



Georgia
HOUSE OF REPRESENTATIVES

Tuesday
February 6,
2018

DAILY REPORT

16th
Legislative
Day

House Budget & Research Office
(404) 656-5050

House Media Services
(404) 656-0309

- The House will reconvene for its 17th Legislative Day on Wednesday, February 7 at 10:00 a.m.
- The Rules committee will meet at 9:00 a.m.
- 6 bills / resolutions are expected to be debated on the floor.

Today on the Floor

Rules Calendar

HB 398 Peace Officers' Annuity and Benefit Fund; update a cross-reference; provisions

Bill Summary: HB 398 allows individuals who are employed as investigators by the Georgia Board of Dentistry to become members of the Peace Officers' Annuity and Benefit Fund, provided they are P.O.S.T. certified. The Georgia Board of Dentistry is required to pay the employer rate. This bill has been certified by the Georgia Department of Audits and Accounts as a fiscal retirement bill. The actuary has determined that a state appropriation is not required to implement the changes set forth in this bill.

Authored By: Rep. Paul Battles (15th)
House Committee: Retirement
Floor Vote: Yeas: 167 Nays: 4

Rule Applied: Modified-Structured
Committee Action: 01-24-2018 Do Pass

HB 588 Employees' Retirement System of Georgia; member may purchase annuity; revise method and manner

Bill Summary: HB 588 allows the board of the Employees' Retirement System (ERS) to offer a supplemental guaranteed lifetime annuity for eligible members. Eligible members may transfer some or all of their funds from a 401(k) plan or 457(b) plan to an account under the system in order to purchase the annuity, with a maximum transfer of \$25,000. This bill has been certified by the Georgia Department of Audits and Accounts as a fiscal retirement bill. The actuary has determined that a state appropriation is not required to implement the changes.

Authored By: Rep. Howard Maxwell (17th)
House Committee: Retirement
Floor Vote: Yeas: 168 Nays: 0

Rule Applied: Open
Committee Action: 01-31-2018 Do Pass

HB 683 Supplemental appropriations; State Fiscal Year July 1, 2017 - June 30, 2018

Bill Summary: The original FY 2018 budget approved during the 2017 Session set spending at \$24.9 billion. House Bill 683, the Amended FY 2018 budget, recognizes \$306.7 million in additional revenue or 1.2 percent over the original FY 2018 budget. This brings the total appropriation for Amended FY 2018 to \$25.3 billion.

The bill, tracking sheet and highlights may be found on the House Budget and Research Office website:
<http://www.house.ga.gov/budget>

Authored By: Rep. David Ralston (7th)

Rule Applied: Modified-Open

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House Committee: Appropriations
Floor Vote: Yeas: 167 Nays: 8

Committee Action: 01-31-2018 Do Pass by Committee Substitute

HB 692 Deferred compensation plans; governing authority of a municipality may pay costs or fees associated with an employee's participation in a plan; provide

Bill Summary: HB 692 allows municipalities to pay the costs or fees associated with an employee's participation in a deferred compensation plan. Employers are authorized to establish an automatic enrollment arrangement permitted by and operated in accordance with federal laws and regulations. Currently, participation in a deferred compensation plan occurs at the request of the employee and the employee determines the level of participation. This bill has been certified as a non-fiscal retirement bill by the Georgia Department of Audits and Accounts.

Authored By: Rep. Howard Maxwell (17th)
House Committee: Retirement
Floor Vote: Yeas: 173 Nays: 0

Rule Applied: Open
Committee Action: 01-31-2018 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
Floor Vote: Yeas: 172 Nays: 0

Rule Applied: Structured
Committee Action: 02-01-2018 Do Pass by Committee Substitute

Local Calendar

HB 724 Monticello, City of; change corporate limits

Bill Summary: This bill revises the corporate boundaries of the City of Monticello.

Authored By: Rep. Susan Holmes (129th)
House Committee: Intragovernmental Coordination - Local
Floor Vote: Yeas: 157 Nays: 0

Rule Applied:
Committee Action: 02-05-2018 Do Pass

HB 730 Clermont; Town of; provide for councilmember wards

Bill Summary: House Bill 730 provides councilmember wards for the town of Clermont.

Authored By: Rep. Lee Hawkins (27th)
House Committee: Intragovernmental Coordination - Local
Floor Vote: Yeas: 157 Nays: 0

Rule Applied:
Committee Action: 02-05-2018 Do Pass

HB 771 Heard County; Board of Education; provide new method of compensating members

Bill Summary: This bill provides a new method of compensating the members of the Heard County Board of Education. Each member of the board shall receive \$300 a month in addition to reimbursement for actual expenses incurred while meeting or traveling outside of the county.

Authored By: Rep. Randy Nix (69th)
House Committee: Intragovernmental Coordination - Local
Floor Vote: Yeas: 157 Nays: 0

Rule Applied:
Committee Action: 02-05-2018 Do Pass

SB 286 State Court of Troup County; charge and collect a technology fee for certain filings; authorize

Bill Summary: This bill authorizes the State Court of Troup County to charge and collect a technology fee for certain filings. The fee shall not exceed \$10.

Authored By: Sen. Matt Brass (28th)
House Committee: Intragovernmental Coordination - Local
Floor Vote: Yeas: 157 Nays: 0

Rule Applied:
Committee Action: 02-05-2018 Do Pass by Committee Substitute

Next on the Floor from the Committee on Rules

The Committee on Rules has fixed the calendar for the 17th Legislative Day, Wednesday, February 7, and bills may be called at the pleasure of the Speaker. The Rules Committee will next meet on Wednesday, February 7, at 9:00 a.m., to set the Rules Calendar for the 18th Legislative Day.

HB 571 Magistrates Retirement Fund; member in arrears for dues payments for 90 days shall be suspended; provisions

Bill Summary: HB 571 suspends the membership of any Magistrates Retirement Fund member whose due payments are 90 days unpaid; the member is only allowed to apply for reinstatement during the first 30 days of his or her next full term in office. Also, the bill adds language that allows the member to elect survivor benefits or cancel the election in the event of death or divorce. Lastly, the bill authorizes retired members to continue receiving benefits if they become employed as a full-time or part-time magistrate. This bill has been certified by the Georgia Department of Audits and Accounts as a fiscal retirement bill. The actuary has determined that a state appropriation is not required to implement the changes set forth in this bill.

Authored By: Rep. Sam Watson (172nd)
House Committee: Retirement

Rule Applied: Open
Committee Action: 01-24-2018 Do Pass

HB 626 Sharon Springs, City of; incorporate

Bill Summary: House Bill 626 is a bill to create the city of Sharon Springs.

Authored By: Rep. Todd Jones (25th)
House Committee: Governmental Affairs

Rule Applied: Modified-Structured
Committee Action: 01-31-2018 Do Pass by Committee Substitute

HB 700 Georgia Student Finance Authority; service cancelable educational loans; include graduate degree programs

Bill Summary: HB 700 allows members of the Georgia National Guard who are enrolled in a graduate degree program at an eligible postsecondary institution to apply for a service cancelable loan. Before applying for the service cancelable loan, the applicant must file a Free Application for Federal Student Aid (FAFSA) and exhaust all other available aid. The service cancelable loan can be revoked if the recipient fails to maintain good standing as a member of the Georgia National Guard for the required period or fails to maintain good academic standing. The loan will be canceled after a period of two years following the last year of study; however, the two-year requirement can be waived by the adjutant general of Georgia for good cause.

Authored By: Rep. D. C. Belton (112th)
House Committee: Higher Education

Rule Applied: Modified-Open
Committee Action: 01-31-2018 Do Pass

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

Rule Applied: Modified-Structured
Committee Action: 02-01-2018 Do Pass

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

Rule Applied: Structured
Committee Action: 02-01-2018 Do Pass

HB 777 Historic Chattahoochee Compact; repeal

Bill Summary: This bill repeals the Historic Chattahoochee Compact. The compact's purpose was to promote cooperative development between Alabama and Georgia in the Chattahoochee Valley area to help the area reach its full potential for historic preservation and tourism.

Authored By: Rep. Gerald Greene (151st)
House Committee: Interstate Cooperation

Rule Applied: Open
Committee Action: 02-05-2018 Do Pass

Committee Actions

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

Health & Human Services Committee

HB 636 Genetic Counselors Act; enact

Bill Summary: HB 636 provides for the licensure of genetic counselors and for continuing education requirements. The Georgia Composite Medical Board shall be authorized to require persons seeking renewal of a license to complete board-approved continuing education of not less than 40 hours biennially. On and after January 1, 2018, a person shall not engage in the practice of genetic counseling in this state without a valid license issued by the board.

Authored By: Rep. Deborah Silcox (52nd)
House Committee: Health & Human Services
Committee Action: 02-06-2018 Do Pass by Committee Substitute

HB 646 Community Health, Department of; pilot program to provide coverage for bariatric surgical procedures; reinstate

Bill Summary: HB 646 reinstates a pilot program to provide coverage for bariatric surgical procedures for the treatment and management of obesity and related conditions. Subject to appropriations, the Department of Community Health shall conduct a three-year pilot program beginning January 1, 2018. The pilot program will provide benefits for medically-necessary bariatric procedures for participants selected for inclusion in the pilot program.

Authored By: Rep. Katie Dempsey (13th)
House Committee: Health & Human Services
Committee Action: 02-06-2018 Do Pass by Committee Substitute

HB 782 Crimes and offenses; provisions relating to permissible users with access to prescription drug monitoring program data base; revise

Bill Summary: HB 782 relates to privacy and confidentiality, use of data, and security for the prescription drug monitoring program (PDMP) database, so as to revise provisions relating to permissible users with access to the database. This legislation adds access for a prescription drug monitoring program operated by a government entity in another state or an electronic medical records system operated by a prescriber or health care facility, if that program or system contains the legal, administrative, technical, and physical safeguards that meet or exceed the security measures of the Department of Public Health for the operation of the PDMP pursuant to this part.

Authored By: Rep. Trey Rhodes (120th)
House Committee: Health & Human Services
Committee Action: 02-06-2018 Do Pass

Judiciary Committee

HB 121 Trusts; minor or unborn beneficiaries; change provisions

Bill Summary: House Bill 121 revises the Code section relating to trusts. First, it extends from 90 to 360 years the timeframe to terminate or satisfy a trust in a legal instrument, usually a deed or will, within Georgia's common law Rule Against Perpetuities. The court's time limit to reform these dispositions is modified in the same manner. This Code section is effective July 1, 2018 for non-vested property interest and power of appointment made before July 1, 2018.

The bill also addresses the requirements of a trust's representative and their ability to receive notice and give consent on behalf of another party, as well as when his or her decisions are binding on a beneficiary or settlor, a person who grants or settles property in trust for the benefit of the beneficiary. All references to non-sui juris beneficiaries (beneficiaries who are not able to act independently) represented by a guardian or conservator have been removed. Representatives may

include, but are not limited to: a person making binding decisions on behalf of a minor, unborn child, incapacitated or other beneficiary having a substantially identical interest and no conflict of interest; or a representative appointed by the court, such as a guardian ad litem, for any party whose interest is inadequately or not represented. Interested persons, primarily the trustee and those required to consent for binding settlements, may enter into binding non-judicial settlement agreements in matters relating to the trust and trust property. The bill clarifies that a transfer of property to a trust is a transfer of property to the trustee since the title already transfers to the trustee.

The power of modification of a trust is amended to provide for: 1) court-approved modification with the consent of the settlor and all beneficiaries; 2) court-approved modification after the death of the settlor with the consent of all beneficiaries; and 3) discretionary modifications by a court to facilitate efficient administration of the trust. Additionally, the bill provides that a trust can give a person power to modify or terminate the trust without court approval. Non-charitable irrevocable trusts that cannot be modified without the consent of the beneficiaries are revised for when and who must consent to modify and terminate the trust. Powers of the trustee are granted the ability to modify, invade, and move money between trust funds.

If any contribution to the original trust where the principal is being distributed qualifies for a tax benefit, the trustee cannot distribute the funds in a way that prevents the tax benefit status. Limitations on the invasion of the trust are provided with requirements for the trustee and the secondary trust to which the assets are being distributed. If the trust owns stock in an S corporation, the trustee may not distribute to a second trust if it is not a permitted shareholder of S corporation stock. Except in instances of willful misconduct, a trustee shall not be liable for the validity of a distribution of property from one trust to the other if there is a failure due to a reliance on the distribution; however, a trustee is not compelled to use the powers enumerated in this Code section.

Unless the original trust instrument expressly provides otherwise, a trustee may distribute funds between a secondary and original trust even if there is a conflict between the parameters of the trusts and this Code section. The settlor and debts/liabilities of the original trust carry over to the secondary trust, and a trustee may terminate a trust if the value is less than \$100,000 and he/she decides the value is insufficient to justify the cost of administration.

A payment to a beneficiary's creditors in a discretionary trust is clarified to stipulate that a distribution may be for health, education, maintenance and support, and such terms make the trust discretionary.

The bill provides for a settlor's right to be reimbursed from a grantor trust for income and cannot be reached by a settlor's creditors. Additionally, after the death of the settlor's spouse, the assets of a marital trust are protected from creditors in the same manner currently provided to the assets of a surviving spouse from a settlor not in trust.

Provisions relating to compensation of trustees are clarified. The ability to modify a trust agreement for compensation of the trustee can be made unanimously by the representatives and qualified beneficiaries without court approval or by petition to the court. For all other instances, a fee schedule is provided that aligns with federal tax brackets.

This bill amends the method by which a trustee may resign. Unless otherwise required by the trust instrument, the trustee need only provide a 30-day written notice to the qualified beneficiaries, the settlor (if living) and all co-trustees, or he/she may petition the court, rather than either obtaining unanimous consent from the qualified beneficiaries and their guardians or petitioning the court. The trustee is not relieved from liability to the trust for actions made prior to resignation.

The bill removes a definition of "fiduciary" found in the express trust Code section to clarify that "fiduciary" is not limited to trustees but can also include a "personal representative," which can be an executor or trustee when these powers are incorporated by reference in a will or granted to a personal representative by the probate court. The express powers of a trustee include the same powers over a trust that an unmarried competent owner has over individually-owned property. Such trustee, without court authorization, may determine what is principal and what is income of any estate or trust and allocate or appropriate receipts and expenses between principal and income.

Lastly, this bill creates a new Code section that provides a statutory mechanism for the appointment of a trust director. Trust directors have power of direction over a trust while the person is not serving as trustee, regardless of whether that person is a beneficiary or settlor and regardless of how the trust instrument refers to such person. A trust director is given the same fiduciary duty and liability as a trustee in the exercise of the director's power, and the bill clarifies the duties and liabilities of the trust director and directed trustee.

Authored By: Rep. Chuck Efstroation (104th)
House Committee: Judiciary
Committee Action: 02-06-2018 Do Pass by Committee Substitute

HB 654 Child support; reforms recommended by the Ga. Child Support Commission; enact

Bill Summary: This bill amends the definition of "child support order" and "final child support amount" to clarify that the amount and the order can be two separate items and are not necessarily synonymous. Also, when there is more than one child for whom support is being determined, the court shall still establish the amount and duration of support, but if an amount in a final order is likely to change within two years, the court may allow for the use of separate worksheets to determine payments. This order shall not preclude a petition for modification.

Authored By: Rep. Beth Beskin (54th)
House Committee: Judiciary
Committee Action: 02-06-2018 Do Pass

HB 668 Guardian and ward; petitions for appointment of a guardian under certain circumstances; provisions

Bill Summary: This legislation amends Code sections relating to a petition for appointment of a guardian. It allows a petition to be filed regarding a proposed ward who is at least 17-years old and deemed to lack sufficient capacity to make or communicate significant responsible decisions concerning his or her health or safety at age 18 or in adulthood. When a petition is filed prior to the ward turning 18, any order appointing a guardian shall take affect when the ward turns 18.

Authored By: Rep. Betty Price (48th)
House Committee: Judiciary
Committee Action: 02-06-2018 Do Pass

HB 738 Probate courts; term for the purpose of the right to offer a will for probate; define

Bill Summary: This bill amends the Code section relating to the right of an interested person to offer a will for probate when the executor, the person appointed to administer the will, fails to do so. "Interested person" includes, but is not limited to a: recipient under the will, creditor of the decedent, purchaser from an heir of the decedent, and/or another similarly situated person.

Authored By: Rep. Mary Oliver (82nd)
House Committee: Judiciary
Committee Action: 02-06-2018 Do Pass

Regulated Industries Committee

HB 757 Local government; regulatory powers of cities and counties with certificate of public necessity and convenience; provisions

Bill Summary: HB 757 clarifies certain provisions regarding taxicabs. The bill reinforces existing local law governing taxicab medallions, and such local laws will remain in effect so long as they are consistent with existing state law. HB 757 applies state law to reinforce local ordinances that still require a medallion for the pickup of passengers. Moreover, the bill requires the drivers of taxis to prominently display a photo identification card. In addition, the bill defines a "soft taximeter" which is a smartphone, tablet, or similar device that is used as a taximeter and prohibits local governments from rejecting the use of such a device. HB 757 sets the maximum age limit of vehicles used to pick

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up passengers at airports to be no less than eight-years old for taxis, limos, or rideshares.

Authored By: Rep. Alan Powell (32nd)
House Regulated Industries
Committee:

Committee 02-06-2018 Do Pass
Action:

Committee Meeting Schedule

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

Wednesday, February 7, 2018

8:00 AM	INSURANCE	606 CLOB
9:00 AM	RULES	341 CAP
12:30 PM	APPROPRIATIONS HEALTH	341 CAP
1:00 PM	DEFENSE AND VETERANS AFFAIRS-CANCELLED	606 CLOB
2:00 PM	RETIREMENT	515 CLOB
2:00 PM	APPROPRIATIONS HUMAN RESOURCES	341 CAP
2:00 PM	HUMAN RELATIONS & AGING	403 CAP
3:00 PM	APPROPRIATIONS GENERAL GOVERNMENT	406 CLOB
3:00 PM	INDUSTRY AND LABOR	506 CLOB
3:00 PM	HIGHER EDUCATION	403 CAP
4:00 PM	Economic Development & Tourism Subcommittee: Films & Entertainment	341 CAP