



Georgia

HOUSE OF REPRESENTATIVES

Monday  
February 25,  
2019

# DAILY REPORT

21st  
Legislative  
Day

House Budget & Research Office  
(404) 656-5050

- The House will reconvene for its 22nd Legislative Day on Tuesday, February 26 at 10:00 a.m.
- The Rules Committee will meet at 9:00 a.m.
- Six bills / resolutions are expected to be debated on the floor.

## Today on the Floor

### Rules Calendar

#### **HB 26 Psychology Interjurisdictional Compact; enter into an interstate compact**

Bill Summary: House Bill 26 enters the state of Georgia into the Psychology Interjurisdictional Compact (Psypact), and gives the State Board of Examiners of Psychologists the authority to administer and participate in the compact. A person permitted under this compact to practice interjurisdictional telepsychology, temporary practice, or both, may practice psychology in Georgia.

The compact is intended to regulate the temporary in-person practice of psychology by psychologists across state boundaries for 30 days within a calendar year. It authorizes the appropriate state authority to give legal recognition, in accordance with the compact, to psychologists licensed in another compact state. The compact also allows for telepsychological practice.

The compact creates a joint public agency known as the "Psychology Interjurisdictional Compact Commission" to promulgate uniform rules to facilitate and coordinate implementation and administration of the compact. These rules shall have the force and effect of law and shall be binding in all compact states. Furthermore, the commission shall have the power to purchase and maintain insurance and bonds, to hire employees, to borrow money, and perform other necessary functions. Each compact state will appoint a voting representative, while each state's psychology regulatory authority will appoint a delegate to act on behalf of the compact state. The commission may also levy and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of operations and activities of the commission and its staff. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission. The commission shall not incur obligations of any kind prior to securing adequate funds, nor shall it pledge the credit of any compact state without its authority.

Furthermore, the bill amends the Code by requiring any person who wishes to practice psychology in this state must provide to the board suitable evidence that the candidate has received satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation. Moreover, an application to the board for a license constitutes express consent and authorization for the board or its representative to perform a criminal background check.

**Authored By:** Rep. D. C. Belton (112th)  
**House Committee:** Interstate Cooperation

**Floor Vote:** Yeas: 169 Nays: 1

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-07-2019 Do Pass by Committee Substitute

**Amendments:**

## **HB 70 Guardian and ward; guardian and conservators of minors and adults; revise provisions**

Bill Summary: HB 70 updates and revises provisions relating to guardians and conservators of minors and adults. Moreover, the bill allows a guardian to pay security bonds and bond premiums from the estate from the minor. Conservators are allowed access to digital assets of the minor to perform acts for the benefit of the minor. With respect to a guardianship order from another state that is properly registered and recorded with Georgia, courts from this state are authorized to communicate with the appointing court to share any action relating to a bond of the guardian. Regarding a foreign conservator, HB 70 allows the court to communicate with the appointing court to inform that court of any proceedings relating to the conservatorship in Georgia and compel a foreign conservator to protect an interest. In any proceeding for the appointment of a guardian or conservator pursuant to Code, the costs and expenses of the proceedings are listed for the court to consider. Additionally, HB 70 recognizes the 'Uniform Enforcement of Foreign Judgements Act.'

<b>Authored By:</b>	Rep. Chuck Efstoration (104th)	<b>Rule Applied:</b>	Modified-Structured
<b>House Committee:</b>	Juvenile Justice	<b>Committee Action:</b>	02-19-2019 Do Pass by Committee Substitute
<b>Floor Vote:</b>	Yeas: 170 Nays: 0	<b>Amendments:</b>	

## **HB 85 Sales and use tax; organ procurement organizations; exempt sales**

Bill Summary: House Bill 85 amends O.C.G.A. 48-8-3, relating to exemptions from sales and use tax, by including an exemption for organ procurement organizations. Each organ procurement organization is required to submit an annual report to the Department of Community Health, which includes the number of donors and transplants facilitated by the organization in the prior fiscal year.

<b>Authored By:</b>	Rep. Penny Houston (170th)	<b>Rule Applied:</b>	Structured
<b>House Committee:</b>	Ways & Means	<b>Committee Action:</b>	02-14-2019 Do Pass
<b>Floor Vote:</b>	Yeas: 171 Nays: 1	<b>Amendments:</b>	

## **HB 105 Income tax; certain income received by taxpayers as payments from a disaster relief or assistance program administered by the United States Department of Agriculture in connection with Hurricane Michael; exempt**

Bill Summary: House Bill 105 amends 48-7-27, relating to the computation of taxable net income, by providing an income tax exemption for income received as payments from a disaster relief or assistance program. The payments must be connected with Hurricane Michael and administered by the United States Department of Agriculture.

<b>Authored By:</b>	Rep. Sam Watson (172nd)	<b>Rule Applied:</b>	Structured
<b>House Committee:</b>	Ways & Means	<b>Committee Action:</b>	02-21-2019 Do Pass by Committee Substitute
<b>Floor Vote:</b>	Yeas: 169 Nays: 1	<b>Amendments:</b>	

## **HB 208 Local government; contracts for utility services; change the terms**

Bill Summary: House Bill 208 changes the maximum term of contracts between utility services and local governments from 10 years to 20 years.

<b>Authored By:</b>	Rep. Tom McCall (33rd)	<b>Rule Applied:</b>	Modified-Structured
<b>House Committee:</b>	Energy, Utilities & Telecommunications	<b>Committee Action:</b>	02-19-2019 Do Pass
<b>Floor Vote:</b>	Yeas: 170 Nays: 0	<b>Amendments:</b>	

## **HB 217 Crimes and offenses; employees and agents of syringe services programs are not subject to certain offenses relating to hypodermic syringes and needles; provide**

Bill Summary: House Bill 217 provides that an employee or agent of a registered syringe services program shall be immune from civil and criminal liability arising from the possession, distribution, or exchange of hypodermic syringes, needles, and related supplies as part of the program.

**Authored By:** Rep. Houston Gaines (117th)  
**House Committee:** Health & Human Services  
**Floor Vote:** Yeas: 166 Nays: 3

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-19-2019 Do Pass  
**Amendments:**

**HB 221 Geo. L. Smith II Georgia World Congress Center; limit on indebtedness; increase**

**Bill Summary:** House Bill 221 increases the amount of bond debt the Georgia World Congress Center Authority may incur from \$400 million to \$500 million.

**Authored By:** Rep. Terry Rogers (10th)  
**House Committee:** Ways & Means  
**Floor Vote:** Yeas: 164 Nays: 6

**Rule Applied:** Structured  
**Committee Action:** 02-21-2019 Do Pass  
**Amendments:**

**HB 226 Courts; additional penalty for violation of traffic laws or ordinances under Joshua's Law; extend sunset**

**Bill Summary:** House Bill 226 extends the sunset date of an additional penalty for a traffic violation under "Joshua's Law" from June 30, 2019 to June 30, 2022.

**Authored By:** Rep. Dominic LaRiccica (169th)  
**House Committee:** Motor Vehicles  
**Floor Vote:** Yeas: 162 Nays: 8

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-19-2019 Do Pass  
**Amendments:**

## Local Calendar

**HB 72 Clayton County; Board of Commissioners; provide salaries of chairperson and members**

**Bill Summary:** This bill provides for the salaries of the chairperson and members of the Clayton County Board of Commissioners. The chairperson shall receive an annual salary in the amount of \$180,000, in addition to an annual expense allowance of \$5,000 and a county automobile while on county business. The other four members of the board shall receive an annual salary of \$35,202 each, in addition to an annual expense allowance of \$3,000.

**Authored By:** Rep. Rhonda Burnough (77th)  
**House Committee:** Intragovernmental Coordination - Local  
**Floor Vote:** Yeas: 82 Nays: 72  
**Floor Action:** Failed

**Rule Applied:**  
**Committee Action:** 02-21-2019 Do Pass by Committee Substitute  
**Amendments:**

**HB 161 Jackson County; board of elections and registration; provide composition**

**Bill Summary:** This bill provides for the composition of the board of elections and registration in Jackson County.

**Authored By:** Rep. Tommy Benton (31st)  
**House Committee:** Intragovernmental Coordination - Local  
**Floor Vote:** Yeas: 103 Nays: 51

**Rule Applied:**  
**Committee Action:** 02-21-2019 Do Pass by Committee Substitute  
**Amendments:**

## **Next on the Floor from the Committee on Rules**

*The Committee on Rules has fixed the calendar for the 22nd Legislative Day, Tuesday, February 26, and bills may be called at the pleasure of the Speaker. The Rules Committee will next meet on Tuesday, February 26, at 9:00 a.m., to set the Rules Calendar for the 23rd Legislative Day.*

### **HB 185 Financial institutions; change certain definitions**

**Bill Summary:** HB 185 updates regulations regarding the practices and procedures of financial institutions, along with the role of the Department of Banking and Finance in overseeing those institutions including credit unions and mortgage lenders. This bill extends the definition of "financial institution" to include banks and credit unions chartered by states other than Georgia or by the federal government, provided that those institutions have federal deposit insurance. This bill: amends the definition of "paid-in capital" to remove consideration of those funds reserved for an expense fund; updates the definition of "residential mortgage loan" to reflect current federal regulations; and eliminates consideration of "appropriated retained earnings" from the formation and dealings of financial institutions. HB 185 also removes the requirement that financial institutions maintain a designated "expense fund." Further, this bill amends the organizational requirements of incorporated institutions to require that each incorporated entity maintain an "audit committee," rather than the previously required "supervisory committee."

In addition, HB 185 broadens the discretionary powers of the department regarding investigations or examinations of financial institutions to provide greater flexibility in waiving these investigations or altering their frequency and scope. To this end, this bill amends the requirements for such investigations to allow them to be conducted at least once every 60 months; as compared to once every 24 months as previously mandated. Likewise, this bill limits the restrictions on the receipt of money, property, or loans by certain officers of financial institutions so as to restrict only those officials who examine or exercise supervisory responsibility over any such institution.

In the case of trust companies, this bill extends the circumstances by which the department may base approvals on results from the Georgia Crime Information Center and FBI fingerprint record check reports or other background fitness checks. For shareholders, this bill prohibits dissent from any sale made wholly for cash and from which all, or substantially all, of the net proceeds will be distributed to the shareholders within one year. For bank holding companies, this bill no longer requires an institution to be registered with the department in order to acquire control of a banking institution through formation of a de novo bank.

For credit unions, this bill eliminates previous mandates on proposed by-laws and amends a credit union's power to invest to allow the selling or purchasing of whole loans or loan participations. Customers of a bank that has been acquired by a credit union are also allowed to become members of the credit union once the original bank ceases to exist. The board of directors of a credit union are also empowered with the ability to expel members based on non-participation in the affairs of the credit union. The department's discretion and powers of oversight in investigating credit unions, including mergers of credit unions, is expanded.

For mortgage lenders, the bill expands the exemptions for mortgage licensure and authorizes licensed mortgage lenders to engage in all activities that are authorized for a mortgage broker. This bill eliminates references to the 2010 effective date for requirements necessary to engage in activities of a mortgage loan originator. The bill also empowers the department with greater authority to implement federal legislation related to mortgage loan originators. In addition, the bill creates a process by which a mortgage loan originator license shall become inactive and eliminates the process for departmental issuance of notices of intent to suspend the license of a mortgage loan originator.

**Authored By:** Rep. Bruce Williamson (115th)  
**House Committee:** Banks & Banking

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-20-2019 Do Pass

**HB 228 Marriage; change minimum age from 16 to 17 and require any person who is 17 to have been emancipated**

Bill Summary: HB 228 raises the minimum age of marriage to 17 and require any person who is 17, and seeking a marriage license, to provide documentary proof of emancipation by law. Moreover, the older party to the marriage shall not be more than four years older than the younger party to the marriage. HB 228 requires both parties of such a marriage to present a certificate of completion of premarital education. The premarital education must include 6 hours of instruction involving marital issues and be conducted by a professional counselor, social worker, marriage and family therapist, psychologist, psychiatrist, or clergy whom are properly licensed.

Moreover, HB 228 makes changes to the Code regarding emancipation if the purpose is to marry. The court must appoint an attorney for the minor and must inquire into whether the intended marriage is in the minor's best interest or puts the minor at risk. The minor must provide information about the intended spouse including copies of criminal records or protective orders. HB 228 requires a waiting period of 15 days after the emancipation of the minor before the court can issue a marriage license.

**Authored By:** Rep. Andrew Welch (110th)  
**House Committee:** Juvenile Justice

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-20-2019 Do Pass by Committee Substitute

**HB 284 Cobb County; Magistrate Court chief judge; provide nonpartisan elections**

Bill Summary: House Bill 284 specifies that elections for the office of chief judge of the Magistrate Court of Cobb County will be nonpartisan elections. The bill will not impact the current term of the sitting chief judge of the Magistrate Court of Cobb County, but will apply in all following elections.

**Authored By:** Rep. John Carson (46th)  
**House Committee:** Governmental Affairs

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-21-2019 Do Pass

**HB 285 Cobb County; probate judge; provide nonpartisan elections**

Bill Summary: House Bill 285 specifies that elections for the office of probate judge of Cobb County will be nonpartisan elections. The bill will not impact the current term of the sitting probate judge of Cobb County, but will apply in all following elections.

**Authored By:** Rep. John Carson (46th)  
**House Committee:** Governmental Affairs

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-21-2019 Do Pass

**HB 316 Elections; definitions; provide for uniform equipment and ballot marking devices**

Bill Summary: House Bill 316 impacts several Code chapters and sections relating to elections and provides a new voting system for the state. Section 2 of the bill removes "direct recording electronic (DRE)" in the description of the voting systems used by the state.

Section 3 adds a new Code section which establishes that an independent candidate for president or vice president must file with the Georgia secretary of state a slate of candidates for the office of presidential elector, no later than the Friday before qualifying begins.

Section 4 replaces "notice of candidacy" with "nomination petition" for what a presidential elector nominee must submit with a certified copy of the minutes of a convention.

Section 5 prohibits a person from voting if they are not at least 18 years of age on or before the election date.

Section 6 provides that if a person's registration application information does not match the information on file with the Department of Driver Services or the federal Social Security Administration, the applicant is still considered registered to vote but will be required to provide proof of their identity the first time that they request a ballot for any federal, state, or local election.

Section 7 permits the secretary of state to become a member of an information-sharing non-governmental entity in order to improve the accuracy of voter registration systems. The Department of

Driver Services will provide driver's license and identification card information to the secretary of state in order to exchange voter registration information with the nongovernmental entity.

Section 8 removes a reference to a DRE unit from a provision regarding challenging a person on a list of electors.

Section 9 directs the secretary of state to send a list of persons convicted of a felony in this state and a list of persons convicted of a felony in federal court to the appropriate county board of registrars. The county board of registrars will mail a notice to each listed person notifying them of their removal from the list of electors, allowing a 30-day time period for the recipient to request a hearing on the removal.

Section 10 requires that when an elector moves to a new state and the registration officials of that state send notice of cancellation, a confirmation notice must be sent to the elector unless an elector-signed copy of the elector's new voter registration application is included with the notice of cancellation.

Section 11 adds not using an absentee ballot to the list of reasons an elector can be labeled "no contact." When assessing if an elector is "no contact," the time period is changed from three years of inactivity to five years of inactivity.

Section 12 requires that an elector will remain on the inactive list of electors until the day after the second general election that takes place while they are on the list. After that time, if no contact is made, the elector will be removed from the list. Between 30 days and 60 days prior to the elector's removal from the list, notice must be sent to notify the elector.

Sections 13 and 14 require the superintendent to provide 30-day's notice of a precinct alteration; such notice shall also be submitted to the secretary of state. Unless there is an emergency, a polling place cannot be changed: on the day of a primary, election, or runoff; during the 60 days prior to a general primary or general election; or during the 30 days prior to a special primary or special election.

Section 15 adds "or electronic ballot markers" to every reference of DRE voting units in subsection (a) of Code Section 21-2-267.

Section 16 provides that the secretary of state will prescribe the design of the ballots printed by an electronic ballot marker to ensure ease of reading by electors.

Section 17 adds "or electronic ballot markers" to every reference to DRE voting equipment in Code Section 21-2-293.

Section 18 establishes that as soon as possible, all federal, state, and county elections in the state of Georgia will be conducted with the use of scanning ballots marked by electronic ballot markers and tabulated by using ballot scanners. Additionally, the electronic ballot markers must produce paper ballots which are marked with the elector's choices in a format that is readable by the elector. The state will furnish uniform equipment for each county. Counties may acquire additional equipment of the same type at their own expense. Municipalities may acquire their own voting equipment of the same type at their own expense.

Section 19 replaces "An optical scanning tabulator" with a "ballot scanner" in paragraph (5) of Code Section 21-2-365.

Section 20 requires that there must be one voting booth or enclosure for every 250 electors in precincts which use optical scanning voting systems.

Section 21 replaces "optical scanner" with "ballot scanner" in subsection (a) of Code Section 21-2-369.

Section 22 requires that ballots must be of a suitable design and construction to allow processing by a ballot scanner.

Sections 23 and 24 replace "tabulator" and "optical scanning tabulator" with "ballot scanner" in two different Code Sections.

Section 25 replaces "optical scanning tabulator" with "ballot scanner" in Code Section 21-2-377.

Section 26 adds a new Part to Title 21 Article 9 relating to voting machines. Each polling place which uses optical scanning voting systems must have at least one electronic ballot marker that is accessible to disabled individuals. Electronic ballot markers must not be used unless they meet a list of standard requirements. Provides specific guidelines for the appearance and information included on a ballot printed by an electronic ballot marker. The paper ballot printed by the electronic ballot marker will be considered the official ballot and will be used in any recount or audit conducted after the election. The secretary of state will examine and certify electronic ballot markers before they are used in an election. Any ten or more electors of this state may request the secretary of state to reexamine a device that was previously examined and approved. If a vendor sells an electronic ballot marker that has not been approved by the secretary of state, they will be subject to a penalty of \$100,000. The superintendent of each county or municipality will ensure the following: that the proper ballot is programmed for each electronic ballot marker; each device is in proper working order; and that each device is examined and verified before being sent to a polling place for an election. The superintendent may appoint a custodian and deputy custodians of the electronic ballot markers who are responsible for preparing the devices for election. On or before the third day preceding an election, the superintendent will test each electronic ballot marker to ensure proper working order. These tests are open to the public and must be noticed at least five days prior. When the electronic ballot markers are not in use, the superintendent is responsible for their safe storage.

Section 27 allows absentee ballots to be sent to an address other than the permanent mailing address if the elector is in jail in the county or municipality. Removes a reference to a DRE voting system. An absentee ballot application will not be rejected due to lack of signature matching. If the signature on file does not match with the signature on the application, the board of registrars or absentee ballot clerk will send a provisional absentee ballot, along with instructions on how to correct the signature discrepancy. If the ballot is returned prior to the closing of the polls on the day of the election and the signature discrepancy is corrected before the end of the period for verifying provisional ballots, the provisional ballot will be counted. If the board of registrars or absentee ballot clerk does not find the signature discrepancy corrected, the ballot will be rejected.

Section 28 adds polling places to the list of places that can serve as registrar's offices or places to receive absentee ballots.

Section 29 provides that in jurisdictions where electronic ballot markers are used on election day, the electronic ballot markers will be used to cast absentee ballots in person at a registrar's or absentee ballot clerk's office.

Section 30 removes references to an elector's residence address and year of birth on the oath of the elector which accompanies the absentee ballot that is mailed to the elector. The Oath of Person Assisting Elector is amended so that the person providing assistance does not list their relationship to the elector. The addition of the signer's printed name is added to both oaths. Additionally, language is removed from the Oath of Person Assisting Elector which prohibits a person from assisting more than 10 electors in any election. It replaces "42 U.S.C. Section 1973ff" with "52 U.S.C. Section 20302" in two places regarding the transmission of absentee ballots to members of the military.

Section 31 provides that the absentee ballot of a disabled elector may be mailed or delivered by a relative or a caregiver. The absentee ballot of an elector in jail may be mailed or delivered by a jail employee. A disabled or illiterate elector may receive ballot assistance from any person of their choice other than the following: the elector's employer, the elector's union representative, a candidate on the ballot, or a relative of a candidate on the ballot. The section removes the prohibition of a person assisting more than 10 electors in any one election. The time period for early voting for a runoff election is set as no later than the second Monday immediately prior to the run-off.

Section 32 requires that if an absentee ballot is rejected, the elector must be notified and is given until the end of the period for verifying provisional ballots to address the problem that resulted in ballot rejection. If the elector cures the issues before the end of the time period, the ballot will be approved by the board of registrars or absentee ballot clerk and counted. If an absentee ballot is submitted without identification verification, the board of registrars or absentee ballot clerk must promptly notify the elector and provide instructions on addressing the issue. The ballot will be considered provisional until the issue is addressed, at which time it will be counted.

Section 33 replaces "42 U.S.C. Section 1973ff" with "52 U.S.C. Section 20302" regarding a pilot program developed by the secretary of state for the electronic transmission of absentee ballots by members of the military. The secretary of state is authorized to develop a similar pilot program for the electronic transmission of absentee ballots by disabled electors.

Section 34 provides that if an absentee voter has not yet returned their ballot, they can have their absentee ballot canceled and vote in person on election day. If the absentee ballot is not surrendered to the poll manager, the elector must destroy the ballot after casting his or her vote in person.

Section 35 provides that any elector who is entitled to receive voting assistance in any election may receive assistance from any person of the elector's choice, other than the following: the elector's employer; the elector's union representative; a candidate on the ballot; or a relative of a candidate on the ballot. Notice of the availability of assistance must be prominently posted at each polling place.

Section 36 adds "electronic ballot marker" to references to other types of voting machines in Code Section 21-2-413.

Section 37 provides that a Georgia voter identification card will remain valid as long as the elector resides in the same county. If the elector moves to a new county, the voter identification card must be surrendered to the board of registrars in the new county of residence.

Section 38 requires that as soon as possible after a provisional ballot is cast, the election superintendent must notify the secretary of state with all pertinent information regarding the provisional ballot.

Section 39 requires that when reviewing provisional ballots, the board of registrars must make a good faith effort to determine if the ballot is valid. This section expounds on what a "good faith effort" means. As soon as possible after a determination is made regarding a provisional ballot, the board of registrars must notify the impacted electors.

Section 40 replaces "optical scanners" with "ballot scanners" in Code Section 21-2-482.

Section 41 requires that the superintendent must certify election returns no later than 5:00 p.m. on the second Friday following the election. The secretary of state may extend the time limit if necessary to complete a precertification audit.

Section 42 provides that when the difference in votes received by the declared winner and one or more other candidates is less than one-half of one percent of the total votes cast, the losing candidate has two business days from the time of certification to request, in writing, a recount. When the difference in votes for approval or rejection of a constitutional amendment is less than one-half of one percent of the total votes cast, the Constitutional Amendments Publication Board has two business days from the time of certification to request a recount. The State Election Board is authorized to regulate and administer such recounts.

Section 43 requires that as soon as possible, the local election superintendents will conduct precertification audits for any federal or state general election, based on requirements set by the State Election Board. The audit must be completed prior to the final certification of results and the results must be available to the public within 48 hours of completion. The secretary of state must conduct a risk-limiting audit pilot program by December 31, 2021.

Section 44 increases the amount of time that the secretary of state and governor are given to certify the votes for presidential electors by three days.

Section 45 prohibits a person from tampering with an "electronic ballot marker."

Section 46 includes "electronic ballot marker" as a type of voting equipment in the list of unauthorized uses of voting equipment that are considered misdemeanors.

Section 47 adds "electronic ballot marker or tabulating machine" to several references to a "voting machine" in Code Section 21-2-580.

Section 48 includes "electronic ballot marker" as a type of voting equipment in a Code Section relating to tampering with or damaging voting equipment.

Section 49 includes "electronic ballot marker" as part of the definition of "voting equipment."

Section 50 prohibits a poll worker from tampering with an "electronic ballot marker."

**Authored By:** Rep. Barry Fleming (121st)  
**House Committee:** Governmental Affairs

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-21-2019 Do Pass by Committee Substitute

**HB 319 Georgia Firefighters' Pension Fund; member's benefits payable after death shall be paid to his or her estate when such member failed to designate a beneficiary or his or her designated beneficiaries are deceased; provide**

Bill Summary: HB 319 allows members of the Georgia Firefighters' Pension Fund to have their death benefits paid to his or her estate in the event the member failed to designate a beneficiary or if all named beneficiaries have predeceased the member. The Department of Audits and Accounts has certified HB 319 as a non-fiscal retirement bill.

**Authored By:** Rep. Noel Williams (148th)  
**House Committee:** Retirement

**Rule Applied:** Modified-Open  
**Committee Action:** 02-19-2019 Do Pass

## Committee Actions

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

### Human Relations & Aging Committee

**HB 300 Health; redesignate continuing care retirement communities as life plan communities**

Bill Summary: HB 300 changes the name of "continuing care retirement community" to "life plan community."

**Authored By:** Rep. Vance Smith (133rd)  
**House Committee:** Human Relations & Aging

**Committee Action:** 02-25-2019 Do Pass by Committee Substitute

**HB 374 Health; administer medications to residents under hospice care pursuant to a physician's written orders; authorize certified medication aides**

Bill Summary: HB 374 allows for liquid morphine to be administered to hospice patients by a medication aide. The initial dose must be administered by a licensed hospice health care professional to observe any adverse reactions, and then the medication aide must observe and document the patient's need for liquid morphine thereafter. The assisted living community is responsible for training the medication aide. The bill sets an on-site limit of 50 milliliters of liquid morphine per hospice patient.

**Authored By:** Rep. John LaHood (175th)  
**House Committee:** Human Relations & Aging

**Committee Action:** 02-25-2019 Do Pass by Committee Substitute

### Public Safety & Homeland Security Committee

**HB 33 Weapons carry license; extension of time for the renewal of a license for certain service members serving on active duty outside of the state; provide**

Bill Summary: House Bill 33 allows a grace period of up to six months for the renewal of a weapons carry license for any service member whose license expires while they are on active duty. Once home, the service member may carry within the limits of the permit until they renew their

license as long as they have with them their military orders or a written verification signed by the commanding officer. Any application submitted within six months of discharge from active duty or reassignment to this state will be considered for a renewal license.

**Authored By:** Rep. Eddie Lumsden (12th)  
**House Committee:** Public Safety & Homeland Security  
**Committee Action:** 02-25-2019 Do Pass

**HB 113 Motor vehicles; prohibit license and instruction permit holders from using a stand-alone electronic device or wireless telecommunications device while driving**

Bill Summary: House Bill 113 prohibits drivers under the age of 18 who are driving on instruction permits, Class D licenses, or motorcycle instruction permits from driving while using a stand-alone electronic device or wireless telecommunications device as defined in the distracted driving portion of the Code. The only time use of these devices while driving is permitted is if the person is reporting a traffic accident, medical emergency, fire, an actual or potential criminal or delinquent act, or road condition which causes an immediate and serious traffic or safety hazard. A violation of this provision is a misdemeanor, punished with a fine of \$150. If the operator of the motor vehicle is involved in an accident at the time of the violation, the fine is increased to \$300.

**Authored By:** Rep. John Carson (46th)  
**House Committee:** Public Safety & Homeland Security  
**Committee Action:** 02-25-2019 Do Pass by Committee Substitute

**HB 171 Motor vehicles; use of mounts on windshields for the support of wireless telecommunications devices and stand-alone electronic devices under certain circumstances; allow**

Bill Summary: House Bill 171 allows for the use of a mount for the support of a wireless telecommunications device or stand-alone electronic device upon the windshield as long as the placement minimizes obstruction of the driver's view. This provision is applicable except as prohibited by federal law, rules, or regulation in the operation of a commercial motor vehicle.

**Authored By:** Rep. Timothy Barr (103rd)  
**House Committee:** Public Safety & Homeland Security  
**Committee Action:** 02-25-2019 Do Pass

**HB 202 Penal institutions; commissioner of corrections to report certain information; require**

Bill Summary: House Bill 202 requires the commissioner of the Department of Corrections to publish on the official website of the department a report of aggregate data on the Immigration and Customs Enforcement detainees, offenses, and home countries of inmates who are not United States citizens and who are confined under the authority of the department. The report will also include the percentage of persons who are not citizens with regard to the total population in confinement. The first report is due October 1, 2019 and every 90 days thereafter. Should the ninetieth day fall on a holiday, Saturday, or Sunday, the report is required to be published the next business day.

**Authored By:** Rep. Jesse Petrea (166th)  
**House Committee:** Public Safety & Homeland Security  
**Committee Action:** 02-25-2019 Do Pass by Committee Substitute

**HB 279 Revenue and taxation; certain law enforcement officers may use department vehicles relative to certain approved off-duty jobs; provide**

Bill Summary: House Bill 279 allows certified law enforcement officers appointed by the commissioner of the Department of Revenue as a special agent or enforcement officer of the department to use a department motor vehicle while working an off-duty job if that job requires vested police powers as a condition of employment. These jobs must have prior approval of the commissioner and must be determined by the commissioner to be in the furtherance of the department's mission and service to the state.

## Special Committee on Access to Quality Health Care Committee

### HB 198 Health; eliminate certificate of need requirements for all health care facilities except certain long-term care facilities and services

**Bill Summary:** House Bill 198 is composed of six parts. Part I repeals, except for long-term care facilities, the Certificate of Need (CON) requirement for all health care facilities and replaces it in Part II with a special health care services license and licensing procedure. Part III specifies hospital and hospital authority obligations, which include open records and publication requirements, expanded investment options of public funds under certain circumstances, and prohibition of medical use rights by non-profit hospitals. Part IV revises the Rural Hospital Tax Credit by increasing the cap on the credit from \$60 million to \$100 million through 2024 with additional requirements that undesignated contributions be automatically applied to the hospital(s) with the greatest need as determined and published by the Department of Community Health and the Department of Revenue. Part V applies the changes to other references in the Code for continuity, and Part VI authorizes a period of administrative preparation upon the governor's signature and implements all changes on January 1, 2020. The bill eliminates CON reviews for medical equipment.

Part I retains the existing CON requirements for long-term care and home health facilities and services, and updates the threshold for long-term care capital projects to \$3,068,601 with an allowable inflation factor. The bill repeals CON provisions for all other health care facilities, to include: hospitals; destination cancer hospitals; micro-hospitals; ambulatory surgery centers; obstetric facilities; podiatric facilities; health maintenance organizations; freestanding birthing centers; psychiatric and substance abuse inpatient programs; short-stay hospital beds; and for services that include: radiology and imaging; coronary care; perinatal; pediatrics; gynecology; cardiac catheterizations; and open-heart surgery.

Part II provides terms for licensing, primarily the same health care definitions previously defined under CON, which are collectively defined as "special health care services." While most of the definitions are exactly the same, modifications to remove the names of specific services offered at a facility, such as radiology and imaging, are made in recognition that all services are incorporated in the general special health care licensing process. Substantive definition changes include the definition of "ambulatory surgery center" (ASC), which adds a majority ownership requirement of 51 percent or more by a Georgia-licensed hospital, physician, or group of physicians. "Specialty ambulatory surgery centers" may be owned by multispecialty ASCs, and the definitions for "joint" and "specialty ambulatory surgery center" allow cardiologists to perform procedures in that setting. A new definition for "freestanding emergency department" is added for a stand-alone facility that offers emergency care and has no more than one inpatient bed, or is hospital owned, operates 24-hours a day, provides Medicaid services, and operates under the 'Emergency Medical Treatment and Labor Act' (EMTALA). All other freestanding emergency departments are prohibited. A new definition for "exception acknowledgement" is the official written exemption from licensing issued from the Department of Community Health (DCH).

Beginning January 1, 2020, all new, converting, acquired, and/or expanded special health care services and facilities not in place for the prior 12 months will require a special health care services license or an exception acknowledgement to ensure a minimum standard for safe and quality care as issued by DCH. The licensing fee will cover the cost of providing the license. Exemptions under CON are carried forward to the special health care license (infirmaries, federal institutions, religious institutions, purchase of a closing hospital, etc.) and new exemptions are created for: mental health and substance abuse facilities and programs; a freestanding ambulatory surgical center that includes sports training, medical and community education programs, accepts Medicaid and PeachCare, and maintains a proven \$25 million or more annual economic impact; and multispecialty ambulatory surgery centers with separate specialty ASCs that accept Medicaid and PeachCare for Kids.

In addition to information required by DCH, an applicant for licensure will post a public notice in the local newspaper(s) that includes a description of the service and/or facility to be offered at least 10 days before applying. The applicant will also notify existing licensed providers with the same offerings or facility within a 10-mile radius of the site/services by certified mail of the intent to apply. Applications will be immediately available to the public, and complete applications without objection will be approved within 45 days. An objection to a new license by an existing facility within the 10-mile radius must be filed within 30 days of the application date. Objections will be reviewed for any preponderance of evidence that the application will not meet the needs or will adversely affect the community. Appeals for review of a license issued after a proper objection is declined can be made to the Office of State Administrative Hearings. No objections to applications are allowed within the DCH Health Planning Area 3 (HPA3), composed primarily of the Metro Atlanta area, unless: the existing provider is outside the HPA3 border but still within 10 miles of the applicant; or the existing hospital or health care facility in HPA3 has a combined payer mix of more than 75 percent government and indigent/charity care with a net operating margin of less than 5 percent over the last five-year period.

Licenses require participation in Medicaid and when appropriate, PeachCare for Kids. Licenses also require an agreement to provide indigent and charity care at a level based on the most recent two-year average of the state's net uncompensated care as a percentage of their adjusted gross revenue, but not less than 2 percent; that statewide average requirement is reduced by 3 percent for for-profit entities, but not less than 1 percent. Penalties for failing to meet the indigent and charity care requirement are assessed at 1 percent of net revenue for every half percent of care not provided. For the purposes of calculating indigent and charity care for ambulatory surgery centers, any care provided by a physician with ownership in an ASC in a different setting will count toward the ASC's indigent care requirement proportionate to the amount of ownership; that same care may not be counted toward the care requirement of the other setting. Funds collected are deposited in the Indigent Care Trust Fund (ICTF) to be used for expanding Medicaid eligibility and services, support rural and other providers who serve, as well as provide primary care for the medically indigent. A hospital or health care system with a payer mix of more than 40 percent Medicaid and 2 percent or more of charity and indigent care, which includes the gap amount between its Medicaid and Medicare reimbursement rates, or an annual inpatient population of catastrophic injury patients over 60 percent are not subject to the penalties, nor are the 25 rural hospitals ranked highest in financial need by DCH. "Catastrophic injury" is defined as injuries to the spine, brain, or other paralyzing neuromuscular conditions. DCH may withhold Disproportionate Share payments after two years for failure to meet the minimum care requirements. "Uncompensated care" is calculated on the Medicare base allowable rate for the unpaid service with a 1.5 multiplier, and a licensee may use up to 15 percent of its Medicaid payments toward uncompensated indigent and charity care. The 25 rural hospitals ranked in most financial need by DCH are exempt.

Annual reporting at the end of January on forms provided by the department require total gross revenues, bad debts, free care, contract adjustments, Hill-Burton commitments, charity care, indigent costs by county, and other revenue sources, as well as patient information for the number treated, total patient days also noted as inpatient or outpatient, and the number of patients by county of residence. Failure to meet the deadline or meet the deadline with a complete report incurs a \$500 daily fine for the first 30 days which increases to \$1,000 per day for up to 180 days, after which time a license is revoked. Additional causes for revocation of a license include: providing false information; failure to pay moneys due; failure to maintain quality; failure to provide Medicaid or PeachCare, when applicable. Operating without a valid license has graduated fines of \$5,000, \$10,000, and \$25,000 per day that increase in 30-day increments. These funds are also deposited in to the Indigent Care Trust Fund.

All valid Certificates of Need are converted to special health care services licenses on January 1, 2020, and are subject to the new requirements, except for the existing contractual provisions for indigent and charity care negotiated under CON; however, any approved modifications to these grandfathered agreements will subject the license to the new indigent and charity care standards for compliance. A destination cancer hospital may convert to a hospital after January 1, 2020, after notifying the department, at which time the new licensing parameters will be applied. After December 31, 2019, all pending CON appeals are dismissed.

Part III requires non-profit hospitals to increase transparency by prominently posting PDF copies online of certain federal and state documents that include audited financial statements for the hospital and its affiliates, which includes all subsidiaries and parent companies. The hospital's statements must distinguish and include allowances, charity care, and net and gross and patient revenues for the hospital. The affiliates must provide audited balance sheets that breakout the hospital's operating costs. Posted documents must include the hospital's Internal Revenue Service Form 990 with Schedule H, and for those hospitals that are not required to submit this form, one will be designed and provided by DCH. State-specific documents for publication online include the hospital's: annual questionnaire; community benefit report; property holdings with location, use, and value for the fiscal year; loan, bond and debt information; ownership, interest, value, and domicile of any partnerships, holdings, venture, joint venture, or captive insurance companies at the end of each fiscal year; year-end fund balances (less any interest in the foundation) of net assets that distinguish the purposes and any restrictions of those assets; cash reserves; going concern statements; the legal organizational chart showing the relationship of the hospital to its subsidiaries and affiliates; a report listing the 10 highest salaried administrative positions with amount, fringe, titles and other benefits; proof of accreditation(s); and policies for charity and reduced cost care payments and collections. While postings must be updated and filed at least once a year by July 1, the documentation for each year will be available on the website indefinitely and the DCH's website will provide prominent links to each of these. Failure to comply within 30-days of the deadline results in the suspension of all state funding, and willful violations will be prosecuted.

Part III also provides four additional provisions. Non-profit hospitals may not renew or hold any property for medical use rights. Non-profit hospital authority board members are subject to state conflict of interest laws governing sale and lease transactions. Authorities that have not operated a hospital for seven or more years, have no outstanding debt, and have a corpus of at least \$20 million may invest up to 30 percent of those funds in mutual funds or other collective investments. Finally, the bill clarifies that non-profit hospital authorities are subject to the state's open records requirements.

In addition to raising the cap from \$60 million to \$100 million and extending it through calendar year 2024, Part IV revises the Rural Hospital Tax Credit to be for hospitals with a margin no greater than 15 percent. It requires DCH to create a manual with the criteria to qualify and submit for the credit, as well as developing and including a formula to rank the hospitals by greatest financial need in the manual. The department will prominently post the manual and the eligible and ranked hospital list with the third-party donations on their webpage. This ranked list, formed by December 1st every year, must also be distributed by third-party entities soliciting or managing donors. Unspecified donations will automatically be applied to the hospital ranked with the greatest need; should that hospital receive the full amount allowed, the next neediest hospital receives the assistance. The Department of Revenue will also post the list of eligible hospitals by need, as well as the timeline for donations and a monthly update of all designated and undesignated contributions preapproved and received, and the aggregate totals for contributions and available credits. All parties are subject to annual auditing by the state.

Part V provides all other Code updates to reflect the changes made in this legislation.

Part VI enacts the bill upon the governor's signature and implements all provisions on January 1, 2020.

<b>Authored By:</b>	Rep. Matt Hatchett (150th)	<b>Committee</b>	02-25-2019 Do Pass by Committee
<b>House</b>	Special Committee on Access to	<b>Action:</b>	Substitute
<b>Committee:</b>	Quality Health Care		

## Special Rules Committee

**HB 376 State holidays; September 1 of each year as Childhood Cancer Awareness Day in Ga.; provide**

Bill Summary: HB 376, relating to holidays and observances, provides that September 1 of each year shall be Childhood Cancer Awareness Day in Georgia.

**Authored By:** Rep. Sheri Gilligan (24th)  
**House** Special Rules  
**Committee:**

**Committee** 02-25-2019 Do Pass  
**Action:**

**HR 239 Savannah Logistics Technology Innovation Corridor; designate**

Bill Summary: HR 239 designates the Savannah Logistics Technology Innovation Corridor as an official technology innovation corridor in the state of Georgia.

**Authored By:** Rep. Ron Stephens (164th)  
**House** Special Rules  
**Committee:**

**Committee** 02-25-2019 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](http://www.house.ga.gov) and click on [Meetings Calendar](#).*

**Tuesday, February 26, 2019**

7:00 AM	<a href="#">APPROPRIATIONS SUBCOMMITTEES</a>	341 CAP
8:00 AM	<a href="#">JUDICIARY (NON-CIVIL)</a>	132 CAP
8:00 AM	<a href="#">Motor Vehicles Driver Safety &amp; Service Subcommittee</a>	515 CLOB
8:30 AM	<a href="#">MOTOR VEHICLES</a>	515 CLOB
9:00 AM	<a href="#">RULES</a>	341 CAP
10:00 AM	<a href="#">FLOOR SESSION (LD 22)</a>	House Chamber
1:00 PM	<a href="#">JUVENILE JUSTICE</a>	515 CLOB
1:00 PM	<a href="#">Ways and Means Subcommittee on Income Tax</a>	133 CAP
1:00 PM	<a href="#">MARTOC</a>	406 CLOB
1:00 PM	<a href="#">INTERSTATE COOPERATION</a>	341 CAP
2:00 PM	<a href="#">RETIREMENT</a>	515 CLOB
2:00 PM	<a href="#">HEALTH &amp; HUMAN SERVICES</a>	606 CLOB
2:00 PM	<a href="#">JUDICIARY (CIVIL)</a>	132 CAP
2:00 PM	<a href="#">GAME, FISH AND PARKS</a>	403 CAP
2:00 PM	<a href="#">Admin/Licensing Subcommittee</a>	406 CLOB
2:00 PM	<a href="#">REGULATED INDUSTRIES</a>	506 CLOB
2:30 PM	<a href="#">Ways and Means Subcommittee on Sales Tax</a>	133 CAP
3:00 PM	<a href="#">Ways and Means Subcommittee on Ad Valorem</a>	133 CAP
3:00 PM	<a href="#">Telecommunications Subcmte. of Energy, Utilities and Telecom.</a>	403 CAP
3:00 PM	<a href="#">Property &amp; Casualty Subcommittee of Insurance</a>	415 CLOB
4:00 PM	<a href="#">ENERGY, UTILITIES AND TELECOMMUNICATIONS</a>	403 CAP
4:00 PM	<a href="#">Welch Subcommittee of Judiciary (Civil)</a>	132 CAP
5:00 PM	<a href="#">Kelley Subcommittee of Judiciary</a>	132 CAP