

SENATE DEMOCRATIC CAUCUS



2016 LEGISLATIVE SUMMARY

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Introduction

The Georgia General Assembly adjourned its 2015-2016 session on March 24, 2016. Legislation passed will have an effect, both for the good and for the bad, on all of Georgia's families, schools, and businesses.

"Religious Freedom"

This year's session was largely dominated by the debate over numerous pieces of legislation advertised as protecting religious liberty. These proposals included the innocuous Pastor Protection Act, which mostly sought to codify rights already protected by the First Amendment. There was a resurgence of proposals similar to last year's Religious Freedom Restoration Act that would have allowed individuals and companies to opt out of generally applicable laws based on religious belief, and the brand new First Amendment Defense Act that was intended to protect the revenue stream of publicly funded nonprofits refusing to hire people or provide services based on religious beliefs.

These measures drew significant opposition from LGBT rights groups concerned that these measures are a direct attack on LGBT families in response to the Supreme Court decision that legalized same sex marriage. Most believe the rights of the faith community are already protected under the First Amendment and that promoting discrimination runs counter to the message they preach. The business community also raised concerns, citing the potential for these measures to negatively impact companies directly through boycotts and indirectly by making it harder to attract talent to the region. The end result was a combination bill, HB 757, dubbed the Free Exercise Protection Act that included portions of all three major proposals.

Gov. Nathan Deal responded to concerns from the religious community, the civil rights community, and the business community, vetoing the legislation on March 28. While religious liberty legislation is stopped for 2016, it is sure to be back in some form next year, and voters need to remember this very serious issue at the polls in November.

Transportation

Transportation was another major topic during the 2016 session. After a lengthy debate and numerous proposals and parliamentary games, SB 369 passed to allow for expansion of MARTA in the City of Atlanta. It would allow the City of Atlanta to levy a 1/2¢ sales tax to fund MARTA. The project list is not finalized at this time, but it is expected that the revenue will be used for in-fill expansion, particularly around the Atlanta Beltline. The full project list will be published in advance of the November vote that considers the 1/2¢ increase.

Other Georgia counties did not fare as well in the transportation debate due to the passage of SB 420 that would require a referendum on any new transit with dedicated right of way outside of the MARTA counties. This is intended to block the proposed bus rapid transit line along US-41 in Cobb County, but the statewide nature of the legislation means it applies to every transit system in the 156 counties not part of MARTA.

Guns on College Campuses, Reproductive Rights, Tax Cuts

Finally, there were a whole slew of election year proposals. The highest impact election year bill was HB 859 that would allow weapons carry permit holders to carry guns on college campuses. It is still pending approval or veto by the Governor.

House Bill 1060 is another firearms bill that includes a provision giving special rights to gun stores and manufacturers when seeking bank loans and other financial services. Senate Bill 308 would spend \$2,000,000 on non-medical crisis pregnancy centers that try to convince women not to have abortions.

And of course, there were tons of tax cuts and exemptions, some of which passed and some of which did not. Many of the more expensive ones failed, though legislation was passed to exempt high profile sporting events from sales taxes on tickets and an extremely inefficient \$100,000,000 tax credit was created to support rural hospitals that fails to bring down any matching federal funds at all.

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Notable Legislation Passed

The Good

Every year the General Assembly does some good to strengthen Georgia's economy, education system, and the overall health of its citizens.

Bills that Passed Both Chambers

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 304 (Parent, 42nd) as Introduced – Eliminate Automatic Purge of Involuntary Commitments from GCIC

This legislation would end the automatic purge of involuntary psychiatric commitment records over five years old from the Georgia Crime Information Center so that the information would remain available for firearm background checks.

This bill passed on HB 1060.

SB 304 (Parent, 42nd) as Passed – Rape Kit Handling and Storage

This legislation would require that any time a rape victim wants to turn medical evidence (rape kit) over for prosecution that the hospital provide it to law enforcement within 96 hours. Law enforcement would have 30 days to turn the rape kits over to the GBI for testing.

Anyone who performed a rape examination where the victim want the information turned over for prosecution before July 1, 2016 would notify law enforcement, and law enforcement would be required to pick up the rape kits by July 31, 2016 to be submitted by August 31, 2016. Law enforcement would prepare a report of all rape kits in its possession as of August 1, 2016.

The GBI forensic division would issue an annual report detailing the number of tested and pending cases.

This language is from HB 560.

SB 367 (Kennedy, 18th) – Criminal Justice Reform

This legislation is the annual Criminal Justice Reform Commission Bill. It makes sweeping improvements to how we treat people going through the criminal justice system by expanding accountability courts to handle DUI as juvenile cases. It would

protect students going through school discipline proceedings. It would improve the records sealing process for people who successfully complete first offender and accountability court programs. It would provide uniformity to misdemeanor probation hearings and revocation. It would give early parole to some nonviolent drug offenders serving extremely long sentences.

A detailed summary is attached at appendix A.

SB 369 (Mullis, 53rd) – MARTA

This legislation would allow the City of Atlanta to levy up to a 0.5% sales tax to fund MARTA. It would run concurrently with the existing MARTA tax, so it would be able to be used for bonds. It would be subject to a referendum.

It would also split the City of Atlanta and the rest of Fulton County for the purpose of levying the county-by-county T-SPLOST that passed as part of the Transportation Funding Act of 2015. The parts of Fulton County outside the City of Atlanta would be able to levy a separate five year T-SPLOST of up to .75% in a manner similar to the existing process, including the referendum requirement. The City of Atlanta would be able to levy its own five year T-SPLOST of up to .75%, though the .5% MARTA expansion would count against the .75% cap, meaning that should MARTA expansion pass, the five year T-SPLOST portion would be limited to .25%.

HB 54 (Waites, 60th) – Shawn Smiley Act

This legislation would create an opportunity for Georgia taxpayers to decide to donate all or a portion of their tax refund to the Georgia Student Finance Authority in order to provide financial assistance toward the postsecondary educational costs of the children of law enforcement officers, firefighters, EMT's, prison guards employed by the state or other public employer, and HERO operators who were permanently disabled or killed in the line of duty beginning July 1, 2017.

The legislation would also allow the DDS to provide for appropriate language on its forms for the issuance and renewal of driver's licenses and ID cards to make voluntary contributions to the Georgia Student Finance Authority for the same purpose.

HB 229 (Strickland, 111th) – Grandparent Visitation

This legislation would allow great-grandparents, siblings, and non-blood relatives living with a child that have a familial relationship to seek to obtain visitation rights in the way currently available for grandparents. It would increase the standard for family members seeking visitation to be a showing of clear and convincing evidence. It would only consider the ability to maintain a relationship with a family member where there is an existing relationship as grounds to award visitation but not the development of a relationship when there is no existing relationship.

HB 768 (Hawkins, 27th) – Georgia Achieving a Better Life Experience (ABLE) Act.

This legislation would establish an ABLE program in this state to enable the contributions of funds to tax-exempt accounts to pay for the qualified expenses of individuals with disabilities. The board would give due consideration of the risk of, expected rate of return of, term of maturity of diversification of total investment of liquidity of, and anticipated investments in the withdrawals from the trust fund. The annual report would be available to account contributors and designated beneficiaries in the trust fund upon written request and the fund would be able to charge a reasonable fee for such report. The annual report would be subject to audits by the state.

This legislation would prohibit an ABLE account from being assigned for the benefit of creditors.

HB 825 (Smith, 125th) – Protecting Military Children Act

This legislation would allow reports of child abuse to be submitted to military law enforcement when applicable. When a child welfare agency is made aware of allegations of child abuse, the agency would be required to determine the military status of the child’s parents and notify the Department of Defense Family Advocacy Program if applicable.

HB 831 (Smyre, 135th) – Protecting Guardsmen’s Employment Act

This legislation would add members of all reserve components of the armed forces of the United States, instead of solely the National Guard, to reemployment protection regulations.

HB 828 (Fludd, 64th) – Tax Credit for Hiring Parolees

This legislation would create a \$2,000 tax credit for employers that hire people who have been paroled within the past year. The job would have to be 30 hours/week or more, be in Georgia, have no predetermined end date, and the employee would have to work at least 40 weeks. Employers would be limited to a total credit of \$50,000 per year and only once per person hired. It would sunset January 1, 2020.

It passed on HB 936.

HB 962 (Abrams, 89th) – Kinship Caregiver Administrator

This legislation would direct the Department of Human Services create an website that provides information and assistance regarding how to apply for social services directed at family members other than parents caring for children.

Democratic Bills that Passed Senate but not House

SB 328 (Jones, 10th) – Alternative Schools

This bill would prevent local school systems from placing students under 16 years old into alternative schools for more than two semesters for non-serious offenses (excluding physical assault, bullying, or possession of illegal drugs or alcohol).

The legislation also would allow students to challenge their placement after two semesters and allow students to move to another alternative school or remain in an alternative system if they choose.

SR 809 (Fort, 39th) – Prohibit For-Profit Parking Enforcement

This resolution would propose a constitutional amendment to prohibit local governments from entering into contracts with for-profit companies to provide parking enforcement.

The Bad

While one never looks forward to this section, the General Assembly tends to do quite a bit of damage to the state each year in the form of bad ideas, mean spirited legislation, reckless fiscal policy, and downright corruption.

Bills that Passed Both Chambers

SB 258 (Millar, 40th) – Rural Healthcare Donation Tax Credit, Redefine Disabled Veteran, No Property Tax Increase Due to an Appeal, and Property Tax Appeals

This legislation would create a tax credit for donations to hospitals in counties with fewer than 35,000 non-military residents. The credit would be capped at \$50 million in 2017, \$60 million in 2018, \$70 million in 2019, and would sunset afterwards. No individual hospital would be able to receive more than \$4 million. Individuals would receive an 80% tax credit for funds of up to \$2,500 (\$5,000 for joint filers) contributed. Corporations would be able to receive 80% of any donations, up to 75% of their total tax liabilities.

It would prohibit counties from raising property valuations on appeal. Valuation boards would only be permitted to lower valuations.

It would redefine the qualifications for a disabled veteran that can receive free car tags, a homestead exemption, and a car tax exemption to only apply to US citizens and Georgia residents. It would also make a correction so that the exemption would apply to persons adjudicated disabled by the VA or entitled to a statutory disability award, instead of requiring both

It would only apply the two-year moratorium on property tax valuations after a successful case where the valuation is actually reduced from the initial assessment instead of always imposing a moratorium, even when the valuation is upheld. It would give the board of tax assessors, in addition to the board of equalization, authority to raise a valuation if a second appeal is filed in that time frame. Parties would be able to waive the two year moratorium on increase by mutual written agreement.

SB 308 (Unterman, 45th) – Crisis Pregnancy Centers

This legislation would create a state grant program to administer funds to fund nonmedical women’s health centers that try to convince women not to have abortions.

SB 346 (Beach, 21st) – Exclude Small Road Projects from Environmental Impact Analysis

This legislation would exclude road construction projects that cost under \$100 million and do not use federal funds from environmental impact analysis unless the proposed project would significantly impact a historical site.

SB 420 (Tippins, 37th) – Require Referendum for Transit Projects with Right of Ways

This legislation would require a county-wide referendum before spending money to build, maintain, or operate any transit project that has a dedicated right of way. It would not apply to MARTA projects in MARTA counties.

HB 555 (Chandler, 105th) – Reporting of Number of Petitions for Waiver on Parental Consent for Abortion

This legislation would require juvenile courts to report yearly the number of, but not the content or private information contained within, petitions filed by minors seeking a waiver for the requirement of parental consent to an abortion to the Office of Administrative Courts.

HB 757 (Tanner, 9th) – Religious Liberty

VETOED BY GOVERNOR

This is the combined Pastor Protection Act and First Amendment Defense Act. The PPA would clarify that preachers can't be forced to perform gay weddings, that religious organizations can't be forced to rent their facilities for ceremonies they disagree with, and that local governments can't, by ordinance, force businesses to be open on Saturday or Sunday.

FADA would prohibit government from affecting people's or organization's tax status, public funding, professional licensure, or other public benefits if they discriminate based on sincerely held religious belief regarding lawful marriage between two people, including the belief that marriage should only be between a man and a woman or that sex should be confined to marriage.

It also contains a version of last year's RFRA that would allow companies and individuals to opt out of generally applicable laws based on religious beliefs.

HB 792 (Brockway, 102nd) – Tasers on College Campuses

This legislation would allow adults to carry tasers and stun guns anywhere on college campuses.

HB 808 (Willard, 51st) – Legislative Appointments to the Judicial Qualifications Commission

This is the enabling legislation for HR 1113 that gives the General Assembly the authority to set the composition of the Judicial Qualifications Commission. This legislation would set it to be two judges selected by the Supreme Court, one ten plus year member of the bar appointed by the Speaker, one ten plus year member of the bar appointed by the Lt. Governor, and three non-lawyers, one each appointed by the Governor, Speaker, and Lt. Governor.

The commission would be appointed effective January 1, 2017, reappointed effective July 1, 2017, and again effective January 1, 2017. From then on, members would serve no more than two consecutive three year terms.

HB 859 (Jasperse, 11th) – Campus Carry

This legislation would allow licensed weapons carry permit holders to carry guns, so long as handguns are concealed, on college campuses, except in sports facilities, housing, and fraternity and sorority houses.

HB 885 (Jones, 47th) – Apply Statutory Framework to Fulton County Board of Health

This legislation would reconstitute the Fulton County Board of Health, which is currently set up by ordinance, and reconstitute it under the state statutory framework. It would remove the APS Superintendent and the City of Atlanta appointees. It would replace those with two more positions appointed by the Fulton Board of Commissioners. The three County appointees would be a consumer advocate, a public health promoter or a nurse, and a consumer that represents the underserved. It would also change the physician appointment from an appointment by the grand jury from a pool of nominees from the county medical society.

HB 927 (Coomer, 14th) – Expand Supreme Court

This legislation would add two more justices to the Supreme Court.

It would allow the Court of Appeals to set its own rules for situations when to use multiple divisions and how to select them and for how to handle precedent and overrule cases.

It would move appellate jurisdiction over cases involving land titles, all equity cases (injunctions and other civil, non-monetary remedy) except cases related to death penalty proceedings, wills, extraordinary writs (court orders such as mandamus and habeas orders) except cases related to death penalty proceedings, divorce, and other cases not reserved to the Supreme Court for other reasons.

It would allow the Supreme Court and Courts of Appeal to appoint clerks out of law school who have not been admitted to the bar so long as they are admitted within one year of appointment.

This legislation would change the number of Supreme Court Justices from seven to nine. The additional justices would be appointed for an initial term of January 1, 2017 through December 31, 2018. It would move up the start and finish of court terms by two to four weeks.

HR 1113 (Willard, 51st) – Legislative Appointments to the Judicial Qualifications Commission

This resolution would propose a constitutional amendment to eliminate the constitutional provision that the Judicial Qualifications Commission is made up of two judges selected by the Supreme Court, three members of the bar elected by the board of governors of the bar, and two non-lawyer citizens appointed by the Governor and instead leave the composition up to the General Assembly.

Bills that Failed to Pass Both Chambers

SB 6 (McKoon, 29th) – Road Safety and Driver’s License Integrity

This legislation would prohibit issuance of driver’s licenses to undocumented immigrants with deferred action status. It would require non-citizens to provide fingerprints or other biological characteristics to obtain temporary driver’s licenses. DDS would be required to participate in E-Verify, and applicants would be required to sign a sworn affidavit that they are here legally and not under deferred action status. Law enforcement would be allowed to impound vehicles driven by an undocumented immigrant for up to 60 days. It would increase the penalties for driving without a license.

SR 675 (McKoon, 29th) – English as the Official Language

This resolution would propose a constitutional amendment to make English the official language of Georgia. It would prohibit the issuance of official state or local documents and communications, specifically the driver’s license test, in languages other than English. It would allow materials in foreign languages for public safety purposes and to teach English. Current law allows agencies and local governments to use foreign languages at their discretion.

HB 238 (Harbin, 122nd) – 5.4% Flat Tax

This legislation would change the state income tax to 5.4% flat tax for all taxable years on or after January 1, 2017. It would increase the personal exemption from \$7,400 to \$11,400 for a couple (or \$5,700 apiece for couples filing separately) and from \$2,700 to \$4,700 for an individual. It would raise the dependent exemption from \$3,000 to \$5,000. It would cap the mortgage interest deduction at \$25,000. This legislation would also repeal the corporate net worth tax.

HB 876 (Pirkle, 155th) – Tort Immunity for Livestock Owners

This legislation would allow a letter of credit or deposit to satisfy the surety requirement for livestock market operators and dealers, not just bonds. It would eliminate the statutory surety amounts and leave that up to the department. It would allow a license fee of up to \$200 for livestock market operators and up to \$25 for dealers. It would require the Agriculture Commissioner to publish the names and locations of licensed livestock dealers and market operators.

It also includes a version of SB 183 that passed in 2015 over Democratic objection. It would provide immunity for most death or injury to people suffered while participating in non-profit 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.

The Ugly

Not everything of significance passed by the General Assembly qualifies as good or bad but instead is just ugly or messy. Some bills create or expand questionable policies that should be more closely scrutinized, and some bills contain both positives and negatives in the same bill.

Bills that Passed Both Chambers

SB 323 (Dungan, 30th) – Economic Development Open Records

This legislation would extend the open records exemption on documents related to economic development projects leading to an expenditure by the business of \$25 million or the hiring of 50 employees from the current exemption for Department of Economic Development records to apply to all state and local agencies.

HB 219 (Jones, 167th) – Exempt Condo Pools from Safety Standards

This legislation would expand the types of pools exempted from state and local health standards from subdivision, country club, and apartment complex-owned pools to also include those owned by a group of townhomes, condos, and timeshares. It would also clarify that all of these pools are still subject to state and local regulations on construction standards.

This legislation would permit the ownership group of an exempt pool to request inspection of their pool by the county board of health for purely informational purposes without risk of fine or penalty.

It would also allow organizations with pools that would otherwise be exempt if they were not covered by grandfathered county regulations to opt out of those regulations.

SB 269 (Stone, 23rd) – Require Certification that not a Sanctuary City when Receiving State Funds

This legislation would require DCA, DOT, and other state agencies that distribute state funds to local governments obtain certification that the local government is in compliance with its annual immigration compliance report.

HB 769 (Hawkins, 27th) – Permanent Tax Exemption on Watercraft Inventory

This legislation would make permanent the ad valorem tax on watercraft held in inventory by sellers and resellers currently set to sunset at the start of 2020.

HB 874 (Reeves, 34th)- Juvenile Court Records, Street Gang and Terroristic Crimes

This legislation would seal juvenile court records and require that these records not be used against a child except under limited circumstances.

This legislation would also increase the penalty from a misdemeanor to felony for terroristic threats that rise to the level of a death threat. This legislation would also set a minimum 5 year/\$50,000 fine criminal penalty for people convicted of violations that are intended to intimidate or threaten a person from attending a legal proceeding or that stop a person from reporting a terroristic threat or act. Additionally, the legislation would add a carve-out for computer-related terroristic threats/acts to become high and aggravated misdemeanors unless the threat/act is intended to intimidate or threaten a person from attending a legal proceeding; in those cases, the crime rises to a felony punishable from one to ten years, a fine up to \$100,000, or both.

This legislation would add a 5 to 20 year sentence when criminal gang members smuggle in forbidden goods to inmates. The legislation would add more latitude for prosecutors to introduce evidence of criminal gang activity but sets out conditions in which the defense must be notified in order for the prosecution to take advantage of the lower threshold.

Lastly, this legislation would set out a specific penalty of 2 to 5 years for smuggling weapons, drugs, or telecommunications devices to inmates – and the minimum cannot be suspended, stayed, or modified by the sentencing court.

HB 951 (Ninner, 178th) – Super Bowl Tax Exemption; Clean Energy & Back-to-School Tax Exemption Date Changes

This legislation would create a sales tax exemption for tickets purchased to attend non-recurring major sporting events expected to generate over \$50 million in the area hosting, including but not limited to the Super Bowl, March Madness and the College Football Playoff, and the MLS, NBA, and MLB All-Star Games. The Commissioners of Economic Development and Revenue would be left to determine what other events would qualify for this exemption.

This bill reinstate the the back-to-school sales tax holiday on July 30-31, 2016 and the clean energy appliance sales tax on September 30-October 2, 2016.

HB 1060 (Jasperse, 11th) – Weapons Carry Permits and the Firearms Nondiscrimination Act

This legislation would do the following:

- Establish carry permit reciprocity for new residents: a holder of a carry license from a state that recognizes Georgia carry permits and moves to

Georgia is allowed to carry for 90 days while his or her application is being processed

- Allow people who are hunting, fishing, or sport shooting on recreational or wildlife management areas to carry a knife without needing a carry permit
- Carry permit holders who attempt to enter a church that prohibits guns would not be committing a crime if they leave immediately upon being informed that the church prohibits guns
- Clarify that all people such as law enforcement and prosecutors exempt from carry requirements are allowed to carry in school zones
- Allow courts to provide information from gun safety organizations to carry permit applicants and require DNR to provide information on hunter education classes that teach gun safety
- Allow people who have a name change to receive a replacement carry permit with their new name for the same \$6 fee as any other replacement permit
- Allow retired police officers with ten years' service and a POST Council card to carry weapons in the same manner as active duty officers. The POST Council would be able to require standards including continuing weapons training
- Courthouses would be able to prohibit officers from carrying weapons if they provide storage lockers and the building is screened by the sheriff's department. Active duty police in uniform or wearing visible badges would still be able to carry holstered weapons in courthouses
- Limit the prohibition on weapons carry in secured areas of airports to only prohibit carry in the secured area of airports that serve airlines with over \$1 billion in revenue (Hartsfield)
- Eliminate the automatic purge of involuntary commitment or adjudication of mental unfitness records after five years and create a process where a person could petition the court for reinstatement of firearm rights
 - The petitioner would have to notify the prosecutor or opposing civil party in the case that head to commitment
 - The petitioner would authorize the DA to seek records from the treatment facility. The records would not be admissible in other proceedings
 - The court would hold a hearing within 60 days, unless it can show good cause to delay, to determine whether to restore the petitioner's firearm rights
 - The court would analyze the circumstances of the involuntary commitment or adjudication, the petitioner's mental health records, the petitioner's character, and changes in circumstanced and

determine whether the petitioner would not likely act in a manner dangerous to himself or herself or public safety and that granting the relief would be consistent with the standards for a carry permit

- One would not be able to make a petition more often than every two years. A person who is committed would not be able to petition until one year after release.
- Create civil immunity for firearm trainers when a person they train fails to use his or her weapon properly or lawfully
 - It would create a civil cause of action for the termination or denial of credit or a financial services agreement with anyone licensed to deal in the commerce of firearms or ammunition products solely because they are engaged in commerce relating to firearms or ammunitions products.
 - This is a protection afforded to no industry besides the firearm industry.
 - The attorney general would also be able to sue financial companies in violation for injunctive relief or a civil penalty of up to \$10,000

Legislation Passed by House and Senate

Agriculture

HB 579 (McCall, 33rd) – Farm Vehicles on Public Roads

This legislation would allow farmers to drive properly marked farm vehicles on any road or highway to transport agricultural products, livestock, farm machinery, or supplies or between the farmer's home and farm. Local ordinances would be able to prohibit farm vehicles on roads in the interest of public safety.

HB 815 (Rhodes, 120th) – Commercial Poultry Inspection

This legislation would provide that all bird meat, other than bird meat regulated under federal regulations, be held to the same quality standards as other meat products.

HB 987 (McCall, 33rd) – Allows for Not for Profit Rodeos on Property Controlled by a Conservation Use Covenant

This legislation would allow all or part of the property subject to a conservation use covenant to be used to host a not for profit rodeo so long as the fees charged do not exceed the cost of hosting the event.

HB 1030 (Watson, 172nd) – Georgia Seed Development Commission

This legislation would require the farmers and seed industry representatives on the Georgia Seed Development Commission to hold a license authorizing the production, conditioning, propagation, or marketing of crops, seed, turfgrass, or horticultural plants developed by the College of Agricultural and Environmental Sciences of the University of Georgia that allows access to intellectual property owned by the University of Georgia or a formally designated cooperative. The UGA seed breeder would no longer be a voting member.

Appropriations

HB 750 (Ralston, 7th) – FY 2016 Supplemental Budget

This legislation adjusts the state's previously appropriated funds for the fiscal year 2016.

HB 751 (Ralston, 7th) – FY 2017 General Budget

This legislation appropriates the state's funds for the fiscal year 2017.

Civil Law

SB 255 (Stone, 23rd) – Garnishment

This legislation establishes a uniform garnishment procedure for Georgia in response to the court ruling that Georgia's garnishment laws are unconstitutional because they do not require creditors to inform debtors that certain money, such as Social Security benefits, welfare payments, and workers' compensation, cannot be garnished and fails to provide a timely process for debtors to get wrongly taken money back.

A summary is attached at Appendix B

HB 59 (Willard, 51st) – Sovereign Immunity Waiver for Declaratory Judgment and Injunctive Relief

This legislation would waive sovereign immunity for the state and local governments with respect to declaratory judgments and injunctive relief. It would not waive sovereign immunity with respect to legal fees on those actions.

HB 737 (Caldwell, 131st) – Code Revision & Codify MARTOC

This bill would correct grammatical and stylistic errors in the Georgia Code. It would also codify the MARTA Oversight Committee, which was previously only in the MARTA act.

HB 757 (Tanner, 9th) – Religious Liberty

VETOED BY GOVERNOR

This is the combined Pastor Protection Act and First Amendment Defense Act. The PPA would clarify that preachers can't be forced to perform gay weddings, that religious organizations can't be forced to rent their facilities for ceremonies they disagree with, and that local governments can't, by ordinance, force businesses to be open on Saturday or Sunday.

FADA would prohibit government from affecting people's or organization's' tax status, public funding, professional licensure, or other public benefits if they discriminate based on sincerely held religious belief regarding lawful marriage between two people, including the belief that marriage should only be between a man and a woman or that sex should be confined to marriage.

It also contains a version of last year's RFRA that would allow companies and individuals to opt out of generally applicable laws based on religious beliefs.

HB 920 (Kelley, 16th) – Legal Immunity for Nursing Home Owners

This legislation would exempt nursing home owners and other entities affiliated with nursing homes but not involved in the direct operation of the home from liability for personal injury or death at the home. If an excluded party is named in a suit, it can inform the plaintiff within the first 30 days of discovery. If the plaintiff refuses to dismiss the claim and the court or arbitrator determines that there is no material issue of fact as to whether the party is an excluded party, the plaintiff would be liable for legal fees.

It would also require nursing home operators to carry insurance or have a sufficient self-insurance trust. Failure to maintain coverage for 60 days would lead to the revocation and denial of all licenses.

HB 954 (Efstration, 104th) – Uniform Adult Guardianship and Conservatorship Proceedings Jurisdiction Act

This legislation would determine how Georgia handles out of state cases regarding adult guardianships and conservatorship proceedings. Georgia courts would be authorized to ask non-Georgia courts to conduct evidentiary proceedings and would be authorized to perform evidentiary proceedings at the request of non-Georgia

courts. It would also authorize out of state depositions and testimony by teleconference.

It would determine that Georgia has jurisdiction to appoint a guardian or issue a conservatorship order when the protectee has significant connections to Georgia and other states have either declined jurisdiction or no proceeding is ongoing elsewhere and no party has objected to Georgia jurisdiction. Georgia courts would also have jurisdiction to issue 90 day emergency conservatorship orders, issue conservatorship orders with respect to property in Georgia, and appoint a guardian for an incapacitated person for the purpose of facilitating transfer. Georgia courts would retain the authority to determine that Georgia is not the proper forum for interstate cases.

Guardians and conservators would be able to petition to change venue to another state when the protectee moves to another state. Out-of-state guardians would only be able to petition to move jurisdiction to Georgia if the home state has enacted a similar version of this law. The court would evaluate whether transfer is appropriate and would only transfer if the other state would accept jurisdiction. Georgia courts would also be authorized to accept transfers when no guardian or conservator has been appointed in Georgia.

Criminal Law

SB 193 (Bethel, 54th) – No First Offense Misdemeanor for People with Out-of-state Convictions for Battery Against Household Members

This legislation would provide that the first-offense misdemeanor punishment for battery between household members does not apply when he or she had been convicted of a forcible felony between household members in any state, and the offense would be a felony.

SB 304 (Parent, 42nd) – Rape Kit Handling and Storage

This legislation would require that any time a rape victim wants to turn medical evidence (rape kit) over for prosecution that the hospital provide it to law enforcement within 96 hours. Law enforcement would have 30 days to turn the rape kits over to the GBI for testing.

Anyone who performed a rape examination where the victim want the information turned over for prosecution before July 1, 2016 would notify law enforcement, and law enforcement would be required to pick up the rape kits by July 31, 2016 to be submitted by August 31, 2016. Law enforcement would prepare a report of all rape kits in its possession as of August 1, 2016. The GBI forensic division would issue an annual report detailing the number of tested and pending cases.

SB 367 (Kennedy, 18th) – Criminal Justice Reform

This legislation is the annual Criminal Justice Reform Commission Bill. It makes sweeping improvements to how we treat people going through the criminal justice system by expanding accountability courts to handle DUI as juvenile cases. It would protect students going through school discipline proceedings. It would improve the records sealing process for people who successfully complete first offender and accountability court programs. It would provide uniformity to misdemeanor probation hearings and revocation. It would give early parole to some nonviolent drug offenders serving extremely long sentences.

A detailed summary is attached at appendix A.

HB 172 (Lumsden, 12th) – No BUI for Rafts

This legislation would clarify that unpowered homemade or inflatable rafts are not vessels for the purposes of BUI laws and that you do not need a life jacket when floating on a raft within 100 feet of the shore of a lake or other nonflowing body of water.

HB 205 (Rice, 95th) – Ignition Interlock Devices

This legislation would require any limited driving permits issued for DUI violations occurring after July 1, 2015 to be ignition interlock limited permits. Drivers would be able to drive anywhere so long as they used the ignition interlock. The permit would remain \$25 for the first year, but renewals would be \$5 every two months afterward. The DDS Commissioner would report the number of interlock permits issued annually through 2018. The requirement to use the interlock would only last until four months have passed and the driver pays DDS a \$100 fee, though someone who refuses an implied consent test would have to keep the interlock for a year.

It would extend the time period of the temporary driving permit issued to people arrested for DUI or refusing a test under implied consent from 30 days to 45 days. It would extend the time frame for requesting a hearing from 10 to 30 days and provide that issuance of an ignition interlock permit waives one's right to a hearing but that acquittal for DUI then his or her license should be immediately reinstated.

HB 588 (Clark, 101st) – Ephedrine and Pseudoephedrine Sale Database

This legislation would create an online database managed by the GBI to track ephedrine and pseudoephedrine sales in real time. Pharmacies would be required to record the purchaser's name, ID number, and the name and amount of the product for all ephedrine and pseudoephedrine sales starting in 2017. The maximum sale amount would be clarified so that the 9g limit would be for a 30 day

period, and would add a 3.6g maximum daily dosage cap. Law enforcement would have instant access to the database. Pharmacies would have to keep a record of sales for two years. The database would have an override in the event of a robbery. Violations would be a \$500 fine for the first offense and \$1,000 and up to six months for subsequent violations.

This legislation would also eliminate references to phenylpropanolamine, which is no longer legal for sale in the US. It would apply all ephedrine/pseudoephedrine regulations to pediatric products.

HB 770 (Efstration, 104th) – Human Trafficking of Developmentally Disabled Persons

This legislation would remove the defense of the accused's lack of knowledge of a developmental disability to the code section outlawing human trafficking and would make it a felony for anyone to commit the offense of trafficking an individual who has a developmental disability. The accused convicted of such a crime would be imprisoned for not less than 25 nor more than 50 years and pay a fine not to exceed \$100,000.

HB 783 (Broadrick, 4th) – Controlled Substance Update

This legislation would update Georgia's controlled substance schedules. It would regulate benzodiazepines as a structural class, which would include all isomers. It would create a new class of prohibited drug called restricted dangerous drugs that would be prohibited except for the purpose of conducting FDA approved research. Salvia would be the first drug in that class. It would make unauthorized resale of injectable insulin a felony punishable by up to 5 years and \$10,000. It would also update the definitions of tetrahydrocannabinol to include tetrahydrocannabinolic acid.

HB 874 (Reeves, 34th) – Juvenile Court Records, Street Gang and Terroristic Crimes

This legislation would seal juvenile court records and require that these records not be used against a child except under limited circumstances.

This legislation would also increase the penalty from a misdemeanor to felony for terroristic threats that rise to the level of a death threat. This legislation would also set a minimum 5 year/\$50,000 fine criminal penalty for people convicted of violations that are intended to intimidate or threaten a person from attending a legal proceeding or that stop a person from reporting a terroristic threat or act. Additionally, the legislation would add a carve-out for computer-related terroristic threats/acts to become high and aggravated misdemeanors unless the threat/act is intended to intimidate or threaten a person from attending a legal proceeding; in

those cases, the crime rises to a felony punishable from one to ten years, a fine up to \$100,000, or both.

This legislation would add a 5 to 20 year sentence when criminal gang members smuggle in forbidden goods to inmates. The legislation would add more latitude for prosecutors to introduce evidence of criminal gang activity but sets out conditions in which the defense must be notified in order for the prosecution to take advantage of the lower threshold.

Lastly, this legislation would set out a specific penalty of 2 to 5 years for smuggling weapons, drugs, or telecommunications devices to inmates – and the minimum cannot be suspended, stayed, or modified by the sentencing court.

HB 905 (Ballinger, 23rd) – Child Abuse

This legislation would allow individuals who come into possession of explicit images of a child in good faith and notify the police or a mandated reporter within 72 hours to be immune from criminal liability. It would include cruelty to children, parental abuse, producing meth around a child, and DUI with a child in the car in the definition of child abuse.

It treat all all sexual activity between minors as sexual abuse when one participant is under 14 and standardize the “Romeo and Juliet” window at four years. Current law uses five years some places and three years in others. It extends “Romeo and Juliet” protections to gays.

It would allow counties in a multi-county judicial circuit to establish circuit wide DFCS protocol committees, and would add a representative of a child advocacy center and a local sexual assault center, when one exists, to protocol committees. It would transfer oversight of protocol committees from the Georgia Child Fatality Review Panel to the Office of the Child Advocate. Committee would be required to file updated protocols annually.

The Child Protective Services Information System would only track substantiated abuse cases, not convictions. Minor child abusers would be removed for the system upon reaching 18, being in the system for at least a year, and proving rehabilitation. It would give court appointed special advocate (CASA) programs access to the system for the purposes of background checks.

It also adds a version of HB 915 that creates a scorecard where regulators including, but not limited to DFCS, DHS, DJJ, DBHDD, and DCH to rate child welfare agencies, such as child care centers, based on compliance and outcomes.

Those agencies would have the opportunity to appeal ratings before publication. It would also require the regulatory agencies to coordinate on child welfare agency audits to not duplicate requirements.

It would increase the penalty for running an unlicensed child care or similar facility from a fine of between \$50 and \$200 to a fine of between \$500 and \$1,000. It would

increase the fine for performing unlicensed adoptions from a fine of between \$100 and \$500 to a fine of between \$500 and \$1,000.

HB 979 (Caldwell, 131st) – Aggravated Assault on Emergency Health Workers

This legislation would create a 5-20 year sentence for aggravated assault against hospital emergency department personnel and emergency medical services personnel when on duty.

Economic Development

SB 323 (Dungan, 30th) – Economic Development Open Records

This legislation would extend the open records exemption on documents related to economic development projects leading to an expenditure by the business of \$25 million or the hiring of 50 employees from the current exemption for Department of Economic Development records to apply to all state and local agencies.

SB 417 (Mullis, 53rd) – Georgia Film and Television Trail Act

This legislation would, subject to appropriation, create the Georgia Film and Television Trail throughout the state to showcase Georgia's film and tv industry. It would authorize the Department of Economic Development to spend funds to buy property and erect signs at notable film locations.

It would also provide per diems of the same amount as legislative per diems to members of state boards elected entirely by the legislature.

Elections

SB 199 (Jeffares, 37th) – Elections

This legislation would clarify that all printed or written materials are prohibited around polling places except an individual's sheet they will use as a reference while voting. It would reopen municipal qualifying if no one has paid the qualifying fee and has not filed a notice of candidacy in non-partisan municipal elections from for the Monday and Tuesday following the deadline between 9:00 AM and 5:00 PM. This legislation would also move the qualifying period for municipal elections to no later than the third Monday of August immediately preceding the general election. It would allow the General Assembly by local law to impose a residency requirement on candidates for municipal elections not to exceed 12 months.

This legislation would move the Saturday early voting day up one week when the usual Saturday is a holiday or follows a Thursday or Friday holiday or precedes a Sunday or Monday holiday.

It would move the date for the second campaign contribution reporting cycle for campaigns raising under \$2,500 from October 25 to December 31.

HB 370 (Fleming, 121st) – Elections

This legislation would allow local elected officials to appeal ethics fines from 2010-2014 that were incurred due to issues with the Ethics Commission filing system if they file all unfiled reports by December 31, 2016.

Family Law and Juvenile Justice

SB 64 (Hufstetler, 52nd) – Paternity

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 331 (Thompson, 14th) – No Parental Rights for Rapists

This legislation would automatically terminate parental rights for rapists when a child is conceived as a result of rape.

HB 52 (Quick, 117th) – Court Discretion in Requiring Parenting Plans

This legislation would give courts discretion to incorporate parenting plans into custody orders instead of requiring a separate document.

HB 229 (Strickland, 111th) – Grandparent Visitation

This legislation would allow great-grandparents, siblings, and non-blood relatives living with a child that have a familial relationship to seek to obtain visitation rights

in the way currently available for grandparents. It would increase the standard for family members seeking visitation to be a showing of clear and convincing evidence. It would only consider the ability to maintain a relationship with a family member where there is an existing relationship is as grounds to award visitation but not the development of a relationship when there is no existing relationship.

HB 725 (Cantrell, 22nd) – Child Abuse Records Protection Act

This legislation would create a process by which a party seeking child abuse records would serve the subpoena on all parties and the department that has possession of the records, at which point the judge would examine it in camera and decide whether to enter it into evidence. The DA would also be notified when a subpoena is filed except in cases with no criminal component and would be able to intervene. It would remove the provision allowing for parties to receive child abuse records by serving a child advocacy center and prohibit disclosure of child abuse records from child advocacy centers, the Department of Human Services, or other state or local agencies. Any records disclosed pursuant to a subpoena would be subject to a protective order to maintain the appropriate level of confidentiality.

This legislation would also consider emotional abuse as child abuse and update the definition of sexual exploitation to include newly created offenses.

HB 1070 (Dempsey, 13th) – Adoption Records and Supporting and Strengthening Families Act

This legislation would allow DHS to make use of all records relating to an adopted child and the child's biological parents when placing another child in the home or investigating abuse.

It is also a version of SB 3 that passed the Senate last year that 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.

Financial Regulation

SB 283 (Kennedy, 18th) – Multibank Pooled Depositories

This legislation would create a process that would allow banks with less than \$50 billion in assets to create a multibank pool to hold state funds. The banks would have to hold security reserves of an amount set by the State Depository Board that is

between 25% and 125% of the value of state funds held. In the event that a bank in a multibank pool fails and is not able to repay its state deposits, the state would recover from the other banks in the pool on a pro rata basis. Details would be set by rule by the State Depository Board.

HB 759 (Willard, 51st) – Financial Advice Not Unauthorized Practice of Law

This legislation would clarify that the provision that banking advice is not unauthorized practice of law applies to all financial advice financial institutions.

HB 811 (Williamson, 115th) – Banking Update

This legislation would make cleanup and technical changes to the banking code. It would include provisions to regulate companies engaged in the trade of virtual currencies such as bitcoin. It would eliminate the distinction between savings banks and commercial banks for the purposes of reserve requirements and apply commercial bank regulations to all state regulated banks and streamline the process for out of state banks to operate in Georgia.

It would provide a structure process for removal of members of a credit union board, including specific reasons for removal, such as malpractice or neglect, and requires the board to meet with the member to be suspended before voting. It creates a process for creation and operation of boards of merchant acquired limited purpose banks, which can be used by credit/debit card transaction providers. It would also codify the merger process for merchant acquired limited purpose banks.

It would clarify who is authorized to perform criminal enforcement of banking laws, including that any state or federal prosecuting attorney can seek indictment. It also eliminates the felony penalty for knowingly violating a bank charter.

It eliminates references to building and loan associations.

HB 887 (Efstration, 104th) – Prioritize Relatives in Foster Caregiving and Supporting and Strengthening Families Act

This legislation would give preference to relatives and fictive kin when placing children in foster care. “Fictive kin” is defined as “a person who is known to a child as a relative, but is not, in fact, related by blood or marriage to such child and with whom such child has resided or had significant contact.”

It is also a version of SB 3 that passed the Senate last year that 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.

Health Care and Human Services

Health Care

SB 271 (Burke, 11th) – Informing Patients of Their Rights at an Emergency Receiving Facility

This legislation would reduce the lead time required for an extension of involuntary mental health commitment from 60 days to 40 days. It would also create an expedited process to deal with extensions within the 40 day window. The chief medical officer of the facility would be able to file a petition with the Office of State Administrative Hearings to continue to hold the patient pending the extension process. He or she would not be required to gain approval of the hospital's Committee for Continued Involuntary Treatment Review before filing the petition. Once the petition is filed the facility may keep the patient until the administrative court rules on the petition.

It would also reduce the review committee's timeframe to consider a proposed extension and the chief medical officer's timeframe to issue a final determination from ten days to five days. It would reduce the patient's timeframe to request a hearing from 15 days to 10 days. It would give OSAH jurisdiction over the process instead of the Department of Behavioral Health and Developmental Disabilities. It would also provide that mental health facilities could wait to tell the patient his or her rights and try to identify representatives when the patient's mental state isn't conducive upon admission.

SB 305 (Unterman, 45th) – Notice of Changes to the POLST Form

This legislation would require that the Department of Public Health notify the chairpersons and each member of the House and Senate HHS committees at least 60 days in advance of implementing any changes to the Physician Order for Life-Sustaining Treatment (POLST) form.

SB 308 (Unterman, 45th) – Crisis Pregnancy Centers

This legislation would create a state grant program to administer funds to fund nonmedical women's health centers that try to convince women not to have abortions.

SB 319 (Jackson, 2nd) – Revise the Definition of Professional Counseling

This legislation would clarify and allow for professional counselors to diagnose emotional and mental problem or conditions. In addition, the bill would require the board which governs professional counselors to develop curriculum of continuing education for licensed practitioners relating to diagnosing individuals with mental illness, developmental disabilities, or substance abuse, and the board would retain its full authority to determine education, experience, and training required of its licensees. Moreover, SB 319 would elaborate on psychological testing, and that performing such psychological testing is only within the scope of practice of psychologists.

HB 362 (Clark, 101st) – Permission for Schools to Administer Inhalers and Pseudoephedrine Tracking

This legislation would permit public or private schools to acquire, stock and designate trained personnel to possess, store and distribute inhalers containing levalbuterol sulfate. It would also exempt the school and licensed practitioners from civil liabilities for good faith administering or not administering levalbuterol sulfate to students.

It would also create an online database managed by the GBI to track ephedrine and pseudoephedrine sales in real time. Pharmacies would be required to record the purchaser's name, ID number, and the name and amount of the product for all ephedrine and pseudoephedrine sales starting in 2017. The maximum sale amount would be clarified so that the 9g limit would be for a 30 day period, and would add a 3.6g maximum daily dosage cap. Law enforcement would have instant access to the database. Pharmacies would have to keep a record of sales for two years. The database would have an override in the event of a robbery. Violations would be a \$500 fine for the first offense and \$1,000 and up to six months for subsequent violations.

This legislation would also eliminate references to phenylpropanolamine, which is no longer legal for sale in the US. It would apply all ephedrine/pseudoephedrine regulations to pediatric products.

SB 385 (Hill, 32nd) – Advertising by Board Certified Doctors

This bill would require doctors that advertise as “board certified” to include on the advertisement the name of the board that they're certified by. The certifying board must be a member of the American Board of Medical Specialties or the American Osteopathic Association or impose comparable certification requirements.

HB 34 (Dudgeon, 25th) – Georgia Right to Try Act

This legislation would allow terminally ill patients who have tried all FDA approved drugs to use experimental drugs that have only passed the initial phase of FDA testing. Patients would be required to give informed, written consent. Manufacturers would be able to provide the experimental drugs for free or at cost.

HB 212 (Weldon, 3rd) – Expand Pain Management Clinic Scope of Practice

This legislation would limit the requirement that medical treatment at pain management clinics be performed by a physician, physician’s assistant, or advanced practice registered nurse authorized to proscribe controlled substances only to the prescription of controlled substances, other than the administration of anesthesia by certified registered nurse anesthetists, instead of medical treatment in general.

HB 509 (Petrea, 166th) – Palliative Care

This legislation would establish the Georgia Palliative Care and Quality of Life Advisory Council, made up of professionals in the palliative care field, to advise the Department of Community Health on care provided to palliative care to help patients with between six months and two years to live achieve the best quality of life. It would also create the Palliative Care Consumer and Professional Information and Education Program in DCH to publish online information and resources about palliative care for the public, health care providers, and health care facilities including educational opportunities, best practices, and consumer materials.

HB 555 (Chandler, 105th) – Reporting of Number of Petitions for Waiver on Parental Consent for Abortion

This legislation would require juvenile courts to report yearly the number of, but not the content or private information contained within, petitions filed by minors seeking a waiver for the requirement of parental consent to an abortion to the Office of Administrative Courts.

HB 649 (Cooper, 43rd) – Create Profession of Lactation Consultant

This legislation would create the licensed profession of a lactation consultant to provide evaluation, problem identification, treatment, education, and consultation to childbearing families regarding lactation care and services and create and implement lactation care plans.

HB 853 (Hawkins, 27th) – Comprehensive Stroke Centers

This legislation would create of higher level comprehensive stroke centers in hospital to treat the most complex strokes and their side effects. It would also recommend that remote treatment stroke centers be established in all underserved areas, not just rural areas. DPH would be authorized to create one or more additional levels of stroke centers in consultation with the Georgia Coverdell Acute Stroke Registry. It would add the House and Senate HHS chairs to the annual report recipient list. It would eliminate the current list of information that stroke centers must provide to the department and require that the department develop its own rules and regulations regarding reporting.

HB 886 (Cooper, 43rd) – Mailing of Pharmaceuticals

This legislation would remove the State Board of Pharmacy's regulatory authority over specific shipping practices for pharmacies that distribute drugs by mail, and leave regulation up to the FDA. The State Board would retain other regulatory authority. Pharmacies would not be allowed to sell drugs by mail order that are banned in Georgia.

HB 897 (Price, 48th) – Drug Repository Program

This legislation would direct DPH to create a drug repository program where entities such as drug companies, hospitals, health care providers such as nursing homes and hospices, and pharmacies can donate unexpired, unopened prescription and over the counter drugs, other than scheduled controlled substances. The repository program would then distribute these drugs to providers to give to indigent patients. Participants would not be liable for damages, except in the event of willful or wanton misconduct.

This would repeal the program established with similar goals in 2006 that directed Georgia State Board of Pharmacy, the Department of Public Health, and the Department of Community Health to develop a similar system that apparently never got off the ground.

HB 900 (Cooper, 43rd) – Access to the Prescription Database

This legislation would extend the time in which data is stored in the prescription database from one year to two. It would provide that the confidentiality of the database does not prohibit the use of confidential data to investigate a data breach prosecute someone for illegally accessing the data. It would allow licensed staff of prescribers and pharmacies to access the database to determine misuse. Information released pursuant to a state warrant could only be given to state and local law enforcement and that information released pursuant to a federal warrant

could only be given to federal law enforcement. It would allow issuance of information to state or federal regulators based on their existing subpoena power without requiring an administrative hearing. It would allow people authorized to use the database to use the data to communicate with each other about misuse or to report misuse to law enforcement. It would state that prescribers and dispensers acting in good faith would not incur legal liability from the use of the database.

HB 902 (Dempsey, 13th) – Influenza Education for Assisted Living Centers

Assisted living centers would be required to provide its residents information on influenza and vaccination by September 1 of each year. It would not require assisted living communities to provide or pay for any vaccination against influenza and would not create a private cause of action for providing or failing to provide the information.

HB 910 (Frye, 118th) – Health Records Costs

This legislation would extend the existing fee structure providers may charge for copies of requested medical records to also apply to mental health records.

HB 922 (Williamson, 115th) – Expand Quality Job Creation Tax Credit

This legislation would expand the quality job creation tax credit for employers who add or relocate jobs to Georgia that pay above the average wage of the county to also apply to jobs created by its disregarded entities that are legally separate but treated as the same taxable entity for federal tax purposes.

HB 926 (Broadrick, 4th) – Pharmacy Update

This legislation would clarify that pharmaceutical licensure applies to distributors, compounders, and third party logistics providers that do not actually take title to drugs, except for out-of-state third party logistics providers licensed by the FDA.

It would clarify that out-of-state companies under the same ownership as licensed Georgia companies that perform intracompany transfers of drugs would not need separate registration. It would update language to refer to a new class of compounder established by federal law and new federal supply chain regulations.

It would allow the pharmacy board to exempt drugs it determines to be essential and to have a shelf life of less than one year from the process where wholesale drug distributors are required to accept returns of outdated drugs for credit or replacement up to six months after the drugs expire.

It would allow for temporary six month licenses for service members and qualified persons accepted for a pharmacy residency.

HB 965 (Cheokas, 138th) – Jimmy Carter Cancer Treatment Access Act

This legislation would not allow health care providers to prohibit access to FDA-approved stage four cancer treatments without first meeting the condition of responding negatively to other treatments.

HB 1037 (Clark, 101st) – Expand Nurse Aide Registry

This legislation would expand the certified nurse aide registry to include those nurse aides working in private residences and temporary jobs. It would also provide for a complaint process for these nurse aides in the same way as complaints against nurse aides currently covered by the registry.

HB 1058 (Price, 48th) – HIV/AIDS Testing

This legislation would require affirmative notification to pregnant women to be automatically tested for HIV that they have a right to refuse the test. It would allow minors to get tested and treated for HIV without parental notification. It would eliminate the requirement that DPH provide information on counseling for HIV/AIDS patients to HIV testing labs. It would only require notification of one's right to refuse an HIV test, not an affirmative chance to refuse, when a healthcare worker has been potentially exposed, and would remove the consent requirement for a negative test to be placed on the medical record of someone who initially attempted to refuse a test after a healthcare worker is potentially exposed. It would clarify that HIV/AIDS information would be only disclosed to the legal guardian of an incompetent person and not to a non-guardian parent.

Human Services

SB 402 (Mullis, 53rd) – New Licenses to Narcotic Treatment Programs

This legislation would place a moratorium on new narcotic treatment programs through June 30, 2017 and establish a commission to examine the current licensure requirements, look at the sufficiency of geographic coverage, and make legislative or other program recommendations.

HB 765 (Powell 171st) – Retired Individuals on DFCS Boards

This legislation would allow people retired from their respective professions to serve on county DFCS boards.

HB 768 (Hawkins, 27th) – Georgia Achieving a Better Life Experience (ABLE) Act.

This legislation would establish an ABLE program in this state to enable the contributions of funds to tax-exempt accounts to pay for the qualified expenses of individuals with disabilities. The board would give due consideration of the risk of, expected rate of return of, term of maturity of diversification of total investment of liquidity of, and anticipated investments in the withdrawals from the trust fund. The annual report would be available to account contributors and designated beneficiaries in the trust fund upon written request and the fund would be able to charge a reasonable fee for such report. The annual report would be subject to audits by the state.

This legislation would prohibit an ABLE account from being assigned for the benefit of creditors.

HB 825 (Smith, 125th) – Protecting Military Children Act

This legislation would allow reports of child abuse to be submitted to military law enforcement when applicable. When a child welfare agency is made aware of allegations of child abuse, the agency would be required to determine the military status of the child’s parents and notify the Department of Defense Family Advocacy Program if applicable.

HB 962 (Abrams, 89th) – Kinship Caregiver Administrator

This legislation would direct the Department of Human Services create a website that provides information and assistance regarding how to apply for social services directed at family members other than parents caring for children.

Higher Education

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.

HB 54 (Waites, 60th) – Shawn Smiley Act

This legislation would create an opportunity for Georgia taxpayers to decide to donate all or a portion of their tax refund to the Georgia Student Finance Authority

in order to provide financial assistance toward the postsecondary educational costs of the children of law enforcement officers, firefighters, EMT's, prison guards employed by the state or other public employer, and HERO operators who were permanently disabled or killed in the line of duty beginning July 1, 2017.

The legislation would also allow the DDS to provide for appropriate language on its forms for the issuance and renewal of driver's licenses and ID cards to make voluntary contributions to the Georgia Student Finance Authority for the same purpose.

HB 798 (Chandler, 105th) – Zell and Hope Requirements for Home School Students

This legislation would allow students from home school or unaccredited high schools to receive Zell Miller Scholarships immediately, instead of having to apply retroactively after their first year, who score in the 93rd or higher percentile on the SAT or or ACT.

The SAT or Act requirement for a non-Zell HOPE Scholarship for students that graduate from unaccredited high schools would be reduced from the eightieth percentile to the seventy-fifth.

HB 801 (Jones, 47th) – HOPE Scholarship Revision

This legislation would revise which categories of study a high school student must complete to be eligible for a HOPE scholarship to include computer science as an option. Additionally, this legislation would increase the weight given to STEM courses by 0.5 in determining GPA eligibility for continued HOPE scholarship funding. It would also require annual recalculation of the HOPE award rate adjusted for each year's tuition starting in 2020.

HB 1072 (Coomer, 14th) - Extend the Service Cancelable Educational Loans to Include Those Who Receive the HOPE Scholarship.

This legislation would allow members of the Georgia National Guard to be eligible for both service cancelable educational loans available to members of the Guard while they are active members and the HOPE scholarship simultaneously.

Industrial Regulation

SB 128 (Kennedy, 18th) – Board of Directors Reform

This legislation would modify 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 relieve directors or officers from prosecution who take advantage of business opportunities provided that they have fully disclosed the opportunity to the corporation or shareholder and the corporation or shareholders had denied interest in the opportunity.

HB 219 (Jones, 167th) – Exempt Condo Pools from Safety Standards

This legislation would expand the types of pools exempted from state and local health standards from subdivision, country club, and apartment complex-owned pools to also include those owned by a group of townhomes, condos, and timeshares. It would also clarify that all of these pools are still subject to state and local regulations on construction standards.

This legislation would permit the ownership group of an exempt pool to request inspection of their pool by the county board of health for purely informational purposes without risk of fine or penalty.

It would also allow organizations with pools that would otherwise be exempt if they were not covered by grandfathered county regulations to opt out of those regulations.

SB 273 (Burke, 11th) – Nondiagnostic Clinical Laboratories

This legislation would exempt nondiagnostic clinical laboratories regulated under the federal Clinical Laboratory Improvement Amendments from state regulation.

SB 316 (Gooch, 51st) – Bingo Prizes

This legislation would eliminate the \$1,500 daily cap on bingo prizes, while retaining the \$3,000 weekly cap. It would also provide that winning number must be chosen by an actual person physically present at the facility.

SB 388 (Lucas, 24th) – Coin Operated Machine Sticker Removal

This legislation would make it a misdemeanor to remove stickers from bona fide coin operated amusement machines without the licensed operator's approval.

HB 697 (Kirby 114th) – Affirmative Assent for Continued Charges After a Free Trial

This legislation would make it unlawful to require payment for the continued provision of any goods after the expiration of a trial period without receiving affirmative assent from the recipient of the goods. It would also add \$10,000 in punitive damages the sender continues to send bill statements in violation of this legislation or existing laws against sending bills for unsolicited goods.

HB 775 (Ehrhart, 36th) – Glasses and Contacts

This legislation would require an eye exam to be performed before the issuance of a prescription for contacts or glasses of prescriptions over +3.25 diopters and for the prescription writer to be a licensed optometrist or physician. Unlicensed dispensing would be a misdemeanor for the first two offenses. Other unlicensed eye practice would remain a felony.

HB 800 (Jasperse, 11th) – Veterinary Duty of Care

This legislation would clarify that a veterinarian has the client patient relationship, not his or her employee and that visits to the premises within an operation or production system are sufficient to establish a relationship.

HB 899 (Powell, 171st) – Tobacco Importers and Tobacco Settlement

This legislation would regulate tobacco importers, specifically with regard to importers of tobacco from manufacturers not party to the tobacco settlement. It would require those nonparticipating manufacturers, all of which are required to keep an escrow deposit, to make payments quarterly not annually. It would venue actions against nonparticipating manufacturers in Georgia and hold importers liable for all obligations of foreign nonparticipating manufacturers. Nonparticipating manufacturers would have to post a bond of the greater of \$50,000 or the largest escrow owed over the last 12 quarters from which the AG can recover past due escrow.

It would require distributors to file their excise tax accountings monthly instead of quarterly, and the grace period would be reduced from twenty days to ten. It would allow the AG and Revenue Commissioner to share tax data to enforce any tobacco settlement provisions. Distributors would be at risk of losing their license for failure to file required reports. It would create a felony for knowingly submitting any false information.

HB 943 (Rogers, 29th) – Prohibited Indemnification in Construction Contracts

This legislation would hold indemnity clauses in connection with engineering, architectural, or land surveying services void as a matter of public policy except with regard to negligence, recklessness, or intentionally wrongful conduct.

HB 952 (Ninner, 178th) – Georgia Professional Regulation Reform Act

This legislation would give the Governor the authority to review and approve or veto any rules passed by professional licensing boards other than the State Bar of Georgia and to hear appeals of decisions by those boards. This legislation is intended to bring Georgia in conformity with *N.C. State Bd. of Dental Exam'rs v. FTC* (2015) so that our licensing boards maintain antitrust immunity.

Insurance

Health Insurance

SB 158 (Burke, 11th) – Insurer Transparency Act

This legislation would require registration of rental preferred provider networks that rent or lease access to their provider network to insurers. It would prohibit rental preferred provider networks from using the preferred discount rate absent a contract or leased the network to a third party other than a third party claims administrator that is acting in accordance with the contract and is prohibited from discounting rates below the contracted price. The network would have to maintain an up to date list of issued network leases and the discounted prices accessible by the providers in the network. These regulations do not apply to Medicaid, Medicare, or SCHIP contracts, plans receiving administrative services from a rental network, entities operating under the same brand license program as a network renter, workers' compensation services, or self funded employer plans.

HB 866 (Blackmon, 146th) – Exempt Multiple Employer Self-Insured Health Plans from Premium Taxes

This legislation would exempt multiple employer self-insured health plans from premium taxes.

HB 884 (Taylor, 173rd) – Increase Managed Care Organization Minimum Risk Based Capital Reserve and Cap Foreign Insurer Securities Deposits

This legislation would increase from two to three the baseline risk based capital on hand needed for managed care health organizations such as HMOs to avoid triggering a company action level event which occurs when an insurance company does not have a sufficient level of capital to safely mitigate risk. When a company

action level event occurs, the company must submit a current financial analysis along with proposed corrective actions and a financial analysis of the proposed actions. The risk based capital baseline is set by the National Association of Insurance Commissioners.

It also would treat foreign insurer and securities deposits the same for as for all insurers, which is a \$100,000 deposit plus \$25,000 per additional class of insurance up to \$200,000. Current law has the same requirements for foreign and alien insurers, except with no cap.

HB 916 (Hightower, 68th) – Extend Recoupment Exemption for Clerical Errors

This legislation would extend the exemption from recoupment of Medicaid funds when a clerical error has been made that currently applies to pharmacies to extend to all providers. Recoupment would still be available when fraudulent intent is shown, and any funds paid in excess of the actual value of care provided would be subject to recoupment. It would also apply the exemption to other situations where a state agency may be administering public funds that are subject to recoupment or withholding.

Insurance Other than Health Insurance

SB 137 (Harbin, 16th) – Extend Presumption on Residential Destroyed by Fire to Corporate Owned Homes

This legislation would extend the presumption that the value of any one or two family residential property owned by an individual destroyed by fire is the insured value less any depreciation to also include one or two family properties owned by corporations.

SB 347 (Bethel, 54th) – Captive Insurance Companies

This legislation would define agency captive insurance companies as insurance companies created or co-owned by other agents practicing insurance solely to insure the activities of the parent or co-owners. It would also expand existing regulations on captive insurance agencies to include such companies, and mandate that they must have at least \$250,000 in reserve. It would allow pure captive insurance companies to engage in accident and sickness coverage and to insure its parents unaffiliated businesses.

HB 193 (Rogers, 29th) – Life Insurance Consumer Disclosure Act

This legislation would prohibit life insurers from firing or penalizing insurance agents for advising a life insurance policy owner on how to collect a policy or on the lapse and surrender terms of the policy.

Insurers, Generally

SB 290 (Bethel, 54th) – Clarify Who Needs an Insurance Agent License

This legislation would extend the exemption that people who make salary deductions for insurance premiums do not need an insurance license to also include to attorneys that handle premium collection and employees of credit rating firms.

HB 784 (Carson, 46th) – Insurer Promotional Gift Exemptions

This legislation would limit prizes, promotional items, and goods given out by insurers to \$100 per policy holder per year, so long as receipt is not contingent on renewing the policy.

HB 883 (Taylor, 173rd) – Foreign Insurer Insolvency Proceedings

This legislation would remove the distinction between insolvency proceedings for insurance companies in states that have similar insurer liquidation laws and subject all insurers to the current process for states with similar laws. The Insurance Commissioner would automatically become an ancillary conservator when an out of state domiciliary liquidator is appointed instead of having to petition the Georgia court before liquidating non-secured assets. It would also allow the Commissioner to not function as an ancillary conservator for secured property and instead contract with a liquidator in the company's home state to handle those assets.

SB 302 (Martin, 9th) – Online Insurance Directories

This legislation would require health insurers and other health and dental insurers to maintain an electronic and print directory of all providers covered under its plans. It would include the criteria used to build and tier its provider network. The directory would contain contact information for people to report inaccuracies that must be corrected within 30 days. A sample of the directory must be verified each year, and the carrier must notify providers how they're listed in the directory. If a provider hasn't submitted any claims within 12 months and doesn't respond to the notification, they should be removed from the directory. If the Insurance Commissioner determines that someone reasonably relied on inaccurate information in the directory but the insurer did not pay out, he may require the insurer to reimburse that person.

Judicial Process

SB 262 (Stone, 23rd) – Judicial Disqualifications for Relatives

This legislation would change the limit for judge and juror disqualification to be a third degree relative of an involved party instead of the current limit of a sixth degree relative. It would also state courts to require the clerk to accept payments and filings electronically.

HB 513 (Stephens, 164th) – Anti-SLAPP Determination on Filing

This legislation would eliminate the provision that any legal action that could be construed as an attempt to limit someone's right to free speech (Anti-SLAPP) be accompanied with an affidavit that the party reasonable believes it has a legitimate case. Instead, the suits would be subject to a motion to strike unless the plaintiff can show that he or she will likely prevail when the case is filed. Discovery would only be available when the plaintiff is a public figure for the purpose of determining actual malice. Such a determination would not be allowed as evidence elsewhere in the case. Actions by the AG or prosecutors would not be subject to Anti-SLAPP. A dismissal would be directly appealable to the Supreme Court.

HB 691 (Tanner, 9th) – Municipal Court Judge Removal

This legislation would create a minimum one-year term for municipal court judges and would list the specific misconduct or disability that can lead to removal. It preserves the right of the removed judge to petition the superior court of the municipality for a writ of certiorari to challenge any removal. Terms of municipal court judges in consolidated governments would remain subject to the enabling act.

HB 808 (Willard, 51st) – Legislative Appointments to the Judicial Qualifications Commission

This is the enabling legislation for HR 1113 that gives the General Assembly the authority to set the composition of the Judicial Qualifications Commission. This legislation would set it to be two judges selected by the Supreme Court, one ten plus year member of the bar appointed by the Speaker, one ten plus year member of the bar appointed by the Lt. Governor, and three non-lawyers, one each appointed by the Governor, Speaker, and Lt. Governor.

The commission would be appointed effective January 1, 2017, reappointed effective July 1, 2017, and again effective January 1, 2017. From then on, members would serve no more than two consecutive three year terms.

HB 941 (Golick, 40th) – Grand Juries

This legislation would allow grand juries, upon the request of 8 members or the DA, to review any incident where a police officer's use of force resulted in death or serious bodily injury to another. Except when requested by the prosecuting attorney, the grand jury would not convene until the official investigation is completed and would not perform an investigation if the officer is indicted. Should the prosecuting attorney be a special prosecutor, the one year would start upon appointment. The grand jury would be able to call witnesses. The grand jury could either request an indictment or release a public report of why an indictment is not appropriate.

This legislation would also provide that when grand juries recommend not to proceed on an indictment it would be filed with the clerk not published in open court.

This legislation would eliminate the population act provisions relating to court reporters at grand juries and allow court reporters to be used at grand juries in any jurisdiction. Court reporters would be required when police are being indicted. Transcripts would be provided solely to the DA, not to the grand jury as well.

It would allow DAs call for the empaneling of special investigative grand juries, which have the same powers as regular grand juries. It would eliminate the population act provision for special grand juries and allow then in all counties and consolidated governments.

It would codify that officers may speak at grand juries when they're the defendant. They would not have to testify, and they do, they would be subject to questioning from the prosecutor and grand jurors like any other witness. The officer would testify at the end of the proceeding and would not be allowed in the room otherwise.

It would eliminate public official's ability to testify in front of a grand jury when being charged for violation of duties of office.

HB 927 (Coomer, 14th) – Expand Supreme Court

This legislation would add two more justices to the Supreme Court.

It would allow the Court of Appeals to set its own rules for situations when to use multiple divisions and how to select them and for how to handle precedent and overrule cases.

It would move appellate jurisdiction over cases involving land titles, all equity cases (injunctions and other civil, non-monetary remedy) except cases related to death penalty proceedings, wills, extraordinary writs (court orders such as mandamus and

habeas orders) except cases related to death penalty proceedings, divorce, and other cases not reserved to the Supreme Court for other reasons.

It would allow the Supreme Court and Courts of Appeal to appoint clerks out of law school who have not been admitted to the bar so long as they are admitted within one year of appointment.

This legislation would change the number of Supreme Court Justices from seven to nine. The additional justices would be appointed for an initial term of January 1, 2017 through December 31, 2018. It would move up the start and finish of court terms by two to four weeks.

HR 1113 (Willard, 51st) – Legislative Appointments to the Judicial Qualifications Commission

This resolution would propose a constitutional amendment to eliminate the constitutional provision that the Judicial Qualifications Commission is made up of two judges selected by the Supreme Court, three members of the bar elected by the board of governors of the bar, and two non-lawyer citizens appointed by the Governor and instead leave the composition up to the General Assembly.

K-12 Education

SB 329 (Tippins, 37th) – High School Diploma for Students Enrolled in Post-Secondary Programs

This legislation would allow expand the Move On When Ready dual enrollment program between high schools and technical schools to include programs that develop specific needed job skills in addition to programs that lead to placement in jobs with a labor shortage. Needed job skills would be determined by TCSG in the same manner that they determine what jobs have labor shortages.

SB 348 (Tippins, 37th) – Local Approval of College and Career Academies

This legislation would allow charter systems and strategic waivers school systems (formerly IE2) to charter college and career academies in addition to the state charter system.

SB 355 (Ligon, 3rd) – Student/Teacher Protection Act

This legislation would make state standardized testing optional for students that have been diagnosed with a life threatening condition and would create an appeals process for students who are denied grade advancement solely because they didn't take a test for medical reasons. If a school's rating is affected by students not taking

tests, DOE would include on their report a note on the federal testing requirement and what the school's rating would have been.

Students that are absent on testing days would be allowed to retake tests on the same make-up day as students that fail to meet grade level on the first try. Schools would have the option to base advancement of students who fail an end of year test solely on the make-up test.

SB 364 (Tippins, 37th) – K-12 Testing and Standards

This legislation would change student evaluations for teachers to be:

- 30% from student growth, reduced from 50%
 - For teacher of standardized tested courses, it would be based on testing
 - For teachers on non-tested courses, it would all be growth measures in the flexibility contract or other agreement with DOE for status quo systems
- 20% from professional growth toward goals in the flexibility contract
- 50% from evaluations and observations

For principals and assistant principals, the evaluation would be:

- 40% student growth based on testing
- 10% achievement gap closure
- 10% school climate
- 10% Beat the Odds or CCRPI depending on the contract
- 30% evaluations and observations.

It would prohibit DOE or school systems from imposing any sort of quota on how many teachers receive what evaluation.

It would exclude testing results of students absent for more than 10% of a course from evaluations.

It would extend formative assessments in reading from K-3 to K-5, which would match the math assessment period. It would limit end of year science and social studies to grades five and eight instead of every year from grades three to eight. The requirement that English, reading, and math are tested annually in grades three through eight would not be changed. Schools that administer periodic tests that result in a year-long score would not be required to conduct additional end of year testing. It would also bring high school testing under the comprehensive assessment program. All end of year tests would be required to be available to take online.

It would require all alternative assessments for special education students to meet standards that have been adopted through a documented and validated standards-setting process.

Finally, it would replace ACT COMPASS with College Board ACCUPLACER when considering whether to grant such student a variance or a waiver of one or more end of course assessment or other instruments

HB 65 (Caldwell, 20th) – Public Meetings for Local Boards of Education

This bill would require local boards of education and charter schools, except for charter systems, college and career academies, and conversion charters with publically held charters, to hold at least two public meetings on the proposed annual operating budget. The governing body of a charter school with a statewide attendance zone shall conduct one public meeting in the county in which its primary business office is located and one public meeting in the metropolitan Atlanta area.

HB 100 (Dickson, 6th) – Virtual Instruction Funds

This legislation would allow the Department of Education to budget instructional funding to schools to provide virtual instruction to students in other districts. For schools providing virtual learning to more than five percent of its student body, ninety percent of the funds received must actually be used to provide out-of-district virtual education. It would not apply to the Georgia Virtual School, virtual education through the online clearinghouse, or online state charter schools. This requirement could not be modified by charter or strategic waiver contracts.

HB 614 (Stovall, 74th) – Landon Dunson Act

This legislation would allow placement of video monitoring cameras and equipment in classrooms in which students receive special education services to monitor and review programs. Recordings could only be used for other purposes with the written consent of the parents or pursuant to a court order. Recordings would not be allowed to be used for marketing purposes. Schools would be required to provide notice to parents, only keep records from between three and twelve months, cover the entire classroom as best as possible, and protect student confidentiality. It would also allow local schools to solicit private funds to implement the program.

HB 659 (Belton, 112th) – School Transparency

This legislation would require school systems and state charter schools to post financial information online including cost breakdowns by category, budget and audit information, and tax revenue breakdowns. The BOE would promulgate rules

for school-level reporting, and systems and state charter schools would begin posting school level financial information on or before October 31, 2017. It would require the Governor's Office of Student Achievement to post a breakdown by QBE category and, subject to funding, create an online database of expenditures used to determine schools' efficiency ratings.

It also would create a pilot plan for the 2016-2017 school year where schools could consolidate federal, state, and local funds in order to participate in the federal "Schoolwide Program" reform plan where Title I schools can implement a reform plan to attract and train qualified teachers, increase parental involvement, and assist preschool children with the transition from preschool to elementary school. Nothing in the federal program requires firing teachers or reducing benefits.

DOE would be authorized to waive financial reporting standards for that year to facilitate implementation of the pilot program. DOE would be able to add reporting requirements for personnel that are paid from consolidated funds. The schools would make monthly reports on the program, including an analysis or risks and benefits.

DOE and the pilot schools would report on the program by February 15, 2017, and the pilot program would be repealed December 31, 2017.

HB 739 (Tanner, 9th) – Public Comment on Educational Materials

This legislation would make BoE approval of educational material optional. If the state chooses to approve educational material, it would be required to open the process up to public comment and list all materials on the BoE website. Local boards would be required to implement a review process that also includes public comment and list all materials online. Schools would be required to post all approved materials used by the school online.

HB 879 (Taylor, 79th) – Seal of Biliteracy for High School Students

This legislation would create a diploma seal of biliteracy to recognize high school graduates who have attained a high level of proficiency in speaking, reading, and writing one or more languages in addition to English.

HB 895 (Mayo, 84th) – Require Fiscal Management Training for Charter School Board Members

This legislation would require the annual training for state and local charter school board members to include two or three hours of fiscal management training addressing issues such as budget and audit processes. It would also prohibit charter school principals from also serving as the school CFO.

HB 959 (Beskin, 54th) – Education Update

This legislation would clarify that school board members are not prohibited from attending town hall meetings or discussing nonconfidential information with a constituent or the media. It would exempt students in dual enrollment programs who receive an A, B, or C, receives a 3 or higher on an AP test, or receives a 4 or higher on an IB test from mandatory end of year tests.

It would allow the Public Education Innovation Fund Foundation to accept gifts of real property so long as it liquidates the property within a reasonable time. It would not allow the foundation to purchase, condemn, or exchange real property.

It also would allow local boards of education to provide high school diplomas to students who have completed 9th and 10th grade level courses, core upper level courses, received an admission to a post-secondary institution and have completed an associate degree or technical college certificate program.

It also would authorize DOE to create unique identifiers for children of military family in a manner that allows disaggregation of data.

It also would allow charter systems and strategic waivers school systems (formerly IE2) to charter college and career academies in addition to the state charter system.

Labor and Employment

HB 216 (Gravley, 67th) – Allows Firefighters to Receive Workers Comp for Work-Related Cancer

This legislation would allow firefighters to receive workers' compensation for cancers when they can prove by clear and convincing evidence that the cancer is related to exposure to risk factors from cancer from his or her duties as a firefighter.

SB 277 (Albers, 56th) – Franchisee Employees not Employees of Franchisor

This legislation would provide that a business franchise is not an employment relationship and that employees of a franchised business are not employees of the franchising company for all purposes other than workers compensation.

HB 402 (Lumsden, 12th) – Worker's Compensation Discount for 'Work Based Learning Programs

This legislation would provide up to a 5% discount on insurance premiums on worker's compensation insurance to companies that certify as 'work based learning' businesses. This legislation would also specify the requirements to qualify as a work-based learning employer.

HB 421 (Nimmer, 178th) – Disability payments for certain law enforcement officers

This legislation would extend state disability benefits to community supervision officers who become permanently disabled in the line of duty.

HB 818 (Shaw, 176th) – Workers’ Compensation Update

This legislation would update the workers’ compensation code to state the self-insuring companies are required to provide the State Board of Workers’ Compensation with an analysis of their workers’ compensation risk exposure then applying for certification as a self-insurer. It would include self-insuring companies that are in default on their workers’ compensation payments as insolvent self insurers. It would state that insolvency proceedings do not apply to companies that provide outsourced workers’ compensation coverage for other companies’ employees and that those companies are not required to buy into the Self-insurers Guaranty Trust Fund. It would limit investments made with funds in the trust fund to only be US government securities, and allow trustees to attend board meetings by phone. It would provide that additional funds that may be returned should there be excess after the board finishes paying all claims received from an insolvent self-insurer are kept in a segregated account inside the trust fund.

It would raise the minimum level at which companies that have already paid three payments to the fund may stop paying in from \$10 million to \$15 million. It would provide that letters of credit are the only acceptable security as an alternative to the self-insurer surety bond requirement.

It would increase the maximum payment from \$550 to \$575 and the maximum death benefit from \$220,000 to \$230,000.

It would also clarify that administrative law judges are subject to the Georgia Code of Judicial Conduct.

HB 831 (Smyre, 135th) – Protecting Guardsmen’s Employment Act

This legislation would add members of all reserve components of the armed forces of the United States, instead of solely the National Guard, to reemployment protection regulations.

HB 904 (Strickland, 111th) – Unemployment Insurance

This legislation would extend the sunsets on unemployment payments through the end of 2022. It would increase the contribution rate from 2.62% to 2.64% and reduce the administrative assessments from .08% to .06%.

It would allow the Commissioner of Labor to receive and monitor the information of individuals likely to be cheating the Unemployment Trust Fund.

Local Government

SB 184 (Black, 8th) – Preempt Breed Specific Legislation Against Hunting Dogs

This legislation would preempt local governments from passing any breed specific restrictions on hunting dogs used for hunting by holders of hunting licenses. It would not prohibit restrictions on dangerous dogs.

SB 191 (Tippins, 37th) – Preempt Local Utility Marking Regulation and Reduce Blasting Window

This legislation would prohibit local governments from imposing utility or sewer marking regulations. It would also reduce from 30 to 21 days the time period in which notice of blasting given to the utility protection center is valid.

SB 274 (Albers, 56th) – Repeal Population Act Requiring Fulton County to Publish its Budget

This legislation would repeal a population act from 1936 requiring all counties with population 200,000 or greater to publish its budget.

SB 269 (Stone, 23rd) – Require Certification that not a Sanctuary City when Receiving State Funds

This legislation would require DCA, DOT, and other state agencies that distribute state funds to local governments obtain certification that the local government is in compliance with its annual immigration compliance report.

SB 275 (Williams, 27th) – Prohibit Local Government Speech Restriction for Council/Commission Members

This legislation would prohibit local governments from prohibiting council or commission members from discussing any matters, specifically the policies and actions of the local government. It would not limit the confidentiality of matters discussed in executive session or matter that are exempt from open records laws.

SB 336 (Black, 8th) – Municipal Retirement Cleanup

This legislation would clarify that an employee's contribution can exceed 50% of the employee's benefit when he or she is purchasing additional credit and that this limit

only applies to defined benefit plans. It would open master plans up to all municipal employers, not just those that have fewer than 16 employees and would not designate its own board for the master plan.

HB 73 (Turner, 21st) – Residency Requirements for Local Candidates

This legislation would allow the General Assembly to pass local legislation that requires in-district residency for up to 12 months for districted county, municipal, and board of education elections.

HB 408 (Willard, 51st) – Post-GA Dome Hotel/Motel Tax

This legislation would authorize cities who had been using part of their hotel/motel taxes to pay for the Georgia Dome to any permitted tourism project development.

HB 804 (Mabra, 63rd) – Add a Judge to Clayton Judicial Circuit

This legislation would add a fifth judge to the Clayton Judicial Superior Court Circuit in 2017.

HB 851 (Atwood, 179th) – Require Audits of County Law Libraries

This legislation would require the State conduct annual audits of county law libraries.

HB 885 (Jones, 47th) – Apply Statutory Framework to Fulton County Board of Health

This legislation would reconstitute the Fulton County Board of Health, which is currently set up by ordinance, and reconstitute it under the state statutory framework. It would remove the APS Superintendent and the City of Atlanta appointees. It would replace those with two more positions appointed by the Fulton Board of Commissioners. The three County appointees would be a consumer advocate, a public health promoter or a nurse, and a consumer that represents the underserved. It would also change the physician appointment from an appointment by the grand jury from a pool of nominees from the county medical society.

HB 949 (Powell, 32nd) – Government Credit Cards

This legislation would allow elected clerks of superior court, probate judges, sheriffs, and tax collectors/receivers/commissioners to issue government purchasing/credit cards, but only after developing rules and policies for use of the

cards, and they would be subject to the same criminal penalties for illegal use as other officials.

HB 1004 (Jasperse, 11th) – Plats and County Clerk Filings

This legislation would require plats, maps, and plans of real property to be filed with county clerks electronically. It codifies the requirements for what is included in a plat application and image formats. Land surveyors would have the responsibility to certify on the plat that it has been approved by all applicable local governments. Clerks would be able to maintain all legacy plat books in their current form or convert them to electronic form.

HB 1025 (Taylor, 79th) – Service of Code Enforcement Citations

This legislation would local governments to pass ordinances to allow service of citations for code enforcement violations concerning the state of property to be served by posting a copy on the door, mailing a copy to the property owner's address of record, and filing it with the magistrate court.

New Cities

SB 208 (Ramsey, 43rd) - City of Stonecrest

This legislation would create the city of Stonecrest in DeKalb County.

HB 514 (Bruce, 61st) – City of South Fulton

This legislation would create the city of South Fulton in Fulton County.

Natural Resources and Environment

SB 346 (Beach, 21st) – Exclude Small Road Projects from Environmental Impact Analysis

This legislation would exclude road construction projects that cost under \$100 million and do not use federal funds from environmental impact analysis, except when it is probable to expect significant impact on historical sites or buildings and cultural resources.

SB 383 (Ginn, 47th) – 'Viewing Zone' Vegetation Clearance

This legislation would enable businesses to petition the Department of Transportation for a permit to clear or trim trees and other vegetation within a 500 foot viewing zone parallel to a state right of way if the business would otherwise be viewable from the highway.

The person seeking the permit would be required to pay the costs of removal, and if the cost of removal is less than the value of the trees removed, pay the balance between the cost of the removal and the value of the trees. There would be no value assigned to dead or diseased trees. Trees of historic nature and trees or groups of trees over 75 years old that were planted for educational purposes, were planted as a memorial of an individual, event, or cause, or are hardwoods would not be able to be removed.

This legislation would punish any property owner found in violation of the specific terms and area of their permit with a civil fine of between \$10,000 and \$20,000, plus restitution for the value of the cut trees. It would not preempt local ordinances.

HB 840 (Stephens, 164th) – Wildlife in Film Production

This legislation would prohibit filmmakers from using wildlife in the making of a film without an appropriate permit of \$300 for residents and \$600 for nonresidents. It would be unlawful to release the wildlife or store the wildlife in a manner that can lead to escape. It also updates definitions to comply with federal regulations.

HB 1028 (Werkheiser, 157th) – Solid Waste Release Notification

This legislation would require solid waste landfill owners to notify local governments and publish a notice in the legal organ within 14 days upon any release of waste likely to pose a danger to human health.

HB 1036 (Hitchens, 161st) – Petroleum Pipeline Eminent Domain Moratorium

This legislation would put a temporary moratorium on pipeline companies' ability to use eminent domain to secure right of way and to apply for permits and state easements until June 30, 2017. It would create the State Commission on Petroleum Pipelines to study Georgia's land use policies regarding pipelines and make recommendations about what needs to be updated to reflect modern technology, environmental concerns, and land use policies. It would not impact natural or artificial gas pipelines.

Public Safety

SB 230 (Hufstetler, 52nd) – Uniform Emergency Volunteer Health Practitioners Act

This legislation would permit the use of volunteer health and veterinary practitioners during a declared state of emergency. A provider using voluntary

practitioners would coordinate with GEMA for effective use of volunteers during a disaster. It would create a process for emergency departments to register as volunteer health practitioner systems that would accept applications for volunteer practitioners and vet them to ensure they're properly licensed. Volunteer practitioners would be permitted to practice within their certified scope of practice and providers and practitioners would be required to comply with all state regulations unless limited by the registration system. Volunteers, health systems, and parties that rely on volunteer registration systems would have civil immunity except in the case of gross negligence, intentional torts, criminal acts, breach of contract, claims by the provider using the services, or vehicle related claims. GEMA would implement the program by rule, but the Governor could limit the scope of volunteer practice by executive order.

SB 263 (Thompson, 14th) – Allows Police Officers to Retain Their Weapon and Badge Upon Retirement

This legislation would allow local governments to allow police officers to retain their weapon and badge upon retirement or upon leaving such employment as a result of disability.

SB 270 (Burke, 11th) – Retired Officer Weapons Carry, False Threat Reports, and False Representations of Military Service

This legislation would allow retired law enforcement officers who are citizens of Georgia to carry a handgun in otherwise prohibited areas even if they're retired from a non-Georgia department or agency.

It also would expand the crime of transmitting a false public alarm to include false claims that an individual is planning to harm him or herself or others in addition to the current prohibition on false bomb threats. It would reduce the first offense to a misdemeanor, except if the closed location is used for public safety or education. Subsequent offenses would remain a felony.

It also would criminalize falsely representing oneself as a veteran or recipient of a medal in court, to receive a discount or other financial benefit, when seeking employment, or when running for public office. Violation would be a misdemeanor, except when claiming to have received a medal, in which case it would be misdemeanor of a high and aggravated nature.

SB 279 (Harper, 7th) – Georgia Peace Officer Standards and Training Council Voting Members

This legislation would give the Commissioner of Juvenile Justice and the Commissioner of Natural Resources status as voting members of the Georgia Peace Officer Standards and Training Council.

SB 320 (Watson, 1st) – Foreign Driver’s Licenses

This legislation would create a presumption that a foreign drivers license that can’t be electronically verified if the issuing county is part of the visa waiver program and the driver has a passport stamped showing entry to the US within the past 90 days, has a nonimmigrant visa and passport showing entry into the US within the past 12 months, has a valid international drivers license, has an English language certification the their license is valid and that entry was within the past 12 months from a diplomatic or consular officer from the foreign country, or has an English language certification that their license is valid from the Department of Economic Development.

This presumption could be rebutted by evidence that the driver is not authorized to drive in the US under the Convention on Road Traffic. It would also create a process where a foreign driver wrongfully charged with driving without a license by providing the appropriate information to the prosecutor or the court.

SB 332 (Kennedy, 18th) – Weapons Carry for Judges

This legislation would clarify that federal judges who live in Georgia, Justices of the State Supreme Court, Judges of the Court of Appeals, administrative law judges and judges of superior and state courts are included in the exemption for judges from weapons carrying laws. It would also instruct the Administrative Office of the Courts to issue judicial ID cards upon request that would serve as a carry permit. Judges would still have to undergo a fingerprint check and background check.

SB 356 (Williams, 27th) – Animal Impoundment

This legislation would automatically prohibit an owner who is convicted of animal cruelty or dog fighting from reclaiming impounded animals. It would clarify that adoption is an acceptable way for an impounding agency to dispose of an impounded animal. It would also implement a process for an agency impounding an animal to petition a court for an order requiring the owner to pay anticipated costs of housing the impounded animal into the court registry on a monthly basis.

SB 416 (Cowsert, 46th) – GBI Intelligence Sharing

This legislation would create the Georgia Information Sharing and Analysis Center within the Georgia Bureau of Investigation. The Center would work with FBI, Joint Terrorism Task Force, Department of Homeland Security, and state and local law enforcement agencies to centralize and disseminate information regarding terrorist threats.

HB 727 (Battles, 15th) – Fireworks Regulations

This legislation would permit local ordinances allowing fireworks between 10:00 p.m. and midnight and adding regulations on temporary fireworks stands to supersede state authority. The legislation also designates working at fireworks stores as an H-3 hazardous occupancy. This raises the bar for safety standards at such a facility.

This legislation would exclude tent, canopy, and membrane structures from qualifying as fireworks sales facilities. This legislation would also redefine stores for the purposes of firework sale regulations to mean any buildings where sales of fireworks represent 25 percent or less of total sales.

This legislation would reduce the maximum weight of chemical compounds in a multi-tube sparkler to not be regulated as a firework from 500 to 200 grams.

This legislation would prohibit fireworks on public roads and railroads. It would lower the stop time for fireworks from midnight to 10:00 p.m. on normal days, though local governments would be able to extend the firework time back to midnight through the end of 2018. It would also reduce the July 3, July 4, and Jan 1 stop times from 2:00 a.m. to midnight and the New Year's Eve stop time from 2:00 a.m. to 1:00 a.m.

It would extend the 100 yard buffer currently for nuclear power plants and gasoline facilities to include all flammable liquid processing facilities, all flammable liquid storage facilities that store over 500 gallons, all power plants, water and wastewater treatment plants, and helipads. Fireworks would be prohibited in parks unless receiving a permit and prohibited within 100 yards of health care facilities unless given permission by the facility. It would also make it a high and aggravate misdemeanor to set off fireworks when legally drunk or on drugs.

It would allow the Governor to implement extra firework restrictions in drought areas except on July 3, July 4, Dec 31, and Jan 1.

This legislation would remove geographical restrictions on temporary firework stands and allow any licensed seller to open three temporary locations per location, so long as the seller was licensed at its permanent location 45 prior to July 4 or December 31 if the application for a temporary location is issued within that time frame. It would also expressly prohibit sales from tents, canopies, or other membrane structures. Temporary licenses would continue until Jan 31, just like permanent location licenses. Temporary licenses and licenses for new storefronts could be filed any time during the year, so long as they're filed at least 30 days prior to the opening. Local governments would be able to pass additional regulations on temporary stands through the end of 2018.

Licensees selling from a permanent location would have to show they own or have a lease for a physical location when applying for the permit. It would require sellers to submit their annual licenses applications before December 1, except for initial licenses issued after December 1, in which case the seller should apply on the first business day of the new year. It would extend the time frame for license review

from 15 to 45 days. If a license would expire during the 45 days, it is automatically extended until the renewal determination.

It would create a process for the Fire Commissioner to send a cease and desist order when a licensee is in violation, and failure to comply would lead to a six month to five year license revocation. A party that receives a cease and desist order would be able to appeal it in an administrative hearing.

HB 777 (Dudgeon, 25th) – Allow Bus Drivers to use Cell Phones as a Two-Way Radio

This legislation would allow bus drivers to use cell phones in the same manner as two way radios to allow live communication between drivers and school or public safety officials.

HB 779 (Tanner, 9th) – No Armed Drones

This legislation would prohibit weaponized unmanned aircraft for nonmilitary purposes. It would preempt new local ordinances except those relating to the launch of drones from property owned by local governments or enforces FAA restrictions.

It would also make it illegal for law enforcement to use drones in a private place unless they have a warrant, have reasonable suspicion, are conducting a fugitive search, or are using it for a missing person search. It would also make it illegal for law enforcement to use any information regarding any individual other than the person for whom the search is authorized.

It also would establish the Unmanned Vehicles Commission to study drone regulation and how to promote drone related businesses in Georgia.

HB 792 (Brockway, 102nd) – Tasers on College Campuses

This legislation would allow adults to carry tasers and stun guns anywhere on college campuses.

HB 806 (Tanner, 9th) – Driver's Licenses

This legislation would make all driver's licenses last for eight years, not just for people under 60.

It would direct the department to not suspend driver's licenses when it receives a conviction notice that is over two years old and the driver had surrendered his or her license, except in the case of serious offenses such as DUI, vehicular homicide, fleeing the police, or aggressive driving. This exemption would not apply to commercial drivers who are convicted of offenses relating to railroad crossings and turning onto commercial or residential streets.

HB 859 (Jasperse, 11th) – Campus Carry

This legislation would allow licensed weapons carry permit holders to carry guns, so long as handguns are concealed, on college campuses, except in sports facilities, housing, and fraternity and sorority houses.

HB 976 (Hitchens, 161st) – Body Camera Footage Retention

This legislation would require law enforcement to retain body camera footage for 180 days unless it is part of a criminal investigation, depicts a vehicular accident, shows detainment or arrest, shows an officer's use of force, or is evidence in any pending or reasonably anticipated litigation in which case it would be retained for 30 months. Evidence could be kept longer than these time frames, and there is no destruction requirement. Recordings destroyed after the retention period would not be considered to have been destroyed to cover up misconduct. Law enforcement would not be required to redact or obscure people or information from a video. Departments could charge \$12 for a copy of a recording.

HB 1060 (Jasperse, 11th) – Weapons Carry Permits and the Firearms Nondiscrimination Act

This legislation would do the following:

- Establish carry permit reciprocity for new residents: a holder of a carry license from a state that recognizes Georgia carry permits and moves to Georgia is allowed to carry for 90 days while his or her application is being processed
- Allow people who are hunting, fishing, or sport shooting on recreational or wildlife management areas to carry a knife without needing a carry permit
- Carry permit holders who attempt to enter a church that prohibits guns would not be committing a crime if they leave immediately upon being informed that the church prohibits guns
- Clarify that all people such as law enforcement and prosecutors exempt from carry requirements are allowed to carry in school zones
- Allow courts to provide information from gun safety organizations to carry permit applicants and require DNR to provide information on hunter education classes that teach gun safety
- Allow people who have a name change to receive a replacement carry permit with their new name for the same \$6 fee as any other replacement permit
- Allow retired police officers with ten years' service and a POST Council card to carry weapons in the same manner as active duty officers. The POST Council would be able to require standards including continuing weapons training

- Courthouses would be able to prohibit officers from carrying weapons if they provide storage lockers and the building is screened by the sheriff's department. Active duty police in uniform or wearing visible badges would still be able to carry holstered weapons in courthouses
- Limit the prohibition on weapons carry in secured areas of airports to only prohibit carry in the secured area of airports that serve airlines with over \$1 billion in revenue (Hartsfield)
- Eliminate the automatic purge of involuntary commitment or adjudication of mental unfitness records after five years and create a process where a person could petition the court for reinstatement of firearm rights
 - The petitioner would have to notify the prosecutor or opposing civil party in the case that head to commitment
 - The petitioner would authorize the DA to seek records from the treatment facility. The records would not be admissible in other proceedings
 - The court would hold a hearing within 60 days, unless it can show good cause to delay, to determine whether to restore the petitioner's firearm rights
 - The court would analyze the circumstances of the involuntary commitment or adjudication, the petitioner's mental health records, the petitioner's character, and changes in circumstances and determine whether the petitioner would not likely act in a manner dangerous to himself or herself or public safety and that granting the relief would be consistent with the standards for a carry permit
 - One would not be able to make a petition more often than every two years. A person who is committed would not be able to petition until one year after release.
- Create civil immunity for firearm trainers when a person they train fails to use his or her weapon properly or lawfully
 - It would create a civil cause of action for the termination or denial of credit or a financial services agreement with anyone licensed to deal in the commerce of firearms or ammunition products solely because they are engaged in commerce relating to firearms or ammunitions products.
 - This is a protection afforded to no industry besides the firearm industry.
 - The attorney general would also be able to sue financial companies in violation for injunctive relief or a civil penalty of up to \$10,000

Real Estate

SB 206 (Ligon, 3rd) – Water Liens

This legislation would allow people about to buy or rent property to request a statement from the water supplier showing any outstanding water and sewer charges against a property. The supplier would be able to charge a fee of up to \$10. The statement would be binding for 30 days, and payment within the 30 days would extinguish any lien on the property.

HB 51 (Benton, 31st) – HOA Payments on Properties Seized for Delinquent Taxes

This legislation would add HOA, condo, etc. fees paid by the state to the price that must be paid by someone seeking to redeem property foreclosed upon for delinquent tax payments.

HB 869 (Powell, 32nd) – Real Estate Brokers

This legislation would clarify that a real estate broker's duty to review documents prepared by an associate applies to offers that can be accepted within a given time to complete a real estate transaction. It would also clarify that a real estate broker or other licensed professional only has a duty to provide a closing statement to the client and retain a copy when the broker or other professional actually retrieves a copy of the statement at closing.

Retirement

SB 243 (Hill, 4th) – Legislative Counsel Retirement Options

This legislation would allow lawyers working in the Office of Legislative Counsel to opt into the State Judicial Retirement system.

SB 335 (Black, 8th) – Retirement Funds Investment in Comingled Funds

This bill would allow state retirement fund management agencies to invest in comingled funds and collective investment funds held by state-chartered banks and trusts in addition to federally chartered ones.

HB 605 (Weldon, 3rd) – Allow Judges to Count Part-Time Employment Toward Retirement

This legislation would allow individuals who are retiring under the Georgia Judicial Retirement System to use a proportion of their prior part-time service for vesting or

benefits based on the ratio of their highest 24 month average salary as a part time member to their highest 24 month average salary as a full time member.

HB 635 (Epps, 144th) – 30 Year Probate Court Judge Retirement

This legislation would increase the period of time required for probate court judges to be exempt dues from 20 to 30 years and increase the maximum amount of creditable time for the purposes of retirement benefits from 20 to 30 years. It would allow judges with between 20 and 30 years to buy into the new system before December 31, 2016. These changes would increase the maximum monthly retirement payout to 150% of monthly salary from 100%.

HB 690 (Carter, 175th) – Local Service to Count Toward State LEO Retirement

This legislation would allow state law enforcement officers to count time spent working for local law enforcement prior to working for the state to count towards the state employee retirement timeline after being a member of the state retirement system for at least 10 years.

HB 844 (Maxwell, 17th) – Clarifications of Firefighters' Pension Fund

This legislation would update language in the fire insurance premium tax to reflect the accurate name of the fire ratings schedule for the Georgia Firefighters Pension Fund and specify that legal action can only be brought against the funds in the superior court where the fund is managed.

Revenue and Taxation

SB 258 (Millar, 40th) – Rural Healthcare Donation Tax Credit, Redefine Disabled Veteran, No Property Tax Increase Due to an Appeal, and Property Tax Appeals

This legislation would create a tax credit for donations to hospitals in counties with fewer than 35,000 non-military residents. The credit would be capped at \$50 million in 2017, \$60 million in 2018, \$70 million in 2019, and would sunset afterwards. No individual hospital would be able to receive more than \$4 million. Individuals would receive an 80% tax credit for funds of up to \$2,500 (\$5,000 for joint filers) contributed. Corporations would be able to receive 80% of any donations, up to 75% of their total tax liabilities.

It would prohibit counties from raising property valuations on appeal. Valuation boards would only be permitted to lower valuations.

It would redefine the qualifications for a disabled veteran that can receive free car tags, a homestead exemption, and a car tax exemption to only apply to US citizens and Georgia residents. It would also make a correction so that the exemption would apply to persons adjudicated disabled by the VA or entitled to a statutory disability award, instead of requiring both

It would only apply the two-year moratorium on property tax valuations after a successful case where the valuation is actually reduced from the initial assessment instead of always imposing a moratorium, even when the valuation is upheld. It would give the board of tax assessors, in addition to the board of equalization, authority to raise a valuation if a second appeal is filed in that time frame. Parties would be able to waive the two year moratorium on increase by mutual written agreement.

SB 350 (Mullis, 53rd) – Firework Taxation Allocation

This is the enabling legislation for SR 558 that would earmark the 5% excise tax on consumer fireworks 55% to the Georgia Trauma Care Network, 40% to the Georgia Firefighter Standards and Training Council, and 5% to the local governments where the fireworks are sold to operate 9-1-1 systems.

SB 379 (Ginn, 47th) – Fire District Tax Exemption

This legislation would extend use and sales tax exemptions enjoyed by the federal, state, and local governments to fire districts that have elected governing bodies and that are supported in whole or in part by ad valorem taxes.

SR 558 (Mullis, 53rd) – Firework Taxes Earmark

This resolution would propose an amendment to the constitution earmarking any excise tax on fireworks for trauma care, fire services, and local public safety purposes.

HB 364 (Knight, 130th) – Penalty for County Tax Assessors that Repeatedly Tax Untaxable Property

This legislation would allow the Revenue Commissioner to examine untaxable properties that may appear on county tax roles, either on his or her initiative or upon request of a taxpayer. If a property is found to not be subject to taxation, the commissioner would strike it from the digest and notify the county. The determination would be appealable under a process to be promulgated by DOR. Should an untaxable property appear on a tax digest for a second time in five years, the county's qualified local government status that makes it eligible for economic development grants from DCA until the county removes and replaces the board of

tax assessors. The taxpayer would be able to file a petition with the Georgia Tax Tribunal for a refund of taxes paid, plus interest and legal fees.

HB 547 (Fleming, 21st) – Limit Tax Lien Impact on Year’s Support After Death

This legislation would limit the property tax exemption for one year’s property taxes and prior years’ tax obligations available through the “Year’s Support” law to only apply to the homestead when the property being inherited includes a homestead. In cases where there is no homestead, all inherited property would be subject to the tax exemption.

HB 726 (Tanner, 9th) – Tobacco Tax Exemptions

This legislation would clarify that, when specifically itemized, Georgia’s tobacco excise tax doesn’t apply to federal excise taxes or shipping.

HB 742 (Knight, 130th) – Annual IRS Update

This is the annual legislation to update Georgia’s tax code to match federal changes. It would also move the tax filing date for corporations other than S corporations from March 15th to April 15th and would require employers that withhold taxes from 1099 employees to provide them an annual statement of wages and taxes withheld.

HB 763 (Houston, 170th) – Extend Food Bank Sales Tax Exemption

This legislation would extend the sales tax exemption on sales and donations to food banks through 2021. Food banks would be required to report annually how many people sold, the total pounds of food donated, and the total amount of exempt purchases for the prior year.

HB 769 (Hawkins, 27th) – Permanent Tax Exemption on Watercraft Inventory

This legislation would make permanent the ad valorem tax on watercraft held in inventory by sellers and resellers currently set to sunset at the start of 2020.

HB 802 (Teasley, 37th) – ESA Credit for Joint Returns

This legislation would increase the maximum state income tax credit for college saving accounts (529 accounts) from \$2,000 to \$4,000 per child on joint returns. The credit would remain \$2,000 on individual returns.

HB 822 (Coomer, 14th) – Exempt Agricultural Fuel from Local Gas Tax

This legislation would exempt fuel used for agricultural purposes from local gas taxes. While most sales taxes on gas were eliminated by the Transportation Funding Act of 2015, LOST, HOST, SPLOST, ELOST, and MOST taxes currently remain at 1% on the price of motor fuel up to \$3.00/gallon.

HB 871 (Dickey, 140th) – Lemon Law Fees to Department of Law

This legislation would direct the existing \$3.00 “Lemon Law” fee paid upon sale or lease of a vehicle to fund the vehicle arbitration panel that hears disputes between consumers and car dealers to the Department of Law instead of the Office of Planning and Budget.

HB 911 (Duncan, 26th) – Agricultural Sales and Tax Exemption and Income Tax Credit for Small Agricultural Producers

This legislation would increase the minimum value of agricultural products or services needed to qualify for the agricultural energy and equipment sales tax exemption from \$2,500 to \$5,000. It would also count livestock toward those prices. People seeking the exemption would have to keep a current taxpayer identification number on file and submit it every three years. Sellers would have to record the taxpayer id of the producer, and upon the first sale to a producer each year, verify online or by phone that the producer qualifies. If a producer attempts to use the exemption unlawfully, its exemption would be pulled, subject to a hearing, and it would not be able to reapply for three years.

The administrative fee would be increased from a \$15 to \$25 annual fee to a \$105 fee for the three year period.

It would allow agricultural producers who produce goods or services in an amount less than the \$5,000 required for the sales tax exemption to qualify for an income tax credit in the amount of sales taxes paid on agricultural inputs. The income tax credit would be repealed January 1, 2020.

HB 935 (Harrell, 106th) – Inventory Tax Exemption for Property stored in Fulfillment Centers

This legislation would extend the freeport property tax exemption to apply to goods stored in a fulfillment center waiting to ship to an online purchaser, such as an Amazon warehouse.

HB 936 (Harrell, 106th) – Tax Credits

This legislation would create a \$500 tax credit for State Defense Force members.

It would limit the manufacturing job creation tax credit to jobs where every job created has a wage higher than the average wage in the county with the lowest average wage instead of allowing companies to average the wages of all jobs created. It would extend the requirement that jobs must be full time jobs with at least 35 hours per week to enterprise zone tax credits for small, economically depressed areas.

It would also create a \$2,000 tax credit for employers that hire people who have been paroled within the past year. The job would have to be 30 hours/week or more, be in Georgia, have no predetermined end date, and the employee would have to work at least 40 weeks. Employers would be limited to a total credit of \$50,000 per year and only once per person hired. It would sunset January 1, 2020.

HB 937 (Harrell, 106th) – Sales Tax Exemptions

This legislation would extend the sales tax exemption for competitive projects of regional significance as approved by the Department of Economic Development through June 2019.

It would expand the tourism sales tax refund for companies that meet REEP designation for large projects of regional impact and will spend at least \$400 million on tourism development projects in areas that have been considered underdeveloped for at least 20 years by eliminating the cap at 2.5% of total expenses, the ten year limitation on collecting, and the prohibition on receiving multiple tax incentives on the same project. It would not allow local governments levying a rental car tax to finance projects adjacent to the project to extend that tax beyond 30 years, and it would not apply to casinos.

HB 951 (Nimmer, 178th) – Super Bowl Tax Exemption; Clean Energy & Back-to-School Tax Exemption Date Changes

This legislation would create a sales tax exemption for tickets purchased to attend non-recurring major sporting events expected to generate over \$50 million in the area hosting, including but not limited to the Super Bowl, March Madness and the College Football Playoff, and the MLS, NBA, and MLB All-Star Games. The Commissioners of Economic Development and Revenue would be left to determine what other events would qualify for this exemption.

This bill reinstate the the back-to-school sales tax holiday on July 30-31, 2016 and the clean energy appliance sales tax on September 30-October 2, 2016.

HB 960 (Kelly, 16th) – Confidentiality of Tax Information

The legislation would change the interest rate for past due taxes and refunds owed by the state from 1% a month to prime + 3%. Entities seeking a sales tax refund would be required to list the total claimed and the allocation among local

taxes. Entities that pay sales or motor fuel taxes electronically would also be able to apply for refunds electronically.

If a taxpayer files for a refund of local significance that exceeds 10% or more of the total yearly average receipts for any affected local government over the past three year, the department would provide notice to the local government the date of the claim, the amount to which the local government may be liable, and a copy of their confidentiality obligations. Once DOR finishes its audit of the claim, it would also provide the local government with a final refund amount. The information would have to remain confidential but could be used to make budgetary recommendations to the governing body. Any significant claim still pending after two years would be transferred to the Tax Tribunal for a show cause hearing to determine the party at fault. If DOR is at fault, it would be liable for all interest, and if the taxpayer is at fault, it would not be eligible for interest. Attorney's fees would be available.

It would allow DOR to provide aggregate and redacted tax data to the House Ways and Means Committee and the Senate Finance Committee regarding the administration of a tax or for the administering of the above significant refund process.

This legislation would extend from 90 days to 12 days the time at which the 10% penalty for past due property taxes applies and would allow the penalty to increase by 5% at the subsequent two 120 day marks for a total of a 20% penalty. The local share of penalties and interest collected by DOR would be distributed to the local governments pro rata instead of giving all penalties to the county.

HB 1014 (Powell, 171st) – Extend Conservation Easements

This legislation would extend the sunset for new conservation easements until 2021 and require DNR to report how many acres donated, the value of the land donated, the conservation uses listed, the aggregate amount of tax credits granted, and a listing of all direct and indirect benefits to the state before extending the sunset any farther.

State Government

State Agencies, Authorities, Boards, and Commissions

HB 745 (Ehrhart, 36th) – Extend Sunsets on Small Write Offs

This legislation would extend sunset for the process to write off obligations under \$100 for state agencies or under \$3,000 for Regents and TCSG until June 30, 2021.

It would also extend the nonlapsing tuition portion of 3% for Regents and 15% for TCSG school until June 30, 2021.

HB 773 (Houston, 170th) – Increase Georgia Housing and Finance Authority Debt Limit

This legislation would increase the Georgia Housing and Finance Authority debt limit from \$1.3 billion to \$3 billion.

HB 1085 (Dempsey 13th) – Transfer Aging Services to DCH

This legislation would transfer community care services for the aging from the Department of Human Services to the Department of Community Health.

State Purchasing and Contracting

SB 327 (Hill 32nd) – No Contracts with Israel Boycotters

This legislation would prohibit the state from contracting with individuals or companies that boycott Israel. Contracts with the state for over \$1,000 would have to include certification that the company being hired is not boycotting Israel.

HB 676 (Brockway, 102nd) – Accountability, Change Management, and Process Improvement Act of 2016

This legislation would require all state agencies to provide a written business case and change management plans for every information technology project that exceeds \$1 million to the Georgia Technology Authority (GTA) at least 30 days prior to the request of any state funds or the issuance of any procurement documents for the project. GTA would consult with the with the Department of Administrative Services and report to the Governor’s Office of Planning and Budget on findings and recommendations.

Dedications, Museums, and Monuments

SB 168 (Jones, 25th) – Adoptable Dog

This legislation would designate the adoptable dog as the official state dog.

SR 863 (Gooch, 51st) – Road Dedications

SR 892 (Walker, 20th) – Road Dedications

SR 954 (Jeffares, 17th) – Annual Easement Resolution

SR 955 (Jeffares, 17th) – Annual Conveyance Resolution

HR 1052 (Cheokas, 138th) – Road Dedications

Transportation

SB 307 (Beach, 21st) – Digital Billboards at Bus Stops and Towing Permits

This legislation would allow transit agencies to put digital billboards on bus shelters in the same manner as currently allowed for print billboards.

It is also HB 973 that would require tow truck drivers to obtain a state permit and complete an operator safety course meeting the current Towing and Recovery Association of Georgia standards.

SB 369 (Mullis, 53rd) – MARTA

This legislation would allow the City of Atlanta to levy up to a 0.5% sales tax to fund MARTA. It would run concurrently with the existing MARTA tax, so it would be able to be used for bonds. It would be subject to a referendum.

It would also split the City of Atlanta and the rest of Fulton County for the purpose of levying the county-by-county T-SPLOST that passed as part of the Transportation Funding Act of 2015. The parts of Fulton County outside the City of Atlanta would be able to levy a separate five year T-SPLOST of up to .75% in a manner similar to the existing process, including the referendum requirement. The City of Atlanta would be able to levy its own five year T-SPLOST of up to .75%, though the .5% MARTA expansion would count against the .75% cap, meaning that should MARTA expansion pass, the five year T-SPLOST portion would be limited to .25%.

SB 420 (Tippins, 37th) – Require Referendum for Transit Projects with Right of Ways

This legislation would require a county-wide referendum before spending money to build, maintain, or operate any transit project that has a dedicated right of way. It would not apply to MARTA projects in MARTA counties.

HB 166 (Yates, 73rd) – Raise Maximum Motorcycle Handlebar Height

This legislation would increase the maximum allowable handlebar height above the seat from 15 inches to 25 inches.

HB 736 (Atwood, 179th) – Special License Plates

This legislation would create special license plates for women veterans, and people could get veterans' license plates if their spouse qualifies for a veteran's plate. It would also add the Soldier's Medal for heroism not involving actual combat to the list of medals that qualify one for a veteran's plate. It would create fundraising

plates for Omega Psi Phi fraternity, Hampton University, DNR law enforcement, promoting marine habitat conservation, and dog and cat sterilization.

HB 747 (Rogers, 10th) – Motor and Commercial Vehicle Regulation Update

This legislation would update Georgia regulations on transporting hazardous materials and commercial vehicles motor vehicles to match the current federal regulations passed in the last year.

HB 767 (Powell, 32rd) – “Move Over” for Utility Workers

This legislation would expand the current “move over” laws requiring drivers to change out of the right lane or slow way down when passing emergency workers to also apply to utility workers. The fine would be \$250 as opposed to \$500 for emergency workers. It would also make “move over” apply when the stopped workers are using cones instead of flashing lights.

HR 1312 (Sims, 123rd) – Remove Heritage Preserve Designation

This resolution would remove the heritage preserve designation over some state owned land in Houston County so that GDOT can widen a road.

Veterans

HB 821 (Williams, 168th) – Military Spouses and Transitioning Veterans Licensure Act

This legislation would require that each professional licensing board in the state create a process through which military spouses or service members transitioning to veteran status can obtain temporary or expedited professional licenses when they have similar licenses issued by other states or the military.

HB 862 (Knight, 130th) – Disabled Veteran Qualifications

This legislation would redefine the qualifications for a disabled veteran that can receive free car tags, a homestead exemption, and a car tax exemption to only apply to US citizens and Georgia residents. It would also make a correction so that the exemption would apply to persons adjudicated disabled by the VA or entitled to a statutory disability award, instead of requiring both.

HB 991 (Hitchens, 161st) – Tax Penalty Waiver for Returning Veterans

This legislation would waive interest and penalties assessed against returning veterans who fail to pay their taxes on time when deployed to a combat zone so long as they pay their taxes within 60 days of returning home.

Study Committees

Joint Study Committees

SR 876: Joint High-Speed Broadband Communications Study Committee

SR 883: Joint Study Committee on Industry Incentives for Financial Technologies

SR 1027: Joint Music Economic Development Study Committee

SR 1038: Joint Alternative Fuels Infrastructure Study Committee

HR 1093: Joint Study Committee on Mental Illness Initiative, Reform, Public Health, and Safety

Senate Study Committees

SR 360: Senate Data Security and Privacy Study Committee

SR 412: Senate Cyber Challenge Study Committee

SR 467: Senate Higher Education Access and Success for Homeless and Foster Youth Study Committee

SR 842: Senate Study Committee on the Legislative Process

SR 974: Senate Surprise Billing Practices Study Committee

SR 1001: Higher Education Affordability Senate Study Committee

SR 1032: Senate Sexual Offender Registry Study Committee

SR 1056: Premium Assistance Program Senate Study Committee

SR 1059: Nonembryonic and Nonfetal Cell Therapy Senate Study Committee

SR 1085: Senate Regional Transit Solutions Study Committee

SR 1091: Hearing Aids for Children Senate Study Committee

SR 1098: Senate Crime Study Committee

SR 1131: Senate Affordability of Death Study Committee

SR 1132: Senate Study Committee on Venture Capital Investments

SR 1154: Senate Emergency Cardiac Care Centers Study Committee

SR 1159: Senate Camden County Spaceport Study Committee

SR 1165: Senate Opioid Abuse Study Committee

SR 1166: Senate State Sponsored Selfinsured Group Health Insurance Plan Study Committee

SR 1171: Senate Judicial Qualifications Commission Study Committee

Bills Failed in the Senate

HB 764 (Powell, 32nd) – Rapid Flash Beacon Crosswalks

This legislation would require drivers to always stop when a pedestrian or cyclist has activated a rapid flash beacon crosswalk, regardless of what side of the road the pedestrian or cyclist is on. It would also clarify that regular crosswalk laws apply to cyclists as well as pedestrians.

Bills Only Passed by the Senate

Bills Not Considered by the House

SB 6 (McKoon, 29th) – Road Safety and Driver’s License Integrity

This legislation would prohibit issuance of driver’s licenses to undocumented immigrants with deferred action status. It would require non-citizens to provide fingerprints or other biological characteristics to obtain temporary driver’s licenses. DDS would be required to participate in E-Verify, and applicants would be required to sign a sworn affidavit that they are here legally and not under deferred action status. Law enforcement would be allowed to impound vehicles driven by an undocumented immigrant for up to 60 days. It would increase the penalties for driving without a license.

SB 77 (Albers, 56th) – DNA Collection from Convicted Felons

This legislation would require a DNA sample to be collected from any person convicted of a felony and currently incarcerated at a jail and anyone arrested for a serious violent, sexual, or drug offense. If the individual is not sentenced to jail, a DNA sample must be collected as condition for probation. If the individual refuses, the prosecutor may proceed to forfeit the bond. The DNA profile may be expunged in data bank upon reversal and dismissal of conviction or the felony charges have been reduced to misdemeanors.

SB 115 (Hufstetler, 52nd) – Allow PAs to Prescribe Hydrocodone

This legislation would allow physician’s assistants who complete three hours per year of continuing education on Schedule II substances to prescribe up to 15 days worth of hydrocodone.

SB 278 (Unterman, 45th) – Increase Penalties for Pimping and Pandering

This legislation would make pimping or a second or subsequent conviction for pandering a felony instead of a high and aggravated misdemeanor. It would add a third or subsequent conviction for pandering to the list of crimes requiring registration as a sex offender. It would specify that a conviction for sex offenses against minors under sixteen requires both a prison sentence and a fine.

SB 310 (Ligon Jr, 3rd) – Grant Terms That Change Education Policy

This legislation require any education agency applying for of any grant program over \$20 million that would establish or alter education policy to provide all members of the House and Senate education committees with information on the grant, including long term cost projections and the impact on education policy.

SB 312 (Bethel, 54th) – Minimum HOPE Grant

This legislation would create a minimum HOPE award amount to be at least \$2000.00 per semester or \$134.00 per credit hour.

SB 314 (Unterman, 45th) – Population Focused Nursing and Background Checks

This legislation would set specific requirements for advanced practice registered nurse including certification in at least one population focused role. Population focused nursing is a community based approach that includes more holistic and preventative care than tradition nursing. It would redefine advance practice registered nurses to specifically be nurses that meet board certification as a certified nurse practitioner, a certified registered nurse anesthetist, certified nurse midwife, or a clinical nurse specialist. It would also require advanced practice registered nurses to undergo a criminal background check.

SB 333 (Kennedy, 18th) – Converting Out of State Nonprofit Corporations

This legislation would establish a process for an existing nonprofit company not in Georgia’s jurisdiction to reincorporate itself in Georgia, while retaining all assets and liabilities of its previous incarnation, and for a Georgia nonprofit to do the reverse.

SB 337 (Walker, 20th) – Care for Out-of-state Military Dependents

This legislation would instruct DHS to create a database where Georgia resident military dependents that are out of state due to the service member's military obligation can indicate the need for medical assistance upon return. Should a dependent be selected from the list, he or she would have six months to apply for assistance and another six months to begin using it. Once began, should the dependent have to move out of state again, the assistance would automatically be reinstated upon return.

SB 345 (Hill, 6th) – Disputes Between Churches and Denominations

This legislation would create regulations to ensure would apply state law neutrally in the event of a property dispute between a church in its governing demonization and not consider religious bylaws.

SB 357 (Williams, 27th) – Local Boards of Education

This legislation would specify that codes of ethics for local boards of education cannot not violate the First Amendment right to free speech by requiring member to not speak negatively about the board.

It also modifies the legislative findings for school board member qualification to include “enabling the student to fulfill his or her God-given potential and equipping him or her for full citizenship in our constitutional republic” and maintaining accreditation.

SB 366 (Gooch, 51st) – Alternative Bid Process for GDOT Professional Service Contracts

This legislation would allow GDOT to evade formal bidding for professional services contracts. Instead, it would select three people to bid and negotiate with the lowest bidder. Should that negotiation fail, it would then negotiate with the person that provided the second lowest bid. Should that fail, it could start the process over.

SB 370 (Martin, 9th) – Superior Court Clerks Continuing Education

This legislation would expand the continuing education options for superior court clerks to include programs through professional court management associations and accredited colleges and universities in addition to the Institute of Continuing Judicial Education of Georgia.

SB 375 (Gooch, 51st) – Two Year Incorporation Process

This legislation would require any incorporation legislation to be introduced in the first year of a term and not passed until the second year. During the interim between the first and second sessions a financial viability, fiscal impact and service delivery study would be prepared by a public academic institution regarding the incorporation of the proposed city.

It would also codify the referendum requirement that currently only exists by legislative custom.

SB 378 (Millar, 40th) – Remove CEO Position from DeKalb County

This legislation would abolish the CEO position from the government of DeKalb County. It would end all current commission terms at the end of 2018. It would redraw the commission maps.

It would create a county commission chairperson elected by the county at large. The chairperson would preside over meetings but would not have a vote except in the event of a tie. He or she would have the authority to convene special meetings, appoint committees, subpoena commission members to attend meetings, appoint the county attorney with confirmation by the commission, and supervise and direct the work of the county manager. Chairpersons would be limited to two successive chairperson terms.

It would also create the position of vice chairperson who would be elected by the seven members of the commission. If the office of the chairperson becomes vacant or the chairperson is absent, the vice chairperson would serve as chairperson.

This legislation would also create the office of county manager. The county manager would be appointed by a majority vote of the commission. The candidate for county manager must not have been a candidate for elective public office, holder of elective public office, or a manager in a political campaign of any commission candidate in the last two years. The county manager would have the power to enforce county laws, appoint department heads with commission approval, appoint and remove all subordinate employees in all departments, to exercise control over all departments, to attend and participate in all commission meetings without a vote, to recommend courses of action to the commission, to prepare and submit an annual budget, to keep the commission advised on financial matters, to direct county officers and employees, and to supervise the performance of all county contractors.

Appointments when other law calls for an appointment by the county governing authority would be made by nomination from the chairperson and approval by the commission. Should the first nominee be defeated, the chairperson would make another nomination. Should that person be defeated, the commission may appoint whomever it likes.

It would be subject to referendum.

SB 389 (Hill, 6th) – Public Assistance Cuts

This legislation would cut the lump sum TANF amount from a 12 month sum to a 3 month sum. It also contains language creating 100% sanctions for violating work requirements. As drafted, it is unclear how far reaching those cuts are.

SB 404 (Harper, 7th) – Vehicle Use by Off Duty State Patrol Officers

This legislation would allow off-duty state patrol officers to use DPS vehicles for any job that requires vested police power so long as non-political and approved by the Commissioner. It would make compensation for use of the vehicle up to the discretion of the Commissioner, and only require a formal contract when compensation is necessary. The contract could include pay for both the officer and vehicle, in which case DPS would pay the officer for the job.

SB 409 (VanNess, 43rd) – Post Child Abuse Hotline Number in Schools

This legislation would require all public schools and charter schools to post in a location accessible to students and English and Spanish language sign with the toll free phone number of the DFCS child abuse hotline.

SR 604 (Heath, 31st) – Prohibit State Ad Valorem Taxes

This resolution would propose an amendment to the constitution to prohibit any state levy of ad valorem taxes.

SR 675 (McKoon, 29th) – English as the Official Language

This resolution would propose a constitutional amendment to make English the official language of Georgia. It would prohibit the issuance of official state or local documents and communications, specifically the driver's license test, in languages other than English. It would allow materials in foreign languages for public safety purposes and to teach English. Current law allows agencies and local governments to use foreign languages at their discretion.

SR 756 (Hill, 32nd) – Cap State Budget

This resolution would propose a constitutional amendment to cap the state budget at \$23.6 billion in 2018 and 2019 and \$24.2 billion from 2020 onward. If the reserve account is at least 8% of the prior budget and revenues exceed the cap, the income tax would automatically be lowered 0.1%/year.

Appropriations in excess of the cap would require a separate appropriations bill passed by a 3/5 vote.

SR 809 (Fort, 39th) – Prohibit For-Profit Parking Enforcement

This resolution would propose a constitutional amendment to prohibit local governments from entering into contracts with for-profit companies to provide parking enforcement.

Bills Passed in Identical or Similar Form On Other Bills

SB 282 (Stone, 23rd) – Georgia Firearms Industry Nondiscrimination Act

This legislation would create a civil cause of action for the termination or denial of credit or a financial services agreement with anyone licensed to deal in the commerce of firearms or ammunition products solely because they are engaged in commerce relating to firearms or ammunitions products. The attorney general would also be able to sue financial companies in violation for injunctive relief or a civil penalty of up to \$10,000.

This language passed on HB 1060

SB 304 (Parent, 42nd) as Introduced – Eliminate Automatic Purge of Involuntary Commitments from GCIC

This legislation would end the automatic purge of involuntary psychiatric commitment records over five years old from the Georgia Crime Information Center so that the information would remain available for firearm background checks.

This language passed on HB 1060.

SB 365 (Shafer, 48th) – Georgia Pet Foundation License Plate

This legislation would create a special license plate promoting dog and cat reproductive sterilization with the raised funds going to the Georgia Pet Foundation.

This language passed on HB 736.

SB 374 (Tippins, 37th) – Federal Schoolwide Program Pilot Program.

This legislation would create a pilot plan for the 2016-2017 school year where schools could consolidate federal, state, and local funds in order to participate in the federal “Schoolwide Program” reform plan where Title I schools can implement a reform plan to attract and train qualified teachers, increase parental involvement, and assist preschool children with the transition from preschool to elementary school. Nothing in the federal program requires firing teachers or reducing benefits.

DOE would be authorized to waive financial reporting standards for that year to facilitate implementation of the pilot program. DOE would be able to add reporting

requirements for personnel that are paid from consolidated funds. The schools would make monthly reports on the program, including an analysis of risks and benefits.

DOE and the pilot schools would report on the program by February 15, 2017, and the pilot program would be repealed December 31, 2017.

This language passed on HB 659.

Bills Failed to Pass Both Houses in Identical Form

HB 238 (Harbin, 122nd) – 5.4% Flat Tax

This legislation would change the state income tax to 5.4% flat tax for all taxable years on or after January 1, 2017. It would increase the personal exemption from \$7,400 to \$11,400 for a couple (or \$5,700 apiece for couples filing separately) and from \$2,700 to \$4,700 for an individual. It would raise the dependent exemption from \$3,000 to \$5,000. It would cap the mortgage interest deduction at \$25,000. This legislation would also repeal the corporate net worth tax.

HB 876 (Pirkle, 155th) – Tort Immunity for Livestock Owners

This legislation would allow a letter of credit or deposit to satisfy the surety requirement for livestock market operators and dealers, not just bonds. It would eliminate the statutory surety amounts and leave that up to the department. It would allow a license fee of up to \$200 for livestock market operators and up to \$25 for dealers. It would require the Agriculture Commissioner to publish the names and locations of licensed livestock dealers and market operators.

It also includes a version of SB 183 that passed in 2015 over Democratic objection. It would provide immunity for most death or injury to people suffered while participating in non-profit 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.

Appendix A: Criminal Justice Reform

SB 367 (Kennedy, 18th) – Criminal Justice Reform

This legislation is the annual Criminal Justice Reform Commission Bill. It makes sweeping improvements to how we treat people going through the criminal justice system by expanding accountability courts to handle DUI as juvenile cases. It would protect students going through school discipline proceedings. It would improve the records sealing process for people who successfully complete first offender and accountability court programs. It would provide uniformity to misdemeanor probation hearings and revocation. It would give early parole to some nonviolent drug offenders serving extremely long sentences.

- Part 1: Accountability Courts and Juvenile Justice
 - This legislation would allow trial courts to establish Operating Under the Influence Courts to hand DUI and BUI cases set up in the same manner as other accountability courts in Georgia.
 - It would allow juvenile courts to set up Family Treatment Courts to hear dependency cases and criminal matters with a possible loss of parental rights set up in the same manner as other accountability courts in Georgia.
 - It would allow accountability courts to restrict the dissemination of defendant's records to the GCIC when it appears that the defendant will successfully complete the program. Records would still be available to law enforcement for investigative and employment purposes, judges, the Judicial Qualifications Committee, attorneys upon affidavit that it's relevant to a criminal case, pursuant to court order, and to the defendant.
 - It would allow criminal cases involving a possible loss of parental rights to be transferred to juvenile courts' family treatment divisions. The juvenile would have to right to transfer back to the superior court at any time.
 - It would direct juvenile courts to consider whether a juvenile defendant had committed a serious violent or sexual offense when determining whether the defendant should be kept incarcerated pending trial. It would create a presumption that defendants under age 13 that did not commit a serious offense should not be incarcerated pending trial.
 - It would allow privatization of Pretrial Intervention and Diversion Programs
- Part 2: Charter Schools in Prisons
 - This section would allow the State Charter Commission to charter schools in DJJ prisons that house school age children.

- The schools would be under the control of the Commission, not the existing DJJ prison school district.
- The legislation does not spell out specific regulations; those would be set by the charter.
- Part 3: School Discipline
 - It would require the DOE to promulgate minimum standards for hearing officers, disciplinary hearing officers, tribunals, and panels and require individuals to receive training prior to serving as a hearing officer or sitting on a disciplinary panel
 - It would require schools to implement a progressive disciplinary system to attempt to resolve discipline issues through education means and parental involvement before referring a child to juvenile court.
 - It would require schools employing law enforcement officers to have a written agreement setting out the role of law enforcement in discipline.
- Part 4: Driving Privileges
 - Indigents would be able to file pauper's affidavits to get driver's license reinstatement fees halved.
 - It would remove drug offences committed by a person under 16 as reasons to delay issuance of a learner's permit and only delay permits for persons under 16 convicted of DUI.
 - It would clarify that a license revocation begins concurrently with the criminal sentencing, and that time served counts toward the reinstatement period, that enhanced fines include the ordinary reinstatement fee, and that time with a limited license or interlock device counts toward the suspension time.
 - It would add attending OWI accountability court programs to the reasons for issuance of a temporary driving permit. It would add obtaining medical care and prescription drugs, attending court mandated driving school or DUI school, attending community supervision programs, transporting immediate family members that don't have license to work, school, or for medical care, and attending OWI court programs as acceptable reasons to drive with an ignition interlock.
 - It would automatically reinstate drivers licenses for people who lost their license due to a non-driving related drug offense.
- Part 5: Department of Community Supervision (DCS)
 - This section would transfer rulemaking authority for functions of the Governor's Office of Transition, Support, and Reentry that had been transferred from the former County and Municipal Probation Advisory

Council from the Board of Community Supervision to the Board of Corrections.

- The DCS board would be expanded to include an owner or employee of a private probation company and a public probation employee.
 - It would allow DJJ to set up reentry processes separate from DCS.
 - DCS would have authority to regulate private probation.
 - It would create a transition and reentry unit to coordinate offender reentry and a misdemeanor probation unit to coordinate and oversee probation services.
 - It would create a process for an administrative appeal of sanctions from DCS within 30 days and clarify that actions against DCS are venued where the board offices are located
- Part 6A: First Offender Treatment
 - This part would clarify provisions of first offender probation and require DCS to notify courts when a first offender completes probation or a sentence to be entered into the court record and transmittal to GCIC. If the department fails to provide notice, the defendant is considered to have completed his probation as a matter of law.
 - It would clarify that, other than sex offender registration, a defendant that has completed a first offender program is not considered to have a criminal conviction, that first offender is available for felony convictions, and that a defendant can only use first offender once.
 - It would add human trafficking, neglect or exploitation of elderly adults, and DUI to the list of crimes for which first offender is not available.
 - Courts would have the option to restrict access to information about a first offender defendant, and first offender defendants who complete the program, including those that have already completed programs, would be able to petition that their file be sealed.
 - It would update what crimes can still be grounds for denial of employment after completing a first offender program to include all sexual offences, crimes against children, and crimes against the elderly when applicable.
 - GCIC would only purge records pursuant to an order from the court showing completion of a first offender program, and the records would only be disseminated to criminal justice agencies during the sentence.
 - Part 6B: GCIC Record Restriction
 - This part would require DAs that don't prosecute after obtaining an arrest warrant to notify the court that would then notify the GCIC

- It would clarify what final disposition order would be provided by the GCIC and require the GCIC to notify courts when a defendant completes probation.
 - It would seal GCIC records of people that successfully complete accountability court programs in the same manner as first offender records are sealed.
 - It would add the Georgia Superior Court Clerks' Cooperative Authority and the State Board of Pardons and Paroles to the list of agencies required to report relevant information to the GCIC
 - It would require all require information required to be submitted to the GCIC to be submitted with in 30 days, except for fingerprints, which would still have to be submitted within 24 hours.
 - It would prohibit disclosure of restricted records to non criminal justice related requests by government agencies as well as private employers.
 - It would restrict records of people who had been convicted of a underage drinking related offense and had successfully completed probation.
 - It would allow people arrested on a fugitive from justice warrant to petition the court for an order to restrict those records.
 - It would include people that successfully complete accountability court programs and first offender programs in the class of people protected by anti-“Mugshot Website” laws.
- Part 7: Misdemeanor Probation
 - It would change the contracting authority for private probation to lie with the county, upon request of the chief judge of a court, instead of a direct contract with the judge.
 - It would require an immediate hearing when probation is revoked for failure to pay fines and prohibit the issuance of an arrest warrant before the hearing.
 - When probation is being revoked, it would require issuance of an affidavit that the probationer failed to appear at least twice, the officer called or emailed twice, the officer has verified the probationer is not in a local jail, the officer has sent a first class letter saying that probation will be revoked if the probationer doesn't report within ten days, and the probationer failed to report in person within that period. If the probationer reports within the ten day period, he or she would be put on the next docket for a revocation hearing. If the probationer does not appear within the ten days, the court may issue an arrest warrant.
 - When a probationer pays off all fines, a private or public probation officer would be required to submit a termination order within 30 days.

- Courts would be able to terminate pay-only probation upon the defendant's motion when it determines that termination is in the best interest of justice.
- When a defendant is serving multiple misdemeanor sentences, the court may terminate probation when it is in the interest of justice after 12 months, and probation officers would be required to check every four months to see if the probationer has completed all required programs and paid all fines.
- It would require the Board of Community to seek input from the commissioner not the judicial advisory committee when promulgating rules.
- It would remove BCS from private probation oversight, eliminate the annual report requirement, and eliminate committees and appointed advisory positions.
- It would provide that private probation companies would only have to report mental health treatment fees if the company actually provides the treatment or has reason to know the extent of the fees.
- Part 8 and 13: Cross References
 - It would eliminate all references to probation diversion centers.
- Part 9: Parole for Certain Drug Offenders
 - It would allow people serve drug possession sentences of more than six years to be eligible for parole after six years should he or she have so other convictions for serious violent crimes or sexual offenses and completes the same education and rehabilitation programs as currently required for the 12 year parole for drug dealers.
- Part 10: Professional Licensing Considerations
 - It would only deny professional licenses due to felonies when the felony directly relates to the occupation for which the license is sought
- Part 11: Food Stamps
 - This part was added in House committee. It would allow persons convicted of drug related felonies to receive SNAP after being released from prison, so long as they comply with parole.
- Part 12: Youth Probation Supervision
 - It would require the Board of Juvenile Justice to adopt policies for successful reentry of 17 year olds convicted of serious crimes that are slated to release

Appendix B: Garnishment

This legislation arises out of a September court ruling that Georgia's garnishment laws are unconstitutional because they do not require creditors to inform debtors that certain money, such as Social Security benefits, welfare payments, and workers' compensation, cannot be garnished and fails to provide a timely process for debtors to get wrongly taken money back.

What is subject to garnishment:

- All money from garnishee to debtor is subject to garnishment, including money owed at the time of the garnishment order
- All property in the control of the garnishee, including property already in garnishee's possession at the time of the order, except that collateral in the hands of a creditor is not subject to garnishment so long as a balance remains on the debt for which the collateral is held

What is not subject to garnishment:

- Funds in a retirement account are exempt until actually paid out to the debtor other than funds in an unfunded account for the deferred compensation of a select group of management or other highly compensated employees
- Attorney General would create an online list of property and income exempt from garnishment, and county clerks would post the list and provide a copy on request.

Time frame for garnishments:

- Continuing garnishment: 179 days
- Continuing garnishment for support: does not terminate until the debt is paid off
- Garnishments, other than continuing or support, served on a financial institution: 5 days
- All others: 29 days

Maximum garnishment amounts:

- 25% of weekly pay for personal services, regardless of whether denominated as hourly wages, salary, tips, etc., including retirement income after income and payroll takes and any other mandatory withholding
- Wages under \$217.00.
- Limits apply even in the case of multiple garnishments

Employers are prohibited from firing employees because the employee's wages are being garnished. There is no specified enforcement or private cause of action.

Garnishment Orders:

- Would include the debtor's name, address, and social security number or federal tax ID
- If served on a financial institution, would also include account numbers of the accounts to be garnished
- Misspellings, other than a misspelling of the surname of a natural person, do not invalidate the order. Failure to use the correct summons form also invalidates the garnishment.

Garnishment Process:

- The creditor serves the garnishee with an affidavit of garnishment, summons, Notice to Defendant [debtor] of Right Against Garnishment of Money, Including Wages, and Other Property, and Defendant's Claim Form
- Within three days, the garnishee must deliver the forms to the debtor by certified mail or served process
- If the debtor has moved out of state or cannot be found, notice may be filed by first class mail
- The garnishee then files a response outlining what property of the debtor it has in its possession or that it does not have any property
- Garnishment responses from financial institutions should be filed between five and fifteen days after receiving the summons, except that the institution can file a response that the defendant does not have an account immediately
- The money should be delivered with the answer, except that a safety deposit box would be kept in restricted access until either the court issues an order regarding the box or 120 days pass
- Debtors can become a party to the action by filing a claim. The debtor cannot challenge the validity of the underlying action during the garnishment proceeding, but the court can order a stay of the garnishment during a valid appeal
- If the creditor disagrees with the garnishment answer, it can file a traverse challenging the answer
- Third parties can file a claim at any time before money is distributed
- New summons may be continually filed throughout the garnishment period, but only within two years of the most recent affidavit

Legal Process:

- In the event of multiple garnishments or third party claims, the party with the oldest judgment has priority
- After the answer is filed, the debtor's claim is tried first, then any creditor traverses, then any third party claims
- All money would be retained by the court until the completion of all trials
- Remedies if the debtor prevails:
 - If the debtor proves that there is no valid judgment or the garnishment is legally insufficient, the garnishment is dismissed, and the property should be returned to the defendant unless there is another pending claim
 - If the debtor proves that the garnishment amount is incorrect, the garnishment may be amended and excess property returned to the defendant
 - If the debtor proves the property is exempt from garnishment the property should be restored within 48 hours. If the creditor wants to appeal, it must post a bond of twice the value in question and pay the debtor's legal fees if the appeal is unsuccessful, unless the court determines that the appeal was substantially justified
- Upon a successful creditor traverse, the garnishee would be denied any fees and the court would enter an order against the garnishee for the property subject to garnishment and the creditor's legal fees
- When no claim or traverse is filed within 20 days, money should be paid to the creditor, property should be sold and the proceeds delivered to the creditor, and if not all money or property is delivered, an order issued against the garnishee to deliver the money or property
- The garnishee would be eligible for fees associated with the garnishment. Fees of \$50 or 10% of the garnishment not to exceed \$100 may be claimed without a hearing; higher fees may be awarded after a hearing.
- If a garnishee fails to file an answer, it may be found in default for the entire judgment, though it would have the opportunity to challenge the validity of the summons
- Garnishees are not subject to liability from a good faith effort to comply with the garnishment
- Garnishees are not liable for failure to deliver money in trust, fiduciary, or similar accounts on which the debtor is a signer unless specified in the order

Continuing Garnishments:

- After receiving a summons of continuing garnishment, the garnishee would deliver an answer and money 30 to 45 days after receiving the first summons
- It would deliver money and answers for the period covered by the summons within 45 days of the prior answer
- An answer may specify a schedule of payments that covers the rest of the garnishment period, at which point answers would not need to be filed with the money
- If a debtor is no longer an employee of the garnishee, the garnishee may immediately file an answer stating that fact. If no further claims or traverses are filed, the garnishee is discharged from further liability
- If the employment relationship ends, the garnishee may immediately file an answer stating that fact and the date of termination. If no further claims or traverses are filed, the garnishee is discharged from further liability
- Failure to file at least every 45 days would lead to an immediate default

Continuing Garnishment for Support:

- A garnishment for child support works the same as a normal continuing garnishment for support except that Social Security benefits, veterans' disability benefits, workers compensation, and unemployment benefits are also counted as earnings and may be up to 50% of after tax earnings
- The garnishment summons would also include a copy of the support order
- Garnishment for supports continue indefinitely until the debt is settled

The legislation also contains all forms to be used in the proceedings

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