



# Georgia House of Representatives

# SESSION REPORT

House Budget & Research Office  
(404) 656-5050

House Media Services  
(404) 656-0309

## 2018 Session Report

### Agriculture & Consumer Affairs Committee:

**Analyst:** David Hartman

- HB 876 Buildings and housing; counties and municipalities proscribing the use of wood in the construction of certain buildings when state minimum standard codes are met; prohibit**  
*By: Rep. John Corbett (174th) Through the Agriculture & Consumer Affairs Committee*  
Final Bill Summary: HB 876 prohibits counties and municipalities from preventing the use of wood as a construction material, so long as the wood meets the standards for Georgia State Fire Code and other relevant state codes.
- HB 886 Sales and use tax; exemption for agricultural machinery and equipment; provisions**  
*By: Rep. Sam Watson (172nd) Through the Agriculture & Consumer Affairs Committee*  
Final Bill Summary: HB 886 raises the minimum amount for eligibility on the sales and use tax exemption for agricultural machinery and equipment 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.
- HB 956 Georgia Veterinary Practice Act; enact**  
*By: Rep. Clay Pirkle (155th) Through the Agriculture & Consumer Affairs Committee*  
Final 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. HB 956 also brings state law in line with federal law regarding the veterinary feed directive.
- HB 956 would also require veterinarians to disclose to a physician an animal's rabies vaccination history if the animal bitten an individual. Furthermore, the bill requires a law enforcement officer to consult with a veterinarian employed by the Department of Agriculture or approved by the Department of Agriculture's commissioner prior to filing criminal charges related to animal husbandry of food animals. The bill defines "food animal" as any animal raised for the production of edible products intended for human consumption.

### Appropriations Committee

- HB 683 Supplemental appropriations; State Fiscal Year July 1, 2017 - June 30, 2018**  
*By: Rep. David Ralston (7th) Through the Appropriations Committee*  
Final Bill Summary: The original FY 2018 budget approved during the 2017 Session set spending at \$24.9 billion. House Bill 683, the Amended FY 2018 budget, recognizes \$415.6 million in additional revenue or a 1.66 percent increase over the original FY 2018 budget. This brings the total appropriation for Amended FY 2018 to \$25.4 billion.

**HB 684 General appropriations; State Fiscal Year July 1, 2018 - June 30, 2019***By: Rep. David Ralston (7th)**Through the Appropriations Committee*

Final Bill Summary: House Bill 684, the Fiscal Year 2019 budget, is set by a revenue estimate of \$26.2 billion, an increase of \$1.2 billion, or 4.9 percent, over the FY 2018 original budget. Nearly 90 percent of the new revenue is consumed by non-discretionary education, health and human services expenses. Specifically, \$724.4 million (60 percent) is budgeted for education, to include full funding for the Quality Basic Education (QBE) formula; \$359.7 million (29.2 percent) is budgeted for health and human services; and \$127.4 million (10.4 percent) in remaining new funds is appropriated to public safety, economic development and general government agencies, as well as debt service.

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

**Banks & Banking Committee****Analyst:** Jourdan Read**HB 441 Trusts; establish qualified self-settled spendthrift trusts; provisions***By: Rep. Barry Fleming (121st)**Through the Banks & Banking Committee*

Final Bill Summary: This bill adds a new Article to the Code section relating to spendthrift provisions, which are trusts created to prevent a beneficiary from spending all the funds in the trust by giving an independent trustee full authority to make financial decisions on behalf of the beneficiary.

A settlor may prevent creditors from gaining access to the settlor's funds by transferring those assets to a qualified self-settled spendthrift trust, which is an irrevocable trust that includes a spendthrift provision that restrains creditors from reaching the funds while the settlor still retains a qualified interest in the trust. The Code sections relating to the validity of spendthrift provisions and property subject to the claims of settlor's creditors shall not apply to the qualified interest.

If there is a vacancy in the position of an independent qualified trustee, the position shall be filled by an eligible person meeting a prioritized list of qualifications.

A trust shall not be considered revocable because the instrument includes: a power of appointment effective only upon the death of the settlor; the qualified interest in the trust; the right of the settlor to receive income or principal; the right of the settlor to release all or any part of the retained interest of such settlor in such trust; annual receipt of up to five percent of the initial value of the trust asset by the settlor; the right of the settlor to remove an independent qualified trustee and appoint a new independent qualified trustee; the potential or actual use of real property by a settlor when it is held under a personal residence trust; the potential or actual receipt of use by a settlor of a qualified interest; the ability of a qualified trustee, upon the settlor's death, to pay debts owed by the settlor, expenses of administering the estate of the settlor, or any estate inheritance tax imposed on the estate of the settlor; and the potential or actual receipt of income or principal by a settlor to pay certain taxes.

Qualified self-settled spendthrift trusts shall not block creditors that seek: alimony or child support; taxes or other governmental claims; tort judgments; judgments or orders for restitution as a result of a criminal conviction of the beneficiary; or judgments for necessities, including judgments or orders issued in another state. A creditor seeking a claim against the settlor of a qualified self-settled spendthrift trust may bring a cause of action or claim for relief to such a trust under the 'Uniform Voidable Transactions Act' and a transfer of assets to a qualified self-settled spendthrift trust may be considered a transfer to an insider under the 'Uniform Voidable Transactions Act'. A financial institution and its successors and assigns may also bring claims against any trustee, settlor, qualified self-settled spendthrift trust, other beneficiary, or recipient for assets disclosed on the financial institution's application to obtain, modify, extend, renew, or maintain credit from the financial institution as being an asset of the settlor or beneficiary, even if those assets are currently within a qualified self-settled spendthrift trust.

**HB 780 Banking and finance; changes to provisions applicable to financial institutions; provide***By: Rep. Bruce Williamson (115th)**Through the Banks & Banking Committee*

Final 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 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. Further, the bill caps interest rates for loans of \$3,000 or less at no greater than 16 percent per year and for loans between \$3,000 and \$250,000 at no greater than five percent per month. Loans equal to or greater than \$250,000 have no interest rate cap. Additionally, banks and credit unions are required to adhere to payday lending practices.

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 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 the change. This addition is duplicated for the cashing of financial instruments.

**SB 376 Identity Theft; consumer credit reporting agencies charging a fee for placing/removing a security freeze; prohibit**

*By: Sen. David Shafer (48th)*

*Through the Banks & Banking Committee*

Final Bill Summary: This legislation prohibits credit reporting agencies from charging a fee for placing or removing a security freeze on a consumer's account.

**Code Revision Committee**

**Analyst:** Jourdan Read

**SB 365 Code Revision Commission; statutory portion of said Code; revise, modernize, correct errors or omissions in and reenact**

*By: Sen. William Ligon, Jr. (3rd)*

*Through the Code Revision Committee*

Final Bill Summary: This bill is the annual Code Revision clean-up bill. It amends the Official Code of Georgia Annotated to revise, modernize, and correct errors or omissions. The bill reflects the work of the Code Revision Commission to repeal portions of the Code which have become obsolete, unconstitutional, or preempted or superseded by subsequent laws. Lastly, the bill provides for other matters relating to revision, reenactment, and publication of the Code.

**Defense & Veterans Affairs Committee**

**Analyst:** Patrick Love

Read

**HB 309 State liability; activities of organized militia engaged in training or duty; provide exception**

*By: Rep. Timothy Barr (103rd)*

*Through the Defense & Veterans Affairs Committee*

Final Bill Summary: This bill exempts the state from liability from activities of the organized militia when engaged in state or federal training or duty. This exception does not apply to vehicular accidents.

**HB 422 Veterans Service, Department of; nonprofit corporation as a public foundation; authorize incorporation***By: Rep. Bill Hitchens (161st)**Through the Defense & Veterans Affairs Committee*

Final Bill Summary: This bill authorizes the Veterans Service Board to establish a non-profit corporation designated as the Georgia Veterans Service Foundation, Inc. The purpose of the Georgia Veterans Service Foundation, Inc. is to actively seek supplemental funds, in-kind goods, services, and property to promote Georgia's state war veterans' homes and veterans' cemeteries. Funds received by the foundation will be conveyed to the Department of Veterans Service or awarded through a competitive grant process administered by the Veterans Service Board.

**Economic Development & Tourism Committee****Analyst:** Morgan Hall**HB 354 Georgia International and Maritime Trade Center; reconstitute and authorize Department of Economic Development to contract for certain projects***By: Rep. Ron Stephens (164th)**Through the Economic Development & Tourism Committee*

Final Bill Summary: House Bill 354 renames and reconstitutes the Georgia International and Maritime Trade Center Authority in Chatham County. The bill provides for its membership and exempts the authority from taxation, as well as the transfer of certain assets and liabilities.

The bill replaces the term "local government", which individually or in combination was the City of Savannah and Chatham County and any development authority of either, with the authority. The "authority" is defined as the Georgia International and Maritime Trade Center Authority, a public corporation and instrumentality of the state with its principal office in Chatham County. As a public authority, it shall not be required to pay taxes or assessments upon any: property; activities for the operation or maintenance of its buildings; fees, charges or income; or sales and use taxes.

The bill provides for the membership, terms and expenses of the authority's members. The membership of the authority shall consist of one voting member appointed by each member of the Georgia General Assembly representing a portion of Chatham County. These members shall serve terms of three years, and if a vacancy on the authority occurs, the seat will be filled by the body or individual that appointed the member vacating the position. There are four voting ex-officio members, to include the: county manager of Chatham County; city manager of the City of Savannah; president of the Savannah Economic Development Authority; and president of the Savannah Area Convention and Visitor's Bureau. The members of the authority are not be entitled to compensation for their services, but shall be reimbursed for their actual expenses properly incurred in the performance of their duties.

The bill provides for the authority's powers. The authority is permitted to accept grants of money, materials, or property of any kind from state agencies and United States government instrumentalities. The authority also has the power and ability to purchase property, employ personnel, make contracts, construct and maintain projects, accept gifts or other contributions of money from private individuals, and exercise any general power which is typical or private corporations performing similar functions. If the authority, is ever dissolved, the title to all property held by the authority shall be conveyed to the State of Georgia.

The bill further provides any action or suit against the authority shall be brought in the Superior Court of the Easter Judicial Circuit in Chatham County, which is to liberally construe laws enacted with reference to the authority.

**HB 843 Revenue and taxation; tax credits; include any census tract in a county that contains a federal military installation and industrial park***By: Rep. Jason Shaw (176th)**Through the Economic Development & Tourism Committee*

Final Bill Summary: HB 843 allows for counties containing a federal military installation, with at least 5,000 federal or military personnel, and a government owned and operated industrial park to qualify for tax credits that apply to business enterprises in less developed areas.

**SB 395 Georgia Joint Defense Commission; create***By: Sen. Ben Watson (1st)**Through the Economic Development & Tourism Committee*

Final Bill Summary: SB 395 creates the Georgia Joint Defense Commission. This commission consists of: the chairperson of the Senate Veterans Military and Homeland Security Committee; the chairperson of the Senate Economic Development and Tourism Committee; four members of the House of Representatives appointed by the speaker of the House; two members of the Senate appointed by the lieutenant governor; one citizen member from each military installation region in the state appointed by the governor; the director of the Governor's Defense Initiative; the Adjutant General of the Georgia National Guard or his/her designee and the commissioner of the Technical College System of Georgia or his/her designee.

The goals of the commission are to: advise the governor and the General Assembly on defense and military issues within the state and nation; make recommendations regarding policies and plans to support the long-term viability and development of the military; develop methods to assist defense-dependent communities in the design and execution of programs that enhance each community's relationship with military installations and defense-related business; serve as a task force to seek advice on and prepare for potential base realignment or closure of military installations in the state; develop and implement a strategic plan to navigate potential base realignment or closure of military installations studies and proceedings; and produce and distribute a detailed annual report regarding the status of the state's military installations. The Technical College System of Georgia will provide the administrative support staff for the commission.

Part Two of SB 395 pertains to the Defense Community Economic Development Grant program, which is administered by the Workforce Development Division of the Technical College System of Georgia subject to appropriations. The consideration for this grant will be based upon the furthering of the relationship between the military community and military installation, and the furthering of the military installation's economic development investment into the military community.

**SR 821 Cyber Security And Information Technology Innovation Corridor; recognize Augusta; Logistics Technology Innovation Corridor; recognize Savannah***By: Sen. P. K. Martin (9th)**Through the Economic Development & Tourism Committee*

Final Bill Summary: SR 821 designates the Fort Gordon Cyber Security and Information Technology Innovation Corridor and the Savannah Logistics Technology Innovation Corridor as official technology innovation corridors in the state of Georgia. These corridors directly foster the growth of information technology and innovation through local collaboration among universities, hospitals, and logistics hubs.

**Education Committee****Analyst:** Cortney George**HB 494 Early care and learning; safety of children in early care and education programs; revise certain provisions***By: Rep. Katie Dempsey (13th)**Through the Education Committee*

Final Bill Summary: House Bill 494 amends Code Section 20-1A-13 relating to early care and learning programs to allow hearsay evidence during preliminary hearings when determining if emergency placement of monitors and emergency closures are appropriate or needed at a program. HB 494 replaces the current requirement for fingerprint background checks for employees of early care and education programs by requiring a comprehensive records check in addition to a fingerprint background check. A "comprehensive records check" is defined in this legislation as a Federal Bureau of Investigation fingerprint check, a search of the National Crime Information Center's National Sex Offender Registry and a required search of other state level criminal and sex offender registries or repositories. This legislation also provides that comprehensive record checks are no longer valid after an individual has been separated from employment for more than 180 consecutive days at an early care and education program.

**HB 718 Education; certain absences of students with parents in service of the armed forces of the United States; excuse***By: Rep. Sandra Scott (76th)**Through the Education Committee*

Final Bill Summary: House Bill 718 amends O.C.G.A. 20-2-692.1 relating to the compulsory attendance of students whose parent or guardian currently or previously served in the armed forces or reserves by allowing schools to grant excused absences, up to five per year for a maximum of two years, for students who attend a military affairs sponsored event. Students who wish to attend a military affairs sponsored event and receive an

excused absence must provide documentation to the school system prior to the absence from a provider of care at or sponsored by a medical facility of the United States Department of Veterans Affairs or an event sponsored by a corporation exempt from taxation.

**HB 739 Tracy Rainey Act; enact**

*By: Rep. Al Williams (168th)*

*Through the Education Committee*

Final Bill Summary: House Bill 739 amends O.C.G.A. 20-2-200.2 relating to professional certification of military spouses by specifying the Code section shall be known as the 'Tracy Rainey Act.' O.C.G.A. 20-2-200.2 was created by HB 245 from the 2017 Legislative Session. House Bill 245 required the Georgia Professional Standards Commission to implement a process allowing military spouses to qualify for temporary certificates, certificates by endorsement, or expedited certificates when moving to Georgia.

**HB 740 Education; local school system to conduct certain screenings, assessments, and reviews prior to expelling a student; require**

*By: Rep. Randy Nix (69th)*

*Through the Education Committee*

Final Bill Summary: House Bill 740 amends O.C.G.A. 20-2-742 relating to the suspension or expulsion of students in kindergarten through third grade by requiring schools to provide a multi-tiered system of supports, such as response to intervention, prior to the suspension or expulsion unless such student possessed a weapon, drug, other dangerous instrument, or the physical safety of others is at risk.

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

*By: Rep. Randy Nix (69th)*

*Through the Education Committee*

Final Bill Summary: House Bill 763 amends O.C.G.A. 20-2-690.2 relating to student attendance protocol committees by expanding their purview 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.

This legislation also revises O.C.G.A. 20-2-1185, which requires every public and private school to prepare a school safety plan and conduct drills with students, teachers, and other personnel based on the safety plans to help curb the growing incidence of violence in schools. HB 763 also provides methods for public schools to request funding assistance for school security upgrades, including, but not limited to: video surveillance cameras, metal detectors, alarms, communications systems, building access controls, and other similar security devices.

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

*By: Rep. Scott Hilton (95th)*

*Through the Education Committee*

Final Bill Summary: House Bill 787 amends O.C.G.A. 20-2-270 to include state charter schools, in addition to local school systems, as recipients of services provided by regional education service agencies (RESAs).

State charter schools currently receive a supplement, in addition to state funds, to account for the lack of local funding and HB 787 revises the local funding supplement for state chartered special schools. State chartered special schools will receive the statewide average amount of total revenues less federal and state revenues, other than equalization grants; however, if state chartered special schools draw students from the attendance zone of local school systems and those school systems have a local supplement less than the statewide average, the local supplement for the state chartered special school will be determined by the greater of: the average local supplement for the local school systems for which the state chartered special school draws students; or the average local supplement of the lowest five school systems in the state.

This legislation also provides a mechanism for "forward funding" charter schools to cover the cost of exceptional enrollment growth.

HB 787 creates O.C.G.A. 20-2-2075, which authorizes the State Board of Education to establish a grant program for the purposes of replicating high-performing charter schools. Grants are subject to appropriations and shall be primarily for charter schools in rural areas, charter schools that primarily serve students with special needs, and charter schools that serve educationally disadvantaged students.

The bill requires the Department of Audits and Accounts to provide an annual report on certain charter

schools to the State Board of Education, the governor, the speaker of the House of Representatives, and the lieutenant governor by December 1 of each year.

HB 787 also creates a needs-based financial aid program for economically disadvantaged students to attend an institution of the university system.

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

*By: Rep. Penny Houston (170th) Through the Education Committee*

Final Bill Summary: House Bill 844 renames the "Georgia Commission on Hearing Impaired and Deaf Persons" 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.

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

*By: Rep. Michael Smith (41st) Through the Education Committee*

Final 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.

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

*By: Rep. Katie Dempsey (13th) Through the Education Committee*

Final 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 by his or her legal guardian pursuant to a physician's order cannot be charged tuition or fees.

**HR 898 Joint Study Committee on the Establishment of a State Accreditation Process; create**

*By: Rep. Brooks Coleman (97th) Through the Education Committee*

Final Bill Summary: House Resolution 898 creates a Joint Study Committee on the Establishment of a State Accreditation Process to determine if a state accreditation entity should be created in Georgia for the purpose of accrediting primary and secondary public schools or local school systems.

**SB 3 "Creating Opportunities Needed Now to Expand Credentialed Training (CONNECT) Act"; enact**

*By: Sen. Lindsey Tippins (37th) Through the Education Committee*

Final Bill Summary: Senate Bill 3 enacts the 'Creating Opportunities Needed Now to Expand Credentialed Training (CONNECT) Act'. The act amends and expands Title 20 to provide for industry credentialing for students who complete focused programs of study. The Department of Education and the Technical College System of Georgia shall jointly establish a list of industry credentials required by Georgia employers. This legislation adds "energy" to the current list of focused programs of study. The Department of Education is required to publish an annual report showing industry credentialing attainment levels.

SB 3 requires the State Board of Education to establish a competitive grant for the renovation, modernization, replacement, or purchase of equipment for industry certified programs and those in the process of achieving certification. Local programs that demonstrate local industry support and postsecondary partnerships that are linked to the verified industry need will receive grant priority.

This legislation also amends O.C.G.A. 20-2-161.2 to lower the enrollment age for work-based learning programs from 16 to 15.

**SB 330 "Green Agricultural Education Act"; three-component model; provide**

*By: Sen. John Wilkinson (50th) Through the Education Committee*

Final Bill Summary: Senate Bill 330 creates O.C.G.A. 20-2-154.2., which requires agricultural education programs in Georgia to be based on a nationally recognized three-component model of school-based agricultural education for grades six through 12. The Department of Education will develop the curriculum and standards for the program with input from agricultural education teachers. This legislation also authorizes the Department of Education to establish an agricultural education pilot program for elementary agricultural education to determine whether such a program is suitable for statewide implementation.

**SB 362 Education; establishment of an innovative assessment pilot program; provide**

*By: Sen. Lindsey Tippins (37th) Through the Education Committee*

Final Bill Summary: Senate Bill 362 creates O.C.G.A. 20-2-286, which requires the State Board of Education to establish an innovative assessment pilot program beginning in the 2018-2019 school year. The innovative assessment pilot program will be open to 10 school systems for a span of three to five years. These systems will examine one or more alternative assessment systems which focus on formative assessments that provide real-time feedback to identify areas of student mastery and deficiency throughout the school year and allow adjustments to teaching as learning progresses. Participating systems will be able to waive some of the summative assessment requirements while implementing formative assessments.

**SB 401 Individual Graduation Plans; guidance in career oriented aptitudes and career interests; provide**

*By: Sen. Lindsey Tippins (37th) Through the Education Committee*

Final Bill Summary: Senate Bill 401 amends O.C.G.A. 20-2-161.3 relating to dual credit courses by requiring participating postsecondary institutions to provide enrollment and student record data to the Office of Student Achievement and to the state-wide longitudinal data system. This legislation also requires individual graduation plans to account for a student's career-oriented aptitudes as well as career interests and academic skills by the end of eighth grade. To further the guidance of students in academic, career, social, and emotional development by school counselors, the Department of Education shall review each school counselor's role, workload, and program service delivery and report such findings to the State Board of Education and the General Assembly by December 31, 2018.

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.

**Energy, Utilities & Telecommunications Committee**

**Analyst:** Blake Doss

**HB 205 Mining and drilling; regulate exploration and extraction of gas and oil; provisions**

*By: Rep. John Meadows (5th) Through the Energy, Utilities & Telecommunications Committee*

Final Bill Summary: This bill regulates the exploration and extraction of gas and oil in the state by amending the 'Oil and Gas and Deep Drilling Act of 1975'. Any oil and gas exploration to identify new sources of energy should not occur at the expense of the state's important natural resources, such as residential, municipal, and industrial supplies of fresh water. Additionally, the bill also defines hydraulic fracturing.

It also allows the Board of Natural Resources to delegate to the director of the Environmental Protection Division the authority to create an Oil and Gas Board to review and issue permits and to regulate drilling activity. The Oil and Gas Board, which can only be created after receiving at least 12 applications in a

calendar year for any permit to drill any well, will consist of the state geologist and three other members appointed by the governor.

The Board of Natural Resources will also have the power to create rules establishing procedures for the restoration and reclamation of well sites. The board also must adopt regulations governing hydraulic fracturing operations by July 1, 2019. These regulations include, but aren't limited to, creating public notices for any applications for any hydraulic fracturing permits, identification of groundwater sources within one-half mile of any proposed wellhead, and the disclosure of the contents of fluids used in hydraulic fracturing projects to the director and the commissioner of public health. This includes provisions which may allow for the withholding of trade secrets. Any entity wishing to drill a well, other than one that will produce fresh water, has to apply with the director of the EPD and pay \$500 for a permit.

The director shall issue a public notice for the permit application within 30 days of receiving the application. Following a 30-day public comment period, the director will notify the public of the final permit decision. The bill also defines the permit requirements.

Additionally, the bill has a clause stating that the bill will not limit the authority of local governments to adopt local zoning or land use ordinances limiting the location or timing of the activities defined in the bill for the purposes of protecting natural resources or human health and welfare.

Moreover, a severance tax of three cents per barrel of oil and one cent per thousand cubic feet of gas shall be levied on oil or gas removed from the ground by an extractor. The governing authority of each county or municipality can enact local ordinances or resolutions to levy its own severance tax, which can't exceed nine cents per barrel of oil or two cents per thousand cubic feet of gas.

**SB 355 Nuclear Generating Plant; recovery of the costs of financing the construction; provisions; change**

*By: Sen. Chuck Hufstetler (52nd) Through the Energy, Utilities & Telecommunications Committee*

Final Bill Summary: This bill amends O.C.G.A. 46-2-25 so that a utility shall recover the financing costs associated with constructing a nuclear power plant from its customers if the plant has been certified by the Public Service Commission prior to January 1, 2018.

**Game, Fish, & Parks Committee**

**Analyst:** David Hartman

**SB 332 Department of Natural Resources; hunter mentor program; provide**

*By: Sen. Tyler Harper (7th) Through the Game, Fish, & Parks Committee*

Final Bill Summary: SB 332 creates a hunter mentor program within the Department of Natural Resources (DNR). The program will include an outdoor passport for mentees in the program, which grants non-commercial hunting and fishing privileges across all categories. The bill requires DNR to provide instruction to outdoor mentors before working with a mentee. DNR shall also work with partners to create incentives for participating mentors, which may include reduced license fees. SB 332 sets an annual license fee of \$50 for a non-resident youth sportsman's license for those 15 years of age or younger.

**Governmental Affairs Committee**

**Analyst:** Craig Foster

**HB 257 Local government authorities; register with Department of Community Affairs; require**

*By: Rep. Jan Tankersley (160th) Through the Governmental Affairs Committee*

Final Bill Summary: House Bill 257 streamlines the reporting process for local government authorities to file their statutorily-required reports to the Department of Community Affairs. It narrows the dates of reporting from two dates to one.

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

*By: Rep. Tom McCall (33rd) Through the Governmental Affairs Committee*

Final 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. Use of the registry shall be at no cost to the local government.

**HB 618 Skidaway Island, City of; incorporate**

*By: Rep. Jesse Petrea (166th) Through the Governmental Affairs Committee*

Final Bill Summary: House Bill 618 is a bill to incorporate the city of Skidaway Island.

**HB 626 Sharon Springs, City of; incorporate**

*By: Rep. Todd Jones (25th) Through the Governmental Affairs Committee*

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

**HB 899 Contracts; limitation on disqualification of bidders; change**

*By: Rep. Dominic LaRiccia (169th) Through the Governmental Affairs Committee*

Final Bill Summary: House Bill 899 removes the disqualification of bidders without experience with the "construction delivery method" when awarding contracts for public works projects through sealed competitive bids.

**HB 907 Public officers and employees; appointment and election of successor in event of vacancy in the office of district attorney; provide**

*By: Rep. Barry Fleming (121st) Through the Governmental Affairs Committee*

Final Bill Summary: House Bill 907 allows the governor to appoint a replacement, rather than hold a special election, to fill the unexpired term of a vacant office of district attorney. This process mirrors that of superior court judges.

**HB 995 Local government; certain disclosures from consultants who enter into contracts to prepare requirements for bids; provide**

*By: Rep. Mark Newton (123rd) Through the Governmental Affairs Committee*

Final Bill Summary: House Bill 995 provides a process for a consultant to disclose any conflicts of interest when contracting for services with a local governing authority.

**SB 263 City of Eagles Landing; incorporate; charter; provide**

*By: Sen. Rick Jeffares (17th) Through the Governmental Affairs Committee*

Final Bill Summary: Senate Bill 263 authorizes a local referendum for the creation of the city of Eagles Landing.

**SB 397 Real and Personal Property; municipalities to hire state licensed real estate brokers to assist in sale; allow**

*By: Sen. Ben Watson (1st) Through the Governmental Affairs Committee*

Final Bill Summary: Senate Bill 397 allows counties and cities to contract with real estate agents or brokers for the purpose of marketing county or city-owned property.

**SB 404 Public Water Systems; charging or assessing a separate fee for standby water service for fire sprinkler system connections; prohibit county, municipal and other public water systems**

*By: Sen. Matt Brass (28th) Through the Governmental Affairs Committee*

Final Bill Summary: Senate Bill 404 prohibits local governing authorities from charging a separate fee for standby water service for fire sprinkler systems.

**SR 685 Georgia Coast; bed of tidewater known as "Runaway Negro Creek"; rename to "Freedom Creek"***By: Sen. Lester Jackson (2nd)**Through the Governmental Affairs Committee*

Final Bill Summary: Senate Resolution 685 changes the name of "Runaway Negro Creek" on Skidaway Island, Georgia, to "Freedom Creek".

**Health & Human Services Committee****Analyst:** Leonel Chancey**HB 513 Domestic relations; signs to be posted at certain medical facilities where a newborn child may be left; provide***By: Rep. Pam Dickerson (113th)**Through the Health & Human Services Committee*

Final Bill Summary: This bill allows the Department of Community Health to promulgate rules for a sign to be developed and posted at any medical facility, fire station, or police station to inform the general public that the facility is an authorized safe place to leave a newborn child. This is to prevent injuries and deaths of newborn children who are abandoned.

**HB 701 State employment; drug testing; allow testing for all forms of opioids***By: Rep. Kevin Tanner (9th)**Through the Health & Human Services Committee*

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

**HB 769 Health; recommendations from the House Rural Development Council; implement***By: Rep. Rick Jasperse (11th)**Through the Health & Human Services Committee*

Final Bill Summary: HB 769 implements recommendations from the House Rural Development Council relating to health care issues. The bill revises provisions relative to pharmacy practices, as well as provisions relative to credentialing and billing. This legislation provides for the establishment of the Rural Health System Innovation Center and the establishment of micro-hospitals. Also, HB 769 provides for a grant program for insurance premium assistance for physicians practicing in medically underserved rural areas of the state. Finally, HB 769 increases the value of the tax credit to 100 percent related to contributions to rural hospital organizations.

Sections 1 and 2 allow remote pharmacy drug orders for hospital patients by a pharmacist licensed in this state, who is an employee or contractor of a pharmacy licensed in this state or that holds a nonresident pharmacy permit, from a remote location anywhere in the United States indicating that the specific drug order has been reviewed by a pharmacist. Remote orders shall be reviewed a pharmacist who is physically in the hospital within 24 hours or by the next business day.

Section 3 directs the Department of Community Health to take steps to streamline and expedite the credentialing and billing process for state medical plans and examine the potential for a uniform billing platform. The department will also review standardization of billing codes among providers, post billing criteria on the department's website, and enable concurrent processes for credentialing and contract negotiation for new providers. Billing for telehealth-delivered care, which allows for payments to both the on-site presenter and off-site provider will be examined. The Department of Community Health will also review maximized billing for a patient who sees multiple specialists through multiple encounters during a single visit in a safety net setting.

A Rural Health System Innovation Center will be established through the existing Office of Rural Health to serve as a research organization that utilizes Georgia's academic, public health policy, data, and workforce resources to develop new approaches for financing and delivering health care, leadership training and health data analysis for rural hospitals in this state. This postsecondary institution partner will have a health program or college that focuses on rural and underserved areas of the state. The purposes and duties of the center is to develop a research program to provide analytical information to identify and analyze significant health system problems and to propose solutions and best practices.

No later than January 1, 2019, an education curriculum and training will be provided to leadership of rural hospital organizations, hospital executive leadership, hospital board members, and hospital authority members

for best practices and hospital operating standards. No rural hospital organization shall be eligible to receive contributions from the tax credit, qualify or receive any state funds unless the chief executive officer, the chief financial officer, every board member and every hospital authority member has completed the education program approved by the center no later than December 31, 2020, or within 12 months of initial hiring or appointment and every two years thereafter. Any board member or hospital authority member who does not complete the education program as required shall be ineligible to continue serving as a board member or hospital authority member, ineligible to participate in any grant programs offered by the state, or subject to a fine of \$10,000 per violation.

The center is authorized to make application for and receive funds and grants for purposes and projects. The Rural Health System Innovation Center is authorized to enter into contracts and agreements with colleges and universities for participation in the work of the center. Each year on or before October 1st, the center will file a report to the governor, the president of the Senate, the speaker of the House of Representatives, and the chairpersons of the House Committee on Health and Human Services, the Senate Health and Human Services Committee, and the House and Senate Appropriations Committees and the Health Coordination and Innovation Council. The report will include recommendations, a summary of activities on who received training from the center, and the status of rural health care in the state.

Sections 4 and 5 define "micro-hospital" to mean a hospital in a rural county which has at least two and not more than seven inpatient beds and provides emergency services seven days a week and 24 hours per day. The legislation allows for the creation of micro-hospitals without requiring a new certificate of need when a hospital is closing or recently closed and is purchased by a hospital in a contiguous county. The relocation of any micro-hospital can occur within the same county, as long as the facility does not propose to offer any new or expanded clinical health services at the new location.

Section 6 creates a grant program within the Georgia Board of Physician Workforce to provide financial assistance for liability premiums for some rural physicians as an offset for establishing and/or operating a practice in an unserved or underserved area of the state. The board will form rules and regulations for the program, but eligible applicants must: be licensed in Georgia and board-certified; maintain a practice in the medically underserved area for a certain time; complete 100 hours of continuing education; provide extended or weekend hours; and accept Medicaid and Medicare patients.

Section 7 revises the tax credits for rural hospitals to allow 'S' corporation shareholders, limited-liability company members, and married couples filing a joint return to contribute \$10,000 per taxable year, and single or head of household filers to contribute \$5,000 per taxable year. The credit's sunset is extended through December 2021.

## **HB 909 Health; designation of perinatal facilities; provisions**

*By: Rep. Deborah Silcox (52nd) Through the Health & Human Services Committee*

Final 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.

## **SB 357 Health Coordination and Innovation Council of the State of Georgia; create**

*By: Sen. Dean Burke (11th)*

*Through the Health & Human Services Committee*

**Final Bill Summary:** SB 357 establishes the Health Coordination and Innovation Council of the State of Georgia. The 18-member council includes: a new position for a director of health care policy and strategic planning; the commissioner of the Department of Community Health; the commissioner of the Department of Public Health; the commissioner of the Department of Human Services; the commissioner of the Department of Behavioral Health and Developmental Disabilities; and the executive of director of the Division of Substance Abuse, Addiction, and Related Disorders. Six additional members are appointed by the governor for four-year terms. Appointments shall be made to ensure that the council always includes: a dentist, a pharmacist, a primary care physician and a member representing a private health care industry. The lieutenant governor and the speaker of the House of Representatives each have one appointment. The council will create an annual report of its business, which is to create a forum for innovative ideas, evaluation, maximize resources, and organize a health care approach.

The new position is responsible for the management and coordination of health care delivery on all government levels, in addition to coordinating data-driven decision-making between the Health Coordination and Innovation Council and the state. The director may hire staff to perform these functions.

This bill also creates a 13- to 19-member advisory board to the council, which may not have government employees as members. The governor will appoint all members who have experience to address the needs of the council, such as reviewing and commenting on all health care grant applications. The following entities shall provide required reporting to the council, the: Maternal Mortality Review Committee; Office of Women's Health; Commission on Men's Health; Renal Dialysis Advisory Council; Kidney Disease Advisory Committee; Hemophilia Advisory Board; Georgia Council on Lupus Education and Awareness; Georgia Palliative Care and Quality of Life Advisory Council; Georgia Trauma Care Network Commission; Behavioral Health Coordinating Council; Georgia Coverdell Acute Stroke Registry; Office of Cardiac Care; and Brain and Spinal Injury Trust Fund.

**SB 364 Delegation of Authority to Physician Assistants; higher supervisory ratio; completed a board approve anesthesiologist assistant program; authorize**

*By: Sen. Chuck Hufstetler (52nd)*

*Through the Health & Human Services Committee*

**Final Bill Summary:** This bill authorizes a higher supervisory ratio for physician assistants who have completed a board-approved anesthesiologist assistant program. No primary supervising physician shall have more than eight physician assistants who have completed a board-approved anesthesiologist assistant program licensed to him or her at a time.

**SB 370 Medical Assistance; commissioner of human services waives the first \$25,000 of any estate; provide**

*By: Sen. John Wilkinson (50th)*

*Through the Health & Human Services Committee*

**Final Bill Summary:** This bill requires, no later than July 1, 2018, the Department of Community Health shall submit a state plan amendment to waive the first \$25,000 value of any estate to the United States Department of Health and Human Services Centers for Medicare and Medicaid Services. In the event that such amendment to the state plan is not approved, this change shall stand repealed in its entirety.

**SB 382 Optometrists guidance and consultation by the Department of Public Health; provide**

*By: Sen. P. K. Martin (9th)*

*Through the Health & Human Services Committee*

**Final Bill Summary:** This bill requires the Department of Public Health to provide guidance on certain training programs for doctors of optometry who administer pharmaceutical agents by injection. The legislation adds that any injectable training program approved by the State Board of Optometry, prior to its approval by the board, is subject to the guidance by the Department of Public Health to ensure that the necessary, appropriate curriculum is in place.

**SB 422 Clinical Laboratories; exempting pharmacists from provisions of said chapter when performing certain tests; provisions; change**

*By: Sen. Renee Unterman (45th)*

*Through the Health & Human Services Committee*

Final Bill Summary: This bill relates to clinical laboratories to provide changes to provisions exempting pharmacists from blood tests and interpreting the results. Pharmacists performing such tests shall make reasonable efforts to report the results obtained from the test to the patient's physician of choice.

**Higher Education Committee****Analyst:** Sara Arroyo**HB 432 Tuition grants; certain institutions that lack accreditation be approved for tuition equalization purposes; provide****By: Rep. Matt Dubnik (29th)*****Through the Higher Education Committee***

Final Bill Summary: HB 432 expands the definition of an "approved school" for the purpose of tuition equalization grants to include an institution that lacks accreditation by the Southern Association of Colleges and Schools but meets all other requirements of an "approved school" as long as the institution was considered an "approved school" in the last five years.

**HB 448 Nonpublic Postsecondary Education Commission; require certain postsecondary institutions to qualify for exemptions; provisions****By: Rep. Chuck Williams (119th)*****Through the Higher Education Committee***

Final Bill Summary: HB 448 enables the Nonpublic Postsecondary Education Commission (NPEC) to create policies to exempt education and postsecondary education institutions. Specifically, this bill exempts non-public law schools accredited by the American Bar Association when NPEC is designated as the recipient of complaints as a prerequisite for the non-public law school's acceptance of federal student financial aid. Next, this bill exempts any college or university that confers both associate and baccalaureate or higher degrees, that is accredited by the Southern Association of Colleges and Schools that was previously exempt under this subsection but is now operating on a non-profit basis. This bill also changes the composition of NPEC's board from 15 members to an undesignated number, but must consist of one member from a degree granting, non-public postsecondary institution, one from member to represent. Lastly, HB 448 changes the composition of the Board of Trustees of the Tuition Guaranty Trust Fund to include at least two members of postsecondary institutions rather than one member representing a non-degree granting postsecondary institution and one member representing a degree granting postsecondary institution.

**HB 700 Georgia Student Finance Authority; service cancelable educational loans; include graduate degree programs****By: Rep. D. C. Belton (112th)*****Through the Higher Education Committee***

Final Bill Summary: HB 700 allows members of the Georgia National Guard who are enrolled in a graduate degree program at an eligible postsecondary institution to apply for a service cancelable loan. Before applying for the service cancelable loan, the applicant must file a Free Application for Federal Student Aid (FAFSA) and exhaust all other available aid. The amount of the loan, when combined with all other aid, cannot exceed the highest undergraduate in-state tuition charged by a University System of Georgia institution. The service cancelable loan can be revoked if the recipient fails to maintain good standing as a member of the Georgia National Guard for the required period or fails to maintain good academic standing. The loan will be canceled after a period of two years following the last year of study; however, the two-year requirement can be waived by the adjutant general of Georgia for good cause.

**SB 82 HOPE; need based HOPE scholarship and grant; create****By: Sen. Lester Jackson (2nd)*****Through the Higher Education Committee***

Final Bill Summary: SB 82 allows a member of the Georgia National Guard or a member of a reserve component of the United States Armed Forces located in Georgia to be classified as a legal resident under eligibility requirements for HOPE scholarships and grants.

**SB 331 Georgia Lottery for Education Act; winner of lottery prize to remain anonymous under certain conditions; allow****By: Sen. Steve Henson (41st)*****Through the Higher Education Committee***

Final Bill Summary: SB 331 requires the Georgia Lottery Corporation to keep all information regarding the winner of awards of \$250,000 or greater confidential upon written request of the prize winner.

**Human Relations & Aging Committee**

Analyst: Tara Boockholdt

**HB 635 Disabled Adults and Elder Persons Protection Act; at-risk adult protection investigative/coordinating teams; provide establishment***By: Rep. Sharon Cooper (43rd) Through the Human Relations & Aging Committee*

Final Bill Summary: HB 635 allows the district attorney in each judicial circuit to establish an Adult Abuse, Neglect, and Exploitation Multidisciplinary 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.

**HR 279 Single Parent Day; March 21; designate each year***By: Rep. Valencia Stovall (74th) Through the Human Relations & Aging Committee*

Final Bill Summary: HR 279 recognizes the challenges and dedication of single parents and designates March 21st of each year as Single Parent Day to mirror a 1984 congressional joint resolution.

**SB 406 "Georgia Long-term Care Background Check Program" enact; public safety; promote***By: Sen. Brian Strickland (17th) Through the Human Relations & Aging Committee*

Final Bill Summary: SB 406 creates the Georgia Long-term Care Background Check Program, which requires comprehensive criminal background checks for owners, applicants for employment, and employees providing care or owning a personal care home, assisted living community, private home care provider, home health agency, hospice care, nursing home, skilled nursing facility, or an adult day care. This requirement begins for new applicants on October 1, 2019, but existing employees and owners have until January 1, 2021 to submit a records check application to the Department of Community Health. The department is authorized to conduct national fingerprint-based criminal background checks and provide an appeals process. Additionally, the department is to establish and maintain a caregiver registry so that employers who are family members or guardians of elderly persons can obtain an employment eligibility determination from the department for personal care applicants and employees. The bill provides immunity from liability for the department and any person or facility acting in good faith to comply with the requirements in this bill.

**SB 444 Georgia Alzheimer's and Related Dementias State Plan Advisory Council; create***By: Sen. Renee Unterman (45th) Through the Human Relations & Aging Committee*

Final Bill Summary: SB 444 creates the Georgia Alzheimer's and Related Dementias State Plan Advisory Council to ensure that focus remains on implementing and amending the goals set forth in the Georgia Alzheimer's and Related Dementias State Plan as needed. The advisory council will submit a report to the governor and the General Assembly every three years on the work of the advisory council. This act shall be known as the 'Senator Thorborn 'Ross' Tolleson, Jr., Act.'

**Industry and Labor Committee**

Analyst: Craig Foster

**HB 795 Labor, Department of; authorize Commissioner of Labor to perform certain functions; provisions***By: Rep. Micah Gravley (67th) Through the Industry and Labor Committee*

Final 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 is necessary to be compliant with federal law.

Additionally, SB 795 eliminates the positions of director emeritus and administrative law judge emeritus of the State Board of Worker's Compensation. The bill is effective July 1, 2018 and as those positions are vacated. It also requires the Board of Worker's Compensation to abide by the 'Administrative Procedures Act'.

**HB 831 Georgia's Employment First Act; enact***By: Rep. Terry Rogers (10th) Through the Industry and Labor Committee*

Final 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.

**SB 377 State Workforce Development Board; transfer to Technical College System of Georgia; duties and obligations; revise***By: Sen. Brian Strickland (17th) Through the Industry and Labor Committee*

Final Bill Summary: Senate Bill 377 transfers the State Workforce Development Board from the Department of Economic Development to the Technical College System of Georgia.

**Insurance Committee****Analyst:** Craig Foster**HB 64 Protection and Guarantee of Service for Health Insurance Consumers Act; enact***By: Rep. Shaw Blackmon (146th) Through the Insurance Committee*

Final Bill Summary: House Bill 64 requires insurance carriers that sell health insurance through an insurance agent to provide the agent with a commission that is consistent with the amount proposed in the rates filed with the Department of Insurance.

**HB 592 Insurance; compliance self-evaluative privilege; repeal applicability and sunset provisions***By: Rep. Eddie Lumsden (12th) Through the Insurance Committee*

Final Bill Summary: House Bill 592 repeals the applicability and sunset provisions of the insurance compliance self-evaluative privilege (O.C.G.A. 33-2-34). This privilege allows insurance companies to fix issues arising from an internal audit without suffering reprisal by regulators for the original mistake.

**HB 754 Insurance; division of a domestic insurer into two or more resulting domestic insurers; provisions***By: Rep. Jason Shaw (176th) Through the Insurance Committee*

Final 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.

**HB 760 Insurance; certain policies, definitions, and property insurance; revise***By: Rep. Eddie Lumsden (12th) Through the Insurance Committee*

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

**HB 818 Insurance; health care provider shall choose the method of reimbursement by insurer; provide***By: Rep. Lee Hawkins (27th) Through the Insurance Committee*

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

**HB 878 Insurance; cancellation of an insurance policy by an insured; change certain provisions***By: Rep. Heath Clark (147th) Through the Insurance Committee*

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

- HB 938 Insurance; limited credit insurance agency license; provide**  
*By: Rep. Darlene Taylor (173rd) Through the Insurance Committee*  
Final Bill Summary: House Bill 938 provides for a limited credit insurance agency license for the specific purpose of selling credit insurance.
- SB 118 Autism; age limit for coverage for autism spectrum disorders for an individual covered under a policy or contract; change**  
*By: Sen. Renee Unterman (45th) Through the Insurance Committee*  
Final Bill Summary: Senate Bill 118 amends Ava's Law by increasing the age of coverage for the treatment of Autism Spectrum disorders from six-years to 20-years old and the limit on coverage from \$30,000 per year to \$35,000 per year.
- SB 350 Notice of Information Practices By Institution or Agent; policy renewal to comport with federal law; update notice practices requirements**  
*By: Sen. Larry Walker III (20th) Through the Insurance Committee*  
Final Bill Summary: Senate Bill 350 updates Georgia law in regard to the notice requirements for an insurance company or agent to their policyholders in the case of policy renewal to comport with federal law.
- SB 353 Boilers and Pressure Vessels; violations concerning the regulation; civil enforcement and penalty authority in the Safety Fire Commissioner; establish**  
*By: Sen. Lee Anderson (24th) Through the Insurance Committee*  
Final Bill Summary: Senate Bill 353 establishes civil enforcement and penalty authority in the Safety Fire Commissioner for violations concerning the regulation of boilers and pressure vessels. The maximum penalty is \$5,000.
- SB 381 Surplus Line Insurance; nonadmitted insurer domiciled in this state will be deemed a domestic surplus lines insurer if certain criteria are met; provide**  
*By: Sen. Bruce Thompson (14th) Through the Insurance Committee*  
Final Bill Summary: Senate Bill 381 provides that a non-admitted insurer domiciled in this state is deemed a domestic surplus lines insurer, if all qualifications are met, and is able to sell surplus line products in Georgia.

**Interstate Cooperation Committee****Analyst:** Blake Doss

- HB 777 Historic Chattahoochee Compact; repeal**  
*By: Rep. Gerald Greene (151st) Through the Interstate Cooperation Committee*  
Final Bill Summary: This bill repeals the Historic Chattahoochee Compact. The compact's purpose was to promote cooperative development between Alabama and Georgia in the Chattahoochee Valley area to help the area reach its full potential for historic preservation and tourism.
- SR 794 Joint Georgia-North Carolina and Georgia-Tennessee Boundary Line Commission; create**  
*By: Sen. Butch Miller (49th) Through the Interstate Cooperation Committee*  
Final Bill Summary: SR 794 creates the Joint Georgia-North Carolina and Georgia-Tennessee Boundary Line Commission to establish, survey, and proclaim the true boundary lines between Georgia and Tennessee and Georgia and North Carolina. There shall be six commission members, three appointed by the president of the Senate and three appointed by the speaker of the House. The commission shall issue a report of its findings with the secretary of the Senate and the clerk of the House. If no report is approved by the commission, the co-chairs may file the meeting minutes. The commission is abolished on December 1, 2018.

The resolution also directs the governor of Georgia to communicate with the governors of North Carolina and Tennessee for the purpose of having joint surveys and settlements of the disputed boundary questions.

**Intragovernmental Coordination Committee**

Analyst: Blake Doss

**HB 934 Thomas County; Magistrate Court chief judge; provide nonpartisan elections**  
*By: Rep. Darlene Taylor (173rd) Through the Intragovernmental Coordination Committee*  
Final Bill Summary: This bill provides that future elections for the office of chief judge of the Magistrate Court of Thomas County shall be nonpartisan.

**Intragovernmental Coordination - Local Committee**

**HB 442 Clayton County; State Court; provide for salaries of judges**  
*By: Rep. Mike Glanton (75th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides for the salaries of and for a county supplement for the state court judges of Clayton County.

**HB 507 Jonesboro, City of; governing authority; create districts for election of members**  
*By: Rep. Mike Glanton (75th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill creates districts for the election of members to the governing authority of the city of Jonesboro.

**HB 508 Morrow, City of; provide for a governing authority**  
*By: Rep. Mike Glanton (75th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill creates districts for the election of members to the governing authority of the city of Morrow.

**HB 549 Lovejoy, City of; Clayton County; provide for a governing authority**  
*By: Rep. Valencia Stovall (74th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill creates districts for the election of members of the governing authority of the city of Lovejoy.

**HB 550 Lake City, City of; provide for a governing authority**  
*By: Rep. Valencia Stovall (74th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill creates districts for the election of members of the governing authority of the city of Lake City.

**HB 557 Clayton County; Probate Court; change compensation of judge**  
*By: Rep. Valencia Stovall (74th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill changes the compensation of the judge of the probate court of Clayton County.

**HB 558 Clayton County; Superior Court; compensation of sheriff; change provisions**  
*By: Rep. Valencia Stovall (74th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill changes the sheriff's salary of Clayton County to \$143,933.

**HB 586 Reynolds, City of; provide a new charter; provisions**  
*By: Rep. Patty Bentley (139th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill creates a new charter for the City of Reynolds.

- HB 600 Stonecrest, City of; DeKalb County; revise city's voting districts; provisions**  
*By: Rep. Doreen Carter (92nd) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: HB 600 prohibits the mayor of the city of Stonecrest from serving three consecutive terms. It further provides that a councilmember may serve unlimited successive terms. It also states that four councilmembers, including the mayor, constitutes a quorum. The mayor shall only vote in the event of a tie.
- HB 610 Clayton Judicial Circuit; judges of superior court; increase county supplement to state salary**  
*By: Rep. Mike Glanton (75th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill increases the county supplement to \$50,000 per year for the judges of the superior court of the Clayton Judicial Circuit.
- HB 619 Pavo, City of; provide new charter**  
*By: Rep. Amy Carter (175th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides a new charter for the City of Pavo.
- HB 682 Long County; Board of Commissioners; provide staggering of terms of office**  
*By: Rep. J. B. Jones (167th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill staggers the terms of office for the county commission districts of Long County.
- HB 707 Roswell, City of; ad valorem tax; provide new homestead exemption**  
*By: Rep. Betty Price (48th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides a homestead exemption, which has the effect of a valuation freeze, from City of Roswell ad valorem taxes for municipal purposes.
- HB 708 Johns Creek, City of; ad valorem tax; provide new homestead exemption**  
*By: Rep. Brad Raffensperger (50th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides a homestead exemption, which has the effect of a valuation freeze, from City of Johns Creek ad valorem taxes for municipal purposes.
- HB 710 Milton, City of; ad valorem tax; provide new homestead exemption**  
*By: Rep. Jan Jones (47th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides a homestead exemption, which has the effect of a valuation freeze, from City of Milton ad valorem taxes for municipal purposes.
- HB 711 Mountain Park, City of; ad valorem tax; provide new homestead exemption**  
*By: Rep. Jan Jones (47th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides a homestead exemption, which has the effect of a valuation freeze, from City of Mountain Park ad valorem taxes for municipal purposes.
- HB 712 Alpharetta, City of; ad valorem tax; provide new homestead exemption**  
*By: Rep. Chuck Martin (49th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides a homestead exemption, which has the effect of a valuation freeze, from City of Alpharetta ad valorem taxes for municipal purposes.
- HB 724 Monticello, City of; change corporate limits**  
*By: Rep. Susan Holmes (129th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill revises the corporate boundaries of the City of Monticello.

- HB 727 Bartow County; Redevelopment Powers Law; provide for referendum**  
*By: Rep. Christian Coomer (14th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill authorizes Bartow County to exercise all redevelopment and other powers found under Article IX, Section II, Paragraph VII(b) of the Georgia Constitution and Chapter 44 of Title 36.
- HB 730 Clermont; Town of; provide for councilmember wards**  
*By: Rep. Lee Hawkins (27th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: House Bill 730 provides councilmember wards for the town of Clermont.
- HB 771 Heard County; Board of Education; provide new method of compensating members**  
*By: Rep. Randy Nix (69th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides a new method of compensating the members of the Heard County Board of Education. Each member of the board shall receive \$300 a month in addition to reimbursement for actual expenses incurred while meeting or traveling outside of the county.
- HB 772 Camilla, City of; provide new charter**  
*By: Rep. Jay Powell (171st) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides a new charter for the City of Camilla.
- HB 805 Terrell County; office of county treasurer; abolish**  
*By: Rep. Gerald Greene (151st) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill abolishes the office of county treasurer of Terrell County.
- HB 806 Town of Braselton Public Facilities Authority Act; enact**  
*By: Rep. Tommy Benton (31st) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill creates the Town of Braselton Public Facilities Authority.
- HB 807 City of St. Marys Community Improvement Districts Act of 2018; enact**  
*By: Rep. Jason Spencer (180th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides for the creation of one or more community improvement districts in the City of St. Mary's.
- HB 822 School District of Social Circle; create**  
*By: Rep. Bruce Williamson (115th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill modifies provisions relating to the filling of vacancies on the Board of Education of Social Circle.
- HB 828 Harlem, City of; Redevelopment Powers Law; provide for referendum**  
*By: Rep. Barry Fleming (121st) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill authorizes the City of Harlem to exercise all redevelopment and other powers found under Article IX, Section II, Paragraph VII(b) of the Georgia Constitution and Chapter 44 of Title 36 of the O.C.G.A.
- HB 829 Quitman County; Board of Education; change compensation of chairperson and members**  
*By: Rep. Gerald Greene (151st) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill changes the compensation of the chairperson and members of the Quitman County Board of Education. The chairperson of the board shall be paid \$600 per month. Other members of the board shall be paid \$500 per month.

- HB 832 Peachtree Corners, City of; provide new charter**  
*By: Rep. Scott Hilton (95th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides a new charter for the City of Peachtree Corners.
- HB 836 Dougherty County School System; change compensation of members of the board of education**  
*By: Rep. Winfred Dukes (154th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill changes the compensation for the members of the Dougherty County School System Board of Education. The chairperson of the board shall be paid \$1,200 per month, the vice-chairperson shall be paid \$1,100 per month, and all other members shall be paid \$1,000 per month.
- HB 838 Peachtree City Water and Sewage Authority; revise membership**  
*By: Rep. Josh Bonner (72nd) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill revises the membership of the Peachtree City Water and Sewerage Authority.
- HB 839 Clayton County Water Authority; change compensation of members**  
*By: Rep. Mike Glanton (75th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill changes the compensation of the members of the Clayton County Water Authority to \$525 per month.
- HB 845 Young Harris, City of; provide new charter**  
*By: Rep. Matt Gurtler (8th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides a new charter for the City of Young Harris.
- HB 846 Villa Rica, City of; Redevelopment Powers Law; provide for referendum**  
*By: Rep. J. Collins (68th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill authorizes the City of Villa Rica to exercise all redevelopment and other powers found under Article IX, Section II, Paragraph VII(b) of the Georgia Constitution and Chapter 44 of Title 36 of the O.C.G.A.
- HB 863 Jonesboro, City of; homestead exemptions from ad valorem taxes; provisions**  
*By: Rep. Mike Glanton (75th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill grants each resident of the City of Jonesboro an exemption from city ad valorem taxes for municipal purposes which decreases from \$50,000 in 2019 to \$10,000 in 2023 and thereafter.
- HB 864 Jonesboro, City of; provide new charter**  
*By: Rep. Mike Glanton (75th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill changes the corporate limits of the City of Jonesboro.
- HB 869 Fulton County Industrial District; repeal amendment**  
*By: Rep. Roger Bruce (61st) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill repeals an amendment to the Constitution of Georgia creating the Fulton County Industrial District and prohibiting the governing authority of Fulton County from levying any tax for education purposes within the boundaries of an independent school system by referendum be held in 2018.
- HB 870 South Fulton, City of; change corporate boundaries**  
*By: Rep. Roger Bruce (61st) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill changes the corporate boundaries of the City of South Fulton.

- HB 900 Lamar County; Board of Education; revise compensation of members and chairperson**  
*By: Rep. Johnnie Caldwell (131st) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill changes the compensation of the members and chairperson of the Lamar County Board of Education to \$500 per month, with the chairperson receiving an additional \$150 per month.
- HB 901 Adrian, City of; revise terms of office of mayor and city council members**  
*By: Rep. Matt Hatchett (150th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill revises the terms of the office of the mayor and members of the city council of the City of Adrian.
- HB 911 Griffin, City of; provide for mayor and mayor pro tem**  
*By: Rep. David Knight (130th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides for a mayor and a mayor pro tem for the City of Griffin.
- HB 912 Spalding County; State Court; provide for imposition of court costs in certain criminal cases**  
*By: Rep. David Knight (130th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill requires a person before the State Court of Spalding County who is ordered to pay a fine, convicted, pleads guilty, or enters a plea of no contest to any violation to pay court costs, not to exceed \$50, unless otherwise ordered by the sentencing judge. Any person who fails to appear for a scheduled court appearance shall pay a failure to appear fee, not to exceed \$100, unless otherwise ordered by the judge.
- HB 921 Cave Spring, City of; levy an excise tax**  
*By: Rep. Eddie Lumsden (12th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill authorizes the City of Cave Spring to levy an excise tax.
- HB 933 Dillard, City of; eliminate one council post**  
*By: Rep. Matt Gurtler (8th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill eliminates one council post in the City of Dillard.
- HB 937 Reynolds, City of; provide new charter**  
*By: Rep. Patty Bentley (139th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides a new charter for the City of Reynolds.
- HB 942 Savannah State Farmers Market Authority Act; enact**  
*By: Rep. Carl Gilliard (162nd) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill creates the Savannah Farmers Market Commission.
- HB 946 Houston County; Board of Education; modify compensation of members**  
*By: Rep. Heath Clark (147th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill changes the compensation of the members of the Houston County Board of Education. Board members will be paid \$600 per month and \$100 for meetings other than regular school board meetings. The special meeting compensation is limited to four times in a month.
- HB 979 Johns Creek, City of; term limits for mayor and councilmembers; provide**  
*By: Rep. Brad Raffensperger (50th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides for term limits for the mayor and councilmembers of the City of Johns Creek.

- HB 980 Dade County; levy an excise tax**  
*By: Rep. John Deffenbaugh (1st) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill authorizes the governing authority of Dade County to levy an excise tax.
- HB 985 Hull, Town of; revise terms of office and timing of elections for mayor and councilmembers**  
*By: Rep. Tom McCall (33rd) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill revises the terms of office and the timing of elections for the mayor and councilmembers of the Town of Hull.
- HB 990 Rockdale County; Board of Education; modify compensation of members**  
*By: Rep. Pam Dickerson (113th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill changes the compensation of the members of the Rockdale County Board of Education to \$1,000 per month.
- HB 991 Putnam County; Board of Education; change compensation of members**  
*By: Rep. Trey Rhodes (120th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill changes the compensation of the members of the Putnam County Board of Education to \$700 per month.
- HB 1003 Gilmer County; Board of Education; provide for compensation of members**  
*By: Rep. David Ralston (7th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill states members of the Gilmer County Board of Education shall be compensated \$400 per month.
- HB 1010 Cherokee County; maximum salary amount and authority of the sheriff; provisions**  
*By: Rep. Wesley Cantrell (22nd) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill gives the governing authority of Cherokee County the authorization to fix the number, salary, compensation, and expenses of the deputies, clerks, assistants, and other personnel employed by the sheriff, the clerk of the superior court, the tax commissioner, and the judge of the Probate Court of Cherokee County.
- HB 1011 Martin, Town of; mayoral term; change certain provisions**  
*By: Rep. Dan Gasaway (28th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill changes provisions relating to the Town of Martin's mayoral term.
- HB 1017 Greensboro, City of; change corporate limits**  
*By: Rep. Trey Rhodes (120th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill changes the corporate limits of the City of Greensboro.
- HB 1022 Coffee County; Board of Education; revise provisions regarding filling of vacancies**  
*By: Rep. Clay Pirkle (155th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: HB 1022 revises the provisions for filling vacancies on the Coffee County Board of Education.
- HB 1023 Camden County; Joint Board of Elections and Registration; create**  
*By: Rep. Jason Spencer (180th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill creates a Board of Elections and Registration for Camden County.

**HB 1024 Glennville, City of; provide new charter**

*By: Rep. William Werkheiser (157th) Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill provides a new charter for the City of Glennville.

**HB 1025 Jesup, City of; levy an excise tax**

*By: Rep. William Werkheiser (157th) Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill authorizes the governing authority of the City of Jesup to levy an excise tax.

**HB 1026 Ringgold, City of; levy an excise tax**

*By: Rep. Dewayne Hill (3rd) Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill allows the governing authority of the City of Ringgold to levy an excise tax.

**HB 1028 Spalding County; school district ad valorem tax; provide homestead exemption**

*By: Rep. David Knight (130th) Through the Intragovernmental Coordination - Local Committee*

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

**HB 1030 Douglasville, City of; Redevelopment Powers Law; provide for referendum**

*By: Rep. Roger Bruce (61st) Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill authorizes the City of Douglasville to exercise all redevelopment and other powers found under Article IX, Section II, Paragraph VII(b) of the Georgia Constitution and Chapter 44 of Title 36 of the O.C.G.A.

**HB 1031 Villa Rica, City of; provide new charter**

*By: Rep. J. Collins (68th) Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill provides a new charter for the City of Villa Rica.

**HB 1033 Barrow County; commission to study whether such county and all municipal corporations should be reconstituted as a single consolidated government; provide referendum**

*By: Rep. Terry England (116th) Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill provides for a non-binding, advisory referendum to determine whether an independent commission should be created to study whether Barrow County and the municipalities located within Barrow County should be reconstituted as a single consolidated government.

**HB 1034 Tallulah Falls, Town of; town council; change certain provisions**

*By: Rep. Dan Gasaway (28th) Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill changes the provisions relating to quorum, voting, and special meetings of the Town of Tallulah Falls Town Council.

**HB 1035 Muscogee County; Magistrate Court to impose and collect county law library fees; authorize**

*By: Rep. Calvin Smyre (135th) Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill authorizes the Muscogee County Magistrate Court to impose and collect county law library fees as part of the court costs.

**HB 1036 Fulton County; Superior Court; tax parcel identification number be included on documents recorded in real property records; require**

*By: Rep. Chuck Martin (49th) Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill requires the Fulton County Superior Court Clerk to include tax parcel identification number(s) on documents recorded in the real property records of the clerk.

**HB 1038 Gwinnett County; levy an excise tax**

*By: Rep. Scott Hilton (95th)*

*Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill authorizes the governing authority of Gwinnett County to levy an excise tax.

**HB 1039 Big Canoe Water and Sewer Authority Act; enact**

*By: Rep. Rick Jasperse (11th)*

*Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill creates the Big Canoe Water and Sewer Authority.

**HB 1041 McDonough, City of; revise corporate boundaries**

*By: Rep. Dale Rutledge (109th)*

*Through the Intragovernmental Coordination - Local Committee*

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

**HB 1043 Jesup, City of; staggered terms for board of commissioners; provide**

*By: Rep. William Werkheiser (157th)*

*Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill provides staggered terms for the City of Jesup Board of Commissioners.

**HB 1044 Southern Judicial Circuit; superior court judges; increase supplement to compensation**

*By: Rep. Jason Shaw (176th)*

*Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill increases the compensation supplement for the judges of the superior courts of the Southern Judicial Circuit.

**HB 1045 Putnam County; Redevelopment Powers Law; provide for referendum**

*By: Rep. Ricky Williams (145th)*

*Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill authorizes Putnam County to exercise all redevelopment and other powers found under Article IX, Section II, Paragraph VII(b) of the Georgia Constitution and Chapter 44 of Title 36 of the O.C.G.A.

**HB 1046 Fitzgerald, City of; levy an excise tax**

*By: Rep. Clay Pirkle (155th)*

*Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill authorizes the governing authority of the City of Fitzgerald to levy an excise tax.

**HB 1047 Washington County; State Court; charge technology fee**

*By: Rep. Mack Jackson (128th)*

*Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill authorizes the Washington County State Court to charge a technology fee for each civil case filed and each criminal fine imposed.

**HB 1048 Blue Ridge Judicial Circuit; Superior Court judges; increase compensation**

*By: Rep. Mandi Ballinger (23rd)*

*Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill increases the amount of compensation paid by the county comprising the Blue Ridge Judicial Circuit to each judge of the superior courts of the judicial circuit.

**HB 1049 Cherokee County; State Court judges; modify compensation**

*By: Rep. Mandi Ballinger (23rd)*

*Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill modifies the compensation of the judges of the Cherokee County State Court.

- HB 1050 Byron, City of; duties and powers of mayor; provisions**  
*By: Rep. Robert Dickey (140th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill revises provisions related to the duties and powers of several members of the City of Byron government.
- HB 1052 Whitfield County; board of commissioners; provide for election by district**  
*By: Rep. Steve Tarvin (2nd) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides for the election of certain members of the Whitfield County Board of Commissioners by district.
- HB 1054 Acworth, City of; adopt by reference a certain map**  
*By: Rep. Ed Setzler (35th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill adopts by reference a certain map for the City of Acworth.
- HB 1057 Pelham, City of; levy an excise tax**  
*By: Rep. Jay Powell (171st) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill authorizes the governing authority of the City of Pelham to levy an excise tax.
- HB 1058 Miller County; Board of Education; revise districts for election of members**  
*By: Rep. Winfred Dukes (154th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill revises the districts for the election of members of the Miller County Board of Education.
- HB 1059 Murray County; office of elected county surveyor; abolish**  
*By: Rep. Rick Jasperse (11th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill abolishes the office of elected county surveyor of Murray County.
- HB 1061 Tarrytown, Town of; provide new charter**  
*By: Rep. Greg Morris (156th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides a new charter for the Town of Tarrytown.
- HB 1062 Douglas, City of; governing authority; stagger terms of members**  
*By: Rep. Dominic LaRicca (169th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill staggers the terms of the members of the governing authority of the City of Douglas.
- HB 1063 South Fulton, City of; limit authority of mayor and city council over personal matters**  
*By: Rep. Roger Bruce (61st) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill limits the authority of the mayor and city council of the City of South Fulton over personnel matters.
- HB 1064 Fulton County; ad valorem tax; provide new homestead exemption**  
*By: Rep. Chuck Martin (49th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides a homestead exemption from Fulton County ad valorem taxes in the amount of \$50,000 for residents who are older than 65 years of age.

- HB 1065 Jefferson, City of; creation of one or more community improvement districts; provide**  
*By: Rep. Tommy Benton (31st) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides for the creation of one or more community improvement districts in the City of Jefferson.
- SB 262 Stockbridge, City of; corporate boundaries of the city; revise**  
*By: Sen. Rick Jeffares (17th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill revises the corporate boundaries of the City of Stockbridge.
- SB 270 City of Trenton in Dade County; position of city clerk from elective to appointive; change**  
*By: Sen. Jeff Mullis (53rd) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill changes the position of city clerk for the City of Trenton from elective to appointive.
- SB 276 Lumpkin County Airport Authority; create**  
*By: Sen. Steve Gooch (51st) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: SB 276 creates the Lumpkin County Airport Authority.
- SB 278 Columbia County; exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A.; authorize**  
*By: Sen. Jesse Stone (23rd) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill authorizes Columbia County to exercise all redevelopment powers other powers found under Article IX, Section II, Paragraph VII(b) of the Georgia Constitution and Chapter 44 of Title 36 of the O.C.G.A.
- SB 286 State Court of Troup County; charge and collect a technology fee for certain filings; authorize**  
*By: Sen. Matt Brass (28th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill authorizes the State Court of Troup County to charge and collect a technology fee for certain filings. The fee shall not exceed \$10.
- SB 317 Homestead Exemption; Fulton County school district; ad valorem taxes for educational purposes; provide**  
*By: Sen. John Albers (56th) Through the Intragovernmental Coordination - Local Committee*  
Final 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.
- SB 387 City of Dahlonega; filling of vacancies; provide**  
*By: Sen. Steve Gooch (51st) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill states if there is a vacancy in one or more elected offices of the City of Dahlonega, the remaining elected officials shall appoint a qualified person to fill the unexpired term. The appointee shall not be eligible to run in the next succeeding election.
- SB 389 State Court of Houston County; location of state court; provide**  
*By: Sen. Larry Walker III (20th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill states the Houston County State Court shall have jurisdiction over the entire county.
- SB 392 City of Doerun; new charter; provide**  
*By: Sen. Dean Burke (11th) Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill provides a new charter for the City of Doerun.

- SB 398 Board of Education of Talbot County; compensation of the members; provide**  
*By: Sen. Ed Harbison (15th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill states each member of the Talbot County Board of Education shall be compensated \$200 for each day of attendance at meetings of the board and while meeting and traveling within or outside the state as a member of the board on official business.
- SB 410 Board of Elections and Registration of Rockdale County; meetings of the board; provisions; change**  
*By: Sen. Tonya Anderson (43rd) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill changes provisions related to the meetings of the Rockdale County Board of Elections and Registration and changes the compensation for the members of the board.
- SB 412 City of Hapeville; levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; authorize**  
*By: Sen. Nan Orrock (36th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill authorizes the governing authority of the City of Hapeville to levy an excise tax.
- SB 440 City of Soperton; certain tracts or parcels of land; annex; description of the council districts; change**  
*By: Sen. Blake Tillery (19th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill annexes certain parcels of land into the City of Soperton and changes the description of the council districts.
- SB 477 City of Decatur; levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; authorize the governing authority**  
*By: Sen. Elena Parent (42nd) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill authorizes the governing authority of the City of Decatur to levy an excise tax.
- SB 478 "City of Brookhaven Public Facilities Authority Act"**  
*By: Sen. Elena Parent (42nd) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill creates the City of Brookhaven Public Facilities Authority.
- SB 480 Walker County; authorize governing authority to levy an excise tax; procedures, conditions, and limitations; provide**  
*By: Sen. Jeff Mullis (53rd) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill authorizes the governing authority of Walker County to levy an excise tax.
- SB 481 Board of Education of Putman County; members; compensation; reimbursement of expenses; provide**  
*By: Sen. Burt Jones (25th) Through the Intragovernmental Coordination - Local Committee*  
Final Bill Summary: This bill provides for the compensation for the Putnam County Board of Education members.
- SB 485 City of Atlanta; independent school district; homestead exemption; \$50,000; applicability; referendum; provide**

*By: Sen. Jennifer Jordan (6th)*

*Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill increases the homestead exemption to \$50,000 of the value of a homestead that exceeds \$10,000 from City of Atlanta Independent School District ad valorem taxes for educational purposes.

**SB 487 DeKalb County; filling of a vacancy on the audit oversight committee; provide**

*By: Sen. Emanuel Jones (10th)*

*Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill provides for the filling of a vacancy on the DeKalb County audit oversight committee.

**SB 489 Cobb-Marietta Coliseum and Exhibit Hall Authority; revenue bonds shall only be issued in connection with projects owned or lease by authority; provide**

*By: Sen. Lindsey Tippins (37th)*

*Through the Intragovernmental Coordination - Local Committee*

Final Bill Summary: This bill provides that the revenue bonds for the Cobb-Marietta Coliseum and Exhibit Hall Authority shall only be issued in connection with projects owned or leased by the authority which are managed and operated by the authority for its own use.

**Judiciary Committee**

**Analyst:** Jourdan Read

**HB 121 Trusts; minor or unborn beneficiaries; change provisions**

*By: Rep. Chuck Efstrotation (104th)*

*Through the Judiciary Committee*

Final 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. Furthermore, these agreements will be binding on the trust, trust property and interested persons, as if ordered by a court, but only insofar as to not violate a material purpose of the trust. 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: court-approved modification with the consent of the settlor and all beneficiaries; court-approved modification after the death of the settlor with the consent of all beneficiaries; and 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 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, or maintenance and support, and such terms make the trust discretionary, whereas currently, in a discretionary trust the trustee cannot be compelled to make payments to a beneficiary's creditors even if a beneficiary is also the trustee

The bill provides for a settlor's right to be reimbursed from a grantor trust for income and that a trust for settlors 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.

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. Alternatively, where the trust does not contemplate compensation for the trustee then all qualified beneficiaries may unanimously consent and enter such agreement without court approval or a qualified beneficiary may petition the court to approve an agreement relating to such compensation. 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 may 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. The trustee is not relieved from liability to the trust for actions made prior to resignation.

The bill removes a definition of "fiduciary" to clarify that fiduciary is not limited to trustees but can also include a "personal representative," who 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 that 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.

## **HB 159 Domestic relations; adoption; substantially revise general provisions**

*By: Rep. Albert Reeves (34th)*

*Through the Judiciary Committee*

Final Bill Summary: HB 159 amends Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to general provisions for adoption, by superseding and modernizing provisions relating to adoption proceedings in superior court, as well as enacting adoption reforms based on best practices and the best interest of all involved in the adoption triad: the child, the birth parents, and the adoptive parents. The bill provides for a non-resident to allow an adoption of his or her child; makes general syntax changes to make the Code more readable; and revises and provides for new forms to help the petitioner. It has three parts.

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

The bill allows, subject to financial disclosures, the following reimbursements or payments on behalf of the biological parents if paid by an attorney or an agency: medical expenses directly related to the mother's pregnancy and child's birth; counseling services; and/or legal services directly related to the biological parent's

placement of the child for adoption. The bill also adds payment or reimbursement of reasonable living expenses paid to the biological mother by an agency or if paid from the trust account of an attorney who is a member and in good standing with the State Bar of Georgia. Living expenses are limited to: rent, utilities, food, maternity garments, and maternity accessories for the biological mother.

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

The bill clarifies that surrender of parental rights is to be under oath and sworn before a notary and an adult witness. Also, the time period for when an individual may revoke such surrender has been reduced from 10 to four days. No waiver of this revocation period is provided.

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

The age for access to records regarding adoption held by the State Adoption Unit of the Department of Human Services (department) is reduced from 21 to 18, and the bill grants access to records held by the unit upon reunion or death.

The bill updates and streamlines the path for domestication of a foreign decree of adoption, when the petitioner completes an international adoption of a child born in a country other than the United States and obtains a Georgia court order recognizing that foreign adoption. Currently, domestication is only available where the petitioner has obtained a decree by a court of competent jurisdiction outside the U.S. establishing the parent and child relationship by adoption and the foreign-born child has been granted a valid visa by the United States Immigration and Naturalization Service (INS); HB 159 expands domestication to include petitioners who obtain a decree or order of guardianship from the foreign court of competent jurisdiction, and substitute the INS visa requirement and allow a consular officer of the United States Department of State to issue and affix in the child's passport an immediate relative immigrant visa or Hague Convention immigrant visa. This change reflects the enactment of the federal 'Child Citizenship Act of 2000' that grants U.S. citizenship to children adopted by U.S. citizens in foreign countries.

HB 159 updates the procedure for the final hearing to account for the other changes made and it inserts factors to be considered by the court in making the ultimate determination that the adoption is in the best interest of the child and to require findings of fact regarding the same. Updated forms regarding surrender of parental rights are also provided. The manner in which notice is provided is clarified so that non-residents may accede to the jurisdiction in Georgia in surrendering rights to the child for the purposes of an adoption in Georgia.

2. Power of Attorney - This bill also adds a Code section relating to the power of attorney between a parent and an agent for temporary authority over the parent's child. A parent of a child may delegate caregiving authority for their child up to one year, unless it is extended by executing a power of attorney to an adult individual who resides in Georgia and is the: great-grandparent, grandparent, step-parent, former step-parent, step-grandparent, aunt, uncle, great aunt, great uncle, cousin, sibling or a non-relative who is approved as an agent by an organization licensed as a child-placing agency or a non-profit or faith-based organization that provides child or family services and is in good standing with the Internal Revenue Service.

A non-profit entity or faith-based organization that is not licensed by the Department of Human Services but is providing services under this article shall annually provide the department with contact information that includes the addresses and names of their directors, officers and members of the governing body, as well as the total number of approved volunteer families and children served in the previous calendar year. The department shall maintain a list of the entities that have provided the required information and may refer an individual seeking to execute a power of attorney under this article to such entities with immunity from any claim or proceeding due to the reference. DHS shall promulgate rules and regulations to implement this Code section.

The powers and responsibilities of the agent are stipulated as being in the best interest of the child and unless otherwise provided, like that of a parent, except with regard to marriage or adoption of the child, matters relating to abortion, or the termination of parental rights. The power of attorney may be done without a court order and must not limit existing child support. An agent accepts the care of the child in writing and can not be on any child abuse or child sexual offender registry in any state. Prospective agents, who are not relatives, must provide a criminal background check.

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

All child-placing agencies, non-profits, and faith-based organizations are required to maintain a record of all powers of attorney executed for at least five years after the expiration of such powers of attorney. Within 15 days after the power of attorney is executed, a parent with sole custody of a child who intends to execute such power of attorney shall provide written notice of their intention to the non-custodial parent. For the non-custodial parent to object to the power of attorney, he/she must serve the objection on the individual executing the power of attorney within 21 days of the delivery of the notice. An objection prohibits the action of a power of attorney under this article and the child shall be returned to the individual with sole custody.

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

Parents and agents shall not be precluded by this article to seek emergency medical treatment for the child while he or she is in the custody of a supervisor at the request of the parent or agent. The power of attorney shall be signed under oath and acknowledged before a notary public. A copy of the power of attorney must be filed by either the parent or agent with the probate court of the county in which the parent resides within 10 days. If the residence of the child changes to a different county, the agent shall file the power of attorney with the probate court of that county. Each probate court shall maintain a docket that includes the names of the agent and child, and the dates the power of attorney was deposited, will expire and (if applicable) when a power of attorney will be registered. The power of attorney is confidential except for the individuals involved, the department and any local, state, or federal authority that is conducting an investigation involving such individuals, and as it is publicly accessible as a docket for the probate court. A person may revoke or execute a subsequent new power of attorney.

The agent has the authority to act on behalf of the child for the duration of the power of attorney without compensation, as long as it: does not exceed a year without an extension; is not revoked; nor is terminated by the individual who executed the power of attorney, the parent, or a court of competent jurisdiction. Steps and requirements for revocation of the power are addressed, including allowing schools, health providers, and the probate court to know of the temporary change in custody, as well as returning the child to the parent who executed the power of attorney within 48 hours of receiving such revocation.

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

A form is provided that is sufficient to grant temporary caregiving authority to an agent when properly completed.

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

**HB 190 Domestic relations; marriage articles and antenuptial agreements; change provisions**

*By: Rep. Meagan Hanson (80th) Through the Judiciary Committee*

Final Bill Summary: HB 190 amends Title 19 to create uniformity between marriage contracts, commonly known as "prenuptial agreements", and divorce contracts, also known as "antenuptial agreements". The bill requires antenuptial agreements be in writing and attested to by at least two witnesses, one of whom must be a notary, which is the same standard for marriage contracts.

In addition, a marriage agreement may not contain provisions that prevent a spouse from paying his or her existing debts. The younger spouse in a marriage or antenuptial agreement cannot invalidate that agreement as long as the spouse is of legal age to contract marriage. If a marriage contract is in writing, it is understood to express the intentions of the parties and no lack of form shall invalidate it.

Either spouse may voluntarily execute an antenuptial agreement. Either spouse can at any time during the marriage, either directly or indirectly through a trustee, transfer title of any property to which the spouse has title without notice, subject to limitations by prior purchasers or creditors. The superior court judge can at any time upon petition change/remove trustees and does not need to transmit the proceeding in each case to the clerk of the superior court for recording purposes. Antenuptial agreements may be enforced by a court of equity for the parties to the marriage or the offspring of the marriage and their heirs after either spouse's death, as long as the court may enforce in favor of other persons.

The bill removes requirements and sanctions for recording or failure to record marriage contracts and voluntary settlements with the office of the clerk of the superior court.

Finally, the antiquated term "marriage articles" is removed and "agreements made upon consideration of marriage" is retained.

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

*By: Rep. John Corbett (174th) Through the Judiciary Committee*

Final 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: a tenant's failure to pay rent or fees; removal of all personal belongings; cancelled insurance; termination of utility services to indicate that tenants are not using or occupying the mobile home; a risk to public health, safety, welfare or the environment; 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" mobile homes, defined as uninhabitable and in need of major repair, the agent shall post a notice of such determination 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 person 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 after the expiration of the 90-day period, 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, 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 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 magistrate court of the county where the mobile home is located. The landowner desiring to foreclose on the lien shall make a demand on the persons with an ownership interest in

the property or publish notice in a newspaper of general circulation for two consecutive weeks. If within 30 days a person with an ownership interest does not respond to the notice the landowner may move to foreclose the lien by submitting an affidavit to a magistrate court. The court must serve notice on people with an ownership interest in the property of their right to a hearing to determine if a valid debt exists. If the defendant fails to seek a hearing within 30 days 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 or a lien on the mobile home shall have the right to pay the debt and court costs to possess the mobile home, and the security interest or lien shall be increased by the amount 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. 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.

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

*By: Rep. Alan Powell (32nd)*

*Through the Judiciary Committee*

Final 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 \$100, but that amount includes all administrative costs associated with preparing the statement. A statement must include: a copy of the current covenants and by-laws 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 accounts 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 is extinguished as to the buyer, but 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 \$25 fee for reprinting.

#### **HB 475 Charitable solicitations; use of collection receptacles for donations; implement additional requirements**

*By: Rep. Buddy Harden (148th)*

*Through the Judiciary Committee*

Final Bill Summary: HB 475 amends Code sections relating to charitable solicitations, specifically providing regulations and penalties for the operation of "collection receptacles", which are unattended containers for collecting non-monetary donations such as clothing, personal and household items, or books. Currently, the Code is silent on how the operator is to obtain permission to operate on land in which it does not hold a property interest.

The bill requires the operator of any collection receptacle to obtain notarized, written permission from all owners or leaseholders of the property in which the operator has no property interest and on which the operator wishes to place the collection receptacle. The operator is to maintain copies of the notarized, written permission and provide copies to the owners or leaseholders of such property at any time upon request. Once the operator has received permission to place and operate a receptacle, the operator shall notify any leaseholders, tenants, or other occupants about the collection receptacle's placement and operation. If the operator fails to obtain permission, any owner or leaseholder may demand immediate removal of the collection receptacle.

The bill further requires that the operator to maintain the collection receptacle in a structurally sound, clean, and sanitary condition. The receptacle shall be regularly emptied at least every two weeks and the operator shall be responsible for ensuring that no donations are present on the ground surrounding the receptacle for more than 48 hours.

The bill provides the procedure for removing the collection receptacle. Any owner or leaseholder of property on which a collection receptacle is permissibly placed may demand its removal in writing by mail, return receipt requested, or overnight delivery to the address listed on the receptacle. The property owner or leaseholder shall also send a copy of the demand to the office of the Secretary of State. The operator of the collection receptacle shall remove the receptacle as well as all content left in and around it within 30 days of the date the demand is either deposited in the mail or received by overnight delivery. If the operator fails to remove the receptacle, any owner or leaseholder shall have the immediate right to take possession, remove, and dispose of the collection receptacle and its contents. The owner or leaseholder may also request law enforcement personnel to take possession, remove, and dispose of the collection receptacle and its contents. Any expenses incurred in the removal and disposal shall be paid by the operator. If the owner or leaseholder incurs expenses in removing and disposing of the receptacle following the 30-day notice to remove or because of any violation of any regulation, he or she may bring a civil action to recover actual damages.

This bill gives the power to any local governing authority with collection receptacles located within its geographical boundaries shall be authorized to issue written notices of violations. The bill allows the Secretary of State to impose a fine for any willful violation of the regulations controlling charitable solicitations of up to \$2,500 for a single violation or \$5,000 for multiple violations in a single or a series of proceedings.

**HB 790 State government; recommendations of the Court Reform Council; implement**

*By: Rep. Chuck Efstrotation (104th) Through the Judiciary Committee*

Final Bill Summary: HB 790 revises the Georgia Code relating to the Office of State Administrative Hearings (OSAH), administrative law judges (ALJ), and agency rulemaking.

The bill exempts the Board of Regents from the agency rulemaking process. Regarding ALJs, the bill requires an agency with a request for a hearing in a contested case to forward the request to OSAH within 30 days of receipt, or the party can file directly with OSAH.

An administrative law judge has the authority to impose civil penalties, between \$100 to \$1,000, for failure to obey their orders or for other improper conduct, and the superior court in the county where the violation occurred shall enforce those penalties. Additionally, ALJs are authorized to issue writs for the collection of these penalties, and all penalties and costs assessed shall be tendered and made payable to OSAH and deposited in the General Fund of the State Treasury.

Administrative law judges have the power to determine the ultimate decision in contested cases, but those decisions are subject to review by the Fulton County Superior Court or the superior court of the county where the petitioner maintains his or her residence or principle place of business; however, for "contested cases" referred to OSAH by an agency of the executive branch when the determination by the ALJ is against the agency, the decision is an advisory opinion with the ultimate decision and reviewing authority remaining with the executory agency.

Finally, the issuance of subpoenas by an ALJ are governed by traditional evidence rules.

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

*By: Rep. Chad Nimmer (178th) Through the Judiciary Committee*

Final 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.

**HB 834 Landlord and tenant; termination of a rental or lease agreement under circumstances involving family violence; provide**

*By: Rep. Mandi Ballinger (23rd) Through the Judiciary Committee*

**Final Bill Summary:** This bill allows a tenant to terminate a residential rental agreement without being subject to penalties when the tenant or the tenant's minor child is a victim of family violence. The tenant must present a written notice of termination and either a copy of a temporary or permanent protective order due to family violence, or a pre-trial release or order of probation due to an act of family violence. If the temporary order was issued ex parte, which is a decision by a judge without requiring all parties in the controversy to be present, then the tenant must also have a police report. The termination is effective 30 days after presentation, even if that victim has no obligation to pay rent (i.e., tenant's minor child). The tenant may occupy the premises until the termination effective date and remains liable for the rent due, prorated to the effective date and including any delinquent or unpaid amounts. If the tenant terminates a rental or lease agreement under these circumstances 14 or more days prior to occupancy, no damages or penalties of any kind will be assessed. This Code section only applies to rental or lease agreements entered into, renewed, modified, or extended on or after July 1, 2018.

Additionally, the bill amends Code sections related to a landlord obtaining fees for damage done to the property by clarifying that the premises are to be inspected by the landlord and a list is to be compiled and provided to the tenant either upon: termination of the residential lease and the premises are vacated; the surrender and acceptance of the premises; or when the tenant has abandoned or surrendered the premises. If the tenant vacates or surrenders without notifying the landlord, the landlord is not required to inspect and compile a list within three days and must only do so within a reasonable time, not to exceed seven days after discovery of a vacancy.

Upon request, the tenant shall have the right to inspect the premises and the landlord's list of damages within five days after termination of the lease and vacation of the premises or the surrender and acceptance of the premises and the inspection by the landlord. If the tenant was present for the landlord's inspection and signed the final list or failed to dissent in accordance with the procedures outlined elsewhere in the Code, the tenant may not recover the security deposit or any other damages. If the tenant was not present for the landlord's inspection or did not independently inspect the premises and in either case did not request a final damage list, the tenant may dispute the damages assessed by the landlord. The bill also clarifies that the landlord must provide a comprehensive list of damages to the tenant when the landlord retains the tenant's security deposit and the landlord forfeits his right to retain the security deposit if he or she fails to do so.

Finally, if a court issues an order of temporary relief ex parte, the order will be in effect until the court issues an order dismissing the previous order or until a hearing occurs. Within 10 days, or no later than 30 days of filing a petition for past or future family violence, a hearing shall be held in which the petitioner must prove the allegations by a preponderance of the evidence; if the hearing cannot be held within 30 days of filing in the county in which it was filed, a hearing must be held in another county of the circuit. Further, if the hearing is not held within 30 days of filing, the petition will be dismissed unless the parties agree otherwise or the court finds a party is avoiding service to delay the hearing then the court may delay dismissal.

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

*By: Rep. Chuck Efstrotation (104th) Through the Judiciary Committee*

**Final 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'. This bill states a power of attorney that is not created as statutorily provided may still constitute a statutory power of attorney if it 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. The 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 regard to execution and termination, a witness attesting a power of attorney cannot 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. If the principal revokes the power of attorney, the principal is no longer required to file that notice.

An agent who has been incapacitated for less than six months is not permanently barred from serving as an agent. 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, when the principal made the intent to care for an individual, the agent must maintain that individual's standard of living provided the individual was a child of the principal or spouse. HB 897 adds two classes of individuals for whom the agent must maintain the standard of living: individuals who are not the principal's children but who are dependents; and persons who are dependents, under 25 years old and pursuing a post-secondary education.

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 for reasonable attorney fees and expenses of litigation.

**HB 904 Torts; effect of a landowner charging an admission price or fee; clarify provisions**

*By: Rep. Meagan Hanson (80th) Through the Judiciary Committee*

Final Bill Summary: This bill amends Code sections related to premises liability. Currently, a person can bring a suit for an injury he or she suffers on an owner's land for recreational use, which is not leased from the state, when a fee is charged to that person. Now, a suit can be brought whenever a fee is charged on the date of injury on that land, regardless of whether the injured person is specifically charged a fee, as long as the individual is on the land lawfully and injured in connection with the recreational use.

**HB 920 Domestic relations; department's information concerning the parties to an adoption under certain circumstances; allow for the use**

*By: Rep. Katie Dempsey (13th) Through the Judiciary Committee*

Final Bill Summary: This bill expands the Department of Human Services' use of its records regarding adopted children, their biological parents, and adoptive parents when such child dies, suffers a near fatality, or is an alleged victim of child abuse.

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

*By: Rep. Chad Nimmer (178th) Through the Judiciary Committee*

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

**HR 993 Business court; state-wide jurisdiction; create - CA**

*By: Rep. Chuck Efstrotation (104th) Through the Judiciary Committee*

Final Bill Summary: HR 993 proposes an amendment to the Georgia Constitution that would create a statewide business court. The amendment would give the newly formed business court the judicial power of the state, but does not preclude a superior court from creating a business court division for its circuit. The provisions of the amendment would be effective within 24 months after having been voted on and approved by a public referendum as provided by law. All cases brought before the business court may have pretrial proceedings in any county, however venue for trials brought before the business court shall be determined according to traditional venue rules provided by the Code. The business court shall have statewide jurisdiction and concurrent jurisdiction with the superior court over equity cases. A superior court by agreement of the parties may order removal of a case to the state-wide business court as provided by law. Business court judges will be appointed by the Governor to a five-year term, subject to approval by a majority vote of the Senate Judiciary Committee and a majority vote of the House Committee on Judiciary, and may be reappointed at the end of their term. Initial terms can be provided for by general legislation. Business court judges shall have such qualifications as provided by law. Vacancies in the state-wide business court shall be filled by appointment of the Governor, subject to approval by a majority vote of the Senate Judiciary Committee and a majority vote of the House Committee on Judiciary.

**SB 194 Garnishment Proceedings; maximum part of disposable earnings subject to garnishment; change**

*By: Sen. Jesse Stone (23rd)*

*Through the Judiciary Committee*

**Final Bill Summary:** SB 194 amends Code sections relating to garnishment. It removes provisions requiring the clerk of court to approve garnishment or dispossessory affidavits. It raises the maximum weekly disposable income earnings amount from \$217 to funds over \$217.50. The bill also changes the formula for calculating earnings for a period other than a week from a multiple of \$7.25 per hour to the proportionate fraction or multiple of 30 hours per week at \$7.25 per hour.

The legislation clarifies that the form for summons of garnishment on a financial institution shall not be used for a continuing garnishment or a continuing garnishment for support, which subjects the employees of financial institutions to a continuing garnishment. Additionally, garnishment proceeding forms can be sent to the address the defendant identified as his/her residence in any pleading in the action resulting in the judgment debt, in addition to the address where the defendant was served in a judgment debt.

This legislation clarifies that a garnishment proceeding based on an affidavit of garnishment shall automatically be dismissed after two years unless there are funds remaining in the registry of the court or a new summons of garnishment has been issued in the preceding 30 days.

The bill adds new provision for a garnishee or a third-party claimant to seek a trial, if the plaintiff: does not have a judgment; has an incorrect affidavit of garnishment; has a false or legally insufficient affidavit of garnishment; has money held by the garnishee that is exempt or subject to a prevailing claim from a third party. Another provision prevents the defendant from presenting evidence or prevailing on a claim. Finally, the bill adds a provision that prevents a third party from presenting evidence or prevailing on a claim of exemption or defense that belongs to the defendant.

## **SB 301**

### **"Revised Uniform Fiduciary Access to Digital Assets Act"; enact**

*By: Sen. John Kennedy (18th)*

*Through the Judiciary Committee*

**Final Bill Summary:** This bill creates new Code sections to extend a fiduciary's powers to include the management of digital assets in which an individual has a right or interest, such as e-mail accounts, cryptocurrency, and other online records. The bill applies the new Code sections to: fiduciaries acting under a will or power of attorney; trustees; personal representatives; and conservators. The bill exempts digital assets of employers used by employees.

A user may use an "online tool", defined as an electronic service, which is provided by a "custodian", a person who receives, transmits, or maintains electronic communications of another person. The bill directs the custodian on disclosure or non-disclosure to a third party of the user's digital assets and electronic communications. If the online tool allows modification of a direction at all times, a direction from the online tool will override a direction in a will, trust, power of attorney, or other record. If the user does not use the online tool or if the custodian does not provide an online tool, the user may allow or prohibit disclosure via a will, trust, power of attorney, or other record. If the user has not provided any direction, the custodian's terms of service will control disclosure or non-disclosure. A user's direction in an online tool, will, or other written instrument overrides a contrary provision in a custodian's terms of service that does not require the user to act affirmatively and distinctly from the user's assent to such terms.

The bill also clarifies that rights of custodians and users to access digital assets under a terms of service agreement will not be impaired, nor shall a fiduciary or recipient be granted any new or expanded rights other than those available to the user. Custodians, except as otherwise directed by the user, are permitted in their sole discretion to: provide varying levels of access to fiduciaries or recipients when disclosing digital assets; assess a reasonable fee for disclosure; withhold from disclosure a digital asset deleted by the user; and object to disclosure on the basis of undue burden by seeking a court order, among other things.

When a person other than the user requests disclosure and provides the custodian with a court order, power of attorney, will of a deceased user, or other evidence of the user's consent to share the content of his electronic communications, the custodian must disclose. Additionally, the custodian must only disclose a catalogue of electronic communications sent or received by the user and digital assets, other than the content of electronic communications, if: the user did not prohibit disclosure of digital assets; an agent has specific authority over digital assets or general authority to act on behalf of a principal; or a conservator is appointed and the court grants the conservator access. In each scenario, the fiduciary must provide a written request for disclosure and a copy of the document authorizing access. Where a trustee is an original user of an account, any digital asset of the account held in trust, as well as the content and a catalogue of electronic communications, must be disclosed.

The legal duties of care, loyalty, and confidentiality to the management of tangible assets are applied to digital assets, as well as a right to access digital assets. For purposes of unauthorized computer access laws, SB 301 makes the fiduciary an authorized user if the fiduciary has authority over tangible assets. The bill clarifies that terms of service shall apply to the fiduciary, unless otherwise provided in these Code sections.

Custodians must comply with properly filed requests for disclosure or termination of an account within 60-days' notice. If the custodian fails to comply, the fiduciary or designated recipient may obtain a court order. Custodians may notify the user that a request for disclosure or termination has been made and are empowered to require a court order to verify ownership of the account and consent to act. Additionally, custodians are exempt from liability for acts done in good faith and in compliance with these Code sections.

The bill also references the 'Global and National Commerce Act' and notes that these Code sections shall supersede the act except in regard to certain other provisions in federal law. Lastly, the definition of "property" is revised to include digital assets and electronic communications in Code sections relating to the powers of a conservator and cooperation with the guardian of a minor, subject matter jurisdiction, authority of a conservator of an adult and cooperation with a guardian or other interested parties, and trusts generally.

**SB 321 Medicaid Claims; false or fraudulent; recover the maximum penalty authorized by federal law; increase the civil penalties**

*By: Sen. Blake Tillery (19th)*

*Through the Judiciary Committee*

Final Bill Summary: This bill makes the civil penalties for Medicaid fraud consistent with the civil penalty provisions of the federal 'False Claims Act', as adjusted by the federal 'Civil Penalties Inflation Adjustment Act', and allows for an additional Georgia Medicaid program penalty of three times the amount of damages.

**SB 338 Administrative Procedure; agency rule making; modify requirements**

*By: Sen. William Ligon, Jr. (3rd)*

*Through the Judiciary Committee*

Final Bill Summary: This bill clarifies adoption, amendment, repeal, and other requirements for agency rulemaking. Under this legislation, the deadline to file notice of intent to adopt a rule is extended from 30 days to 60 days from effective date of proposed adoption. The notice of intent to adopt a rule must contain the existing rule if repealing or amending the rule. Additionally, the requirement that a synopsis be distributed in same manner as proposed rule is removed.

The bill clarifies that the date, time, and location of the public meeting must be in the notice and adds a requirement that the public meeting occur at least 30 days after the filing of the notice and at least 30 days prior to the effective date of the proposed rule. Further, a citation and concise explanation of statutory and constitutional authority under which proposed rule is adopted is required, but the requirement that proposal of repeal or amendment of existing rule be clearly identified is removed.

The bill removes the mandatory oral hearing requirements for substantive rulemaking, unless the hearing is requested by 25 or more people directly affected, a governmental subdivision, or an association with 25 or more persons. Also, reducing the economic impact on small business is now a requirement of agency rulemaking. Proceedings to contest any rule must be commenced within two years of effective date or the rule is deemed valid. The deadline for providing notice of intent to adopt a rule to legislative counsel is extended from 30 to 60 days prior to the effective date.

The provisions for a standing committee overruling a rule are also amended to allow a standing committee of either chamber to object to the rule by a majority vote of its current members in person or by telephone as permitted by the rules of that chamber. After objection, the agency must still accept or seek to overrule the objection. When the agency seeks to overrule the objection and adopt the rule, the agency must notify the presiding officer of each chamber and legislative counsel within 10 days of adopting the rule; however, a rule adopted over objection may be considered in that chamber and that committee may pass a resolution overriding the rule if introduced prior to adjournment of the next regular session or within 40 legislative days. A resolution overriding the rule may be passed by a majority of each branch of the General Assembly. Additionally, a resolution that fails to obtain a two-thirds or more vote of either chamber shall not be submitted to the governor for approval or veto.

When both standing committees of the Senate and House object to the rule by a majority vote, the rule may be stayed until the 40th day of the next legislative session. A resolution overriding the rule may be introduced by either branch within 40 legislative days and upon adoption is immediately transmitted to the other chamber. Such a resolution overriding the rule that is passed by a majority of each chamber voids the rule. Additionally,

when a resolution fails to obtain two-thirds or more of either chamber it shall no longer be submitted to the governor for his or her approval or veto.

**SB 339 Board of Regents and University System; establishment of free speech policies for institutions of the university system; provide**

*By: Sen. William Ligon, Jr. (3rd) Through the Judiciary Committee*

Final Bill Summary: Senate Bill 339 adds new provisions to the Code requiring the Board of Regents of the University System of Georgia to develop a free speech policy to be implemented at all state institutions within the system.

This bill enumerates seven principles the board shall address when adopting regulations and policies regarding free speech, including to: protect freedom of speech and press for all persons; foster learning through the sharing of different ideological positions; require each institution to publish content neutral time, place, and manner restrictions on expressive activities for the use of facilities and resources using the least restrictive means necessary for that use in order to foster learning through the sharing of different ideological positions; assure that the institution does not shield students and teachers from speech protected by the First Amendment; assure that students and faculty can assemble and engage in expressive activity that is lawful, does not interfere with classroom instruction, and is permitted by university policies; assure that the institution is open to speakers invited by students and faculty, so long as the speaker complies with university policies; and protect students and their guests who peacefully protest, so long as they do not interfere with classroom instruction, violate university policy, or interfere with previously scheduled events.

The bill also mandates that the board establish a range of disciplinary sanctions for anyone under the jurisdiction of any state institution who has violated the board's policies on free speech. It also provides that the board must submit a yearly report to the governor and General Assembly which includes information regarding barriers or disruptions of free expression, administrative handling of discipline, substantial difficulties in maintaining administrative and institutional neutrality, and any criticisms or recommendations the board would like to include.

The board is authorized to adopt regulations to further the purposes of these policies. Nothing in these provisions shall be construed to prevent institutions from regulating student speech or activity that is prohibited by law.

**SB 427 Child Support in Final Verdict or Decree; court's discretion in making a final determination of support; provisions; change**

*By: Sen. John Kennedy (18th) Through the Judiciary Committee*

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

SB 427 also provides that a court's final determination of child support shall take into account the obligor's earnings, income, other evidence of the obligor's ability to pay, and the basic subsistence needs of the parents and the child for whom support is to be provided. When a parent fails to produce reliable evidence of income, their income may be imputed by the court based on the circumstances of the parent, the local job market, availability of employers "willing to hire the parent", prevailing earning levels in the community, and other relevant factors. If a parent is incarcerated, that parent's income may be imputed based on the actual income and assets available to the incarcerated parent, but shall not be based on pre-incarceration wages. When an individual's incarceration prevents employment, it will not be determined as willful or voluntary underemployment or unemployment.

The bill also provides that a child's enrollment in Medicaid, PeachCare for Kids, or other public health care program can satisfy the requirements in the child support order for providing for the child's health care needs, but enrollment does not prevent a court from ordering the parents to obtain health insurance for the child.

When calculating a deviation from the presumptive amount of child support, a non-custodial parent's ability or inability to pay may serve as the basis of the deviation and a non-specific deviation may be used. Finally, the

bill increases the amount the department can charge an obligor for a federal 'Deficit Reduction Act of 2005' fee from \$25 to \$35 for each case.

**SB 436 Probate Courts; general provisions; change and modernize**

*By: Sen. Brian Strickland (17th) Through the Judiciary Committee*

Final Bill Summary: This bill amends Code sections related to general provisions for probate courts involving training, appointments and vacancies.

The bill repeals provisions allowing the sheriff to act as an administrator. It extends the time allotted to complete new judge orientation training and file an attendance record, rather than a certificate, to one year.

This bill also removes the provision mandating concurrent terms of employment of an associate judge and the elected judge so that an associate judge may remain employed beyond the term of the elected judge. Associate judges may also practice any law outside his or her of role as an associate judge.

In the event a probate court judge is unable to act and does not appoint another attorney, a clerk of court may only act as the probate judge if the clerk is qualified to run for the position. A special election is required. Before the special election, the vacancy may be filled by the most senior associate judge even if that associate judge does not live in the district, however, if that associate judge wishes run in the special election then he or she must move into the district and otherwise qualify. If the most senior associate judge does not wish to fill the vacancy, he or she shall inform the chief judge of the superior court in which the judgeship is located in writing. If no associate judge exists to fill the vacancy or if all judges decline, the vacancy shall be filled by a qualified chief probate clerk. In the absence of an associate judge or chief clerk, the chief superior court judge shall appoint an individual to serve until the election.

The bill increases the judge's bond requirement from \$25,000 to \$100,000 to be paid by the county government. The bill also removes the minimum number of years a judge must serve to qualify as "retired" for purposes of granting a marriage license.

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

**Judiciary Non-Civil Committee**

**Analyst:** Matt Wosotowsky

**HB 65 Low THC Oil Patient Registry; conditions and eligibility; change provisions**

*By: Rep. Allen Peake (141st) Through the Judiciary Non-Civil Committee*

Final Bill Summary: HB 65 creates a joint study commission to investigate the cultivation, harvesting, distribution, and safety of low THC oil. The speaker of the House and the president of the Senate shall each appoint five members to the commission.

The bill adds to the list of conditions that can be treated with low THC oil to include post-traumatic stress disorder and intractable pain when other forms of medical treatment have been ineffective. Moreover, HB 65 requires the Medical Composite Board of Georgia to annually recommend additional conditions that could benefit from the use of low THC oil.

**HB 673 Motor vehicles; prohibit actions which distract a driver while operating a motor vehicle; provisions**

*By: Rep. John Carson (46th) Through the Judiciary Non-Civil Committee*

Final Bill Summary: HB 673 is the 'Hands-Free Georgia Act'. This bill prohibits an individual from physically holding or supporting a wireless telecommunication device or a stand-alone electronic device or reaching for devices in such a way that the driver is no longer seated in a driving position while operating a motor vehicle. The prohibition does not apply to: voice to text communications; the use of devices for the purpose of navigation with a GPS system; and dash camera video recording devices that record the front and rear of the vehicle.

Violating this provision is punished as a misdemeanor with a fine of \$50 for the first offense, \$100 for the

second, and \$150 for all subsequent offenses. Moreover, a 1-point deduction on the offender's driver's license is assessed on the first violation of this statute. A second offense results in a 2-point assessment, a third or subsequent violation results in a 3-point assessment.

The prohibited conduct shall not apply while reporting a traffic accident, an emergency situation, or a hazardous road condition. Moreover, the prohibited conduct shall not apply to a utility service provider operating within the scope of their employment, or law enforcement and first responders, or if the vehicle is lawfully parked.

In addition, on the first offense of distracted driving, an offender can present a hands-free device to the court and be waived of fines and point deductions.

**HB 732 Crimes and offenses; trafficking an individual for sexual servitude; provisions**

*By: Rep. Deborah Silcox (52nd) Through the Judiciary Non-Civil Committee*

Final Bill Summary: HB 732 allows patrons of individuals trafficked for the purpose of sexual servitude to be punished by 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.

**HB 803 Crimes and offenses; trafficking a disabled adult, elder person, or resident; prohibit**

*By: Rep. Wendell Willard (51st) Through the Judiciary Non-Civil Committee*

Final Bill Summary: HB 803 creates the offense of trafficking a disabled adult or elder person when a person uses deception, coercion, exploitation, or isolation and knowingly recruits, harbors, or transports a victim for the purpose of appropriating the resources of that victim for one's own or another person's benefit. The crime of trafficking a disabled adult or elder person is punished as a felony with a term of imprisonment for not less than one nor more than 20 years and a fine not to exceed \$100,000. Each violation constitutes a separate offense. Physicians or any person acting under the direction of a physician, who is acting in good faith within the scope of their practice, shall not be punished under this Code section.

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

*By: Rep. Buddy Harden (148th) Through the Judiciary Non-Civil Committee*

Final 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.

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

*By: Rep. Barry Fleming (121st) Through the Judiciary Non-Civil Committee*

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

**SB 127 Failure to Provide Notice Not Rendering Responsible Person Liable; victim to file a motion in a criminal case to assert his or her rights; allow**

*By: Sen. John Kennedy (18th) Through the Judiciary Non-Civil Committee*

Final Bill Summary: SB 127 is companion legislation for SR 146, also known as Marcy's Law, to provide a process for victims to be heard by the court. When the victim of a crime makes a written request to the prosecuting attorney to be notified of all proceedings, has provided appropriate contact information, and asserts that no notification has been provided, the victim can make a motion to the court to be heard on the matter. Such a motion shall be filed no later than 20 days after the claimed denial. Moreover, the court's decision on such a motion is final and not subject to appeal.

**SB 315 Computer Crimes; create a new crime of unauthorized computer access; penalties; provide**

*By: Sen. Bruce Thompson (14th) Through the Judiciary Non-Civil Committee*

Final Bill Summary: SB 315 creates the crime of "unauthorized computer access". Any person who intentionally accesses a computer or computer network with knowledge that such access is without authority

is guilty of a misdemeanor of high and aggravated nature, except when: such persons are members of the same household; access is a legitimate business activity; performing cybersecurity active defense measures that are designed to prevent or detect unauthorized access; or based upon violations of terms of service agreements.

**SB 327      **Death Investigations; medical examiner's inquiry is required to be conducted; clarify****

*By: Sen. John Albers (56th)*

*Through the Judiciary Non-Civil Committee*

Final Bill Summary: SB 327 gives the option to coroners to order a medical examiner's inquiry when there is no suspicion concerning a death that has happened unattended by a physician.

**SB 336      **Georgia Bureau of Investigation; general provisions; subpoena issued for production of electronic communication; not provide notice to the subscriber****

*By: Sen. Renee Unterman (45th)*

*Through the Judiciary Non-Civil Committee*

Final Bill Summary: SB 336 prohibits the provider of electronic communication services from notifying a subscriber that the provider has been issued a subpoena concerning the subscriber's usage of the electronic communication service regarding minors. In addition, SB 336 allows for certain 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.

**SB 369      **Revenues Collected from Fines and Fees; payments to Peace Officers' Annuity and Benefit Fund; fees collected in criminal and quasi-criminal cases prior to adjudication of guilt; provide****

*By: Sen. Greg Kirk (13th)*

*Through the Judiciary Non-Civil Committee*

Final Bill Summary: SB 369 authorizes the clerk of court to collect a \$5.00 fee when an individual enrolls in a pretrial diversion program, and to submit those monies to the secretary-treasurer of the Peace Officer's Annuity and Benefit Fund.

**SB 407      **Criminal Justice System; comprehensive reform for offenders; provide****

*By: Sen. Brian Strickland (17th)*

*Through the Judiciary Non-Civil Committee*

Final Bill Summary: SB 407 constitutes the reforms and recommendations offered by the Criminal Justice Coordinating Council. The bill allows the Criminal Case Data Exchange Board to create rules concerning e-filing in superior and state court criminal cases after January 1, 2019. In addition, all civil complaints in superior and state court are to be filed electronically after July 1, 2019. The Judicial Council of Georgia is directed to make rules and minimum standards for e-filing in superior and state courts, and the clerks of both courts are allowed to create policies and procedures to carry out those standards. If an attorney files electronically, he or she has consented to be served electronically. Moreover, the Judicial Council of Georgia is authorized to promulgate the rules for the collection of data on juvenile offenders by the clerks of juvenile court. SB 407 creates the Criminal Code Data Exchange Board to promulgate rules with respect to courts receiving criminal case filings electronically and the exchange of data between agencies and entities with respect to criminal cases from inception to conclusion.

The Judicial Council of Georgia is charged to develop a uniform misdemeanor citation and complaint form for violations of misdemeanor and ordinance violations. In addition, the bill allows for prosecution of misdemeanors on accusation, citation, or citation and arrest for certain misdemeanors. SB 407 allows for arrest by citation for a minor in possession of alcohol and related crimes, as well as motor vehicle crimes. Moreover, the list of crimes that an officer can arrest by citation is increased to include the misdemeanor crimes of criminal trespass, shoplifting, refund fraud, and the possession of marijuana. Before the offender is released, the officer must obtain and review the offender's fingerprints through the National and Georgia Crime Information Centers.

SB 407 authorizes courts of inquiry to set bail for violations of city ordinances. Courts are prevented from imposing excessive bail and can only impose conditions reasonably necessary to ensure court attendance and protect public safety. The bill also expands the list of judges who can set bail, and provides additional instructions on bail decisions to include consideration for the offender making bail as soon as possible.

Defendants who are convicted of local ordinance violations may satisfy their fine and fee obligations, including probation supervision fees, through community service and the bill allows the court to waive, modify, or convert fines and fees if the court finds prior or subsequent to sentencing that the defendant has a significant financial hardship which includes developmentally- or physically-disabled dependents. The bill removes the authorization for a judge to impose a fine as a condition of probation and caps fines on felony cases at \$100,000. When an offender is seeking a record restriction, the offender should file the request in the court where they were convicted rather than the superior court. Accountability court judges are authorized to order the Department of Driver Services to reinstate or revoke driver licenses or permits as a reward or sanction for the actions in the accountability court. The court is also allowed to grant petitions for early termination of probation, that the state does not oppose, within 90 days of receiving the petition. The bill allows for an offender, during a term of a sentence imposed before July 1, 2016, to petition the court to restrict the dissemination of the offender's first offender criminal record. Supervision fees that are collected on pay-only probation are capped at the rate in the contract between the private probation company and the court. It provides a 10-day grace period for probationers who fail to report from the time the officer mails a letter to the probationer, so long as the probationer reports. SB 407 prohibits licensing boards from denying or revoking professional licenses based on first offender pleas, conditional discharges, or no lo pleas, unless the felony is a crime of moral turpitude or directly relates to the occupation for which the license is sought.

The punishment for theft by taking firearms is increased on the second or subsequent conviction to not less than five nor more than 10 years of imprisonment. SB 407 creates a penalty for using a firearm with an altered ID mark with the first offense being punished as a felony with a term of imprisonment of not less than one nor more than five years and second and subsequent violations with a term of imprisonment of not less than five nor more than 10 years. The bill also revises the Code regarding the prohibition of straw purchasers of firearms by requiring that the action for knowing transfers to a convicted felon, first offender probationer, and felony conditional discharge probationers have a first offense punishment as a felony with a term of imprisonment not less than one nor more than five years, and the second and subsequent offense being punished with a term of imprisonment of not less than five nor more than 10 years. The bill also expands the list of persons who are prohibited from possessing a firearm to include anyone on felony conditional discharge probation.

SB 407 allows the Department of Community Health to share information on the prescription drug monitoring program database with federal agents as allowed by federal law under a search warrant, an administrative subpoena, and civil investigative demand. Moreover, the bill allows for disclosure to out-of-state prescription drug monitoring programs operated by governmental entities.

Finally, SB 407 allows Technical College System police officers to make arrests for offenses committed on the property of the Technical College System or any public or private property within 500 feet of such property.

**SR 146 Certain Rights for Victims; suffered or harmed due to an act committed; in violation of the criminal or juvenile delinquency laws; provide-CA**

*By: Sen. John Kennedy (18th)*

*Through the Judiciary Non-Civil Committee*

Final Bill Summary: SR 146, known as Marcy's Law, is the companion legislation to SB 127 and provides for the constitutional rights to the victims of crime. The rights for the victims are as follows: reasonable, accurate, and timely notice of court proceedings involving the alleged act; reasonable and timely notice upon the release or escape of the accused; inclusion in any scheduled court proceedings; and the opportunity to be heard at any scheduled proceedings involving the release, plea, or sentencing of the accused. These rights do not: create a cause of action against the State of Georgia; confer the right for a victim to appeal, challenge, or provide standing to become a party to a criminal or delinquency proceeding; nor restrict the inherent authority of the courts to maintain order in the courtroom.

**Juvenile Justice Committee**

**Analyst:** Matt Wosotowsky

**HB 344 Paternity; parties beyond movants in a child support case request a genetic test; allow**

*By: Rep. Katie Dempsey (13th)*

*Through the Juvenile Justice Committee*

Final Bill Summary: HB 344 allows for either party involved in a child support order to move for genetic paternity testing. Moreover, the bill provides for a series of circumstances during which the Department of Human Services can deny a request for genetic testing in a case where there is an underlying child support order. The department may deny the request for paternity testing if: a paternity test was previously completed;

the child has been adopted by one of the parties involved in the order; the child was conceived by means of artificial insemination; or the Department of Human Services has previously offered paternity testing and the requester refused the test.

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

*By: Rep. Alan Powell (32nd)*

*Through the Juvenile Justice Committee*

Final 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 choose the judicial branch representative.

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

*By: Rep. Katie Dempsey (13th)*

*Through the Juvenile Justice Committee*

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

**SB 131 Juvenile Code; adoption proceedings be stayed while an appeal to terminate parental rights is pending; provide**

*By: Sen. Blake Tillery (19th)*

*Through the Juvenile Justice Committee*

Final Bill Summary: SB 131 provides that the appeal of an order granting a petition terminating parental rights will stay an adoption proceeding, relating to the child, until the conclusion of the appellate proceedings. The bill also adds to what a judge may take into consideration when determining grounds to terminate parental rights to include that a continuation of the parent and child relationship is likely to cause harm to said child. Moreover, SB 131 adds to the best interest of the child standard when the statutory grounds for terminating parental rights have been met by including the benefit to the child of a stable and permanent home environment and the detrimental impact to the child with the lack thereof. The bill also adds protections for a child waiving the right to an attorney, where liberty is not in jeopardy.

**Motor Vehicles Committee**

**Analyst:** Craig Foster

**HB 287 Special license plates; honoring service members killed in action; provide at no cost to eligible family members**

*By: Rep. Tom Kirby (114th)*

*Through the Motor Vehicles Committee*

Final Bill Summary: House Bill 287 provides for the issuance of up to two special license plates honoring family members of service members killed in action at no cost to eligible family members.

**HB 671 Special license plates; Georgia Beekeepers Association; establish**

*By: Rep. Emory Dunahoo (30th)*

*Through the Motor Vehicles Committee*

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

In addition, this bill changes the manufactured date of a motor vehicle to apply for an authentic historical Georgia license plate from 1970 to 1989.

**HB 695 Special license plates; Georgia Forestry Foundation; establish**

*By: Rep. James Epps (144th)*

*Through the Motor Vehicles Committee*

Final Bill Summary: House Bill 695 authorizes the commissioner of the Department of Revenue to grant a waiver so that regular Georgia license plates may be issued for government vehicles if it is determined that it is in the best interest of public safety, public welfare, or efficient administration.

Additionally, this bill creates a special license plate to honor Georgia's working forests and the benefits they

provide. A portion of the proceeds from the sale of each plate go to the Georgia Forestry Foundation.

Finally, HB 695 clarifies that funds raised by the sale of the special license plate for the dog and cat reproductive sterilization support program of the Department of Agriculture (DOA) shall be disbursed to the DOA and deposited in a special fund for support of the dog and cat reproductive sterilization support program and not to the State General Fund.

**HB 714 Motor vehicles; reference date to federal regulations regarding the safe operation of motor carriers and commercial motor vehicles; update**

*By: Rep. Terry Rogers (10th) Through the Motor Vehicles Committee*

Final Bill Summary: House Bill 714 is the annual update to the 'Uniform Carriers Act.' It updates the effective date from July 1, 2017 to July 1, 2018 to comply with federal law.

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

*By: Rep. Jason Ridley (6th) Through the Motor Vehicles Committee*

Final Bill Summary: House Bill 761 allows automobile dealers, who sell no more than 10 vehicles in a year, to file for a waiver from the electronic filing requirement of an application for a certificate of title from the Department of Revenue. In addition, the bill allows those who buy a car in a county other than where they reside to apply for a title in the county where the car dealer is located.

**HB 784 Specialty license plates; promote conservation of waterfowl populations and their habitats; establish**

*By: Rep. Matt Dubnik (29th) Through the Motor Vehicles Committee*

Final Bill Summary: House Bill 784 creates a specialty license plate to promote the conservation and enhancement of waterfowl populations and their habitats. A portion of the proceeds from the sale of this plate goes to the Wildlife Resources Division of the Department of Natural Resources.

**HB 815 Special license plates; Georgia Masonic Charities; establish**

*By: Rep. Chuck Martin (49th) Through the Motor Vehicles Committee*

Final Bill Summary: House Bill 815 amends the provisions relating to the special license plates honoring Georgia Masonic Charities to allow a portion of the proceeds to be disbursed to the Georgia Masonic Charities Foundation, Inc.

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

*By: Rep. Alan Powell (32nd) Through the Motor Vehicles Committee*

Final Bill Summary: House Bill 898 updates the law as it relates to the registration of a vehicle fleet to comply with the 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.

In addition, the bill clarifies the law as it relates to whom is eligible for the special license plates for firefighters. Current law only allows a plate for certified firefighters. This bill allows a plate for all firefighters.

Finally, HB 898 provides that in the event a firefighter is terminated for cause, they have 14 days to return the plate to the county tag office from which it was obtained.

**SB 342 Licensing of Motor Vehicles; owner with valid license plate without the required revalidation decal to retain custody of vehicle under certain conditions; permit**

*By: Sen. Marty Harbin (16th) Through the Motor Vehicles Committee*

Final Bill Summary: Senate Bill 342 allows the owner or operator of a vehicle which has a valid license plate without the required revalidation decal to retain custody of the vehicle if they are cited for an expired tag. If the driver shows proof to the court that their registration was in fact up to date, the citation will be dismissed.

- SB 409 Railroad Crossings; persons driving vehicles shall exercise due care and caution for other on-track equipment; require**  
*By: Sen. Tyler Harper (7th) Through the Motor Vehicles Committee*  
Final Bill Summary: Senate Bill 409 defines "on-track equipment" and requires motor vehicles to yield or otherwise treat on-track equipment in the same manner as a train when approaching a railroad crossing.

**Natural Resources & Environment Committee**

Analyst: David Hartman

- HB 332 Georgia Outdoor Stewardship Act; enact**  
*By: Rep. Sam Watson (172nd) Through the Natural Resources & Environment Committee*  
Final Bill Summary: House Bill 332 creates the Georgia Outdoor Stewardship Trust Fund and dedicates up to half of the sales and use tax collected on outdoor recreation equipment establishments to the fund; the bill sets the initial rate at 25 percent of all moneys received on outdoor recreation equipment establishments. An "outdoor recreation equipment establishment" is a place of business classified under the 2007 North American Industry Classification Code 451110. In the event that state sales and use tax revenue decreases by at least one percent from the preceding year, the amount credited to the trust fund shall be reduced by 20 percent. If revenues decrease by one percent in the subsequent year, the amount credited to the trust fund shall be reduced by 50 percent. Funds in the trust shall be made available as grants and loans to cities, counties, departments, agencies, or non-governmental entities of the state for the acquisition of land for the purposes of maintenance or restoration projects of the Department of Natural Resources at protected conservation land and to acquire land for the provision or protection of clean water, wildlife, hunting, fishing, military installation buffering, or for natural resource-based outdoor recreation. The trust fund shall also make money available for loans to any city, county, or non-governmental entity to aid with the costs of conservation land or conservation easements. The Georgia Environmental Finance Authority will manage and administer the fund. On July 1, 2019, all funds in the Georgia Land Conservation Trust Fund and the Georgia Land Conservation Revolving Loan Fund shall be transferred to the Georgia Outdoor Stewardship Trust Fund.

HB 332 is the enabling legislation for HR 238.

- HB 785 Solid waste management; certain definitions; modify and enact**  
*By: Rep. Randy Nix (69th) Through the Natural Resources & Environment Committee*  
Final 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.
- HB 885 Georgia Air Quality Act; limitations on powers of certain Boards and Departments; revise certain provisions**  
*By: Rep. Tom McCall (33rd) Through the Natural Resources & Environment Committee*  
Final Bill Summary: HB 885 prohibits the Board of Natural Resources, the Department of Natural Resources and/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.
- SB 385 Solid Waste Disposal Facilities; surcharge imposed by host local governments; change**  
*By: Sen. Burt Jones (25th) Through the Natural Resources & Environment Committee*  
Final Bill Summary: SB 385 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.
- SB 451 State Soil and Water Conservation Commission; formulate certain rules and regulations in consultation with Environmental Protection Division of the Dept. Of Natural Resources; remove authority**  
*By: Sen. Larry Walker III (20th) Through the Natural Resources & Environment Committee*

**Final Bill Summary:** SB 451 codifies the executive action that places the agriculture water metering program within the Environmental Protection Division (EPD) of the Department of Natural Resources. The bill also removes a \$250 application fee placed on farms within the Flint River basin.

SB 451 also affects ground and surface water withdrawals in the following ways:

If a permit is modified, amended, transferred, or assigned, the permittee shall have one year from the updated date to have an acceptable type of water-measuring device installed at the cost of the permittee. When the device is installed, EPD shall have 60 days to inspect the device.

EPD is required to develop a priority system for installing state-sponsored water-measuring devices. If a site does not have the proper infrastructure for a state-sponsored water-measuring device, the permittee has five years to meet the infrastructure requirements. After the expiration of five years, the permittee shall be responsible for installing an acceptable water-measuring device.

After November 1, 2019, all permittees are responsible for annually recording data from their water-measuring device between November 1 and November 30. The permittee shall transmit the data to the EPD by January 15 of the following year. The permittee is responsible for all costs associated with recording the data. The EPD shall use the data to improve the accuracy of meter readings and be responsible for any maintenance, repair, or replacement of water-measuring devices necessary to ensure accurate water usage readings.

### **Public Safety & Homeland Security Committee**

**Analyst:** Abby Day

#### **HB 79 Law enforcement; retaining license plate data obtained from automated license plate recognition systems beyond certain periods; prohibit**

*By: Rep. John Pezold (133rd) Through the Public Safety & Homeland Security Committee*

**Final Bill Summary:** House Bill 79 defines "automated license plate recognition system" and "captured license plate data" in the Code. Automated license plate recognition system means one or more high-speed cameras combined with computer algorithms to convert images of license plates into computer readable data. Captured license plate data means the GPS coordinates, date/time, photograph, license plate number, and any other data collected by the automated license plate recognition system. The data collected shall be destroyed by the law enforcement agency that collects the data after 30 months unless the data is the subject matter of a toll violation or law enforcement purpose. The bill allows law enforcement agencies to exchange data with other law enforcement agencies for official purposes but imposes penalties for improper use. Finally, the bill states that data collected is not subject to open records requests.

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

*By: Rep. Jesse Petrea (166th) Through the Public Safety & Homeland Security Committee*

**Final 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. Upon a second or subsequent conviction that person shall be punished by imprisonment for not less than five nor more than ten years. This subsection would not apply to an person providing a firearm to anyone who has been pardoned for the felony by the President, the Board of Pardons and Paroles, or the agency empowered to grant pardons under the constitutions or laws of any other state of the United States or of a foreign nation, and who has expressly been authorized to receive, possess, or transport a firearm.

#### **HB 699 Firefighter certification; military firefighter training may be accepted as required basic training; provide**

*By: Rep. D. C. Belton (112th) Through the Public Safety & Homeland Security Committee*

**Final Bill Summary:** House Bill 699 amends the Code relating to firefighter training so that any training received and documented as a member of the United States Armed Forces, the United States Coast Guard, the Georgia National Guard, or the Georgia Air National Guard may be satisfactory for obtaining certification for completion of the required basic firefighter training. This bill also allows the council to waive the requirement

that a firefighter under this Code section is required to have a high school diploma or equivalent within 12 months of employment.

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

*By: Rep. Bill Hitchens (161st) Through the Public Safety & Homeland Security Committee*

Final Bill Summary: House Bill 703 creates the Office of Public Safety Officer Support within the Department of Public Safety. The office is established to provide peer counseling services and other critical incident support services to all requesting public entities that employ public safety officers. 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: peace officer, correctional officer, emergency health worker, firefighter, highway emergency response operator, jail officer, juvenile correctional officer probation officer, or emergency services dispatcher.

**HB 751 Georgia Emergency Communications Authority Act; enact**

*By: Rep. Alan Powell (32nd) Through the Public Safety & Homeland Security Committee*

Final Bill Summary: House Bill 751 establishes the Georgia Emergency Communications Authority with the primary purpose to administer, collect, audit, and remit 9-1-1 revenues for the benefit of local governments.

**HB 779 Emergency management; homeland security division; provisions**

*By: Rep. Alan Powell (32nd) Through the Public Safety & Homeland Security Committee*

Final Bill Summary: House Bill 779 defines "emergency operations command" as the unified command group responsible for coordinating the public safety response to natural disasters, homeland security activities, and other emergencies within this state. Emergency operations command is comprised of: the director of emergency management and homeland security; the director of the Georgia Bureau of Investigation; the commissioner of public safety; the commissioner of natural resources; the commissioner of transportation; and the adjutant general. The bill gives authority relevant to imminent or current terrorist activity within the state for leading the actions of the Homeland Security Task Force and the Emergency Operations Command. The director of emergency management and homeland security will also serve as the state's security manager for the purpose of identifying state personnel for security clearances through the U.S. Department of Homeland Security. Further, the bill establishes in Code that the Georgia Information Sharing Analysis Center is a distinct division within the GBI. The bill allows the director of emergency management and homeland security to maintain GEMA analysts in the fusion center as determined by the director. The focus of these analysts will be homeland security.

This legislation also creates the Board of Homeland Security which is composed of 16 members. This board will be responsible for: advising the governor on the implementation of homeland security strategy by state and local agencies; providing guidance; developing a statewide homeland security strategy; and coordinating activities among and between local, state, and federal agencies.

**HB 809 Motor vehicles; Georgia State Patrol motor vehicles for traffic law enforcement may be a solid color; provide**

*By: Rep. Bill Hitchens (161st) Through the Public Safety & Homeland Security Committee*

Final Bill Summary: House Bill 809 allows for Georgia State Patrol cars to be painted a solid color or a two-toned uniform color.

**HB 856 Board of Public Safety; add commissioner of community supervision**

*By: Rep. John Deffenbaugh (1st) Through the Public Safety & Homeland Security Committee*

Final Bill Summary: House Bill 856 amends the composition of the Board of Public Safety to include the commissioner of the Department of Community Supervision as an ex-officio member.

**HB 867 Georgia Peace Officer Standards and Training Council; quorum for transaction of business; revise***By: Rep. Bill Hitchens (161st)**Through the Public Safety & Homeland Security Committee*

Final Bill Summary: House Bill 867 changes the quorum requirement for the Georgia Peace Officers Standards and Training Council to conduct business from seven members to 11 members. This legislation also authorizes investigators appointed by the executive director of the council to retain their weapon and badge upon retirement. This bill removes the 30-day wait period between academy entrance exams for peace officers who do not perform satisfactorily. Additionally the bill removes the entrance exam for persons who hold a degree from an accredited post-secondary institution. Lastly, the section related to training and certification of police chaplains is repealed.

**HB 978 Motor vehicles; automated traffic enforcement safety devices in school zones; provisions***By: Rep. Chad Nimmer (178th)**Through the Public Safety & Homeland Security Committee*

Final Bill Summary: House Bill 978 amends the Code relating to school buses to make it lawful for drivers who meet or pass school buses on a highway with separate roadways or a divided highway, including but not limited to, a highway divided by a turn lane. The bill also allows for the use cameras on school buses to be operated, maintained, or leased to a law enforcement agency and for the recorded images to be reviewed by the agent who provides this service to law enforcement. The bill provides that monetary civil fines paid for violations be \$250. A person who receives a citation in the mail has 30 business days from the mailing to inspect the information collected by the recording device and may request a court date or pay the fine. Should the person fail to appear or pay the fine, notice will be sent to the registered owner of the vehicle, as well as notice that the Department of Revenue will be notified. If within 30 days the fine is still outstanding, the motor vehicle registration will not be renewed and any title transfer within this state will be prohibited.

The bill further allows for placement of an automatic traffic enforcement device within a school zone after the school has applied for a permit from the Department of Transportation for the use of such device. Any school zone with automatic traffic enforcement devices is required to erect signs warning of stationary speed detection devices within the approaching school zone. The bill allows for the speed limit posted within a school zone pursuant to Code to be enforced by using photographically recorded images for violations during school hours, one hour before, and one hour after classes are scheduled when violations are in excess of 10 miles per hour over the speed limit. The owner of the motor vehicle in violation is liable for the monetary penalty to the governing body of the law enforcement agency in the amount of \$75 for a first violation, \$125 for a second or any subsequent violation, in addition to processing fees not to exceed \$25.

For the first 30 days of operation, the driver is simply given a civil warning for disregarding the speed limit within the school zone. The money collected and remitted to the governing body is required to fund local law enforcement or public safety initiatives.

**Regulated Industries Committee****Analyst:** Matt Wosotowsky**HB 419 Fireworks; certain counties further regulate use or ignition; enable authority***By: Rep. Deborah Silcox (52nd)**Through the Regulated Industries Committee*

Final Bill Summary: HB 419 expands the ability for local governments to regulate the ignition of fireworks through local noise ordinances. The bill adds Memorial Day weekend and Labor Day as holidays when local ordinance cannot prevent fireworks from being ignited; however, when areas of the state come under drought conditions, the governor can restrict the use of fireworks. Also, all dealers of fireworks must post the license authorizing the dealer to sell fireworks.

**SB 17 Alcoholic Beverages; provide governing authorities of counties in which the sale for consumption is lawful; authorize certain time on Sundays***By: Sen. Renee Unterman (45th)**Through the Regulated Industries Committee*

Final Bill Summary: SB 17, through local referendum, lowers the initial time to allow for Sunday sales of alcohol from 12:30 p.m. to 11:00 a.m. for any licensed establishment that derives at least 50 percent of annual gross sales from the sale of food or a licensed establishment that derives 50 percent of annual gross income from the rental of rooms for overnight lodging. SB 17 also provides the language for such a local referendum.

**SB 425 Professional Land Surveyors; provisions; change***By: Sen. Steve Gooch (51st)**Through the Regulated Industries Committee*

Final Bill Summary: SB 425 removes the requirement that land surveyors receive at least five hours of course study in hydrology. The bill raises the required semester hours of course study, or the equivalent, in surveying subjects approved by the board from 15 to 18 hours. Moreover, SB 425 grandfathers in those who have already received credit in hydrology coursework so that they may sit for the board approved examination for licensure. In addition, SB 425 adds surveyors to the list of professionals subject to a misdemeanor for practicing as a licensed surveyor if that person has not completed the licensing requirements.

**SB 461 Barbers and Cosmetologists; provisions; change***By: Sen. Jesse Stone (23rd)**Through the Regulated Industries Committee*

Final Bill Summary: SB 461 refines the Code regarding the State Board of Cosmetology and Barbers by restoring language and services that were omitted when the two boards were combined in statute, and otherwise makes no substantive changes to current law.

In addition, SB 461 removes the misdemeanor penalty for practicing microblading of the eyebrow.

**Retirement Committee****Analyst:** Sara Arroyo**HB 135 Employees' Retirement System of Georgia; creditable service for certain law enforcement officers; expand***By: Rep. Bill Hitchens (161st)**Through the Retirement Committee*

Final Bill Summary: HB 135 expands the definition of "law enforcement officer" to include any investigator of the Department of Driver Services and any criminal investigators or K9 handlers of the Department of Corrections. An individual who meets this definition will receive creditable service in the Employees' Retirement System (ERS) for prior service as law enforcement in Georgia, as long as that person will not receive retirement benefits from a local government for that same service. The individual must pay the full actuarial cost of the service, and service cannot be purchased until the individual has become vested in ERS at 10 years. This bill has been certified by the Georgia Department of Audits and Accounts as a fiscal retirement bill. The actuary has determined that a state appropriation is not required to implement the changes.

**HB 398 Peace Officers' Annuity and Benefit Fund; update a cross-reference; provisions***By: Rep. Paul Battles (15th)**Through the Retirement Committee*

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

**HB 538 Fulton County; Board of Education; pension and retirement pay to teachers and employees; create system***By: Rep. Wendell Willard (51st)**Through the Retirement Committee*

Final Bill Summary: HB 538 allows the Fulton County Board of Education to create a new retirement system for its teachers and employees. All currently covered employees, beneficiaries, assets, liabilities, duties, responsibilities, and terms of the current retirement system are transferred to the new system. The new retirement system is considered a local system and can be amended by the local board of education, but the board must notify the Fulton County delegation of the General Assembly of any amendments to the retirement plan. This bill has been certified by the Georgia Department of Audits and Accounts as a fiscal retirement bill. The actuary has determined that a state appropriation is not required to implement the changes.

**HB 571 Magistrates Retirement Fund; member in arrears for dues payments for 90 days shall be suspended; provisions***By: Rep. Sam Watson (172nd)**Through the Retirement Committee*

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

**SB 333 Deferred Compensation Plans; governing authority of a municipality may pay costs/fees associated with employee's participation; provide**

*By: Sen. Ellis Black (8th)*

*Through the Retirement Committee*

**Final Bill Summary:** SB 333 allows the governing authority of a municipality to pay the costs or fees associated with an employee's participation in a deferred compensation plan. Also, this legislation allows employers to establish automatic enrollment arrangements; currently, employees must request participation and determine the contribution level. This bill has been certified as a non-fiscal retirement bill by the Georgia Department of Audits and Accounts.

**Rules Committee**

**Analyst:** Keith Williams

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

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

*Through the Rules Committee*

**Final Bill Summary:** HB 973 requires a lobbyist 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 at time of registration. A violation of the policy can result in the suspension or revocation of the lobbyist's registration and a fine up to \$1,000.

**Small Business Development Committee**

**Analyst:** Blake Doss

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

*By: Rep. Jason Shaw (176th)*

*Through the Small Business Development Committee*

**Final 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.

**State Properties Committee****Analyst:** David Hartman**HR 1090 Jeff Davis County; Crisp County; change of use of certain property; authorize***By: Rep. Sam Watson (172nd)**Through the State Properties Committee*

Final 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.

**HR 1103 Property; conveyance of certain state owned real property; authorize***By: Rep. Gerald Greene (151st)**Through the State Properties Committee*

Final 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 13.806 acres known as I.W. Davis Probation Detention Center under the custody of the Georgia Department of Corrections, to Jackson County for the consideration of \$10 so long as the property is used for public purpose; or by competitive bid for fair market value; or to a local government or State entity 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; and other consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

Article 13 conveys approximately 15 acres of air rights and approximately 5 acres in fee simple under the custody of the State Properties Commission and custody of the Department of Economic Development. The above described real property interests specifically exclude the State's fee simple ownership of any and all parcels associated with the Western and Atlantic Railroad measuring approximately 66 feet in width and 23 feet in height as improved with railroad tracks, appurtenances, depots, sheds, buildings, bridges, sidings, spurs, a wye as described in the amended lease dated January 1, 1986 by and between the State of Georgia and CSXT, Inc., by competitive bid for fair market value and other considerations and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

Article 14 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 15 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 16 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 17 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.

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

*By: Rep. Gerald Greene (151st)*

*Through the State Properties Committee*

Final 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, Tattall, 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 Blackhall Studios or its successors and assigns over approximately 0.23 of an acre under the custody of the Department of Corrections for the construction, operation, and maintenance of a sound barrier at Metro State Prison in Land Lot 79, 15th District for fair market value but not less than \$650.

Article 10 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 11 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 12 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 13 grants an easement to City of Atlanta or its successors and assigns over approximately 0.012 of an acre 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 14 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 15 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 16 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 17 grants an easement to Georgia Power Company or its successors and assigns over approximately 0.03 of an acre in Hall County under the custody of the Department of Public Safety for the construction, installation, operation, and maintenance of electrical transmission lines at Patrol Post 6 in Land Lot 135, 10th District for \$10.

Article 18 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 19 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 20 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 21 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 22 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 23 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 24 grants an easement to the Department of Transportation or its successors and assigns over approximately 0.21 of an acre in Richmond County under the custody of the Department of Corrections for the construction, installation, operation, and maintenance of the widening and reconstruction of SR10 from Fort Gordon New ACP/Gate 6 to SR223 (PI0013248) and a driveway easement to provide smooth transition into the new alignment from Augusta State Medical Prison in the 119th and 1269th G.M.D. for \$10.

Article 25 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 26 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 27 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.

**SB 356 Georgia Commission on the Holocaust; membership; change**

*By: Sen. Kay Kirkpatrick (32nd) Through the State Properties Committee*

Final Bill Summary: SB 356 moves the Georgia Commission on the Holocaust from the Office of the Secretary of State to the Department of Community Affairs. The bill also allows for legislative oversight to include one member of the majority party and one member of the minority party from each chamber; these appointments are made by the speaker of the House of Representatives and the president of the Senate. Subject to the availability of private funds, the commission is also charged with designing, procuring, and placing a Georgia World War II Holocaust Memorial.

**Transportation Committee**

**Analyst:** Abby Day

**HB 150 State Road and Tollway Authority; failure to pay tolls; place hold on motor vehicle registration**

*By: Rep. Alan Powell (32nd) Through the Transportation Committee*

Final Bill Summary: House Bill 150 allows the State Road and Tollway Authority to garnish income tax refunds in order to offset the debt owed by toll violators who have not responded to attempts by the authority to collect toll payments.

The legislation also extends the use of the Consumer Price Index (CPI) for indexing the excise rate on motor fuels to July 1, 2022.

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

*By: Rep. Trey Kelley (16th) Through the Transportation Committee*

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

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

*By: Rep. Kevin Tanner (9th) Through the Transportation Committee*

Final Bill Summary: House Bill 930 creates the Atlanta-region Transit Link "ATL" Authority. This authority is attached to the Georgia Regional Transportation Authority (GRTA) for administrative purposes and will serve as 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.

**HR 444 Willie Thomas Murray Memorial Bridge; Lincoln County; dedicate**

*By: Rep. Tom McCall (33rd)*

*Through the Transportation Committee*

Final Bill Summary: The House Substitute to HR 444 is the annual road facility dedication bill and it includes the following House Resolutions:

HR 444 dedicates the bridge over New Ford Creek on Highway 79 in Lincoln County as the Willie Thomas Murray Memorial Bridge;

House Resolution 872, Rep. Penny Houston

HR 872 dedicates the bridge on Nashville Tifton Highway/State Route 125 between the Virgil T. Barber Bridge and the City of Nashville in Berrien County as the Lieutenant Hugh L. Moore Memorial Bridge;

House Resolution 900, Rep. Beth Beskin

HR 900 dedicates the portion of State Route 9 between Peachtree Battle Avenue and the Amtrak Peachtree Station in Fulton County as the J. Harold Shepherd Parkway;

House Resolution 1038, Rep. Terry England

HR 1038 dedicates the bridge on State Route 11 at the Barrow/Walton County line as the Horace L. Dunahoo Memorial Bridge;

House Resolution 1101, Rep. Todd Jones

HR 1101 dedicates the portion of State Route 20 from Haw Creek Parkway/Nuckolls Road to Samples Road in Forsyth County as the Sergeant David P. Land Memorial Highway;

House Resolution 1106, Rep. Gerald Greene

HR 1106 dedicates U.S. Highway 27 through Stewart, Randolph, Clay, and Early counties as the Purple Heart Highway;

House Resolution 1199, Rep. Clay Cox

HR 1199 dedicates the interchange at Interstate 85 and Indian Trail Road in Gwinnett County as the Jesse C. Long Interchange;

Senate Resolution 885, Sen. Brandon Beach

SR 885 dedicates the bridge on State Route 36 over the Flint River in Upson County as the Carey Ellerbee Memorial Bridge;

Senate Resolution 906, Sen. Tonya Anderson

SR 906 dedicates the interchange at Interstate 20 and Exit 78/Sigman Road in Rockdale County as the Walk of Heroes/Veterans Interchange;

Senate Resolution 923, Sen. Jeff Mullis

SR 923 dedicates the intersection of McFarland Road and Jenkins Road in Walker County as the Jasper W. "JW" Dodd, Jr., Memorial Intersection;

Senate Resolution 924, Sen. Jeff Mullis

SR 924 dedicates the intersection of Happy Valley Road and Battlefield Parkway in Walker County as the Ben Napier Memorial Intersection;

Senate Resolution 925, Sen. Jeff Mullis

SR 925 dedicates the intersection of Highway 193 and Happy Valley Road in Walker County as the William Calvert "Coach" Sandberg Memorial Intersection; and

Senate Resolution 942, Sen. Gail Davenport

SR 942 dedicates the bridge on McDonough Road at the Norfolk Southern Railroad in Clayton County as the Annie Lois Freeman Souder Bridge.

The resolution also repeals two previous dedications. The first is the Sergeant David Paul "Bubba" Land



County as the Honorable William "Bill" Jones Highway;

Senate Resolution 595, Jesse Stone

SR 595 dedicates the portion of Georgia Highway 88 within the City of Hephzibah in Richmond County as the A. Frank Williams Highway;

Senate Resolution 649, Steve Henson

SR 649 dedicates the interchange on Interstate 20 at State Route 12/State Route 124/Turner Hill Road in DeKalb County as the Thurbert Baker Interchange;

Senate Resolution 748, John Wilkinson

SR 748 dedicates the bridge on Historic US 441 in Habersham County as the Troy Simpson Memorial Bridge;

Senate Resolution 807, Steve Gooch

SR 807 dedicates the intersection of U.S. 129 with Westmoreland Road in White County as the Horace Fitzpatrick Intersection;

Senate Resolution 857, Brandon Beach

SR 857 dedicates the portion of GA 20 Windermere Parkway in Forsyth County to Suwanee Dam Road in Gwinnett County as the Rudy Bowen Highway;

Senate Resolution 866, Brandon Beach

SR 866 dedicates the portion of GA 124 from State Route 10/US 78 to GA 316 in Gwinnett County as the John D. Stephens Highway;

Senate Resolution 867, Brandon Beach

SR 867 dedicates the portion of GA 347 from Interstate 985/GA 365 to McEver Road in Hall County as the Virgil Williams Highway;

House Resolution 968, Rep. Jeff Jones

HR 968 dedicates the portion of State Route 17 from Kingsland at the Florida state line to Savannah at the South Carolina state line as the Georgia Grown Trail: 17;

House Resolution 1015, Rep. Jason Spencer

HR 1015 dedicates the interchange at Interstate 95 and Exit 14 in Camden County as the Army Captain Corry Paul Tyler Memorial Interchange;

House Resolution 1105, Rep. Penny Houston

HR 1105 dedicates the portion of State Route 76 from Ten Mile Creek Road to Giddens Road in Berrien County as the Walter James Gaskins Memorial Highway;

House Resolution 1195, Rep. Trey Kelley

HR 1195 dedicates the bridge on Sybil Brannon Parkway over Highway 278 in Polk County as the Detective Kristen Snead Hearne Memorial Bridge;

House Resolution 1259, Rep. Dan Gasaway

HR 1259 dedicates the portion of State Route 164 from U.S. Route 441 to state Route 59 in Banks County as the Hoyt Dean "Dink" McCoy Memorial Highway;

House Resolution 1261, Rep. Bill Werkheiser

HR 1261 dedicates the portion of U.S. Highway 280 from the western city limit of Belleville to the Tattnall County line as the Veterans Memorial Highway;

House Resolution 1295, Rep. Paulette Rakestraw

HR 1295 dedicates the one-mile portion of Highway 92 heading north from Due West Road in Paulding County as the L. Douglas Griffith Highway;

House Resolution 1342, Rep. Patty Bentley

HR 1342 dedicates the portion of State Route 26 from Flint River School Road to the Interstate 75 intersection in Macon County as the Lynmore James Highway;

House Resolution 1347, Rep Dan Gasaway

HR 1347 dedicates the portion of State Route 17 from GA 123 to Rose Lane in Stephens County as the J. Marion Thomason Memorial Highway;

House Resolution 1348, Rep. Ron Stephens

HR 1348 dedicates the bridge on State Route 204 at King George Boulevard in Chatham County as the Edward H. Zipperer Bridge;

House Resolution 1372, Rep. Greg Morris

HR 1372 dedicates the portion of State Route 4/US 1 through Toombs County as the Staff Sergeant Dustin Michael Wright Memorial Highway;

House Resolution 1373, Rep. Greg Morris

HR 1373 dedicates the portion of State Route 4/US 1 through Appling County as the Roy E. Herrington Highway;

House Resolution 1415, Rep. David Ralston

HR 1415 dedicates the intersection of State Route 136 and State Route 382 in Gilmer County as the Milton Lonzo Priest Memorial Intersection;

House Resolution 1428, Rep. Darlene Taylor

HR 1428 dedicates the portion of Highway 112 within Grady County as the Representative "Doc" Gene Maddox Highway;

House Resolution 1468, Rep. Carl Gilliard

HR 1468 dedicates the bridge on Interstate 516 over West Bay Street in Chatham County as the Mayor Floyd Adams, Jr., Bridge;

House Resolution 1516, Rep. Katie Dempsey

HR 1516 dedicates the interchange at Cedartown Highway/US Highway 27 and the South Rome Bypass/State Route 746 in Floyd County as the Paul Smith Interchange;

House Resolution 1572, Rep. Carl Gilliard

HR 1572 dedicates the bridge on State Route 204 over Ogeechee Road in Chatham County as the Philly J. Meyers Bridge; and,

House Resolution 1647, Rep. John Corbett

HR 1647 dedicates the bridge on State Route 38 over Woodyard Creek in Clinch County as the Jackie Marcell Morgan Memorial Bridge.

Lastly, the resolution repeals the dedication of the Tyler Perry Highway adopted in Part V of SR 204 (2017).

## **Ways & Means Committee**

**Analyst:** Brian Groome

### **HB 61 Sales and use tax; certain retailers to either collect and remit or notify purchaser and state; require**

***By: Rep. Jay Powell (171st)***

***Through the Ways & Means Committee***

**Final Bill Summary:** House Bill 61 amends the definition of "dealer" in 48-8-2, relating to state sales and use tax, to include any person who, in the previous or current calendar year, obtains gross revenue exceeding \$250,000 or conducts 200 or more separate transactions from the sale of tangible personal property that is physically or electronically delivered into this state. The bill also allows the Department of Revenue to bring an action for declaratory judgment in any superior court against any person the department believes meets this definition of dealer. Any final decision of the superior court shall be directly appealable to the Supreme Court.

The bill also amends 48-8-30 by defining the term "delivery retailer" to mean any retailer that, in the previous or current calendar year, obtains gross revenue exceeding \$250,000 or conducts 200 or more separate transactions from the sale of tangible personal property that is physically or electronically delivered into this state. The bill further states that a delivery retailer must: either collect and remit sales tax or notify the purchaser that sales or use tax may be due to the State of Georgia on the purchase; send a sales and use tax statement to all purchasers whose purchases during the calendar year totaled \$500 or more; and submit a copy of all sales and use tax statements to the Department of Revenue by January 31 of each year. The sales and use

tax statement must be on a Department of Revenue form and include the: total amount paid by the purchaser for retail sales by the delivery retailer during the previous year; dates of the purchases; amounts of each purchase; category of each purchase; whether the purchase is exempt from taxation; and the statement: "Sales or use taxes may be due to the State of Georgia on the purchase(s) identified in this statement as Georgia taxes were not collected at the time of purchase. Georgia law requires certain consumers to file a sales and use tax return remitting any unpaid taxes due to the State of Georgia." Penalties for failing to comply with these requirements are \$5.00 per occurrence for failing to notify the purchaser prior to completing the transaction, \$10.00 per occurrence for failing to send a sales and use statement to the purchaser, and \$10.00 per occurrence for failing to file a copy of the sales and use statement with the Department of Revenue.

**HB 85 Ad valorem tax; methodology used to establish forest land fair market value; revise***By: Rep. Jay Powell (171st)**Through the Ways & Means Committee*

Final Bill Summary: House Bill 85 amends the definition of "forest land fair market value" by removing the 2008 benchmark value and referencing the constitutional definition, which includes a 2016 base year which is adjusted every third year. The bill also specifies that the property must be at least 200 acres with 100 acres being in any one county. Tangible property qualifying as forest land conservation use property or timberland property shall be assessed at 40 percent of its assessed value and taxed according to that assessment. The length of the covenant is reduced from 15 to 10 years.

The bill adds a new section, relating to special assessment of forest land conservation use property, which mandates the commissioner of the Department of Revenue to deduct and retain a three percent fee on the assistance grants provided to counties and sets the value of the local assistance grants. For 2019 the value will increase by 80 percent of the difference between the value of the local assistance grant received in 2018 and the amount the county is eligible to receive in 2019. For 2020 the value will increase by 60 percent of the difference between the value of the local assistance grant received in 2018 and the amount the county is eligible to receive in 2020. For 2021 the value will increase by 40 percent of the difference between the value of the local assistance grant received in 2018 and the amount the county is eligible to receive in 2021. For 2022 the value will increase by 20 percent of the difference between the value of the local assistance grant received in 2018 and the amount the county is eligible to receive in 2022.

The bill also defines "timberland property" as property that is primarily used for the production of trees for the purpose of producing timber for commercial uses. Timberland property is established as its own class of property in the constitution and the commissioner of the Department of Revenue is given the responsibility of providing an annual appraisal of all timberland property in the state and providing those appraisals to the counties. The assessed value of all timberland property must be at least 175 percent of such property's forest land conservation value. The commissioner shall maintain a qualified timberland property appraisal manual. Timberland property must be at least 50 contiguous acres, have the production of trees on the property being done for the purpose of making a profit and being the primary activity taking place on the property, and have a consistent effort taking place to clearly demonstrate land management practices consistent with accepted commercial forestry practices.

**HB 217 Income tax credit; certain scholarship organizations; increase amount of the aggregate cap on contributions***By: Rep. John Carson (46th)**Through the Ways & Means Committee*

Final Bill Summary: House Bill 217 amends 48-7-29.16, relating to the qualified education tax credit, by adjusting the tax credit cap for 2018 to \$58 million, for 2019 through 2028 to \$100 million, and for 2029 and all subsequent tax years to \$58 million. Donors to student scholarship organizations must be pre-approved by the department before making a qualifying tax credit donation, and student scholarship organizations must file an annual report with the department showing all fees or assessments retained by the student organization.

House Bill 217 further amends 20-2A-2, relating to student scholarship organizations, by requiring a certain amount of donations to be used for student scholarship tuition and grants. All student scholarship organizations must be audited by an independent certified public accountant within 120 days after the calendar year, and the auditor must file a report of the performance of the tax credit to the House Ways and Means Committee and Senate Finance Committee. Student scholarship organizations must report to the department the number and dollar value of individual and corporate tax credit contributions approved, a list of donors with the approved donation, and the number and dollar value of scholarships awarded to students whose family income falls within a range of the federal poverty level. The department shall post this information on its website.

House Bill 217 also amends 48-8-3, relating to exemptions for state sales and use taxes, by granting an exemption for non-commercial written materials or mailings for qualifying organizations. The exemption begins July 1, 2018 and sunsets July 1, 2021.

**HB 329 Income tax; rate of tax imposed on the taxable net income of individuals; modify**

*By: Rep. Jay Powell (171st)*

*Through the Ways & Means Committee*

Final 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. Beginning July 1, 2019, the state and local TAVT proceeds shall be distributed by each county remitting 35 percent of the funds to the state revenue commissioner and distributing 65 percent locally 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 remain seven percent of the taxable value of the vehicle. The taxable value for non-business related leased vehicles is the total of the base payments plus any down payments. The taxable value for business related leased vehicles is the agreed upon value of the motor vehicle less any reduction for trade-in value of another vehicle. 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 retail selling price of the kit or the average of the current fair market value and the current wholesale value of the vehicle.

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 three percent of the fair market value of the vehicle. 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 order 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.

**HB 374 Ad valorem tax; property; allow electronic filing of returns in certain cases**

*By: Rep. David Knight (130th)*

*Through the Ways & Means Committee*

Final Bill Summary: House Bill 374 lowers the valuation requirement for an appeal of a property tax bill of a non-homestead property to be before a hearing officer with appeal to the superior court from a fair market value of \$750,000 to a fair market value of \$500,000. When hearing an appeal, the county board of equalization must notify the taxpayer whether there are any corrections or changes within 180 days.

In any county where the number of appeals exceeds three percent of the total number of parcels or the sum of the current assessed value of properties under appeal exceeds three percent of the gross tax digest of the county, the board of tax assessors may be granted an additional 180 days to decide an appeal and notify the taxpayer. When taking such an extension or an extension due to unforeseen circumstances, the board of tax assessors must notify each affected taxpayer at least 30 days prior to the expiration of the previous review period. The bill also allows for all documentation provided to the appeals administrator to be in either paper or electronic format. If the county board of tax assessors fails to respond to a taxpayer's notice of appeal within 180 days, the property valuation asserted by the taxpayer shall become the assessed fair market value for the property. The bill also allows for parties involved in an appeal hearing to agree to pay compensation exceeding the stated \$100 for the first hour and \$25 per hour thereafter.

- HB 658 Excise tax; rooms, lodgings, and accommodations; remove sunset date for the time during which a certain tax may be collected**  
*By: Rep. Earl Ehrhart (36th) Through the Ways & Means Committee*  
Final Bill Summary: House Bill 658 extends the sunset date to December 31, 2053 for the eight percent hotel/motel tax allowed in a county where a coliseum and exhibit hall authority were created on January 1, 1991.
- HB 661 Tax liens; transmittal, filing, recording, access to, and territorial effect issued by Department of Revenue; change provisions**  
*By: Rep. Bruce Williamson (115th) Through the Ways & Means Committee*  
Final Bill Summary: House Bill 661 removes statewide liens and only allows a lien at the county level. All liens filed between January 1, 2018 and February 15, 2018 revert back to county-wide attachment. The bill also eliminates the certificate of clearance process and reduces the time period for the Department of Revenue to file a lien from seven to five years from final assessment.
- HB 696 Sales and use tax; certain computer equipment sold or leased to certain entities for use in high-technology data centers; create exemption**  
*By: Rep. Trey Kelley (16th) Through the Ways & Means Committee*  
Final Bill Summary: House Bill 696 amends 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.
- To receive the exemption, beginning after July 1, 2018, a high-technology data center must create 20 new quality jobs, quality jobs having the same meaning under subsection (a) of 48-7-40.17. If the county population in which the data center is located exceeds 50,000, the data center must plan to spend \$250 million over 10 years to be eligible for the exemption. If the county population in which the data center is located exceeds 30,000 but is not greater than 50,000, the data center must plan to spend \$150 million over 10 years to be eligible for the exemption. If the county population in which the data center is located is less than 30,000, the data center must plan to spend \$100 million over 10 years to be eligible for the exemption.
- High-technology data centers utilizing the exemption must submit an annual report to the commissioner of the Department of Revenue for the commissioner to determine if the high-technology data center is in compliance with the minimum investment threshold. If the commissioner determines the high-technology data center failed to meet its minimum investment threshold, then the data center will be required to repay all taxes exempted. At any time, however, the commissioner can revoke a data center's exemption if he or she believes the data center is not likely to meet the minimum investment threshold. The commissioner, at his or her discretion, may also require a good faith and valid bond with a surety company to do business in this state, in an amount not to exceed \$20 million. The commissioner shall also require annual reporting by high-technology data centers to determine the amount of taxes exempted, number of quality jobs created, payroll of data centers' resulting from construction, maintenance and operation. The commissioner shall report his or her findings to the House Ways and Means Committee. This exemption expires June 30, 2028.
- HB 697 Sales and use tax; sale or use of tangible personal property to certain nonprofit health centers; extend exemption for five additional years**  
*By: Rep. Darlene Taylor (173rd) Through the Ways & Means Committee*  
Final Bill Summary: House Bill 697 extends the exemption on sales and use tax to non-profit health centers and non-profit volunteer health centers to June 30, 2019.
- HB 729 Ad valorem tax; property; repeal certain provisions**  
*By: Rep. Brett Harrell (106th) Through the Ways & Means Committee*  
Final Bill Summary: House Bill 729 repeals 48-5-8, relating to the reduction of the state property tax through the years of 2011 to 2016. The bill also states that intangible transfer tax shall only be due on a portion of a mortgage or other instrument which is greater than the indebtedness secured by a previous mortgage or other instrument.

**HB 735 Income tax credit; expenditures on the maintenance of a railroad track owned or leased by a Class III railroad; create**

*By: Rep. Patty Bentley (139th) Through the Ways & Means Committee*

Final Bill Summary: House Bill 735 adds 48-7-40.34, which establishes an income tax credit for maintenance expenditures on Class III railroads. The credit of 50 percent of the maintenance expenditures is capped at \$3,500 per mile of track. Unused tax credits may be freely assigned, one time, to any tax payer subject to Georgia income tax. The commissioner of the Department of Revenue must submit an annual report to the Senate Finance committee and the House Ways and Means committee which describes the number of taxpayers that claimed the credits and the number and total value of all credits issued during the previous tax year. The first report is due September 1, 2020 and the credit sunsets on January 1, 2024.

The bill also adds 48-7-40.35, which offers an additional income tax credit for facilities that recycle post-consumer waste materials into polyester bulk continuous filament fibers and certify to the commissioner that between January 1, 2018 and January 1, 2020 the facility will purchase or acquire \$20 million of qualified investment property and create 25 new full-time jobs. The credit is in an amount equal to the amount of the credits the facility claimed pursuant to Code Section 48-7-40.2 when the facility also claimed the credit provided in Code Section 48-7-40 for the same project. The credits may be carried forward for 10 years and may not exceed 50 percent of the qualified employer's state income tax liability for the year. When the amount of the credit exceed 50 percent of the qualified employer's state income tax liability for the year, the employer may take the excess credits as a credit against tax withholdings. The credit sunsets on December 31, 2023.

Finally, the bill exempts land located in a railway's right-of-way and covered with ballast and rail from storm water fees imposed by any county or municipality.

**HB 749 Income tax; retirement income is applicable as a retirement benefit from noncivilian service in the United States armed forces; clarify an exemption**

*By: Rep. Shaw Blackmon (146th) Through the Ways & Means Committee*

Final Bill Summary: House Bill 749 amends 48-7-27, relating to the computation of taxable income, by specifying that income from military retirement is excluded from state income tax. The bill also states that any military retirement income received by a surviving family member of a deceased veteran is excluded from income tax regardless of the age of the surviving family member.

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

*By: Rep. Terry Rogers (10th) Through the Ways & Means Committee*

Final Bill Summary: House Bill 792 extends the sunset provisions for the Solid Waste Trust Fund and the Hazardous Waste Trust Fund to July 1, 2019. The bill changes the minimum surcharge collected by the host local government from \$1.00 to \$2.50 per ton of waste accepted by a privately-owned municipal solid waste disposal facility with the exception of fly ash, bottom ash, boiler slag, or flue gas desulfurization materials generated from burning coal for the purpose of generating electricity for which the local government is required to impose a surcharge of \$1.00 per ton until June 30, 2025 and \$2.00 thereafter. For construction, demolition or inert waste, the local government is required to impose a surcharge of \$1.00 per ton. The bill requires local governments to utilize at least 50 percent of surcharges collected for efforts that offset the impact of the facility and other related activities. Local governments may negotiate for and obtain by contract surcharges higher than those set forth in this bill.

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

*By: Rep. Dominic LaRicca (169th) Through the Ways & Means Committee*

Final 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.

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

*By: Rep. Jay Powell (171st)*

*Through the Ways & Means Committee*

Final 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 non-compliant with the Georgia income tax. No contract shall exceed a period of three years, and all services performed must be pursuant to 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.

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

*By: Rep. Micah Gravelly (67th)*

*Through the Ways & Means Committee*

Final 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.

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

*By: Rep. Beth Beskin (54th)*

*Through the Ways & Means Committee*

Final Bill Summary: House Bill 820 amends Article 2 of Chapter 5 of Title 48, relating to property tax exemptions and deferral, by adding a new section which allows a homestead exemption from the ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value exceeds the adjusted base year value of the homestead.

The "adjusted base year value" is defined as either the lowest base year value or, if available, the previous base year value adjusted annually by 2.6 percent plus any change in value. "Lowest base year value" for exemptions first granted in the 2019 tax year is defined as the lowest among the 2016, 2017, and 2018 valuations multiplied by 1.0423, which is the inflation rate for December 2015 through December 2017.

The homestead exemption is available to residents of municipal corporations that are located in more than one county, that levy a sales tax for the purposes of a metropolitan area system of public transportation, and has within its boundaries an independent school system. Municipal corporations meeting this description are also exempted from the requirements placed on municipal authorities for notification of millage rate changes in subsections (c) and (e) of O.C.G.A. 48-5-32.1.

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

*By: Rep. Bill Hitchens (161st) Through the Ways & Means Committee*

Final 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.

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

*By: Rep. Allen Peake (141st) Through the Ways & Means Committee*

Final 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.

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

*By: Rep. Dominic LaRicca (169th) Through the Ways & Means Committee*

Final 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 sale price of a manufactured home that will be converted to real property. A "manufactured home" is defined as a structure: built on a permanent chassis; designed to be used as a residence; transports in one or more sections; contains plumbing, heating, air-conditioning, and electrical systems; designed with an angled roof; and has an area of greater than 650 square feet. 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.

**HB 888 Ad valorem tax; certain reporting requirements; change**

*By: Rep. David Knight (130th) Through the Ways & Means Committee*

Final 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 specifies that the post mark date shall be utilized when considering application deadlines and provides a time limit of 180 days from receipt of the application for a county board of tax assessors to deny an application. It 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.

**HB 918 Revenue and taxation; Internal Revenue Code; provisions**

*By: Rep. Chuck Efstrotation (104th) Through the Ways & Means Committee*

Final Bill Summary: House Bill 918 provides for the annual Internal Revenue Code (IRC) update for the 2017 and 2018 tax years, which includes the following changes:

- 7.5 percent of adjusted gross income floor for medical expense deduction is extended through 2018 and applied to all taxpayers;

- Net operating losses may be carried forward indefinitely, but may not be carried back to apply against prior year's tax liabilities;
- Entertainment expenses are no longer allowed as business deductions;
- Transportation fringes and other transportation benefits are no longer qualified deductions for employers providing the benefits;
- Eligibility of building improvements for a 15-year recover period is expanded;
- Like-kind exchanges are limited to exchanges of real estate;
- The definition of capital asset is revised by removing patents, inventions, certain models or designs, and secret formulas or processes;
- Gains from investment in a Qualified Opportunity Fund are allowed to be temporarily deferred and permanently excluded if the investment is held 10 years; and,
- Disaster tax relief provisions, that: allow write-off of hurricane losses; suspend limitations on deductions for charitable contributions made for hurricane relief; give victims penalty-free access to retirement funds; and, eliminate the requirement that personal losses must exceed 10 percent of adjusted gross income to qualify for deduction.

The bill also doubles the state income tax standard deduction to \$4,600 for single filers, \$3,000 for married filing separately, and \$6,000 for married filing jointly. The top personal income tax bracket rate and the corporate income tax rate are reduced to 5.75 percent in tax year 2019 and 5.50 percent in tax year 2020. The rate reduction for 2020 is dependent upon the General Assembly passing a joint resolution affirming the change and the resolution being signed by the governor. The changes in this bill expire on December 31, 2025. The bill also states that there shall be no liability for title ad valorem tax fees when obtaining a replacement title on a vehicle that is not less than 15-years old when the commissioner of the Department of Revenue is provided proof that the title no longer exists.

**HB 929 Water and sewer projects and costs tax (MOST); additional renewals of tax; allow**

*By: Rep. Chuck Efstrotation (104th) Through the Ways & Means Committee*

Final Bill Summary: House Bill 929 amends O.C.G.A. 48-8-203, relating to the tax for water and sewer projects and costs (MOST), to allow a municipality to re-impose the tax up to six times.

**HR 51 Forest land fair market value; prescribed methodology; remove - CA**

*By: Rep. Jay Powell (171st) Through the Ways & Means Committee*

Final Bill Summary: House Resolution 51 is a ballot question to amend the constitution, where it relates to forest land conservation use property, to include properties of at least 200 acres in aggregate which lie in one or more counties in parcels of at least 100 acres within any given county, as well as increase the covenant from 15 to 10 years. From 2019 through 2023, the resolution allows the value of the county assistance grants to be increased by general law beyond the amount of revenue needed to offset revenue losses stemming from forest land being included in the conservation use. The 2008 base year used for determining the forest land fair market value is updated to a 2016 base year, and the base year will change in 2019 and every three years thereafter. The General Assembly may provide for a fee of up to five percent to be retained by the revenue commissioner to offset the costs to administer the program.

The resolution also establishes a new class of property to be known as "qualified timberland property," which is defined as tangible real property with a primary use for the production of trees to produce timber for commercial uses. The value of qualified timberland property shall be at least 175 percent of such property's forest land conservation use value. The purposes of the new property class are to allow the Department of Revenue to appraise the properties and to establish a separate system to appeal appraisals and determinations related to qualified timberland property.

**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**

*By: Rep. Sam Watson (172nd) Through the Ways & Means Committee*

Final Bill Summary: House Resolution 238 provides a ballot question to amend the Georgia Constitution to allow the General Assembly, by general law, to provide up to 80 percent of all revenue received from the state's portion of the sales and use tax of goods and services sold in sporting goods stores 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.

**SB 328 Income Tax; expiration of certain income tax credits; provide***By: Sen. John Albers (56th)**Through the Ways & Means Committee*

Final Bill Summary: Senate Bill 328 repeals the income tax credits for federal qualified transportation fringe benefits, private driver education courses, and diesel particulate emission reduction technology equipment. The bill also allows for a corporate income tax deduction for income specified in Section 951A of the IRC of 1986, Global Low-Taxed Intangible Income (GILTI).

**SB 371 Taxes; furnishing of sales and use tax information to municipalities and counties; change provisions***By: Sen. Lee Anderson (24th)**Through the Ways & Means Committee*

Final Bill Summary: Senate Bill 371 amends 48-2-15, relating to confidential information secured in the administration of taxes, by allowing counties and municipalities to request information included on the vendor's sales tax certificate for all vendors that have filed a report for a designated period from the commissioner of the Department of Revenue. Any information furnished by the commissioner is to remain privileged and confidential in nature. The finance officer or taxing official of a county or municipality is not authorized to contact in any manner any taxpayer identified in such information. If the finance officer or taxing official finds any discrepancies, anomalies, or other issues relating to the data received, they must notify the commissioner of their findings. The information disclosed may only be shared with members of the governing authority of the county or municipality when the members of the governing authority are in executive session.

**SB 402 "Achieving Connectivity Everywhere (ACE) Act"****\*Analyst:** Blake Doss

Foster

*By: Sen. Steve Gooch (51st)**Through the Ways & Means Committee*

Final Bill Summary: Senate Bill 402, the 'Achieving Connectivity Everywhere (ACE) Act' amends Titles 32, 36, and 50 of the O.C.G.A. to provide for the deployment and expansion of broadband services.

Part Two states the Georgia Department of Transportation (GDOT), in consultation with the Georgia Technology Authority (GTA), shall have the authority to plan for, establish, and implement a long-term policy with regard to the use of right-of-ways of the interstate highways and state-owned roads for the establishment, deployment, and maintenance of broadband services and other emerging communications technologies. All net revenues that are not subject to the jurisdiction of the Federal Highway Administration shall be paid into the State General Fund.

Part Three states the governing bodies of municipalities and counties shall provide in any comprehensive plan for the promotion of the deployment of broadband services by providers.

Part Four states the Board of Economic Development will promote the deployment of broadband services throughout the state, including the deployment of broadband services in any facilities and deployments designated as a Georgia Broadband Ready Community Site. Part Four also gives the Department of Community Affairs (DCA) the authority and duty to undertake activities as may be necessary to carry out any additional authority, duties, and responsibilities as authorized in Chapter 39 of Title 50. It gives GTA the general power to coordinate the establishment and administration of one or more programs to increase economic, educational, and social opportunities for citizens and businesses through the promotion of the deployment of broadband services and other emerging communications technologies.

Part Five adds the speaker of the House, who shall serve as co-vice chair, to the OneGeorgia Authority. It also gives the OneGeorgia Authority the ability to provide funding for projects that include the deployment of broadband services.

Part Six, Article One, provides several definitions. "Broadband services" is defined as a wired or wireless terrestrial service that consists of speed capabilities at a rate of at least 25 megabits per second (Mbps) in the downstream direction and at least 3 Mbps in the upstream direction. It also defines an "unserved area" as a census block in which broadband services are not available to 20 percent or more of locations as determined by DCA.

Article One also states GTA is authorized and directed to establish and implement such policies and programs as are necessary to coordinate statewide efforts to promote and facilitate the deployment of broadband services and other emerging communications technologies. GTA shall submit copies of an annual report to the

lieutenant governor, the speaker, and the governor, regarding the policies and programs established by the authority.

Part Six, Article Two states DCA shall determine those areas in the state that are served and unserved, and it shall publish the findings. On or before January 1, 2019, DCA shall publish a map on its website showing the unserved areas in the state. DCA shall consult with the Federal Communications Commission (FCC) in determining if a map showing the unserved areas, as determined by DCA, exists. If DCA determines such a map does not exist on or before July 1, 2018, DCA or an agent designated by DCA shall create a map.

All local governments shall cooperate with DCA or the agent by providing requested information as to addresses and locations of broadband services and other emerging communications technologies within their jurisdictions.

DCA or the agent may request information from all providers in the state in developing a map or making the determination as to the percentage of locations within a census block to which broadband services are not available.

An entity that is authorized to apply for or obtains a certificate of authority from the Public Service Commission (PSC), pursuant to O.C.G.A. 45-5-163, a broadband services provider, or a political subdivision may file a petition with DCA along with data specifying locations or census blocks which the petitioner alleges should be designated differently than as shown on the map.

Part Six, Article Three states a political subdivision that has a comprehensive plan that includes the promotion of the deployment of broadband services may apply to DCA for certification as a broadband ready community. DCA shall approve an application if the department determines the political subdivision has enacted a model broadband ordinance as created by the department, or something similar to said ordinance.

A broadband network project targeting industry development or construction of a new building for a political subdivision that has been certified as a broadband ready community will be given priority for funding by the OneGeorgia Authority.

Part Six, Article Four states DCA shall create and administer the 'Georgia Broadband Ready Community Site Designation Program.' The program shall designate facilities and developments that offer broadband services at a rate of not less than one gigabit per second in the downstream direction. The Department of Economic Development shall promote the program.

Part Six, Article Five enables DCA to develop the 'Georgia Broadband Deployment Initiative' to provide funding awards to expand broadband services to unserved areas of the state. The goal of the program shall be to provide broadband services coverage throughout the entire state. Funds will only be used for capital expenses and expenses directly related to the purchase or lease of property or communications services or facilities to facilitate the provision of broadband services.

Funding awards, in the form of grants or loans, shall be competitively awarded to eligible applicants based on criteria found in the article. DCA shall designate political subdivisions as eligible applicants that shall be qualified to apply for funding awards. Funding awards shall be based on appropriations of funds or receipt of other funds. DCA shall consider the effectiveness of the partnership between an eligible applicant and a qualified broadband services provider, the benefit to the unserved area, and the total project cost. DCA shall give competitive priority to any unserved area certified as a broadband ready community. Partnerships that include qualified broadband providers that cooperate in providing information requested to subsection (d) of Code Section 50-39-21 shall also factor favorably into the competitive funding awards process.

On June 30, 2019, and on each June 30 thereafter, DCA shall submit a report to the lieutenant governor, the speaker of the House, and the governor on the progress in achieving the purposes of this article. This report may be submitted in conjunction with the GTA report.

**SB 458 Ad Valorem Taxation; conditions; family owned farmed entities; discontinue a qualifying use of bona fide conservation use property; provide**

*By: Sen. John Wilkinson (50th) Through the Ways & Means Committee*

Final Bill Summary: Senate Bill 458 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 non-profit 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.

The bill also allows the owners of a family-owned farm entity to be assessed a penalty for a breach of covenant in the amount of the current year's reduced taxes rather than the full breach of covenant penalty. In order to qualify, the property must have been renewed in the program at least once and be under its current covenant for at least three years as well as have a current shareholder, member, or partner who has held some interest in the property since it entered into its previous covenant having reached the age of 65.