



Georgia

HOUSE OF REPRESENTATIVES

Thursday
February 1,
2018

DAILY REPORT

14th
Legislative
Day

House Budget & Research Office
(404) 656-5050

House Media Services
(404) 656-0309

- The House will reconvene for its 15th Legislative Day on Thursday, February 1 at 12:00 p.m.
- The Rules committee has not yet scheduled a time for meeting.
- 1 bill is expected to be debated on the floor.

Today on the Floor

Motion to Insist

HB 217 Income tax credit; certain scholarship organizations; increase amount of the aggregate cap on contributions

Bill Summary: House Bill 217 amends 48-7-29.16, relating to the qualified education tax credit, by raising the cap for 2018 from \$58 million to \$65 million and adding that in 2019 and beyond the cap will increase by 10 percent per year if the program is fully subscribed during the previous year; the program may never exceed \$100 million. The total amount of tax credits for C corporations, trusts, or other similar entities is capped at 25 percent of the program total. The application period is set for the first 10 business days of each year. Tax credits will be awarded on a prorated basis after the close of the application period. If the program is not fully subscribed at the close of the application period, the remaining amount will be available on a first-come, first-served basis. Each student scholarship organization is required to submit an annual report showing all fees and assessments retained by the organization during the prior year.

Authored By: Rep. John Carson (46th)

Rule Applied: Structured

Motions to Insist: *This Motion to Insist created a Conference Committee to negotiate a final version of the bill.*

Motion to Agree as Amended

HB 159 Domestic relations; adoption; substantially revise general provisions

Bill Summary: HB 159 has three major parts.

1. Adoption

This bill amends Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to general provisions for adoption, by superseding and modernizing provisions relating to adoption proceedings in superior Court, as well as enacting adoption reforms based on best practices and the best interest of all involved in the adoption triad: the child, the birth parents, and the adoptive parents. The bill provides for a non-resident to allow an adoption of his or her child; makes general syntax changes to make the Code more readable; and revises and provides for new forms to help the petitioner.

The bill changes the requirements for adopting children in Georgia. The bill will eliminate the six-month residency requirement and allow non-residents to adopt Georgia-born children in association with the Inter-State Compact of Children, as well as provides for Georgia residents to adopt from out-of-state agencies. The age for a single petitioner is reduced from 25 to 21 in cases of family or marriage. There is an exception to the requirement that the petitioners must be 10 years older than the child who is the subject of the adoption in stepparent and relative adoptions.

The bill will allow, subject to financial disclosures, the following reimbursements or payments on behalf of the biological parents if paid by an attorney or an agency: medical expenses directly related to the mother's pregnancy and child's birth, counseling services or legal services directly related to the biological parent's placement of his or her child for adoption. The bill also adds payment or reimbursement of reasonable living expenses paid to the biological mother by an agency or paid from the trust account of an attorney who is a member and in good standing with the State Bar of Georgia, but limited to: rent, utilities, food, maternity garments, and maternity accessories for the biological mother.

The bill makes it a felony for any person or entity to conspire with another to offer or provide inducements for a parent to part with his or her biological child or actually "hold out" such inducements. It also now a felony for an individual to knowingly make false statements to obtain inducements, or accept expenses for the adoption of a child or unborn child where the individual knows or should have known she is not pregnant or not the legal parent. When already receiving expenses for a child or unborn child it shall be a felony to fail to disclose receiving such expenses to another agency or attorney.

The bill clarifies that surrender of parental rights is to be under oath and before both a notary and an adult witness. Also, the time period for when an individual may revoke such surrender has been reduced from ten days to four days. No waiver of this revocation period is provided.

The bill adds a provision that when an alleged biological father who is not a legal father files a legitimation petition after the child's mother has surrendered her parental rights, then the court shall consider the mother's affidavit and other evidence to determine whether the petitioner biological father abandoned his opportunity interest to legitimate the child. There shall be a rebuttable presumption that the father abandoned his interest for legitimation if he failed to live with the child, contribute to the child's support, or medical care during pregnancy or birth hospitalization.

The age for access to records regarding adoption held by the State Adoption Unit of the Department of Human Services (department) is reduced from 21 to 18, and it grants access to records held by the unit upon reunion or death. The bill updates and streamlines the path for domestication of a foreign decree of adoption and provides a path for adoption of a foreign-born child following guardianship for whom a Georgian was only able to obtain guardianship.

HB 159 updates the procedure for the final hearing to account for the other changes made and to insert factors to be considered by the court in making the ultimate determination that the adoption is in the best interest of the child and to require findings of fact regarding same. Updated forms regarding surrender of parental rights are also provided.

The manner in which notice is provided is clarified so that non-residents may accede to the jurisdiction in Georgia in surrendering his or her rights to the child for the purposes of an adoption in Georgia.

2. Power of Attorney

This bill also adds a Code section relating to the power of attorney between a parent and an agent for temporary authority over the parent's child. A parent of a child may delegate caregiving authority for their child, not to exceed one year, unless extended, by executing a power of attorney to an adult individual who meets certain qualifications. To be a qualified adult, the individual must reside in Georgia and be the great-grandparent, grandparent, step-parent, former step-parent, step-grandparent, aunt, uncle, great aunt, great uncle, cousin, sibling or is a non-relative who is approved as an agent by an organization licensed as a child placing agency (child-placing agency) or either a non-profit or faith based organization.

A non-profit entity or faith based organization that is not licensed by the Department of Human Services (department) but is providing services under this article shall annually provide the department such entities contact information including address and names of the entity, director, officers and members of the governing body, total number of approved volunteer families and children served in the previous calendar year. The department shall maintain a list of such entities that have provided the required information and may refer an individual seeking to execute a power

of attorney under this article to such entities that have provided the required information. The department is immune from any claim or proceeding due to referring an individual to an entity and shall promulgate rules and regulations to implement this Code section.

The powers granted are that of a parent, except those of marriage or adoption of the child, matters relating to abortion, or the termination of parental rights. The power of attorney may be done without a court order, and must not limit existing child support. Child support specifics are outlined. Specifics of the agent are outlined, such as acceptance in writing for the care of the child, and not ever being on a child abuse or child sexual offender registry in this state or any state. Prospective agents, who are not relatives, must provide a criminal background check.

A power of attorney executed during the pendency of a divorce or custody action is void, unless executed or agreed upon by both parties to such action, if both parties have custodial rights to the child or the court presiding over such divorce or custody action enters an order allowing the execution of the power of attorney as being in the best interests of such child.

Responsibility of the agent is stipulated as being in the best interest of the child and shall, except as otherwise provided in the power of attorney or this article, have the same rights and duties as otherwise would be exercised by such parent under the law. This would include school enrollment of the child.

All child-placing agencies, non-profits, and faith-based organizations, are required to maintain a record of all powers of attorney executed for at least five years after the expiration of such powers of attorney. Fifteen days after the power of attorney is executed, a parent with sole custody of a child who intends to execute such power of attorney shall provide written notice of such intention to the non-custodial parent. For the non-custodial parent to object to the power of attorney, that non-custodial parent must serve such objection on the individual executing the power of attorney within 21 days of the delivery of the notice. An objection shall prohibit the action of a power of attorney under this article and the child shall be returned to the individual with sole custody.

The execution of a power of attorney under this article shall not constitute abandonment, child abuse, or neglect. The bill prohibits an individual from executing a power of attorney with the intent to divest or negate an individual's legal responsibility to care for the child. A power of attorney also does not extinguish one's duty to provide maintenance, protection and education for the child nor absolve the signer from liability for placement of the child. The department also retains all law enforcement and investigatory powers regarding allegations of abuse, neglect, abandonment, desertion, or other mistreatment of a child. A section is also added to address the illegality of executing a power of attorney to avoid an investigation of the child's welfare by the Division of Family and Children Services of the Department of Human Services.

Parents and agents shall not be precluded by this article to seek emergency medical treatment for the child while he or she is in the custody of a supervisor at the request of the parent or agent. The power of attorney shall be signed under oath and acknowledged before a notary public, and the person executing it and the agent must be present to such notary. A copy of the power of attorney must be filed by either the parent or agent with the probate court of the county in which the parent resides within ten days of the power of attorney being executed. Where the residence of the child changes to a different county then the agent shall file the power of attorney with the probate court of that county. Each probate court shall maintain a docket that shall include the names of the agent and child, and the date: the power of attorney was deposited with the court, expires and (if applicable) when a power of attorney will be registered. The power of attorney shall be confidential except for the individuals involved and the department and any local, state, or federal authority that is conducting an investigation involving such individuals, and insofar as it shall be publicly accessible as are other dockets for the probate court. A person may revoke or execute a subsequent new power of attorney.

The agent shall have the authority to act on behalf of the child for the duration of the power of attorney without compensation, as long as it does not exceed a year or is revoked or terminated by the individual who executed the power of attorney, the parent, or a court of competent jurisdiction. Steps

and requirements for revocation of the power are addressed, including letting schools, health providers, and the probate court know of the temporary change in custody as well as returning the child to the parent who executed the power of attorney within 48 hours of receiving such revocation.

The child shall not be considered placed in a foster care, and it shall not entail any foster care licensing requirements on the agent. If the grandparent is the one who receives power, the duration of the power may be unlimited. If the parent granted caregiving authority is a member of the U.S. Armed Forces or Reserves, the year-long caregiving period may be extended if the parent is deployed. The term of delegation shall not exceed the term of deployment plus 30 days.

A form is provided that if properly completed, signed, and notarized, is sufficient to grant the temporary delegation of caregiving authority to an agent.

3. Leave for Adoptive Parents

The bill includes a new provision in Title 20, Chapter 2 that requires local boards of education to offer equal maternity and paternity leave time for new biological and adoptive parents.

Authored By: Rep. Albert Reeves (34th)

Rule Applied: Modified-Structured

Motions to Agree: *This motion to agree to the Senate Substitute as Amended by the House sent the bill back to the Senate for further consideration.*

Rules Calendar

HB 671 Special license plates; Georgia Beekeepers Association; establish

Bill Summary: House Bill 671 creates a special license plate promoting the conservation and protection of the official insect of this state, the honey bee. A portion of the proceeds raised by the sale of this plate shall be disbursed to the Georgia Beekeepers Association.

Authored By: Rep. Emory Dunahoo (30th)

Rule Applied: Modified-Structured

House Committee: Motor Vehicles

Committee Action: 01-29-2018 Do Pass

Floor Vote: Yeas: 168 Nays: 0

Next on the Floor from the Committee on Rules

The Committee on Rules has fixed the calendar for the 15th Legislative Day, Thursday, February 1 and bills may be called at the pleasure of the Speaker.

HB 701 State employment; drug testing; allow testing for all forms of opioids

Bill Summary: HB 701 amends definitions for drug testing for state employment to allow testing for all forms of opioids. It shall not be defined as an "illegal drug" pursuant to a valid prescription or when used as otherwise authorized by state or federal law.

Authored By: Rep. Kevin Tanner (9th)
House Committee: Health & Human Services

Rule Applied: Modified-Structured
Committee Action: 01-30-2018 Do Pass

Committee Actions

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

Ways & Means Committee

HB 723 Sales and use tax; certain veterinary diagnostic and disease monitoring services; create exemption

Bill Summary: House Bill 723 amends 48-8-3, relating to exemptions from state sales and use tax, by adding an exemption on sales tax for 501(c)(5) non-profit organizations which, as their primary purpose, provide poultry related diagnostic and disease monitoring services.

Authored By: Rep. Sam Watson (172nd)
House Committee: Ways & Means

Committee Action: 02-01-2018 Do Pass by Committee Substitute

HB 728 Public Education Innovation Fund Foundation; repeal an uncodified sunset provision

Bill Summary: House Bill 728 removes the December 1, 2020 sunset provision on the Public Education Innovation Fund Foundation.

Authored By: Rep. Brooks Coleman (97th)
House Committee: Ways & Means

Committee Action: 02-01-2018 Do Pass

HB 729 Ad valorem tax; property; repeal certain provisions

Bill Summary: House Bill 729 repeals 48-5-8, relating to the reduction of the state property tax through the years of 2011 to 2016.

Authored By: Rep. Brett Harrell (106th)
House Committee: Ways & Means

Committee Action: 02-01-2018 Do Pass by Committee Substitute

HB 756 Sales and use tax; annual reporting requirements regarding projects using SPLOST funds; revise

Bill Summary: House Bill 756 amends 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. Scott Hilton (95th)
House Committee: Ways & Means

Committee Action: 02-01-2018 Do Pass

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 [Meeting Notices](#).*

No committee meetings are scheduled tomorrow, Friday, February 2, 2018.