

# SENATE DEMOCRATIC CAUCUS



## 2015 LEGISLATIVE SUMMARY

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### Introduction

Georgia's 2015 Legislative Session is over, but its impact will be felt for some time.

The 18-member Senate Democratic Caucus entered this legislative term one member shy of its ability to block state constitutional amendments. While Democratic numbers haven't allowed the caucus to block simple majority bills on the floor for some years, the Caucus has shown an ability to stand together to fight for improving legislation introduced by the Republican controlled legislature.

Despite overwhelming odds, Senate Democrats worked as a team on priority legislation that would improve access and funding for education, create jobs and foster an environment for economic growth, while working towards honest and transparent government.

In particular, Senate Democrats worked together on HB 170, the 2015 Transportation Funding Act, demanding the bill include language committing the Georgia Department of Transportation (GDOT) to create a state Disadvantaged Business Enterprise (DBE) program that supports fair treatment of contractors in the awarding of state contracts. The Republican leadership and its road-building allies had refused to include such language.

When the bill came to the Senate floor, all 18 Democrats voted against the bill, which passed with only the bare minimum of votes necessary. Only after that show of unity did Republicans begin to earnestly negotiate with Senate Democrats. A compromise was reached.

The majority of bills introduced by the Democratic Caucus and its members were never given a fair committee hearing. Still, there were legislative successes, measured both by passing and working to defeat legislation and in obtaining funding for critical programs.

The following recaps the work of the Senate Democratic Caucus during 2015. Legislation that did not pass this year remains "alive" and eligible for a vote in 2016. The Governor has until May 12 to veto or sign passed legislation.

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## Notable Legislation Passed

### The Good

#### Bills that Passed Both Houses

##### **SB 2 (Tippins, 37th) – High School Credit for Post-Secondary Education**

This legislation would allow local boards of education to award high school diplomas to students that complete coursework at an accredited postsecondary institution; are over 16 years old; have completed 9th and 10th grade English, math, science, and social science courses and the associated state tests; receive a satisfactory score on the readiness assessment required by the postsecondary institution; and complete either an associate degree, a technical college diploma program, or at least two technical college certificate of credit programs in one specific career pathway.

##### **SB 103 (Jackson, 2nd) – Alcohol Sales on St. Patrick’s Day**

This legislation redefines the St. Patrick’s Day period during which local governments may specifically allow Sunday alcohol sales for a period up to four days before March 17. Currently the period is March 16-18.

##### **SB 109 (Orrock, 36th) – Physician Orders for Life-Sustaining Treatment Standardization**

This bill creates a unified process to regulate Physician Orders for Life-Sustaining Treatment that determine end of life care in terminal or dementia situations. It would be done by a form provided by DCH, be transferable across providers, and Georgia would recognize out of state. Indemnity against providers from actions resulting from compliance with a POLST would be codified. In the event of conflicts between a POLST and a living will, DNR, or other similar document, the most recent version would take precedence. A POLS order could only be signed when the attending physician believes the patient will die within a year.

##### **SB 164 (Jones, 10th) – Expand PBIS Programs Statewide**

This legislation expands the Positive Behavior Identification and Support Program (PBIS) statewide. It has shown successful results in impacting climate and culture in the schools where it has been tried. It is supported by the Department of Education, but statewide implementation required action by the General Assembly.

##### **SR 7 (Unterman, 45th) – Safe Harbor for Sexually Exploited Children Fund**

This resolution proposes a constitutional amendment that would authorize the General Assembly to impose fines for certain sex crimes and impose fees on adult entertainment

establishments and earmark the money to a Safe Harbor for Sexually Exploited Children Fund that would be created by SB 8 to provide care and social and rehabilitative services to sexual assault victims.

### **SB 8 (Unterman, 45th) – Sexual Assault Victims**

This legislation is the enabling legislation for SR 7 and creates the Safe Harbor for Sexually Exploited Children Fund to recommend state policies and provide care and social and rehabilitative services to sexual assault victims and awareness and fund it through increased fines for certain sexual assault crimes. The fund would also receive the greater of \$5,000 or 1% of the prior year's revenues from adult entertainment establishments that serve alcohol.

It creates a safe harbor for minors being sex trafficked so that they would not be guilty of prostitution or other sex crimes.

This legislation extends the statute of limitations for minor sexual assault victims to 25 for offenses committed after 7/1/2015.

It instructs DPH, in consultation with the Office of the Child Advocate for the, CJCC, and law enforcement, to develop a plan for the delivery of services to sexually exploited children, victims of trafficking of persons for labor servitude, and such children and persons who are at risk of becoming victims of such offenses.

It requires sex offender registration for convictions of trafficking a person for sexual servitude.

### **SB 79 (Unterman, 45th) – Victim Compensation**

This legislation increases the amount payable from the Victims Compensation fund for funeral expenses to \$6000 and allows claims from individuals related by marriage.

SR 590 (Jackson, 2nd) – This urging resolution encourages the representation of diverse populations of different racial and ethnic backgrounds in clinical research.

### **HB 1 (Peake, 1st) – Haleigh's Hope Act**

This legislation decriminalizes possession of up to 20oz of low-THC cannabis oil for persons registered with and possession a card issued by the Department of Public Health. Individuals and caregivers for individuals diagnosed with cancer, ALS, seizure disorder, multiple sclerosis, Chron's disease, mitochondrial disease, Parkinson's disease, or sickle cell disease would be able register and obtain a card.

The Senate substitute requires all conditions other than Chron's disease and mitochondrial disease to be severe or end stage and removed fibromyalgia.

Possession of less than 20oz without a card would be a misdemeanor. Possession of more than 20oz would be a felony with punishments comparable to other drug offenses.

The bill also creates the Georgia Commission on Medical Cannabis to establish comprehensive recommendations regarding the potential regulation of medical cannabis in this state and evaluate and consider the best practices, experiences, and results of legislation in other states with regard to medical cannabis. Health care providers would be given immunity from prosecution or suit resulting from allowing patients to possess or use cannabis oil in conformity with state law.

It would also authorize the Board of Regents to perform a drug trial with cannabidoil for children diagnosed with medication resistant epilepsies. The legislation would create a license as proof of participation in the trial. The trial would end on July 1, 2019. It would also permit the possession of CBD oil by patients with a doctor's certification that they have a childhood seizure disorder.

### **HB 17 (Spencer, 180th) – Hidden Predator Act**

This legislation extends the statute of limitations for minor sexual assault victims to bring a civil action to 23 or two years after the abuse was discovered for offenses committed after 7/1/2015. It would also create a two-year window (on bill passage) for people who are currently time barred from filing suit for childhood sexual abuse. A child or his or her parents or guardian would be able to access confidential records about an abuse incident for the purposes of bring civil suit.

### **HB 117 (Hamilton, 24th) – Employment Security**

This bill adds family violence as an eligible reason for leaving an employer that exempts the employer from being charged.

It also changes the definition of the “most recent employer” such that beginning on or after July 1, 2015 it would be the last employer for whom an individual work.

The legislation also changes how benefits paid would be charged against the experience account or reimbursement account of employers after July 1, 2015. The bill specifies in order for the benefits paid to count against the rating account or reimbursement account of the most recent employer, the employer must be a liable employer (defined in Section 34-8-42) and the employer and employee were separated under non-disqualifying conditions.

The measure also defines regulations for how these benefits can be charged against the experience rating or reimbursement accounts of employers. The bill would not require employers to be charged for benefits for unemployment directly caused by a presidentially declared natural disaster.

### **HB 170 (Roberts, 155th) – Transportation Funding Act of 2015**

Senate Democrats made a firm imprint on the state's transportation and transit initiatives, helping to ensure minority owned small business are treated fairly during the contract bidding process. Holding together as a Caucus, Senate Democrats were able to negotiate

a number of administration and budget changes (not included in the legislation), including engineering scholarships for Morehouse and Mercer students and assistance to minority businesses in the bonding process.

The Transportation Funding Act of 2015 includes the following:

- Replaces state sales tax on motor fuel with a 26¢ excise tax; 29¢ on diesel fuel
- LOST, HOST, SPLOST, ELOST, and MOST (local) taxes would remain at 1% on the price of motor fuel up to \$3.00/gallon
- Requires an Electric Vehicle fee of \$200 for personal vehicles and \$300 for commercial vehicles. These Fees would be annually increased by rate of increase in fuel mileage nationally multiplied by increase in Consumer Price Index
- Eliminates alternative fuel vehicle tax credit for vehicles purchased on or after July 1, 2015
- Requires a Heavy Vehicle Fee: \$50 for vehicles 15,500 lbs to 26,000 lbs and \$100 for vehicles over 26,000 lbs
- Increases by \$5 per night the state's Hotel/Motel fee. This increase would not apply to extended stay hotels with guests staying more than 30 days
- Eliminates one-cent sales tax exemption for aviation fuel
- Allows for a county-by-county "TSPLOST" – or transportation tax. The TSPLOST would be available for counties not in a TSPLOST region and that levy a SPLOST, MARTA tax, or a 2% consolidated government sales tax. These taxes would be imposed pursuant to an Intergovernmental Agreement (IGA) between the county and cities comprising 90% of municipal population. The IGA would list proposed projects, estimated cost of each project, procedures for distributing funds to cities, a schedule for distributing proceeds, and the order in which projects should be funded. It also requires ratification by the voters of the county in the next election after the IGA is passed
- Requires at least 30% of expenditures go to projects on the DOT statewide strategic plan
- Tax would end early if all necessary funds are received before the scheduled expiration
- Process would begin for Metro Atlanta in 2015 and the rest of the state in 2017
- Requires State Infrastructure Bank to prioritize equal funding across the state. Infrastructure bank loans would be prioritized for projects in economically disadvantaged counties
- Infrastructure Bank grants would be prioritized for projects with local financial support
- Governor would not be able to reduce motor fuel taxes, except in the case of a declared emergency. Such a suspension would require 2/3 vote of the General Assembly
- Creates the Special Joint Committee on Georgia Revenue Structure. Any proposed legislation referred out of this committee would receive an up or down vote in the House at any time fixed by the Speaker of the House. Then any bills passed by the House would receive an up or down vote at a time fixed by the Lt. Governor. Proposed bills would still need to be read three times and meet all constitutional provisions. This committee would be repealed July 1, 2016

- GDOT would be required to release an annual report outlining a ten year strategic plan to be approved by the Senate and House Transportation Committees to be used for making budget recommendations
- Priority spending under this Act would be given to maintenance, expansion, and improvement of highway infrastructure in places most in need of congestion relief and in most need of infrastructure to aid economic development

### **HB 106 (Roberts, 155th) – HB 170 Modifications**

This legislation is a companion bill to HB 170 that includes clean-up language to tighten provisions of HB 170. Most notably it rewrites the TSPLOST provisions, clarifies that consolidated governments with a 2¢ joint LOST funding would be able to continue to impose it on motor fuel, and clarifies when the \$5 hotel/motel tax applies.

### **HB 177 (Wilkerson, 38th) – DFCS Response to Abuse Reporters**

This bill require DFCS to give written receipt of a child abuse report within 24 hours and to notify the school the child attended at the time of the suspected abuse whether or not it appears the abuse occurred within 5 days of the completion of its investigation.

### **HB 213 (Jacobs, 80th) – Eliminate MARTA “50/50” Restriction**

This legislation would eliminate the restriction that MARTA use its sales tax revenues 50% for capital and 50% for operation. It would extend the timeframe for the MARTA sales tax to remain at 1% to 2057. It would only require performance audits to be filed every four years. It would move the North/South DeKalb line from the southernmost border of Decatur to the northernmost. It would replace the GRTA director with an appointment from Clayton County to the MARTA board starting in 2017. It would raise the acquisition or disposition threshold for bids from \$25,000 to \$200,000. It would require auditors to certify that MARTA fully cooperated with the audit. It would limit civil fines for breaking MARTA rules to \$300 and/or suspension. It would eliminate the 1/2% sales tax option for contracting counties leaving only the 1% option.

### **HB 341 (Maxwell, 17th) – Building Inspectors**

This legislation would allow a plumbing, structural and electrical inspectors of nonresidential and one/two family houses to be a “qualified inspector” if he or she holds a certification showing the II, III, IV, or V-level proficiency as defined by the Building Officials’ Association of Georgia Certification Committee and passes an International Code Council or other approved examination. Inspectors that currently have that proficiency rating would not need to take the test.



### **HB 429 (Stephens, 164th) – Ava’s Law and Coverage for the Treatment of the Terminally Ill**

This legislation creates an insurance mandate for autism testing and medically necessary treatment for children under six. There would be no limit on visits, but there would be a \$35,000 annual limit for behavior analysis coverage. After year one, insurance companies would be able to waive the mandate if they could certify that it would cause a 1% increase in costs that would create a 1% increase in premiums. The mandate would not apply to ACA exchange plans or employer plans for employers with fewer than ten employees.

This legislation would also prohibit health benefit plans from restricting coverage to their terminally ill patients based on a terminal illness diagnosis.

### **Democratic Bills that Passed Senate but not House**

#### **SB 18 (Harbison, 15th) – Prior Learning Course Credit**

This legislation would have encouraged the Board of Regents, and required the Technical College System, to create policies or programs that award credit for college level learning that students have acquired prior to school through their military, work experience, service in the community, or independent study.

#### **SB 35 (James, 35th) – Criminal Penalty for Leaving a Child in a Hot Car**

This legislation would have made leaving a child under six in a car unattended by someone thirteen or older under circumstances that pose a substantial risk of harm to such child's health or safety cruelty to children in the third degree. Cruelty to children in the third degree is a misdemeanor for the first or second conviction and a felony for subsequent ones.

## **The Bad**

### **Bills that Passed Both Houses**

#### **SR 287 (Miller, 49th) – Opportunity School District Constitutional Amendment**

#### **SB 133 (Miller, 49th) – Opportunity School District Enabling Legislation**

This constitutional amendment resolution and enabling legislation would implement the statewide Opportunity School District to take over schools deemed to be failing. The amendment contains no limitations on what schools can be taken over. The enabling legislation calls for up to 20 schools to be taken over each year up to a maximum of 100. Public schools would be converted to state charter schools or directly run by the OSD. After five years or three consecutive years scoring above a 60 on the CCRPI, schools could transition back to the local district. Charter schools would remain state charter schools but still receive local school district funding.

Under the auspices of helping failing schools, SR 287, the Opportunity School District (OSD) program, fails to address the underlying root causes of why some Georgia schools are failing – namely poverty. This constitutional amendment will go before voters in 2016.

The measure creates a single statewide school district governed by a superintendent the Governor appoints. That superintendent reports only to the Governor.

While this proposal was modeled after New Orleans, the administration did not take into account the recommendations Louisiana educators gave to the Governor’s team and others during a site visit.

The OSD program provides no new resources. New Orleans had significant external funding largely due to the Katrina storm; New Orleans almost doubled per student funding after Katrina. Tennessee and other takeover systems also had external federal and state funding.

New Orleans educators warned that taking over schools destabilizes the community. It creates large teacher turnover in a market that is brutally competitive for talented education leaders.

This system does not work well beyond urban centers and rural communities end up with a school system run from Atlanta. The OSD plan doesn’t take into account in the challenges faced by communities with high-needs students.

Further, the 20 schools per year intervention threshold is too high. New Orleans experts said choosing a smaller handful of schools (5 or 6) allows for building political will and community support. Otherwise, the entire system is undermined.

For-profit schools had bad or unproven results. Change comes slowly to new schools/systems. Many charter school operators are ill prepared to handle the task of taking control of failing schools. Community involvement and engagement is limited under this attempt at reform. A coalition of the willing must be built.

Senate Democrats offered a Community Schools counter proposal to the OSD. The Democrats’ plan would have addressed underlying problems of failing schools, such as tutoring, meals, access to schools at night and on weekends, etc. While the Governor and his team gave lip service to the Democratic plan, the bill was not given a hearing nor was it included in the administration’s enabling legislation.

The Opportunity Schools District passed the Senate by only one vote.

### **SR 80 (Ligon, 3rd) – Whitewash AP US History**

This resolution demands that the College Board whitewash AP US History to present a view of American history that ignores or downplays negative aspects of our history.

## **SR 350 (Hill, 32nd) – FairTax**

This resolution urges Congress to replace all federal, corporate, and personal taxes with the “FairTax”, a single 23% consumption tax on new goods and services. The bill would also urge Congress to repeal the Sixteenth Amendment. Shifting to a consumption tax would dramatically increase taxes on middle and working class Americans to provide a massive tax cut for the wealthy.

## **The Ugly**

### **Bills that Passed Both Houses**

#### **HB 110 (Roberts 155th) – Fireworks**

This legislation allows consumer fireworks, as defined by federal regulation, to be sold and used by individuals over 18. The bill would allow 16 and 17 year olds to possess and sell fireworks if they are assisting a licensed user. Anyone over 18 years old would be able to sell fireworks if they obtain a license from the Safety Fire Commissioner. Sixteen and 17-year-olds could sell fireworks as an assistant to a licensed distributor. Fireworks could be sold to benefit nonprofit groups from a retail stand that is in compliance with fire safety guidelines and within 1000 feet of a fire hydrant. A person would be eligible for a license if they not have convicted of a felony involving fireworks, not have been assessed a civil penalty for knowingly violating this law within 5 years preceding the date of their application, and maintains \$2 million of insurance. The initial license fee would be \$5,000 per year and location, and renewal fees would be \$1,000 per year thereafter. This bill also bans Chinese-styled floating lanterns. An excise tax of 5% would be added per item sold. Fireworks could only be set off between 10:00 a.m. and midnight, except for Jan 1, July 3, July 4, and December 31 when they could be set off until 2:00 am.

#### **HB 85 (Harrell, 106th) – Grocery Alcohol Sales Near Schools**

This legislation would allow grocery stores with 85% of floor space used for non-alcoholic items to sell beer and wine within 100 feet of schools. This language also appears in SB 91. It would also remove the prohibition on alcohol sales near Central State Hospital, which is now closed.

### **Bills that Only Passed the Senate**

#### **SB 129 (McKoon, 29th) – Georgia Religious Freedom Restoration Act**

This legislation would have allowed any person or corporation to opt out of generally applicable laws, including criminal laws, by claiming religious opposition unless the government proves that the law is in furtherance of a compelling government interest and is the least restrictive means of achieving that interest.

## Legislation Passed By House and Senate

### Agriculture

#### **SB 175 (Black, 8th) – Animal Import Restrictions**

This legislation would change animal import regulations from excluding horses, livestock, birds, rodents, cold-blooded animals, and animals not imported for resale to only apply to horses, birds, and livestock. It would eliminate the requirement that the certificate of health be American issued. It would allow the Agricultural Commissioner to apply the regulations to other animals by rule. It would not apply to poultry from flocks participating in the federal National Poultry Improvement Plan.

### Appropriations

#### **HB 75 (Ralston, 7th) – FY 2015 Supplemental Budget**

FY 2015 Supplemental Budget

#### **HB 76 (Ralston, 7th) – FY 2016 General Budget**

FY 2016 General Budget

### Civil Law

#### **SB 65 (Stone, 23rd) – Bankruptcy Exemptions and Uniform Law Updates**

This legislation would increase the amount that debtors can exempt in any property from \$600 to \$1,200, and increase the amount of unused residence exemption that can be applied to personal property from \$5,000 to \$10,000.

It would also update Georgia's foreign money judgments recognition laws, parts of Georgia's Uniform Commercial Code, and Georgia's voidable transactions laws to match national uniform laws.

#### **HB 90 (Willard, 51st) – Code Revision Commission**

Annual Code Revision Commission update bill that corrects cross-references, strikes outdated code sections, and makes other technical changes.

#### **HB 233 (Atwood, 179th) – Georgia Uniform Civil Forfeiture Procedure Act**

This legislation would implement a standardized process for civil forfeiture proceedings. Property could be seized incident to an arrest, search, or inspection warrant. The DA

would then file for a forfeiture lien and provide notice to parties with interest in the property. Posting in the courthouse would be sufficient for property under \$25,000; higher amounts would require actual service, at which point the owner would have 30 days to file notice of claim. After conviction, a defendant would be prohibited from denying the essential elements of the crime during a forfeiture proceeding. The burden would be on the state to show by a preponderance of the evidence that the property is subject to forfeiture; however, the property owner would still have the burden to prove that he or she was not privy to the criminal activity.

Property distribution would first go to pay court costs. Next, 10% would go to the DA for prosecutorial purposes. Next, the money would go to police departments involved in the investigation up to an aggregate one third of their annual budgets. Property seized under RICO or fraud statutes all involved agencies, law enforcement or not, could receive funds. Law enforcement and other agencies receiving forfeited funds would have to issue an annual report outlining the funds they received and how the funds were spent.

### **HB 252 (Caldwell, 20th) – J. Calvin Hill, Jr. Act**

This cleanup legislation would delete numerous code provisions that have become obsolete or been ruled unconstitutional and update language.

## **Criminal Law**

### **SB 72 (Mullis, 53rd) – Tanja’s Law**

This legislation would create the crime of harming a police animal while such law enforcement animal is in performance of its duties or because of such law enforcement animal's performance of its duties

First degree: Knowingly and intentionally killing the animal would be a felony punished by 18 months to five years and fine up to \$20,000

Second degree: Knowingly or intentionally shooting the animal or causing debilitating physical injury would be a felony punished by one to five years and a fine up to \$15,000

Third degree: Knowingly harming a police animal with a deadly weapon or in a manner that is likely to or actually does cause serious harm would be a high and aggravated misdemeanor punished by 6 to 12 months and a fine up to \$10,000

Fourth degree: Knowingly harming a police animal would be a high and aggravated misdemeanor punishable by up to 12 months and a fine of up to \$5,000

It would clarify that incest applies to half blood grandparents, aunts, and uncles as well as full blood.

It would also update the harassing communication law to include electronic communications.

### **SB 195 (Williams, 27th) – Bail Bonds**

This legislation would increase the maximum cost of continuing education programs for bail bondsmen from \$125 to \$250. It would direct judges to issue a bench warrant when a person on bond fails to appear. It would extend the bond forfeiture exemption for deportation to any removal from the country by the federal government.

### **HB 263 (Coomer, 14th) – Criminal Justice Coordinating Council**

This bill would require that the Criminal Justice Coordinating Council implement a three-year juvenile justice plan and would additionally create and govern an advisory board consisting of between fifteen and thirty three members appointed by the governor. The bill would also add a prohibition from sharing juvenile detainee records outside of specific agencies.

## **Economic Development**

### **HB 174 (Jones, 62nd) – Rename “Slums” as “Pockets of Blight”**

This legislation would rename “slums” as “pockets of blight” for the purposes of urban development laws so that local governments can take advantage of federal redevelopment money without using the word slum.

### **HB 510 (Stephens, 164th) – Georgia Sports Commission Fund**

This legislation would create the Georgia Sports Commission Fund under OneGeorgia that could be capitalized by public or private funds. It would issue grants to registered sports commissions with sports marketing experience for the initial costs of hosting a sporting event.

## **Family Law and Juvenile Justice**

### **HB 17 (Spencer, 180th) – Hidden Predator Act**

This legislation would extend the statute of limitations for minor sexual assault victims to bring a civil action to 23 or two years after the abuse was discovered for offenses committed after 7/1/2015. It would also create a two year window starting 7/1/2015 for people who are currently time barred from filing suit for childhood sexual abuse. A child or his or her parents or guardian would be able to access confidential records about an abuse incident for the purposes of bring civil suit.

### **HB 268 (Ballinger, 23rd) – Child Abuse Reporting**

This bill would clarify that mandatory reporters are required to report all suspected child abuse. It also would allow employees who discover abuse as part of their job to comply with mandated reporting by informing the person in charge of the school, hospital, agency, or similar facility who would then be required to pass that information along in full to DFCS. It would allow for written as well as oral reporting.

### **HB 361 (Welch, 110) – Juvenile Code Commission**

This legislation would prioritize placing a child with a parent, adoption, and a permanent legal guardian over other placement options. It would direct courts to consider the impact of the alleged offence on the alleged victim for the purpose of transfer to adult court. It would allow prosecutors to file a complaint alleging a child is in need of services or to intervene on behalf of the state. It also contains numerous updates and corrections to the juvenile code.

### **HB 567 (Dempsey, 13th) – Actions against Property Jurisdiction for Alimony and Child Support**

This legislation would allow actions against property (in rem) for child support and alimony cases to be venue in the county in which the property is located.

### **HB 568 (Dempsey, 13th) – Genetic Testing for Child Support**

This legislation would require genetic testing for child support when paternity has not already been established. The state would pay for testing, but applicants would be required to reimburse the department for the cost of the testing fee when the alleged father is not the biological father. DHS would be able to bring a contempt action against any person refusing testing. Tests would have to be done in accordance with American Association of blood bank standards, and results would be kept as confidential as possible.

## **Financial Regulation**

### **HB 184 (Williamson, 115th) – Banking Code Update**

This legislation will make updates and clarifications to the banking code, such as correcting cross references, moving, and increasing the situations in which email can be used. It would also allow the Department of Banking and Finance to appoint itself or a third party as a conservator for credit unions that are insolvent or otherwise in crisis. It contains other provisions clarifying the operation and merger of credit unions. It would allow the department to suspend mortgage loan originator licenses when the originator is no longer backed by a registered broker or lender. It would prohibit felons from

chartering merchant acquirer limited purpose banks and require background checks and would require merchant funds to be treated in the same manner as trust funds.

### **HB 299 (Dunahoo, 30th) – Convenience Fee Authorization for Electronic Sales**

This bill would allow a merchant to collect a nonrefundable convenience fee from a person electing to utilize electronic payment. The fee is capped at the actual cost to the merchant or the average of the actual cost incurred for a specific type of electronic payment. It would require the merchant to offer a cash, check, or money order option in order to charge the fee, and the bill requires the merchant to disclose the fee prior to imposition.

## **Health Care and Human Services**

### **Health Care**

#### **SB 51 (Burke, 11th) – Generic Biological Product Substitution**

This legislation would treat the substitution of biological products (blood products, vaccines, cell tissues, etc.) much like drug substitutions. It would allow pharmacists to dispense the lowest priced biological product when the generic form has been prescribed, so long as the interchanged product is equivalent as defined by the FDA. When a biological product is interchanged a label will be fixed to it stating the change and the original prescribed product. The Pharmacist will also notify the prescriber of the change within 48 hours.

#### **SB 53 (Kirk, 13th) – Extend Sunset on Counselors’ Ability to Refer for Involuntary Commitment**

This legislation would extend the sunset date to June 30, 2018 on last year’s bill that added licensed professional counselors to the list of people that may certify that a person as mentally ill or substance dependent and requiring of involuntary commitment.

#### **SB 109 (Orrock, 36th) – Physician Orders for Life-Sustaining Treatment Standardization**

This bill would create a unified process to regulate Physician Orders for Life-Sustaining Treatment that determine end of life care in terminal or dementia situations. It would be done by a form provided by DCH, be transferable across providers, and Georgia would recognize out of state. Indemnity against providers from actions resulting from compliance with a POLST would be codified. In the event of conflicts between a POLST and a living will, DNR, or other similar document, the most recent version would take precedence. A POLS order could only be signed when the attending physician believes the patient will die within a year.



### **SB 111 (Stone, 23rd) – Continuing Care at Home**

This legislation would exempt continuing care at home, which covers nursing, assisted living, and personal home services provided by a licensed home care operator, that do not occur at a facility owned by the provider, from continuing care regulations. This is similar to language from last year's SB 308 that was removed in committee.

### **HB 1 (Peake, 1st) – Haleigh's Hope Act**

This legislation would decriminalize possession of up to 20oz of low-THC cannabis oil for persons registered with and possession a card issued by the Department of Public Health. Individuals and caregivers for individuals diagnosed with cancer, ALS, seizure disorder, multiple sclerosis, Chron's disease, mitochondrial disease, Parkinson's disease, or sickle cell disease would be able register and obtain a card. The Senate substitute requires all conditions other than Chron's disease and mitochondrial disease to be severe or end stage and removed fibromyalgia. Possession of less than 20oz without a card would be a misdemeanor. Possession of more than 20oz would be a felony with punishments comparable to other drug offenses. It would also create the Georgia Commission on Medical Cannabis to establish comprehensive recommendations regarding the potential regulation of medical cannabis in this state and evaluate and consider the best practices, experiences, and results of legislation in other states with regard to medical cannabis. Health care providers would be given immunity from prosecution or suit resulting from allowing patients to possess or use cannabis oil in conformity with state law.

It would also authorize the Board of Regents to perform a drug trial with cannabidoil for children diagnosed with medication resistant epilepsies. The legislation would create a license as proof of participation in the trial. The trial would end on July 1, 2019. It would also permit the possession of CBD oil by patients with a doctor's certification that they have a childhood seizure disorder.

### **HB 232 (Carter 175th) – Hearing Aid Dealers and Dispenser's Licenses**

This legislation would add a lay person not engaged in the industry to the State Board of Hearing Aid Dealers and Dispensers. It would require the chairperson and vice chairperson to each hold a dispenser's license. It would require the board only to issue license to new applicants who passed a fingerprint criminal background check and paid for the check fee. It would change the time of continuing education required for the renewal of a dispenser's license from 14 to 20 hours starting in 2016.

### **HB 316 (Reeves, 34th) – Combined Ophthalmologist / Optometrist Practice Groups**

This legislation would allow ophthalmologists and optometrists to share a practice group so long as the group does not use the title physician for the group or for optometrists.

### **HB 416 (Rogers, 29th) – Notice of Certifications/ID Cards**

This legislation would require licensed health care providers to list what certifications they have on advertisements. It would not apply to facilities or practice groups.

Practitioners practicing in a facility or practice group would be required to wear an ID card with their licenses listed. Practitioners in a non-hospital would also be required to post their qualifications in the reception area.

### **HB 436 (Clark, 101st) – Syphilis Pregnancy Screening**

This legislation would require doctors to test women in their third trimester for syphilis in the same manner they currently test for HIV. It would remove the counseling requirement for the HIV test, but the patient would still be notified and have the opportunity to refuse the test.

### **HB 505 (Cooper, 43rd) – Physical Therapy**

This legislation makes numerous changes to how physical therapists and physical therapist assistants are regulated. It would clarify what abbreviations and descriptions can be used by PTs and PTAs. It would allow out of state PTs and PTAs to provide service for up to 60 days after a declared disaster. It would create a license revocation process for PTs and PTAs that have wrongly held themselves out as qualified for something they are not qualified for or acted inconsistently with generally accepted practice.

### **HB 511 (Stephens, 164th) – Remote Dispensing Machines**

This legislation would allow pharmacy technicians to fill remote dispensing machines.

### **HB 512 (Jasperse, 11th) – Department of Behavioral Health and Developmental Disabilities**

This legislation would require the Department of Behavioral Health and Developmental Disabilities to inspect disability services facilities. It would make regional offices optional and replace regional planning boards with advisory councils charged with connecting the department with local needs and resources. It would eliminate regional coordinators and transfer some functions to local offices.

## **Health Insurance**

### **HB 409 (Taylor, 173rd) – Cadaver Skin Treatment for Burns Mandate**

This legislation would require health benefit policies that cover burn treatment to cover skin substitutes utilizing cryopreserved cadaver derived skin tissue.

### **HB 429 (Stephens, 164th) – Ava’s Law and Coverage for the Treatment of the Terminally Ill**

This legislation would create an insurance mandate for autism testing and medically necessary treatment for children under six. There would be no limit on visits, but there would be a \$35,000 annual limit for behavior analysis coverage. After year one, insurance companies would be able to waive the mandate if they could certify that it would cause a 1% increase in costs that would create a 1% increase in premiums. The mandate would not apply to ACA exchange plans or employer plans for employers with fewer than ten employees.

This legislation would prohibit health benefit plans from restricting coverage to their terminally ill patients based on a terminal illness diagnosis.

### **Human Services**

#### **SR 7 (Unterman, 45th) – Safe Harbor for Sexually Exploited Children Fund**

This resolution would propose a constitutional amendment that would authorize the General Assembly to impose fines for certain sex crimes and impose fees on adult entertainment establishments and earmark the money to a Safe Harbor for Sexually Exploited Children Fund that would be created by SB 8 to provide care and social and rehabilitative services to sexual assault victims.

#### **SB 8 (Unterman, 45th) – Sexual Assault Victims**

This legislation is the enabling legislation for SR 7 and would create the Safe Harbor for Sexually Exploited Children Fund to recommend state policies and provide care and social and rehabilitative services to sexual assault victims and awareness and fund it through increased fines for certain sexual assault crimes. The fund would also receive the greater of \$5,000 or 1% of the prior year’s revenues from adult entertainment establishments that serve alcohol.

It would also create a safe harbor for minors being sex trafficked so that they would not be guilty of prostitution or other sex crimes.

This legislation would extend the statute of limitations for minor sexual assault victims to 25 for offenses committed after 7/1/2015.

It would instruct DPH, in consultation with the Office of the Child Advocate for the, CJCC, and law enforcement, to develop a plan for the delivery of services to sexually exploited children, victims of trafficking of persons for labor servitude, and such children and persons who are at risk of becoming victims of such offenses.

It would require sex offender registration for convictions of trafficking a person for sexual servitude.

### **SB 79 (Unterman, 45th) – Victim Compensation**

This legislation would increase the amount payable from the Victims Compensation fund for funeral expenses to \$6000 and allow claims from individuals related by marriage.

### **HB 177 (Wilkerson, 38th) – DFCS Response to Abuse Reporters**

This bill would require DFCS to give written receipt of a child abuse report within 24 hours and to notify the school the child attended at the time of the suspected abuse whether or not it appears the abuse occurred within 5 days of the completion of its investigation.

### **HB 401 (Efstration, 104th) – Department of Early Care and Learning**

This legislation would remove special provisions for daycares with fewer than 18 children under supervision. It would create a support center provider class that would serve as a staffing agency for day cares. It would allow the Department to solicit and accept monetary donations. It would allow temporary permits for facilities undergoing an ownership change. It would clarify that facilities appealing a denial of a license would remain closed through the appeal. It would require background checks for all daycare employees. If change of ownership applicant knows that an individual has a criminal record and is allowed to reside at the place of business while children are present, the department can revoke any permits.

## **Higher Education**

### **HB 3 (Fleming, 121st) – Todd Gurley**

This legislation would prohibit persons from engaging in transactions with a student-athlete that would likely be cause for the student-athlete permanently or temporarily losing eligibility or being sanctioned or suspended and would give schools a cause of action against that person.

### **HB 320 (Williams, 119th) – Make HOPE Information Confidential**

This legislation would prevent the Student Finance Commission, Lottery Corporation, and Student Finance Authority from disclosing students' or former students' names, address other than zip code, school, telephone number, or emergency contact as well as information, such as financial records. It would also subject people who owe the Commission or Authority money to wage garnishment or tax refund offsets without judicial action.

### **HB 353 (Rogers, 29th) – Nonpublic Postsecondary Colleges**

This legislation would require postsecondary educational institutions exempted from application of state or federally funded student financial aid programs to be subject to federal filing complaint rule and designate Commission to receive complaints from students in order to obtain federal student financial aid funds. It would allow a letter of credit in lieu of a surety bond. It would increase the total contract price for institutions exempted from application by offering only education or training in income tax theory or income tax return preparation to \$1,000.00. It would increase the members of Nonpublic Postsecondary Education Commission to 15. It would allow a bank standby letter of credit secured from a federally insured financial institution if a nonpublic postsecondary educational institution is unable to secure a bond for tuitions. It would increase the balance limit of the Trust Fund to \$7,75 million so as to refund postsecondary educational institutions and reduce the balance to \$7.5 million.

## **Industrial Regulation**

### **HB 152 (Duncan, 26th) – Alcohol Restrictions at Bars**

This bill would prohibit anyone under 21 to serve as a bouncer at a bar, nor allow anyone under 21 to enter a bar unless accompanied by their parent, guardian, or spouse who is 21 years or older, except for a live performance for which the person has paid an access fee. It would require bars to report any citations or arrests for violation of alcohol laws to DOR, and it empowers the commissioner to impose up to a \$750.00 fine for each violation. It would also require local governments to adopt a policy to deal with alcohol violations by bars. It would prohibit powdered alcohol, except for bona fide research purposes.

### **HB 190 (Golick, 40th) – Require Uber/Lyft to Carry Insurance**

This legislation would require ride share services such as Uber or Lyft to carry insurance of \$500,000 injury minimum (\$50,000 per person) and \$25,000 minimum property coverage when the driver does not is not going to pick up or transporting a passenger and \$1,000,000 minimum injury and property coverage as well as \$1,000,000 UM coverage when the driver is going to pick up a passenger or has a passenger in the car. It would clarify that personal automobile policies do not provide this insurance unless specifically agreed to. It would require the ride share service to inform drivers of insurance requirements and that they would have to notify any lienholders about working in ride share.

### **HB 225 (Powell, 32nd) – Uber/Lyft Regulation**

This legislation would regulate transportation referral services and ride share networks such as Uber and Lyft. Their drivers would be required to obtain the same for-hire license endorsement as a limousine driver or undergo private background check to ensure they

have not had more than three moving violations in the past three years, not had a DUI in the last seven, not be a registered sex offender, be over 18, and have a drivers license, current vehicle registration, and insurance. Vehicles used by the service would be required to display an easily visible sticker or emblem. “Surge” pricing would be permitted. Starting in 2017, taxi limousine, or ride share service would be required to purchase a master license based on the number of vehicles instead of charging sales and use taxes on fares. Master license revenue would be distributed 57% to the state and 43% to the county to disperse to local governments. Master license revenue for services operating in multiple counties would be distributed on a population basis. The master license provisions would not take effect unless the code section is revisited to remove a Jan 1, 2017 sunset. It would also prohibit new taxi medallion ordinances.

### **HB 246 (Knight, 130th) – State Accounting Board**

This legislation would broaden the definition of report to include all statements to the financial wellbeing of a company, not just financial statements. When a the state accounting board determines a person to lack moral character the burden of proof to connect that lack of character to professional responsibility would be reduced from clear and convincing to a preponderance of the evidence. It would prohibit registration of foreign registered accountants after July 1, 2015. It would clarify that accountants still must abide by the Fair Business Practices Act. It would remove notice and hearing requirements from board decisions to revoke certification and provide more detail as to what subjects an accountant to revocation. It would increase available discretionary penalties as well as allow for probation for violations. It would allow the board to take out a cease and desist order with a \$500 per violation fine against persons practicing without a license. License applicants would not be able to see their references provided to the board.

### **HB 312 (Tankersley, 160th) – Tobacco Bonding Requirements**

This legislation would eliminate tobacco bonding requirements from manufacturer and importers.

### **HB 341 (Maxwell, 17th) – Building Inspectors**

This legislation would allow a plumbing, structural and electrical inspectors of nonresidential and one/two family houses to be a “qualified inspector” if he or she holds a certification showing the II, III, IV, or V-level proficiency as defined by the Building Officials’ Association of Georgia Certification Committee and passes an International Code Council or other approved examination. Inspectors that currently have that proficiency rating would not need to take the test.

### **HB 368 (Strickland, 111th) Repeal of building standards for glass installations**

This bill would repeal and reserve the section of the code that regulates glass installation standards for constructing housing and buildings.

### **HB 393 (Martin, 49th) – Tesla Direct Sales**

This legislation would allow manufacturers of zero emission vehicles that had an existing retail location as of January 1, 2015 and has not acquired an interest in a franchisor to open up to five direct sales dealerships

### **HB 470 (Knight, 130th) – Pharmacy Audit Bill of Rights Update**

This legislation would include licensed pharmacy benefits managers and people bringing Medicaid fraud claims under the Pharmacy Audit Bill of Rights. The lead time for audits would be increased to two weeks, and a list of prescriptions with the last two digits omitted would be provided in the notice. It would eliminate recoupment for underpayments and expressly limit overpayment recoupment to the amount overpaid. It would also prohibit entities conducting audits to pay auditors based on how much is recovered. It would create a process for determining what generic drugs should be considered multi-source in pharmacy benefits management contracts and require updating of the list every five days.

### **HB 524 (Fleming, 121st) – Trade Names**

This bill would require every person, firm, or partnership that deals with trade to file a standardized registration statement and an affidavit to the clerk of the Superior Court in the county in which they reside in.

## **Insurance**

### **SB 108 (Martin, 9th) – Own Risk and Solvency Assessment Reports**

This legislation would require insurers with total premiums over \$500 million and insurance groups with total premiums over \$1 billion to conduct and submit to the Insurance Commissioner an annual Own Risk and Solvency Assessment (ORSA) outlining solvency, potential risk exposure, and its risk management strategy pursuant to the ORSA Guide published by the National Association of Insurance Commissioners. The Commission could waive the requirement or impose it on a non-covered insurer in special circumstances. All documents and information including the ORSA summary report would be classified as confidential, except for internal use by the Commissioner and may be shared with other entities pursuant to confidentiality agreements.

### **HB 84 (Cheokas, 138th) – Exclusions on Aircraft Insurance Policies**

This legislation would require any aircraft insurance policies that contain exclusions allowed by law to contain conspicuous notice of the exclusion.

### **HB 162 (Shaw, 176th) – Insurer Self-Audit**

This legislation would allow insurers to do internal self-evaluative compliance audits and keep the results confidential except when an in camera inspection of the documents shows that the insurer did not take action to remedy the issue within a reasonable time or when it is the evidence of a crime that the Commissioner has compelling need for and cannot obtain elsewhere.

### **HB 185 (Shaw, 176th) – Standard Valuation Law**

This legislation would direct the insurance commissioner to implement a new valuation manual that would dictate how insurance companies' reserves are valued. It contains specific items that would be in the manual to evaluate new policies as well as instructions on how existing plans would be valued. The valuation manual would also include standard mortality tables that would be used instead of the 1980 Standard Ordinary Mortality Table. It would also set the nonforfeiture interest rate.

It would also allow domestic mutual insurers to reorganize or merge but keep their continuing corporate existence as an insurer by going through an intermediate wholly owned subsidiary intermediate stock holding company.

### **HB 552 (Williamson, 115th) – Pure Captive Insurance Companies**

This legislation would extend the definition of pure captive insurance company to include companies that insure controlled unaffiliated businesses that have financial involvement with the covered company but do not rise to the level of being a direct affiliate.

Insurance companies would be required to conduct at least one board meeting in Georgia and lower from 3 to 1 the number of directors that must be Georgia residents. It would allow pure captive insurance companies to operate with only \$250,000 surplus. Records provided to the Commissioner would be kept confidential except to provide them to other state regulators or law enforcement. It sets out a premium tax schedule for captive insurance companies. It would also create a process for federal home loan banks to exercise their rights to collateral from insurer members who are delinquent through a delinquency proceeding.



## Judicial Process

### **SB 94 (Bethel, 54th) – Witness Identification and Body Cameras**

This legislation would require law enforcement agencies that conduct live lineups, photo lineups, and showups (one person brought before a witness) to adopt policies that the lineup be conducted by someone who does not know the identity of the suspect (photo lineups can be done by someone that does if he or she shuffles the pictures before giving them to the witness), instruct the witness that the perpetrator may or may not be present, use fillers that also generally match the given description, use at least four fillers for a live lineup and at least five for a photo lineup, and obtain a statement from the witness as to his or her certainty in the identification.

It would authorize police to use body cameras to record anything that happens in the officer's presence.

It would allow seizures of electronic as well as written evidence other than private papers pursuant to a search warrant. It would also allow non-sworn people to assist in the execution of search warrants and permit the use of body cameras during a warrant search.

### **SB 99 (Kennedy, 18th) – Curative Instruction When Judge Gives Opinion on a Fact in a Criminal Trial**

This legislation would, in criminal cases, allow a curative instruction when a judge gives his or her opinion on whether a fact is true, except when the judge's opinion concerns the guilt of the accused, in which case a new trial would be required. It would require a contemporaneous objection made outside the hearing of the jury or the incident would only be reviewable on appeal if it constitutes plain error that affects substantial rights of the parties. Current law makes any incident where the judge indicates his or her opinion a reversible error. A new trial would still be required if the opinion relates to the guilt of the accused.

### **SB 135 (Bethel, 54th) – Superior Court Clerk as Sole Court and Land Record Holder and Process Servers**

This legislation would clarify that the Clerk of Superior Court is the sole court and land record holder and is able to contract with public or private entities to manage records.

It would also eliminate the sunset on the provision allowing sheriffs to certify process servers who would then be allowed to serve process.

### **HB 71 (Tanner, 9th) – Board of Pardons and Paroles**

This legislation would require the Board of Pardons and Paroles to notify within 72 hours of receiving a request to commute a death sentence or a pardon for a serious offense, generally violent or drug charges, any victims who have an address on record and have asked to be notified of the hearing date and the victim's opportunity to file a written

response and state that failure of a victim to give updated contact information does not void a board decision. It would subject records of people who have been paroled and had their rights restored to open records disclosure. It would create a process for providing reports of board findings and votes when it grants a pardon or commutation of a death sentence. It would require the board to hear testimony from the local DA and get his or her recommendation, other information provided by the victim or victim's family in death penalty cases, and sex offender status or other court mandated residency or employment restrictions. It would require notification of the DA before hearings and increase the amount of allowable evidence and make that evidence discloseable after the decision.

### **HB 72 (Willard, 51st) – Persecution of Disabled Adults**

It would also clarify that long term care facilities are not subject to RICO charges based on actions of their employees. It would allow preferred scheduling to accommodate elderly victims. Adult protective agencies would be required to report any information they receive that suggests criminal activity. It would add convictions for running an unlicensed personal care home to the list of crimes that disqualify someone from working at a personal care, assisted living, or similar facility. It would create an inspection warrant process, and that evidence would be admissible in court. It would also create tort immunity for rescuing incapacitated or endangered individuals from a locked car.

### **HB 99 (Lumsden, 12th) – Converting Joint Tenancy to Tenants in Common After Divorce**

This legislation would provide for property held as a joint tenancy with right of survivorship to automatically convert to a tenancy in common upon divorce.

### **HB 279 (Powell, 171st) – Expand Court of Appeals and Increase Judge Salaries**

This legislation would increase the size of the Court of Appeals from 12 to 15 and allow the Governor to appoint the initial judges.

It would use state funds to pay superior court judges, district attorneys, and public defenders an additional \$6,000 supplement in counties or circuits with drug or other accountability courts and cap county supplements at \$50,000. It would remove a provision that prohibited DAs and solicitors from keeping fees, fines, forfeitures, costs, and commissions. It would set Supreme Court Justices' salaries at 175,600 and Court of Appeals Judges at 174,500. Supreme Court Justice pay last year was \$167,209 and Court of Appeals Judges was \$166,186. The state portion of district attorney pay would be increased to \$120,072 and state public defender pay would be increased to \$99,526.00. It would also allow Supreme Court Justices and Court of Appeals Judges living more than 50 miles from the Judicial building in Atlanta to claim up to 30 days per diem in the same amount as a legislator for each court term. It would add another judge to the Western Circuit. It would create the Judicial, District Attorney, and Circuit Public Defender

Compensation Commission for the purpose of conducting periodic comprehensive reviews of all aspects of compensation paid to justices, judges, district attorneys, and circuit public defenders.

### **HB 347 (Hightower, 68th) – Interest on Domestic Relations Orders**

This legislation would clarify that statutory interest does not begin on domestic relations orders payable in installments until an order is 30 days past due, unless otherwise ordered by the court.

## **K-12 Education**

### **SB 2 (Tippins, 37th) – High School Credit for Post-Secondary Education**

This legislation would allow local boards of education to award high school diplomas to students that complete coursework at an accredited postsecondary institution; are over 16 years old; have completed 9th and 10th grade English, math, science, and social science courses and the associated state tests; receive a satisfactory score on the readiness assessment required by the postsecondary institution; and complete either an associate degree, a technical college diploma program, or at least two technical college certificate of credit programs in one specific career pathway.

### **SB 89 (Albers, 56th) – Student Data Privacy and Digital Classroom Act**

This legislation would limit access to personally identifiable data on K-12 students to students and parents, staff of schools, districts, and the DOE, staff of other agencies, and anyone who needs to access the data to comply with federal law. The DOE would implement rules to restrict the sharing of data to necessary situations such as enrolling in a different school or program. Local school boards would not report juvenile delinquency, criminal, or mental health records to DOE except to comply with federal law or in an emergency. Schools would not collect data on political affiliation, voting history, religious beliefs, or income other than to administer need based assistance except to comply with federal law or in an emergency. Education vendors would be prohibited from selling student data or using it for targeted advertising. Parents and students would have access to all data, including data held by a vendor when possible and could request to have errors remedied.

It would strongly encourage all schools to use classroom materials in digital or electronic format starting in 2020. Schools would be encourage to purchase computers or tablets for all students. Students would be responsible for lost or damaged equipment and could have their diploma, grades, and certificates of progress withheld until restitution is made.

### **SB 156 (Tippins, 37th) – State Charter School Foundation**

This legislation would allow the State Charter Schools Commission to incorporate a 501(c)(3) nonprofit corporation to seek revenue and in-kind goods, services, and property to promote state charter schools. It would also require such corporation to make public and provide annual reports showing the identity of all donors, the amount donated, as well as expenditures.

### **SB 164 (Jones, 10th) – Expand PIBS Statewide**

This legislation would expand the Positive Behavior Identification and Support Program (PIBS) statewide. It has shown successful results in impacting climate and culture in the schools where it has been tried. It is supported by the Department of Education, but statewide implementation requires action by the General Assembly.

### **SR 287 (Miller, 49th) – Opportunity School District Constitutional Amendment**

#### **SB 133 (Miller, 49th) – Opportunity School District Enabling Legislation**

This constitutional amendment resolution and enabling legislation would implement the statewide Opportunity School District to take over schools deemed to be failing. The amendment contains no limitations on what schools can be taken over. The enabling legislation calls for 20 schools to be taken over a year up to a maximum of 100. Schools would be converted to state charter schools or directly run by the OSD. After five years or three consecutive years scoring above a 60 on the CCRPI, schools could transition back to the local district. Charter schools would remain state charter schools but still receive local school district funding.

### **HB 62 (Tanner, 9th) – Special Needs Voucher**

This bill waives the requirement for one year residency for the scholarship program for special needs students voucher if the individual's parent is an active duty military service member stationed within Georgia in the previous year.

### **HB 198 (Dempsey, 13th) – Suicide Prevention**

The legislation would require local school districts and the Department of Education to develop training, support and materials on suicide prevention and administer annual training to certified personnel.

### **HB 209 (Cantrell, 22nd) – Georgia Special Needs Voucher Notification**

The bill would require a school to provide specific, written notice of the options available to the parent at the initial Individualized Education Program (IEP) meeting. Subsequent notice would remain on an annual basis.

### **HB 372 (Coomer, 14th) – Utopian Academy for the Arts Act**

This bill would prevent any municipality, county, or other local political subdivision from requiring a charter school that has passed the Department of Education’s facility inspection and holds a valid certificate of occupancy to have to obtain any other license to operate. Charter schools would still be subjected to all zoning, planning, and building permits when constructing or renovating a facility. It would not exempt for profit vendors from local business ordinances.

It would exempt accredited nonprofit, nonpublic colleges and universities that have been in existence for over ten years but founded after the current 1989 cutoff from regulation from Nonpublic Postsecondary Education Commission regulation.

It would also allow charter schools to provide enrollment preferences to students who are economically disadvantaged, disabled, limited English proficient, homeless, neglected, or delinquent. These preferences may take effect when enrollment within the charter’s attendance zone has not met capacity and before remaining qualifying applicants are randomly selected to fill remaining slots. It would use the same familial preferences for state charters as for start-up and conversion.

### **HB 502 (Dudgeon, 25th) – Title 20 “Cleanup”**

This is the Title 20 “cleanup” bill. Most notably it replaces state curriculum competencies with content standards that local school systems would use to adopt their own curricula. The schools would be required to use tests that allow for interstate comparison. It would create a rule waiver process for students claiming hardship. It would move the Governor's Honors Program to the Office of Student Achievement. It would rename the IE Squared waiver program as strategic waiver school systems. It would eliminate the middle grades/middle school distinction and treat all 6-8 schools as middle schools. The Professional Standards Commission would regulate out of state virtual teachers. It would provide for free access to the Virtual School, subject to appropriation. It further implements the virtual school clearinghouse.

## **Labor and Employment**

### **SB 88 (Jones, 25th) – Payroll Card**

This legislation would allow employers to pay employees by debit card. The employer would be required to provide a written explanation of any fees at least 30 days prior and allow existing employee to opt out of being switched over by providing written notice during that time period. New employees would be able to opt out at time of hiring. Employees could opt out at any time and get paid by check or direct deposit. The bill does not sufficiently protect employees from excessive fees.

### **HB 18 (Spenser, 180th) – Exempt Aeronautical Engineers from State Licensing**

This legislation would exempt aeronautical engineers from state licensing because they are licensed at the federal level not at the state level.

### **HB 117 (Hamilton, 24th) – Employment Security**

This bill would change the definition of the “most recent employer” such that beginning on or after July 1, 2015 it would be the last employer for whom an individual work. The bill would also change how benefits paid would be charged against the experience account or reimbursement account of employers after July 1, 2015. The bill specifies in order for the benefits paid to count against the rating account or reimbursement account of the most recent employer, the employer must be a liable employer (defined in Section 34-8-42) and the employer and employee were separated under non-disqualifying conditions. The bill would also define regulations for how these benefits can be charged against the experience rating or reimbursement accounts of employers. The bill would not require employers to be charged for benefits for unemployment directly caused by a presidentially declared natural disaster. The bill also adds family violence as an eligible reason for leaving an employer that exempts the employer from being charged.

### **HB 366 (Strickland, 111th) – Employment of Minors**

This legislation would allow homeschool parents to sign employment authorization forms for their 12-15 year old children that is usually signed by the school. It would also no longer require employment certificates for 16 and 17 year olds to work between 9:00 PM and 6:00 AM.

### **HB 412 (Hamilton, 24th) – Workers Compensation Changes**

This legislation states that workers compensation is the exclusive remedy when construction design professionals are injured unless agreed otherwise by contract. Contractual provisions relating to workplace safety will not be construed to create additional rights and remedies beyond this law. It eliminates exclusive employer selected physician lists. It would increase the eligible partial disability payment from \$350 per week to \$367 per week. It would also increase the compensation for death resulting from injury to a sole dependent from \$150,000 to \$220,000. It would require insurers and self-insurers to pay into the Subsequent Injury Trust Fund an amount equal to the proportion of the \$100 million the total workers’ compensation claims paid by all insurers and self-insurers during the preceding calendar year.

## Local Government

### **SB 103 (Jackson, 2nd) – Alcohol Sales on St. Patrick’s Day**

This legislation would redefine the St. Patrick’s Day period during which local governments may specifically allow Sunday sales to be a period up to four days before March 17. Currently the period is March 16-18.

### **HB 95 (Tanner, 9th) – Trust Accounts for Local Government Investment Pool**

This legislation would authorize the state treasurer to put local government pool investment funds in a trust account established by the Depository Board. The local government investment pool, also known as Georgia Fund 1, is an investment fund in which local governments can invest funds.

### **HB 180 (Kidd, 145th) - Georgia State War Veterans' Home**

This legislation would reduce the time requirement for eligibility to the War Veterans’ Home from five to two years and would allow residents who had lived in Georgia for five of the last fifteen years.

### **HB 192 (Powell, 32nd) – Hospital Projects By Development Authorities and Purchasing Cards**

This legislation would allow local development and similar authorities to engage in hospital construction and maintenance projects.

It would also prohibit local elected officials from using government purchasing cards except when the cards are for items solely related to the elected official’s public duties and the purchases are in accordance with specific rules voted on by the local government.

### **HB 215 (Jacobs, 80th) – Equalized Homestead Options Sales Tax Act of 2015**

This bill would allow counties that impose a HOST and a MARTA sales tax (DeKalb) to, by ballot initiative, adopt an Equalized HOST that would first roll back countywide property taxes and then the excess, if any, would be used to roll back city or unincorporated property taxes. The share for new cities created after the effective date that are not maintaining the roads within their boundaries would be paid to the county.

### **HB 477 (Jones 47th) – Road Transfers to HOAs and New Cities**

This legislation would create a process to give HOAs the first opportunity to purchase state roads that are to be abandoned within the HOA. It would also provide that, absent an agreement between the city and county to the contrary, county roads become city roads

upon incorporation of a new city. It would be retroactive for all cities incorporated since 2005.

#### **HB 554 (Rutledge, 109th) – Henry County Board of Commissioners**

This legislation would untie Commissioner salaries from Sheriff salary and set them at \$45,000 for the Chair and \$35,000 for all others starting in 2017 and redefine the powers of the board.

#### **HB 566 (Nix, 69th) – House Redistricting**

This legislation would change the boundaries of House districts 27, 30, 53, 55, 59, 60, 73, 104, 109, 110, 111, 165, 166, 176, and 177.

Districts 53, 55, 59, and 60 are Democratic districts exchanging areas.

Districts 165 and 166 and districts 175 and 177 are transfers between Democratic and Republican districts.

## **Natural Resources & Environment**

### **Environmental Protection**

#### **SB 101 (Watson, 1st) – Coastal Marshland Buffer**

This legislation would establish a 25 foot buffer along coastal marshlands. It provides for exceptions regarding the disturbance of this buffer in circumstances including maintenance of preexisting structures, private roads, and projects authorized pursuant to a US Army Corps of Engineers permit.

#### **HB 199 (Corbett, 174th) – Timber Harvesting Notice and Bonding**

This legislation would allow counties and municipalities to require notice of timber cutting before entering the property, if possible, and within 24 hours of entering if not as well as giving notice of cessation of cutting within 24 hours of finishing. It would also require local governments to require no more than one bond from each person or firm harvesting timber regardless of the number of tracts harvested.

#### **HB 397 (Knight, 130th) – Revising GA Soil and Water Conservation Commission**

This legislation put the Soil and Water Conservation Commission under the Department of Agriculture for administrative purposes. It would eliminate the provision that allows the Commission to fund up to 40% of the cost of obtaining Section 404 permits under the federal Clean Water Act for new public water supply reservoirs. It would require the Erosion and Sediment Control Overview Council to annually approve the Commission's best practices manual for erosion and sediment control. It would also allow the Governor



to appoint one at large member from each of the five soil and water conservation district regions to serve on the commission.

### **HB 461 (Shaw, 176th) – Secondary Metal Recyclers**

This legislation would not allow secondary recyclers to purchase coils, burned copper wire, burial objects unless the seller has proof or registration in the secondary metals recycler database and a signed statement that they registered their buyer in the database. It would prohibit secondary recyclers from purchasing catalytic converters unless attached to a vehicle, purchased from a dealer, manufacturer, or repairer, from a seller with a work order and title to the vehicle, or from another secondary metals recycler who has proof or registration in the secondary metals recycler database and a signed statement that they registered their buyer in the database. It would require purchases of vehicles without a salvage title to record the transaction and notify the GBI. It would allow electrical and telecom employees who have received training to access the database and make using the database for any purpose other than investigating metal theft a felony.

## **Hunting and Fishing**

### **SB 62 (Harper, 7th) – Jurisdiction Over Game and Fish Code**

This legislation would extend probate courts' jurisdiction over Game and Fish code violations to include violations specified as "high and aggravated nature" and a first violation of hunting deer at night with a light.

### **SB 112 (Harper, 7th) – Game Animal and Bird Harvest Reporting**

This legislation would direct DNR to create harvesting rules for all game animals and game birds that describe the type of information that is required, the requirements for transportation of the carcass of a game animal or game bird killed by another person, and the requirements for possession of the carcass of a game animal or game bird by any private or commercial cold storage or processing facility. Current reporting laws that only address deer would be repealed. Violations would be a misdemeanor and a \$200 fine.

### **HB 160 (Dunahoo, 30th) – Trapping**

This legislation would eliminate the year round prohibition on raccoon trapping in North Georgia.

### **HB 475 (McCall, 33rd) – Feral Hog Hunting**

This legislation would permit people with wildlife control permits for feral hogs to hunt or trap at night with a light, except during deer season, from a motor vehicle, and to hunt or trap without a hunting or trapping permit on property owned or leased by the hunter or trapper or his or her immediate family and used for farming crops other than timber or

used for livestock or poultry. Wildlife control permits would last for at least five years, except that if it is for leased property, it would expire with the lease. It would remove the five round maximum shell capacity rule for deer and bear and eliminate all firearm restrictions for hunting feral hogs. It would require permits to transport live feral hogs and to hold them awaiting slaughter. Feral hogs would not be allowed to come in contact with domestic hogs.

## **Public Safety**

### **SB 69 (Hill, 32nd) – State Defense Force**

This legislation would allow members of the State Defense Force to receive the same leave of absence privileges and reemployment rights enjoyed by United States Armed Forces and Georgia National Guard reserve members.

### **SB 76 (Jackson, 24th) – Motorcycle Mobility Safety Act**

This legislation would allow motorcyclists and drivers of other lightweight vehicles who have a reasonable belief due to the time waited at a light or the fact that a light has skipped them in cycle that his or her vehicle is not triggering a light would be authorized to carefully proceed through the light so long as there are no vehicles within 500 feet. Causing an accident would be prima facie evidence that the driver did not proceed safely.

It would require drivers to stop at crosswalks where a flashing beacon has been activated.

It would also legalize motorcycle passenger handlebars that have a sharp point.

### **SB 134 (Stone, 23rd) – Speed Traps**

This legislation would count all speeding tickets up 20 so mph instead of 17mph for the purposes of determining whether a police department is therefore presumed to be issuing tickets for revenue instead of safety and lower the allowable percentage from 40% of revenue to 35%. It would also require local governments to list speeding fine revenues in their annual reports.

### **HB 85 (Harrell, 106th) – Grocery Alcohol Sales Near Schools**

This legislation would allow grocery stores with 85% of floor space used for non-alcoholic items to sell beer and wine within 100 feet of schools. This language also appears in SB 91. It would also remove the prohibition on alcohol sales near Central State Hospital, which is now closed.

### **HB 89 (Bruce, 61st) – Drug Free Commercial Zones**

This legislation would add drug free commercial zones created by local governments between July 2013 and July 2015 to the state list of drug free commercial zones with enhanced penalties for selling drugs.

### **HB 110 (Roberts 155th) – Fireworks**

This legislation would allow consumer fireworks, as defined by federal regulation, to be sold and used by individuals over 18. The bill would allow 16 and 17 year olds to possess and sell fireworks if they are assisting a licensed user. Anyone over 18 years old would be able to sell fireworks if they obtain a license from the Safety Fire Commissioner. 16 and 17 year olds could sell fireworks as an assistant to a licensed distributor. Fireworks could be sold to benefit nonprofit groups from a retail stand that is in compliance with fire safety guidelines and within 1000 feet of a fire hydrant. A person would be eligible for a license if they not have convicted of a felony involving fireworks, not have been assessed a civil penalty for knowingly violating this law within 5 years preceding the date of their application, and maintains \$2 million of insurance. The initial license fee would be \$5,000 per year and location, and renewal fees would be \$1,000 per year thereafter. This bill would also ban Chinese-styled floating lanterns. An excise tax of 5% would be added per item sold. Fireworks could only be set off between 10:00 am and midnight, except for Jan 1, July 3, July 4, and December 31 when they could be set off until 2:00 am.

### **HB 211 (Broadrick, 4th) – Controlled Substances**

This bill adds new drugs to Georgia’s various drug schedules and removes cough syrup that contains hydrocodone and either a fourfold or greater quantity of an isoquinoline alkaloid of opium or one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

## **Real Estate**

### **SB 95 (Williams, 27th) – Real Estate Trust Accounts**

This legislation would allow real estate trust accounts to be opened at any financial institution, not just banks.

### **HB 245 (Dollar, 45th) – Special Condo Assessments**

This legislation would allow new condominium instruments to impose special assessment fees of up to one sixth the annual common expense fee instead of the current maximum of \$200.

## Retirement

### **HB 217 (Maxwell, 17th) – Retirement Fund Investments**

This legislation would allow retirement funds to invest in mutual funds registered with the SEC and commingled funds and collective investment funds regulated by the Office of the Comptroller of the Currency of the United States Department of the Treasury.

### **HB 266 (Battles, 15th) – Local Retirement System Investments**

This legislation would regulate investments by local retirement systems under the state Public Retirement Systems Investment Authority Law instead of life insurance company regulations. It would also put a surviving spouse in line ahead of the participant's estate when returning funds.

It also would create the classes of suspended members for members that have not paid dues in six months or had a 30 day break in employment. Reinstatement would be under current rules instead of the rules at the time the member joined, and if the member was suspended for nonpayment of dues, would have to be current on dues to receive credit from before suspension. It would create a class of inactive member for members who stop working as firefighters and request a renewable leave of absence for up to two years. Failure to renew the leave of absence would withdraw the member from the fund. Withdrawn members would receive monies paid into the fund and be able to be reinstated but would not be able to receive credit from before withdrawing. It would allow members to select up to five death benefit beneficiaries. It would increase the fine for fraudulent actions regarding the fund from \$500 to \$2000 and allow the fund to administratively forfeit the fraudulent member to forfeit all benefits.

### **HB 322 (Strickland, 111th) – Foreclosure Deeds**

This legislation would allow the Georgia Superior Court Clerks' Cooperative Authority to promulgate rules for recording foreclosure sales other than the current method of hand marking the deed. It would impose a \$500 late filing fee for not filing the deed within the 90 day period. The fee would be remitted to the county. If the property is in a city, the county would remit 95% of the fee to the city. It would also require notarization instead of witnesses on many real estate documents.

## Revenue and Taxation

### **HB 94 (Williams, 119th) – Eliminate Late Fees for Nonpayment of Ad Valorem Tax on Voluntarily Unregistered Vehicles**

This legislation would eliminate the late fee on non-payments of ad valorem taxes for vehicles that the owner had voluntarily unregistered due to being stolen, repossessed,

destroyed, placed in storage, only used seasonally, the owner having been deployed by the military, or other reasons.

#### **HB 234 (Rutledge, 109th) – Acceptable Excuses for Late Tax Filings**

This legislation would include days on which the Federal Reserve is closed as a holiday for the purposes of determining when tax returns should be filed.

### **Tax Expenditures**

#### **HB 63 (Tanner, 9th) – Employer Sponsored Adult Education Tax Credit**

This legislation would provide a tax credit to employers who provide an adult education program for their employees at no charge to the employee. The credit would equal \$400 for each employee who passes the GED test and \$1200 for each employee who completes an approved 40 hour basic education program under standards developed by TCSG. The tax credit would be capped at \$1 million annually for the program and \$100,000 per employer per year.

#### **HB 275 (Strickland, 111th) – Claimant Agencies**

This legislation would allow the Lottery Corporation to obtain income tax setoffs against retailers who have failed to remit lottery proceeds.

#### **HB 288 (Dempsey, 13th) – Behavioral Health Coordinating Council**

This legislation would add two members appointed by the governor to the Behavioral Health Coordinating Council.

#### **HB 292 (Knight, 130th) – IRC Update**

This is the annual IRC update bill. The substitute has not been posted, but the bill sponsor said that the substitute increased Georgia's Section 179 business property expense deduction from \$250,000 to \$500,000.

#### **HB 308 (Stephens, 164th) – Historical Structure Rehabilitation Tax Credit**

This legislation would allow buildings on the federal register of historic places to qualify for the tax credit. It would increase the maximum for a non-home structure to \$5,000,000 and make the credit a one time credit instead of resetting every ten years. It would allow up to \$10,000,000 total credit for a building that creates 200 or more full time jobs or more than \$5,000,000 in annual payroll within two years of opening. It would cap the credit at \$25 million annually for projects earning over \$300,000. It would make the

credit sellable one time. Good faith purchasers would be immune from recapture, reduction, disallowance, or other failure.

**HB 319 (Nimmer, 178) – Ratify Fixed Gas Price**

This legislation would ratify the governor’s Executive Order that fixed gasoline and aviation fuel taxes at the rate set on July 1, 2014. It does not apply to prepaid local taxes.

**HB 339 (Burns, 159th) – Tax Credits for Entertainment Production**

This legislation would extend the credits limit for interactive entertainment production companies for each taxable year through 2018. The credit would remain capped at \$12.5 million annually, but companies would now seek preapproval. It would require recipients to report to Department of Revenue on its Georgia income tax return the monthly average number of full-time employees.

**HB 374 (Nix, 69th) – Agricultural Equipment Inventory Ad Valorem Tax Exemption**

This bill would exempt forestry equipment held in inventory for sale from ad valorem taxes. It would also clarify that exempt property purchased pursuant to a lease purchase agreement must be directly used for agricultural production and adds a definition of lease purchase agreement.

**HB 426 (Taylor, 173rd) – Sales Tax Exemptions**

This legislation would reinstate through June 2018 the sales tax exemptions on tangible personal property sold to nonprofit health centers that receive federal money or focus on care for the poor as well as the exemption on food donated to nonprofit food banks.

**HB 428 (Stephens, 164th) – Aquarium Tax Credit**

This legislation would allow the aquarium to receive up to \$750,000 in sales tax refunds on property bought for renovation or expansion through 2016. It would allow a \$350,000 refund for zoos.

**HB 464 (Williamson, 115th) – Conservation Tax Credit Sunset**

This legislation would sunset the tax exemption for water conservation facilities and for a shift from ground-water usage on December 31, 2016. It would also cap the amount of tax credits for real property donated for conservation purposes at \$30 million per year beginning on Jan 1, 2016.

## State Government

### State Agencies, Authorities, Boards, and Commissions

#### **SB 5 (Cowsert, 46th) – Ports Authority Indemnification**

This legislation would clarify that the Ports Authority is authorized to provide indemnification on behalf of itself or other state agencies for purposes of obtaining federal loans or grants.

#### **SB 104 (Dugan, 30th) – State Depository Board**

This legislation would replace the Commissioner of Insurance with the state CFO on the State Depository Board and would remove the requirement that savings and loans in which the state makes deposits be insured by the Federal Deposit Insurance Corporation or the Georgia Credit Union Deposit Corporation.

#### **SB 131 (Dugan 30th) – Certification of Crisis Stabilization Units**

This legislation would change the process by which the Department of Behavioral Health and Developmental Disabilities governs crisis stabilization units from a licensing system to a certification center. Notice of any changes to regulation of crisis stabilization centers would be required to be posted online for six months after the change.

#### **SB 148 (Kennedy, 18th) – Transfer Consumer Affairs to Attorney General**

This legislation would transfer the Governor’s Office of Consumer Affairs to the Attorney General.

#### **HB 86 (Benton, 31st) – Create Georgia Adult and Aging Services Agency**

This legislation would create the Georgia Adult and Aging Services Board to replace the DHS Division of Aging Services.

#### **HB 98 (Commer, 14th) – “Georgia Code of Military Justice”**

This bill would repeal and replace the current Georgia Code of Military Justice to comply with the federal Uniform Code of Military Justice.

#### **HB 348 (Dickey, 140th) – Creation of State Workforce Development Board**

The legislation would create a state workforce development board under the Department of Economic Development. The board would oversee the work of local workforce boards. The board would be federally funded.

### **HB 385 (Nimmer, 178th) – Responsibility of Medical Records Cost Change**

This legislation would transfer the responsibility of calculating the cost of sending a patient's records from a provider from the Office of Planning and Budget to the Department of Community Health.

### **State Purchasing and Contracting**

#### **SB 4 (Gooch, 51st) – Surface Transportation Projects (Beltline)**

This legislation would include “surface transportation projects” (Beltline) which are transit-related projects in MARTA counties with at least ten miles of transit that, along with accompanying parks and other facilities, affect 10,000 acres in the definition of urban redevelopment projects. It would authorize P3 procedures to implement these surface transportation projects. Details about ongoing negotiations would not be subject to public disclosure. All bonds would have to be issued pursuant to revenue bond regulations.

It would also require local governments in Clean Air Noncompliance zones to create a metropolitan transportation planning process through its regional commission or other vehicle to create a transportation and air quality plan.

#### **SB 59 (Hill, 6th) – Partnership for Public Facilities and Infrastructure Act**

This legislation would create a Partnership for Public Facilities and Infrastructure Act Guidelines committee to establish guidelines to be used when local governments are considering P3s. These guidelines would be mandatory for state agencies and optional for local governments. It would also allow private companies to submit unsolicited P3 bids for projects previously designated as a “priority.” The state agency or local government would be permitted to charge application fees for unsolicited bids, but must return them if they deny the bid.

DDA loans for water efficiency projects would have the same priority as tax liens.

#### **SR 266 (Jeffares, 17th) – Conveyance Authorization**

Annual property conveyance resolution

#### **SR 267 (Jeffares, 17th) – Easement Authorization**

Annual easement resolution



## **HB 104 (Dunahoo, 30th) – No Public Bidding for Property Easements, Grants, and Exchanges**

This legislation would broaden the exemption for public competitive bidding from only leases of mineral resources to include all grants of easements, leases, and exchanges of real property.

## **Dedications, Museums, and Monuments**

### **SB 119 (Jeffares, 17th) – Water Professionals Appreciation Day**

This bill would designate the first Monday in May of each year to be the state holiday of ‘Water Professionals Appreciation Day’ in Georgia to acknowledge individuals responsible for keeping Georgia’s wastewater treatment facilities compliant with Federal water quality standards

### **HB 70 (Hugley, 136th) – Official State Mammal**

This bill would designate the white-tailed deer as the official Georgia state mammal.

## **Transportation**

### **SB 100 (Harper, 7th) – Intrastate Motor Carriers and Driver’s Licenses**

This legislation would create new designations for motor carriers transporting ten or more passengers and property as a part of intrastate commerce and those for-hire vehicles that operate wholly within the state. It would require these vehicles to register, pay a fee, and complete a certified course on operations and safety prior to their initial registration. It would also require for-hire intrastate motor carriers to provide proof of insurance prior to being issued a registration.

It would remove the driver’s license suspension penalty for purchasing alcohol underage and possessing alcohol while underage and driving a vehicle.

It would require DHS to provide people whose licenses are suspended for non-payment of child support information about resources by which they may remedy the suspension.

DOE would provide enrollment, expulsion, and suspension data to Driver Services instead of Public Safety. It would remove the possibility of license suspension for truancy and only leave denial of license application as a consequence. It would remove the requirement that schools notify students over 14 when they only have three absences before they could be ineligible to get a driver’s licenses and to notify Driver Services when the student hits the limit. Parents and guardians would no longer be able to revoke the minor children’s licenses. It would allow limited driving permits for people who lose their license sue to expulsion.

It would eliminate automatic driver’s license suspension for possession of a cancelled, revoked, or suspended driver’s license, lending or borrowing a license for the purpose of

false identification, making or distributing fake IDs, and driving away without paying for gasoline.

It would allow one nolo plea every five years for driving with a suspended, cancelled, or revoked registration to not count as a conviction.

It would treat nolo pleas as convictions for people under 21 charged with hit and run, racing on highway streets, attempting to evade an officer, reckless driving, or any four point offense as a conviction and require immediate surrender of one's license in court.

License suspension for controlled substances violations would only apply when the conviction is a DUI Drug. Nolo pleas would not longer count for the purposes of determining a subsequent DUI.

It would allow issuance of a 30 day temporary operating when a vehicle fails emissions. It would also allow one nolo plea for driving with suspended or revoked vehicle registration every five years to not be treated as a conviction.

It would extend driver's license organ donation procedure to ID cards. It would clarify that the department could provide information to data center managed by organ procurement organizations as well as provide gender if the organization has funds to cover providing that information.

It would no longer require color photographs for commercial drivers licenses or disability ID cards.

It would waive the application fee for learners permits when the test is administered by a driving school or high school.

It would prohibit kickbacks from DUI schools.

### **SB 125 (Beach, 21st) – Traffic Management Tolls**

This bill would authorize the State Road and Tollway Authority to use toll-only express lanes to manage traffic flow in addition to HOV and HOT lanes and expand tolled and HOV lanes to local roads.

### **SR 296 (Henson, 41st) – Road and Bridge Dedications**

### **HB 48 (Coleman, 97th) – License Plates**

This legislation would create a special license plate for disabled police, firefighters, EMS workers, and the state defense force. It would limit free plates for disabled veterans who lost one or more hands, feet, or loss of or blindness in one or more eyes to veterans 100% disabled or being compensated at the 100% disabled level and use the same standard for the disabled veteran homestead and vehicle ad valorem exemptions. It would allow surviving spouses of the deceased service member's siblings to purchase Gold Star plates. It would extend the 1000 application requirement to license plates with revenues dedicated to nonprofit agencies.

### **HB 106 (Roberts, 155th) – HB 170 Modifications**

This legislation contains modifications to the transportation plan in HB 170 to reflect changes not in the conference committee report. Most notably it rewrites the TSPLOST provisions, clarifies that consolidated governments with a 2¢ joint LOST would be able to continue to impose it on motor fuel, and clarifying when the \$5 hotel/motel tax applies.

### **HB 118 (Tanner, 9th) – Commercial Drivers’ Licenses**

This legislation would make numerous changes to commercial drivers’ licenses laws. It would require third party test administrators to have a surety bond and require examiners to be certified by DDS or the American Association of Motor Vehicle Administrators. It would make administrative updates to comply with federal law. It would add a \$2,750 civil fine for texting while driving a commercial vehicle and an \$11,000 fine for employers that knowingly allow drivers to text and drive. It would also require commercial vehicles to use hands free devices.

### **HB 123 (Yates 73rd) – Safety Driving of Motor Vehicle Drawing a Trailer**

This legislation would clarify that loads on trailers must be secured in the same manner as loads on vehicles.

### **HB 147 (Powell, 32nd) – Two Year Registration for New Cars**

This legislation would allow people to register new cars for an initial two year period by paying a \$40 tag fee instead of a \$20 fee. It would not apply for special plates.

### **HB 170 (Roberts, 155th) – Transportation Funding Act of 2015**

- Replace state sales tax on motor fuel with a 26¢ excise tax
  - 29¢ on diesel
  - Would be increased by the rate of increase in fuel mileage for motor vehicles registered in Georgia multiplied by the rate of increase in the Consumer Price Index
    - The CPI increase would sunset July, 1 2018
  - LOST, HOST, SPLOST, ELOST, and MOST taxes would remain at 1% on the price of motor fuel up to \$3.00/gallon
- Electric vehicle fee
  - \$200 for personal vehicle
  - \$300 for commercial vehicle
  - Fees would be annually increased by rate of increase in fuel mileage nationally multiplied by increase in Consumer Price Index

- Eliminate alternative fuel vehicle tax credit for vehicles purchased on or after July 1, 2015
- Heavy Vehicle Fee
  - \$50 for vehicles 15,500 lbs to 26,000 lbs
  - \$100 for vehicles over 26,000 lbs
  - Would be cut in half in not appropriated for transportation purposes (including transit) and eliminated if not appropriated for transportation purposes a second time
- \$5/night Hotel/Motel fee
  - Would not apply to extended stay hotels with guests staying more than 30 days
  - Would be cut in half in not appropriated for transportation purposes (including transit) and eliminated if not appropriated for transportation purposes a second time
- Eliminate one cent sales tax exemption for aviation fuel
  - Would be cut in half in not appropriated for aviation or airport purposes and eliminated if not appropriated for aviation purposes a second time
- County-by-county “TSPLOST”
  - Would be available for counties not in a TSPLOST region and levy a SPLOST, MARTA tax, or a 2% consolidated government sales tax
  - Tax would be imposed pursuant to an Intergovernmental Agreement (IGA) between the county and cities comprising 90% of municipal population
    - Would be imposed in amounts up to 1% if all municipalities sign IGA
    - Maximum of .75% otherwise
  - IGA would list proposed projects, estimated cost of each project, procedures for distributing funds to cities, a schedule for distributing proceeds, and the order in which projects should be funded
  - Would require ratification by the voters of the county in the next election after the IGA is passed
  - At least 30% of expenditures would have to go to projects on the DOT statewide strategic plan
  - Tax would end early if all necessary funds are received before the scheduled expiration
  - Counties would publish an annual report in the legal organ
  - Process would begin for Metro Atlanta in 2015 and the rest of the state in 2017
- State Infrastructure Bank would prioritize equal funding across the state
  - Infrastructure bank loans would be prioritized for projects in economically disadvantaged counties
  - Infrastructure Bank grants would be prioritized for projects with local financial support
- Governor would not be able to reduce motor fuel taxes, except in the case of a declared emergency. Such a suspension would require 2/3 vote of the General Assembly for ratification

- Would create the Special Joint committee on Georgia Revenue Structure
  - The committee would introduce legislation in the House that would be referred to the committee
  - Any bills referred out of the committee would receive an up or down vote in the House at any time at time fixed by the Speaker
  - Any bills passed by the House would receive an up or down vote at a time fixed by the Lt. Governor
  - Bills would still need to be read three times and meet all constitutional provisions
  - Committee would be repealed July 1, 2016
- DOT would be required to release an annual report outlining a ten year strategic plan to be approved by the Senate and House Transportation Committees to be used for making budget recommendations
  - Would outline funding and resource allocation for
    - New Construction
    - Maintaining existing infrastructure
    - Bridge repairs and replacement
    - Safety enhancements
    - Administrative expenses
  - Priority would be given to maintenance, expansion, and improvement of highway infrastructure in places most in need of congestion relief and in most need of infrastructure to aid economic development

**HB 206 (Harrell, 106th) – Move Over for Sanitation Workers**

This legislation would establish a \$500 fine for failing to change lanes or failure to reduce speed when driving by sanitation workers displaying warning lights.

**HB 213 (Jacobs, 80th) – Eliminate MARTA “50/50” Restriction**

This legislation would eliminate the restriction that MARTA use its sales tax revenues 50% for capital and 50% for operation. It would extend the timeframe for the MARTA sales tax to remain at 1% to 2057. It would only require performance audits to be filed every four years. It would move the North/South DeKalb line from the southernmost border of Decatur to the northernmost. It would replace the GRTA director with an appointment from Clayton County to the MARTA board starting in 2017. It would raise the acquisition or disposition threshold for bids from \$25,000 to \$200,000. It would require auditors to certify that MARTA fully cooperated with the audit. It would limit civil fines for breaking MARTA rules to \$300 and/or suspension. It would eliminate the 1/2% sales tax option for contracting counties leaving only the 1% option.

**HB 325 (Hitchens, 161st) – Seat Belts for 15 Passenger Vans**

This legislation would redefine passenger vehicle to include newly built 15 passenger vans so that people under 18 would be required to wear seatbelts.

**HB 386 (Nimmer, 178th) – Repeal Georgia Coordination Committee for Rural and Human Services Transportation**

This legislation would repeal the Georgia Coordination Committee for Rural and Human Services Transportation.

**HR 36 (Benton, 31st) – Road and Bridge Dedications**

## **Urging Resolutions**

**SR 80 (Ligon, 3rd) – Demand that the College Board whitewash AP US History to present a more positive view of American history.**

**SR 84 (Burke, 11th) – Urge Congress to pass legislation increasing federal support for graduate medical education**

**SR 155 (Hill, 32nd) – Encourage Congress to propose an amendment to the US Constitution that would require the US to have a balanced budget except when at war.**

**SR 329 (Beach, 21st) – Commend Taiwan for its relations with the United States**

**SR 350 (Hill, 32nd) – Urge Congress to replace all federal, corporate, and personal taxes with the “FairTax”, a single 23% consumption tax on new goods and services. The bill would also urge Congress to repeal the Sixteenth Amendment.**

**SR 449 (Gooch, 51st) – Encourage the EPA to withdraw the proposed Clean Power Plan**

**SR 462 (Stone, 23rd) – Urge Congress to authorize the study of medical marijuana**

**SR 590 (Jackson, 2nd) – Encourage the representation of diverse populations of different racial and ethnic backgrounds in clinical research**

**HR 103 (Setzler, 35th) – Designate December 10 as Georgia's Day of Coding to spotlight the field of computer programming and encourage more students to continue studying coding languages.**

**HR 304 (Cooper, 43rd) – Encouraging Georgia's technical schools, colleges, and universities to expand gerontology and dementia education and training**

**HR 305 (Cooper, 43rd) – Urging Technical Schools, Colleges, and Universities To Expand Gerontology and Dementia Education and Training Throughout Their Academic Curriculum**

**HR 419 (Sims, 123rd) – Encourage Congress to extend authorization for the Augusta Canal National Heritage Area to receive federal funding**

## **Bills Failed in the Senate**

### **SB 91 (Tyler, 7th) – Grocery Alcohol Sales Near Schools**

This legislation would allow stores with 85% of floor space used for non-alcoholic items to sell beer and wine within 100 feet of schools.

## **Bills Only Passed by the Senate**

## **Bills Not Considered by the House**

### **SB 3 (Unterman, 45th) – Temporary Child Custody Handoff**

This legislation would allow parents to temporarily transfer power-of-attorney for up to one year by a specific notarized form to any adult residing in the state without having to go to court. Active duty military members would be able to transfer for the term of their active duty service plus 30 days. The new guardian may not consent to marriage, adoption, or an abortion performed on the child, but is not liable for medical decisions made in good faith. The transfer may not occur in order to place the child in the academic or athletic program of another school.

### **SB 18 (Harbison, 15th) – Prior Learning Course Credit**

These companion pieces of legislation would encourage the Board of Regents and require the Technical College System to create policies or programs to award credit for college level learning that students acquire prior to school through the military, work experience, service in the community, or independent study.

### **SB 34 (Kirk, 13th) – Children in Hot Cars**

This legislation would provide immunity for those who forcibly enter a parked motor vehicle in order to remove a child or other incapacitated or endangered person from danger.

### **SB 35 (James, 35th) – Criminal Penalty for Leaving a Child in a Hot Car**

This legislation would make leaving a child under six in a car unattended by someone thirteen or older under circumstances that pose a substantial risk of harm to such child's health or safety cruelty to children in the third degree. Cruelty to children in the third degree is a misdemeanor for the first or second conviction and a felony for subsequent ones.

### **SB 58 (Hill, 6th) – Georgia Leadership and Service Admissions Act**

This legislation would allow for each member of the General Assembly, the Governor and the Lieutenant Governor to designate a HOPE eligible student applying to a ROTC program as a Georgia Leadership and Service Scholar and offer a written recommendation for use in the admissions process at a USG institution.

### **SB 64 (Hufstetler, 52nd) – Paternity/Legal Father**

This legislation would eliminate the process by which a father can voluntarily acknowledge a child by written statement. It would modify the acknowledgement by court order process so that a legal father who is not the biological father would be served notice of the proceeding. Courts would use the best interest of the child standard when determining whether to grant a legitimization petition. The court would consider whether the petitioning father is the biological father and could order genetic testing. A petition that is sent to jury trial would remain in juvenile court instead of being sent to superior court. A father's signature and SSN on a birth certificate will still be an acknowledgement of paternity. The signed acknowledgement of paternity would be sent to the State Office of Vital Records where it could be provided to parties to the agreement, family when needed, and courts, governments, lawyers, and child placing agencies as needed.

### **SB 114 (Hufstetler, 52nd) – Delegation to Advanced Practice Registered Nurses**

This legislation would extend an exception to the rule that physicians may not enter into nurse protocol agreements with more than four advanced practice registered nurses at one time to nurses practicing in any community service board.

### **SB 116 (Ligon, 3rd) – Celebrate Freedom Week**

This legislation would encourage schools to recognize the week including September 17 as Celebrate Freedom Week by teaching elementary, middle and high school students about the spirit and founding of this country. It would include 3 hours of age-appropriated study of the historical documents and figures and expressly states that the religious references in the writings of the Founding Fathers shall not be censored. It would encourage schools to have students recite part of the Declaration of Independence, the Constitution, and/or the First Amendment at least once during the week. There is an exemption for conscientious objectors or children of foreign diplomats. It lists encouraged topics of study, including the national motto, In God We Trust. DOE would be encouraged to make historical documents and other materials available online.

### **SB 129 (McKoon, 29th) – Georgia Religious Freedom Restoration Act**

This legislation would allow any person or corporation to opt out of generally applicable laws, including criminal laws, by claiming religious opposition unless the government



proves that the law is in furtherance of a compelling government interest and is the least restrictive means of achieving that interest.

### **SB 168 (Jones, 25th) – Designate Old Governor's Mansion as the Official State Historic House**

This legislation would designate the Old Governor's Mansion in Milledgeville as the official state historic house and direct the Department of Economic Development to promote it for tourism purposes.

### **SB 183 (Wilkinson, 50th) – Tort Immunity for Livestock Activities**

This legislation would provide immunity for most death or injury to people suffered while participating in livestock activities such as grazing, herding, or otherwise handling livestock, livestock shows, fairs, and auctions, and livestock trainings except when the event sponsor negligently provided dangerous tack, animals, or premises for the activity.

### **SB 184 (Black, 8th) – Preempt Breed Specific Legislation**

This legislation would preempt local governments from passing breed specific dog regulations.

## **Bills Passed In Identical Or Similar Form On Other Bills**

### **SB 1 (Bethel, 54th) – Autism Insurance Mandate**

This legislation would create an insurance mandate for autism testing and medically necessary treatment for children under six. There would be no limit on visits, but there would be a \$35,000 annual limit for behavior analysis coverage. After year one, insurance companies would be able to waive the mandate if they could certify that it would cause a 1% increase in costs that would create a 1% increase in premiums. The mandate would apply to individual, ACA exchange, or employer plans for employers with fewer than ten employees.

Passed as HB 429.

## **Bills Failed to Pass Both Houses in Identical Form**

### **SB 85 (Beech, 21st) – Expand and Simplify Definition of Development Authority Projects**

This legislation would redefine the definition of projects that may be undertaken by a DDA to be a broad definition that essentially covers any construction or other

development projects. Current law is a laundry list of projects enumerating dozens of specific project categories.

### **SB 127 (Jeffares, 17th) – Ethics Fine Amnesty for Local Elected Officials**

This legislation would prohibit candidates who have not paid all outstanding ethics fines from qualifying for office.

It would also authorize the cancellation and refund of ethics fees and penalties for local elected officials that occurred between January 1, 2010 and January 10, 2014. It would create a rebuttable presumption that the violations were due to flaws in the Ethics Commission’s e-filing system. If the commission discovers within the next two years that a candidate knowingly and willfully refused to file a report, the commission would revoke the waiver and re-impose penalties.

It would require intention of write in candidacy that are filed on behalf of the candidate to include a notarized authorization form the candidate. It would eliminate municipal registration and have all candidates registered by the county. It would eliminate a reference to VRA preclearance when determining the time frame in which a city must report voting map changes to a county. If a voter subject to being purged for inactivity returns the notice card but provides a Georgia address outside the county in which he or she is registered, the voter registration would be transferred to the new county instead of removed. It would allow overseas military voters to request a primary and presidential preference primary absentee ballot together. It would prohibit voting assistance or information stations within the 150 foot “no-campaigning” radius and would allow poll managers to manage the number of people in the polling location to manage congestion, except that they would not be able to exclude law enforcement or credentialed poll watchers. Voters would only be able to cast provisional ballots in their county of residence.

### **SB 128 (Kennedy 18th) – Boards of Directors**

This legislation modifies corporate board of directors laws by removing the requirement that boards with staggered terms have the same number of members on each election cycle, allowing members take authoritative action outside of meetings with written authorization from board, allowing a board to unanimously appoint someone to replace an absent member, and allowing the board of directors to elect individuals to offices in the corporation. It would also exempt from prosecution directors or officers who take advantage of business opportunities after have fully disclosing the opportunity to the corporation or shareholder and the corporation or shareholders denying interest in the opportunity.

### **HB 197 (Jacobs, 80th) – Self-Settled Spendthrift Accounts**

This legislation would allow people to create spendthrift trust accounts that would shield their money from creditors and name themselves as a beneficiary so long as there is one

other eligible beneficiary who may or may not receive distributions. Distributions would only be subject to garnishment for alimony and child support.

## **Senate Bills Failed in House**

### **SB 139 (Harper, 7th) – Preempt Local Packaging Regulations**

This legislation would prohibit local governments from prohibiting or imposing fees or taxes on single use packaging and only allow regulation by general law.

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