



Georgia

HOUSE OF REPRESENTATIVES

Monday
February 26,
2018

DAILY REPORT

27th
Legislative
Day

House Budget & Research Office
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- The House will reconvene for its 28th Legislative Day on Wednesday, February 28 at 10:00 a.m.
- The Rules committee will meet at 9:00 a.m.
- 26 bills / resolutions are expected to be debated on the floor.

Today on the Floor

Rules Calendar

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 Efstoration (104th)	Rule Applied:	Modified-Structured
House Committee:	Judiciary	Committee Action:	02-06-2018 Do Pass by Committee Substitute
Floor Vote:	Yeas: 170 Nays: 4	Amendments:	

HB 373 Ad valorem tax; property; change certain requirements for proof of bona fide conservation use

Bill Summary: House Bill 373 amends O.C.G.A. 48-5-7.4, relating to bona fide conservation use property, by allowing owners of parcels of conservation use land of less than 10 acres to provide proof of bona fide conservation use in the form of a statement of incurred expenses for or generated income from the qualifying use. Owners of parcels of conservation use land greater than 10 acres are not required to submit additional proof. The bill also states that boards of tax assessors cannot require a plat or survey for the exclusion of a residence from the conservation use property and removes the requirement for a nonprofit club to be registered as a 501(c)(7) organization.

If a determination is made on an appeal by a superior court to approve the conservation use application or to reverse a determination of a breach, then the taxpayer shall recover the costs of litigation and attorney's fees. In the case of an appeal determination that results in a reduction in taxes

due, the refund shall be paid by the tax commissioner within 60 days and the refund shall include interest accrued from the due date or actual payment. In the case of an appeal determination that results in an increase in taxes due, the taxpayer shall be afforded 60 days to make a full payment. If full payment is not received within 60 days it shall be considered past due and be subject to all interest, fees, and penalties associated with past due tax bills.

Authored By: Rep. David Knight (130th)
House Committee: Ways & Means
Floor Vote: Yeas: 165 Nays: 0

Rule Applied: Structured
Committee Action: 02-22-2018 Do Pass by Committee Substitute
Amendments:

HB 392 Move on When Ready Act; students taking dual credit courses at certain eligible postsecondary institutions; allow funding

Bill Summary: HB 392 allows eligible postsecondary institutions under Move on When Ready to receive payments for five terms annually for students enrolled in the institution if the institution utilizes a nonstandard term system composed of five terms, beginning with the first summer school term in 2019.

Authored By: Rep. Barry Fleming (121st)
House Committee: Higher Education
Floor Vote: Yeas: 168 Nays: 0

Rule Applied: Modified-Open
Committee Action: 02-21-2018 Do Pass by Committee Substitute
Amendments:

HB 493 Open and public meetings; agency minutes and online videos; require public commentary be included

Bill Summary: House Bill 493 provides that the meeting minutes for any public meeting by a local governing authority must contain a description of any public comment period, the name of every person providing public comment, and a brief description of that person's commentary. It also requires any video archive of a public meeting to contain the complete meeting and to be maintained in accordance with record retention policy of the governing authority.

Authored By: Rep. Valencia Stovall (74th)
House Committee: Governmental Affairs
Floor Vote: Yeas: 170 Nays: 0

Rule Applied: Modified-Structured
Committee Action: 01-31-2018 Do Pass by Committee Substitute
Amendments: AM 28 1612

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
Floor Vote: Yeas: 147 Nays: 17

Rule Applied: Modified-Structured
Committee Action: 02-06-2018 Do Pass by Committee Substitute
Amendments: AM 33 1733

HB 647 Community Health, Department of; pilot program to provide coverage for treatment and management of obesity; provide

Bill Summary: HB 647 provides for a pilot program for coverage of the treatment and management of obesity. The Department of Community Health will conduct a two-year pilot program for related conditions under a state health insurance plan to cover all federal Food and Drug Administration approved medications for chronic weight management for eligible participants. The department shall review the results and outcomes and conduct subsequent reviews every six months for the remainder of the pilot program. The department shall provide a final report by December 15th of the last year of the pilot program to the chairpersons of the House Committee on Health and Human Services, the Senate Health and Human Services Committee, the House Appropriations Committee, and the Senate

Appropriations Committee.

Authored By: Rep. Katie Dempsey (13th)
House Committee: Health & Human Services
Floor Vote: Yeas: 134 Nays: 29

Rule Applied: Modified-Structured
Committee Action: 02-20-2018 Do Pass by Committee Substitute
Amendments:

HB 703 Governor's Office of Public Safety Support; create

Bill Summary: House Bill 703 creates the Governor's Office of Public Safety Support. The office is established to respond to and provide peer counseling services and other critical incident support services to all requesting public entities that employ public safety officers for incidents. Counseling extends to the immediate family of the public safety officers, as well. The office is responsible for creating training courses in critical incident stress management and any other related subject matter for the benefit of the public safety officers. The director, appointed by the governor, certifies individuals as having received training and demonstrated ability to provide emotional and moral support to public safety officers and their families. "Public safety officer" is defined in the bill to include: emergency management rescue specialists; emergency medical technicians; firefighters or other employees of a fire department; law enforcement officers or other employees of a law enforcement agency; and corrections officers.

Authored By: Rep. Bill Hitchens (161st)
House Committee: Public Safety & Homeland Security
Floor Vote: Yeas: 172 Nays: 0

Rule Applied: Modified-Structured
Committee Action: 02-14-2018 Do Pass by Committee Substitute
Amendments:

HB 721 Motor vehicles; criteria by which the Department of Driver Services shall authorize licensed driver training schools to administer on-the-road driving skills testing; revise

Bill Summary: House Bill 721 clarifies that only third party drivers' testing centers which are certified by the Department of Driver Services (DDS) may test for a driver's license. Further, only those driving centers licensed by DDS for at least 10 years may perform road and written testing on its behalf.

Authored By: Rep. Alan Powell (32nd)
House Committee: Motor Vehicles
Floor Vote: Yeas: 105 Nays: 57

Rule Applied: Modified-Structured
Committee Action: 02-12-2018 Do Pass by Committee Substitute
Amendments: AM 39 0213

HB 760 Insurance; certain policies, definitions, and property insurance; revise

Bill Summary: House Bill 760 allows property and causality insurers, at the time of policy renewal, to simply notify the insured of changes in the policy without having to cancel the existing policy and offer a new one.

Authored By: Rep. Eddie Lumsden (12th)
House Committee: Insurance
Floor Vote: Yeas: 161 Nays: 0

Rule Applied: Modified-Open
Committee Action: 02-21-2018 Do Pass
Amendments:

HB 761 Motor vehicles; filing of certificates of title by dealers; provide

Bill Summary: House Bill 761 amends the law relating to the process of applying for a certificate of title from the Department of Revenue by making the electronic submission of application voluntary rather than mandatory.

Authored By: Rep. Jason Ridley (6th)
House Committee: Motor Vehicles
Floor Vote: Yeas: 160 Nays: 5

Rule Applied: Modified-Structured
Committee Action: 02-20-2018 Do Pass
Amendments:

HB 866 Commerce and trade; charging fee for placing a security freeze on a consumer's account; prohibit consumer credit reporting agencies

Bill Summary: HB 866 would prohibit credit reporting agencies from charging a fee for placing or removing a security freeze on a consumer's account.

Authored By:	Rep. Scot Turner (21st)	Rule Applied:	Modified-Structured
House Committee:	Banks & Banking	Committee Action:	02-21-2018 Do Pass
Floor Vote:	Yeas: 168 Nays: 1	Amendments:	

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 LaRiccica (169th)	Rule Applied:	Structured
House Committee:	Ways & Means	Committee Action:	02-15-2018 Do Pass by Committee Substitute
Floor Vote:	Yeas: 168 Nays: 3	Amendments:	

HB 878 Insurance; cancellation of an insurance policy by an insured; change certain provisions

Bill Summary: House Bill 878 allows insurers and/or insurance agencies to let their insureds cancel their policy over the telephone.

Authored By:	Rep. Heath Clark (147th)	Rule Applied:	Modified-Open
House Committee:	Insurance	Committee Action:	02-23-2018 Do Pass by Committee Substitute
Floor Vote:	Yeas: 73 Nays: 88	Amendments:	
Floor Action:	Failed		

HB 885 Georgia Air Quality Act; limitations on powers of certain Boards and Departments; revise certain provisions

Bill Summary: HB 885 prohibits the Board of Natural Resources, the Department of Natural Resources, or the Environmental Protection Division from restricting agricultural burning on a tract, lot, or parcel of land over five acres. The burning must abide by the requirements in federal law and is limited to vegetative material.

Authored By:	Rep. Tom McCall (33rd)	Rule Applied:	Modified-Open
House Committee:	Natural Resources & Environment	Committee Action:	02-22-2018 Do Pass by Committee Substitute
Floor Vote:	Yeas: 167 Nays: 1	Amendments:	

HB 886 Sales and use tax; exemption for agricultural machinery and equipment; provisions

Bill Summary: HB 886 raises the minimum amount for eligibility on the sales and use tax exemption for agricultural machinery and equipment as a qualified agricultural producer from \$2,500 to \$5,000 in agricultural sales, products, or services. The bill also requires that the certificate provided by the Department of Agriculture to qualified agricultural producers be valid for three years. The Department of Agriculture shall collect a fee of \$150 at the time of registration or renewal.

Authored By:	Rep. Sam Watson (172nd)	Rule Applied:	Modified-Structured
House Committee:	Agriculture & Consumer Affairs	Committee Action:	02-21-2018 Do Pass by Committee Substitute
Floor Vote:	Yeas: 165 Nays: 3	Amendments:	

HB 888 Ad valorem tax; certain reporting requirements; change

Bill Summary: House Bill 888 amends O.C.G.A 48-5-48.1, relating to the tangible personal property inventory exemption, and O.C.G.A 48-5-48.2, relating to the level one and level two freeport exemptions, by stating that the applications for the freeport exemptions must provide a summary, set by the department, of the inventory of goods in process, the inventory of finished goods, and the stock located in a fulfillment center. The bill also provides a time limit of 180 days from receipt of the application for a county board of tax assessors to deny an application and states that clerical errors alone shall not be construed as a failure to properly file the application. If the county board fails to issue a letter of denial within 180 days, the application is to be deemed accepted. The bill further allows the freeport exemption for products that are combined during the course of manufacturing and the assembly of parts into completed engines.

Authored By: Rep. David Knight (130th)
House Committee: Ways & Means
Floor Vote: Yeas: 164 Nays: 0

Rule Applied: Structured
Committee Action: 02-22-2018 Do Pass by Committee Substitute
Amendments:

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
Floor Vote: Yeas: 114 Nays: 46

Rule Applied: Modified-Open
Committee Action: 02-15-2018 Do Pass
Amendments:

HB 898 Motor vehicles; fleet vehicles and fleet vehicle registration plans; revise provisions

Bill Summary: House Bill 898 updates the law as it relates to the registration of a vehicle fleet to comply with Department of Revenue's new electronic registration system. Further, it reduces the number of vehicles that constitutes a fleet from 1,000 to 100 vehicles.

Authored By: Rep. Alan Powell (32nd)
House Committee: Motor Vehicles
Floor Vote: Yeas: 166 Nays: 1

Rule Applied: Modified-Structured
Committee Action: 02-20-2018 Do Pass
Amendments:

HB 906 Public records; public disclosure of personal information of certain foster parents; exclude

Bill Summary: HB 906 excludes personal information of foster and former foster parents from being disclosed to the public.

Authored By: Rep. Katie Dempsey (13th)
House Committee: Juvenile Justice
Floor Vote: Yeas: 172 Nays: 0

Rule Applied: Modified-Structured
Committee Action: 02-20-2018 Do Pass
Amendments:

HB 909 Health; designation of perinatal facilities; provisions

Bill Summary: This bill relates to the Department of Public Health to provide for the designation of perinatal facilities. The department shall establish a procedure for a perinatal facility to request approval as a designated facility which has achieved a particular maternal or neonatal level of care. The department shall establish rules for the criteria for levels of maternal and neonatal care, which may range from basic care to additional levels of care that may be appropriate for the protection of mothers and infants at risk.

The department shall establish separate criteria for levels of maternal care and neonatal care. Such criteria may include data collection and reporting, arrangements for patient transportation, and protocols for coordination with and referral of patients to and from other health care facilities. In establishing or revising the criteria for maternal and neonatal levels of care, the department shall conduct public comment hearings; solicit the views of hospitals, birthing centers, health care

providers, and related professional associations; and give due consideration to the current recommendations of medical and scientific organizations in the field of perinatal medicine.

The department may suspend or revoke the designation of a designated facility, after notice and hearing, if the department determines that the facility is no longer in compliance with the criteria established. On or before December 31, 2019, the department shall post and annually update a list of designated facilities on its website. No person or facility may advertise to the public that it is a designated facility or has achieved a particular level of maternal or neonatal care unless it has been designated as such by the department.

Authored By:	Rep. Deborah Silcox (52nd)	Rule Applied:	Modified-Structured
House	Health & Human Services	Committee	02-20-2018 Do Pass
Committee:		Action:	
Floor Vote:	Yeas: 168 Nays: 1	Amendments:	

HB 934 Thomas County; Magistrate Court chief judge; provide nonpartisan elections

Bill Summary: This bill provides that future elections for the office of chief judge of the Magistrate Court of Thomas County shall be nonpartisan.

Authored By:	Rep. Darlene Taylor (173rd)	Rule Applied:	Modified-Structured
House	Intragovernmental Coordination	Committee	02-22-2018 Do Pass
Committee:		Action:	
Floor Vote:	Yeas: 112 Nays: 50	Amendments:	

HR 1016 Diabetes; necessity for education; recognize

Bill Summary: This resolution recognizes the necessity for diabetes education in this state. HR 1016 encourages the Department of Public Health and the Department of Community Health to work together to enhance coverage of accredited diabetes self-management education and support programs and the national diabetes prevention lifestyle change programs through the State Health Benefit Plan and Medicaid program.

Authored By:	Rep. Karen Bennett (94th)	Rule Applied:	Open
House	Health & Human Services	Committee	02-20-2018 Do Pass
Committee:		Action:	
Floor Vote:	Yeas: 163 Nays: 0	Amendments:	
Floor Action:	Adopted (Resolution)		

HR 1090 Jeff Davis County; Crisp County; change of use of certain property; authorize

Bill Summary: HR 1090 grants an easement of approximately 3.956 acres under the custody of the Department of Natural Resources to the Department Transportation to allow for traffic safety improvements, including the widening of State Route 135/U.S. Route 221 and replacing the bridge across the Altamaha River. The land, found within the Bullard Creek Wildlife Management Area in Jeff Davis County, will be provided for a consideration of \$10 and will expire three years after the date the resolution becomes effective.

Authored By:	Rep. Sam Watson (172nd)	Rule Applied:	Modified-Structured
House	State Properties	Committee	02-21-2018 Do Pass
Committee:		Action:	
Floor Vote:	Yeas: 166 Nays: 0	Amendments:	
Floor Action:	Adopted (Resolution)		

HR 1103 Property; conveyance of certain state owned real property; authorize

Bill Summary: HR 1103 is a conveyance resolution for properties located in 12 counties, conveying property owned by the State of Georgia or amending those conveyances, as follows:

Article 1 conveys approximately .468 of an acre, a portion of an approximately 7.29-acre tract known as the Milledgeville Readiness Center in Baldwin County under the custody of the Georgia Department of Defense, to the Georgia Department of Transportation for a consideration of \$35,219

and approximately \$28,087 in paving costs and costs to cure for widening and improvements of State Routes 29 and 49.

Article 2 conveys approximately one acre, known as the Bryan County Unit under the custody of the Georgia Forestry Commission, by competitive bid for fair market value or to a local government or state entity for a consideration of \$10, so long as the property is used for public use.

Article 3 conveys approximately .048 of an acre, a portion of an approximately 10.32-acre tract known as the Savannah State Farmers Market in Chatham County, under the custody of the Georgia Department of Agriculture, to the Georgia Department of Transportation for a consideration rounded to \$8,700 of \$8,160 for fee simple acquisition and approximately \$462 in paving costs for widening State Routes 25, 26, and 204.

Article 4, in Cherokee County, is a ground lease for up to 20 years for a new building to be bid for design and construction, on approximately five acres under the custody of the Department of Human Services to accommodate the growing needs of the Division of Family and Children Services and Division of Child Support Services in Cherokee County.

Article 5 conveys approximately 4.5 acres described as the former Albany Armory in Dougherty County under the custody of the Georgia Department of Defense, to Dougherty County or to a local government or state entity, for a consideration of \$10, so long as the property is used for public purpose in perpetuity and the payment of outstanding general obligation bonds and interest, or for fair market value and other provisions the State Properties Commission determines to be in the best interest of the State of Georgia.

Article 6 conveys to the City of Albany in Dougherty County for an exchange approximately .46 of an acre, a portion of the 24.5-acre Albany Technical College campus under the custody of the Technical College System of Georgia, for 1.78 acres from the City of Albany and other provisions the State Properties Commission determines to be in the best interest of the State of Georgia.

Article 7 conveys approximately eight acres, a portion of the Georgia World Congress Center campus in Fulton County under the custody of the Department of Economic Development and managed by the Geo. L. Smith II Georgia World Congress Center Authority to that authority for a consideration of \$10 and other provisions the State Properties Commission determines to be in the best interest of the State of Georgia.

Article 8 is a ground lease of approximately 1.22 acres in Fulton County, a non-railroad operations portion of the Western and Atlantic Railroad under the custody of the State Properties Commission, to Metro Green, LLC and John D. Stephens, for a term of 20 years commencing on January 1, 2020, for consideration of an initial annual rent of \$7,628.70, to be increased annually at a compounded rate of 2.5 percent.

Article 9 conveys approximately 13.36 acres of the 87-acre Hall County Campus of Lanier Technical College, under the custody of the Technical College System of Georgia, to the City of Gainesville for the consideration of \$10.00 for a right-of-way dedication for use as a public road.

Article 10 leases 2.664 improved acres known as Building 4, a portion of Rutledge State Prison in the custody of the Georgia Department of Corrections, to either the Muscogee County Sheriff or to Columbus, Georgia, the Consolidated Government of Columbus-Muscogee County, for a term of five years commencing on January 1, 2020, with a five-year renewal option, for consideration of that sheriff's department being responsible for all utilities, maintenance and repair of the building and the Department of Corrections remaining responsible for capital maintenance and repairs.

Article 11 is a three-year lease with one five-year renewal for approximately 20,812 square feet, a portion of the QuickStart Building CTC Training Center at Columbus Technical College in Muscogee County which is in the custody of the Technical College System of Georgia, to United Technologies Corporation, Pratt & Whitney Division for the consideration of Pratt & Whitney's investment of approximately \$2,000,000 in improvements and equipment to the QuickStart facility

which will be left at the end of the lease for the benefit of the school.

Article 12 conveys approximately .157 of an acre, a portion of the Putnam County Unit under the custody of the Georgia Forestry Commission, by competitive bid for fair market value or to a local government or state entity for a consideration of \$10, so long as the property is used for public purpose in perpetuity, as well as other provisions the State Properties Commission determines to be in the best interest of the State of Georgia.

Article 13 conveys approximately .303 of an acre, known as the Rock House Property in Rabun County under the custody of the Georgia Department of Natural Resources, to the Town of Tallulah Falls or to a local government or State entity for a consideration of \$10, so long as the property is used for public purpose in perpetuity, as well as other provisions the State Properties Commission determines to be in the best interest of the State of Georgia.

Article 14 conveys approximately 405.1 acres, known as Pointer Reservoir and Black Shoals Park in Rockdale County, under the custody of the Georgia Department of Natural Resources, which has been leased to Rockdale County since 1999 for 50 years, for \$10 for the continued operation of the property for recreational and other public purposes.

Article 15 conveys approximately 1,029 acres, known as the Former Camp Wilderness/Outdoor Therapeutic Center in White County, under the custody of the Georgia Department of Natural Resources and managed under an intergovernmental agreement by White County for use as county office space, storage, training, and a fire station until January 22, 2063, to White County or to a local government or state entity for the consideration of \$10 for use solely for public purpose in perpetuity.

Authored By:	Rep. Gerald Greene (151st)	Rule Applied:	Modified-Structured
House Committee:	State Properties	Committee Action:	02-21-2018 Do Pass
Floor Vote:	Yeas: 169 Nays: 0	Amendments:	
Floor Action:	Adopted (Resolution)		

HR 1104 Property; granting of non-exclusive easements; authorize

Bill Summary: HR 1104 authorizes the granting of non-exclusive easements for the construction, operation, and maintenance of facilities, utilities, roads, and ingress and egress in, on, over, under, upon, across, or through property owned by the State of Georgia in the counties of Bartow, Bulloch, Butts, Chatham, Clay, Columbia, Emanuel, Floyd, Forsyth, Fulton, Harris, Henry, Liberty, Macon, Montgomery, Murray, Tattnall, Towns, and White, as follows:

Article 1 grants an easement to Bleckley County or its successors and assigns over approximately .32 of an acre in Bartow County under the custody of the State Properties Commission for the purpose of the construction, operation, and maintenance of a bridge over the Western and Atlantic Railroad in Land Lot 899, 14th District, 3rd Section for \$10.

Article 2 grants an easement to Excelsior Electric Membership Corporation or its successors and assigns over approximately .40 of an acre in Bulloch County under the custody of the Technical College System of Georgia for the construction, installation, operation and maintenance of underground electrical transmission lines to serve TCSG-330 (Plant Operations Building) at Ogeechee Technical College in 1209th G.M.D. for \$10.

Article 3 grants an easement to Georgia Power Company or its successors and assigns over approximately .4 of an acre in Butts County under the custody of the Department of Natural Resources for the construction, installation, operation and maintenance of electrical distribution lines and associated equipment to serve the conference center at Indian Springs State Park in the 614th G.M.D. for \$10.

Article 4 grants an easement to Georgia Power Company or its successors and assigns over approximately .05 of an acre in Chatham County in the custody of the Department of Corrections for the construction, installation, operation and maintenance of electrical service lines and associated equipment to serve a new welding shop at Coastal State Prison in the 8th G.M.D. for \$10.

Article 5 grants an easement to Georgia Power Company or its successors and assigns over approximately 2.76 acres in Chatham County under the custody of the Technical College System of Georgia for the construction, installation, operation and maintenance of electrical distribution lines and associated equipment to serve TCSG-335 (Quickstart training center) at Quickstart Regional Center in the 7th G.M.D. for \$10.

Article 6 an easement to Georgia Transmission Corporation or its successors and assigns over approximately .5 of an acre in Clay County under the custody of the Department of Natural Resources for the relocation of existing easement and construction, installation, operation and maintenance of new electrical transmission lines and associated equipment to serve George T. Bagby State Park in Land Lots 227 and 254, 7th District, for \$10.

Article 7 grants an easement to Georgia Power Company or its successors and assigns over approximately 1.1 acres in Columbia County under the custody of the Technical College System of Georgia for the construction, installation, operation and maintenance of electrical distribution lines and associated equipment to serve the Grovetown-Columbia Campus of Augusta Technical College in the 1285th G.M.D. for \$10.

Article 8 grants an easement to Georgia Power Company or its successors and assigns over approximately 1.38 acres in Columbia County under the custody of the Technical College System of Georgia for the construction, installation, operation and maintenance of electrical distribution lines and associated equipment to serve an adjacent property at the Grovetown-Columbia Campus of Augusta Technical College in the 1285th G.M.D. for fair market value but not less than \$650.

Article 9 grants an easement to Excelsior Electrical Membership Corporation or its successors and assigns over approximately .5 of an acre in Emanuel County under the custody of the Department of Natural Resources for the construction, installation, operation and maintenance of electrical distribution lines and associated equipment to serve new office buildings at George L. Smith State Park in the 1560th G.M.D. for \$10.

Article 10 grants an easement to Georgia Power Company or its successors and assigns over approximately .14 of an acre in Floyd County under the custody of the Technical College System of Georgia for the construction, installation, operation and maintenance of electrical distribution lines and associated equipment to serve the Machine Tools Renovation project at the Floyd County Campus of Georgia Northwestern Technical College in Land Lot 325, 23rd Land District for \$10.

Article 11 grants an easement to City of Cumming or its successors and assigns over approximately .098 of an acre in Forsyth County under the custody of the Department of Defense for the relocation of the existing easement and to construct, install, and maintain a new water pipe for the road widening on Pilgrim Mill Road at the Cumming Readiness Center in Land Lots 1113 and 1114, 3rd Land District, 1st Section for fair market value but not less than \$650.

Article 12 grants an easement to Georgia Power Company or its successors and assigns over approximately .04 of an acre in Fulton County under the custody of the Department of Corrections for the construction, installation, operation and maintenance of underground electrical transmission distribution system and the demolition of an overhead power line to provide power to the Probation Officers Facility located at 276 Memorial Drive, in Land Lot 76, 14th Land District for \$10.

Article 13 grants an easement to Greystone Power Corporation or its successors and assigns over approximately .4 of an acre in Fulton County under the custody of the Department of Natural Resources for the construction, installation, operation and maintenance of overhead electrical equipment to provide electrical service to illuminate the parking area at Campbellton Road Boat Ramp in Land Lot 58, District 9C for \$10.

Article 14 grants an easement to City of Atlanta or its successors and assigns over approximately .012 of an acre in Fulton County under the custody of the Department of Economic Development and managed by the Geo L. Smith II Georgia World Congress Center Authority for the construction,

installation, and maintenance of a storm sewer as part of a sewer capacity relief project at 271 Northside Drive NW in Land Lot 83, 14th District for \$12,300.

Article 15 grants an easement to TOJV, LLC or its successors and assigns over approximately .1419 of an acre in Fulton County and 24 feet high from the top of the area known as the "Plaza" under the custody of the Department of Economic Development and managed by the Geo L. Smith II Georgia World Congress Center Authority for the construction, installation, operation, and maintenance of the Omni Hotel Connector near CNN Center and adjoining the College Football Hall of Fame and the World Congress Center in Land Lot 78, 14th District for \$36,350.

Article 16 grants an easement to Diverse Power or its successors and assigns over approximately .05 of an acre in Harris County under the custody of the Department of Natural Resources for the construction, installation, operation and maintenance of underground electrical lines and equipment to provide electrical service to group camping dining hall at Franklin D. Roosevelt State Park in Land Lot 16, 3rd Land District for \$10.

Article 17 grants an easement to Atlanta Gas Light Company or its successors and assigns over approximately .92 of an acre in Henry County under the custody of the Technical College System of Georgia for the construction, installation, operation and maintenance of gas distribution lines to serve TCSG-317 (Industrial Training and Technology Building) at Southern Crescent Technical College in Land Lot 136, 7th Land District for \$10.

Article 18 grants an easement to Coastal Electric Cooperative or its successors and assigns over approximately .05 of an acre in Liberty County under the custody of the Department of Natural Resources for the construction, installation, operation and maintenance of underground electrical service equipment to provide electrical service for a new automatic gate at Fort Morris Historic Site in 1359th Land District for \$10.

Article 19 grants an easement to Flint Electric Membership Corporation or its successors and assigns over approximately .0381 of an acre in Macon County under the custody of the Department of Education for the construction, installation, operation and maintenance of underground electrical distribution lines to serve a shooting range at Camp John Hope in Land Lot 161, 9th District for \$10.

Article 20 grants an easement to Atlanta Gas Light or its successors and assigns over approximately .12 of an acre in Montgomery County under the custody of the Department of Corrections for the construction, installation, operation and maintenance of a natural gas pipeline to serve the prison fire station at Montgomery State Prison in the 1343rd and 1757th G.M.D. for \$10.

Article 21 grants an easement to Georgia Power Company or its successors and assigns over approximately .003 of an acre in Murray County under the custody of the Department of Natural Resources for the construction, installation, operation and maintenance of a support pole and anchor for the widening of SR52 Alternate at Chief Vann House Historic Site in Land Lot 224, 9th District for \$10.

Article 22 grants an easement to Atlanta Gas Light or its successors and assigns over approximately 11.146 acres in Tattnall County under the custody of the Department of Corrections for the construction, installation, operation and maintenance of a natural gas pipeline to serve Rogers State Prison in the 1645th G.M.D. for \$10.

Article 23 grants an easement to Department of Transportation or its successors and assigns over approximately 3.6 acres in Towns County under the custody of the Department of Natural Resources for the construction, installation, operation and maintenance of a bridge for the road widening project for State Route 66 over Brasstown Creek at Brasstown Valley Resort in Land Lots 117 and 118, 17th District, 1st Section for fair market value but not less than \$650.

Article 24 grants an easement to Habersham Electrical Membership Corporation or its successors and assigns over approximately .22 of an acre in White County under the custody of the Department of Natural Resources for the construction, installation, operation and maintenance of underground electrical equipment to serve new well house at Unicoi State Park in Land Lots 130, 159, and 162,

3rd Land District for \$10.

Authored By: Rep. Gerald Greene (151st)
House Committee: State Properties
Floor Vote: Yeas: 169 Nays: 0
Floor Action: Adopted (Resolution)

Rule Applied: Modified-Structured
Committee Action: 02-21-2018 Do Pass
Amendments:

Postponed Until Next Legislative Day

HB 713 Postsecondary education; HOPE and Zell Miller eligibility requirements relative to students who graduated from an ineligible high school; provide

Bill Summary: HB 713 reduces the home school student eligibility percentile threshold on the ACT and the combined reading and math of a single administration of the SAT for the Zell Miller Scholarship from the 93rd percentile to the 91st percentile.

Authored By: Rep. Joyce Chandler (105th)

Rule Applied: Modified-Structured

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

Bill Summary: House Bill 793 reinstates 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.

Authored By: Rep. Dominic LaRiccica (169th)

Rule Applied: Structured

HB 969 Civil practice; burden of proof required for civil forfeiture proceedings; change

Bill Summary: This bill amends a code section relating to the state's burden of proof in a civil forfeiture proceeding, which is when the state confiscates an individual's property that is suspected of being used in facilitating a crime or was acquired as a result of criminal activity. The civil forfeiture proceeding occurs during the pendency of criminal proceedings prior to obtaining a conviction. The bill raises the state's burden of proof and requires the state to show by clear and convincing evidence, rather than by a preponderance of the evidence, that seized property is subject to civil forfeiture. The same change in burden has also been applied for the state to establish a rebuttable presumption that property is subject to forfeiture.

Authored By: Rep. Scot Turner (21st)

Rule Applied: Modified-Structured

Next on the Floor from the Committee on Rules

The Committee on Rules has fixed the calendar for the 28th Legislative Day, Wednesday, February 28 and bills may be called at the pleasure of the Speaker. The Rules Committee will next meet on Wednesday, February 28, at 9:00 a.m., to set the Rules Calendar for the 29th Legislative Day.

HB 410 Condominiums; certain fees imposed on purchasers; provide for limits

Bill Summary: HB 410 amends the Code sections relating to fees for information required in a statement of account and statements of amounts owed to a condominium association, property owners' association, and all other planned subdivisions with 15 or more individual lots that are subject to covenants restricting land to certain uses and requiring mandatory assessment payments. The bill provides that these associations may no longer impose various fees or reserves on individuals who need to obtain disclosure documents necessary for real estate transactions to ensure clear title. The fee these associations may impose to respond to a request for a statement of amounts due is raised from \$10 to \$250, but that amount includes all administrative costs associated with preparing the statement. A statement must include: a copy of the current covenants and bylaws of the association; a statement of any encumbrances regarding the property; a copy of the association's certificate of insurance for any insurance provided; and other information needed to ensure clear title for real estate transactions.

All fees and reserves due to an association will constitute a lien in favor of the association, unless the association fails to properly respond, in which case the buyer's responsibility to pay the lien and statement fees are extinguished. The association must respond within 10, rather than five, business days from receipt of the request for a statement of amounts due from a lot owner, lot owner's designee, mortgage lender, mortgagee of a lot or mortgagee's designee (requestor). If an association fails to properly respond within 10 business days, the association shall not charge the requestor for the statement and the lien(s) is extinguished. All properly reported liens are the responsibility of the buyer. Further, an association waives the right to collect any moneys owed in excess of the amounts specified in the statement from any person or person's successors who in good faith relies upon the statement of account. A statement of account is effective for 30 days from the date of issuance if hand delivered or sent by electronic means, or 35 days if sent by regular mail or overnight delivery. If the requestor would like an expedited statement made and delivered within three business days of the request, the association may impose an additional \$50 expedited fee and may charge an additional \$50 fee for reprinting.

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

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

HB 489 Local government; use Georgia Procurement Registry in addition to official legal organ to advertise certain bid opportunities; provide

Bill Summary: House Bill 489 requires the use of the Georgia Procurement Registry for advertisement of bid opportunities for goods and services and public works construction contracts by a county, city, or local board of education.

Authored By: Rep. Tom McCall (33rd)
House Committee: Governmental Affairs

Rule Applied: Modified-Open
Committee Action: 02-14-2018 Do Pass by Committee Substitute

HB 696 Sales and use tax; certain computer equipment sold or leased to certain entities for use in high-technology data centers; create exemption

Bill Summary: House Bill 696 amends O.C.G.A. 48-8-3, relating to exemptions from state sales and use tax, by adding an exemption for the sale or lease of computer equipment or high-technology data center equipment to be incorporated or used in high-technology data centers. "High-technology data center" is defined as a facility, campus of facilities, or array of interconnected facilities in the state that powers, cools, secures, and connects its own computer equipment or the computer equipment of customers of the data center owner.

In order to receive the exemption, the high-technology data center must plan to spend \$250 million over

10 years and post a valid bond of \$20 million with the commissioner. The bond shall be forfeited in full and paid into the general fund if the high-technology data center does not meet the \$250 million minimum investment threshold over 10 years, files for bankruptcy, or receives an abatement of property tax by a county or municipality on tangible personal property exempted from sales tax. High-technology data centers utilizing the exemption must submit an annual report to the commissioner of the Department of Revenue including the number of jobs and total payroll resulting from construction, maintenance, and operation in and on its facility during the prior year. This exemption expires June 30, 2028.

Authored By: Rep. Trey Kelley (16th)
House Committee: Ways & Means

Rule Applied: Modified-Structured
Committee Action: 02-22-2018 Do Pass by Committee Substitute

HB 713 Postsecondary education; HOPE and Zell Miller eligibility requirements relative to students who graduated from an ineligible high school; provide

Bill Summary: HB 713 reduces the home school student eligibility percentile threshold on the ACT and the combined reading and math of a single administration of the SAT for the Zell Miller Scholarship from the 93rd percentile to the 91st percentile.

Authored By: Rep. Joyce Chandler (105th)
House Committee: Higher Education

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

HB 754 Insurance; division of a domestic insurer into two or more resulting domestic insurers; provisions

Bill Summary: House Bill 754 allows a Georgia domestic insurer to divide into two or more insurers and allocate assets and obligations, including insurance or reinsurance policies, to the new company. It does so by creating a process that is distinct from a merger, consolidation, dissolution, or formation.

Authored By: Rep. Jason Shaw (176th)
House Committee: Insurance

Rule Applied: Modified-Open
Committee Action: 02-21-2018 Do Pass by Committee Substitute

HB 759 Georgia Special Needs Scholarship Program; prior school year requirement; revise

Bill Summary: House Bill 759 amends O.C.G.A. 20-2-2114 relating to the qualifications for the Georgia Special Needs Scholarship Program by adding an exception to the prior school year attendance requirement for students who have previously qualified for a scholarship.

Authored By: Rep. Scot Turner (21st)
House Committee: Education

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

HB 775 Professions and businesses; real estate management companies; provisions

Bill Summary: HB 775 authorizes the Georgia Real Estate Appraisers Board to establish rules to provide for the regulation and maintenance of real estate appraisal management companies.

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

Rule Applied: Modified-Open
Committee Action: 02-20-2018 Do Pass by Committee Substitute

HB 781 Sales and use tax; comprehensive revision of tax for educational purposes; provisions

Bill Summary: House Bill 781 revises O.C.G.A. 48-8-141, the authorized uses for the education special purpose local option sales tax (ESPLOST). This legislation provides flexibility to local school systems by expanding the allowable use of ESPLOST revenue to include retirement of previously incurred general obligation debt for capital outlay projects and specific maintenance and educational program expenses in addition to capital outlay projects. Local school boards may choose to use up to 35 percent of ESPLOST revenue for specific maintenance and educational program expenses by including such uses on the referendum presented to voters.

Systems which have recently passed an ESPLOST may amend their existing tax to include maintenance and educational program expenses from January 1, 2019 until January 1, 2021. If a system decides to

take advantage of this option, voters must approve the amendment through referendum.

This legislation will become effective January 1, 2019 upon the ratification of a resolution at the November, 2018 general election.

Authored By: Rep. Kevin Tanner (9th)
House Committee: Education

Rule Applied: Modified-Structured
Committee Action: 02-22-2018 Do Pass by Committee Substitute

HB 791 State government; limited waiver of the state's sovereign immunity for declaratory or injunctive relief under certain circumstance; provide

Bill Summary: This bill provides a limited waiver of sovereign immunity for declaratory and injunctive relief against the state in Part 1 and against all other political subdivisions, including counties and municipalities, in Part 2. Part 3 address the limited waiver for quiet title claims (the process used to clear any "cloud" on the plaintiff's title to property and confirm the status of who owns the property brought in a court having jurisdiction over that property) against the state or its political subdivisions thereof. Part 4 addresses judgments and rulings deemed directly appealable with regard to sovereign immunity.

Part 1

The waiver in Part 1 is limited to claims against the state, a state governmental entity, officer, or employee in his or her official capacity to remedy, through declaratory of injunctive relief, injuries caused or that may be caused from enforcement of a state statute because such enforcement violates or could violate the Constitution of Georgia or the Constitution of the United States, but only if that person provides the court with proof of service upon the attorney general or his or her designee and the state governmental entity that is charged with enforcing the state statute being challenged. This bill neither alters nor amends any other waiver or prohibited waiver of sovereign immunity provided by state law nor applies to any claim for violations of federal law or brought in federal court for monetary relief, attorney's fees, or expenses of litigation except as provided for abuses of litigation, contract claims, or brought by or on behalf of an individual in a penal institution or a state mental health facility.

Moreover, this portion of the bill clarifies official immunity for state officers and employees. State officers and employees shall not be subject to a suit in his or her individual capacity for performance or non-performance of his or her official duties. When a suit names a state officer or employee in his or her individual capacity, the court shall substitute as the party defendant such officer or employee in his or her official capacity with the proposer motion, unless the suit is expressly authorized by state statute or federal law or the suit alleges the officer's or employee's conduct was outside his or her scope of authority, unconstitutional, or illegal.

Part 2

Sovereign immunity waiver in Part 2 is limited to claims against a county, municipal corporation, consolidated government, or school district of this state ("political subdivision"), but not the state, to remedy, through declaratory of injunctive relief, injuries caused to an aggrieved person or that may be caused by such political subdivisions acting without lawful authority, beyond the scope of its official power, or in violation of the Constitution of Georgia, the Constitution of the United States, a state statute, local ordinance, or state agency rule.

Similar to Part 1, this bill neither alters nor amends any other waiver or prohibited waiver of sovereign immunity provided by state law nor applies to any claim for violations of federal law or brought in federal court, for monetary relief, attorney's fees, or expenses of litigation except as provided for abuses of litigation or contract claims. Exempt from the list are claims brought by or on behalf of an individual in a penal institution or a state mental health facility. Official immunity of political subdivision officers is not addressed. The bill clarifies that sovereign immunity is waived for claims against political subdivisions for breach of contract.

Part 3

Additionally, the state and its political subdivision's defense of sovereign immunity, including municipal corporations, is waived in quiet title proceedings. Where title to property or an instrument is held by the state or any state entity then in in such proceedings to clear title, notwithstanding any law to

the contrary, the pleadings shall be served on the attorney general and the state or any department, agency, commission, board, authority, or entity thereof allegedly holding such title. If the attorney general does not file a responsive pleading in such actions, the court shall accept the state's acquiescence to the petitioner's filed claim for relief.

Part 4

Lastly, all judgments, orders, or rulings denying or refusing to grant immunity to one or more parties based upon sovereign, official, or qualified immunity are directly appealable to the Supreme Court of Georgia and the Court of Appeals.

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

Rule Applied: Modified-Structured
Committee Action: 02-22-2018 Do Pass by Committee Substitute

HB 808 Courts; term of court in certain counties in the Waycross Circuit; change

Bill Summary: This bill amends the calendar terms for the superior courts in the Waycross Circuit. Additionally, the circuit is given discretion to schedule impaneling a grand jury, in lieu of requiring one to be impaneled on the first day of each new term.

Authored By: Rep. Chad Nimmer (178th)
House Committee: Judiciary

Rule Applied: Modified-Structured
Committee Action: 02-22-2018 Do Pass

HB 811 Revenue, Department of; authorized to share tax information that assists in the identification of noncompliant taxpayers; provide

Bill Summary: House Bill 811 amends O.C.G.A. 48-2-15 to allow confidential taxpayer information to be shared with data service contractors to assist the Department of Revenue in the identification of taxpayers who are noncompliant with the Georgia income tax. No contract shall exceed a period of three years, and all services performed must be per North American Industry Classification System as designated by the commissioner. Compensation for such contractors may be based on attributable collections and all billings, assessments, and audits must be made by the department. Contractors assisting the department may not store, retain, or disseminate taxpayer information or utilize taxpayer information in any manner not specifically authorized by the department.

Authored By: Rep. Jay Powell (171st)
House Committee: Ways & Means

Rule Applied: Structured
Committee Action: 02-22-2018 Do Pass by Committee Substitute

HB 831 Georgia's Employment First Act; enact

Bill Summary: House Bill 831 moves the Georgia Vocational Rehabilitation Agency to the Department of Labor as the Vocational Rehabilitation Division. Further, it establishes the Employment First Georgia Council and provides for the membership, duties, terms of office, meeting requirements, committee appointments, compensation, and expense allowances therein.

Authored By: Rep. Terry Rogers (10th)
House Committee: Industry and Labor

Rule Applied: Modified-Structured
Committee Action: 02-21-2018 Do Pass by Committee Substitute

HB 844 Georgia Commission on Hearing Impaired and Deaf Persons; revise provisions

Bill Summary: House Bill 844 renames the "Georgia Commission on Hearing Impaired and Deaf Persons" to "The Georgia Commission for Deaf or Hard of Hearing". This legislation expands the commission from seven to 10 members and requires: one member be deaf or hard of hearing whose primary language is American Sign Language; one member be deaf or hard of hearing whose primary languages are Spoken English and American Sign Language; one member who is deaf-blind; and one member who is deaf or hard of hearing whose primary language is Spoken English.

HB 844 also creates a multi-agency task force within the commission to make recommendations to the General Assembly and the governor for improvements to the state-wide system of developmental and educational services for children from birth to third grade who are deaf or hard of hearing. This legislation requires the taskforce to work with stakeholders at the Department of Public Health, the

Department of Early Care and Learning, and the Department of Education to ensure a seamless, integrated system of care from birth to literacy for children who are deaf or hard of hearing.

Authored By: Rep. Penny Houston (170th)
House Committee: Education

Rule Applied: Modified-Structured
Committee Action: 02-22-2018 Do Pass by Committee Substitute

HB 930 Georgia Regional Transportation Authority; creation of certain community improvement districts; provisions

Bill Summary: House Bill 930 creates the Atlanta-region Transit Link "ATL" Authority. This authority assumes the roles of the Georgia Regional Transportation Authority (GRTA) and the transit planning organization for the 13-county metro Atlanta region. The region is comprised of the counties currently under the jurisdiction of GRTA: Cherokee, Clayton, Coweta, Cobb, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties. The bill establishes the governance structure of the ATL, as well as funding mechanisms. The ATL oversees all transit planning, funding, and operations within the region.

Authored By: Rep. Kevin Tanner (9th)
House Committee: Transportation

Rule Applied: Modified-Structured
Committee Action: 02-22-2018 Do Pass by Committee Substitute

HB 938 Insurance; limited credit insurance agency license; provide

Bill Summary: House Bill 938 provides for a limited credit insurance agency license for the specific purpose of selling credit insurance.

Authored By: Rep. Darlene Taylor (173rd)
House Committee: Insurance

Rule Applied: Modified-Structured
Committee Action: 02-23-2018 Do Pass by Committee Substitute

HB 940 Driver Services, Department of; mark and return surrendered licenses and personal identification cards; allow

Bill Summary: House Bill 940 allows persons seeking to obtain or renew a driver's license, learner's permit, or state-issued identification to keep their old card in lieu of a temporary paper certificate. The Department of Driver's Services will note on the old card that it is no longer valid, and it will be returned to the customer. This is necessary because there has been an issue with Homeland Security accepting temporary identification cards at their Transportation Security Administration (TSA) check points.

Authored By: Rep. Geoffrey Cauble (111th)
House Committee: Motor Vehicles

Rule Applied: Modified-Structured
Committee Action: 02-20-2018 Do Pass

HB 951 Education; establish Center for Rural Prosperity and Innovation; provisions

Bill Summary: House Bill 951 incorporates recommendations from the Georgia House Rural Development Council pertaining to the Center for Rural Prosperity and Innovation.

The bill creates the Center for Rural Prosperity and Innovation (CRPI) to be located within an institution of the University System of Georgia which awards Bachelor of Science degrees in rural community development. The director of the CRPI shall be appointed by the president of the college in which it is physically located and approved by a majority vote of the Georgia Rural Development Council. The CRPI shall assume the business and responsibilities of the Centers of Innovation Agribusiness previously administered by the Department of Economic Development.

The bill repeals the Georgia Rural Development Council (RDC) in O.C.G.A. 50-8-150 and reconstitutes it within the CRPI to offer guidance for the center's activities. The RDC shall be composed of 12 members appointed as follows: six by the governor; three by the speaker of the House; and three by the president of the Senate. The RDC shall study the conditions, needs, issues, and problems affecting rural economic development and shall examine related policy areas as it deems necessary. The RDC shall meet at least once per quarter and at different locations within the state.

The CRPI shall provide a central information and research hub for rural leadership training and best practices. The CRPI may establish satellite offices as necessary to accomplish its mission. The CRPI shall annually prepare a 10-year strategic plan that outlines the use of the CRPI's resources for the upcoming fiscal year and submit it to the standing committees on agriculture and economic development of the House of Representatives and the Senate. The committees may approve the plan and submit recommendations to the Senate and House Appropriations Committees for their consideration in developing the budget.

The bill also allows a deputy commissioner for rural Georgia to be designated by the Board of Economic Development within the Department of Economic Development.

Authored By:	Rep. Jason Shaw (176th)	Rule Applied:	Modified-Structured
House Committee:	Small Business Development	Committee Action:	02-22-2018 Do Pass by Committee Substitute

HB 956 Georgia Veterinary Practice Act; enact

Bill Summary: HB 956 makes changes relating to the practices of veterinarians and veterinary technicians. The bill will allow the State Board of Veterinary Medicine to perform inspections of premises and equipment. It creates a continuing education requirement for veterinary technicians, as well as a waiver of these requirements for veterinarians or veterinary technicians who are active duty in any branch of the United States armed services. Additionally, the bill eliminates a limit on the number of veterinary technicians who can work under a licensed veterinarian while prohibiting the creation of a veterinarian-client-animal relationship via telephone, computer, or other electronic means. HB 956 also brings state law in line with federal law regarding the veterinary feed directive.

Authored By:	Rep. Clay Pirkle (155th)	Rule Applied:	Modified-Open
House Committee:	Agriculture & Consumer Affairs	Committee Action:	02-21-2018 Do Pass by Committee Substitute

HB 969 Civil practice; burden of proof required for civil forfeiture proceedings; change

Bill Summary: This bill amends a code section relating to the state's burden of proof in a civil forfeiture proceeding, which is when the state confiscates an individual's property that is suspected of being used in facilitating a crime or was acquired as a result of criminal activity. The civil forfeiture proceeding occurs during the pendency of criminal proceedings prior to obtaining a conviction. The bill raises the state's burden of proof and requires the state to show by clear and convincing evidence, rather than by a preponderance of the evidence, that seized property is subject to civil forfeiture. The same change in burden has also been applied for the state to establish a rebuttable presumption that property is subject to forfeiture.

Authored By:	Rep. Scot Turner (21st)	Rule Applied:	Modified-Structured
House Committee:	Judiciary	Committee Action:	02-22-2018 Do Pass

HB 973 Ethics in government; lobbyists shall acknowledge and agree to abide by sexual harassment policy of General Assembly; provisions

Bill Summary: HB 973 requires a lobbyist, at time of registration, to sign a statement of receipt, understanding and agreement to abide by the Georgia General Assembly Employee Sexual Harassment Policy as set forth in the Georgia General Assembly Handbook. A violation of the policy can result in the suspension or revocation of the lobbyist's registration and a fine up to \$1,000.

Authored By:	Rep. Jan Jones (47th)	Rule Applied:	Modified-Structured
House Committee:	Rules	Committee Action:	02-23-2018 Do Pass by Committee Substitute

HB 986 Waycross Judicial Circuit; judges of superior courts; increase supplements

Bill Summary: HB 986 allows the governing authority of each county in the Waycross Judicial Circuit to supplement the salaries, expenses, and allowances of superior court judges not to exceed monthly amounts as follows: Bacon \$450, Brantley \$550, Charlton \$450, Coffee \$700, Pierce \$550, and Ware \$700. This act is effective January 1, 2019.

Authored By: Rep. Chad Nimmer (178th)
House Committee: Judiciary

Rule Applied: Modified-Structured
Committee Action: 02-22-2018 Do Pass

HR 992 Local sales and use tax; use for educational purposes of a school system; authorize - CA

Bill Summary: House Resolution 992 amends the Georgia Constitution to authorize the use of up to 35 percent of education special purpose local option sales tax (ESPLOST) for maintenance and educational programs in addition to capital outlay projects. The ballot presented to voters will read, "Shall the Constitution of Georgia be amended to allow the current local sales tax for educational purposes to be used for construction, building maintenance, and instructional enhancements of a school system?" The list of allowable maintenance and educational programs is located in the authorizing legislation HB 781.

Authored By: Rep. Kevin Tanner (9th)
House Committee: Education

Rule Applied: Modified-Structured
Committee Action: 02-22-2018 Do Pass by Committee Substitute

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', which 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 Committee: Small Business Development

Rule Applied: Modified-Structured
Committee Action: 02-15-2018 Do Pass by Committee Substitute

Committee Actions

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

Insurance Committee

HB 818 Insurance; health care provider shall choose the method of reimbursement by insurer; provide

Bill Summary: House Bill 818 allows healthcare providers to choose the method of reimbursement from insurers.

Authored By: Rep. Lee Hawkins (27th)

House Committee: Insurance

Committee Action: 02-26-2018 Do Pass by Committee Substitute

Judiciary Non-Civil Committee

HB 605 Hidden Predator Act of 2018; enact

Bill Summary: HB 605 is the 'Hidden Predator Act of 2018'. The bill increases the statute of limitations for an action relating to childhood sexual abuse from two to four years from the point that a plaintiff knew or had reason to know that such abuse resulted in injury. Moreover, childhood sexual abuse committed on or after July 1, 2018 by a plaintiff who is between the age of 23 and 38 years may bring action for the recovery of damages suffered as a result of childhood sexual abuse. HB 605 also provides for a one-year window for a victim of childhood sexual abuse to file civil actions, which have technically lapsed, against an entity, which: had the responsibility of care for the the plaintiff; knew or should have known of the conduct giving rise to the civil action; and intentionally or with conscious indifference concealed evidence of such conduct. After July 1, 2019, when an entity has a responsibility of care of the plaintiff, any civil action for the recovery of damages suffered as a result of childhood sexual abuse shall be commenced within one year from the date that the plaintiff discovered evidence that such entity, intentionally or with conscious indifference, concealed evidence of such abuse.

Authored By: Rep. Jason Spencer (180th)

House Committee: Judiciary Non-Civil

Committee Action: 02-26-2018 Do Pass by Committee Substitute

HB 623 Georgia Crime Information Center; retain fingerprints of certain individuals under certain circumstances and submit to the Federal Bureau of Investigation; allow

Bill Summary: HB 623 allows for state agencies that, as a condition of employment, require fingerprint criminal background checks to opt-in to a program where the Federal Bureau of Investigation retains the fingerprints for the duration of the individual's employment. Violations of law in other states can be transmitted to the Georgia Bureau of Investigation and then to the applicable state agency. Moreover, the bill provides that the individual's fingerprints be purged from the database within 10 days when that person is no longer employed by the state agency. Participation in this program requires an annual fee not to exceed \$500.

Authored By: Rep. Andrew Welch (110th)

House Committee: Judiciary Non-Civil

Committee Action: 02-26-2018 Do Pass by Committee Substitute

HB 764 Crimes and offenses; lawful possession of certain quantities of low THC oil and marijuana; provide

Bill Summary: HB 764 adds to conditions that can be treated with low THC oil to include post-traumatic stress disorder, where the individual was physically present or directly witnessed the trauma, and intractable pain, where other forms of medical treatment have been ineffective.

Authored By: Rep. David Clark (98th)

House Committee: Judiciary Non-Civil

Committee Action: 02-26-2018 Do Pass by Committee Substitute

HB 917 Crimes and offenses; restitution; update terminology and change provisions

Bill Summary: HB 917 adds memory cards, flash drives, hard drives, and data story devices to the list of media protected by copyright restrictions.

Authored By: Rep. Matt Dollar (45th)

House Judiciary Non-Civil

Committee:

Committee

Action:

02-26-2018 Do Pass by Committee
Substitute

Juvenile Justice Committee**HB 972 Human Services, Department of; Division of Family and Children Services to offer extended care youth services under certain circumstances; allow**

Bill Summary: HB 981 authorizes the Department of Family and Children Services (DFCS) to provide extended care youth services for those individuals between the ages of 18 and 21. These individuals must sign a voluntary placement agreement, which can be terminated at any time, in addition to meeting one of the following requirements: be enrolled in a secondary education or program leading to an equivalent credential; be enrolled in an institution which provides postsecondary or vocational education; be a participant in a program or activity designed to promote or remove barriers to employment; be employed for at least 120 hours per month; be employed for 80 hours per month and also engaged in the previous approved activities or have a medical condition that prevents more than 80 hours of employment; or be incapable of performing any of the described activities due to a medical condition. A child who is within 12 months of becoming 21 years of age may not enroll in the program. Moreover, within 30 days of the child agreeing to such services, DFCS shall develop a transition plan that is personalized to that child and includes specific options on housing, health insurance, education, local opportunities for mentors, and continuing support services. No later than 12 months after the child begins receiving extended care youth services, and every 12 months thereafter, the court shall hold a hearing to determine if the services provided by DFCS are developmentally appropriate, if DFCS has made reasonable efforts to finalize the transition plan into permanent independent living, and if the child is making progress in achieving independence. The court shall then issue an order adopting or modifying the transition order as appropriate.

Authored By: Rep. Wendell Willard (51st)

House Juvenile Justice

Committee:

Committee

Action:

02-26-2018 Do Pass by Committee
Substitute

HR 1260 House Study Committee on Juvenile Court Judges; create

Bill Summary: HB 1260 forms a study committee to undertake an investigation into the conditions, needs, issues, and problems regarding the state of juvenile court judges and to review current laws as applied to the compensation of juvenile court judges, their appointment, qualifications, and governance. Further, the committee will make recommendations including actions and legislation as deemed appropriate by the committee.

Authored By: Rep. Mandi Ballinger (23rd)

House Juvenile Justice

Committee:

Committee

Action:

02-26-2018 Do Pass

Ways & Means Committee

HB 887 Georgia Communications Services Tax Act; enact

Bill Summary: House Bill 887 implements several recommendations from the Georgia House Rural Development Council pertaining to broadband expansion. The bill, which amends Titles 36, 38, 46, and 50, allows municipal corporations and electric membership corporations (EMCs) to provide broadband services. It also establishes the Georgia Emergency Management and Homeland Security Agency (GEMA) as the home of broadband. GEMA is responsible for creating and administering two programs, a broadband ready community certification and a grant program. It also modifies pole attachment rates in rural counties and unserved areas.

Part 1 allows cities to provide "broadband service", which is defined as a wired or wireless terrestrial service with minimum speeds of at least 10/1 megabits per second (Mbps) in unserved areas within the city's corporate limits. An "unserved area" is defined as a county, municipal corporation, census tract, or some other geographic area as determined by the director of GEMA in which 20 percent or more of the locations do not have access to broadband services. A city can also provide broadband services in unserved areas within or outside of the county in which it is located with an intergovernmental agreement.

Part 2 revises Chapter 90 of Title 36, known as the 'Local Government Communication Services Fair Competition Act of 2018', to encompass all communication services. It provides for feasibility analysis, a business plan, public hearings, and other requirements.

Part 3 states a political subdivision can apply to GEMA to be certified as a broadband ready community. GEMA will prescribe the rules and regulations for the certification process and create a model broadband ordinance. A political subdivision shall not be certified as a broadband ready community unless it enacts the model or a similar broadband ordinance. If the ordinance differs from the model, the political subdivision shall provide GEMA with a written statement that describes the differences.

Additionally, Part 3 states a broadband network project that targets industry development or construction of a new building that is seeking financial assistance from the OneGeorgia Authority shall receive priority if it is within a broadband ready community.

Part 4 gives the director of GEMA the authority, responsibilities, and duties described under Parts 3 and 5.

Part 5 creates the "Georgia Broadband Deployment Initiative", a grant program that awards projects to the bidding entity that requests the least amount of money to expand in unserved areas. It shall be developed and administered by GEMA on or before July 1, 2019. The goal of the program is to provide broadband infrastructure capital outlay assistance that enables coverage throughout the entire state. The first round of grants shall be awarded once funding is appropriated or grants or other funds are received. There will be at least five rounds of grants, one each year for five years. The director of GEMA is authorized to continue the program if needed.

Providers will receive priority in their bids if they include plans of cooperation with or enhancement of education centers, healthcare facilities, and public safety departments, among others. Providers whose bids include expansion plans in broadband ready communities will also receive priority.

GEMA shall also report to the governor, the lieutenant governor and the speaker of the House on the progress of the program, in addition to publishing the report on its website. Furthermore, the state auditor shall conduct a performance audit at least once every three years and provide the report to the governor, lieutenant governor, and speaker of the House.

Part 6 states GEMA shall create a broadband availability map of the state, or determine if a reliable map is already created, on or before January 1, 2019. The director shall publish the map on GEMA's website on or before June 30, 2019.

Part 7 allows EMCs to provide broadband.

Part 8 regulates an authority's pole attachment rate. The pole attachment rates shall not exceed the Federal Communications Commission annual rate in a "rural county", defined as less than 50,000 people, or in an unserved area if the attachment is owned by a provider and used to provide broadband services. This rate limitation is applicable for 10 years after the commencement of construction.

Authored By: Rep. Jay Powell (171st)
House Committee: Ways & Means

Committee Action: 02-26-2018 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 and click on [Meetings Calendar](#).*

Tuesday, February 27, 2018

9:00 AM	Setzler Subcommittee of Judiciary (Non-Civil)	406 CLOB
10:00 AM	PUBLIC SAFETY & HOMELAND SECURITY	515 CLOB
10:30 AM	Reeves Subcommittee of Judiciary (Non-Civil)	406 CLOB
11:00 AM	State Government Administration Subcommittee of Governmental Affairs	606 CLOB
1:00 PM	GOVERNMENTAL AFFAIRS	606 CLOB
1:00 PM	Professions-Boards-Commissions Sub: Regulated Industries	506 CLOB
1:30 PM	JUDICIARY (NON-CIVIL)	515 CLOB
2:00 PM	HEALTH & HUMAN SERVICES	606 CLOB
2:00 PM	STATE PROPERTIES	415 CLOB
2:00 PM	REGULATED INDUSTRIES	506 CLOB
2:30 PM	Fleming Subcommittee of Judiciary (Civil)	132 CAP