

LWVAF, Report from the Capitol, Week 8

This week the General Assembly met for four days, completing Day 29. They are now in recess until further notice, responding to the Coronavirus 19 situation. Yet to be completed is the budget for the fiscal year beginning July 1. The governor then has 40 calendar days to decide whether to sign or veto bills, including the budget.

There were several other surprises this week.

The adjournment schedule in place at the beginning of the week was updated by the Senate on Tuesday. The House didn't like it, so they passed a different one for their chamber. It was replaced Thursday by a third document which included both schedules for ease of use. By 4 p.m. both chambers announced the suspension of all further legislative days after Friday. Late April or early May is a good guess when they might be back.

The amended year budget, the one for the current year, was agreed to by both chambers and is awaiting the governor's signature (HB 792). It includes \$100,000,000 taken from the Revenue Shortfall Reserve, currently about \$2.3 billion, to fight the coronavirus 19 pandemic. The budget for next fiscal year passed the House and the Senate was to begin work on it today, but that will be delayed.

Thursday was CrossOver Day, when a bill must have left its chamber of origin and crossed over to the other side to have a chance of passage. It was like a flood gate opening. Hence, the length of this report.

It is interesting to note what didn't pass: sports or casino betting, tort reform, certificate of need changes, non-enrolled students playing on public school sports teams, expansion of Medicaid except for new mothers. There was little time for committee work on bills that had crossed over on previous days.

BOLD Bill Number = final passage

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

TGFS = To Governor for Signature

In CHAMBERS

BUDGET

FY 793 Ralston – 7 **PASSED** House S.Appropriations

The House has evaluated the FY21 budget and made many changes:

- Teacher raises were reduced to \$1000, resulting in found dollars, about \$200 million.
- The raise of \$1000 to employees making less than \$40,000 was changed to a 2% salary increase for all state employees.
- Awarded larger targeted raises, 2.4% to 5%, to positions where there was over a 30% turnover rate.
- Expanded the Medicaid program for women postpartum care from 60 days to 6 months (GA is last in the nation in maternal and infant mortality).
- Increased the number of pre-K slots by 1000 to 85,000, the first increase since 2011.
- Funded school counselors at 1-450 students in all grades fulfilling a 2013 recommendation.
- Softened were cuts to public safety, the disabled, mental health, state schools for the deaf and blind.

20.TEMPLATE

- Set aside money to prepare for and deliver services to a special session in the fall of 2021 for redistricting using the census results expected to be released about April 1 2021, too late for the regular session. The Senate will have to do similar adds for the special session.

CHILDREN

SB 375 Mullis – 53 **PASSED** Senate

Vaping is added to the code. A person under the age of 21 may not be in possession of tobacco or vapor products, and it is illegal to sell these products to them. A fine of \$25 per incident may be imposed on both the buyer and the seller. The person under 21 may also have community service which if not done within 12 weeks on the second conviction, the driver's license can be suspended for up to 45 days. These products may be seized by law enforcement officers. A person over 21 who possesses a vapor product within a school zone is guilty of a misdemeanor and a fine of \$25. Vaping is to be added by Department of Education to the required health class unit on alcohol and drugs.

HB 881 Cooper – 43 **PASSED** House

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.***

HB 911 Setzler – 35 **PASSED** House S.Judiciary

A foster parent who engages in sexually explicit conduct with a foster child in their custody is guilty of a felony and subject to 1 to 25 years in prison and up to a \$100,000 fine. One who engages in improper sexual contact with a child in their care is guilty of a felony if the child is under age 16 and subject to 25 to 50 years in prison and up to a \$100,000 fine; it is a misdemeanor of a high and aggravated nature if the child is age 16 or older. ***Governor's bill.***

HB 912 Reeves – 34 **PASSED** House

Allows foster parents to leave a child with a babysitter for up to 3 days without getting approval from DFCS, currently 2 days. ***Governor's bill.***

HB 913 Reeves – 34 **PASSED** House S.Judiciary

Potential adoptive parent must be at least age 21, currently age 25. ***Governor's bill.***

EDUCATION – PREK – 12

SB 40 Jackson – 2 **PASSED** Senate H.Judiciary

Bans all sexual contact between an employee or a volunteer in a school and an enrolled student in the school system. Conviction is of improper sexual contact.

HB 86 Benton – 31 **PASSED** House S.Education & Youth

Teachers may file a complaint regarding personnel performance evaluation ratings and any procedural deficiencies of the local board of education or charter school which does the evaluation.

SB 102 Jones – 10 **PASSED** Senate H.Education

Defines the environment for community schools which are designed to bring in wrap around services for students. The public school will partner with one or more non-profit organizations for a pilot program. The school must be a Title I, school achieving among the lowest 15% of secondary schools, or a high school with a graduation rate of 60% or less over 3 years. If appropriated, Department of Education can award planning or operational grants.

HB 336 Blackmon – 146 **PASSED** House S.Retirement

20.TEMPLATE

Retired teachers may return to work full-time and still receive their retirement benefits if they are in any of 3 high-demand areas as determined by the Regional Educational Service Agency (RESA) serving that school's area. The retiree must sit out a year and earns no additional retirement benefit. The local board of education pays both the employer and employee Teachers Retirement System premium. Program sunsets in June 2025. ***The state will be paying these returnees almost double what they would have earned before retirement. Some might suggest that this is a form of double dipping. There is no restriction on the retired teacher returning for 49% or less during the year they must sit out until returning full time.***

SB 349 James – 35 **PASSED** Senate H.Education

Local boards of education are to provide free feminine hygiene products in schools serving any grade between 6 and 12. ***Most schools, if not all, have free products available for students in the health clinic, at the front office, in the counselor's suite. Putting them in girls bathrooms requires a dispenser which costs \$300 each. There is a federal grant available through the Department of Education for such costs.***

SB 386 Unterman – 45 **PASSED** Senate H.Education

Section 504 students are eligible for the Special Needs Scholarship if they have a diagnosis of a permanent nature, such as dyslexia or spinal bifida. ***Currently, the voucher is limited to those with an Individual Education Plan, IEP, with a condition that limits their ability to learn. Section 504 may limit the student in participating in some elements of school and who needs accommodations, but not necessarily the ability to learn. This may triple the number of students taking this voucher. League OPPOSES vouchers in any form because they use taxpayer money for private schools often sectarian.***

SB 387 Jordan – 6 **PASSED** Senate H.Education

Food prepared by students in any course on food preparation but not eaten shall be made available to students dealing with hunger or food insecurity issues. Department of Education shall develop guidelines. Donating the food to Second Harvest organizations which are already collecting and dispensing food prepared but unused from hotels and restaurants is a suggested solution .

SB 430 Ligon – 3 **PASSED** Senate H.Education

Private and home schooled students may take courses at a college and career academy run by the local school district which serves their residence and if space is available. Transportation is the responsibility of the student/parent. Local board of education earns FTEs for the time the student is in attendance. The State Board of Education is to draw up rules regarding enrollment and withdrawal, reporting academic performance, discipline procedures and any other area requiring definition. ***Most college and career academies admit these students now.***

SB 447 Martin – 9 **PASSED** Senate H.Education

Apprenticeships, internships, and other work-based learning opportunities for students defined. ***Currently, the definitions are spread throughout the code. This brings them together.***

SB 466 Martin – 9 **PASSED** Senate H.Education

The teacher evaluation rating of 'needs improvement' or 'needs development' is no longer a cause for certificate nonrenewal. A new evaluation system will be piloted by 10 local school systems beginning in the 2020-21 school year. At least one school system shall be urban, two suburban, and three rural, each to be selected in a competitive process. If the school system is a strategic waiver system, their charters must be amended to reflect the new evaluation system. The Department of Education is to report annually to the General Assembly about the implementation and effectiveness of the pilot and whether the evaluation system should be taken statewide.

HB 1026 Dickey – 140 **PASSED** House S.Education & Youth

Reduces the number of REACH scholars to 8, from 12, for school systems with 5 or more high schools and to 5, from 7, for school systems with less than 5 high schools.

EDUCATION – POSTSECONDARY

SB 318 Ligon – 3 **PASSED** Senate

Provides a public forum at public postsecondary institutions. Each institution may restrict some areas from all forum uses, but all other areas are open to any student, organization, staff, faculty to discuss any subject matter as a right under Amendment 1 of the US Constitution and Article 1 of the GA Constitution, specifically, the right to free speech. ***The author seems to be reaching for a way for religious speakers to be allowed unfettered access to all on campus.***

SB 416 Mullis – 53 **PASSED** Senate H.Higher Education

The Office of College and Career Transitions within the Technical College System of Georgia is renamed Office of College and Career Academies. The commissioner of TCSG will appoint a director of the office who shall be responsible for day-to-day operations and other duties assigned by the commissioner.

SB 423 Albers – 56 **PASSED** Senate H.Judiciary

Broadens the hazing act to include minors. Hazing resulting in serious bodily injury or death is a felony subject to 1-5 years and a fine up to \$50,000, as is failure to render aid. If death or serious bodily injury is not involved, hazing is a misdemeanor of a high and aggravated nature with a possibility of 1 to 5 years in prison and up to \$5000 fine per violation. University System of GA, board of Technical College System of GA and boards of all private schools and universities are to develop plans for hazing awareness, prevention, and intervention. Postsecondary schools are to maintain and publicly report violations annually. Adds 'hazing' to the requirements for use of unlawful drugs at colleges and universities.

HB 736 Belton – 112 **PASSED** House

A refundable income tax credit for up to 1000 teachers in 100 schools for the study of math, science, special education, or any other high demand subject. They must teach one of these subjects for 5 years or lose the credit of \$3000/year. The teacher must attend a GA institution. The GA Student Finance Commission shall administer the program. The state cost will be \$3 million/year for 5 years. ***These are certified teachers already in the classroom.***

ELECTIONS & ETHICS

SR 459 Mullis – 53 **NNS ADOPTED**

Encourages anyone testifying in the Senate to tell the truth. Senators rely on what is said in testimony. The chair of any committee can choose to administer an oath. Those who lie may be subject to contempt by the Senate Ethics Committee and prohibited from presenting further testimony for the remainder of the session.

SB 463 Kennedy – 18 **PASSED** Senate

If a precinct with 2000 or more electors has a voting time of more than one hour to check in to vote, the precinct shall either be split or receive more equipment or poll workers the following election. The precinct manager shall check three times during the voting day to see how long it takes to get from the end of the line to check in. Removes references to direct recording electronic (DRE) voting equipment from the law. Also removes or modifies election procedures which have been changed by court order. ***Secretary of State's bill. Except for the time checking, this bill is a clean up. Much of the objection to this bill was done by those who were not familiar with current election law and procedures nor with HB 316 which authorized the change in voting equipment or they chose to ignore that knowledge.***

GOVERNMENT – GENERAL

SB 338 Kirkpatrick – 32 **PASSED** Senate

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.

20.TEMPLATE

SB 358 Harper – 7 **PASSED** Senate
Designates the muscadine grape as the official state grape.

HB 973 Paris – 142 **PASSED** House
Designates June 19 as a state holiday for celebration of Juneteenth.

GOVERNMENT – COUNTIES AND CITIES

SB 413 Martin – 9 **PASSED** Senate
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 854 Rutledge – 109 **PASSED** House
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.

GOVERNMENT – COURTS AND CRIMES

SB 344 Mullis – 3 **PASSED** Senate
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.

GOVERNMENT – EMPLOYMENT

SB 408 Strickland – 17 **PASSED** Senate
Removes the sunset from the Sick Leave for Care of Immediate Family Members. ***Currently, if a person earns sick leave, they may use up to five days/year for participatory care of immediate family members. It was to sunset June 30, 2020. This situation overwhelmingly affects women. The NO votes in the Senate were exclusively men.***

SB 327 Karinshak – 48 **PASSED** Senate
Employers are to provide breaks to females who are nursing an infant for the purpose of expressing breast milk.

HB 1094 Gaines – 117 **PASSED** House
State employees will get a paid leave of 3 weeks for the birth of a baby, an adoption, or taking in a foster child. Salaried employees eligible for this leave if they have been on the job 6 months; hourly employees are eligible if they have worked 700 hours in the last 6 months. The leave must be taken within the 12 months following the event. ***These same employees currently can take unpaid leave of 3 weeks. This includes employees of local boards of education.***

GOVERNMENT – ENVIRONMENT

HB 857 Powell – 32 **PASSED** House
Bars burning chemically treated wood products, creosote or naphthenate, for purposes of commercial energy generation by permitted industrial biomass boilers.

SB 426 Strickland – 17 **PASSED** Senate

20.TEMPLATE

The unpermitted release of ethylene oxide must be reported to the Environment Protection Division of the Department of Natural Resources within 24 hours and the information is to be posted on EPD's website as soon thereafter as possible.

HB 833 Stephens – 164 **PASSED** House

The Department of Natural Resources shall develop rules and regulation regarding long-term anchoring of watercraft as to where, how long, and how to control sanitation within the estuarine areas of the state.

HB 927 Parsons – 44 **PASSED** House

Requires the reporting to the Environmental Protection Division of any ethylene oxide unpermitted release in writing within 24 hours of discovery.

HB 959 Meeks – 178 **PASSED** House

Increases the minimum fee charged by a municipal solid waste disposal facility operated by a private enterprise to \$2.50/ton, from \$1/ton, for all wastes from burning coal by electric utilities and independent power producers and construction and demolition waste. At least 10%, up from 5%, of the revenue to be used for public education , management costs, repair to roads associated with the facility litter control programs, ground water and air monitoring, remediation and monitoring of closed or abandoned facilities infrastructure improvements, reserve funds, acquisition of property for expansion, buffering, beautification, and other needs.

GOVERNMENT – FEDERAL ISSUES

SB 854 Cowsert – 46 **FAILED** in Senate

Under Article V of the U.S. Constitution, to call a constitutional convention to propose an amendment that imposes fiscal restraint on the federal government, limits the powers and jurisdiction of the federal government, and limits the terms of office for its official and for members of Congress. ***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 60% of the states agree, a convention can be 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.***

HR 1240 Cantrell – 22 **NNS ADOPTED**

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

HEALTH

SB 311 Kirkpatrick – 32 **PASSED** Senate H.Special Committee on Access to Quality Health Care

Medical providers may not take money when referring or recommending a patient to another health provider or prescribing specific medications. If fewer than 20 patients are involved, it is a misdemeanor with 1-12 months in prison and up to \$1000 fine per violation; if 10 to 20 patients, the violation is a felony with prison time of 1-5 years and \$100,000 fine; If over 20 patients, prison up to 10 years and a fine of \$500,000 per patient is possible. A medical provider commits a misdemeanor if it bills an insurance company for a reimbursement for tests not needed, not performed, or deliberate billing to a patient for a service paid by an insurer.

SB 391 Kirkpatrick – 32 **PASSED** Senate

When a state of emergency has been declared or a hurricane warning issued, the Commissioner of Public Health may waive the time restrictions on prescription refills to enable patients to refill a 30-day supply in advance, if refills remain.

SB 417 Kirkpatrick – 32 **PASSED** Senate

A background check is required of an expedited licensee of a health care professional.

20.TEMPLATE

SB 418 Thompson – 14 **PASSED** Senate

A public safety officer will be paid an indemnity if a heart attack, stroke, or vascular rupture is suffered while performing work related activity or if on duty after performing work related activity, or within 24 hours after performing work related activity and the health events directly or proximately resulted in death or partial or permanent disability unless competent medical professionals and evidence can establish the events were not work related.

HB 791 Stephens – 164 **PASSED** House S.Health & Human Services

A pharmacist may provide up to a 90-day supply of a maintenance medication for a chronic condition if the patient agrees and the prescribing doctor has indicated periodic refills are medically necessary. This authorization does not apply to scheduled drugs, controlled substances or the initial fill. **Author is a licensed pharmacist.**

REVENUE & TAXATION

HR 164 Powell – 171 **TO BALLOT** 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 \$28 billion; 1% is \$280 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. The author, who died late last year, worked on this proposal for several years. The conference committee report had passed the House when time ran out in the 2019 session. The Senate agreed to the report this week.**

SB 388 Kennedy – 18 **PASSED** Senate H.Ways & Means

Persons who knowingly and willfully aid, assist, counsel, or advise in the preparation or presentation of any false or fraudulent income tax return or document, shall have committed a felony with a fine up to \$10,000 and/or 5 years in prison, currently a misdemeanor with a fine up to \$1,000 and six months in jail. **The new penalty for preparers brings it in line with the penalty for the taxpayer who files the fraudulent income tax return or document.**

SB 410 Kennedy – 18 **PASSED** Senate H.Ways & Means

If a Board of Assessors appeals an assessment and the determination is 85% or less of the Board's valuation, the taxpayer can recover costs of litigation if the county governing authority approves as well as interest. **Currently, the taxpayer can recover only if the taxpayer appeals and the value is determined to be 85% or less of the previous valuation determined by the county.**

HB 864 Rich – 97 **FAILED** in House

An excise tax of 7% is to be levied on vapor devices and consumable vapor products. Both tobacco and vaping products are limited to those over age 21.

HB 949 Knight – 130 **PASSED** House S.Finance

Updates GA's income tax to align with federal income tax, effective for returns of 2018 and beyond. Eliminates the progressive aspects of the state income tax and imposes a 5.375% flat tax on all individual filers but leaves the corporate tax rate at 5.75%, effective 1-1-21. Requires the state income tax paid to be added back to the federal adjusted gross income for state income tax filings (eliminates the double deduction for state income tax). Changes the foster care child credit to \$6000 for the first year, currently \$2000, and reverts to \$2000 for year 2 to age 18, effective 1-1-20. Repeals the current low income credit and creates another one. **League of Women Voters SUPPORTS a progressive tax system, and therefore OPPOSES the flat tax. The fiscal note indicates the proposal for a flat tax could reduce state revenues by \$600 to \$800 million. The other elements of this proposal would offset about half of those losses.**

TRANSPORTATION & DRIVING

20.TEMPLATE

HB 859 Pirkle – 155 **PASSED** House ~~sub~~ S.Judiciary

Tinted windows or windshields shall incur a fine up to \$50 for the first violation and up to \$75 for the second violation within 24 months.

SR 885 Harper - 7 **PASSED** Senate

CA to issue state bonds to make loans or grants to airports owned or operated by local governments. Excludes airports with more than 750,000 takeoffs and landings in any calendar year (Atlanta).

HB 903 Dollar – 45 **PASSED** House S.Special Judiciary

Driving an unlicensed vehicle can result in a citation to the driver or the owner, if present at the time of citation issuance.

LOCAL – FULTON and its CITIES

HB 1006 Jackson – 64 **PASSED** House S.State & Local Government

The Chief Judge of the Atlanta Judicial Circuit shall be selected by a majority vote of the circuit judges, else the most senior judge who has not previously been chief judge shall be selected. The term is 2 years with option to serve two consecutive terms. ***All of the sponsors are from the south side of Fulton County.***

HB 1075 Holland – 54 **PASSED** House S.State and Local Government

Members of the board of education for Atlanta Public Schools shall have staggered terms. Members in Districts 1, 3, 5, 7, and 9 elected in 2021 shall have a term of 2 years. Members in Districts 2, 4, 6, and 8 shall be elected for 4 years. Elections thereafter each member shall serve a term of 4 years.

HR 1163 Gambill – 15 **PASSED** House S.Transportation

Names several roads and bridges, one of which is for Emma Darnell, former 30-year Fulton County commissioner, specifically the interchange at I-85 and I-285 to be known as the Emma Darnell Memorial Interchange.

In COMMITTEE

CHILDREN

SB 340 Beach – 21 **PASSED** Senate DO PASS in 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.

HEALTH

HB 752 Belton – 112 **PASSED** House DO PASS in S.Interstate Cooperation

Physical therapists, physical therapy assistants, and psychologists will be subject to a national background check through the GA Crime Information Center and the FBI. The reports will not be shared outside of the state. Applicants for a license are to provide all necessary information to run a background check including fingerprints and pay any fees.

REVENUE & TAXATION

HB 779 Blackmon – 146 **PASSED House** DO PASS in 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%.

TRANSPORTATION & DRIVING

HB 511 Tanner – 9 **PASSED** House DO PASS in S.Transportation **DV**

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 GDOT, Dept. of Human Services, and Department of Community Health are three.

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