

15 February 2019

LWVAF, Report from the Capitol, Week 5

This week the General Assembly met for 5 days, completing Day 16. It will return Tuesday for a four-day week.

Things are beginning to move. Often, making legislation is like pouring peas into a funnel, where the intake end is quite large but the output end is much smaller in diameter. There is currently a huge introduction of legislation, most of which will have a hard time getting out of committee and an almost impossible time ever passing just one chamber. This report will begin to focus more on those bills that are moving. CrossOver day, when bills must pass out of the chamber of origin to be considered for passage this year, is March 7, Day 28, just 12 legislative days from today. It must be on a very pertinent subject and generally sponsored by a legislative leader to jump ahead of those other bills already in the queue.

The only bill that must pass is the budget for fiscal year beginning in July 2019 and ending June 2020, FY20. The amended budget for FY19, the current year, is almost as important because it trues up the numbers for activities in progress and allocates excess revenues. If not appropriated, the excess revenues go into the rainy day fund which can only be spent for very specific items.

A slew of bills changing election law have introduced. One changes election law to accommodate our proposed new voting equipment.

When to stop for a school bus has been clarified. That bill on its way to the governor for signature.

League Day at the Capitol is Tuesday, February 19, 2019. The subject matter is reapportionment. Hope to see you there.

This report will be posted at www.lwvaf.org and at www.lwvga.org as part of the Under The Gold Dome.

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.

NNS = Needs No Signature

TGFS = To Governor for Signature

In CHAMBERS

EDUCATION – PREK – 12

SB 25 Health – 31 **PASSED** Senate **PASSED** House **TGFS**

A motor vehicle must stop for a school bus unless on a highway with separate roadways for different directions which are separated by a green median, unpaved area, or a physical barrier. ***A bill passed last year also included as a divider a left turn lane. Both drivers and enforcement officers were confused. This bill cleans up the language.***

GOVERNMENT – GENERAL

HB 23 Houston – 170 **PASSED** House S.Regulated Industries & Utilities

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

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 25 Belton – 112 **PASSED** House

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.

HB 184 Harrell – 106 **PASSED** House

Streamlines the deployment of wireless broadband, 5G, in public rights of way.

GOVERNMENT – FEDERAL ISSUES

HR 51 Morris - 26 **PASSED** House

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 62 Cooper – 43 **PASSED** House S.Health & Human Services

A mammogram showing dense breast tissue will require a notice to the patient and the referring doctor as to its presence and the difficulty it presents of detecting cancer. Other tests may be required.

In COMMITTEE

EDUCATION – PREK-12

SB 48 Martin – 9 DO PASS in S.Education & Youth

Provides that all students in K-12 be tested for dyslexia. DOE shall produce an informational handbook for local school systems.

HB 59 Belton – 112 DO PASS in 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 69 Turner – 21 DO PASS in H.Education

A student is eligible for a special needs scholarship if the student was previously qualified therefore. ***This does not recognize a student being transferred out of special education.***

HB 130 Nix – 69 DO PASS in H.Education

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.***

GOVERNMENT – CAPITOL AND GROUNDS

HR 1 Ralston – 7 **PASSED** House DO PASS in S.State Institutions & Properties

Names the new judicial building being constructed on Capitol Avenue the Nathan Deal Judicial Center. ***This building is being built on the site of the former Archives building.***

SB 4 Jordan – 6 DO PASS in 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.

HEALTH

HR 135 Efstration – 104 **NNS** DO PASS in H.Health & Human Services

Urges Congress to eliminate the five-month waiting period for disability insurance benefits for a person living with ALS, amyotrophic lateral sclerosis.

HB 158 Silcox – 52 DO PASS in H.Health & Human Services

Medicaid recipients have the same access to antiretroviral regimens used to treat HIV and AIDS as those included in the formulary established for the Georgia AIDS Drug Assistance Program.

HB 160 Dempsey – 13 DO PASS in H.Health & Human Services

The pilot program for bariatric surgical procedures for treatment and management of obesity is to be reinstated under a state health insurance plan such as health insurance plans for state employees, teachers, and public school employees.

HB 166 Silcox – 52 DO PASS in H.Health & Human Services

Genetic counselors are to be licensed.

HB 187 Dempsey – 13 DO PASS in H.Health & Human Services

The Department of Community Health shall conduct a pilot program for 250 persons each year for treatment and management of obesity under a state health plan for employees, teachers, or public school employees. One may be eligible if each has completed a health risk assessment through a state insurance plan, has a Body Mass Index of 27 with comorbidities or 30 without, and an agreement to enroll in a department approved wellness program during the study.

This program is being revived.

NEW LEGISLATION

CHILDREN

SB 86 Henson – 41 S.Education & Youth

Establishes an early care scholarship for children under 5 who are not in a Pre-K program and whose parents spend more than 7% of their income on child care.

HB 228 Welch – 110 H.Juvenile Justice

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 premarital education as defined in state law. Repeals the option of an earlier marriage with parental consent. If the parties go to another state to marry and return to Georgia, the age requirements for marriage still apply. The Department of Public Health is to prepare a fact sheet for public availability for premarital educational providers.

HB 234 Efstration – 104 H.Juvenile Justice

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 67 Burke – 11 S.Appropriations

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 have developed and the SBOE approved 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 gets SBOE approval for same.**

SB 83 Mullis – 53 S.Education & Youth

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

So much for separation of church and state.

EDUCATION – POSTSECONDARY

HB 218 Williams – 145 H.Higher Education

Students eligible for the Zell Miller scholarship (the one that pays 100% of tuition and fees) who graduate from an ineligible high school or from home schooling must score in the 92nd percentile on the ACT. **Currently, the requirement is to score in the 93rd percentile.**

HB 232 Clark – 147 H.Higher Education

Dependents children of active duty military members shall be treated as in-state residents for Technical College System of GA or University System of GA enrollment. The military members must be stationed in GA or was previously stationed in GA but assigned out of state after the dependent child was enrolled or accepted for enrollment in a GA public postsecondary institution.

ELECTIONS & ETHICS

HR 138 Shannon – 84 **NNS** H.Government Affairs

Urges the federal government to require Georgia to seek pre-approval of any changes in its elections to prevent policies that discriminate against voters of color. **Voters of color are not the only ones that may suffer discrimination and election law should be colorblind in its administration of the law.**

HB 176 Shannon – 84 H.Government Affairs

Agencies providing services or assistance shall gather all information for registering the recipient to vote and submit to the secretary of state. The individual receiving services or assistance may 'opt out' of the voter registration. **Currently, the Department of Driver Services is the main agency providing voter registration. In the spring of 2017, DDS changed from an 'opt in' for the person being served to an 'opt out' concept, that is, everyone is registered unless they tell the agency they do not want the voter registration submitted or they are not eligible to vote. This has increased registered voters in the state tremendously.**

HR 181 Frye – 118 **NNS** H.Rules

Urges the House of Representatives to apply to Congress for a limited national convention to propose a U.S. Constitutional amendment to restore balance and integrity to our elections by reversing the Citizens United decision of

the U.S. Supreme Court. ***The Citizen United decision ruled that corporations are no different than people and can donate unlimited funds to political entities which is then used to support/oppose candidates. The U.S. Constitution has no provision for a limited convention. Any convention could propose any amendment to any part of the constitution. The current constitution was created in the convention called to amend the Articles of Confederation.***

HB 191 Kendrick – 93 H.Government Affairs

Qualifications for office by a political body and independent offices for state-wide offices are expanded to include any public office.

HB 210 McLeod – 105 H.Government Affairs

If a polling place is delayed in opening at the regular time of 7 a.m., it shall remain open after the 7 p.m. closing time for as long as the delay in opening. All persons in line during the delay at the beginning of the day are to be informed of the extended hours. ***Currently, delayed openings are taken before a judge to issue orders to keep the poll open past scheduled closing time.***

HB 211 McLeod – 105 H.Government Affairs

A student identification card from a private college or university will be acceptable ID at the voting polls if it has a photograph. ***Also requires that student IDs from public colleges and universities be accepted. Those IDs are already acceptable as they are government issued.***

HB 222 McLeod – 105 H.Government Affairs

The election of candidates to nonpartisan offices is moved back to the November ballot. ***These candidates are now on the primary ballot in May and have to wait until the following January to take office. This change was made to make the general election ballot shorter. Nonpartisan offices include judges, school board members, county commissioners, city council members.***

HB 248 Alexander – 66 H.Government Affairs

A physically disabled or illiterate elector may receive assistance with voting from any person of the elector's choice except the elector's employer, any agent of the employer, or an agent of the elector's union. The limitation on the number of electors a person may assist in voting is repealed. Notice of 14 days must be given prior to the advanced voting period. ***Currently: the allowable folk who can assist an elector are specified relative; a person may only help 10 people to vote; 'reasonable' notice must be given before advance voting begins.***

HB 249 Alexander – 66 H.Government Affairs

Rejected absentee ballots shall not be for mere technicalities if the board of registrars or absentee ballot clerk is satisfied the ballot is legitimately that of a qualified elector. Rejection letters are to be sent within 2 days. There is to be an attempt to contact the elector by phone, mail, or email that the absentee ballot was rejected as received. The elector shall then have 7 days to make any corrections, currently 7. The Secretary of State will have 18 days to certify election results, now 14. Presidential electors shall be certified on the 19th day after the election, now 15th day.

HB 250 Alexander – 66 H.Government Affairs

Rejection of a voter application is not final until it is checked to find if any data entry error has occurred. If there is a rejection, the applicant shall be notified by phone, email, or mail to try to cure the problem. The Secretary of State has authority to process information for voter registration from any agency. ***Currently, data is accepted from public assistance offices, offices providing services to persons with disabilities, and recruitment offices of the armed forces located in the state. Department of Driver Services is a huge provider.***

HB 251 Alexander – 66 H.Government Affairs

Removes the restriction that only 10 voters may be assisted by any one person. A disabled or illiterate elector may have anyone assist them with voting. Notice of availability of assistance shall be posted at each polling place. ***Currently, only specific relatives may assist a voter in voting.***

HB 252 Alexander – 66 H.Government Affairs

Allows same day voter registration on election day at the precinct serving the elector's residence or at a permanent voter registration site during advanced voting. The person would vote a provisional ballot. ***The voter may not go to the correct precinct nor know how to find out the correct precinct for the elector's residential address. This could create another level of angst for which this proposal is trying to cure.***

HB 255 Williams - 145 H.Government Affairs

Eligible voters in custody within the county or city may have an absentee ballot mailed or delivered by any employee of the detention facility.

HB 316 Fleming – 121 H.Government Affairs

The voting machine to be used statewide is an electronic ballot maker producing a paper ballot to be read by an optical scanning tabulator. Requires that if a voter identification cannot be verified on an absentee ballot, that the data be reviewed for data entry errors. The Secretary of State may become a member of a non-governmental entity composed solely of election officials of state, territorial, and DC governments to share information on voters registered. The federal government cannot be a part of this non-governmental organization. A voter may become 'inactive' if they have not voted or had any contact with the county registration division for five years, currently 3. Inactive voters are removed the day after the next general election. The voter shall be notified by mail at the address on file between 30 and 60 days prior to such removal. Precinct changes can be made 30 days after notice if published in the legal organ, currently 10 days. The notice is to be submitted to the Secretary of State. Polling places cannot be changed within 60 days of an election or primary or within 30 days of a special election or primary except in an emergency. The Secretary of state is authorized to have a pilot program of this new equipment. Each precinct will have at least one electronic ballot marker machine. Criteria for the new equipment and the display of the ballot the voter will see are defined. Absentee ballots are to be delivered to electors in jail within the county or city. Absentee ballots are not to be rejected if the signatures do not match. The elector shall be sent a provisional absentee ballot. If the ballot is returned prior to election day, the elector may submit a copy of the elector's identification with a signature. The board of registrars or absentee ballot clerk may accept the ballot or reject it if documentation is insufficient. Expands where additional registrar offices may be located to polling places in nongovernmental buildings. The new voting equipment may be used in municipal elections and primaries if the Secretary of State finds it feasible. Voter identification cards are valid as long as the voter lives within the county, not necessarily at the same address. Local election superintendents will have until the second Friday after election day to certify results, currently just one week. Gives the Secretary of State authority to extend the certification period if it is necessary to complete an audit. Automatic recounts are triggered by less than ½ of 1% of the number of votes separating candidates, currently 1%. Local election superintendents shall conduct precertification audits according to rules set out by the State Election Board. The Secretary of State shall conduct a risk-limiting audit by 12-31-21.

GOVERNMENT – GENERAL

HB 213 Corbett – 174 H.Agriculture & Community Affairs

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 H.Insurance

Insurance companies cannot discriminate against a victim of sexual assault.

GOVERNMENT – COURTS AND CRIMES

HB 175 Shannon – 84 H.Government Affairs

Bans the display of monuments, memorials, plaques, markers or memorabilia related to the Confederate States of America on public property except for museums and battlefields. **Current law prohibits the movement or removal of same without a resolution of the local government where it is located.**

GOVERNMENT – EMPLOYMENT

SB 81 Seay – 34 S.Government Oversight

General Assembly members shall receive a salary equal to the median personal income in GA for the year prior to the year each two-year term begins. **Currently, the salary is \$16,200 per year. Per diem and other expenses are not changed.**

GOVERNMENT – ENVIRONMENT

HB 201 Hogan – 179 H.Natural Resources & Environment

Live-aboard vessels may anchor at night in estuarine areas of the state's waterways only where the Department of Natural Resources & Environment designates. The issue is to regulate where sewage discharge may occur and reduce the pollution.

HB 215 Anulewicz – 42 H.Natural Resources & Environment

Electric assisted bicycles may be used on Georgia Scenic Trails System. **Currently, they are classified as motor driven cycles which are not allowed. Electric assisted bicycles shall have a maximum speed of 20 miles or less.**

HEALTH

SB 90 Karinshak – 48 S.Health & Human Services

Health insurance policies must cover emergency room visits for emergency medical care that places the patient's health in serious jeopardy, where there is serious impairment to bodily functions, or serious dysfunction of any body organ or part. Applies to all health benefit policies issued, delivered, or renewed on or after 7-1-19.

HB 198 Hatchett – 150 H.Special Committee on Access o Quality Health Care

Eliminates the Certificate of Need, CON, for all health care facilities except for some long-term care facilities and services and instead licenses those facilities. Hospitals must post specific information on their web sites, such as financial status, IRS Form 990, all property up to \$100 million, salary of the highest 10 paid employees, evidence of accreditation and policies regarding services to the indigent, among them. **This bill is 83 pages.**

REVENUE & TAXATION

HR 164 Powell – 171 H.Ways & Means

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 168 Taylor of 173 H.Ways & Means

A sales tax exemption to volunteer nonprofit health centers should be extended for five additional years.

HB 183 Harrell – 116 H.Ways & Means

Any taxpayer who fails to file a property tax return or one whose return was returned shall have appeal rights.

HB 189 Smith – 133 H.Ways & Means
A sales tax exemption fuel used by locomotives.

HB 200 Hogan – 179 H.Ways & Means
Nonprofit employees or representatives shall not be subject to the Hotel Motel \$5/night charge used for transportation projects. ***That charge was imposed to raise money for transportation projects which are probably used by employees and representatives of nonprofit organizations and institutions just as they are for profit making ones.***

HB 203 Bennett – 94 H.Ways & Means
An income tax exemption for private sector employers to hire veterans. The veteran must have had 90 days of active duty, not counting training, been receiving food stamps for at least 90 days in the year prior to being hired, be disabled, and hired within the first year after discharge because of a service connected disability. The tax credit is one-time and 40% of year one's wages. ***This bill is so specific as to eligibility for the exemption making it very complicated. Many employers will not be able to wade through it to see if they qualify.***

HB 204 Mitchell – 88 H.Ways & Means
A sales tax exemption for veterinary medications. ***Human medication is already sales tax exempt. Often the same drug is used for animal conditions.***

HB 231 Clark – 147 H.Ways & Means
An income tax exemption for military retirement benefits not to exceed \$35,000/year or the person's earned income, whichever is less. Effective to tax year 2019.

TRANSPORTATION & DRIVING

HB 205 Mitchell – 88 H.Public Safety & Homeland Security
New editions of the drivers manual produced by the Department of Driver Services are to include instructions for best practices during a traffic stop by law enforcement so that the safety of all is a priority.

HB 207 Mitchell – 88 H.Motor Vehicles
Operators of motor vehicles are to use flashing hazard lights while operating in a school zone and up to 500 additional feet outside of such school zone. ***Purpose for such use is currently unknown.***

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