



# Georgia

## HOUSE OF REPRESENTATIVES

Thursday  
February 15,  
2018

# DAILY REPORT

22nd  
Legislative  
Day

House Budget & Research Office  
(404) 656-5050

House Media Services  
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- The House will reconvene for its 23rd Legislative Day on Tuesday, February 20 at 10:00 a.m.
- The Rules committee will meet at 9:00 a.m.
- 8 bills / resolutions are expected to be debated on the floor.

## Today on the Floor

### Rules Calendar

#### **HB 381 Abandoned Mobile Home Act; enact**

**Bill Summary:** This bill creates the 'Abandoned Mobile Home Act' to provide counties and municipalities with the authority to appoint an agent to determine the condition of a mobile home and how to dispose of the property. The Act establishes procedures for a landowner to follow if the landowner wishes to remove an abandoned mobile home from his or her property. A mobile home is deemed "abandoned" if tenants have left it vacant for 90 days without notice to the landowner and there is evidence of removal of all personal belongings, cancelled insurance to indicate that tenants are not using or occupying the mobile home, or other indications that the mobile home is vacant and no longer being used.

In order to have the abandoned mobile home removed, the landowner must request that a local government agent inspect the mobile home, at which time the agent will classify the mobile home as either "derelict" or "intact". That classification determines the disposition of the vehicle.

For derelict (uninhabitable and in need of major repair) mobile homes, the agent shall post a notice demanding rent and unpaid fees in an obvious location on the mobile home, and the landowner must serve notice of the agent's determination upon any person with an ownership interest. If no persons with an ownership interest can be ascertained, the landowner must place an advertisement in a newspaper of general circulation in the county where the mobile home is located to run for two consecutive weeks; when no such newspaper exists, the landowner shall post the notice for two consecutive weeks at the county courthouse where other public notices are posted. Within 90 days of receipt of the notice, the mobile home owner must request a hearing in magistrate court to contest the determination or the landowner must petition a magistrate court to hold a hearing to confirm or deny the decision by the local government agent. The hearing must be held within 10 days of the petition. If the mobile home owner fails to request a hearing or if the determination is confirmed by the court, all tax liens held by state or local governing authorities are discharged and the landowner is entitled to dispose of the mobile home, although he or she must dispose of the mobile home within 180 days. Within 30 days of the disposal, the landowner must notify the Department of Revenue and local tag agent of the disposal and the department shall cancel the certificate of title, if such certificate exists.

For mobile homes classified as intact, the landowner shall have a lien in the amount of any unpaid fees (such as the reasonable cost of removal and storage of the mobile home) and rents accrued after the filing of the lien, but the rent cannot exceed \$3.00 per day after the filing of the lien. Any proceeding to foreclose on a lien against an intact abandoned mobile home shall be instituted within one year of the lien's recordation and filed in superior court. Similar notice provisions are provided, but for intact vehicles, the landowner may foreclose on such lien within 30 days of complying with the notice requirements, and similarly the magistrate court must hold a hearing to determine if a valid debt exists. A defendant has 30 days, rather than 90 days, to request a hearing to contest the agent's

determination. If the court finds the vehicle intact, within five days a party defendant may petition the court for a full hearing to contest the validity of the debt and that hearing shall be held within 15 days of the defendant's petition. If the defendant fails to seek a hearing or after a full hearing the court determines a valid debt exists, the court shall issue an order authorizing the public sale of the mobile home; however, any party with a security interest in or a lien on the mobile home shall have the right to pay the debt and court costs to possess the mobile home, and that person's security interest in or lien shall be increased by the amount so paid. A court order shall be issued to this effect, and no public sale of the mobile home shall occur. After the lien is satisfied, the person selling the mobile home shall, within 30 days of the sale, provide the clerk of the magistrate court a copy of the bill of sale and turn the remaining proceeds of such sale, if any, over to the clerk of the court and those funds shall be placed in the general fund after 12 months if no claim to those proceeds by the mobile home owner has been filed. A seller's failure to comply with this requirement shall be a misdemeanor. The court has the discretion to determine that a landowner has acted in bad faith and may award damages to the mobile home's owner.

**Authored By:** Rep. John Corbett (174th)  
**House** Judiciary  
**Committee:**  
**Floor Vote:** Yeas: 164 Nays: 0

**Rule Applied:** Modified-Open  
**Committee** 02-08-2018 Do Pass by Committee  
**Action:** Substitute  
**Amendments:**

**HB 635 Disabled Adults and Elder Persons Protection Act; at-risk adult protection investigative/coordinating teams; provide establishment**

**Bill Summary:** HB 635 requires the district attorney in each judicial circuit to establish an Adult Abuse, Neglect, and Exploitation Multi-disciplinary Team in order to coordinate the investigation of suspected abuse, neglect, or exploitation of a disabled adult or elder person. Additionally, the bill outlines the persons or agencies who shall have reasonable access to records concerning reports of elder, disabled adult, or resident abuse.

**Authored By:** Rep. Sharon Cooper (43rd)  
**House** Human Relations & Aging  
**Committee:**  
**Floor Vote:** Yeas: 158 Nays: 0

**Rule Applied:** Modified-Structured  
**Committee** 02-07-2018 Do Pass by Committee  
**Action:** Substitute  
**Amendments:**

**HB 657 Firearms; providing to person on probation as a felony first offender; make unlawful**

**Bill Summary:** House Bill 657 penalizes any person attempting or intentionally aiding an attempt to persuade a dealer to transfer a firearm to someone other than the buyer with imprisonment of not less than one nor more than five years. The legislation also provides the same penalty of imprisonment for at least one year but not more than five years for knowingly providing a firearm to any person who is on probation as a felony first offender or to anyone who has been convicted of a felony by any court of this, or any other, state.

**Authored By:** Rep. Jesse Petrea (166th)  
**House** Public Safety & Homeland Security  
**Committee:**  
**Floor Vote:** Yeas: 156 Nays: 3

**Rule Applied:** Modified-Structured  
**Committee** 02-05-2018 Do Pass  
**Action:**  
**Amendments:**

**HB 690 Revenue and taxation; fair market value of vehicles; change a certain definition**

**Bill Summary:** House Bill 690 amends 48-5C-1, relating to the title ad valorem tax, by specifying that the fair market value for used vehicles being leased is the total of the base payments of the lease agreement.

**Authored By:** Rep. Jason Ridley (6th)  
**House** Ways & Means  
**Committee:**  
**Floor Vote:** Yeas: 158 Nays: 2

**Rule Applied:** Structured  
**Committee** 02-08-2018 Do Pass  
**Action:**  
**Amendments:**

**HB 763 Education; student attendance protocol committees to school climate; expand**

Bill Summary: House Bill 763 amends O.C.G.A. 20-2-690.2 relating to student attendance protocol committees by expanding the purview of said committees to include reviewing and recommending policies relating to school climate. This legislation revises the name of the student attendance protocol committee to the student attendance and school climate committee to accurately reflect its revised purpose.

**Authored By:** Rep. Randy Nix (69th)  
**House Committee:** Education  
**Floor Vote:** Yeas: 155 Nays: 6

**Rule Applied:** Modified-Open  
**Committee Action:** 02-08-2018 Do Pass  
**Amendments:**

**HB 767 State government; verification of lawful presence that may be utilized in conjunction with electronic filing of an application for unemployment insurance; provide**

Bill Summary: House Bill 767 allows the Georgia Department of Labor (DOL) to require submission of a valid driver's license number or number from a state-issued identification, as well as a Social Security number, when a person is electronically filing an application for unemployment benefits. This bill allows Georgians to apply for benefits on-line and not have to drive to a DOL service center.

**Authored By:** Rep. William Werkheiser (157th)  
**House Committee:** Industry and Labor  
**Floor Vote:** Yeas: 167 Nays: 1

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-07-2018 Do Pass  
**Amendments:**

**HB 783 Administrative procedure; provisions creating inactive boards, panels, authorities and other such bodies; repeal**

Bill Summary: This clean-up bill repeals the following authorities, boards, councils, and commissions, that are inactive or no longer meet: Pacific White Shrimp Aquaculture Development Advisory Council, Georgia Tobacco Community Development Board, Southern Dairy Compact Commission, Heritage Trust Commission, Child Care Council, Georgia Southern University Herty Advanced Material Development Center Advisory Board, Private Colleges and Universities Authority, Education Information Steering Committee, Federal and State Funded Health Care Financing Programs Overview Committee, Commission on Men's Health, Renal Dialysis Advisory Council, Renal Dialysis Advisory Council, Arthritis Prevention and Control Program Advisory Panel, Special Advisory Commission on Mandated Health Insurance Benefits, Commission on the Georgia Health Insurance Risk Pool, Airport Anti-Terrorism Training Committee, and the Georgia Silver-Haired Legislature.

**Authored By:** Rep. Michael Caldwell (20th)  
**House Committee:** Code Revision  
**Floor Vote:** Yeas: 159 Nays: 0

**Rule Applied:** Modified-Open  
**Committee Action:** 02-12-2018 Do Pass by Committee Substitute  
**Amendments:**

**HB 792 Waste management; sunset date for certain solid waste surcharges and hazardous waste fees; extend**

Bill Summary: House Bill 792 amends 12-8-39(g) and 12-8-95.1(h), the acts relating to the Solid Waste Trust Fund and the Hazardous Waste Trust Fund, by extending the sunset provisions to July 1, 2019.

**Authored By:** Rep. Terry Rogers (10th)  
**House Committee:** Ways & Means  
**Floor Vote:** Yeas: 155 Nays: 8

**Rule Applied:** Structured  
**Committee Action:** 02-08-2018 Do Pass by Committee Substitute  
**Amendments:**

**HB 795 Labor, Department of; authorize Commissioner of Labor to perform certain functions; provisions**

Bill Summary: House Bill 795 provides the commissioner of Labor with authority to require a criminal background check on any individual employed by the Department of Labor or applying for employment with the Department of Labor on or after January 1, 2019. A criminal background check is required for any individual with direct access to federal return information as part of his or her job duties.

This bill is necessary to be compliant with federal law.

**Authored By:** Rep. Micah Gravley (67th)  
**House Committee:** Industry and Labor  
**Floor Vote:** Yeas: 165 Nays: 0

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-07-2018 Do Pass  
**Amendments:**

**Postponed Until Next Legislative Day****HB 726 Fulton County; ad valorem tax; provide new homestead exemption**

Bill Summary: This bill provides a homestead exemption, which has the effect of a valuation freeze, from Fulton County school district ad valorem taxes for educational purposes.

**Authored By:** Rep. Jan Jones (47th)

**Rule Applied:**

## Next on the Floor from the Committee on Rules

*The Committee on Rules has fixed the calendar for the 23rd Legislative Day, Tuesday, February 20 and bills may be called at the pleasure of the Speaker. The Rules Committee will next meet on Tuesday, February 20, at 9:00 a.m., to set the Rules Calendar for the 24th Legislative Day.*

### **HB 327 Alternative ad valorem tax; motor vehicles; change manner for determining fair market value**

**Bill Summary:** House Bill 327 amends 48-5C-1, relating to alternative ad valorem tax on motor vehicles, by removing the current state/local fund distribution model and replacing it with the following system. Beginning with the 2019 tax year and going through the 2024 tax year, each county shall retain an amount of the state and local title ad valorem tax (TAVT) proceeds equal to the amount of ad valorem taxes collected for the corresponding month in the 2012 tax year minus the amount of ad valorem tax collected during the current month. The excess portion of state and local TAVT proceeds each month shall be distributed as follows:

- 2019, 80 percent shall be remitted to the state and 20 percent shall be distributed by the locals;
- 2020, 75 percent shall be remitted to the state and 25 percent shall be distributed by the locals;
- 2021, 70 percent shall be remitted to the state and 30 percent shall be distributed by the locals;
- 2022, 65 percent shall be remitted to the state and 35 percent shall be distributed by the locals;
- 2023, 60 percent shall be remitted to the state and 40 percent shall be distributed by the locals;
- 2024, 55 percent shall be remitted to the state and 45 percent shall be distributed by the locals; and
- 2025 and beyond, 30 percent shall be remitted to the state and 70 percent shall be distributed by the locals.

For 2025 and beyond, the distribution of local funds shall be as follows:

- funds associated with vehicles registered in unincorporated areas of the county are distributed with 51 percent of the proceeds sent to the county governing authority and 49 percent of the proceeds sent to the board of education of the county school district; and
- funds associated with vehicles registered in incorporated areas of the county are distributed with 28 percent of the proceeds sent to the county governing authority, 23 percent of the proceeds sent to the municipal governing authority, and 49 percent of the proceeds sent to the board of education of the county or independent school district.

The bill also states that the combined state and local title ad valorem tax shall be 6.75 percent of the taxable value of the vehicle. The taxable value of vehicles sold by licensed motor vehicle dealers is the retail selling price minus the value of any trade-in and any rebate. The taxable value for leased vehicles is the total of the base payments plus any down payments or the agreed upon value of the vehicle pursuant to the lease agreement less any reduction for trade-in and any rebate. The reduction for the value of a trade-in vehicle is only available if the name of the owner and the vehicle identification number is included on the bill of sale. For a kit car, the taxable value is the greater of the retailer selling price of the kit or the average of the current fair market value and the current wholesale value of the vehicle. The bill also states that any motor vehicle dealer who does not submit or finalize the application for title within 30 days of the purchase shall be fined an amount less than \$500 per transaction and may be the basis for the revocation or suspension of the dealer's license. The bill allows for the local tag agent to collect and remit to the local county's general fund not more than one percent of the total to defray administrative costs. Individuals who move to Georgia shall pay a title ad valorem tax fee of four percent of the fair market value of the vehicle in one lump sum or as two equal payments. Vehicles donated to non-profit organizations shall be subject to a title ad valorem fee of one percent of the fair market value of the vehicle. TAVT fees do not apply to transfers of a title made as a result of a business reorganization when the owners being reorganized maintain the same interest or transfers for the purpose of obtaining a prestige or special license plate. A vehicle owner of a 1962 or earlier model year vehicle may opt in to the TAVT upon payment of a fee equal to one-half of one percent of the fair market value of the vehicle. The transfer of a title resulting from a divorce decree or court or is subject to a fee equal to one-half of one percent of the fair market value of the vehicle. The bill also allows for a motor vehicle dealer to apply for a refund of title ad valorem taxes on behalf of the purchaser, provided that the dealer pays the purchaser within 10 days. The bill states that temporary plates issued by vehicle dealers are to have an expiration date 45 days from the date of purchase.

**Authored By:** Rep. Shaw Blackmon (146th)  
**House Committee:** Ways & Means

**Rule Applied:** Structured  
**Committee Action:** 02-08-2018 Do Pass by Committee Substitute

**HB 670 Georgia State Council for Interstate Juvenile Supervision; number of legislative branch representatives; revise**

Bill Summary: HB 670 refines the process by which the legislative and judicial members are selected to serve on the Interstate Compact for Juveniles. The bill provides that the speaker of the House and the president of the Senate shall each make a choice of a member to serve as a legislative branch representative, and the chief justice of the Supreme Court shall chose the judicial branch representative.

**Authored By:** Rep. Alan Powell (32nd)  
**House Committee:** Juvenile Justice

**Rule Applied:** Modified-Open  
**Committee Action:** 02-08-2018 Do Pass

**HB 693 Solid waste management; authorization to enforce collection of taxes, fees, or assessments; repeal provisions**

Bill Summary: House Bill 693 repeals 12-8-39.3 which allowed any city, county, or authority which operates a solid waste handling facility and/or provides solid waste collection services and collects taxes, fees, or assessments to do so, to enforce the collection of the taxes, fees, or assessments in the same manner as state taxes, fees, or assessments.

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

**Rule Applied:** Structured  
**Committee Action:** 02-08-2018 Do Pass

**HB 717 Motor vehicles; applicability of certain consumer protection laws to autonomous vehicles; provide**

Bill Summary: House Bill 717 amends the statute to provide for the applicability of state consumer protection laws to autonomous vehicles. This includes the 'Fair Business Practices Act of 1975' and the 'Georgia Lemon Law', and 'The Georgia Motor Vehicle Franchise Practices Act'.

**Authored By:** Rep. Trey Kelley (16th)  
**House Committee:** Transportation

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-08-2018 Do Pass by Committee Substitute

**HB 780 Banking and finance; changes to provisions applicable to financial institutions; provide**

Bill Summary: This bill allows banks and credit unions to exercise any banking or corporate power, right, benefit, privilege, or immunity of a national bank or federal credit union ("federal power") or avail themselves of any federal preclusion or preemption during the same period of time that a national bank or federal credit union is authorized to do so.

Banks and credit unions intending to exercise federal powers or avail themselves of federal preclusion or preemption must give notice of the proposed action to the commissioner of Banking and Finance. The commissioner shall determine whether the exercise of federal power is appropriate and must consider the institution's financial condition, regulatory safety and soundness, as well as other things. Based on the determination, the commissioner may object and must deliver notice of objection within 45 days of receipt of notice from the bank or credit union. The commissioner may extend notice by 45 days by mail. If the commissioner objects, the bank or credit union may not exercise federal power, preclusion or preemption, but the institution is not prevented from providing a future notice.

The bank or credit union shall also notify the commissioner by mail if it no longer wishes to exercise a federal power or avail itself of any federal preclusion or preemption. The department must publish a list of each bank and credit union exercising a federal power or availing itself of any federal preclusion or preemption. The bill also clarifies that these powers are independent from and in addition to other powers contained in the Code and in no way limit the authority of the commissioner's other powers granted to banks and credit unions in the Code.

Additionally, the bill removes language requiring a two-thirds affirmative vote of the shares entitled to vote for a bank or trust company to acquire issued shares of its own common stock. It replaces other provisions requiring two-thirds vote with a majority vote, unless the articles or by-laws require a greater vote.

Credit unions are now permitted to purchase life insurance on any person whose death might cause

financial loss to the credit union (i.e., directors, officers, and like personnel). A provision is also added that prevents oaths taken by board members and officers of banks and credit unions from modifying legal duties or standards of care. The board may now appoint an honorary director who may be paid, but the director may not: vote at any meeting; be counted in determining a quorum; or be subject to liability as a director.

A licensee must notify the department in writing of any change of executive officer and initiate a criminal background within 10 days of the effective date of such change. This addition is duplicated for the cashing of financial instruments.

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

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-13-2018 Do Pass by Committee Substitute

**HB 816 Revenue, Department of; mandatory fingerprinting and criminal record checks for certain individuals; provide**

Bill Summary: House Bill 816 amends 48-2-6 to require mandatory fingerprinting and background checks for all prospective employees of the Department of Revenue, as well as: all personnel employed by the department after January 1, 2019 who have not received a criminal record check within the past 10 years; employees of prospective contractors of the department who may have access to confidential information; and all personnel employed by contractors of the department after January 1, 2019 who have not received a criminal record check within the past 10 years. The department's Office of Special Investigations is responsible for conducting the background checks and ensuring the fingerprints are acceptable to submit to the Georgia Crime Information Center. The Office of Special Investigations shall report the background checks to the Federal Bureau of Investigation, and the Georgia Crime Information Center shall transfer the fingerprints to the bureau.

**Authored By:** Rep. Micah Gravley (67th)  
**House Committee:** Ways & Means

**Rule Applied:** Structured  
**Committee Action:** 02-08-2018 Do Pass

**HR 1076 Federal government; provide port funding; urge**

Bill Summary: HR 1076 urges the federal government to provide their portion of funding for the Port of Savannah harbor deepening project to ensure the timely completion of improvements needed at the country's fastest-growing terminal.

**Authored By:** Rep. Bill Hitchens (161st)  
**House Committee:** Economic Development & Tourism

**Rule Applied:** Modified-Open  
**Committee Action:** 02-12-2018 Do Pass

## Committee Actions

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

### Education Committee

#### HB 743 Jeremy Nelson and Nick Blakely Sudden Cardiac Arrest Prevention Act; enact

**Bill Summary:** House Bill 743 creates the 'Jeremy Nelson and Nick Blakely Sudden Cardiac Arrest Prevention Act'. This Act requires the Department of Education to develop and publish guidelines relating to cardiac arrest. Students and parents are required to sign a form at the beginning of the school year prior to athletic participation stating they have received and reviewed cardiac arrest symptoms and warning signs material. If a student exhibits any of the warning signs for cardiac arrest, that student may be removed immediately and not allowed to return to play without a written release by a health care provider. A coach must review the guidelines and materials each school year and is not allowed to coach until the requirements of this Act are completed.

<b>Authored By:</b>	Rep. David Clark (98th)	<b>Committee Action:</b>	02-15-2018 Do Pass by Committee Substitute
<b>House Committee:</b>	Education		

#### HB 762 Quality Basic Education Act; sexual abuse and assault awareness education in kindergarten through grade 9; provide

**Bill Summary:** House Bill 762 amends O.C.G.A. 20-2-143 relating to sex education and AIDS prevention courses by requiring the inclusion of age-appropriate sexual abuse and assault awareness and prevention education for students in kindergarten through 9th grade.

<b>Authored By:</b>	Rep. Wesley Cantrell (22nd)	<b>Committee Action:</b>	02-15-2018 Do Pass by Committee Substitute
<b>House Committee:</b>	Education		

#### HB 787 Education; certain provisions relative to charter schools; revise

**Bill Summary:** House Bill 787 amends O.C.G.A. 20-2-270 relating to the purpose of regional education service agencies (RESAs) by including state charter schools, in addition to local school systems, as recipients of services provided by RESAs. State charter schools currently receive a supplement, in addition to state funds, to account for the lack of local funding. HB 787 revises the local funding supplement for state charter schools to provide additional capital funding to schools located in districts receiving capital allocations that exceed the statewide average by 25 percent or more. This legislation also provides a mechanism for "forward funding" to charter schools to cover the cost of exceptional enrollment growth.

<b>Authored By:</b>	Rep. Scott Hilton (95th)	<b>Committee Action:</b>	02-15-2018 Do Pass by Committee Substitute
<b>House Committee:</b>	Education		

#### HB 852 Quality Basic Education Act; student's continued enrollment in a public school under certain circumstances; provide

**Bill Summary:** House Bill 852 creates O.C.G.A. 20-2-296, which gives local boards of education the option to allow students to continue attending the public school in which the student spent more than half a school year if the student moves into a different attendance zone within the same school system. This legislation does not apply to students with chronic disciplinary problems and requires the parents or guardians to provide transportation.

<b>Authored By:</b>	Rep. Michael Smith (41st)	<b>Committee Action:</b>	02-15-2018 Do Pass by Committee Substitute
<b>House Committee:</b>	Education		

**HB 853 Quality Basic Education Act; children placed in psychiatric residential treatment facilities may not be charged tuition; provide**

Bill Summary: House Bill 853 amends O.C.G.A. 20-2-133, relating to the authorization of local school systems to charge non-resident student tuition or fees, by expanding the list excluding certain types of students from tuition charges. This legislation includes a provision that a child who is placed in a psychiatric residential treatment facility pursuant to a physician's order can not be charged tuition or fees.

**Authored By:** Rep. Katie Dempsey (13th)  
**House Committee:** Education  
**Committee Action:** 02-15-2018 Do Pass

**HR 354 Georgia Department of Education; develop and provide a list of training materials to increase awareness of mental health issues and disabilities; urge**

Bill Summary: House Resolution 354 urges the Department of Education to develop a list of training materials for mental health, behavioral disabilities, and learning disabilities. The Department of Education will consult with the Department of Behavioral Health and Developmental Disabilities and mental health experts to develop the training list. Once the training list is developed, the Department of Education shall provide the list to all school systems.

**Authored By:** Rep. Dar'shun Kendrick (93rd)  
**House Committee:** Education  
**Committee Action:** 02-15-2018 Do Pass

**HR 1017 State and local educational agencies and schools; dyslexia has a profound educational impact that must be addressed; recognize**

Bill Summary: House Resolution 1017 encourages all schools, local educational agencies, and the Georgia Department of Education to recognize the profound educational impact students with dyslexia experience and work towards early diagnosis and implementation of remedial interventions for dyslexic students.

**Authored By:** Rep. John Corbett (174th)  
**House Committee:** Education  
**Committee Action:** 02-15-2018 Do Pass

**Judiciary Committee****HB 896 Guardian and ward; guardians and conservators of adults; change provisions**

Bill Summary: This bill amends the Code relating to the appointment of guardians or conservators of adults to provide the option to appoint an emergency guardian. Additionally, no adult shall be presumed to be in need of a guardian or a conservator unless the court has recognized another state's determination of incapacity and the appointment of a guardian or conservator. A petition for the appointment of a guardian or conservator must be filed in the county where jurisdiction is otherwise proper and allows the court to take action against people who move to a county solely for the purpose of filing a petition of appointment of a guardian or conservator. Finally, the bill expands the order of emergency guardianship to terminate after 60 days if Georgia is the respondent's home state or 90 days if Georgia is not respondent's home state.

**Authored By:** Rep. Chuck Efrstration (104th)  
**House Committee:** Judiciary  
**Committee Action:** 02-15-2018 Do Pass

**HB 897 Georgia Power of Attorney Act; revise**

**Bill Summary:** This bill amends the 'Uniform Power of Attorney Act' as it relates to applicability, execution and termination of a power of attorney and authority of an agent. It also renames the chapter the 'Georgia Power of Attorney Act'. Under this bill, a power of attorney that is not created as statutorily provided may still constitute a statutory power of attorney if that power of attorney meets the requirements regarding the grant of a power of attorney including limits on the agent's power over a principal and his or her property. This bill does not apply to powers of attorneys regarding single or multiple transactions involving real estate. The bill further states that a finding by a court that a principal is incapacitated does not create a presumption that the principal needs a guardian or conservator.

In regards to execution and termination, a witness attesting a power of attorney cannot also be named as an agent in the power of attorney and also cannot be required to attest to the signature of any person other than the principal. This bill adds that a power of attorney shall terminate if the agent resigns, becomes incapacitated or dies and the power of attorney does not provide for another agent to act. The bill also establishes that an agent can be deemed to have knowledge of a principal's revocation of a power of attorney by notifying the agent of the revocation by certified mail or statutory overnight delivery and filing the receipt of delivery with the clerk of the superior court in the county where the principal is domiciled. However if the principal revokes the power of attorney, the principal is no longer required to file that notice to the agent revoking the power of attorney with the clerk of superior court in the county of the principle's domicile.

Additionally, an agent who has been incapacitated for less than six months is not permanently barred from serving as an agent. In regard to authority of an agent under this bill, an agent has the same fiduciary duties of the principal that are expressly granted to the agent, including funding a trust that the agent created. The agent can also take actions that are consistent with their grant of authority but not expressly enumerated. Currently, where the principal made the intent to care for an individual then the agent must maintain that individual's standard of living provided the individual was a child of the principal or spouse. This bill adds two classes of individuals for whom the agent must maintain the standard of living: 1) individuals who are not the principal's children but who are dependents and 2) persons who are dependents, under 25 years old and pursuing a post-secondary education.

Under this bill a power of attorney cannot authorize an agent to execute or revoke a principal's will, make an affidavit as to the personal knowledge of the principal, or vote in any public election on behalf of the principal. This bill further provides that if someone brings a petition against the agent for misconduct in the best interest of the principal, the court may order the principal to reimburse the person who brought the claim on the principal's behalf against the agent for reasonable attorney fees and expenses of litigation.

<b>Authored By:</b>	Rep. Chuck Efstrotation (104th)	<b>Committee</b>	02-15-2018 Do Pass
<b>House</b>	Judiciary	<b>Action:</b>	
<b>Committee:</b>			

**Judiciary Non-Civil Committee****HB 732 Crimes and offenses; trafficking an individual for sexual servitude; provisions**

**Bill Summary:** HB 732 allows patrons of individuals trafficked for the purpose of sexual servitude to be punished as a felony with imprisonment for not less than five nor more than 20 years when the offense is committed against an individual who is older than 16 years of age, and punished with imprisonment for not less than 10 nor more than 20 when the offense is committed against an individual who is younger than 16 years of age or when the individual is known to have a developmental disability.

<b>Authored By:</b>	Rep. Deborah Silcox (52nd)	<b>Committee</b>	02-15-2018 Do Pass
<b>House</b>	Judiciary Non-Civil	<b>Action:</b>	
<b>Committee:</b>			

**HB 825 Death investigations; chief medical examiner to inter and disinter unidentified human remains under certain circumstances; allow**

Bill Summary: HB 825 allows a chief medical examiner to inter unidentified human remains after authorities have exhausted all efforts in identifying those remains. Moreover, the bill allows a chief medical officer to disinter unidentified human remains when the chief medical examiner determines that further testing may result in the identification of those remains.

**Authored By:** Rep. Ricky Williams (145th)  
**House Committee:** Judiciary Non-Civil  
**Committee Action:** 02-15-2018 Do Pass

**HB 830 Controlled substances; Schedule I and II; change certain provisions**

Bill Summary: HB 830 is the annual controlled substance update regarding Schedule I, II, IV, and V drugs to include new synthetic opiates and synthetic marijuana.

**Authored By:** Rep. Buddy Harden (148th)  
**House Committee:** Judiciary Non-Civil  
**Committee Action:** 02-15-2018 Do Pass

**HB 890 Crimes and offenses; make it unlawful to use an emergency exit after having shoplifted**

Bill Summary: HB 890 criminalizes the use of an emergency exit door after committing the crime of shoplifting and is punished as a misdemeanor.

**Authored By:** Rep. Barry Fleming (121st)  
**House Committee:** Judiciary Non-Civil  
**Committee Action:** 02-15-2018 Do Pass

**Natural Resources & Environment Committee****HB 785 Solid waste management; certain definitions; modify and enact**

Bill Summary: HB 785 adds definitions related to solid waste management for "gasification" and "pyrolysis", which are processes facilities can use to convert certain waste materials into fuel.

**Authored By:** Rep. Randy Nix (69th)  
**House Committee:** Natural Resources & Environment  
**Committee Action:** 02-15-2018 Do Pass by Committee Substitute

**Small Business Development Committee****SB 2 "The FAST Act - Fairness, Accountability, Simplification, and Transparency - Empowering Our Small Businesses to Succeed"**

Bill Summary: Senate Bill 2, establishes the Fairness, Accountability, Simplification, and Transparency Empowering Our Small Businesses to Succeed, or 'FAST Act' that modifies regulations on businesses and professions at the state and local levels, specifically dealing with permitting processes. It amends O.C.G.A 36-60, 43-1, and Title 50.

Any county or city that imposes regulatory fees or regulatory requirements shall establish a schedule of fees and requirements, which shall include timelines for processing applications. When a city or county receives an application that requires a regulatory fee, the local government shall only make the applicant pay 50 percent of the fees due when the application is submitted.

County or city imposed regulatory requirements will establish an expedited licensing and permitting process to give priority processing for such licenses or permits. The local government may charge an additional fee, which cannot exceed two times the normal, fee for the expedited license or permit.

Additionally, the county or city shall notify the applicant upon receipt and verification that an application is complete. If the local government fails to meet a deadline for processing a completed

application, the fees associated with the deadline shall be reduced by 10 percent for each 10 business days following the missed deadline. Any delay that is outside the control of the local government shall not count toward the deadline days. After approval of an application, the local government shall notify the applicant of remaining fees due before issuing any license, certificate, or permit.

If a county or city does not meet an established deadline for processing a complete application, the applicant can use the alternative permitting process provided in O.C.G.A. 8-2-26.

Furthermore, each city or county shall annually review its activities that require the collection of personal information and determine if that information can be shared with or acquired from other agencies rather than requiring licensed or regulated individuals or entities to provide that information to multiple agencies.

State agencies must also establish a schedule of fees and requirements if they impose regulatory fees or requirements. Additionally, if a state agency does not meet an established deadline for processing a complete application, the fees will be reduced by 10 percent for each 10 business days following the missed deadline. Any delay outside of the control of the agency shall not count toward the deadline days.

State agencies that impose regulatory requirements will also establish an expedited permitting process for which they cannot charge more than twice the amount of the regulatory fee. Furthermore, each state agency shall annually review its activities that require the collection of personal information and determine if it could be shared with or acquired from other agencies.

Regulatory requirements under the authority of the office of the Secretary of State are exempt from these rules, as are the licensing and permitting duties of the EPD under Title 12 and the responsibilities of the EPD for licensing and permitting or other delegated duties from any federal statute or regulation. Additionally, nothing under Title 43 or O.C.G.A. 10-5 is affected by this bill.

In Section 3, the bill states that each professional licensing board shall establish provisions for the issuance of transferred licenses to individuals who live in this state that have been licensed in another state. The licensing criteria has to meet or exceed the qualifications for licensing in Georgia. If the board rules that the issuance of such transferred licenses pose significant danger to the life, health, or safety of the public, then the board is not required to issue the transferred licenses. The transferred license shall not be issued if the comparable license has been suspended or revoked. The licensing board shall also review its activities that require the collection of personal information and determine if the information can be shared with or acquired from other government agencies.

Additionally, each licensing board that engages in site visits to verify compliance with its rules and regulations by licensees shall only make the visits after providing reasonable notice of the time and date of the visit. Surprise visits related to health, safety, or welfare may continue unabated.

Under Section 5, an agency defined under O.C.G.A. 50-13 shall give at least 30 days' notice of its intent to modify rules. The agency shall also prepare an economic impact analysis for each proposed modification to its rules that would affect revenue for or require expenditures by the state or a local government. It shall also prepare a note about public benefits and costs of the proposed modification of its rules.

**Authored By:** Sen. Mike Dugan (30th)  
**House** Small Business Development  
**Committee:**

**Committee** 02-15-2018 Do Pass by Committee  
**Action:** Substitute

## Ways & Means Committee

### HB 482 Georgia Educational Scholarship Act; enact

**Bill Summary:** House Bill 482 amends Title 20 by adding the 'Georgia Educational Scholarship Act.' The Act establishes a fund within the Office of the State Treasurer to be used for tuition and other eligible expenses incurred for an eligible student enrolled in a private school.

To be eligible, the student must be one of the following: a member of a family with income below 200 percent of the federal poverty level; adopted from foster care; the child of a parent who is an active duty military service member; disabled with an Individualized Education Program; or the subject of a documented case of being bullied. If the program is not at capacity with students meeting one of these requirements, it is opened to students who spent the prior school year in attendance at a Georgia public school.

Each local school system must provide quarterly reports on the number of students utilizing this program and transfer funding for the student to the Office of the State Treasurer to fund the program. For students with an Individualized Education Program, the amount sent to the State Treasury equals the cost of the educational program that would have been provided and, for all other students, an amount of money that equals 100 percent of the system-wide average per student.

The bill also establishes the Parent Review Committee, which is tasked with determining whether certain expenses meet the requirements of a qualified expenses.

<b>Authored By:</b>	Rep. Wesley Cantrell (22nd)	<b>Committee</b>	02-15-2018 Do Pass by Committee
<b>House</b>	Ways & Means	<b>Action:</b>	Substitute
<b>Committee:</b>			

### HB 793 Sales and use tax; certain aquarium construction; provide exemption

**Bill Summary:** House Bill 793 amends 48-8-3, relating to exemptions from sales tax, by reinstating the exemption for tangible personal property used in renovating or expanding 501(c)(3) aquariums that charge for admission for the period of July 1, 2018 until January 1, 2022, or until the tax refund exceeds \$4.5 million. The bill also requires taxpayers seeking this exemption to electronically file the following information with the department the total number of visitors admitted, average monthly number of full-time employees, and total amount of exempt purchases made by the taxpayer in the preceding calendar year. The department is required to submit a report to the chairpersons of the House Committee on Ways and Means and the Senate Finance Committee containing the information collected from taxpayers applying for this exemption.

The bill also adds an exemption for state and local sales tax for tangible personal property used for the construction of a museum. Museum is defined as a 501(c)(3) designated facility, having a primary mission of celebrating the diverse heritage of automobiles, that contains a main building with a permanent gallery of at least 57,000 square feet, three temporary galleries, a theatre, a garage for restoration or storage of at least 26,500 square feet, and an outdoor pavilion. All tangible personal property that will remain at the museum after completion of construction are eligible for the exemption. The exemption applies from July 1, 2018 until December 31, 2020 and is capped at \$960,000. Sales tax must be paid at the time of purchase by either the qualifying organization or a contractor working for the organization and a refund will be issued after the organization files a claim with the department. An organization claiming the exemption must annually submit a report to the department which includes the total number of visitors admitted, the average monthly number of full-time employees, and the total amount of exempt purchases made in the preceding year. The department must then submit the report to chairpersons of the House Committee on Ways and Means and the Senate Finance Committee.

<b>Authored By:</b>	Rep. Dominic LaRiccia (169th)	<b>Committee</b>	02-15-2018 Do Pass by Committee
<b>House</b>	Ways & Means	<b>Action:</b>	Substitute
<b>Committee:</b>			

**HB 820 Revenue and taxation; procedure for counties following a rejection of a tax digest; establish**

Bill Summary: House Bill 820 amends O.C.G.A. 48-5, relating to county boards of tax assessors, by adding a new section which states that in counties where the commissioner rejects the county tax digest between January 1, 2017 and December 1, 2017, and the county is granted a temporary collection order between January 1, 2017 and December 31, 2017, the tax digest upon which the temporary collection order was based shall be utilized for the year the temporary collection order was adopted. It will also apply the following year or until the commissioner approves a revised digest. During the temporary collection order, the board of commissioners and the board of tax assessors must take steps to correct the rejected tax digest to protect taxpayers and strengthen the process.

**Authored By:** Rep. Beth Beskin (54th)  
**House Committee:** Ways & Means

**Committee Action:** 02-15-2018 Do Pass by Committee Substitute

**HB 840 Revenue and taxation; penalties and interest in the event of military service in a combat zone; provide exemption**

Bill Summary: House Bill 840 amends 48-13-21 to provide an exemption to the penalties relating to unpaid special, occupation, or sales taxes and license, regulatory, or administrative fees for members of the military serving in a combat zone, who upon return from duty, make full payment of taxes and fees that are received within 60 days.

**Authored By:** Rep. Bill Hitchens (161st)  
**House Committee:** Ways & Means

**Committee Action:** 02-15-2018 Do Pass by Committee Substitute

**HB 849 Income tax; reporting of federal partnership adjustments; provisions**

Bill Summary: House Bill 849 amends 48-7-21, 48-7-27, and 48-7-53, relating to the federal partnership adjustments and assessments, by implementing federal adjustments allowing partners, who are members of a state partnership entity, to pay the partnership's full state tax liability when audited. This changes the Code's current requirement for each individual partner to separately pay their own partnership tax. One partner paying the full state tax liability on behalf of the partnership does not grant the paying partner a deduction or credit for paid amounts, a refund on paid amounts, or add to the paying partners return.

House Bill 849 also requires reporting requirements for partnerships to be subject to final federal adjustments and provides a final determination date in which the federal audit changes have to be reported to the state. The Department of Revenue's commissioner has the ability to determine a de minimis amount of tax liability owed to the state, and partners are allowed to file refund claims of Georgia income tax that arise from final federal adjustments. The commissioner is also responsible for assessing the Georgia income tax, interest, and penalties arising from all final adjustments.

**Authored By:** Rep. Allen Peake (141st)  
**House Committee:** Ways & Means

**Committee Action:** 02-15-2018 Do Pass

**HB 871 Sales and use tax; 50 percent of the sales price of manufactured homes; create exemption**

Bill Summary: House Bill 871 amends 48-8-3, relating to exemptions from state sales and use taxes, by adding a state sales tax exemption for 50 percent of the sales price of a manufactured home that will be converted to real property. Within 30 days of purchase, the manufactured home must be permanently located on a property and at no point can the manufactured home be moved to another property. If the manufactured home is not permanently located on a property within 30 days, the commissioner shall recover 1.5 times the amount exempted.

**Authored By:** Rep. Dominic LaRiccia (169th)  
**House Committee:** Ways & Means

**Committee Action:** 02-15-2018 Do Pass by Committee Substitute

**HR 238 Sales and use tax; annual allocation of 75 percent of revenue from sale of outdoor recreation equipment for protection and preservation of conservation land; provide - CA**

Bill Summary: House Resolution 238 amends the Georgia Constitution by allowing the General Assembly, by general law, to provide up to 0.75 percent of all revenue received from the state's portion of the sales and use tax of goods and services to the Georgia Outdoor Stewardship Trust Fund. The general law pertaining to this resolution must contain a sunset of no more than 10 years and may not be extended for more than 10 years at any time. The Georgia Outdoor Stewardship Trust Fund has the purpose of protecting and preserving conservation land.

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

**Committee Action:** 02-15-2018 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](http://www.house.ga.gov) and click on [Meetings Calendar](#).*

No Meetings are currently scheduled for Friday, Feb. 16 or Monday Feb. 19