



Georgia

HOUSE OF REPRESENTATIVES

Tuesday
March 12,
2019

DAILY REPORT

Committee
Day

House Budget & Research Office
(404) 656-5050

- The House will reconvene for its 32nd Legislative Day on Wednesday, March 13 at 10:00 a.m.
- No bills / resolutions are expected to be debated on the floor.

Committee Actions

Bills passing committees are reported to the Clerk's Office and are placed on the General Calendar.

Appropriations Committee

SB 67 Capital Outlay Funds; eligibility for regular funding, advance funding for educational facilities; destroyed by fire or natural disaster; provide

Bill Summary: SB 67 allows school systems which have experienced damage from a fire or natural disaster to immediately qualify for regular state capital outlay funds, regular advance capital outlay funds, and low-wealth capital outlay funds. Furthermore, these funds may be used for a portion of the building that was not damaged, but is at least 20-years old. Second, the bill adds an additional criteria for school systems to qualify for low-wealth capital outlay grants. School systems that are consolidating educational facilities according to their local facilities plan and where five years of SPLOST revenue does not generate enough for the local required match qualify for low-wealth capital outlay grants.

Authored By:	Sen. Dean Burke (11th)	Committee	03-12-2019 Do Pass
House	Appropriations	Action:	
Committee:			

Economic Development & Tourism Committee

SB 80 Georgia Music Hall of Fame Authority; expired provisions; issuance and review of requests for proposals for a new location, ownership; remove

Bill Summary: SB 80 removes obsolete provisions in reference to the joint operations of the Georgia Music Hall of Fame and the Georgia Sports Hall of Fame. The bill adds language to allow state funds to be appropriated to the Georgia Sports Hall of Fame to be used to increase its exposure as well as to protect and display artifacts of historical significance.

Authored By:	Sen. David Lucas (26th)	Committee	03-12-2019 Do Pass
House	Economic Development & Tourism	Action:	
Committee:			

Energy, Utilities & Telecommunications Committee

SB 17 Public Utilities and Public Transportation; authorize telephone cooperatives and their broadband affiliates; provide broadband services

Bill Summary: Senate Bill 17, which relates to the 'Rural Telephone Cooperative Act', gives cooperative non-profit corporations the ability to furnish, improve, and expand broadband services. These services may be furnished in conjunction or separately from telephone service; however, broadband services are not eligible for fund recovery through the Universal Access Fund.

Authored By:	Sen. Steve Gooch (51st)	Committee	03-12-2019 Do Pass
House	Energy, Utilities &	Action:	
Committee:	Telecommunications		

SB 66 "Streamlining Wireless Facilities and Antennas Act"

Bill Summary: Senate Bill 66, the 'Streamlining Wireless Facilities and Antennas Act', streamlines the deployment of wireless broadband in public rights-of-way.

A wireless provider may collocate, meaning to install, mount, modify, or replace, small wireless facilities (small cells) and install, modify, or replace associated poles or decorative poles under Code Section 36-66 without an agreement with an authority and without an implementing ordinance. An authority includes a county, consolidated government, or a municipality, but does not include electric utilities. An authority may make available to providers any rates, fees, or other terms that comply with this Code section and are adopted by ordinance, resolution, or another authority document. If there is no ordinance, resolution, or other document, providers may collocate small cells and install, modify, or replace associated poles pursuant to the stipulations outlined in the Code. An authority may not require a provider to enter into an agreement, but nothing prohibits the two parties from voluntarily entering into an agreement in regard to rates, fees, and other terms; however, should there be an agreement, the authority shall make it available for public inspection and available for adoption under the same terms and conditions to any requesting provider.

An applicant shall pay the following fees to receive a permit to collocate a small cell or to install, modify, or replace a pole or a decorative pole: (1) a fee for each application for the collocation of small cells on an existing pole to be assessed by the authority that shall not exceed \$100 per small cell; (2) a fee for each application for each replacement pole associated with small cells assessed by the authority that shall not exceed \$250; (3) a fee for each application for a new pole associated with small cells assessed by an authority that shall not exceed \$1,000 per pole; (4) an annual right-of-way occupancy rate assessed by the authority for nonexclusive occupancy that shall not exceed \$100 per year for each small cell on an existing or replacement pole or \$200 per year for each new pole; (5) an annual attachment rate for collocations on authority poles not to exceed \$40 per year per small cell; (6) a fee for make-ready work; and (7) a generally applicable non-discriminatory fee for any permit required under generally applicable law. The monetary caps provided in (1), (2), (3), (4), and (5) shall increase 2.5 percent annually beginning on January 1, 2021.

If the Federal Communications Commission (FCC) small cell order, which states that rates and fees must be cost-based, is overturned and not subject to further review or appeal, then the fees mentioned above shall double beginning on July 1 of the calendar year following the final FCC review decision. Furthermore, on July 1 of the following year, the monetary caps shall be removed and applicants shall pay any fees or rates that are considered fair and reasonable compensation to the authority.

An applicant, or the person who owns or operates the small cell, may remove its small cells from the right-of-way after giving the authority at least 30-days' written notice. The provider may cease payment to the authority upon the actual removal of the small cells. If the applicant fails to return the right-of-way to its prior condition within 90 days of removal, the authority may restore the right-of-way and charge the applicant the authority's reasonable, documented restoration cost, plus a penalty not to exceed \$500. The authority may suspend the ability of the applicant to receive any new permits until the applicant has paid the amount assessed.

A provider shall not collocate a small cell in the right-of-way or install, modify, or replace a pole for small cell collocation without first filing an application and obtaining a permit. If a provider fails to comply with this requirement, the authority may restore the right-of-way to its prior condition and charge the provider a reasonable, documented cost, plus a penalty not to exceed \$1,000. The authority shall make accepted applications publicly available, but may designate portions of the application as trade secrets.

An application shall not be required for inspections, testing, repairs, and modifications on poles or inspections, testing, or repairs on small cells. Furthermore, an applicant shall not be required to replace or upgrade antennas on a small cell. An authority shall not require a provider to obtain a permit or require fee payment for the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables or power lines that are strung between poles or support structures.

A provider shall not apply to install a pole or replace a decorative pole unless it has determined it cannot meet the service objectives of the permit by collocating on an existing pole. However, the provider has the right to collocate subject to reasonable terms and conditions, providing they would not impose technical limitations or significant additional costs. The provider must certify the determination was made based on the assessment of a licensed engineer and a written summary of the basis for the determination.

Section 36-66C-7 contains the requirements to governing an authority's review of applications for uses that are subject to administrative review. Within 20 days of receiving an application, the authority shall (1) notify the applicant in writing of the commencement and completion dates of scheduled or anticipated widening, repair, reconstruction, or relocation of the applicable right-of-way within 24 months of the date the application is filed; (2) notify the applicant of any grounds for denial; and (3) determine whether the application is complete and inform the applicant of its determination in writing. A denial shall be sent in writing and shall identify all reasons for the denial, including the provisions of applicable codes and other standards.

Small cells and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the right-of-way as permitted, subject to applicable codes and the following requirements: (1) each new, modified, or replacement pole installed in the right-of-way in a historic district and in a residential zone shall not exceed 50 feet or greater above ground level; (2) each new, modified, or replacement pole installed in the right-of-way not in a historic district or residential zone shall not exceed 50 feet above ground level or 10 feet in height greater than the tallest existing pole in the same authority's right-of-way; and (3) new small cells in the right-of-way shall not exceed more than 10 feet above the existing pole or support structure or the height limits previously provided for a new, modified, or replacement pole.

SB 66 requires a wireless provider to comply with reasonable and non-discriminatory requirements that prohibit communications service providers and electric service providers from installing poles in a right-of-way in an area designated for underground or buried facilities where: the authority has required all facilities other than light poles and attachments to be placed underground; does not prohibit the replacement of light poles or the collocation of small cells in the designated area; and permits wireless providers to seek a waiver of the underground requirements for the placement of a new pole to support small cells. An authority that adopts underground requirements after an agreement is made shall allow a wireless provider to maintain any small cells already collocated to any applicable pole or allow a wireless provider to replace the pole associated with a collocated device at the same location or alternate location within 50 feet of the prior location.

An authority shall approve an application for permitted uses described in subsection (a) of Code Section 36-66C-6 of the bill. This is unless the requested collocation of a small wireless facility or the requested installation, modification, or replacement of a pole or decorative pole interferes with the operation of traffic control equipment, fails to comply with applicable codes, or multiple other stipulations listed in SB 66.

A permit from the authority authorizes an applicant to undertake certain activities, but it does not create a property right or grant authorization or license to the applicant to impinge upon the rights of

other people that may have an existing interest in the right-of-way. Additionally, once a permit is issued, collocation, installation, modification, or replacement shall be completed within six months after issuance. Once issued a permit, the applicant is authorized to undertake collocation, installation, modification, or replacement approved by the permit, as well as operate and maintain the small cell and any associated pole covered by the permit for a period of not less than 10 years. SB 66 also includes relocation and make-ready work provisions, in addition to small cell and pole abandonment timelines. An applicant shall not place small cells or poles in the right-of-way where they will interfere with any existing infrastructure or equipment.

Within a historic district, an applicant may collocate or place a pole only when it receives a permit from the authority per Code Section 36-66C-6 and complies with objective and reasonable aesthetic and structural requirements that have been made publicly available by the authority at least 30 days prior to submission of an application; however, the historic district requirements may not inhibit the provider's technology or service and the requirements shall not be considered a part of the small cell for the purpose of size restrictions.

For new pole applications in rights-of-way zoned for residential use, the authority may propose an alternate location within 100 feet of the requested location. The provider shall use the alternate location unless the location imposes technical limits or significant additional costs.

An applicant may collocate a small cell on a decorative pole or replace a decorative pole with a new decorative pole if the existing decorative pole will not structurally support the attachment; however, the applicant must receive a permit and comply with objective and reasonable aesthetic and structural requirements that have been made publicly available by the authority at least 30 days prior to the submission of the application. These requirements shall not inhibit the provider's service or technology and shall not be considered part of the size of the small cell in regard to size restrictions. The authority shall operate the fixtures on the replaced decorative pole and shall, absent an agreement between the authority and provider, take ownership of the new decorative pole.

Applicants may submit a consolidated application, provided that the application shall be for a geographic area no more than two miles in diameter. The denial of one or more small cells or poles within a consolidated application shall not delay the processing of other small cells or poles in the application. An authority may issue a single permit or multiple permits for the small cells and poles in the consolidated application. The bill has further stipulations based on county, consolidated government, or city parcel size.

If multiple applications are received by the authority to install two or more poles or collocate two or more small cells on the same pole, the authority shall resolve the conflicting requests in an appropriate, reasonable, and non-discriminatory manner.

If an authority and provider entered into an agreement prior to October 1, 2019, addressing small cells or pole installations associated with small cells, Senate Bill 66 shall not apply to that authority until the agreement expires or is terminated.

Authored By: Sen. Steve Gooch (51st)
House Committee: Energy, Utilities & Telecommunications

Committee Action: 03-12-2019 Do Pass

Health & Human Services Committee

SB 16 "Interstate Medical Licensure Compact Act"

Bill Summary: Senate Bill 16 authorizes the Georgia Composite Medical Board to administer the 'Interstate Medical Licensure Compact Act'. This bill allows physicians to become licensed in multiple states and creates another pathway for licensure that does not otherwise change a state's existing Medical Practice Board. Additionally, the bill adopts the prevailing standard for licensure and affirms that the physician must be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the compact retain the jurisdiction to

impose an adverse action against a license to practice medicine in that state issued to physician through the procedures in the compact.

Senate Bill 16 also adds that an applicant who submits an application to the board for licensure, certification, or permit agrees to provide the board with any and all information necessary to run a criminal background check, including but not limited to a classifiable set of fingerprints.

Authored By: Sen. Kay Kirkpatrick (32nd)
House Committee: Health & Human Services
Committee Action: 03-12-2019 Do Pass

Intragovernmental Coordination - Local Committee

HB 574 Dawson, City of; provide new charter

Bill Summary: This bill provides a new charter for the city of Dawson.

Authored By: Rep. Gerald Greene (151st)
House Committee: Intragovernmental Coordination - Local
Committee Action: 03-12-2019 Do Pass

HB 584 Cobb County; Superior Court; restyle the executive assistant and the executive secretary of the clerk as administrative managers

Bill Summary: This bill restyles the executive assistant and the executive secretary of the clerk of Cobb County Superior Court as administrative managers.

Authored By: Rep. John Carson (46th)
House Committee: Intragovernmental Coordination - Local
Committee Action: 03-12-2019 Do Pass

HB 585 Miller County; Board of Commissioners; revise the districts for the election of members

Bill Summary: This bill revises the districts of the Miller County Board of Commissioners.

Authored By: Rep. Winfred Dukes (154th)
House Committee: Intragovernmental Coordination - Local
Committee Action: 03-12-2019 Do Pass

HB 590 Tybee Island, City of; filling of vacancies; provide

Bill Summary: This bill provides for the filling of vacancies of the mayor or councilmembers of the city of Tybee Island.

Authored By: Rep. Jesse Petrea (166th)
House Committee: Intragovernmental Coordination - Local
Committee Action: 03-12-2019 Do Pass

HB 591 Tybee Island, City of; levy an excise tax

Bill Summary: This bill authorizes the governing authority of Tybee Island to levy an excise tax.

Authored By: Rep. Jesse Petrea (166th)
House Committee: Intragovernmental Coordination - Local
Committee Action: 03-12-2019 Do Pass

SB 111 Magistrate Court of Dooly County; judge of the Probate Court of Dooly County shall also serve as the chief magistrate; provide

Bill Summary: This bill provides that the judge of the Dooly County Probate Court shall also serve as the chief magistrate of the Dooly County Magistrate Court on or after January 1, 2021.

Authored By:	Sen. Greg Kirk (13th)	Committee	03-12-2019 Do Pass
House	Intragovernmental Coordination -	Action:	
Committee:	Local		

Motor Vehicles Committee

SB 8 Specialty License Plate; benefit the Atlanta United Foundation; establish

Bill Summary: Senate Bill 8 creates a specialty license plate supporting the Atlanta United Foundation.

Authored By:	Sen. P. K. Martin (9th)	Committee	03-12-2019 Do Pass
House	Motor Vehicles	Action:	
Committee:			

SB 122 Motor Vehicle Franchise Practices; protection of certain consumer data in motor vehicle sales or lease transactions; provide

Bill Summary: Senate Bill 122 provides guidelines for the use, disclosure, and access of motor vehicle dealer consumer data by a franchisor, manufacturer, or distributor. At the election of the dealer, each franchisor, manufacturer, or distributor must compensate the dealer for parts and labor provided as part of warranty service work. A manufacturer or franchisor and at least a majority of its dealers may establish a uniform warranty reimbursement agreement. A manufacturer or franchisor must give dealers a 30-day written notice of a proposed uniform warranty reimbursement agreement. If the reimbursement agreement is made, the manufacturer or franchisor must notify the Department of Revenue, provide copies of the agreement and relevant documents, and attest under oath that a majority of the dealers impacted have entered into the agreement.

The bill provides standards for the performance criteria that franchisors use to evaluate a dealer. Provisions relating to dealership remodeling, changes, or improvements are added to the list of things that a franchisor is prohibited from requiring of a dealer. Franchisors are prohibited from auditing dealership activity that is more than one year old. If the franchisor has reason to believe that fraudulent claims have been made, the time period may be extended, but cannot exceed four years. The bill provides guidelines for dealers and franchisors to follow in the event that money is allegedly owed to a franchisor or dealer as a result of an audit or investigative findings. The performance criteria that a franchisor uses to determine incentives or reimbursements must be fair, reasonable, and based on accurate information.

Authored By:	Sen. John Kennedy (18th)	Committee	03-12-2019 Do Pass by Committee
House	Motor Vehicles	Action:	Substitute
Committee:			

SB 149 Motor Vehicles; retain custody of the vehicle under certain conditions; valid number license plate without required revalidation decal affixed; permit

Bill Summary: Senate Bill 149 provides that if a motor vehicle is operated without a revalidation decal on the license plate, the vehicle will not be towed at the time of the issuance of the citation; however, the vehicle will be towed if proof of the revalidation decal is not provided at the court date.

Authored By:	Sen. Randy Robertson (29th)	Committee	03-12-2019 Do Pass
House	Motor Vehicles	Action:	
Committee:			

SB 212 Department of Driver Services; criteria; authorize certain licensed driver training schools to administer on-the-road driving skills testing; revise

Bill Summary: Senate Bill 212 provides additional methods for applicants to qualify to take an on-the-road driving skills test administered by an authorized driver training school.

Authored By:	Sen. P. K. Martin (9th)	Committee	03-12-2019 Do Pass by Committee
House	Motor Vehicles	Action:	Substitute
Committee:			

Regulated Industries Committee

SB 153 Trauma Scene Cleanup Services; comprehensive regulation; provide

Bill Summary: SB 153 regulates for-hire trauma scene cleanup companies through a registration process. The Georgia Bureau of Investigation (GBI) is directed to oversee the registration process, promulgate rules and regulations, provide the proper forms, and maintain a current list of all registered trauma scene waste management practitioners on the GBI website. A trauma scene waste management practitioner must apply with the GBI and: pay a \$100 registration fee; submit to a fingerprint-based criminal background check conducted by the Georgia Crime Information Center (GCIC) and Federal Bureau of Investigation (FBI); submit a surety bond in the amount of \$25,000; and provide proof of insurance coverage in the amount of at least \$100,000. The registration is valid for three years and may be renewed every three years thereafter with a \$100 renewal fee and completed application. It is unlawful to perform or engage in the cleanup of a trauma scene unless properly registered with the GBI. Moreover, trauma scene waste management practitioners must provide a good faith estimate of expected cost of services to clients.

Authored By: Sen. Tyler Harper (7th)
House Committee: Regulated Industries

Committee Action: 03-12-2019 Do Pass

Retirement Committee

SB 55 Retirement; method and manner by which a member of the Employees' Retirement System of Georgia may purchase an annuity; revise

Bill Summary: SB 55 authorizes the Board of Trustees of the Employees' Retirement System to offer a lifetime annuity benefit to certain members. Interested members may transfer some or all funds, \$25,000 at minimum, from their 401(k) plan or 457(b) plan into an account for the system to purchase an annuity. Furthermore, members have the option to elect whether the annuity be calculated based on his or her lifetime only or to provide the annuity benefit to a named survivor. The Department of Audits and Accounts has certified SB 55 as a non-fiscal retirement bill.

Authored By: Sen. Chuck Hufstetler (52nd)
House Committee: Retirement

Committee Action: 03-12-2019 Do Pass

SB 73 Peace Officers' Annuity and Benefit Fund; fees collected in criminal and quasi-criminal cases prior to adjudication of guilt; provide

Bill Summary: SB 73 clarifies the clerk of court is responsible for remitting the \$5 fee collected from offenders for the purpose of pretrial diversion to the secretary-treasurer of the Peace Officers' Annuity and Benefit Fund. The Department of Audits and Accounts has certified SB 73 as a non-fiscal retirement bill.

Authored By: Sen. Tyler Harper (7th)
House Committee: Retirement

Committee Action: 03-12-2019 Do Pass

SB 117 Public Retirement Systems Standards Law; that does not require an individual to pay the full actuarial cost of obtaining such creditable service; prohibit passage of any law

Bill Summary: SB 117 prohibits any public retirement system from enacting any law, rule, or regulation for creditable service unless the individual is required to pay the full actuarial cost of service. The member can make the payments over a period of time, not to exceed 120 months. Furthermore, the bill revises all existing Code sections where members of public retirement systems are allowed to purchase or earn creditable service and now requires those members to pay the full actuarial cost of creditable service.

Authored By: Sen. Ellis Black (8th)
House Retirement
Committee:

Committee 03-12-2019 Do Pass by Committee
Action: Substitute

SB 176 Employees' Retirement System of Georgia; certain public employers; make employer and employee contribution on behalf of retired members; require

Bill Summary: SB 176 allows retired members of the Employees' Retirement System of Georgia to return to service, but employers are required to pay both the employee and employer contribution rate. Members continue to receive their retirement benefit as long as they do not exceed 1,040 hours of paid employment during a calendar year, but they do not earn any additional creditable service. The Department of Audits and Accounts has certified SB 176 as a non-fiscal retirement bill.

Authored By: Sen. Ellis Black (8th)
House Retirement
Committee:

Committee 03-12-2019 Do Pass
Action:

Committee Meeting Schedule

*This meeting schedule is up to date at the time of this report, but meeting dates and times are subject to change.
To keep up with the latest schedule, please visit www.house.ga.gov and click on [Meetings Calendar](#).*

Wednesday, March 13, 2019

8:00 AM	INSURANCE	606 CLOB
9:00 AM	RULES	341 CAP
10:00 AM	FLOOR SESSION (LD 31)	House Chamber
12:30 PM	Welch Subcommittee of Judiciary	132 CAP
12:45 PM	Governmental Affairs Election Subcommittee	406 CLOB
1:00 PM	HIGHER EDUCATION	606 CLOB
1:00 PM	GOVERNMENTAL AFFAIRS	406 CLOB
1:00 PM	INTERGOVERNMENTAL COORDINATION	506 CLOB
2:00 PM	BANKS AND BANKING	341 CAP
2:00 PM	Reeves Subcommittee of Judiciary Non-Civil	415 CLOB
3:00 PM	SPECIAL RULES	606 CLOB
3:00 PM	Special Committee on Access to Quality Health Care	341 CAP
3:00 PM	INDUSTRY AND LABOR	506 CLOB
3:00 PM	Setzler Subcommittee of Judiciary Non-Civil	415 CLOB