

19 February 2016

LWVAF, Report from the Capitol, Week 6

The General Assembly met four days this week, completing Day 24, 60% of the allowable 40 day session. They will return next Monday for a five day week.

The legislative water has been turned up full force as CrossOver Day approaches. Bills must have passed their house of origin by Day 30, Feb. 29, to have a chance of passage this session.

The only required bill that has to be passed is the budget. This week, the amended budget cleared all hurdles and is on the governor's desk for signature. The FY17 budget has cleared the House committee and is on the floor calendar for today. This year has seen budgets on the fastest track for adoption in a long, long time.

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 in November 2016.

DV = Differing Versions

TGFS = To Governor for Signature

In CHAMBERS

BUDGET

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

Amended budget for FY16. Almost no changes were made from that proposed by the governor. The governor has increased the revenue by \$75 million since initially recommending this budget. Most of it, \$70 million, went to Mercer and Morehouse medical schools to provide physicians in underserved areas, and \$5 million went to Augusta University for an unnamed project. Prepaid bond interest of \$773,000 was put in this budget to ease the burden in the FY17 budget. The governor has 6 days after receiving the budget to sign it, and he has line item veto.

DRIVERS LAWS, TRANSPORTATION

SB 320 Watson – 1 **PASSED** Senate H.Public Safety & Homeland Security

A foreign driver's 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 **PASSED** House S.Public Safety

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

EDUCATION

SB 329 Tippins – 37 **PASSED** Senate

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. *This appears to limit Move On When Ready to a technical school grant. 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 777 Dudgeon – 25 **PASSED** House

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 **PASSED** House

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 **PASSED** House

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 2015, advanced voting for a special election was required on July 4. This proposal prevents that.*

GOVERNMENT - GENERAL

HB 561 Wilkinson – 52 **PASSED** House S.Government Oversight

The ‘adoptable dog’ shall be the state official dog. *GA takes in 500,000 strays per year. This might give some of them a second chance.*

GOVERNMENT – COURTS AND CRIMES

HB 421 Nimmer – 178 **PASSED** House S.Public Safety

Community supervision officers employed by the Department of Community Supervision are eligible for disability benefits if injured in the line of duty after medical certification of the condition.

HB 555 Chandler – 105 **PASSED** House

Clerks of the Juvenile Courts to report to the Administrative Office annually various statistics regarding number of court appointed guardians ad litem, counsel, etc. Also, number of abortions authorized or denied, and appealed. Records are exempt from Open Records requirements. Individual records at each court are to be destroyed 6 months after reporting.

HB 847 Clark – 98 **PASSED** House

Offenses for fraud and related actions regarding public assistance and benefits are updated for current practices. For instance, food stamps are issued on electronic benefit transfer cards and are referred to as food instruments.

GOVERNMENT – COUNTIES AND CITIES

HB 738 Caldwell – 131 **PASSED** House S.Special Judiciary

Any excess funds from county law libraries can be used to provide civil legal protection for low income people and to buy software, equipment, fixtures or furnishing for the DA office, solicitor general office or for any county judicial facilities such as courtrooms and jury rooms. Expenditures must be reported to the county commission.

GOVERNMENT - EMPLOYMENT

SB 277 Albers – 56 **PASSED** Senate

A franchisee or an employee of a franchisee is not an employee of the franchiser.

GUNS

SB 270 Martin – 9 **PASSED** Senate

Retired POST certified law enforcement officers may carry a handgun anywhere within the state allowed for active law enforcement officers. *Included are retired officers from other states living in GA.*

SB 282 Stone – 23 **PASSED** Senate

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. Vests enforcement in the AG's office. **Party line vote. Some expressed that giving such protection to one industry and not to all industries was itself discriminatory. The pushback was that this is upholding the Second Amendment.**

HEALTH

HB 34 Dudgeon – 25 **PASSED** House S.Health & Human Services

Georgia Right to Try Act. Patients with advanced illnesses have a fundamental right to access investigational drugs, biological products and devices to preserve their own lives. Such items may not have completed the long process of FDA approval. A physician must document the patient's condition and have written a prescription for use of such unapproved drugs or devices. The patient must be fully informed of all possible options and outcomes and provide written consent. Health insurance is not required to fund such treatments unless specifically required by law or contract.

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

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

SB 305 Unterman – 45 **PASSED** Senate H.Health & Human Services

Physician Order for Life Sustaining Treatment forms; when changed by the Department of Public Health, the changes have to come back to the General Assembly.

HB 588 Clark – 101 **PASSED** House S.Health & Human Services

Substances containing ephedrine shall be entered into a data base upon sale and include the name of the buyer, the type of identification used to obtain the product, and the product bought. Limits possession to 300 pills or 9 grams. **38 states already do this. GA is the only state in the southeast which does not have an electronic data base.**

HB 762 Willard – 51 **PASSED** House S.Health & Human Services

Human tissue shall not be sold, including fetal tissue. Violation is a felony with a \$25,000 fine and 1-5 years confinement.

HB 813 Jasperse – 11 **PASSED** House S.Health & Human Services

Sexual partners of patients diagnosed with chlamydia or gonorrhea may receive 'expedited partner therapy' without a physical examination and get a prescription for treatment. **Both of these conditions are treated easily with a single dose.**

HB 853 Hawkins – 27 **PASSED** House S.Health & Human Services

Coverdell-Murphy Act. There are defined three levels of stroke centers, currently 2. Comprehensive Stroke Centers is the highest level. The Department of Community Health is authorized to identify hospitals for specific levels of stroke centers and may define additional levels as necessary. Strokes are the 5th leading cause of death in this country and the leading cause of disability. An estimated 800,000 strokes are experienced each year. **Act named for two Georgia politicians who died from strokes – Senator Paul Coverdell and Speaker Thomas Murphy.**

HB 866 Blackmon – 146 **PASSED** House S.Industry & Labor

Multiple employer self-insured health plans shall be exempt from premium taxes. **Currently, the tax is imposed.**

HB 886 Cooper – 43 **PASSED** House S.Industry & Labor

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.**

HIGHER EDUCATION

HB 798 Chandler – 105 **PASSED** House S.Higher Education

Home schooled students and those graduating from a non eligible high school may earn the Zell Miller HOPE scholarship, which pays 100% of tuition costs, if they score in the 93th percentile of SAT. They may earn the

regular HOPE scholarship if they score in the 75th percentile of the SAT, currently 80th percentile. *Home schools are unaccredited, so a student achievement rating is measured with the ACT/SAT scores. Home schooled students have had to pay up front for their first year of college and, if their GPA was sufficient, were repaid by HOPE. Under this proposal they would get HOPE going into their freshman year.*

LOCAL

HB 885 Jones – 47 **PASSED** House S.Health & Human Services
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 Department of Public Health or GEMA or other health related organizations. There will be created a Board of Health in Fulton under the current law for all other counties with a director appointed by the county commission. *Recommended by the current Board of Health and Wellness whose director is now appointed by the county grand jury. County Commission is aware of this move. Gwinnett is almost at this population level and there is a reason not to reproduce this model elsewhere.*

HB 958 Jones – 47 **PASSED** House S.State & Local Government
The appointee to the Fulton County Library board made by the mayor of Atlanta shall serve at the pleasure of the mayor and for the same term.

In COMMITTEE

BUDGET

HB 751 Ralston – 7 DO PASS in H.Appropriations
Budget for FY17.

CHILDREN

SB 331 Thompson – 14 DO PASS in S.Judiciary Non Civil
If a child is conceived as a result of rape or human trafficking, a male may lose parental rights.

DRIVERS LAWS, TRANSPORTATION

HB 499 Powell – 32 DO PASS in H.Motor Vehicles
Authorizes automatic traffic enforcement safety devices in school zones. The school system shall work with the local government to get these cameras installed.

HB 806 Tanner – 9 DO PASS in H.Motor Vehicles
Drivers licenses, commercial drivers licenses, and identification cards for U.S. citizens shall expire in 8 years, currently 5. Infractions not reported to the DDS for two years will not result in suspension of license. *Infractions are to be reported within 10 days. Many jurisdictions are extremely lax.*

EDUCATION

HB 959 Beskin – 54 DO PASS in H.Education
Students who take postsecondary courses to meet high school graduation requirements and get an A, B, or C are excused from taking the high school end of course assessment and will not have any score for such assessment included in their final grade. Requires an annual review of the costs of a GA Virtual School course, currently \$250, to see if costs can be reduced. Allows a *nonprofit* organized by the Office of Student Achievement to own property. OSA can have a non-profit company which owns property. Clarifies what local board members can do regarding communications with their

constituents without violating their Code of Ethics. **Bill is called Title 20 clean up, but very little applies to removing unused sections of Title 20.**

ELECTIONS/ETHICS

SB 275 Williams – 27 DO PASS in S.Ethics

Members of any local governing body, such as counties, cities, school districts, can have their right to free expression suppressed by any policy, rule, practice, or other provisions. Excluded from such freedom are issues discussed in executive session or are otherwise exempt by law from public disclosure. **Ethics codes are required by law for many governing entities, particularly school boards. Members may discuss openly aspects of the issue before a vote is taken, but are to coalesce around the majority vote thereafter.**

HB 370 Fleming – 121 **PASSED** House DO PASS in S.Ethics **DV**

Eligibility to file for a party nomination shall be prohibited if there are any outstanding fines owed to the state ethics commission unless an appeal has been filed. Local candidates who received notice from the GA Government Transparency & Campaign Finance Commission, previously State Ethics Commission, required between 1-1-10 and 1-10-14 who had in fact filed on time, the commission is authorized to waive late fees, fines, and civil penalties for such late, incomplete or non-filing of campaign disclosure reports and personal finance disclosure reports. Such fines will be refunded if application is made by the candidates. **Department of Audits and Accounts found software problems caused the incorrect fines to be assessed. This may be a blank check for fine forgiveness.**

HB 860 Bentley – 139 DO PASS in H.Government Affairs

Persons with a felony conviction may be eligible to serve as coroners if the person has been pardoned for a previous conviction.

HB 929 Ehrhart-36 DO PASS in H.Interstate Cooperation

Enact Agreement Among the States to Elect the President by National Popular Vote.

HB 980 Powell - 32 DO PASS in H.Government Affairs

If no one qualifies for a municipal office, the governing authority may reopen qualifications on the next Monday for two days. Municipal qualification moved to the third Monday in August from last Monday in August.

GOVERNMENT - GENERAL

SR 675 McKoon – 29 DO PASS in S.Rules

CA to make English the official language of Georgia. Translators or translation would not be required in any government document, meetings, procedures, publications. Private use of other languages still permitted. Federal requirements for translation exempted.

HB 757 Tanner – 9 **PASSED** House DO PASS in S.Rules **DV**

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. **Senate:** Individuals and other entities which sincerely believe that marriage is between a man and a woman, and that sexual relations should be within such a marriage, cannot be discriminated against by any government action. This does not protect those who refuse to perform their defined duties in their jobs. **LWV OPPOSES.**

GOVERNMENT – COURTS AND CRIMES

SB 269 Stone – 23 DO PASS in S.State & Local Government

State agencies may require local governments to provide a certificate of compliance in order to receive funding.

HB 808 Willard – 51 DO PASS in H.Judiciary

Creates a new Judicial Qualifications Commission of seven members – 2 judges from any court selected by the Supreme Court, 5 members of the state bar active for 10 years, three to be selected by the governor, and one each by the Speaker and Lt. Governor. The commission is not subject to open meetings. Enabling legislation for HR 1113. ***The current commission has no appointed members by the speaker or Lt. Governor.***

HB 827 Holcomb – 81 DO PASS in H.Judiciary Non Civil

Requires evidence collected from rape victims to be turned over to law enforcement within 96 hours which must submit it for testing within 30 days. Law enforcement agencies shall keep records of all evidence per individual obtained from a forensic medical exam. Provisions are outlined for evidence taken before 7-1-16 and but yet submitted to GBI for testing.

HR 1113 Willard – 51 DO PASS in H.Judiciary

CA to create a new Judicial Qualifications Commission with the power to discipline, remove, cause involuntary retirement of judges. The current Judicial Qualifications Commission is abolished on 12-31-16. The Supreme Court may review the procedures of the commission. Enabling legislation is HB 808.

GOVERNMENT – CAPITOL AND GROUNDS

SR 177 James – 35 DO PASS in S.Rules

Capitol Arts Standards Commission is encouraged to authorize a placement of a portrait of Coretta Scott King next to that of her husband in the Capitol. ***Nearly all persons memorialized inside the Capitol have been elected officials.***

SR 842 Ligon – 3 DO PASS in S.Rules

Creates the 7 member Senate Study Committee on the Legislative Process to improve efficiency and transparency in review legislation. Members include the President Pro Temp, Majority Leader, Minority Leader, and 4 senators appointed by the President of the Senate.

HEALTH

HB 216 Gravely – 67 DO PASS in H.Industry & Labor

Firefighter occupational diseases shall include hypertension, heart disease, cancer, respiratory disease, AIDS, and hepatitis if contracted three or more years after a person becomes a firefighter and whose duties involve suppressing fires. These health diagnoses shall be a rebuttable presumption and will be treated as if the firefighter were injured on the job. If death occurs, it will be treated as killed in the line of duty.

HB 684 Martin – 49 DO PASS in H.Health & Human Services

Dentists may delegate to up to four hygienists the authority to clean teeth without the dentist being present or having first seen the patient. Used for mobile vans which visit schools and nursing homes to provide cleaning to students or residents. ***This method has worked in 45 states.***

HB 897 Price – 48 DO PASS in H.Health & Human Services

Creates a drug program to accept and share unused prescription drugs which must be unopened. ***Annually, 125,000 deaths for not taking prescriptions while \$5 billion of drugs go to waste. Forty states have such a program.***

HB 900 Cooper – 43 DO PASS in H.Health & Human Services

The electronic records of prescription information are to be held for two years, currently one.

HB 910 Frye – 118 DO PASS in H.Health & Human Services

Psychiatric, psychological, and other mental health records are subject to the same costs of copying and mailing patient records as other medical records.

HB 916 Hightower – 68 DO PASS in H.Health & Human Services

If an audit of a pharmacy indicates there has been a violation and there is no evidence of fraud, the pharmacy will have 30 days to correct the violation. ***Currently, a minor error such as a lack of a signature is treated in the same way as a major violation involving fraud.***

HB 944 Gilligan - 24 DO PASS in H.Health & Human Services

A physician assistant or a registered professional nurse may pronounce death of a patient who is an organ donor in a nursing home. ***Currently, they may do so for non-organ donor patients. At this age, about the only item that can be donated are corneas.***

HIGHER EDUCATION

HB 792 Brockway – 102 DO PASS in H.Public Safety & Homeland Security

Allows post secondary employees or students to carry tasers or stun guns and use them only in defense of self or others.

HB 859 Jasperse – 11 DO PASS in H.Public Safety & Homeland Security

Those licensed to carry weapons may do so, concealed, in any building of a public postsecondary institution except for any athletic sporting facility or student housing. ***A campus carry bill.***

REVENUE/TAXATION

SB 258 Millar – 40 DO PASS in S.Finance

Assessed values on real property cannot rise during the year when a taxpayer appeals.

HR 502 Welch – 110 DO PASS in H.Ways & Means

CA to allow General Assembly, with a 2/3 vote in each chamber, to set aside any revenues collected for a specified purpose rather than deposit them into the general fund. In cases of a declared emergency, these funds may be released with a majority vote in each chamber. Such release is valid for two years, and it can only be done twice within ten years.

HB 763 Houston – 170 DO PASS in H.Ways & Means

A sales tax exemption for donations to food banks and donations of food and food ingredients to feed the hungry shall be made permanent.

HB 768 Hawkins – 27 DO PASS in H.Ways & Means

A tax exempt fund can be created for a disabled person, the beneficiary, from which eligible disability expenses can be paid, known as an ABLE account, Achieving a Better Life Experience. Annual contributions of up to \$2000 per beneficiary are tax exempt. The fund shall be operated under IRS Section 529A which shall determine what expenses are eligible for payment. A board shall govern the fund in the state and shall include the governor, state treasurer, state auditor, OPB director, revenue commissioner, commissioner of behavioral health and developmental disabilities, and three directors appointed by the governor.

HB 939 Price – 48 DO PASS in H.Ways & Means

Debts owed to the courts can be settled with income tax refunds.

#####

Sally FitzGerald, Capitol Observer

sallyfitz@bellsouth.net

League of Women Voters – Atlanta/Fulton

www.lwvaf.org

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