

28 February 2020

## LWVAF, Report from the Capitol, Week 6

This week the General Assembly met for 5 days, completing Day 21. It's half over, folks. They will return next week for four days.

Activity has picked up as legislators push to get their bills out of committee to have a chance to get on the floor calendars before Day 28, CrossOver Day. Bills probably have to clear committee by Day 25, or in rare instances Day 26, to get on the Rules Committee calendar to be chosen for the floor calendar of the following day. CrossOver Day will be long, probably going past dinner, another effort to get those bills pushed over.

A bill that does pass may appear in this report six times – upon introduction, when recommended by a committee, and when debated on the floor, times two for the second chamber. The report write-up may vary as the wording is amended or substituted. But a three-sentence summary cannot do full justice to any bill. If the reader wishes more detail, there is sufficient information for reading it in full on the legislative website; ditto for talking with legislators about it. [www.legis.ga.us](http://www.legis.ga.us). If a committee of the other chamber is listed, that is where the bill not sits.

A term not seen before in reports of this session is **ENGROSSED**. It means 'cannot be amended'. The Senate votes to engross tax bills as a matter of course. The House can vote the bill up or down but no change made there will be accepted by the Senate. The House uses the structured classification on bills, given by the Rules Committee when it puts the bill on the calendar, to effect the same thing. Usually these bills are carefully crafted to avoid unintended consequences that perhaps an amendment hastily written might create.

A reminder that early voting for the presidential preferential primary begins Monday, March 2. Check with your county elections department for early voting locations and hours. Election Day is March 24.

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### **In CHAMBERS**

#### **CHILDREN**

SB 340 Beach – 21 **PASSED** Senate H.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.

#### **EDUCATION – PREK – 12**

SB 294 Black – 8 **PASSED** Senate H.Retirement  
Teachers Retirement System is authorized to invest up to 5% of its assets in certain alternative investments. **Currently, TRS is specifically excluded from such investment options.**

#### **GOVERNMENT – GENERAL**

SB 377 Jones – 25 **PASSED** Senate  
Elevators, escalators, manlifts and moving walks are to be inspected once per 12 months, currently every 6 months. Contractors to help with this work may receive fees for this service directly, currently requires payment to the contractor through the Labor Department which schedules the inspections. **Senate added:** MARTA must continue to have elevator inspections every 6 months.

#### **GOVERNMENT – COURTS AND CRIMES**

SB 320 Payne – 54 **PASSED** Senate

Persons classified as sexually dangerous predators who fail to update or verify registration information with the Sexual Offenders Registration Review Board on their half birthday (six months after their birthday) are guilty of a felony with a penalty of 1 to 30 years. ***These folk must update or verify twice a year, once on their birthday and once 6 months hence. The current law has a penalty for failure of the birthday verification, but none for the half-birthday.***

HB 417 Powell – 32 **PASSED** House S.Regulated Industries & Utilities

Trauma scene cleanup shall be done by practitioners who are registered, bonded and insured and have passed a background check. Excludes property owners cleaning up such a scene on their own property and any unpaid assistance they may receive.

## **GOVERNMENT – EMPLOYMENT**

SB 316 Thompson – 14 **PASSED** Senate

Military spouses licensed in another state may obtain a license by endorsement in GA if the requirements for licensing in the other state are similar to GA by a majority of the elements and it is in good standing.

HB 487 Bonner – 72 **PASSED** House S.Public Safety

The Civil Air Patrol Auxiliary volunteers who are employees of a state agency may be granted up to 15 days leave in a year to render service. ***Currently, employees who are volunteers for the American Red Cross have this benefit.***

## **GOVERNMENT – ENVIRONMENT**

SB 319 Ginn – 47 **PASSED** Senate H.Natural Resources & Environment

Bans building of inhabitable structures in the flood path of a Category II dam without prior certification from a GA licensed engineer with 7 years experience related to the investigation, design and construction of dams.

## **HEALTH**

SB 352 Burke – 11 **PASSED** Senate H.Insurance

A patient is covered by a health care plan 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 until the termination date of the insurance contract.

SB 359 Hufstetler – 52 **PASSED** Senate H.Special Committee on Access to Quality Health Care

Surprise Billing Consumer Protection Act. A health insurance plan must 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 be 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 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.

## **REVENUE & TAXATION**

SB 302 Albers – 56 **PASSED** Senate **ENGROSSED** H.Appropriations

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.

HB 779 Blackmon – 146 **PASSED House** S.Finance

Revises the distribution of the proceeds of the alternative ad valorem tax on motor vehicles among local governments. Counties will receive 23% (currently 28%), municipalities get 28% (currently 23%), and the remaining 49% goes to the county school district unless there is a city school district when the city gets the 34% and the independent school district getting 43%.

HB 846 Corbett – 174 **PASSED House**

Interest on refunds is at the prime rate, currently prime plus 3%.

## **TRANSPORTATION & DRIVING**

HB 799 Blackmon – 146 **PASSED House**

Eligibility for early reinstatement of a suspended driver's license for DUI of a controlled substance or marijuana is now empowered.

## **LOCAL – FULTON and its CITIES**

HB 921 Bruce – 61 **PASSED House** S.State & Local Government

Amends the city charter of the City of South Fulton to provide for a city attorney.

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## **In COMMITTEE**

## **EDUCATION – PREK-12**

HB 1 Petrea – 166 DO PASS in H.Education

Renames the GA Special Needs Scholarship to the Senator Eric Johnson Scholarship. ***Eric Johnson is a former President Pro Tem of the GA Senate, currently a lobbyist, and a strong proponent of school choice at taxpayer expense.***

SB 367 Martin – 9 DO PASS in S.Education & Youth

Reduces the end of course assessments (tests) which must be given in high school to just 4, currently 8, probably eliminating the EOCs in geometry, economics, physics, and American Literature. Moves the writing assessment to grade 12 from grade 11. The grade 5 social studies test is dropped. Moves the testing window for elementary schools to the last 25 school days of the school term. The high school testing window will be set by Department of Education and is typically near the end of the term. The department may analyze local tests administered in an effort to eliminate redundant assessments. ***The local board currently does not need the state's approval to test more than what the state requires.***

HB 830 Benton – 31 DO PASS in H.Retirement

Large retirement systems may invest up to 10% of their assets in alternative investments. ***Currently, the Teachers Retirement System is banned from investing anything in alternative investments. But SB 294, if passed, would permit such investments up to the current 5%. If these two bills were merged, a good possibility, then TRS would go from 0% to 10%. Alternative investments are venture capital and corporate and other nongovernmental instruments, but not stock. TRS is the only large retirement system in the state that does not put assets in alternative investments.***

## GOVERNMENT – GENERAL

SB 134 Kirkpatrick – 32 **PASSED** Senate DO PASS in H.Government Affairs

The Georgia Commission on the Holocaust is transferred to the Board of Regents from the Department of Community Affairs.

SB 351 Watson – 1 DO PASS in 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. ***Referendum results will determine whether the author brings another bill to adopt the preferred option. If year-round daylight savings time is chosen, Congressional action is required to enable the change. 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 year round.***

SB 396 Walker - 20 DO PASS in S.Agriculture & Community Affairs

The pecan is designated the state official nut. ***GA is the top pecan growing state with over 170,000 acres planted, and produced 37% of all pecans in the US.***

HB 973 Paris – 142 DO PASS in H.Government Affairs

Designates June 19 as a state holiday for celebration of Juneteenth.

## GOVERNMENT – COUNTIES AND CITIES

SB 413 Martin – 9 DO PASS in S.State and Local Government

In rezoning cases, the term ‘applicant’ is revised to include any person with a direct ownership interest in the real property subject to the rezoning or that person’s lawyer.

HB 937 Smith – 133 DO PASS in H.Agriculture & Community Affairs

Local governments cannot ban or limit the use of state approved building materials in single-family dwellings. Exceptions for historic home and manufactured homes.

## GOVERNMENT – COURTS AND CRIMES

SB 394 Albers – 56 DO PASS in S.Public Safety

The Attorney General shall have assigned to the Law Department peace officers for kidnapping, false imprisonment and related offenses such as trafficking of person for labor or sex servitude. The peace officers shall be fully empowered.

## GOVERNMENT – FEDERAL ISSUES

HR 1240 Cantrell – 22 DO PASS in H.Interstate Cooperation

Urges the federal government to allow states to switch to permanent daylight savings time.

## GUNS

HB 787 Ballinger - 23 DO PASS in H.Public Safety & Homeland Security

GA residents may carry a weapon in GA if licensed in another state.

## HEALTH

HB 987 Cooper – 43 DO PASS in H.Health & Human Services

Strengthens the requirements for elder care in long-term facilities. Doubles fees for violations when death or serious harm to a resident has occurred. Licensing may not occur if a license has been suspended within a year or ownership

has changed to avoid a fine. Increases staffing to 1 to 15 residents in facilities of 25 beds or more effective 7-1-21. Each facility must provide 60 days notice of any impending bankruptcy or property evictions which might require relocation of residents, and 14 days notice to residents of change of ownership that may force discharge or relocation or other adverse impact on safe care and oversight. Memory care centers are to staff at 1-12 residents and to include various health care professionals. Training requirements are to include specifics for dementia patients. Licensing required for administrators in personal care homes and assisted living communities.

## **REVENUE & TAXATION**

SB 144 Anderson – 24 DO PASS in H.Ways & Means

The Revenue Commissioner may issue a license, not to exceed \$10, for a licensed dealer to sell tobacco products at special events in a temporary location for a period of 1 to 10 days. The rules for such sales shall be the same as for selling at the permanent location and products shall not be sold to minors.

HB 949 Knight – 130 DO PASS in H.Ways & Means

Updates GA's income tax to align with federal income tax.

## **TRANSPORTATION & DRIVING**

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

Changes the driving while distracted to ban those under age 18 only from using electronic devices totally while driving; those over 18 seem to be allowed again to do so as long as they stay buckled in the seatbelt.

SB 226 Robertson – 29 DO PASS in S.Public Safety

All passengers in a passenger vehicle must be in a seatbelt.

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

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

HB 870 Barton – 5 DO PASS in 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.

## **LOCAL – FULTON and its CITIES**

HB 965 Bazemore – 63 DO PASS in H.Local Delegation

The City of South Fulton shall not adopt a non-emergency ordinance until after a review and comment period by a 3-member ad-hoc committee appointed by the mayor for the purpose of evaluating the ordinance. The committee meets in public and the city clerk takes notes for delivery to the mayor and city council members. ***Who is to say that the problem the author is trying to solve might not also develop within the committee?***

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## **NEW LEGISLATION**

### **CHILDREN**

HB 1007 Douglas – 78 H.Health & Human Services

Volunteer coaches with youth athletic associations must undergo annual training to reduce the likelihood of injuries to youth athletes age 14 and under if they use a field owned by the state or any of its political subdivisions. Includes football, basketball, baseball, volleyball, soccer, ice or field hockey, cheerleading, rugby, wrestling, and lacrosse. Training must be within 30 days of becoming a coach and the association must keep records of who has been trained. Exempt are licensed and certified athletic trainers, doctors, nurses, first responders, and health care professionals with

acute life support training. Effective 1-1-21. ***Little League, church leagues, youth football, ALTA youth tennis are all examples of who will be impacted by this.***

HR 1280 Dempsey - 13 H.Health & Human Services

Creates the 11-member Joint Study Committee on Childhood Lead Exposure. Three members of the House and three members of the Senate plus two citizens each, one a pediatrician with experience in childhood lead exposure and poisoning and one a organizational representative having programs related to same. The Commissioner of Department of Public Health is also a member. Report due 12-1-20. ***Lead is very harmful to developing brains and is most commonly found in homes build before 1978 when lead was removed from paint.***

## **EDUCATION – PREK - 12**

HB 423 Albers – 56 S.Judiciary

Broadens the hazing act to include minors and secondary schools. Hazing that results in serious bodily injury or death is a felony subject to 1-10 years and a fine up to \$25,000, as is failure to render aid. Requires Department of Education, University System of GA, board of Technical College System of GA and boards of all private schools and universities to develop plans for hazing awareness, prevention, and intervention at all schools. Postsecondary schools are to maintain and publicly report violations annually. Adds 'hazing' to the requirements for use of unlawful drugs at colleges and universities.

## **EDUCATION – POSTSECONDARY**

HB 997 Carpenter – 4 H.Higher Education

All students resident in Georgia except nonimmigrant aliens shall be eligible for in-state tuition at the University System and the Technical College System of GA. Each must have graduated from a GA high school or gotten a GA GED, be under age 30, resided in GA for 4 years and been physically present in the U.S. since or before the 12<sup>th</sup> birthday.

## **ELECTIONS & ETHICS**

SB 414 Jones – 22 S.Judiciary

Defines 74 specific offenses of moral turpitude which prevent a person from voting, registering to vote, or enables being purged. Effective 1-1-21. ***Voters convicted of felonies not specified would then be able to register and vote. Currently, any felony prevents the person from voting. Mr. Jones spoke of this bill at League Day at the Capitol.***

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