

15 March 2019

LWVAF, Report from the Capitol, Week 9

This week the General Assembly met for three days, completing Day 32. They will return next week for another three-day week, using Tuesday and Wednesday for committee work days.

The governor signed the amended budget, HB 30, this week. Now, the money appropriated can start flowing to the entities designated. School districts and victims of Hurricane Michael are the biggest recipients – school districts for the additional enrollments they have received since the passage of the original FY19 budget in legislative session 2018, and hurricane victims who have already consumed the money appropriated in the special session of last November and there has yet to be any federal money available for this disaster.

The state is getting new voting machines to replace its aging voting devices. HB 316, which authorizes ballot marker devices, passed the Senate this week and the Senate changes were accepted by the House, most of which are minor. The FY20 budget, yet to be passed, has \$150 million in bond authorization, to purchase them. Debate was long with the majority party supporting the proposed new equipment and the minority party opting for hand marked paper ballots for all but disabled voters. The vote was along party lines every time it was voted on.

This report contains some bills that crossed over last week but were not reported. Since CrossOver, there has been little time for committees to deal with the deluge of legislation assigned to them.

A couple of notable failures also occurred. If these two proposals are to advance, they must be under different bill numbers. Bills that fail on a floor vote are very dead.

- The Education Savings Account bill, SB 173, which would have put state appropriations for a student into a savings account to be used for eligible educational expenses, went down in the Senate. It was expected to cost the state \$48 million in year one, and increase to \$500+ million by year 5. Local school districts would have also had to pay the tab after year one. There would be no pass through money available once a student is no longer on the rolls. There was notification that the bill would be reconsidered on CrossOver Day, but it was never brought up.
- The repeal of the Certificate of Need in health care facilities, HB 198. It had a high profile sponsor, the majority caucus chair, but it apparently changed the status quo too much.

There are only two weeks on the wall calendar until the scheduled Sine Die, April 2. While a lot of bills are vying for attention, many are going to be left on the table. The silver lining is that they are eligible for consideration next year.

BOLD Bill Number = final passage

DV = Differing Versions

NNS = Needs No Signature

TGFS = To Governor for Signature

In CHAMBERS

EDUCATION – PREK – 12

SR 266 Black – 8 **NNS** **PASSED** Senate

Encourages Georgia High School Association, which regulates interscholastic competitions between its members, to make an assessment of its operations and practices. ***Some think that the rules of GHSA put private schools at a disadvantage.***

ELECTIONS & ETHICS

HB 316 Fleming – 121 **PASSED** House **PASSED** Senate **TGFS**

The voting machine to be used statewide is an electronic ballot marker producing a paper ballot, the official ballot, to be read by an optical scanner. The number of machines purchased is about 1 per 250 voters. 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's 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. 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 marker machines are used in 24 states, not necessarily for all voters, and are 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 a few precincts for municipal elections in 2019 with an expectation that all in-person voters will use it in 2020.***

GOVERNMENT – COUNTIES AND CITIES

HB 311 Welch - 110 **PASSED** House S.Judiciary

Sovereign immunity can be waived for state and local governments but not school districts when an aggrieved person has an injury or the imminent threat of injury due to a state law, agency regulation, local ordinance or policy or by an employee within the scope of the employee's official duties. Does not include monetary relief, attorney fees, or expenses of litigation.

HB 349 Martin - 49 **PASSED** House S.State & Local Government

Counties may exercise redevelopment powers in incorporated areas within the county when authorized by resolution of the city governing authority.

GOVERNMENT – COURTS AND CRIMES

HB 282 Holcomb – 81 **PASSED** House S.Judiciary

Evidence in sexual assault cases can be held forever, currently 10 years, if the victim cooperates with law enforcement. Otherwise, the evidence is kept for a minimum of one year.

HB 353 Carpenter – 4 **PASSED** House S.Judiciary

Staging a motor vehicle collision with the intent to commit insurance fraud is a felony with a penalty of up to one year in prison. Aggravated staging of a motor vehicle collision occurs if someone is injured or dies and the penalty is up to 5 years in prison. Making a fraudulent claim related to staging a motor vehicle collision can get up to 5 years.

HB 426 Efration - 104 **PASSED** House S.Judiciary

Increases penalties for hate crimes, i.e. the defendant intentionally selected a victim or group of victims because of race, color, religion, national origin, sexual orientation, gender, mental or physical disability. If the offense is a misdemeanor, the sentence shall be 3-12 months imprisonment and a fine up to \$5000. If the offense is a misdemeanor of a high and aggravated nature, imprisonment shall be 6-12 months with a fine up to \$5000. If the offense is a felony, the imprisonment is two years or more.

HEALTH

SB 16 Kirkpatrick – 32 **PASSED** Senate **PASSED** House **TGFS**

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.

SB 18 Kirkpatrick – 32 **PASSED** Senate **PASSED** House **TGFS**

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

SB 99 Harper – 7 **PASSED** Senate **PASSED** House **TGFS**

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.

HR 135 Efration – 104 **NNS** **PASSED** House

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

HB 166 Silcox – 52 **PASSED** House **PASSED** Senate **DV**

Genetic counselors are to be licensed.

REVENUE & TAXATION

SB 138 Martin - 9 **PASSED** Senate H.Motor Vehicles

Disabled first responders will get a free license plate, an income tax exemption for disability payments, and a property tax exemption for themselves and surviving spouse or minor child for as long as each shall live or the spouse remarries. Includes law enforcement officers, fire fighters, emergency medical technicians injured in the line of duty.

SB 216 Mullis - 53 **PASSED** Senate H.Ways & Means

Local governments may collect prepayments of ad valorem (property) taxes. Taxpayers shall exercise a prepayment agreement with the local government for no more than the amount of tax levied in the prior year. Prepayment can also be made in installments if the agreement stipulates. Effective 7-1-19.

TRANSPORTATION & DRIVING

HB 307 Powell - 32 **PASSED** House S.Judiciary

Abandoned Motor Vehicle Act. Outlines an extensive procedure for dealing with motor vehicles left on roads and public rights of way, private property, or at repair shops. Costs of towing, storing, selling, and getting information on the owner(s) can be recovered from the sale of the motor vehicle or paid by the owner.

HB 511 Tanner – 9 **PASSED** House S.Transportation

Repeals sales tax on rides for hire and instead imposes a 50 cent flat fee for taxi, limo, and ride-hailing rides and a 25 cent fee for shared rides. It divides GA outside of metro Atlanta into 8 zones for transit funding and planning. Transit operations are consolidated into the GA Department of Mobility and Innovation, a new agency. Currently, those operations are handled by six entities of which include GDOT, Dept. of Human Services, and Department of Community Health.

LOCAL – FULTON and its CITIES

HB 430 Martin – 49 **PASSED** House **PASSED** Senate **TGFS**

The homestead exemption for municipal services in Alpharetta for those age 65 and over shall no longer have any income restriction. Local referendum required.

HB 431 Martin – 49 **PASSED** House **PASSED** Senate **TGFS**

The homestead exemption for Alpharetta for city taxes is increased to \$45,000, currently \$40,000. Referendum required.

In COMMITTEE

EDUCATION – PREK-12

SB 67 Burke – 11 **PASSED** Senate DO PASS in H.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 develop and the SBOE approve 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 for same.***

ELECTIONS & ETHICS

SB 177 Brass – 28 **PASSED** Senate DO PASS in H.Legislative & Congressional Reapportionment

Provides directions for how local governmental entities will have district lines drawn. They may bring a proposal, or have one drawn up by the Reapportionment Office before the vote for a check to insure guidelines have been met. They must get a sponsor who represents all or part of the governmental entity.

GOVERNMENT – GENERAL

SB 17 Gooch – 51 **PASSED** Senate DO PASS in H.Energy, Utilities & Telecommunications

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

SB 66 Gooch – 51 **PASSED** Senate DO PASS in H.Energy, Utilities & Telecommunications

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

HB 184 Harrell – 106 **PASSED** House DO PASS in S.Regulated Industries & Utilities

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

HB 193 Dunahoo – 30 **PASSED** House DO PASS in 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.

GOVERNMENT – COURTS AND CRIMES

SB 1 Parent – 42 **PASSED** Senate DO PASS in 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.

GOVERNMENT – EMPLOYMENT

SB 171 Wilkinson - 50 **PASSED** Senate DO PASS in H.Government Affairs **DV**
Increases the state compensation for clerks of the superior court, judges of the probate court, magistrate judges, sheriffs, chief deputy registrars, tax collectors and commissioners. Counties with local legislation are not affected.

HB 279 Lumsden – 12 **PASSED** House DO PASS in 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 223 Dickey – 140 **PASSED** House DO PASS in 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.

HEALTH

SB 118 Unterman – 45 **PASSED** Senate DO PASS in H.Science & Technology **DV**
Telemedicine is a form of Telehealth. 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.

SB 121 Walker – 20 **PASSED** Senate DO PASS in H.Judiciary Non-Civil
The Prescription Drug Monitoring data base must hold date for 5 years, currently 2 yrs. The Attorney General’s Medicaid Fraud Unit is authorized to access the data base for enforcement purposes.

HB 374 LaHood – 175 **PASSED** House DO PASS in S.Health & Human Services
An aide in an assisted living community with a certificate in good standing may administer any oral, ophthalmic, topical, otic, 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.

REVENUE & TAXATION

HB 35 Watson – 172 **PASSED** House DO PASS in S.Finance
A sales tax exemption to any nonprofit which provides poultry diagnostic and disease monitoring services.

HB 85 Houston – 170 **PASSED** House DO PASS in S.Finance

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 168 Taylor of 173 **PASSED** House DO PASS in S.Finance

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

TRANSPORTATION & DRIVING

HB 171 Barr – 103 **PASSED** House DO PASS in H.Public Safety

Mounts on windshields of motor vehicles for support of wireless telecommunications devices and stand-alone electronic devices are allowed.

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