TCSG. If one already has a baccalaureate degree, one is not eligible. Any student is limited to 127 semester hours of HOPE of any type.

HB 42 Turner – 21 H.Higher Education

A borrower in default for an educational loan through the GA Higher Education Assistance Corporation or a federal agency cannot have a license suspended or be refused to have one issued one or renewed.

HB 60 Belton – 112 H.Higher Education

Dependent children of active duty military stationed in GA or at time of enrollment shall be classified as in-state for tuition purposes by the University System of GA and the Technical College System of GA.

## **ELECTIONS & ETHICS**

HR 8 Scott – 76 H.Government Affairs

CA for currently elected officials shall have their offices declared vacant when they qualify to run for another state or local office.

SB 11 Jones- 22 S.Judiciary

Convictions for offenses involving the purchase possession, or control of certain controlled substances shall not prevent persons from registering, remaining registered, or voting. ***Such controlled substances are those on Schedule I or narcotics on Schedule II.***

SB 30 Kirkpatrick – 32 S.Ethics

Uniformed and Overseas voters shall be empowered to return their absentee ballot by fax or email as well as regular mail. The State Election Board shall adopt rules or regulation by Jan 1, 2020,

SR 52 Parent – 42 S.Reapportionment & Redistricting

CA to require that legislative and congressional reapportionment be done by an independent non-partisan commission of 14 persons, five from each legislative chamber and four non-partisan persons. The Senate shall be between 30 and 56 members and the House between 120 and 180 members. The criteria for drawing districts are itemized and the definition of non-partisan member is defined. ***This language addition is very specific, eliminating much of the need for enabling legislation.***

HB 57 Kendrick – 93 H.Government Affairs

Absentee ballots shall be mailed to each registered voter between the 45 and 49<sup>th</sup> day before an election or primary. Persons registering to vote after the first mailing will be sent a ballot upon approval of the registration. If a voter chooses to vote in person, the voter shall request cancellation of the absentee ballot. Voters wishing to vote in person during early voting or on election day can cancel their absentee vote if it has not yet been received by the county election department. Deletes the provision that a ballot can be delivered to a person in the hospital on election day. ***This is currently done in several states where the voters register by party, which GA does not do. For a general election, a referendum, or a special election where political party is not a factor, this could be done. For a primary, the county elections departments do not know which ballot to send. Applying for an absentee ballot is eliminated.***

HB 71 Turner – 21 H.Judiciary

Within 30 days of an election, primary, or referendum, any provision of a homeowner association or local ordinance that bans 3 or fewer signs that each does not exceed 6 square feet shall be void and unenforceable.

## **GOVERNMENT – GENERAL**

SB 6 Kirkpatrick – 32 S.Public Safety

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 15 Scott – 76 H.Government Affairs

Housing providers must grant preference for homeless veterans who are former members of the US armed forces or GA's National Guard. Honorable discharge is not specified. Homelessness includes living out of a motor vehicle, in short term shelters, in a place not meant for human habitation, etc.

## **GOVERNMENT – COUNTIES AND CITIES**

HB 34 Burnough – 77 H.Government Affairs

Membership on development authority boards shall be residents of licensed business owners who pay property taxes within the city or county of the authority. Directors may be removed for cause such as neglect of duties, incompetence, failure to meet residency requirements, unethical or dishonorable conduct likely to deceive, defrauding or harming the public, county or city. A hearing is required. ***Some reasons for removal are subjective and not defined in this proposal.***

HB 76 Stephens - 164 H.Regulated Industries

Local counties and cities may regulate alcohol licenses as to distance that is less but not more restrictive than those in state law.

## GOVERNMENT – COURTS AND CRIMES

SB 1 Parent – 42 S.Judiciary

The penalty for hit and run accidents without malice aforethought which result in serious injury shall be guilty of a felony and imprisonment for 1-10 years.

HB 17 Scott – 76 H.Judiciary Non-Civil

Smoking in a vehicle, whether moving or parked, with a child under age 13 shall be a misdemeanor.

SB 29 Jones – 22 S.Special 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 31 Rhett – 33 S.Special Judiciary

Law enforcement officers will not be liable for any action done while performing any duty at the scene of an emergency while rescuing a person or pet out of a locked vehicle when same is in danger. **Clarifies existing code.**

SB 32 Kirkpatrick – 32 S.Special Judiciary

Anyone who in good faith rescues or attempts to rescue a person or an animal from a locked motor vehicle is not liable for civil damages.

SB 34 Jones – 10 S.Judiciary

A person diagnosed with a disability within the last 10 years, currently 5 years, must be evaluated by a psychologist or psychiatrist before being issued a license to carry. All transfers or purchase of firearms can only be made by those with no disability during the last 10 years unless evaluated.

SB 35 Jones – 10 S.Judiciary

Sex offenders cannot reside within 2000 feet of their victims or the immediate family members of the victim, and may not loiter near those residences. If the victim or an immediate family member moves within 2000 feet of where the sex offender lives, the sex offender is not guilty of this offense.

SB 39 Jackson – 2 S.Public Safety

Local law enforcement agencies shall have the option to destroy or sell firearms confiscated from guilty criminals. If sold, it shall be only to licensed dealers collectors, importers, or manufacturers.

HB 43 Setzler – 35 H.Judiciary Non-Civil

Persons in authority over K-12 students, persons detained or on probation or parole, patients in hospitals, disabled, or persons in therapy, and who engage a person in sexual contact or sexually explicit conduct is guilty of sexual assault in the second degree and can be punished for 1-5 years and up to \$25,000 for the first offense. A second offense will get 1-25 years imprisonment and up to a \$100,000 fine.

HB 77 Clark – 98 H.Judiciary Non-Civil

Fraud with regard to public assistance, food stamps, or Medicaid of more than \$1500 shall be a felony with imprisonment of 1-5 years.

HB 88 Thomas – 56 H.Judiciary Non-Civil

A hit and run when serious injury is incurred shall be a felony, guilty of serious injury by vehicle.

## GOVERNMENT – CAPITOL AND GROUNDS

SB 4 Jordan – 6 S.State Institutions & Property

A private lactation room shall be provided in either the Capitol or Legislative Office Building for use by the public. The room must insure the privacy of the occupant and have an electrical outlet.

## GOVERNMENT – EMPLOYMENT

SB 27 Jones – 10 S.Insurance & Labor

Federal workers, furloughed after Dec. 22, 2018, who provide services without pay shall be considered 'unemployed' and shall be eligible for unemployment compensation.

## GUNS

HB 33 Lumsden – 12 H.Public Safety & 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.***

SB 33 Jones – 10 S.Public Safety

Weapons cannot be carried in any government building. ***Currently, licensed to carry persons can enter the building and if they immediately exit, they are not guilty of an infraction.***

HB 55 Bruce – 61 H.Public Safety & Homeland Security

Bans printing, production, or possession of firearms produced on a 3-D printer.

HB 58 Burnough – 77 H.Public Safety & Homeland Security

Persons convicted of crimes of family violence, single battery, or battery, may not receive, possess, or transport firearms.

HB 74 Turner – 21 H.Public Safety & Homeland Security

Ride share services (Uber, Lyft, etc.) cannot require drivers to not carry weapons or have them in the vehicle if they are licensed to carry.

## HEALTH

SB 28 Jackson – 2 S.Health & Human Services

Copayments, coinsurance, or office visit charges for physical therapists, occupational therapists, or chiropractors shall not exceed that for a doctor or osteopath.

SB 36 Henson – 41 S.Health & Human Services

Authorizes appropriations for Medicaid expansion and getting federal funds. The appropriation authorization is not required if the feds do not provide at least 90% of the funding.

HB 37 Trammell – 132 H.Appropriations

Authorizes state appropriations for Medicaid expansion. ***This doesn't appropriate money, but allows it to be so if agreed to.***

HB 84 Smith – 134 H.Insurance

Health care providers shall provide information to patients of the health care plans with which it has contracts. If there is no contract with the health plan of a patient or potential patient, the provider shall provide the estimated cost of services prior to its delivery, the name of other providers who may be servicing that patient, and other information relating to that patients care that can help that patient decide if such care should be given.

HB 89 Martin – 49 H.Special Committee on Access to Quality Health Care

Integrated ambulatory surgery centers shall be exempt from certificate of need requirements. A center is a single neuromuscular orthopedic sports medical complex operated with an integrated athletic training and medical educational facility for athletes, ancillary services such as physical therapy and diagnostic imaging, medical research activities and physician training and education for sports medicine with a campus of 400,000 square feet. ***The Falcons Sports Medical Center, perhaps?***

## REVENUE & TAXATION

HR 7 Scott – 76 H.Appropriations

CA to use the proceeds of one or more lottery games to benefit homeless military veterans. Enabling legislation is HB 14.

HB 14 Scott – 76 H.Appropriations

Lottery proceeds may be used for assistance to homeless veterans who have served on active duty or with the National Guard and have been honorably discharged. Would be administered like the lottery funds for education, with a separate accounting. Enabling legislation for HR 7.

HB 35 Watson – 172 H.Ways & Means

A sales tax exemption to any nonprofit which provides poultry diagnostic and disease monitoring services.

HB 41 Dickerson – 113 H.Ways & Means

An income tax credit for film, gaming, video, or digital production in GA to those employing veterans with two years of active duty and an honorable discharge. The credit is 5% of the salary up to \$100,000.

HB 48 Gilliard – 162 H.Ways & Means

A tax exemption for state motor fuel and compressed natural gas in public mass transit vehicles owned by a public transportation system for which fares are routinely charged, for use in vehicles owned by a public campus transportation system that has free transfer of passengers to and from the public transportation system in the jurisdiction in which the campus is location, and for public school buses owned by local school systems for the transportation of students. ***Proposed enactment of a previously repealed provision.***

HB 65 Lumsden – 12 H.Ways & Means

County SPLOST funds may be used for cloud-based software or software services to administer a government function of a county or city provided payments will end prior to the period the SPLOST collections end.

HB 85 Houston – 170 H.Ways & Means

A sales tax exemption to organ procurement organizations. An annual report to Department of Community Health must be submitted indicating the number of donors and transplants during the previous fiscal year.

## TRANSPORTATION & DRIVING

SR 24 Beach – 21 NNS S.Transportation

The Senate asks that 10 cents of the 18.4 cents of federal motor fuel tax be kept in the state and not sent to Washington and be used for projects within the state. Claims the projects could be streamlined and constructed faster than currently done when money has to be asked for from the federal fund.

HB 56 Silcox - 52 H.Motor Vehicles

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. ***Do the drivers of such vehicles still need two or more persons in the vehicle to use such lanes?***

#####

Sally FitzGerald, Capitol Observer

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

League of Women Voters – Atlanta/Fulton

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

***Know the issues. Join the conversation. Make a difference.***