

22 February 2019

LWVAF, Report from the Capitol, Week 6

This week the General Assembly met for four days, completing Day 20, the halfway point. Next week is a 5-day one.

The legislature is in high gear, often with meetings one wants to hear in the same time slot that. Floor calendars are not yet long, but that will change in a legislative day or two. All this is in preparation for CrossOver Day, scheduled for Day 28, March 7. Bills must have exited their house of origin by the end of that day to be considered for passage this session. Bills which do not make it will be held over for consideration next year, the second year of a two-year term.

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

DV = Differing Versions

NNS = Needs No Signature

In CHAMBERS

BUDGET

HB 30 Ralston – 7 **PASSED** House **PASSED** Senate **DV**
The FY19 amended budget.

EDUCATION – PREK-12

SB 48 Martin – 9 **PASSED** Senate H.Education
Provides that all students in K 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 2020. **Estimated cost per test is \$8.**

HB 59 Belton – 112 **PASSED** House S.Education & Youth
Students in military families may enroll in a school based on military orders of the parent, rather than after establishment of residency.

HB 130 Nix – 69 **PASSED** House
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 – GENERAL

SB 17 Gooch – 51 **PASSED** Senate H.Energy, Utilities & Telecommunications
Authorizes telephone cooperatives and their broadband affiliates to provide broadband services. **An effort to bring broadband to rural GA.**

GOVERNMENT – COURTS AND CRIMES

SB 1 Parent – 42 **PASSED** Senate H.Judiciary Non-Civil

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

HEALTH

SB 16 Kirkpatrick – 32 **PASSED** Senate H.Health & Human Services

The Georgia Composite Medical Board shall administer the Interstate Medical Licensure Compact Act which permits granting an expedited license to those licensed in other states which are members of the compact. This proposal contains terms of the compact.

HB 158 Silcox – 52 **PASSED** House S.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 **PASSED** House S.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 **PASSED** House S.Health & Human Services

Genetic counselors are to be licensed.

REVENUE & TAXATION

HB 35 Watson – 172 **PASSED** House S.Finance

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

HR 164 Powell – 171 **PASSED** House S.Appropriations

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 183 Harrell – 116 **PASSED** House S.Finance

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

LOCAL – FULTON and its CITIES

SR 155 James – 35 **NNS ADOPTED**

Recognizes the South Fulton Chamber of Commerce on its 72nd anniversary.

In COMMITTEE

CHILDREN

HB 64 Prince – 127 DO PASS in H.Juvenile Justice

Reports of child abuse shall be reported to relevant law enforcement including military law enforcement if the parent is on active duty.

SB 64 Ligon – 3 DO PASS in S.Judiciary

Terroristic threats by those age 13 and older shall be a felony. ***What happened to age-appropriate discipline? Second chances? Ages 13 and 14 are middle schoolers. Terroristic threats are most disruptive and need some consequences, but branding a young student as a felon for doing dumb things is perhaps a bit harsh.***

HB 113 Carson – 46 DO PASS in H.Public Safety & Homeland Security

Drivers under age 18 are prohibited from operating a motor vehicle while using a stand-alone electronic device or wireless telecommunication device unless reporting a traffic accident, medical emergency, fire, criminal or delinquent act, or road conditions which cause an immediate and serious traffic or safety hazard. Fine is \$150 per violation.

HB 228 Welch – 110 DO PASS in 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 approved premarital education. Repeals the option of an earlier marriage with parental consent. The Department of Public Health is to prepare a fact sheet for public availability for premarital educational providers. If the parties go to another state to marry and return to Georgia, the age requirements for marriage still apply.

HB 234 Efration – 104 DO PASS in 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 15 Albers – 56 DO PASS in S.Public Safety

Keeping Georgia's Schools Safe Act. Every public and private 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 August 1, 2019, prior to the opening of school for students, and every 2 years thereafter. Additional safety issues: in school safety zones, for school functions in non-instructional hours, and in school transportation of students. The principal or designee will act as the school safety coordinator. Safety coaches are optional for schools. GEMA shall train school safety coaches for schools who shall be current or former members of the armed forces, law enforcement, or fire departments. ***Currently, private schools 'may' conduct an assessment. The public schools are already required.***

SB 67 Burke – 11 DO PASS in S.Appropriations

Local school districts which sustain 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 get SBOE approval.***

HB 68 Carson – 46 DO PASS in 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.

SB 68 Sims – 12 DO PASS in S.Education & Youth

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. **Currently, there are 17 'high risk' school districts.**

EDUCATION – POSTSECONDARY

HB 42 Turner – 21 DO PASS in 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 or renewed.

ELECTIONS & ETHICS

HB 24 Jones – 91 DO PASS in H.Government Affairs

All members of state and local boards, authorities, commissions, & similar entities shall be appointed by an elected official or officials of the state or a political subdivision. ***This language seems to ignore the fact that some boards, commissions, etc., are elected.***

HB 316 Fleming – 121 DO PASS in H.Government Affairs

The voting machine to be used statewide is an electronic ballot marker producing a paper ballot to be read by an optical scanning tabulator. If a voter identification cannot be verified on an absentee ballot, the data is to 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 is 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. Additional registrar offices may be located at 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. The Secretary of State has 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

SB 2 Gooch – 51 DO PASS in 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 66 Gooch – 51 DO PASS in S.Regulated Industries & Utilities

Streamlines the deployment of wireless broadband, 5G, in public rights of way. A very extensive and detailed bill.

HB 193 Dunahoo – 30 DO PASS in H.Banks & Banking

Banks and credit unions may offer a savings promotion raffle in which deposits of a specific amount or more to a savings account will enter the depositor into a raffle.

HB 197 Dempsey – 13 DO PASS in H.Budget & Fiscal Affairs Oversight

The Office of Planning and Budget shall establish the Georgia Data Analytic Center to securely receive, maintain, and transmit data which shall not be personally identified from various agencies and other entities. The data is to be used for state research projects and grant applications.

HB 213 Corbett – 174 DO PASS in 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.

GOVERNMENT – COUNTIES AND CITIES

HB 208 McCall – 33 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.

GOVERNMENT – COURTS AND CRIMES

SB 32 Kirkpatrick – 32 DO PASS in S.Special Judiciary

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

HB 217 Gaines – 117 DO PASS in H.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.

GOVERNMENT – CAPITOL AND GROUNDS

SB 107 Mullis – 53 DO PASS in S.State Institutions & Property

A monument to honor Zell Miller is to be designed and placed in the Capitol or on the grounds. A committee of 6 legislators, 3 from each chamber, will oversee this project. Funding will be from gifts and donations, no public funds.

HEALTH

SB 18 Kirkpatrick – 32 DO PASS in S.Health & Human Services

Direct primary care agreements between a physician and patient are not insurance.

SB 99 Harper – 7 DO PASS in S.Natural Resources & Environment

Persons applying for the issuance or renewal of a license to hunt, fish, or trap through the on-line licensing system may make an anatomical gift.

SB 106 Tillery – 19 DO PASS in S.Health & Human Services

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 290 Cooper – 43 DO PASS in H.Health & Human Services

Establishes a pilot program to provide pre-exposure prophylaxis drug assistance or services to persons at risk of HIV.

REVENUE & TAXATION

HB 41 Dickerson – 113 DO PASS in 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.

SB 45 Beach – 21 DO PASS in S.Economic Development & Tourism

Creates the 5-member GA Horse Racing Commission to regulate pari-mutuel horse racing to be appointed by the governor for 4 year terms. Each must be a resident of GA with no history of felonies must have had previous ownership of horses who competed in racing. A commissioner shall be chosen by the board to govern the 3 allowed racing venues in the state. Funds raised shall be used for education, health care needs, and rural development. Location of racetracks requires approval of the local governing authority and approval in a local referendum. Enabling legislation for SR 84.

SB 65 Harper – 7 DO PASS in S.Finance

The transfer of a motor vehicle title between legal entities owned by the same person is not a taxable event.

SR 84 Beach – 34 DO PASS in S.Economic Development & Tourism

CA to permit pari-mutuel betting on horse races. Enabling legislation is SB 45.

HB 85 Houston – 170 DO PASS in 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.

HB 105 Watson – 172 DO PASS in H.Ways & Means

An income tax exemption for funds received for Hurricane Michael disaster relief or assistance from the U.S. Department of Agriculture in calendar years 2019, 2020, or 2021.

HB 221 Rogers – 10 DO PASS in H.Ways & Means

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

TRANSPORTATION & DRIVING

SR 24 Beach – 21 **NNS** DO PASS in 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 to 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 DO PASS in 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. **Owners of such vehicles must still have two or more persons to use such lanes.**

NEW LEGISLATION

CHILDREN

SB 104 Payne – 54 S.Judiciary

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

EDUCATION – PREK - 12

SB 112 Tippins – 37 S.Regulated Industries & Utilities

Financing costs of construction of a nuclear generating plant cannot be recovered from public schools. Those costs attributed to public schools cannot be collected from other customers.

HB 301 Cantrell – 22 H.Ways & Means

Education Scholarship Accounts available for students to attend a private school and who are below 200% of the federal poverty line. State funds will be deposited therein for the parents to use for tuition, books, curriculum, computers required by the school. Excess funds at the end of the year will roll over. If the student has graduated, they can be used for postsecondary expenses. In the first year the number of students with these accounts is limited to ½ of 1% of the state total enrollment. The number can increase each year by ½ of 1% until a maximum of 5% is reached. Schools must be financially sound, not discriminate, comply with health and safety laws, and have teachers with at least a bachelor’s degree. The Office of Student Achievement will write the rules. **Public money is being proposed to support private schools, thus a form of a voucher. League of Women Voters OPPOSES vouchers in whatever form.**

EDUCATION – POSTSECONDARY

SB 91 Hufstetler – 52 S.Higher Education

Accredited dental schools are exempt from regulation of non-public postsecondary educational institutions. **Medical schools are already exempt.**

GOVERNMENT – GENERAL

HR 260 Marin – 96 **NNS** H.Judiciary

The GA House of Representatives opposes the U.S. Department of Justice request to add a citizenship question to the Census 2020.

HB 308 Ridley – 6 H.Government Affairs

An agency may not enter into an agreement, contract, or understanding, with a private entity which allows that entity to exclusively hold public records subject to public disclosure. An arrangement with a private entity which generates public records must ensure that the records are available for disclosure.

GOVERNMENT – COURTS AND CRIMES

HB 267 Mitchell – 88 H.Judiciary Non-Civil

The death penalty cannot be imposed if guilt is based on a single eye witness.

GOVERNMENT – ENVIRONMENT

HR 257 Williams – 37 H.Natural Resources & Environment

Urges Georgia Power to remove 6 million tons of coal ash in an unlined pile at the McDonough-Atkinson Power Plant and place the coal ash in a lined landfill. This plant is on the banks of the Chattahoochee River.

GUNS

SB 105 Jordan – 6 S.Public Safety and
HB 289 Oliver – 82 H.Public Safety & Homeland Security
It is unlawful to possess or use a bump fire stock.

HB 361 Marin – 96 H.Public Safety & Homeland Security
An applicant for a new or renewal weapons carry license must complete a firearms safety training course within 3 years prior to the date of the application. Exceptions are if one is a peace officer, active or reserve duty military, firearms safety instructor, has received firearms training from a dealer, an organization which promotes gun safety, or a law enforcement officer.

HEALTH

SB 113 Tippins – 37 S.Health & Human Services
Nursing homes and personal care homes with 8 or more residents shall have and maintain a backup power source for use in a power outage. There shall be sufficient uninterrupted power for all power uses in the facility for a minimum period to be established by the GA Building Authority.

SB 118 Unterman – 45 S.Science & Technology
Insurance providers shall not exclude a service for coverage solely because the service is provided through telemedicine. Nor shall the insurer require the use of telemedicine in lieu of in-person consultation or contact. Effective 1-1-20.

HB 324 Gravely – 67 H.Regulated Industries
Permits the growing, processing, and selling of marijuana for those on the Low THC oil registry, about 8400 people. Outlines all the licensing and oversight on growers, processors, and retailers. A very extensive bill.

LOCAL – FULTON and its CITIES

HB 121 Bruce – 61 H.Local Legislation
Changes the boundaries of City of South Fulton.

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League of Women Voters – Atlanta/Fulton

www.lwvaf.org

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