



Georgia

HOUSE OF REPRESENTATIVES

Friday
March 1,
2019

DAILY REPORT

25th
Legislative
Day

House Budget & Research Office
(404) 656-5050

- The House will reconvene for its 26th Legislative Day on Monday, March 4 at 10:00 a.m.
- The Rules Committee will meet at 9:00 a.m.
- Five bills / resolutions are expected to be debated on the floor.

Today on the Floor

Rules Calendar

HB 39 Physical Therapy Licensure Compact Act; enter into an interstate compact

Bill Summary: House Bill 39 enters the state of Georgia into the 'Physical Therapy Licensure Compact Act'. It authorizes the State Board of Physical Therapy to administer the compact for the state. The bill is designed to increase public access to physical therapy services by providing for the mutual recognition of other member state licenses. It also gives the board the power to conduct criminal history record checks as determined by the board through the Georgia Crime Information Center and Federal Bureau of Investigation for the purpose of issuing licenses.

Compact state members create a joint public agency known as the "Physical Therapy Compact Commission," which shall have the power to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The commission has the power to purchase and maintain insurance and bonds, hire employees, borrow money, and perform other necessary functions. Each member state's licensing board shall select one delegate to be a member of the commission. The delegate must be a member of the licensing board, in addition to being a physical therapist, a physical therapist assistant, public member, or the board administrator.

The commission may levy and collect an annual assessment from each member state or impose fees on other parties to cover the cost of operations of the commission and staff. The aggregate annual assessment amount shall be allocated by formula to be determined by the commission. The commission shall not incur any obligations until securing adequate funds, nor shall the commission pledge the credit of any member state.

Authored By: Rep. D. C. Belton (112th)

House Committee: Interstate Cooperation

Floor Vote: Yeas: 154 Nays: 1

Rule Applied: Modified-Structured

Committee Action: 02-26-2019 Do Pass

Amendments:

HB 193 Banking and finance; banks and credit unions to offer savings promotion raffle accounts in which deposits to a savings account enter a depositor in a raffle; allow

Bill Summary: HB 193 allows banks and credit unions (financial institutions) to offer "savings promotion raffle accounts," which is a contest where the participant or depositor deposits a specified amount of money into a savings account or other savings program offered by the financial institution where each entry or ticket will have an equal chance of being drawn to win a specified prize. The financial institution must conduct the raffle in a manner that is safe and sound and not misleading as to chances of winning. All depositors must be provided with information on the terms of the raffle and the verifiable retail value of each prize that a depositor has a chance of receiving, including the

odds of receiving a prize and information regarding any fees or penalties associated with such an account. The financial institution conducting such raffles must also maintain all records the Department of Banking and Finance determines are necessary to conduct an examination or audit of these raffles, and may contract third-party service providers to handle the administrative details of these raffles.

These institutions may not charge any fees associated with the savings account or other savings program which underlies a savings promotion raffle account that are in excess of the fees charged for the most similar savings accounts or other programs offered by the institution. Additionally, the bill exempts savings promotion raffles from the definition of "lottery".

Authored By: Rep. Emory Dunahoo (30th)
House Committee: Banks & Banking

Rule Applied: Modified-Structured
Committee Action: 02-27-2019 Do Pass by Committee Substitute

Floor Vote: Yeas: 152 Nays: 0

Amendments:

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.

Authored By: Rep. Eddie Lumsden (12th)
House Committee: Public Safety & Homeland Security

Rule Applied: Modified-Structured
Committee Action: 02-25-2019 Do Pass

Floor Vote: Yeas: 149 Nays: 3

Amendments:

HB 281 Crimes and offenses; pimping and pandering; increase penalty provisions

Bill Summary: HB 281 increases the punishment for both pimping and pandering. On the first offense for either pimping or pandering, the amount of imprisonment that cannot be suspended, stayed, or probated is increased to 72 hours. On the second or subsequent offense, the penalty is increased to a felony with a term of imprisonment not less than one year nor more than 10 years.

Authored By: Rep. Teri Anulewicz (42nd)
House Committee: Judiciary Non-Civil

Rule Applied: Modified-Structured
Committee Action: 02-22-2019 Do Pass by Committee Substitute

Floor Vote: Yeas: 147 Nays: 4

Amendments:

HB 290 Health; pilot program to provide preexposure assistance to persons at risk of HIV infection; establish

Bill Summary: House Bill 290 establishes a three-year pilot program to provide pre-exposure prophylaxis drug assistance or services to people who have tested negative for HIV but have risk factors that may expose them to the virus.

The pilot program will be conducted in counties identified as at risk for outbreaks of HIV as a result of a high rate of opioid-related use. No later than December 31, 2022, the Department of Public Health shall submit a detailed written report on the implementation and effectiveness of the pilot program.

Authored By: Rep. Sharon Cooper (43rd)
House Committee: Health & Human Services

Rule Applied: Modified-Structured
Committee Action: 02-19-2019 Do Pass by Committee Substitute

Floor Vote: Yeas: 129 Nays: 19

Amendments:

HB 396 Crimes and offenses; unlawful for a person with intent to defraud a creditor's rights to deed or otherwise transfer title to real property to another person without the knowledge or consent of such other person; provide

Bill Summary: This bill makes it a misdemeanor to hinder, delay, impair, or defraud a creditor's rights by transferring title to property to another person without that person's knowledge or consent, except when the recipient is a related minor.

Authored By: Rep. Dale Washburn (141st)

House Committee: Judiciary

Floor Vote: Yeas: 151 Nays: 1

Rule Applied: Modified-Open

Committee 02-26-2019 Do Pass by Committee

Action: Substitute

Amendments:

Next on the Floor from the Committee on Rules

The Committee on Rules has fixed the calendar for the 26th Legislative Day, Monday, March 4, and bills may be called at the pleasure of the Speaker. The Rules Committee will next meet on Monday, March 4, at 9:00 a.m., to set the Rules Calendar for the 27th Legislative Day.

HB 76 Alcoholic beverages; counties and municipalities may regulate alcohol licenses as to certain distances in a manner that is less but not more restrictive than those distances specified by the state; provisions

Bill Summary: HB 76, regarding licensees for the retail sale of alcoholic beverages for consumption off premises, allows for local counties and municipalities to ease the distance restrictions of said retail businesses to all buildings, campuses, and grounds of a college.

Authored By: Rep. Ron Stephens (164th)
House Committee: Regulated Industries

Rule Applied: Modified-Structured
Committee Action: 02-26-2019 Do Pass by Committee Substitute

HB 233 Pharmacy Anti-Steering and Transparency Act; enact

Bill Summary: House Bill 233 enacts the 'Pharmacy Anti-Steering and Transparency Act'. This act restricts a pharmacy licensed in or holding a non-resident pharmacy permit in Georgia from transferring or sharing records relative to prescription information containing patient and prescriber identifiable data to or from an affiliate for any commercial purpose.

House Bill 233 further restricts these pharmacies from presenting a claim for payment to any individual, third-party payor, affiliate, or other entity for a service furnished pursuant to a referral from an affiliate. Additionally, pharmacies will be restricted from mailing a prescription to a patient when the patient's prescriber has indicated that the patient needs an in-person consultation at the time the original or refill prescription is dispensed. A patient may voluntarily waive the in-person consultation and elect to receive the medication via mail order.

House Bill 233 should not be construed to prohibit a pharmacy from entering into an agreement with an affiliate to provide pharmacy care to patients, provided that the pharmacy does not receive referrals in violation of subsection (d) of Code Section 26-4-119 and the pharmacy provides the disclosures required. Violations of Code Section 26-4-119 by a pharmacy will be grounds for disciplinary action by the board pursuant to its authority granted in this chapter. Additionally, pharmacies will be required to annually file with the Board of Pharmacy a disclosure statement identifying all affiliates.

Authored By: Rep. David Knight (130th)
House Committee: Health & Human Services

Rule Applied: Modified-Structured
Committee Action: 02-26-2019 Do Pass by Committee Substitute

HB 234 Anti-Human Trafficking Protective Response Act; enact

Bill Summary: HB 234 is the 'Anti-Human Trafficking Protective Response Act'. The bill authorizes the Division of Family and Children Services to provide emergency care and supervision of any child who is the victim of human trafficking for labor or sexual servitude without a court order or the consent of the parents or legal guardian. Moreover, HB 234 directs DFCS and law enforcement to take the child to an available victim services organization, which is certified by the Criminal Justice Coordinating Council, to provide comprehensive trauma-informed services. HB 234 limits the prosecution of prostitution to individuals who are 18 years of age or older. In addition, the occurrence of either of the following shall be prima-facie evidence of the existence of a nuisance when: the owner or operator of any building for any sexually-related charges based on conduct in or on the premises of such buildings; or when the prosecuting attorney of the county in which the building is located notifies the owner in writing that three or more separate sexually-related charges or indictments have occurred on the premises within a 12-month period. The bill provides a defense to nuisance claims if the owner or operator aids law enforcement in the investigation of criminal sexual-related conduct.

Authored By: Rep. Chuck Efstrotation (104th)

Rule Applied: Modified-Structured

House Committee: Juvenile Justice

**Committee
Action:**

02-20-2019 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

Rule Applied: Modified-Structured
**Committee
Action:** 02-25-2019 Do Pass by Committee
Substitute

HB 426 Criminal procedure; imposition of punishment for crimes involving bias or prejudice; revise criteria

Bill Summary: HB 426 enhances the penalty imposed on a defendant if the court finds beyond a reasonable doubt that the victim of the crime was chosen due to race, color, religion, national origin, sexual orientation, gender, mental disability, or physical disability. If the defendant is convicted of a misdemeanor, the sentence is increased by not less than three nor more than 12 months of imprisonment and a fine not to exceed \$5,000. If the defendant is convicted of a misdemeanor of high and aggravated nature, the sentence is increased by not less than six nor more than 12 months of imprisonment and a fine not to exceed \$5,000. If the defendant is convicted of a felony, the sentence is increased by not less than two years of imprisonment. Moreover, the judge must state how much of the sentence is based on this Code section the sentence is imposed.

Authored By: Rep. Chuck Efstrotation (104th)
House Committee: Judiciary Non-Civil

Rule Applied: Structured
**Committee
Action:** 02-26-2019 Do Pass by Committee
Substitute

Committee Actions

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

Agriculture & Consumer Affairs Committee

Contact is: Abby Day
Abby.Day@house.ga.gov

HB 332 Agriculture; service of the Commissioner of Agriculture and the president of the Georgia Farm Bureau Federation as ex officio members; revise provisions

Bill Summary: HB 332 allows for the commissioner of the Department of Agriculture to appoint a designee to serve on agricultural commodity commissions, except for the Agricultural Commodity Commission for Peanuts.

Authored By:	Rep. Steven Meeks (178th)	Committee	03-01-2019 Do Pass by Committee
House Committee:	Agriculture & Consumer Affairs	Action:	Substitute

HB 512 Agricultural Commodity Commission for Propane; provide

Bill Summary: House Bill 512 creates the Agricultural Commodity Commission for Propane. The commission will consist of five members, three of which will be elected by the House Committee on Agriculture and Consumer Affairs and two members elected by the Senate Agriculture and Consumer Affairs Committee. All members of the commission must be either a propane dealer or distributor and cannot be a member of the General Assembly.

No more than 10 percent of funds collected can be used for administrative expenses. A referendum is to be held every five years to vote on the continuation of the commission.

Authored By:	Rep. Sam Watson (172nd)	Committee	03-01-2019 Do Pass
House Committee:	Agriculture & Consumer Affairs	Action:	

HB 545 Nuisances; treatment of agricultural facilities and operations and forest land; provisions

Bill Summary: House Bill 545 provides that no nuisance action can be taken against an agricultural facility unless the plaintiff owns real property within one-half mile of the source of the activity and the action is filed within one year of the start of the operation.

Authored By:	Rep. Tom McCall (33rd)	Committee	03-01-2019 Do Pass by Committee
House Committee:	Agriculture & Consumer Affairs	Action:	Substitute

Economic Development & Tourism Committee

HR 327 General Assembly; provide by law for local authorization of a limited number of licensed destination resort facilities casino resorts within the state; authorize - CA

Bill Summary: House Resolution 327 proposes an amendment to the Constitution that would authorize limited casino gaming at destination resorts within the state. Revenues and proceeds would be accounted for in a fund separate from the state's general fund. The funds collected would be earmarked for educational programs and purposes, such as tuition grants, scholarships, or loans to citizens of this state to attend colleges or universities in Georgia as well as regulatory operating expenses. This resolution contains the intended language to appear on the ballot for voting.

Authored By:	Rep. Ron Stephens (164th)	Committee	03-01-2019 Do Pass
House Committee:	Economic Development & Tourism	Action:	

Higher Education Committee

HB 16 Higher Education Access and Success for Homeless and Foster Youth Act; enact

Bill Summary: HB 16 provides that students who are identified as homeless or from a foster home situation will be eligible for in-state tuition at the University System of Georgia institutions for ten years or until such a student has achieved a baccalaureate degree as well as eligible for in-state tuition at the Technical College System of Georgia's institutions for ten years or until such a student has achieved a diploma, certificate, or baccalaureate degree.

Additionally, HB 16 provides that state funded foster care assistance shall not be considered income for the purposes of determining financial aid within the limits of federal law.

Authored By:	Rep. Sandra Scott (76th)	Committee	03-01-2019 Do Pass by Committee
House Committee:	Higher Education	Action:	Substitute

HB 218 Education; eligibility requirements to receive the HOPE Scholarship as a Zell Miller Scholarship Scholar; provide

Bill Summary: HB 218 provides that students receiving a HOPE scholarship between July 1, 2011 and June 30, 2019 will remain eligible for that scholarship for up to seven years from their high school graduation date; however, if the student serves in the military during that seven-year period, their active duty service will not count towards the seven years. HB 218 also provides that students receiving a HOPE scholarship on or after July 1, 2019 will remain eligible for that scholarship for up to ten years from their high school graduation date; however, if the student serves in the military during that ten-year period, their active duty service will not count towards the ten years.

Authored By:	Rep. Ricky Williams (145th)	Committee	03-01-2019 Do Pass by Committee
House Committee:	Higher Education	Action:	Substitute

Judiciary Committee

HB 230 Business corporations; provide for benefit corporations

Bill Summary: HB 230 amends the Code section related to business corporations by adding a new article relating to "benefit corporation(s)", which are defined as a business whose articles of incorporation contain a public benefit provision. Requirements of benefits corporations are outlined, such as proper name, stock certifications, and a disclosure that they are a benefit corporation on issued stock. Additionally, a two-thirds of the vote of all classes for non-benefit corporations is required to: (1) amend its articles of incorporation to include a public benefit provision; (2) transfer property if the entity transferring to is a benefit corporation; or (3) engage in a transaction that would result in shareholders owning shares of a benefit corporation, or similar entity. Benefit corporations, without at least two-thirds vote of all voting classes, shall not amend their articles to remove or substantially alter the public benefit provision, engage in a transaction that would give ownership or interest of the benefit corporation to a non-benefit corporation, or transfer property to a transferee who is not a benefit corporation.

The board of directors of benefit corporations are charged to be mindful of the public provision when conducting its business and adopt a standard to measure the achievement performance regarding the public benefit provision. Liability is limited for boards of directors in that they have (1) no duty to any person that has an interest in the public benefit specified in the articles of incorporation; and (2) unless stated in the articles of incorporation, the directors shall have no monetary liability to any person for any failure to comply with this Code section, or for failure to pursue any public benefit.

The benefit corporation shall also provide each member with a statement containing the public benefit provision on each notice for a meeting. No less than annually, the board shall provide its shareholders, in addition to anyone else who requests, a statement showing the performance on the pursuit of the public benefit provision of their articles of incorporation.

Requirements of the benefit corporation shareholder meetings are outlined. Additional requirements that may be listed in the benefit corporation's articles are listed. The definition of foreign corporation now includes benefit corporations, social purpose corporations, or substantially similar entities. The right to dissent in benefit corporations gives an option by including "consummation" with two-thirds vote as previously stated. Finally, a section is amended to refer to one of the sections added in this bill for the requirement of the name of the foreign corporation.

Authored By: Rep. Scott Holcomb (81st)
House Committee: Judiciary
Committee Action: 03-01-2019 Do Pass

HB 247 Crimes and offenses; battery against a person 65 years of age or older; repeal an enhanced penalty

Bill Summary: House Bill 247 updates regulations regarding the protection of senior citizens and disabled adults from abuse and exploitation. The bill provides that all forms of battery against a person who is 65 or older is a felony and amends the definition of exploitation to include the illegal taking of resources belonging to a disabled adult or elder person when access to those resources was obtained due to the victim's mental or physical incapacity. Finally, law enforcement agencies may act as an agent of the Department of Community Health by conducting inspections of unlicensed personal care homes when the department designates the law enforcement agency to act and that law enforcement agency consents and is already legally on site of such facilities in the course of investigating a complaint or performing other law enforcement duties.

Authored By: Rep. Deborah Silcox (52nd)
House Committee: Judiciary
Committee Action: 03-01-2019 Do Pass by Committee Substitute

HB 288 Superior courts; revise the sums that the clerks are entitled to charge and collect for filing documents and instruments pertaining to real estate or personal property

Bill Summary: HB 288 provides a \$25 flat fee for the clerks of superior court to charge and collect for filing documents and instruments pertaining to real estate and personal property, rather than: \$9.50 for page one and \$2 per page after that for real estate deeds; \$4.50 for page one and \$2 per page after that for instrumentalities related to real estate and personal property including liens; \$10 for page one and \$2 per page after that for indexing and amending financing statements including terminations; and \$4.50 for each deed assigned for processing an assignment of a security deed. The bill amends the fee associated with filing maps or plats from \$7.50 per page to a flat \$10 fee for each filing.

For any instrument that includes a request for cancellation, satisfaction, release or assignment of more than one instrument, the bill creates a flat \$5 fee for each instrument which is to be canceled, satisfied, released, or assigned. The bill also creates a \$5 fee for page one of the filing of a tax lien by a state or local government agency, with a \$2 fee for each page after that. In addition, for each tax cancellation, satisfaction, release, notice, withdrawal, or other document referencing a previously filed tax lien, the bill creates a \$2 fee for each previous tax lien referenced. The bill also updates internal code sections and clarifies the process for distributing these filing fees.

Authored By: Rep. Alan Powell (32nd)
House Committee: Judiciary
Committee Action: 03-01-2019 Do Pass by Committee Substitute

HB 296 Superior Court of Hall County in the Northeastern Circuit; revise term of court

Bill Summary: House Bill 296 revises the term of Hall County Superior Court in the Northeastern Circuit to be the first Monday in January, April, July, and October, rather than the first Monday in May and November and the second Monday in January and July.

Authored By: Rep. Lee Hawkins (27th)

House Committee: Judiciary

Committee Action: 03-01-2019 Do Pass by Committee Substitute

HB 317 Collection receptacles; transfer jurisdiction of removal petition from superior court to city or municipal court

Bill Summary: House Bill 317 allows jurisdiction in city, municipal, magistrate, or superior court for petitions filed regarding removal of collection receptacles.

Authored By: Rep. Dewayne Hill (3rd)

House Committee: Judiciary

Committee Action: 03-01-2019 Do Pass by Committee Substitute

HB 346 Property; prohibit retaliation by a landlord against a tenant for taking certain actions

Bill Summary: House Bill 346 adds a new Code section that allows tenants to establish a prima-facie case of retaliation by their landlord if the landlord retaliates against the tenant after the tenant, in good faith: (1) exercises a right or remedy against the landlord granted by lease or law, (2) gives notice to repair, (3) files a building, housing, or utility code complaint with a governmental entity responsible for enforcing such codes, or (4) establishes or participates in a tenant organization.

Within six months of the tenant engaging in any of the above actions, the landlord must not (1) file a dispossessory action, (2) deprive the tenant of the use of the premises, (3) decrease services to the tenant, (4) increase the tenant's rent or terminate the tenant's lease, or (5) materially interfere with the tenant's rights under the lease. However, a landlord is not liable for retaliation if the landlord can prove (1) the action was not retaliation; (2) the rent increased pursuant to an escalation clause in the lease or as part of a pattern of rent increases in the complex; or (3) instituted a dispossessory proceeding because: the tenant is delinquent in rent, intentionally damaged the property, threatened the landlord, another tenant, or an employee; materially breached the lease; held over after giving notice to terminate or vacate; or took the actions against the landlord for housing conditions only after the landlord provided the notice of termination to the tenant.

Where a tenant proves the landlord retaliated then the tenant is entitled to, minus any delinquent rents or other sums for which the tenant is liable to the landlord, one month's rent plus: \$500.00, actual damages, court costs, reasonable attorney's fees in an action for recovery of property damages, moving costs, actual expenses, civil penalties, or declaratory or injunctive relief. However, where the tenant's rent is subsidized by a governmental entity then the tenant is entitled to the fair market rent of the dwelling plus \$500.00.

Authored By: Rep. Sharon Cooper (43rd)

House Committee: Judiciary

Committee Action: 03-01-2019 Do Pass by Committee Substitute

HB 381 Child support; defined terms and terminology, grammar, and punctuation; revise and correct

Bill Summary: HB 381 amends the child support guidelines to correct grammatical errors, update internal cross-references, and revise defined terms. The bill also clarifies that all powers and discretion granted to the court relating to the determination of child support obligations are also available to the jury. The bill adds certain federal benefits received under the Social Security Act,

along with state funding associated with adoption assistance, to the list of income sources which may be excluded from one's gross income for child support determination.

Authored By: Rep. Chuck Efstrotation (104th)
House Committee: Judiciary
Committee Action: 03-01-2019 Do Pass by Committee Substitute

HB 387 Property; liens in favor of private, nonprofit, volunteer fire departments for instances of fire services that are requested by property owners; provide

Bill Summary: House Bill 387 establishes a new category of allowable liens to include those in favor of private, nonprofit, volunteer fire departments for debts which stem from the performance of their services that are requested by property owners.

Authored By: Rep. Eddie Lumsden (12th)
House Committee: Judiciary
Committee Action: 03-01-2019 Do Pass as Amended

HB 452 Revenue, Department of; access Bank Match Registry for certain purposes; allow

Bill Summary: HB 452 expands the information required to be maintained within the Department of Human Services Bank Match Registry to include identifying information for delinquent taxpayers for whom the Department of Revenue has filed an execution, rather than just those delinquent in child support payments. The Department of Revenue is given access to the registry for the sole purpose of identifying nonexempt assets of delinquent taxpayers that can be levied for back taxes and is empowered to levy and seize those nonexempt assets. A financial institution may charge these nonexempt accounts, levied on by the state revenue commissioner, a fee of not less than \$20 nor more than \$50 as determined by the respective commissioner.

Authored By: Rep. Steven Sainz (180th)
House Committee: Judiciary
Committee Action: 03-01-2019 Do Pass

HB 492 Property; dispossessory proceedings; require applications for execution of a writ of possession be made within 30 days of issuance of the writ unless good cause is shown

Bill Summary: HB 492 amends the Code section relating to writ of possession, meaning a writ issued by a court order to recover possession of land or property. Applications for a writ of possession, meaning a request for a sheriff or marshal to execute a writ of possession, must be made within 30 days of issuance of the writ, unless the application is accompanied by an affidavit showing good cause for the delay in applying for the writ. If the landlord fails to execute a writ of possession within 30 days from the issuance of any order granting the writ of possession, then the landlord must reapply for the writ.

Authored By: Rep. Bonnie Rich (97th)
House Committee: Judiciary
Committee Action: 03-01-2019 Do Pass by Committee Substitute

HB 502 Civil practice; continuances for members of the Board of Regents and the Attorney General; revise

Bill Summary: HB 502 amends the criteria under which court continuances shall be granted to accommodate the official duties of members of the Board of Regents of the University System of Georgia, members of the State Board of Education, and the Attorney General. For members of the Board of Regents or the State Board of Education, the bill allows for continuances when, during the Board session, the member is otherwise occupied as counsel or party in any court case. Current law requires that the member simply be "engaged" as counsel or party in any case at the time of the Board's session. For cases in which the Attorney General is of counsel, the bill allows for a continuance if the case is scheduled to be called for any reason, rather than the current "for any

purpose," during sessions of the General Assembly, or 15 days preceding or following such sessions.

Authored By: Rep. Andrew Welch (110th)
House Judiciary
Committee: **Committee Action:** 03-01-2019 Do Pass

HB 543 Domestic relations; equitable caregivers; provide

Bill Summary: House Bill 543 creates a process by which a judge may confer standing to have access to the court in cases involving the care, custody, or welfare of a minor child upon individuals who can demonstrate by clear and convincing evidence that to do otherwise would cause the child to suffer physical or long-term emotional harm. This high bar to have standing as an as an equitable caregiver can only be met by proving a permanent, unequivocal, committed, and responsible parental role in the child's life has already been established; this role was fostered or supported by a parent of the child; and that the individual seeking standing has a bonded and dependent relationship between his or herself and the child and has also accepted full and permanent responsibilities of the child without expectation of financial compensation. Equitable caregiver standing will not be available in cases in which both parents of the child are not separated and the child is living with both parents, or if any child welfare and youth services cases involving the child or parents is open with the Division of Family and Children Services of the Department of Human Services. If standing is established the court may confer certain rights on the child to have contact with the equitable caregiver.

Authored By: Rep. Chuck Efstrotation (104th)
House Judiciary
Committee: **Committee Action:** 03-01-2019 Do Pass by Committee Substitute

Judiciary Non-Civil Committee

HB 282 Criminal procedure; increase amount of time that law enforcement agencies are required to preserve certain evidence of sexual assault

Bill Summary: HB 282 requires law enforcement agencies to maintain physical evidence collected that relates to the identity of the perpetrator of an alleged sexual assault for 50 years.

Authored By: Rep. Scott Holcomb (81st)
House Judiciary Non-Civil
Committee: **Committee Action:** 03-01-2019 Do Pass by Committee Substitute

HB 424 Crimes and offenses; include certain sex crimes into the definition of criminal gang activity

Bill Summary: HB 424 adds the offenses of trafficking persons for labor servitude or sexual servitude, keeping a place of prostitution, pimping, and pandering to the offenses listed in the definition of criminal gang activity. In addition, the court may admit evidence relating to the past sexual behavior of the complaining witness when: offered to prove that someone other than the defendant was the source of physical evidence; it supports an inference that the accused could have reasonably believed the complaining witness consented to the conduct complained of in the prosecution; with respect to the defendant or other person if offered by the prosecutor; and when the exclusion of such evidence would violate the defendant's constitutional rights. Before admission of said evidence, the court must conduct an in camera hearing to examine the merits of the motion.

Authored By: Rep. Deborah Silcox (52nd)
House Judiciary Non-Civil
Committee: **Committee Action:** 03-01-2019 Do Pass by Committee Substitute

HB 471 Motor vehicles; implied consent notices; revise

Bill Summary: HB 471 repeals the implied consent notice read by law enforcement officers during a DUI arrest and replaces the implied consent notice with updated language for: hunting under the influence; driving under the influence; and boating under the influence.

Authored By: Rep. Steven Sainz (180th)
House Committee: Judiciary Non-Civil
Committee Action: 03-01-2019 Do Pass by Committee Substitute

HB 483 Controlled substances; Schedules I, IV, and V; change certain provisions

Bill Summary: HB 483 is the annual narcotics and drug update regarding Schedules I, IV, and V controlled substances to capture new synthetic opiates and synthetic marijuana, commonly known as bath salts.

Authored By: Rep. Ron Stephens (164th)
House Committee: Judiciary Non-Civil
Committee Action: 03-01-2019 Do Pass

Regulated Industries Committee**HB 324 Georgia's Hope Act; enact**

Bill Summary: HB 324 is known as the 'Georgia's Hope Act' and allows for the production, manufacturing, and dispensing of low THC oil with a lawful valid license issued by the Low THC Oil License Oversight Board. The bill also creates the Office of Low THC Oil Control within the Department of Public Health. The department is granted the authority to promulgate rules and regulations to establish security, quality control, tracking, and oversight of all low THC oil production to ensure market stability and adequate supply. Moreover, the department is prohibited from promulgating rules and regulations that would unduly burden access to low THC oil by registered patients. The Low THC Oil License Oversight Board, comprised of 11 members, is charged with reviewing and approving applications to ensure a competitive process for licenses issued. Members of the oversight board serve without compensation but receive a per diem for each day of attendance at board meetings and serve at the pleasure of the governor, president of the Senate, or speaker of the House in accordance with their manner of appointment.

No later than January 1, 2020, the department shall issue five Class 1 production licenses, providing it receives at least five qualified applications. Class 1 licenses are authorized to: grow unlimited amounts of cannabis or hemp products in only indoor facilities for producing low THC oil; manufacture low THC oil; operate five safe access retail outlets; and provide home delivery through company owned and operated vehicles. Applicants for a Class 1 license must show: at least \$10 million in available cash reserves; a written production plan; a comprehensive security plan which also includes transportation; a detailed employment plan; a written plan for certified organic production; letters of support from local government entities; a demonstration of significant involvement in the business by one or more minority business enterprises; documentation of industry capabilities and experience; and copies of recent criminal background checks for all employees and owners. The applicant for a Class 1 production license must submit a non-refundable application fee of \$50,000. Upon the award of a Class 1 production license, the applicant must submit an initial license fee of \$100,000 with the annual renewal fee of \$50,000. No person or entity may hold ownership in more than one Class 1 production license.

No later than January 1, 2020, the department shall issue five Class 2 production licenses, providing it receives at least five qualified applications. Class 2 licenses are authorized to: grow cannabis or hemp products in only indoor facilities, limited to 20,000 square feet, for producing low THC oil; manufacture low THC oil; operate three safe access retail outlets; and provide home delivery

through company-owned and operated vehicles. Applicants for a Class 2 license must show: at least \$1 million in available cash reserves; a written production plan; a comprehensive security plan which also includes transportation; a detailed employment plan; detailed designs of all production and retail facilities; a written plan for certified organic production; letters of support from local government entities; a demonstration of significant involvement in the business by one or more minority business enterprises; documentation of industry capabilities and experience; and copies of recent criminal background checks for all employees and owners. The applicant for a Class 2 production license must submit a non-refundable application fee of \$12,500. Upon the award of a Class 2 production license, the applicant must submit an initial license fee of \$25,000 with the annual renewal fee of \$12,500. No person or entity may hold ownership in more than one Class 2 production license.

No later than January 1, 2020, the department shall issue 10 safe access retail licenses, providing it receives at least 10 qualified applications, which are authorized to operate two safe access retail outlets. Applicants for a safe access retail license must show: at least \$250,000 in available cash reserves; a comprehensive security plan; a detailed employment plan; detailed designs of retail facilities; letters of support from local government entities; a demonstration of significant involvement in the business by one or more minority business enterprises; and copies of recent criminal background checks for all employees and owners. The applicant for a safe access retail license must submit a non-refundable application fee of \$10,000. Upon the award of a safe access retail license, the applicant must submit an initial license fee of \$20,000 with the annual renewal fee of \$10,000. No person or entity may hold ownership in more than one safe access retail license.

HB 324 requires that each Class 1 and Class 2 production licensee to establish, utilize, and maintain a sophisticated tracking system for all phases of production allowing for real-time department access. Moreover, the tracking system must be operated in compliance with the federal Health Insurance Portability and Accountability Act of 1996.

No person may enter a safe access retail outlet unless he or she is an employee of the retail outlet, an employee of a licensee, or a registered patient or registered caregiver in possession of a valid registration card.

No licensee shall operate in any location, whether for cultivation, harvesting, and processing marijuana for low THC oil, within a 3000 foot radius of a school, an early care program, church, synagogue, or other place of public worship in existence prior to the date of licensure by the department. In addition, licensees must comply with strict advertisement requirements which prohibit advertising that promotes recreational or non-medical use of marijuana. All licensees must provide on-demand access to facilities for inspection by the Georgia Bureau of Investigation or the department.

It is unlawful to ingest low THC oil in a manner that employs a heating element that can be used to produce vapor in solution or other form.

Authored By: Rep. Micah Gravley (67th)
House Committee: Regulated Industries

Committee Action: 03-01-2019 Do Pass by Committee Substitute

Special Committee on Access to Quality Health Care Committee

HB 89 State health planning and development; integrated ambulatory surgery centers; provide exemption from certificate of need requirements

Bill Summary: House Bill 89 exempts integrated ambulatory surgery centers (ASC) from certificate of need requirements. In order to be in compliance with this exemption, the ASC must provide uncompensated indigent and charity care in an amount equal to or greater than 5 percent of its adjusted gross revenue. Additionally, the ASC must provide an annual report in the same manner

and in accordance with Code Section 31-6-70.

Authored By:	Rep. Chuck Martin (49th)	Committee	03-01-2019 Do Pass by Committee
House	Special Committee on Access to	Action:	Substitute
Committee:	Quality Health Care		

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 three parts. Part I revises provisions of the state's Certificate of Need (CON) requirements. Part II specifies hospital and hospital authority obligations related to 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 III extends the Rural Hospital Tax Credit 2024 with additional requirements for undesignated contributions, public disclosure, and auditing.

Part I revises CON to update the expenditure cap on construction and remodeling from \$2.5 million to \$10 million and on equipment from \$1 million to \$4 million. 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). Freestanding emergency departments are incorporated within the umbrella definition of "health care facility" for the purposes of CON; however, all other freestanding emergency departments are prohibited. The definitions for "joint venture" and "single specialty ambulatory surgery center" (ASCs) are expanded to include cardiology procedures.

HB 198 allows a destination cancer hospital to convert to a general hospital with notice to the Department of Community Health (DCH); at that time, the facility is subject to general hospital CON provisions, including the applicable indigent and charity care requirements.

Effective June 30, 2019, the indigent and charity care requirement to be reported to DCH is calculated on the Medicare base allowable rate for the unpaid service with a 1.5 multiplier and not the hospital's charge. This calculation becomes effective July 1, 2021 for the purposes of fines and penalties for new facilities or those existing facilities that make CON modifications after that date. These licenses 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 two percent; that statewide average requirement is reduced by three percent for for-profit entities, but not less than one percent. 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.

Penalties for failing to meet the indigent and charity care requirement are assessed at one percent of net revenue for every half percent of care not provided and the potential revocation of parts or all of its CON. The funds collected are deposited into 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 two 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. 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.

An objection to a new license may only be made by an existing facility of the same type or that substantially offers the same service(s) within a 35-mile radius.

Within the exceptions to Certificate of Need, the non-resident bed limits for continuing care retirement communities that do not take Medicaid are removed. New exceptions are created for substance abuse and mental health facilities and services; public and private psychiatric hospitals; and a freestanding ambulatory surgical center that includes sports training, medical and community education programs, accepts Medicaid and maintains a proven \$25 million or more annual economic impact.

Part II requires a non-profit hospital, hospital-owned or operated authority or the authority's non-profit corporation to increase transparency by prominently posting online the most recent PDF copies of certain federal and state documents, which 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 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 audited 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; disproportionate share hospital survey; 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 II 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.

Part III extends the Rural Hospital Tax Credit through calendar year 2024 for hospitals with an operating 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; eligible and ranked hospital list determined by December 1st of every year; annual report; total amount received by third-party entities soliciting or managing donors; and a link to the Department of Revenue's donation information on their webpage. This ranked hospital list must also be distributed by any of the 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.

The bill is effective upon the governor's signature.

Authored By:	Rep. Matt Hatchett (150th)	Committee	03-01-2019 Do Pass by Committee
House	Special Committee on Access to	Action:	Substitute
Committee:	Quality Health Care		

Ways & Means Committee

HB 224 **Income tax; credit for new purchases and acquisitions of qualified investment property shall be earnable for mining and mining facilities and allowed against a taxpayer's payroll withholding; provide**

Bill Summary: House Bill 224 amends the investment tax credit, job tax credit, and quality jobs tax credit.

The investment tax credit is amended by increasing the minimum investment from \$50,000 to \$100,000 for all tiers. For tier 1 and tier 2 counties, credits earned on or after January 1, 2020 must first be applied to at least 50 percent of the taxpayers state income tax liability before up to \$1,000,000 per year of excess credits may be taken as a credit against payroll withholdings. Unused credits claimed prior to January 1, 2019 shall be treated the same as new credits and allowed to be used against withholdings if, in tier 1 counties, the taxpayer maintains at least 100 jobs in rural counties and purchases or acquires at least \$5,000,000 of qualified investment property in rural counties and, in tier 2 counties, the taxpayer maintains at least 100 jobs in rural counties and purchases or acquires at least \$10,000,000 of qualified investment property in rural counties. Rural counties are defined as a counties having a population of 50,000 or less and 10 percent or more living in poverty. A statewide annual cap of \$20,000,000 in aggregate for all taxpayers in the state is established for credits being used against payroll withholdings.

The bill also amends the job tax credit by revising the wage required to earn job tax credits. For counties designated as one of the first through fortieth least developed counties in the state that have a population of less than 50,000 and a poverty rate of greater than 10 percent, the target wage is equal to 70 percent of the average wage earned in the county with the lowest average wage earned in this state. For tier two counties or tier one counties that are not one of the first through fortieth least developed counties in this state with a population of less than 50,000 and a poverty rate of greater than 10 percent, the target wage is equal to 90 percent of the average wage earned in the county with the lowest average wage earned in this state. The target wage for all other counties remains the average wage earned in the county with the lowest average wage earned in this state. The bill also provides an additional credit of \$500 for each qualified new job created in a tier one or tier two county with a population of less than 50,000 and a poverty rate of greater than 10 percent.

The job creation threshold for the quality jobs tax credit is also revised. For counties designated as tier one by the commissioner of the Department of Community Affairs with a population of less than 50,000 and a poverty rate of greater than 10 percent, at least five new quality jobs must be created within one year. Counties designated as tier two by the commissioner of the Department of Community Affairs with a population of less than 50,000 and a poverty rate of greater than ten percent, must create at least 10 new quality jobs within one year. For all other counties in the state, the threshold remains 50 new quality jobs within two years.

Authored By:	Rep. Bruce Williamson (115th)	Committee	03-01-2019 Do Pass by Committee
House	Ways & Means	Action:	Substitute
Committee:			

HB 276 **Sales and use tax; certain persons that facilitate certain retail sales; require collection of tax**

Bill Summary: House Bill 276 amends O.C.G.A. 48-8-2, relating to definitions regarding sales and use tax, by adding the terms "marketplace facilitator" and "marketplace seller" as well as expanding the definition of "dealer" to require marketplace facilitators to collect and remit sales tax on behalf of marketplace sellers.

A "marketplace facilitator" is a person that contracts with a marketplace seller to make available or facilitate taxable retail sales on the marketplace sellers behalf. This includes promoting, marketing, advertising, taking orders or reservations for, providing the physical or electronic infrastructure that brings purchasers and marketplace sellers together for, or otherwise assisting the marketplace seller in making retail sales and collecting, charging, processing, or otherwise facilitating payment for the retail sales on behalf of the marketplace seller.

A "marketplace seller" is a person that conducts retail sales through or facilitated by any physical or electronic marketplace or platform operated by a marketplace facilitator.

The definition of "dealer" is expanded to include marketplace facilitators who facilitate taxable sales to be delivered, held for pickup, used, consumed, distributed, stored for use or consumption, or rendered as a service in Georgia if the total value of all sales, including sales from marketplace sellers and the marketplace facilitator itself, exceeds \$100,000 in the previous or current calendar year.

Authored By:	Rep. Brett Harrell (106th)	Committee	03-01-2019 Do Pass by Committee
House	Ways & Means	Action:	Substitute
Committee:			

HB 344 Sales and use tax; mission to advance arts shall not be required to be an organization's primary mission in order to obtain an exemption for certain sales of tickets for admission to fine arts performances; provide

Bill Summary: House Bill 344 amends O.C.G.A. 48-5-41, relating to property exempt from ad valorem taxation, by adding an exemption for all real property owned by a charity if the property is held exclusively for the purpose of building or repairing single-family homes to be financed by the charity to individuals using interest free loans. If the property is not used for the purpose of building or repairing single-family homes to be financed by the charity to individuals using interest free loans, then the full amount of ad valorem taxes exempted shall be due and payable.

Authored By:	Rep. Matthew Gambill (15th)	Committee	03-01-2019 Do Pass by Committee
House	Ways & Means	Action:	Substitute
Committee:			

HB 379 Revenue and taxation; projects and purposes using SPLOST funds; revise annual reporting requirements

Bill Summary: House Bill 379 amends O.C.G.A. 48-8-122, relating to annual reporting of county special purpose local option sales tax (SPLOST) projects, by changing the due date for publishing reports from December 31 to 180 days following the close of the most recent fiscal year.

Authored By:	Rep. Beth Moore (95th)	Committee	03-01-2019 Do Pass
House	Ways & Means	Action:	
Committee:			

HB 406 Local government; joint authorities to furnish certain information necessary for the state auditor to determine the net impact of their activities on associated tax digests; require

Bill Summary: House Bill 406 amends O.C.G.A. 36-62-5.1, relating to joint authorities, by adding a new subsection which requires each joint authority to submit an annual report to the state revenue commissioner and the state auditor which identifies all real property and all property interests that are owned, in part or in full, by the joint authority as well as any encumbrances, liens, or covenants on such properties. The annual report must also include all agreements or contracts related to the joint authority that are between one or more counties, municipalities, joint authorities, or private parties that reference taxes, lease agreements, or the sharing of revenue, funds, fees, taxes, assessments, fines, or any other income. The information compiled in this report shall be used by the state auditor to determine each county's equalized adjusted property tax digest. The state auditor

must annually produce a report that compiles the information gathered by the joint authorities and present that report to the affected local taxing jurisdiction.

Authored By: Rep. Bruce Williamson (115th)
House Committee: Ways & Means
Committee Action: 03-01-2019 Do Pass by Committee Substitute

HB 446 Revenue and taxation; timber producers incurring losses from Hurricane Michael; clarify that certain credits that have been transferred shall not be refundable

Bill Summary: House Bill 446 amends O.C.G.A. 48-7-40.36, relating to income tax credits for timber producers incurring losses from Hurricane Michael, by limiting the refundability of the credit to the taxpayer that incurred the timber loss.

Authored By: Rep. David Knight (130th)
House Committee: Ways & Means
Committee Action: 03-01-2019 Do Pass

HB 507 Ad valorem tax; criteria used by tax assessors to determine the fair market value of real property; revise

Bill Summary: House Bill 507 amends O.C.G.A. 48-5-2, relating to definitions regarding ad valorem taxation of property, by revising the definition of 'fair market value' to allow assessors to consider rather than utilize data that is available for income producing properties when using the income approach to valuing property.

Authored By: Rep. Michael Wilensky (79th)
House Committee: Ways & Means
Committee Action: 03-01-2019 Do Pass by Committee Substitute

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](#).*

Monday, March 04, 2019

1:00 PM [Academic Innovation Subcommittee of Education](#) 406 CLOB