

8 March 2019

LWVAF, Report from the Capitol, Week 8

This week the General Assembly completed 29 days which included CrossOver Day. All bills must have passed their house of origin by the end of CrossOver Day to be considered for passage this year. Now, each chamber will consider only bills from the other chamber. Bills that did not pass are eligible for consideration next year.

This report contains only bills that passed. If the committee assignment in the second chamber is known, it is indicated.

BOLD Bill Number = final passage

DV = Differing Versions

NNS = Needs No Signature

TGFS = To Governor for Signature

In CHAMBERS

CHILDREN

SB 104 Payne – 54 **PASSED** Senate H.Judiciary

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

SB 158 Strickland – 17 **PASSED** Senate H.Juvenile Justice and

HB 234 Efraction – 104 **PASSED** House

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

HB 12 Williams – 145 **PASSED** House S.Education & Youth

Every public school must post a sign with the telephone number of the DFCS entity which receives reports of child abuse. The SBOE may adopt rules regarding size of type to be used and location for posting.

SB 60 Martin – 9 **PASSED** Senate H.Education

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

HB 68 Carson – 46 **PASSED** House S.Education & Youth

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 83 Douglas – 78 **PASSED** House S.Education & Youth

Students in grades K-5 shall be given 30 minutes average of recess daily preferably outdoors except on days when they receive physical education or structured activity time. Local boards of education shall adopt a policy to ensure that

recess is safe and scheduled to provide a break in academic learning and shall not be withheld as punishment. Effective fall of 2019.

SB 83 Mullis – 53 **PASSED** Senate H.Education

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, New Testament of the Bible

So much for separation of church and state.

SB 108 Martin – 9 **PASSED** Senate H.Education

The local board of education must offer 3 courses in computer science in high school and one in middle school to prepare students for jobs in this industry. Less than .5% of high school graduates have taken a computer science course. The implementation would be over a 3 year period. ***In recent years the legislature resisted requiring curriculum because it was seldom done within graduation requirements and the time slots available to complete all of them within four years. This proposal proves that some legislators are unaware of those constraints.***

SB 163 Thompson – 14 **PASSED** Senate 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 the faculty of the home school. Athletic associations typically require that member schools 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. Finally they realize their student cannot get a sports scholarship because recruiters will never see them play.***

SB 175 Dolezal – 27 **PASSED** Senate

Retired teachers receiving benefits from Teachers Retirement System may return to work. If they wish to get creditable service, they must cease to get benefits, return what they have already received and then have their benefits recalculated when they retire a second time. If they do not wish to get creditable service, they may continue to receive their benefits but the local school system must pay both the employer and employee share of their TRS premium.

SB 219 Jordon – 6 **PASSED** Senate

Students getting a high school diploma or GED must pass the U.S. citizenship test with at least 60 correct answers. This will be integrated into the high school U.S. History course.

HB 444 Reeves – 34 **PASSED** House S.Education & Youth

The 'Move On When Ready Act' is renamed the 'Dual Enrollment Act'. A junior or senior high school student may take a maximum of 30 hours of dual credit courses which will not count against any HOPE scholarship maximum. ***HOPE provides 127 hours of college credit and a high school student can get 30 hours with dual credit, accumulating 157 hours total.***

HB 459 Ehrhart – 36 **PASSED** House

The Department of Public Safety shall maintain a data base of those who operate school buses submitted by the local boards of education. DPS will notify the submitting local board if a driver's license or driving privileges have expired or been cancelled suspended or revoked. The bus driver is also tasked with such notification. The data in the data base is not available for public disclosure.

HB 527 Dickey - 140 **PASSED** House
QBE weights are changed to reflect appropriations.

EDUCATION – POSTSECONDARY

SB 92 Beach – 21 **PASSED** Senate H.Appropriations
Bans professional licensing boards from refusing to issue a license suspending or revoking a license of a person who is a borrower in default under an educational loan issued through the Georgia Higher Education Assistance Corporation or through a federal agency.

SB 161 Tippins – 37 **PASSED** Senate H.Higher Education
Grades will be weighted .5 points for advanced placement, dual credit, or international baccalaureate courses when computing eligibility for HOPE and Zell Miller scholarships.

HB 218 Williams – 145 **PASSED** House S.Higher Education
Students eligible for the Zell Miller scholarship (the one that pays 100% of tuition and fees) who graduated from an ineligible high school or from home schooling must score in the 92nd percentile on the ACT. Eligibility to use HOPE after graduation is 10 years, currently 7. Any student enrolled full or part time and eligible for HOPE will remain eligible for as long as all other criteria are met. **Currently, the requirement is to score in the 93rd percentile.**

ELECTIONS & ETHICS

HB 316 Fleming – 121 **PASSED** House DO PASS in S.Ethics **DV**
The voting machine to be used statewide is an electronic ballot marker producing a paper ballot to be read by an optical scanning tabulator. The number of machines purchased is about 1 per 250 active voters. Unlike the DREs currently used, the ballot marker devices can be used both for advanced voting and on election day. The DREs cannot be used in both places because the counts are held on the hard disk as well as the memory card. 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. **League of Women Voters supports ballot marker devices, but does not have a position on this omnibus bill. Ballot marking machines are used in 24 states, not necessarily for all voters. It is capable of serving persons with disabilities. The state expects to order about 25,000**

machines with the \$150 million in bonds in the proposed budget. The new equipment will be tested in municipal elections in 2019 with expectation that all in-person voters will use it in 2020.

GOVERNMENT – GENERAL

HB 193 Dunahoo – 30 **PASSED** House S.Banking & Financial Institutions
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 **PASSED** House S.Science & Technology
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 227 Frye – 118 **PASSED** House S.Insurance & Labor
Insurance companies cannot discriminate against a victim of sexual assault.

GOVERNMENT – COUNTIES AND CITIES

HB 76 Stephens - 164 **PASSED** House S.Regulated Industries & Utilities
Local counties and cities may regulate alcohol licenses as to distance that is less but not more restrictive than those in state law.

SB 103 Davenport – 44 **PASSED** Senate
Airports owned, controlled, or operated by a county, city or other political subdivision, shall not charge a parking fee to a veteran.

SB 162 Brass – 28 **PASSED** Senate
Downtown development authorities and development authorities will now include allowable projects for disaster mitigation improvements and broadband services infrastructure. Property owners can pay back the loan through their property taxes.

HB 315 Newton – 123 **PASSED** House
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 **PASSED** Senate H.Judiciary Non-Civil
Creates a felony for the crime of intentionally coercing another person over 18 to engage in sexually explicit conduct.

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

SB 31 Rhett – 33 **PASSED** Senate H.Public Safety & Homeland Security
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.*

SB 110 Stone - 23 **PASSED** Senate

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

HB 118 Morris – 26 **PASSED** Senate

False alarms that result in bodily harm or death shall have a penalty of 1-10 years and/or a fine up to \$5,000.

SB 153 Harper – 7 **PASSED** Senate

Trauma scene cleanup shall be done by practitioners who are licensed, bonded and insured. Excludes property owners cleaning up such a scene on their own property.

HB 239 Efstoration – 104 **PASSED** House

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 247 Silcox – 52 **PASSED** House

Repeals the enhanced penalty for a person who commits battery on a person age 65 or older. Exploitation shall now include the illegal taking of resources belonging to a disabled adult or elder person when access was obtained due to the disabled adult or elder person's mental or physical incapacity. A notary public is now required to report abuse.

HB 424 Silcox – 52 **PASSED** House

Gang activity includes trafficking anyone for labor or sexual servitude.

HB 470 Sainz – 180 **PASSED** House

Persons charged as first offenders must provide a DNA sample for analysis.

GOVERNMENT – EMPLOYMENT

HB 279 Lumsden – 12 **PASSED** House S.Public Safety

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

HB 201 Hogan – 179 **PASSED** House

Live-aboard vessels will be able to 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 220 Rogers – 10 **PASSED** House S.Natural Resources & Environment

The tire disposal fee sunset date is extended to June 2024, currently July 2019.

HB 223 Dickey – 140 **PASSED** House S.Natural Resources & Environment

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

GOVERNMENT – FEDERAL ISSUES

SR 237 Cowsert – 46 **PASSED** Senate

Urges Congress to call a constitutional convention under Article V to propose an amendment to limit the terms of members of congress. ***A constitutional convention may consider any amendment. Thus, calling such a convention may result in proposals far afield of the limited request for it.***

HEALTH

SB 121 Walker – 20 **PASSED** Senate H.Health & Human Services

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

SR 264 Mullis – 53 **PASSED** Senate

Creates the 6-member Joint Emergency Medical Services Study Committee to review safety standards, accreditation, requirements, zoning for 911 response and other issues.

HB 345 Cooper - 43 **PASSED** House S.Health & Human Services

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

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

HB 324 Gravely – 67 **PASSED** House S.Regulated Industries & Utilities

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. Allows 10 licensees to grow marijuana and 60 dispensaries to sell oil to those holding a medical card. A very extensive bill.

HB 374 LaHood – 175 **PASSED** House S.Health & Human Services

An aide in an assisted living community with a certificate in good standing may administer any oral, ophthalmic, topical, nasal, vaginal, or rectal medication upon a hospice physician's order to a patient in hospice. The initial dose is to be administered by a RN.

HB 481 Setzler – 35 **PASSED** House H.Health & Human Services

Abortions cannot be performed if a heartbeat has been detected unless the life of the mother is at risk, rape or incest. Unborn children shall be counted in state population based determinations.

REVENUE & TAXATION

SB 119 Albers - 56 **PASSED** Senate H.Ways & Means

An economic analysis issued by the state auditor shall be required for any bill that provides any tax incentive or extends an existing tax incentive, defined as an exemption, exclusion or deduction. The analysis shall be an estimate for 10 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.

HB 168 Taylor of 173 **PASSED** House S.Finance

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

HB 183 Harrell – 116 **PASSED** House **PASSED** Senate **TGFS**

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

HB 266 Weidower - 119 **PASSED** House S.Finance

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

HB 314 Stephens – 164 **PASSED** House S.Finance

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

HB 365 Blackmon – 146 **PASSED** House S.Finance

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

TRANSPORTATION & DRIVING

HB 56 Silcox - 52 **PASSED** House

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.***

HB 454 Tanner – 9 **PASSED** House

Motorized mobility devices (scooters) must follow the same laws as bicycles. They are up to 75 pounds, equipped with handlebars, a floorboard for standing, and 2 or 3 wheels, designed to transport one individual at speeds not over 20 miles per hour. Those over 100 pounds also have a seat.

LOCAL – FULTON and its CITIES

SB 131 Jones – 25 **PASSED** Senate

Creates the GA Major Airport Authority to run the Atlanta airport. The governance is set up like that for the GA Ports Authority which runs the harbors and the GA World Congress Center. It will have a board of trustees with strong business experience with two representatives from Clayton County in which 70% of the airport lies. ***The Atlanta airport is the largest economic engine in the state with a \$64 billion impact. The city has until 7-1-2020 to fix the procurement problems exposed at the airport. If not successfully done, the bill will go into force. Vote was along party lines.***

HB 329 Metze – 55 **PASSED** House S.State & Local Government

City of South Fulton may exercise all redevelopment and other powers granted under the GA Constitution Article IX, Section II, Paragraph VI(b).

HB 460 Robichaux – 48 **PASSED** House S.State & Local Government

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

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