

6 February 2020

LWVAF, Report from the Capitol, Week 4

This week the General Assembly met for three days, through Day 12. The newly adopted adjournment resolution, SR 712, has it in recess for the rest of this week and all of next week so the House can have more time on the budget which is dire (see the report for Week 2). It will return on Tuesday, February 18, after President's Day.

There have been a lot of bills introduced, and it is hard for any observer to determine early in the session which ones will get the attention of the legislators for action. Usually, it is about Day 20 before a pattern or trend begins to emerge. On Day 28, scheduled for March 12, that picture becomes clearer still. That is CrossOver Day when bills must have cleared their chamber of origin and crossed over to the other chamber. Those that don't cross over will have no chance of passage this session under their bill numbers. They could, however, be amended to another piece of legislation which has crossed over.

Although not yet scheduled, it appears that final adjournment, sine die, will be no earlier than mid-April. Often they avoid meeting during the first full week of April because it conflicts with spring break for many school systems when vacations have already been planned and money fronted. And they usually don't meet every day of the week so that the chambers have more time for committee consideration of the bills inherited from the other chamber. This is also the time when bills are consolidated, modified, and begin to take their final form. Observers have to read the bills at every step to determine what was removed, added, or modified, and lobbyists have to adjust to the changes overnight if additional contact with legislators is to be made to either preserve what they wish the bill to say or attempt to get any undesirable language removed.

League Day at the Capitol is Monday, February 10, no cost. Room 514 CLOB for eats at 8:15 a.m. and room 606 CLOB at 9 a.m. for program.

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

SIGNED

HB 276 Harrell - 106 Marketplace facilitators [such as Amazon] and marketplace sellers must collect and submit GA sales tax if it does \$100,000 per year in business in the state. Exempts any transportation mode from sales tax. Effective 7-1-2020. The fiscal note for an earlier version shows FY21 with \$78.4 million for a full year impact on state sales tax, and a \$64.5 million impact on local sales tax revenues. The bill will be in effect only for half of that year. ***Some estimates have indicated that closing the loophole in the on-sales tax may raise as much as \$10 million per month if sales remain at the current levels.***

In CHAMBERS

HEALTH

SB 296 Heath – 31 **PASSED** Senate H.Regulated Industries
Cremation of human remains is expanded to include the chemical disposition of a body. Licensing of a crematorium will include a vat or container for such procedures or a retort, the furnace for burning the remains, not necessarily both.

REVENUE & TAXATION

SB 289 Mullis – 53 **PASSED** Senate

Mobile homes no longer have to display a decal indicating the tax has been paid. This is a local option. **Most counties have a digital file for taxes paid and no longer need to send someone out to see if the decal is there. This also saves the cost of that person and their travel expenses. For those counties that are not digitized, there is no change.**

TRANSPORTATION & DRIVING

SB 159 Gooch – 51 **PASSED** Senate

Local authorities can regulate electric scooters with a maximum speed of 20 mph on a paved surface. Excludes electric bicycles, personal assistive mobility devices, motorcycles and mopeds. Riders must have insurance.

In COMMITTEE

GOVERNMENT – COURTS AND CRIMES

SB 317 Ligon – 3 DO PASS in S.Government Oversight

A county police department may be dissolved by an act of the General Assembly or a local ordinance if approved in a local referendum. Duties, property, records, equipment funds and all other items of the county police department will be transferred to the county sheriff. **Currently, dissolution can only be by a local act of the General Assembly.**

GOVERNMENT – FEDERAL ISSUES

HB 818 Welch - 110 DO PASS in H.Interstate Cooperation

The Compact for a Balanced Budget Amendment to the US Constitution will be repealed on 4-12-2031 rather than '7 years after the first state has agreed to the compact. **The US Constitution in Article V allows constitutional amendments to be proposed either by Congress, which all of those in existence have been, or by a constitutional convention which this bill addresses. If a constitutional convention is called, the states cannot limit what is placed on the agenda – they can only restrict what their delegates can vote on. Our current constitution was created at a convention to amend the Articles of Confederation.**

HEALTH

SB 345 Kirkpatrick – 32 DO PASS in S.Health & Human Services

Non-profit organizations preparing and providing food for consumption must adhere to the requirements for food safety. No food prepared in a private home can be served, but it can be prepared in kitchens of public buildings such as churches, schools, and arenas. **Must Ministries in Cobb County prepares sandwiches to feed children during the summer and school breaks. Many sandwiches were made in private homes. When inspected, they were cited. This bill establishes the standards not quite as strict as those for restaurants, but not home-prepared either. Schools, parent organizations, houses of worship, scouts, and feed-the-hungry organizations need to review this bill.**

HB 789 Newton – 123 DO PASS in H.Special Committee on Access to Quality Health Care

In-network hospitals must add 'Hospital Surprise Billing Rating' to their directories. If the rating is less than 4, each insurer advertising the hospital as in-network must specify which qualified hospital based specialty group types are not contracted with the hospital.

REVENUE & TAXATION

SB 302 Albers – 56 DO PASS in S.Finance

Tax Credit Return on Investment Act of 2020. An independent economic analysis is to be obtained through Office of Planning and Budget for tax benefits upon request of the chairs of House Ways & Means or Senate Finance Committees. The analysis is for 5-year input on state revenues, state expenditures, net change in economic activity and any change in public benefit. Each year by May 1 up to 5 economic analyses may be requested by the House or Senate. OPB may

contract with independent auditors to complete the analyses by December 1. If a fiscal note is requested for a proposed exemption, exclusion or deduction, credit deferral, rebate, abatement or preferential tax rate, and a relevant analysis on the same is less than 1 year old, a summary of the analysis prepared by Office of Planning and Budget is to be attached to the fiscal note.

TRANSPORTATION & DRIVING

HB 823 Gaines – 117 DO PASS in H.Motor Vehicles

A person convicted of trafficking other persons for labor or sexual servitude using a commercial vehicle shall be disqualified for life from driving a commercial vehicle and shall have their commercial driver’s license revoked.

NEW LEGISLATION

CHILDREN

SB 335 Brass – 28 H.Judiciary

Foster kids, foster parents, and fictive kin will not have to pay any fee to state parks, historic sites or recreational areas. Juvenile court clerks shall collect data for each child in need of services, delinquent and accused of committing a Class A or B felony to be submitted to the Department of Juvenile Justice. Aggregate data can be used by DJJ and state agencies for efforts to improve things for children. Hearings of dependency and termination of parental rights shall have priority over all other civil and criminal hearings and nonjury appearances.

SB 340 Beach – 21 S.Health & Human Services

Designates September 1 of each year as Childhood Cancer Awareness Day in Georgia. Childhood cancer is the #1 cause of death for those under age 19.

HB 881 Cooper – 43 H.Health & Human Services

Newborns can also be left with an ambulance service or at a hospital or public safety location in a newborn safety incubator. The child must not be older than 30 days for the mother to escape prosecution. ***The incubator is a container that can be accessed from the outside of a building, automatically locks, and sends a signal to anyone on the inside to come get the child.***

EDUCATION – PREK - 12

SB 349 James – 35 S.Education & Youth

Local boards of education are to provide free feminine hygiene products in every girl’s bathroom in school serving any grade between 6 and 12. ***This is an unfunded mandate.***

SB 367 Martin – 9 S.Education & Youth

Reduces the end of course assessments (tests) which must be given in high school to just 4, currently 8. Moves the writing assessment to grade 12 from grade 11. Moves the testing window for elementary schools to within 25 school days of the last day of school in a term. The high school testing window will be set by Department of Education. The department may analysis local tests administered in an effort to eliminate redundant assessments. ***The local board currently may decide without the state’s approval if it needs more testing than what the state requires.***

HB 855 Wiedower – 119 H.Education

Department of Education is to establish eligibility criteria for foster care students to receive special education and related services. ***Special education is a federally program with established guidelines. The state eligibility follows those closely so as to maximize federal funds. Foster care students may not be eligible federally.***

HB 880 Glanton – 75 H.Education

Allows a pilot plan to implement and improve sustainable community schools. These schools provide wrap around services and use other community resources to help deliver them. The State School Superintendent shall establish a whole child model school certification for schools. The superintendent may make planning grants and operational grants to establish a pilot program for community schools. **Wrap around services for students who need them needs to be developed in every school, for every school has one or more students who need those services. While this proposal is a start in that direction, it needs to be a model for all schools, not an end into itself.**

HB 892 Moore – 15 H.Education

Clarifies the procedures that school personnel are to follow if bullying has been reported. Department of Education is to change its rule to require referral to counseling for students found to have committed bullying. All school personnel are to receive training on the updated procedures.

EDUCATION – POSTSECONDARY

SB 282 Beach – 21 S.Higher Education

University System of GA is to insure that at least 90% of early action admissions to research universities are to be offered to Georgia residents. **UGA, GA State, GA Tech, and GA Medical School are classified as ‘research universities’.**

SB 354 Parent – 42 S.Education & Youth

Students enrolled in a 4-year Bachelor of Arts or Bachelor of Science degree program are eligible for the Georgia Childcare and Parent Service (CAPS) program for the costs of child care.

ELECTIONS & ETHICS

SB 11 Jones – 22 S.Judiciary

Convictions for offenses involving the purchase, possession, or control of certain controlled substances shall not be a reason to deny a person the right to register and vote. **Such controlled substances are those on Schedule I or narcotics on Schedule II.**

GOVERNMENT – GENERAL

SB 286 Anderson – 43 S.Insurance & Labor

Prohibits discrimination by schools or employers on the basis of natural hair styles, particularly those styles associated with race. Prohibits discrimination in employment as long as the hairstyle does not impede performance of duties.

SB 338 Kirkpatrick – 32 S.Agriculture & Consumer Affairs

Pet dealers and animal shelters shall be bonded and submit to a criminal background check and can have no conviction for cruelty to animals or dogfighting. Animal shelters operated by the state, a county or city, need not be bonded.

SB 350 James – 35 S.State Institutions & Property

The state must provide free feminine hygiene products in every women’s restroom in property owned by the state. This includes buildings, universities, technical colleges, parks, historical venues, most of which allow the public to visit. **Why would anyone bother to buy such products in case of use when they could get them free at their local state-owned facility?**

SB 351 Watson – 1 S.Government Oversight

Authorizes a non-binding resolution on whether to continue with daylight savings time as is done now, or to stay on daylight saving time year round. **If the latter is chosen, it will take federal action to enable the change. The federal law allows a state to stay on standard time or use daylight savings time in the spring-summer-fall, but is silent on staying on daylight savings time.**

HB 358 Harper – 7 H.Government Oversight
Designates the muscadine grape as the official state grape.

GOVERNMENT – COUNTIES AND CITIES

HB 854 Rutledge – 109 H.Governmental Affairs
Defines a battery-powered fence as 10 feet in height and powered by a 12-volt battery. Local governments cannot prohibit the installation or use of a battery charged fence, impose a requirement for a permit or fee, or any requirement inconsistent with state law.

HR 1037 Efrstration – 104 H.Government Affairs
CA to give power to the General Assembly to regulate and fix charges for natural gas services provided by a city to areas outside of the city limits but inside the county.

GOVERNMENT – COURTS AND CRIMES

SB 288 Anderson – 43 S.Judiciary
Restrictions to records of criminal activity shall be imposed if the individual is not convicted, or if convicted, successfully completed all terms of the court order.

SB 344 Mullis – 3 S.Judiciary
Prisoners may appear in court by video. A judge may order a defendant to personally appear in any court hearing. Video has to be of a quality that all can see and hear and can be sent to the appellate court as part of the court record. An employee of the state crime lab or a contract lab may also appear by video.

HB 858 McLaurin – 51 H.Judiciary Non-Civil
Unclaimed personal property held by law enforcement agencies may place a notice of pending sale on their website or the governmental entity that maintains the agency for 4 weeks before sale to be held on the date specified in the ad.

HB 878 Frye – 118 H.Judiciary Non-Civil
Permits local governments to have more regulatory power over marijuana convictions of 1 oz or less.

HB 883 Gilliard – 162 H.Public Safety & Homeland Security
Creates the 15-member Gang Prevention and Intervention Task Force to develop and maintain a state plan for efforts between schools and community and social service organization for implementation and maintenance of programs to prevent and intervene in criminal gang participation by youth. The task force has as members several educators and the state school superintendent and several leaders of agencies which deal with the results of gang activity.

HR 1023 Welch – 110 H.Judiciary
CA to permit a GA citizen or corporation which suffers an injury to petition the judiciary for declaratory relief from acts of the state, any agency or political subdivision of the state, or any employee thereof or committed outside of their scope of authority.

GOVERNMENT – EMPLOYMENT

SB 14 Seay – 34 S.Retirement
The Georgia Legislative Retirement System shall require a participation of 9 ½%, currently 7 1/2%. Effective 7-1-20 if funded. An active member on 7-1-20 or a new contributing member after that date shall upon retirement receive 38% of monthly salary or \$50/month per year of service, whichever is higher. **Currently, they receive 28% per month per year of service and there is no other option. Those in leadership position make considerably more than most legislators and will benefit from the percentage option.**

SB 341 Robertson – 29 S.Public Safety

Retired peace officers and correctional officers can be recalled to duty during a declared disaster. They will have the same powers and rights as before retirement. They return to retirement status after the disaster is over.

GOVERNMENT – ENVIRONMENT

SB 356 Ligon – 3 S.Natural Resources & Environment

Any city solid waste landfill permitted and operational on 7-1-97 may expand its operation to within two miles of a federally restricted military air space used for a bombing range.

HB 857 Powell – 32 H.Natural Resources & Environment

Bars burning chemically treated wood products, creosote or naphthenate, for purposes of commercial energy generation by permitted industrial biomass boilers.

GUNS

SB 357 Health – 31 S.Judiciary

Houses of worship which have allowed the carrying of weapons may authorize persons to have weapons in their possession or use them in a school associated with that house of worship. ***So much for protecting kids from guns.***

HB 366 Karinshak – 48 S.Judiciary

Requires background checks in all manner of firearm transfers and purchases. Exemptions include sale of antique guns, transfers to law enforcement, between family members, to an executor of an estate, as approved by the Attorney General, to a gunsmith, or a temporary transfer to prevent death or great bodily harm. The first offense is a misdemeanor, the second and subsequent offense is a felony.

HEALTH

SB 339 Harrell – 40 S.Appropriations

The PeachCare Public Option Program is a healthcare option for those not eligible for Medicare, Medicaid or PeachCare for Kids to be delivered through the GA Reliable Insurance Network . It includes the same coverage as Medicaid but no dental benefits or non-emergency transportation. A premium is to be paid by each enrollee. The design is to be submitted to the General Assembly by 10-31-2020 and money to be appropriated in the FY22 budget taken up in the 2021 session, becoming effective, if passed, on 7-1-21.

SB 347 Butler – 55 S.Health & Human Service

Hospitals and ambulatory surgical centers are to utilize surgical smoke evacuation systems during surgery.

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SB 348 Kirkpatrick – 32 S. Insurance & Labor and

SB 352 Burke – 11 S. Insurance & Labor

A patient is covered by a health care plan for 90 days (SB 348 only) for services by a provider who was in network at the time of enrollment, as shown by the provider's name in the directory, but is no longer in network. The Department of Insurance is to assess a provider network adequacy on an annual basis. Health insurers may request a hearing when network adequacy plans are refused.

SB 359 Hufstetler – 52 S.Health & Human Services and

HB 888 Hawkins – 27 H.Special Committee on Access to Quality Health Care

Surprise Billing Consumer Protection Act. Requires a health insurance plan to treat any service by an out-of-network provider to an insured receiving emergency services as if it was an in-network provider. The insured financial obligation

for such charges will only be co-pays, co-insurance and deductibles as if the provider were in-network. If the facility is out-of-network, the insurer must transfer the patient at cost to the insurer to an in-network facility within 24 hours after notification that the patient is stable. If the transfer is not made, the insurer shall pay the out-of-network facility its full cost. For non-emergency services from an out-of-network provider, the patient shall pay the entire amount if 48 hours notice has been given as to the estimated charges. An out-of-network provider shall not report any covered person who received a surprise bill to a credit reporting agency for unpaid amounts exceeding any co-pay, co-insurance, or deductible. The insured's financial responsibility for ground transportation shall not be reduced. The Commissioner of Insurance has responsibility for maintaining a data base of claims paid, any arbitration requested, and reporting to the General Assembly. Effective 1-1-21.

SB 360 James – 35 S.Insurance & Labor

Insurers shall pay for diagnostic exams the same as it provides for screening exams. Effective 1-1-20.

SB 361 Jackson – 2 S.Health & Human Services

Requires every hospital to adopt, implement, and update evidence-based protocols for early recognition and treatment of sepsis, severe sepsis, or septic shock.

HR 876 Kendrick – 93 H.Special Rules

Urges Congress to remove cannabis from the controlled substance category, to exempt certain activities related to marijuana, and encourages scientific research on cannabis and its products. Allows banks to do business with those in the cannabis trade. ***Puts cannabis in the same posture as alcohol and tobacco.***

REVENUE & TAXATION

HR 864 Rich – 97 H.Ways & Means

An excise tax of 7% is to be levied on vapor devices and consumable vapor products.

HB 868 Martin – 49 H.Ways & Means

A sales tax exemption for ground transportation provided by a person driving a passenger vehicle if sales made by a taxi service, limousine carrier, transportation referral service, transportation referral service provider, or ride share network service.

HB 882 Houston – 170 H.Ways & Means

A sales tax exemption for qualified food banks is made permanent. A nonprofit agency qualified for the exemption may use the food or ingredients for disaster relief in addition to hunger relief.

TRANSPORTATION & DRIVING

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

Using an electronic device while driving would have penalties increased: doubles the fine, wants revenues to go to GA Trauma Fund, deletes the waiver for a first time offense, and increases penalties for violations in school and work zones.

SB 353 Parent – 42 S.Finance

The fee for alternative fueled vehicles is repealed. An income tax credit for purchase or lease of a new low-emission vehicle is 10% of the costs or \$2500 whichever is less. The credit for a zero-emission vehicle is 20% of the costs or \$5000 whichever is less. Effective 1-1-20.

HB 859 Pirkle – 155 H.Public Safety & Homeland Security

Tinted windows or windshields shall incur a fine of \$25.

HB 867 Martin – 49 H.Government Affairs

Bans annexation of a county operated airport property by a governing authority of a city corporation of 125 square miles unless there is approval by the county operating the airport. ***Atlanta annexing Charlie Brown Airport?***

HB 870 Barton – 5 H.Motor Vehicles

Bans a person installing a tire on a passenger vehicle which has any number of faulty characteristics indicating that additional repair is needed on the tire or the tire is irreparable.

HB 890 Watson – 172 H.Motor Vehicles

Notice of suspension or denial of the driver's license can be made by regular mail. Currently, certified mail is required, which can be ignored by the recipient by not signing for it.

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