

12 February 2016

LWVAF, Report from the Capitol, Week 5

The General Assembly met for four days this week, completing Day 20. We're half way through!

With only 10 more legislative days before CrossOver, the day bills have to pass their house of origin in order to have any chance of passage, the committees are moving out lots of bills. Even floor calendars might contain more than three or four bills for consideration.

The amended budget has now passed both chambers with slight differences. It will now return to the House for agreement or insistence. If the latter, a conference committee will be formed to resolve the differences. Another bill to pass is the annual bill to align GA's tax code with changes made in Congress. That bill is on the governor's desk for signature.

One subject that is getting a lot of attention is religious freedom. There are 8 or more bills in the pipeline. Two passed the House late this week. They are reported herein.

Another aspect of this report is a lot of bills being worked on passed the chamber of origin last year.

The legislature is taking a four day weekend to celebrate President's Day. It will return Tuesday for another four day week.

BOLD Bill Number indicates final passage

CA = constitutional amendment. Requires a 2/3s vote in each chamber and a majority vote in the next general election, next scheduled for November 2016.

DV = Differing Versions

NNS = Needs No Signature

TGFS = To Governor for Signature

In CHAMBERS

BUDGET

HB 750 Ralston – 7 **PASSED** House **PASSED** Senate **DV**

Amended budget for FY16. Almost no changes were made from that proposed by the governor.

DRIVERS LAWS, TRANSPORTATION

HB 767 Powell – 32 **PASSED** House S.Public Safety

Adds 'utility service vehicle' to the law requiring approaching vehicles to use caution, slow down, and move into another traffic lane to pass. 'Utility service' includes public and private firms providing electric, natural gas, water, waste water, sanitation, cable, phone, or telecommunications services.

EDUCATION

HB 659 Belton - 112 **PASSED** House

Local school systems and schools shall publish financial data of all kinds that are not already required to be confidential. It is to be put on their web sites or links thereto. SBOE is to establish template and to aggregate for all school systems. The annual audit is also to be made available. Includes general operating budget, any SPLOST funds, federal funds, and privately received funds. *Most schools get federal funds for special education students, English language learners, and school meals. There are no sanctions for not providing the financial data.*

HB 739 Tanner – 9 **PASSED** House S.Education & Youth

Approval of instructional materials and content is optional at the state level. Locals shall adopt a policy regarding textbook adoption, have control of which items are purchased, designate a coordinator, allow for public review of selections. Effective in school year 17-18. *Currently, the state reviews instructional materials for alignment with required curriculum standards, quality of bindings which must last the next adoption cycle, and has opportunities for public examination in several parts of the state. Local school systems may choose from the materials that make the 'approved' list to use state money to purchase. Further, if 5 systems or more wish to recommend instructional materials, the DOE must evaluate them. LBOEs are always allowed to use local funding to purchase items not on the list. This proposal allows the state to get out of the public review business. It will be done at the local level.*

HB 870 Strickland – 111 **PASSED** House

High schools that receive state funds cannot participate in an athletic association that prohibits religious expression on clothing of student athletes. Nor can these schools participate in an athletic association which bans member schools from organizing and playing scrimmage games with nonmember schools. *Bill arose after a student wore a headband with a religious message in a competition, after he had been warned twice to remove it, and was thus ruled ineligible. The national umbrella organization for GHSA has a rule that headbands can be worn unadorned and must be either white or the color of the official uniform. GHSA has changed its rules that now allow any two schools to scrimmage each other as long as both schools agree.*

GOVERNMENT - GENERAL

HB 219 Jones – 167 **PASSED** House

Private swimming pools owned by country clubs, condominium associations, subdivisions, town homes, time shares, may be inspected by request. The report is informational only and no fines or penalties may be imposed.

HB 483 Buckner – 137 **PASSED** House S.Natural Resources & Environment

The shoal bass shall be designated the GA state native riverine sports fish. *This fish lives only in the Chattahoochee, Flint, and Ocmulgee Rivers.*

HB 757 Tanner – 9 **PASSED** House

Religious officials when acting in their religious capacities are not required to perform marriage ceremonies or any other rite or administer sacraments if they violate the official's religious principles. Refusal to do so shall not give rise to a civil claim or cause of action. No business shall be required by ordinance or regulation to operate on either of the two rest days (Saturday or Sunday). No religious organization, which includes a church, religious school, auxiliary, is required to grant permission for their property to be used for a purpose which is objectionable to them. *This puts in state law which is already federal law. But it may be calming to the fears of some.*

HB 821 Williams – 168 **PASSED** House

Licensing boards shall implement policies by which spouses of military personnel may be licensed in GA if the spouse is licensed in another state with similar criteria or has received a specialty, certification, or training or experience in the military while a service member.

GOVERNMENT – COURTS AND CRIMES

SB 255 Stone – 23 **PASSED** Senate

An extensive revision of the garnishment laws, making them uniform. If interested, read this 55 page bill.

SB 262 Stone – 23 **PASSED** Senate

A judge, judicial officer, grand juror or trial juror may be disqualified if related to a party within the 3rd degree, currently 6th degree.

SB 278 Unterman – 45 **PASSED** Senate H.Judiciary Non Civil

Increases the penalties for pimping and pandering.

HB 759 Williard – 51 **PASSED** House S.Banking & Financial Institutions

Providing advice to financial institutions customers regarding financial services shall not be considered the practice of law. *Currently, banks have such protections but other financial institutions do not.*

GOVERNMENT – COUNTIES AND CITIES

HB 765 Powell – 171 **PASSED** House S.Health & Human Services

Vacancies on county DFACS boards shall be filled by appointment by the county and may include active or retired members of the groups specified. *Some have interpreted the current law as not being inclusive of ‘retired’ persons.*

GOVERNMENT – ENVIRONMENT

HR 1198 Smith – 70 **NNS PASSED** House

Encourages the Environmental Protection Division of the Department of Natural Resources to review its current regulations as they relate to aquifer storage and recovery to ensure they are sufficient to provide for the protection and preservation of the state’s aquifers, to make changes if needed, and to consider the availability of other water supply sources in the permitting of any potential storage and recovery project. *An attempt to protect the Floridian Aquifer.*

HEALTH

SB 230 Hufstetler - 52 **PASSED** Senate H.Health & Human Services

Uniform Emergency Volunteer Health Practitioners Act. Provides for a certification process for volunteer practitioners so that those licensed in other states may be deployed to GA in an emergency.

SB 308 Unterman – 45 **PASSED** Senate

Positive Alternatives for Pregnancy and Parenting Grant. A grant program within the Department of Public Health to promote healthy pregnancies and childbirth via grants to nonprofits that provide pregnancy support services. Parenting education & support services to be provided up to one year after childbirth.

HB 509 Petrea – 166 **PASSED** House S.Health & Human Services

Create the 9 member GA Palliative Care and Quality of Life Advisory Council within the Department of Community Health to advise regarding establishment, maintenance, operations, and evaluations of outcomes of palliative care. The department shall publish resources on its website.

HB 649 Cooper – 43 **PASSED** House S.Health & Human Services

GA Lactation Consultant Practice Act. Requires licensed lactation consultants.

HB 775 Ehrhart – 36 **PASSED** House S.Health & Human Services

Spectacles (contact lenses or eye glasses) which correct vision must be prescribed by a qualified licensed person who first performs an eye exam. *Clarifies existing law to eliminate such eyewear as safety goggles.*

HB 780 Lott – 122 **PASSED** House S.Health & Human Services

Exempts from licensure any laboratory which is non-diagnostic or federally regulated and whose sole function is to examine human blood or its components intended as source material for manufacturing biological products.

REVENUE/TAXATION

HB 726 Tanner – 9 **PASSED** House

The federal excise tax on tobacco products shall not be due on the tax or shipping charges if sales invoice separately itemizes those charges.

HB 742 Knight – 130 **PASSED** House **PASSED** Senate **TGFS**

Aligns state income tax code with federal law with particular attention to Georgia subchapter “S” corporations and Form 1099’s when taxes are withheld. *Bill is on a fast track for 2015 tax returns.*

HB 769 Hawkins – 27 **PASSED** House

Watercraft held in inventory for sale is exempt from property taxes permanently. *Currently, it is exempt until 2019. Sponsor is from Hall County where there are lots of boat sellers around Lake Lanier.*

HB 822 Coomer – 14 **PASSED** House

Energy used in agriculture is exempt from state sales tax unless it is prepaid. This bill clarifies that.

In COMMITTEE

CHILDREN

HB 52 Quick – 117 **PASSED** House DO PASS in S.Judiciary

Parenting plans shall be part of a final divorce decree when a child is involved unless otherwise ordered by the court.

Currently, there is no other option for either a parenting plan or a different timetable.

DRIVERS LAWS, TRANSPORTATION

HB 93 Pezold – 133 DO PASS in H.Public Safety & Homeland Security

Prohibits law enforcement agencies from retaining license plate data obtained from automatic license plate readers for more than 90 days. Data is not subject to public disclosure.

HB 172 Lumsden – 12 **PASSED** House DO PASS in S.Natural Resources & Environment **DV**

Personal watercraft will not include homemade or inflatable rafts, including intertubes, propelled only by human limbs when BUI is involved. *Canoes, kayaks, and long boats may also be included in this definition.*

SB 320 Watson – 1 DO PASS in S.Public Safety

A foreign drivers license can be used to drive in GA if the person is a visitor (nonresident). Having the passport and a document evidencing recent lawful entry into the U.S. in the car can be most helpful.

HB 764 Powell – 32 DO PASS in H.Public Safety & Homeland Security

Drivers must stop at crosswalks with pedestrian-activated rapid flash beacons. Pedestrians who activate such devices with no intent to cross shall be guilty of a misdemeanor.

EDUCATION

HB 16 Prince – 127 DO PASS in H.Education

Each local school district shall decide, by policy, if students enrolled in magnet schools may try out to participate on their home high school teams. Students may play for only one school.

HB 65 Caldwell – 20 **PASSED** House DO PASS in S.Education & Youth **DV**

Local boards of education and some charter schools, other than conversion charters or career academies, shall hold at least two public hearings on the proposed budget before adoption. Charter schools with a state-wide attendance zone will have one meeting in the county where its primary business office is located and the other in the Metro Atlanta area. Budgets shall be posted on the website of the school or system.

SB 329 Tippins – 37 DO PASS in S.Education & Youth

Classes taken through Move On When Ready to satisfy high school graduation requirements and HOPE scholarship eligibility will receive credit if they relate to high demand technical and job skills as determined by the Technical College System of GA. *What if the student wants to prepare for a profession that TCSG doesn't rate as 'high demand' such as law or medicine or concert pianist?*

HB 744 Chandler – 105 DO PASS in H.Judiciary Non Civil

Sexual contact between school personnel and students enrolled shall be treated as sexual assault unless they are married to each other. *Cleans up law banning sexual contact between any person in authority over another in their charge.*

HB 777 Dudgeon DO PASS in H.Public Safety & Homeland Security

School bus drivers may use a cell phone while driving as a 2-way radio to talk with school officials or public safety officials. ***An exception to the ban on cell phone use while driving.***

HB 879 Taylor – 79 DO PASS in H.Economic Development & Tourism

A Seal of Literacy is to be awarded to all high school graduates who have attained a high level of proficiency in speaking, reading, and writing in a language other than English. ***Recognitions of this nature generally done by DOE or local boards of education.***

ELECTIONS/ETHICS

HB 772 Clark – 147 DO PASS in H.Government Affairs

When the required Saturday for voting during an advanced voting period falls on a legal holiday or holiday weekend, then the required voting shall be on the previous Saturday. ***In 2014, voting was required on July 4. This proposal prevents that.***

GOVERNMENT - GENERAL

SR 412 Jones – 22 NNS DO PASS in S.Science & Technology

Creates the 6 member Senate Cyber Challenge Study Committee to make recommendations to the General Assembly how to combat cyber threats and to grow the cyber security industry.

HB 849 Golick – 40 DO PASS in H.Judiciary

GA Civil Rights in Public Accommodations Act. All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation without discrimination or segregation on the grounds of race, color, religion or national origin. The Commissioner on Equal Opportunity shall have an administrator to assist in overseeing these requirements. An aggrieved person must file a complaint within one year from the date of the alleged incident. ***This is new language being proposed. Apparently, more general language on discrimination has been used in the past for such complaints.***

GOVERNMENT – COUNTIES AND CITIES

SB 275 Williams – 27 DO PASS in S.Ethics

Counties, cities and local boards of education shall not adopt any polity or rule preventing members of the governing authority from discussing freely the board's policies and actions. ***The Ethics Code requires that when a board has voted on an issue, all members of the board shall stand behind that vote. This prevents those on the other side of the issue from undermining what the majority has agreed to do. This proposal overturns that portion of the Ethics Code.***

GOVERNMENT - EMPLOYMENT

SB 242 Williams – 27 DO PASS in S.Health & Human Services

An employee may use 5 days of earned sick leave to care for a family member – child, stepchild, parent, grandparent, spouse, or any dependent on the most recent tax return. Employees must follow the employer rules for sick leave. Employers are not required to offer sick leave.

SB 297 Jackson – 2 DO PASS in S.State & Local Government

State employees may use up to 6 weeks of accrued leave to care for an adopted child upon placement. Must be taken in the first year. ***Aligns with leave policy for natural births in the family.***

GOVERNMENT – FEDERAL ISSUES

HR 900 Barr – 103 DO PASS in H.Government Affairs

A constitutional convention allowed by Article V of the U.S. Constitution will have to be rules adopted to keep it from chaos. A group of legislators from various states, known as the Assembly of State Legislators, is being given authority by their states to draw up rules for adoption at such a convention. Georgia will have six representatives and be eligible to cast one vote – the Speaker appoints two and the House minority leader appoints one, the Lt. Governor appoints two and

the Senate Minority Leader appoints one. *No amendment has yet been sent to the states for adoption from a constitutional convention, as the original document was. In recent years there has been a push to call such a convention because Congress is moving so few pieces of desired legislation. The subject matter is varied -- a balanced budget requirement, overturning the Citizen United ruling from the U.S. Supreme Court, overturning Roe vs Wade, allowing prayer in public meetings, defining marriage as between one man and one woman, and others.*

GUNS

SB 282 Stone – 23 DO PASS in S.Banking & Financial Institutions

Persons or trade associations engaged in the lawful commerce of firearms or ammunition products cannot be denied credit based solely on the services and products sold. If such discrimination is determined, a civil suit can be brought and attorney fees can be recouped.

HEALTH

SB 115 Hufstetler - 52 **PASSED** Senate DO PASS in H.Health & Human Services

A physician may delegate to a physician's assistant the authority to prescribe Schedule II drugs.

SB 314 Unterman – 45 DO PASS in S.Health & Human Services

Advanced Practice Registered Nurse is added to the Advanced Nursing Practice. Criminal fingerprint check must be submitted with every new license and renewal.

HB 762 Willard – 51 DO PASS in H.Judiciary

Human fetal tissue shall not be sold. Violation is a felony.

HB 826 Price – 48 DO PASS in H.Health & Human Services

Physicians who advertise or hold themselves out as being certified in any specialty shall insure that the full name of the board is stated and the board is a member of the American Board of Medical Specialties or the American Osteopathic Association or the physician has successfully completed a post graduate training program approved by either of those two organizations. *The sponsor is a physician.*

HB 886 Cooper – 43 DO PASS in H.Health & Human Services

Pharmacies may ship drugs to patients under the same rules as drug wholesalers and drug manufacturers who operate under federal standards. *Pharmacies now have more strict state rules to follow.*

HB 902 Dempsey – 13 DO PASS in H.Health & Human Services

Assisted living communities are to provide to residents, by Sept. 1 each year, information on the flu and its complications and the accessibility of a vaccine. *Nursing homes and hospitals already required to do so.*

HIGHER EDUCATION

HB 6 Kendrick – 93 DO PASS in H.Higher Education

GA Student Finance Commission may consider weighted GPAs greater than 4.0 for International Baccalaureate, Advanced Placement, and dual credit STEM courses for HOPE eligibility. *This reader of current law finds that they are not prohibited from doing that now. It is GSFC rule that limits the GPA to 4.0. 536 students would get additional funds – 10 would get HOPE that currently don't, and 526 would move from HOPE to Zell Miller Scholarship.*

HB 54 Waites – 60 DO PASS in H.Higher Education

Children of law enforcement officers, firefighters, prison guards, and HERO personnel killed in the line of duty may be eligible for a scholarship provided by the GA Student Finance Authority which shall be funded by state appropriations, donations through the income tax return check off, or donations when renewing one's driver's licenses. Scholarship shall be \$2000/year and \$8000 per person lifetime.

HB 542 Wilkerson – 38 DO PASS in H.Higher Education

The state may match contributions to 529 College Savings Accounts for some contributors:

- For adjusted gross income of less than \$30,000, the match will be twice the contribution
- For adjusted gross income of \$30,000 but less than \$60,000, the match will be equal to the contribution

Matches will not exceed \$500 per account per year. An unqualified withdrawal will incur a penalty of all state contributions and interest not to exceed the amount of the withdrawal. ***Ten states currently match contributions to college savings accounts up to some level.***

HB 745 Ehrhart – 36 DO PASS in H.Budget and Fiscal Affairs Oversight

The authority for various state agencies to write off low amounts of money due, particularly higher education tuition, fees, and loans, is due to sunset June 30, 2016. This bill extends that authority to June 2021.

LOCAL

HB 885 Jones – 47 DO PASS in H.Government Affairs

Repeals the law that allows counties with over 800,000 population [Fulton] to create a Board of Health and Wellness unlike those created in other counties. It has no direct relationship or reporting to GEMA, FEMA, or other health related organizations. There will be created a Board of Health in Fulton under the current law for all other counties.

Recommended by the current Board of Health and Wellness. County Commission is aware of this move. Gwinnett is almost at this level of population and there is a reason not to reproduce this model elsewhere.

NEW LEGISLATION

GOVERNMENT – COUNTIES AND CITIES

HB 699 Welch – 110 H.Government Affairs

When the number of members of a governing body for counties, cities, or school districts fails to be reelected and the remaining members do not constitute a quorum, the body cannot enter into contracts, incur debt, or dispose of real or personal property of the governing body. Until the beginning of the terms of the newly elected members, the body is to be known as a ‘transitional body’. ***This may have unintended consequences. Nonpartisan office holders are elected in the primary, currently in May, so that board would be a ‘transitional body’ until the following January when members took office. School board members are often nonpartisan. Does this mean they could not hire teachers for September?***

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