GOLD DOME REPORT
2017 SESSION
GEORGIA GENERAL ASSEMBLY

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2017 Legislative Session
June, 2017

The 2017 Session of the Georgia General Assembly concluded at 12:50 a.m. on March 31, 2017. Leaders of both chambers decided to work past the historical midnight "deadline" and continued to pass legislation well into the night. Although some lawmakers left the Capitol disappointed that their bills were not called for a vote, there was still a sense that it was a successful session overall.

Some sessions of the General Assembly reverberate with tension and highly publicized issues, such as the 2016 Session when the religious freedom and campus gun carry issues dominated the media. Others are quieter, but full of solid achievements. Much of this year's focus involved looking at issues related to education, the opioid crises, guns and weapons' carry provisions, casinos and economic development, medical marijuana, and tax reform. While not every issue received a major piece of legislation, progress was made throughout the committee process and during floor debate. Legislation that did not make it for a vote this year will carry over to the 2018 Session.

The House and Senate crafted an education reform bill meant to support failing schools and their systems, after the constitutional referendum to permit an additional, statewide "opportunity school district" for persistent underperforming schools failed in the 2016 election. The Governor had vigorously supported that amendment, but it was characterized as anathema to local control of schools, and teachers and systems led the effort to defeat the measure. The Governor signed the new bill, HB 338, which creates steps for the State Department of Education to support underperforming schools without removing them from local system control. It pushes systems to insist that its schools do well.

The Governor's budget enjoyed a continuing increase in revenue for the third straight year and teacher and state employee pay raises were approved. Some raises are made across the Board for all employees, while others reward high performance. School and Medicaid enrollment growth were moderate compared to recent years, but still consumed sizeable portions of the increased revenue. The teacher pay raises generate future demands on the teacher retirement system under the extant funding formula. As much as $400 million new dollars need to be appropriated in the next fiscal year beginning on July 1, 2018.

The Governor's criminal justice reform efforts continued, and included SB 174, SB 175 and SB 176, all of which passed. These bills are discussed in our Report below. The funding of diversion courts continued and the multi-year effort has been impressive.

The increased revenues also permitted the Governor's admirable efforts to reform the child welfare system to rise by an additional $90 million. Such reforms include a 19% salary increase for case workers as an attempt to reverse high turnover, new supervisor positions for case workers, additional support personnel for foster care support services, and a sizeable

increase in the per diem payments to foster parents recruited by State workers. The legislature added a per diem increase for foster parents recruited by child placing agencies and for kinship placements from both the public and private provider efforts. These efforts collectively proceeded smoothly and reflect the significant reform efforts led by Governor Deal.

The push to pass a referendum on permitting and regulating casino business continued, but was put off an additional year as the factions and cities bargain about permitted locations for casino destinations and how the net proceeds to the State should get used.

A lively discussion to regulate balanced billing by out-of-network physicians generated active debate between physicians and insurers, but related legislation did not pass. However, lawmakers have already commenced a review of this issue in the interim in an effort to reach a compromise.

The legislature successfully pressed efforts to address the opioid overdose, misuse, suicide and addiction issues by setting up a stringent regulatory system for the licensure of narcotic treatment programs. Such efforts included moving the Prescription Drug Monitoring Program (PDMP) to the Department of Public Health from the Georgia Drugs and Narcotics Agency and requiring physicians and pharmacists, by mid-2018 (under certain conditions), to check the system for patient misuse or overuse. There were also new initiatives addressing the wider uses of medical marijuana, autism treatment for adolescents, and mental health screening for young children.

Thus, the General Assembly was active and successful on many fronts, but the "heat" was less on the two emotional carryover issues. The campus gun carry legislation was raised again and passed with much less drama than in 2016. It included the amendments the Governor had requested when vetoing the 2016 bill, which prohibits registered gun carry on campus day care facilities, faculty student conferences, and administrative disciplinary or appeal settings. The Governor signed the bill this time in May.

After Governor Nathan Deal's highly publicized veto of the 2016 version of the religious freedom (RFRA) bill that generated a stark and applauded contrast between North Carolina and Georgia, the Governor, Speaker David Ralston and Lt. Governor Casey Cagle had each indicated their preferences that no religious freedom bill should move through the process during 2017. Several bills were again introduced, but not one moved. The issue was quiet until an attempted RFRA amendment was made in the Senate Judiciary Committee to a House adoption reform bill in the last week of the Session. However, the Senate Rules Committee would not support the amendment and remanded the bill to Judiciary where it sat. Both the popular adoption bill and RFRA amendment appeared dead for the Session. The House next attached the adoption bill to another Senate matter and passed it unanimously. Thus, the adoption bill was poised for a celebratory passage as the last bill of the year, but the Senate could not move the Senate bill without a vote on the religious freedom Amendment.

These issues are described below in more depth. 2017 was a good, but quiet, year, perhaps ending on a disappointing note. Next year will be different as Governor Deal enters his final year and multiple candidates vie for the statewide elected posts. But Georgia continues to

distinguish itself for its serious efforts on criminal justice, welfare reform, restoration of education funding, and improvements in mental health. An interest in Medicaid changes and perhaps expansions was postponed by the lack of Congressional action on the reform and replacement of Obamacare, the Affordable Care Act. Large new revenues loom, but current obligations will consume huge portions of it.

We are pleased to provide you with an overview of many of the bills which we worked or followed this Session. We have also included in our Report some of the many initiatives which could be tackled in the 2018 Session.

AGRICULTURE

Legislation Passed

HB 290 – Rep. Sam Watson (R-Moultrie) introduced this ad valorem property tax exemption legislation amending O.C.G.A. § 48-5-41.1. It revises definitions relating to qualified farm products and harvested agricultural products, adding definitions for the terms, 'agricultural equipment' and 'lease-purchase agreement.' Governor Deal signed this bill as **Act Number 192**; it takes effect on July 1, 2017.

SB 69 – Sen. John Wilkinson (R-Toccoa) offered this bill which amends O.C.G.A. § 2-21-4(e) concerning the packaging and labeling and registration of organic products and certifying entities. It eliminates the registration requirement with the Department of Agriculture, which has been in place since January 1, 2003, for persons who produce, process, distribute, or handle in Georgia any advertised, promoted, identified, tagged, stamped, packaged, or labeled organic food or feed ingredient, article, commodity, or product. The law still requires, however, certifying entities to be registered. Governor Deal approved this measure as **Act Number 232**; it takes effect on July 1, 2017.

SB 78 – Sen. Lee Anderson (R-Grovetown) offered this legislation addressing O.C.G.A. § 26-2-34, relating to the adulteration and misbranding of food, to authorize the Commissioner of the Department of Agriculture to issue a variance or waiver to any rule promulgated pursuant to the Code Section when that person subject to the rule demonstrates "that the purpose of the underlying statute upon which the rule is based can be or has been achieved by other specific means which are agreeable to the person seeking the variance or waiver and that strict application of the rule would create a substantial hardship to such person." The term, 'substantial hardship,' is a "significant, unique, and demonstrable economic, technological, legal, or other type of hardship to the person requesting a variance or waiver which impairs the ability of the person to continue to function in the regulated practice or business." Governor Deal signed this initiative as **Act Number 233**, and it takes effect on July 1, 2017.

ALCOHOLIC BEVERAGES

Legislation Passed

HB 485 – Rep. Mike Glanton (D-Jonesboro) proposed this legislation that addresses referendum requirements for the sales of distilled beverages in Chapter 4 of Title 3. In part, the legislation adds a new Code Section at O.C.G.A. § 3-4-24.2 which states: "The commissioner may issue licenses for the manufacture or distribution of distilled spirits in any county or municipality of this state in which licenses for such activity have been authorized and issued in accordance with the adoption of a resolution or ordinance by the local governing authority of such county or municipality. The local governing authority of a county or municipality issuing licenses pursuant to this Code section shall within its jurisdiction have the authority to determine the location of any licensed businesses, not inconsistent with this title." It adds now in a newly numbered O.C.G.A. § 3-4-46(b) that in the event an election referendum is held and a majority of the votes cast are against the issuance of licenses for the package sale of distilled spirits, then no new licenses for the package sale of distilled spirits within the political subdivision conducting the referendum are to be issued. Further, any existing licensee issued a license for the package sale of distilled spirits is to be prohibited, effective upon the expiration of such license, from engaging in any package sales of distilled spirits within the political subdivision. Governor Deal signed this initiative into law as **Act Number 277** on May 9, 2017; it took effect on that date.

HB 510 – Rep. Calvin Smyre (D-Columbus) authored this bill which repeals O.C.G.A. § 3-3-21(d), relating to provisions concerning population requirements and the measurement of certain distances for sales of alcohol. Specifically, this elimination affects counties which have a population of not less than 175,000 nor more than 195,000, according to the United States decennial census of 1970 or any future such census, and the distances where alcohol may be sold by businesses in relation to churches and schools. (Supposedly only Hall and Muscogee Counties are impacted by the passage of this legislation.) Governor Deal approved this measure as **Act Number 269**; it takes effect on July 1, 2017.

SB 85 – Sen. Rick Jeffares (R-McDonough) introduced this legislation addressing Georgia's alcohol laws in Title 3. Some of the changes imposed include:

- O.C.G.A. § 3-4-1(1) with a definition of the term, 'barrel,' which means 53 gallons.
- O.C.G.A. § 3-4-24(e) which is eliminated concerning the issuance to fruit growers of license to manufacture distilled spirits, storage, and disposition, limitations upon manufacture and sale, issuance of manufacturer's or distiller's license in certain counties or municipalities, educational and promotional tours, and tasting room limitations for certain licenses (this elimination relates to the manufacturer or distiller issued a license and ability to provide educational and promotional tours).
- O.C.G.A. § 3-4-24.1(e) is also eliminated.
- O.C.G.A. § 3-4-24.2 is added to provide a limited exception to the provisions of Title 3 providing a three-tier system for the distribution and sale of distilled spirits to the extent that the license to manufacture distilled spirits in Georgia shall include the right

to sell up to 500 barrels of distilled spirits per year at the licensed premises to individuals who are on the premises for (1) consumption on the premises; and (2) consumption off the premises provided that such sales for consumption off the premises is not to exceed a maximum of 2,250 milliliters of distilled spirits per consumer per day. It also outlines when these sales may be made and at what prices such products may be sold.

- O.C.G.A. § 3-4-180, regarding tastings of distilled spirits, definitions, general provisions, probated sales, and administration is reserved.
- O.C.G.A. § 3-4-61(a) is amended so as to provide that taxes imposed are to be paid by the licensed distiller for distilled spirits served or sold by the distiller directly to the public.
- O.C.G.A. § 3-5-1, concerning malt beverages, defines 'barrel' as 31 gallons.
- O.C.G.A. § 3-5-24.1 provides for a limited exception from the three-tier system for the distribution and sale of malt beverages to the extent that the license to manufacture malt beverages in Georgia include the right to sell up to 3,000 barrels of malt beverages per year produced at the brewer's licensed premises to individuals who are on such premises for: consumption on the premises; and consumption of the premises provided that the sales for consumption off the premises are not to exceed a maximum of 288 ounces of malt beverages per consumer per day. The change also outlines when such sales may be made as well as information on remittance of taxes.
- O.C.G.A. § 3-5-36(4), concerning the brewpub exception to three-tier distribution system, so that a brewpub license holder is not prohibited from selling wine or malt beverages by the package for consumption off the premises where so permitted by resolution or ordinance of the county or municipality.
- O.C.G.A. § 3-5-38 is stricken and reserved (relating to the free tasting of malt beverages during educational promotional brewery tours).
- O.C.G.A. § 3-5-81, concerning payment of taxes by wholesale dealers, adds at subsection (a) that the excise taxes provided are to be imposed upon and "shall be paid by the licensed wholesaler dealer in malt beverages; provided, however, that such taxes shall be imposed upon and shall be paid by the licensed brewer for malt beverages served or sold by the brewer directly to the public pursuant to Code Section 3-5-24.1."

Governor Deal approved SB 85 as **Act Number 178** and it takes effect on September 1, 2017.

SB 226 – Sen. Butch Miller (R-Gainesville) offered the legislation to address regulation of alcoholic beverages. It changes provisions relating to annual production requirements for Georgia farm wineries in O.C.G.A. § 3-6-21.1. Under current law, a farm winery license is authorized to acquire and receive deliveries and shipments of wine in bulk from out-of-state producers and shippers in an amount not to exceed 20 percent of its annual production provided that the Georgia farm winery licensee receiving such shipment(s) files timely reports. This increases the amount to 40 percent of annual production. Governor Deal signed this initiative as **Act Number 273**. The legislation took effect upon signature on May 9, 2017.

Legislation Not Passed

SB 17 – Sen. Renee Unterman (R-Buford) offered this bill to amend Georgia's alcohol laws to permit expanded times for alcohol to be sold on Sundays. It was known as the "Brunch Bill" and would have amended O.C.G.A. § 3-3-7(s) so that "all counties or municipalities in which the sale of alcoholic beverages is lawful for consumption on the premises, the governing authority of the county or municipality, as appropriate, may by adoption of a resolution or ordinance authorize the sale of alcoholic beverages for consumption on the premises on Sundays from 10:30 A.M. until 12:00 Midnight." This initiative remained in the Senate Regulated Industries and Public Utilities Committee. [Sen. Bill Cowsert had indicated prior to the commencement of the 2017 Session that such legislation would be unlikely to pass this year.]

ANIMALS

Legislation Not Passed

HB 40 - Rep. Scot Turner (R-Holly Springs) proposed this legislation, which would have amended O.C.G.A. § 24-12-31 to require that veterinarians disclose the rabies vaccination history of any animal in their care within 24 hours of receiving a written request by the physician of any bite victim. HB 40 was passed by the House, but remained in the Senate Agriculture and Consumer Affairs Committee.

HB 288 - Rep. Tom Kirby (R-Loganville) authored this legislation at O.C.G.A. § 30-4-1 which would have given physically or mentally impaired persons the right to be accompanied by a service animal in public places without being required to pay an extra charge. Further, at O.C.G.A. § 30-4-2 it provided that physically or mentally impaired persons must have access to housing accommodations without being required to pay extra. A physically or mentally impaired person was defined as any person, regardless of age, who is unable or substantially limited in his or her ability to perform one or more major life activities, including ambulating, seeing, hearing, learning, working, or socializing. Finally, at O.C.G.A. § 30-4-4, it allowed the Department of Human Services to authorize private service organizations to provide physically and mentally impaired persons with an information card that outlines their rights. HB 288 remained in the House Judiciary Non-Civil Committee.

APPEAL AND ERROR

Legislation Not Passed

HB 62 – Rep. Jay Powell (R-Camilla) proposed to amend O.C.G.A. § 5-6-34 providing that appeals might be taken to the Supreme Court and the Court of Appeals from all judgments or orders deemed directly appealable to the Supreme Court. The legislation was recommitted to the House Ways and Means Committee where it remained.

AVIATION

Legislation Passed

HB 481 – Rep. Kevin Tanner (R-Dawsonville) introduced this measure addressing "drones." It adds a new Code Section at O.C.G.A. § 6-1-4 and defines the term, 'unmanned aircraft system' as a: "powered, aerial vehicle that: (A) Does not carry a human operator and is operated without the possibility of direct human intervention from within or on the aircraft; (B) Uses aerodynamic forces to provide vehicle lift; (C) Can fly autonomously or be piloted remotely; and (D) Can be expendable or recoverable." It does not include a satellite. Any ordinance, resolution, regulation, or policy of any county, municipality, or other political subdivision regulating the testing or operation of unmanned aircraft systems are deemed preempted and are null, void, and of no force and effect; "provided, however, that a county, municipality, or other political subdivision of this state may: (1) Enforce any ordinance that was adopted on or before April 1, 2017; (2) Adopt an ordinance that enforces Federal Aviation Administration restrictions; or (3) Adopt an ordinance that provides for or prohibits the launch or intentional landing of an unmanned aircraft system from or on its public property except with respect to the operation of an unmanned aircraft system for commercial purposes. It also allows the State, through agency or departmental rules and regulations, provide for or prohibit the launch or intentional landing of an unmanned aircraft system from or on its public property. Governor Deal signed this bill as **Act Number 268**; it takes effect on July 1, 2017.

BANKING AND FINANCE

Legislation Passed

HB 143 – Rep. Bruce Williamson (R-Monroe) authored this Title 7 legislation, addressing Georgia's banking and financial institutions laws. This legislation came about after a three-year study on banking laws. It does include:

- a new for the term, 'statutory capital base' in O.C.G.A. §7-1-4 (35);
- permission for the Department to prescribe fees to be paid for examinations of a person or corporation that performs financial services for a financial institution in O.C.G.A. § 7-1-72(e);
- a new for legal lending limits in O.C.G.A. § 7-1-285;
- a new Code Section at O.C.G.A. § 7-1-316 to address trust companies and a required irrevocable letter of credit or pledge of securities;
- in O.C.G.A. § 7-1-317 that the Department may require that a trust company maintain a minimum amount of capital of no less than $3 million;
- permission for the Department to directly examine third-party service providers;
- the State-chartered institutions the ability to conduct business on Sundays, allowing them parity with national banks in O.C.G.A. § 7-1-294;
- permission for minors (who is at least the age of 16) to have electronic access to accounts in O.C.G.A. § 7-1-351;
- subpoena powers of the Department in O.C.G.A. § 7-1-66;

- pay-by-phone fees or "convenience fees" in O.C.G.A. § 7-1-239.6;
- issuance of subordinated debt in O.C.G.A. § 7-1-419;
- changes on the removal of board members from financial institutions in O.C.G.A. § 7-1-485(b) (e.g. failure to attend regular meetings of the board for six successive monthly meetings or two successive quarterly meetings (if approved by the Department); if the director has been indicted for any crime involving moral turpitude, dishonesty, or breach of trust; or the director has failed to make payments on a loan or other extension of credit which has caused a loss to the financial institution);
- increases the bond amount required for mortgage brokers from $50,000.00 to $150,000.00 in O.C.G.A. § 7-1-1003.2(a) and increases the bond required for a mortgage lender in subsection (b) of that Code Section from $150,000.00 to $250,000.00.

Governor Deal approved this bill as **Act Number 57**. The changes imposed become effective on the first day of the month following the month in which it is approved by Governor Deal. There is one exception and that is relating to Section 24 of the legislation, increasing the surety bond amounts for mortgage brokers and mortgage lenders, and those increases take effect on December 31, 2017.

HB 192 – Rep. Beth Beskin (R-Atlanta) introduced this initiative addressing O.C.G.A. § 7-1-490, O.C.G.A. § 14-2-830, and O.C.G.A. § 14-2-842. The legislation amends the responsibilities and standard of care of directors and officers of banks, trust companies, and corporations as well as to clarify the ability of directors and officers to rely on other individuals in the performance of their duties. This legislation came about as a result of a *FDIC v. Loudermilk, 761 SE 2d 332 (GA 2014)*. That case stated that directors and officers would be held accountable for their decisions under a "gross negligence standard of care," while being held accountable for their decision-making process under an "ordinary negligence standard of care." This legislation eliminates the two standards and requires that the decision making process and the decision be determined under the "gross negligence standard." Governor Deal signed this initiative as **Act Number 248**. The Legislation takes effect on July 1, 2017 and relates to causes of action arising on or after that date.

Legislation Not Passed

HB 12 – Rep. Jeff Jones (R-Brunswick) authored this legislation which would have amended O.C.G.A. § 7-1-699 to provide that financial institutions may impose fees on money transmission transactions, including a $10 fee for transactions under $500 and a two percent fee for transmissions over $500. It would have provided for a tax credit at O.C.G.A. § 48-7-64 for people who paid the transmission fee. HB 12 was never assigned to a Committee.

HB 66 – Rep. Jeff Jones (R-Brunswick) proposed requiring financial institutions to collect a fee on each money transmission transaction within the United States or to a location abroad. There would be a ten dollar fee on transactions less than $500 and a two percent fee on transactions greater than $500. At O.C.G.A. § 48-7-64, it would have established a tax credit

for fees associated with the transaction fee. HB 66 remained in the House Ways and Means Committee.

HB 523 - Rep. Brian Strickland (R-McDonough) introduced this effort which sought to amend O.C.G.A. § 7-3-9 to prohibit the issuance of any industrial loan within three miles of any U.S. military base or facility. It proposed to amend O.C.G.A. § 7-3-13 to prohibit any licensee from providing a payment instrument to any person other than a borrower that has previously entered into a contract. Lastly, it would have amended O.C.G.A. § 7-3-14 to require a licensee to disclose the exact dollar amount of the commission to be received as a result of any insurance product sold on any loan at a licensed location where the percentage of borrowers that accepted such insurance product in the prior calendar year exceeded 50 percent and would require continued disclosure until the percentage of borrowers accepting such products fell below 50 percent. HB 523 passed through the House and remained in the Senate Banking and Finance Committee.

HB 620 – Rep. Earl Ehrhart (R-Powder Springs) authored this legislation which would in part address O.C.G.A. § 7-3-9, regarding the standards to be used in the issuance of a license to an industrial loan entity. It would have further amended O.C.G.A. § 7-3-14(3) to require submission of disclosure statements on loan contracts outlining any fee or commission received as a result of the sale of an insurance product on such loan. It remained in the House Regulated Industries Committee.

SB 134 – Sen. David Shafer (R-Duluth) introduced his "Save, Earn, Win Act." It proposed, in part, a new Code Section at O.C.G.A. § 7-1-239.10 which proposed that a bank or credit union could conduct a savings promotion raffle, provided that the raffle was conducted in a manner that would not: "(1) jeopardize the ability of the bank or credit union conducting the savings promotion raffle to operate in a safe and sound manner; or (2) mislead depositors about the chances of winning." The legislation passed out of the Senate and through the House Banking and Financial Institutions Committee. It was placed on the House Rules Calendar for March 28 but action was postponed and nothing further took place. Thus, the bill failed.

SB 198 – Sen. Elena Parent (D-Atlanta) authored this bill to amend O.C.G.A. § 7-3-13, changing provisions relating to advertising of industrial loans. Presently, no person is permitted to advertise, display, distribute, or broadcast in any manner whatsoever any false, misleading, or deceptive statement or representation with regard to the rates, terms, or conditions for loans in Chapter 3 of Title 7. It sought to add in this bill at subsection (b) that: "No licensee shall provide a payment instrument to any person other than a borrower who has previously entered into a contract pursuant to this chapter." Further it proposed to add at subsection (c): "For purposes of this Code section, the term 'payment instrument' means any check, money order, draft, or negotiable demand instrument which, when redeemed by the person named on such instrument, results in a contract with the issuer." It remained in the Senate Banking and Financial Institutions Committee.

CARDIAC CARE CENTERS

Legislation Passed

SB 102 – Sen. Butch Miller (R-Gainesville) authored this initiative which came about due to a Study Committee on Emergency Cardiac Care Centers in 2016. That Study indicated that 79,901 Georgians died in 2015 and of those 23.6 percent were the result of cardiovascular disease (excluding stroke). This legislation establishes in new Article 7 of Chapter 11 of Title 31. In the new language, the Department of Public Health is to create an Office of Cardiac Care and a designation process for hospitals' emergency cardiac care centers. There are three levels for these centers based upon the services provided (e.g. a Level I has: cardiac catheterization and angioplasty facilities available 24/7 365 days of the year; on-site cardiothoracic surgery available 24/7 365 days of the year; established protocols for therapeutic hypothermia for out-of-hospital cardiac arrest patients; the ability to implant percutaneous left ventricular assist devices for support of hemodynamically unstable patients experiencing out-of-hospital cardiac arrest or heart attack; neurologic protocols to measure functional status at hospital discharge; and the ability to implant automatic implantable cardioverter defibrillators). These "centers" are encouraged to coordinate, through written agreement, with other level emergency cardiac care centers across the State to provide appropriate access to care for cardiac patients (this includes transfer agreements for the transport and acceptance of patients as well as communication criteria and protocols between the emergency cardiac care centers). Hospitals are to apply for designation as an emergency cardiac care center, demonstrating the satisfaction of the criteria for the level requested. The Office of Cardiac Care can suspend or revoke a hospital's designation after notice and hearing. The Office of Cardiac Care is required to establish a data reporting system and analyze the statewide data and make improvements on processes and protocols to implement necessary best practices to improve cardiac care to patients. An annual report is to be posted on the Office of Cardiac Care's website and also be sent to the Governor, President of the Senate, and Speaker of the House; results may be used by the Office to conduct training with the hospitals regarding best practices. Grants are to be awarded to encourage and ensure the establishment of emergency cardiac care centers, subject to appropriations from the General Assembly. Beginning June 1, 2018, the Office of Cardiac Care is to provide a list of emergency cardiac care centers designated by the Office to the medical director of each licensed emergency medical services provider as well as maintain such list in the Office and on the Office's website. It also requires that the Office adopt or develop a sample emergency cardiac care triage assessment tool and distribute such to licensed emergency medical services providers no later than December 31, 2017. Governor Deal signed this legislation as **Act Number 105**. The changes from SB 102 take effect on July 1, 2017.

CHILD WELFARE

Legislation Passed

HB 359 – Rep. Barry Fleming (R-Harlem) authored this year's "Supporting and Strengthening Families Act" which a version had previously been championed by Sen. Renee Unterman (R-

Buford). The legislation adds a new Article 4 in Chapter 9 of Title 19, beginning at O.C.G.A. § 19-9-120 et seq. The new proposal permits a parent to execute a notarized, written power of attorney so as to allow a parent to give delegation of authority over a child to another individual (a relative who resides in the State or is approved as an agent by a licensed child placing agency or a nonprofit entity that is focused on child or family services and that is in good standing with the Internal Revenue Service). This care authorization is limited to one year. Language is included to address delegations of the caregiving authority to a grandparent which may be unlimited in time and there is also extra time permitted, if the parent providing the delegation, is an active military personnel so that he or she can allow for the caregiving for the deployment but that such delegation is not to exceed the term of deployment plus 30 days. The agent granted this custody does not need court approval and that individual may act in the best interests of the child – including getting medical, dental or mental health care for the child. There is a notice provision for the parent to notify the non-custodial parent of his or her intention to execute this power of attorney and the non-custodial parent does have an opportunity to object (within 21 days of receiving the notice). Such placement is not to be considered as placing the child in foster care or as an out-of-home placement. Governor Deal, however, **vetoed** this initiative on May 9, 2017 as **Veto Number 4**. He stated in his veto message that while "well intentioned," the legislation "creates a parallel and unchecked system to our Department of Family and Children Services unintentionally placing children at risk." This power of attorney circumvents current law "granting a power of attorney for a child to an individual, or even a non-profit corporation, with no oversight." Further, he stated that "the State should consider all options that help in streamlining the process for a child to be adopted, or placed in a loving home or improved foster care environment; however, creating a parallel system in which DFCS has no oversight runs contrary to the progress the State has made in strengthening our child welfare system." His message also urged that supporters of this legislation, leadership in the House and Senate as well as the child welfare advocacy community work together – especially as lawmakers were not successful in passing the comprehensive revisions to Georgia's adoption laws – on a proposal to streamline Georgia's adoption process.

HB 391 – Rep. David Clark (R-Buford) authored this initiative amending Georgia's "Safe Place for Newborns Act of 2002" in Chapter 10A of Title 19. Specifically, it expands the locations where a newborn child up to 30 days of age can be left by a mother. Current law allows the mother to leave the child up to one week in age with an employee, agent, or member of the staff of a medical facility. This law expands such locations to also include a fire station or police station. If the mother leaves the child, she will not be prosecuted for violating O.C.G.A. § 16-12-1 or O.C.G.A. § 19-10-1. The mother may show proof of her identity to the person with whom the newborn is left and may provide her name and address. Changes included in HB 391, which became **Act Number 202**, take effect on July 1, 2017.

SB 168 – Sen. Butch Miller (R-Gainesville) authored these changes to Georgia's child abuse records. The bill amends O.C.G.A. § 49-5-41(c) so that a 'licensed child-placing agency,' 'licensed child caring institution,' 'licensed adoption agency of Georgia or other State which is placing a child for adoption,' or an investigator appointed by a court of competent jurisdiction of this State is permitted to investigate a pending petition for adoption – under current law, it

does not permit that a licensed adoption agency can make such investigation. It further permits accessing and sharing of records electronically between local and State law enforcement agencies, Department of Community Supervision, probation officers, Department of Corrections and Department of Juvenile Justice when they are providing services to those who also are receiving services from the Department of Human Services and Division of Family and Children's Services. The legislation also amends O.C.G.A. § 49-5-185 regarding access to the child abuse registry, broadening who has access to that registry. It includes an abuse "investigator who has investigated or any federal, federally recognized tribal, State or local governmental entity of this or any other state or any agent of such governmental agencies which is investigating or responding to a report of a case of possible child abuse or is investigating a case of possible child abuse and who shall only be provided information relating to such case for purposes of using such information in such investigation." It also allows child-placing entities conducting foster and adoptive parent background checks and any entity licensed by another state to place children for adoption access for the purposes of conducting background checks on adoptive parents or prospective adoptive parents. Governor Deal approved this legislation as **Act Number 170**. The changes take effect on July 1, 2017.

SB 175 – Sen. John Kennedy (R-Macon) offered this initiative to enact reforms recommended by the Georgia Council on Criminal Justice Reform concerning juvenile court proceedings. The legislation provides:

- A new Code Section at O.C.G.A. § 15-11-29.1, addressing proceedings involving a child in need of services or a delinquent child or when a case plan has been imposed pursuant to O.C.G.A. § 15-11-38 and O.C.G.A. § 15-11-39, upon the application of the prosecuting attorney or a party to the plan under O.C.G.A. § 15-11-38 and O.C.G.A. § 15-11-39, or on the court's own motion, the court may issue an order restraining or otherwise controlling the conduct of such child's parent, guardian, or legal custodian so as to promote such child's treatment, rehabilitation, and welfare, provided that due notice of the application or motion and the grounds for such and an opportunity to be heard has been given to the parent, guardian, or legal custodian. It also outlines what the court is to consider if an order is appropriate (what is in the best interest of the child; what is the public safety risk such delinquent child poses; evidence of a repeated pattern of behavior of the child; and extent to which enhanced involvement and supervision of such child may ameliorate public safety concerns). It also outlines what an order issued may require the parent, guardian or legal custodian do (e.g. monitor the child's school homework and studies after school; attend school meetings as requested by the teacher, counselor or school administrator; participate with the child in any counseling or treatment; pay restitution; enter into an successfully complete a substance abuse program approved by the court; etc.). These orders may be modified, extended, or terminated if it is found in the best interests of the child and the public. Also, an order may be enforced by citation to show cause for contempt of court by reason of any violation and when the protection of the welfare of the child requires.
- It amends current law in O.C.G.A. § 15-11-39, concerning risk assessments or risk and needs assessments for community-based risk reduction programs, and adds a subsection

(f) permitting in any jurisdiction within which a risk reduction program has been established that a court may issue an order authorized in O.C.G.A. § 15-11-29.1.

- It also amends O.C.G.A. § 15-11-442(b), addressing disposition hearings for a child in need of services, to also bring in the orders authorized in O.C.G.A. § 15-11-29.1. It also makes similar changes in O.C.G.A. § 15-11-601(a) and adds a new paragraph (12) for those orders issued under O.C.G.A. § 15-11-29.1 in dispositions of a delinquent act.
- It adds at O.C.G.A. § 15-11-653(d), concerning the evaluation of a child's mental condition, so as to require a recommendation as to the least restrictive setting in which competency remediation services may be effectively provided in such child if he or she is in a secure residential facility or nonsecure residential facility and how such detention is to continue.
- It amends O.C.G.A. § 15-11-656(d), concerning the disposition of an incompetent child, so that a child may be placed in a facility or program authorized or designated by the Department of Behavioral Health and Developmental Disabilities if the court makes a finding by clear and convincing evidence that all available less restrictive alternatives, including treatment in community residential facilities or community settings which would offer an opportunity for improvement of a child's condition, are inappropriate (currently, a child may be placed in a crisis stabilization unit or a psychiatric residential treatment facility (including Department of Juvenile Justice facilities). In subsection (g), it outlines actions to be taken if it is determined that the child is incompetent to proceed or if the child is unrestorably incompetent to proceed and where that child is to be detained.

Governor Deal signed this legislation as **Act Number 227**; it takes effect on July 1, 2017.

SB 186 – Sen. Lindsey Tippins (R-Marietta) authored this legislation which became a "vehicle" for Rep. Stacey Abrams's (D-Atlanta) legislation addressing kinship caregivers' consent for children residing with such caregivers. Rep. Abrams's bill was HB 331 and it remained in the Senate Health and Human Services Committee. SB 186 adds eligibility requirements for a HOPE grant in O.C.G.A. § 20-3-519.5(a.1) for students who have earned a high school diploma through dual credit coursework are eligible for such HOPE grant towards an associate's degree at a branch of the Technical College System of Georgia. Section 2 of the legislation adds a new Article 1A in Chapter 1 of Title 20, creating "The Caregiver Educational Consent Act." This allows the "kinship caregiver" which is a grandparent, great-grandparent, aunt, uncle, great aunt, great uncle, cousin, sibling, or fictive kin, who has assumed responsibility for raising a child and not in custody of the Division of Family and Children's Services, to give legal consent for the child to: (1) receive any educational services; (2) receive medical services directly related to academic enrollment; or (3) participate in any curricular or extracurricular activities through a notarized affidavit as prescribed in O.C.G.A. § 20-1-18. Governor Deal signed this legislation as **Act Number 35**; it takes effect on July 1, 2017.

Legislation Not Passed

HB 159 - Rep. Bert Reeves (R-Marietta) addressed Georgia's adoption laws in this legislation at Chapter 8 of Title 19. It proposed, in O.C.G.A. § 19-8-2(b), the process for a child who has been placed for adoption with an individual who was a resident of another state in compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the Placement of Children. It lowered the age that an individual must be to adopt a child to 21 years of age in O.C.G.A. § 19-8-3(a)(1). It further amended the 10-year age difference exception, so that it would not apply when the petitioner was a stepparent or relative and the petition was filed pursuant to O.C.G.A. § 19-8-6 or O.C.G.A. § 19-8-7. The House passed this bill; however, the Senate recommitted HB 159 after a religious freedom amendment was added in the Senate Judiciary Committee.

HB 307 - Rep. Sandra Scott (D-Rex) authored this legislation to enact the "Higher Education Access and Success for Homeless and Foster Youth Act" in O.C.G.A. § 20-3-66. It updated the definitions of 'student from a foster home situation' and 'student from a homeless situation' so these students are classified as "in-state" for tuition purposes and allowed them to maintain such classification until completion of a baccalaureate degree. Further, at O.C.G.A. § 20-3-330 it excluded State funded foster care assistance as "income" for the purposes of calculating financial aid or determining need. HB 307 remained in the House Higher Education Committee.

HB 330 - Rep. Stacey Abrams (D-Atlanta) authored this bill which would have amended O.C.G.A. § 15-11-211(c) regarding the relative search by the Division of Family and Children's Services (DFCS) of the Department of Human Services. It specified additional information to be provided in the notice to relatives. Further, the notice would also have required "the contact information for a regional DFCS case worker qualified to assist a kinship caregiver or the contact information for a director of a county or district department of family and children services." HB 330 remained in the Senate Health and Human Services Committee.

HB 331 - Rep. Stacey Abrams (D-Atlanta) proposed this legislation, which would have also been known as the "Caregiver Educational Consent Act" created at O.C.G.A. § 20-1-16. It would have allowed kinship caregivers to give legal consent for a child residing with such kinship caregiver to receive educational services and medical services directly related to academic enrollment and to participate in curricular or extracurricular activities for which parental consent is usually required. The legislation also addressed liability issues when a person acted in good faith reliance on a properly executed kinship caregiver's affidavit. The form for such "kinship caregiver's affidavit" was proposed to be included at O.C.G.A. § 20-1-18. HB 331 remained in the Senate Health and Human Services Committee. [See SB 186 which was passed and became **Act Number 35**.]

HB 293 - Rep. Deborah Silcox (R-Sandy Springs) authored this bill to amend O.C.G.A. § 24-8-820, relating to testimony of a child's description of sexual contact or physical abuse, by adding an effective date for the Code section. HB 393 passed through the House chamber, but

was not called for a vote in the Senate. The legislation remained in the Senate Rules Committee.

SB 130 – Sen. Blake Tillery (R-Vidalia) offered this bill which originally addressed O.C.G.A. § 15-11-103(g), relating to the right to an attorney in juvenile proceedings. Under current law, a party other than a child is to be informed of his or her right to an attorney prior to any hearing. A party other than a child is also to be given an opportunity to: "(1) Obtain and employ an attorney of such party's own choice; (2) Obtain a court appointed attorney if the court determines that such party is an indigent person; or (3) Waive the right to an attorney." This legislation added that the waiver could only be done if made knowingly, voluntarily, and on the record. The House, frustrated over the Senate Judiciary Committee's lack of action on the adoption law update (HB 159), which has been worked on for over two years, added the language from that bill by Rep. Bert Reeves (R-Marietta) to SB 130. HB 159 had been amended in the Senate Judiciary Committee with a religious freedom amendment which caused concern by many under the Gold Dome. Sen. Tillery's legislation, thus, passed the Senate and House but no further action was taken by the Senate to address changes made by the House as they did not wish to have a full debate on religious freedom on the last night of the Session. Therefore, the legislation failed.

CIVIL PRACTICE

Legislation Passed

SB 46 – Sen. William Ligon, Jr. (R-Brunswick) introduced this legislation which originally addressed tort actions involving space flight activities in Title 51. In the end, SB 46 addresses Titles 9, 44 and 46 regarding condominium associations and language relating to telephone cooperatives. Much of the language regarding telephone cooperatives was originally contained in HB 413 by Rep. Don Parsons (R-Marietta) which as passed did not contain such language. The final version of SB 46:

- Revises current law at O.C.G.A. § 9-3-29(c) concerning limitations of actions relative to breach of restrictive covenant so that the right of action "shall accrue immediately upon the erection of a permanent fixture which results in a violation of the covenant restricting lands to certain uses or the violation of a set-back line provision." It also now ads that when an "alleged violation or complaint is based upon a continuous violation of the covenant resulting from an act or omission, the right of action shall accrue each time such act or omission occurs."
- Adds at O.C.G.A. § 44-3-89 a new subsection (c) regarding expansion of condominiums and amendments to declarations – it provides for an expansion of a condominium after the declarant's right to expand has expired and the process to allow for such (requiring that two-thirds of unit owners votes). The legislation also addresses subsection (c) of O.C.G.A. § 44-3-101 and allows the right to control of the condominium association pass to the unit owners if the declarant fails to do any of the following: (A) incorporate or maintain an annual registration; (B) cause the board of directors to be duly appointed and the officers to be elected; (C) maintain and make

available to owners, upon written request, a list of names and business or home addresses of the association's current directors and officers; (D) call meetings of the members of the association pursuant to its bylaws at least annually; (E) prepare an annual operating budget and establish the annual assessment, and distribute the budget and notice of assessment to owners no later than 30 days after the beginning of the association's fiscal year; or (F) pay property taxes on common property of the condominium for two or more years. It also allows a derivative action to be filed if the declarant fails to cure any or all deficiencies within 30 days of notice by the owners – this action is to be filed in the superior court of the county in which any portion of the condominium is located in order to obtain a declaratory judgment to grant the owner or owners control of the association.

- Adds a new Code Section at O.C.G.A. § 44-3-232.1.
- Revises O.C.G.A. § 44-5-60 adding a new subsection (d) , relating to covenants running with the land, effect of zoning laws, covenants and scenic easements for use of public, renewal of certain covenants, and costs, so as to address planned subdivisions with no fewer than 15 individual lots and the right of control of such when there is a failure to do any of the following:(A) incorporate or maintain an annual registration; (B) cause the board of directors to be duly appointed and the officers to be elected; (C) maintain and make available to owners, upon written request, a list of names and business or home addresses of the entity's current directors and officers; (D) call meetings of the members of the entity pursuant in accordance to its covenants; (E) prepare an annual operating budget and establish the annual assessment, and distribute the budget and notice of assessment to plot owners no later than 30 days after the beginning of the entity's fiscal year; or (F) pay property taxes on common property of the planned subdivision for two or more years. This also outlines a process to file an action in superior court if there is a failure to cure deficiencies.
- Adds a new Code Section at O.C.G.A. § 44-12-236.1 relating to telephone cooperatives to address patronage dividends or capital credits held by such entities and when they are presumed to be abandoned so that such property may be donated to a nonprofit organization which supports education or economic development in the area (the telephone cooperative is to maintain on its website for at least six months a public posting of the names and last known addresses of all property owners and published the list in the legal organ of the county in which the telephone cooperative's main office is located and the last date to claim property presumed to be abandoned.
- Adds a new Code Section at O.C.G.A. § 46-5-64.1 regarding the acquisition and loss of property relating to public utilities and public transportation. Venue in proceedings against a cooperative is to be determined in accordance with the State's constitution. Unless otherwise required by the State's constitution, the cooperative may be sued only in the county of its residence.
- Amends O.C.G.A. § 46-5-78, regarding the telephone cooperative bylaws. The change allows provides the board of directors the power to alter, amend, or repeal the bylaws or adopt new bylaws.
- Adds a new Code Section at O.C.G.A. § 46-5-92.1 permitting upon the death of a member or former member, the board of directors has the authority but is not required, to pay revenues allocated but not previously paid to such member or former member.

It further outlines what that process is if the member or former member dies testate or intestate.

Governor Deal approved this legislation as **Act Number 173**; it takes effect on July 1, 2017.

SB 132 – Sen. Blake Tillery (R-Vidalia) authored this bill which addresses Georgia's Civil Practice Act in Title 9 and removes the statutory civil case filing and disposition forms and allows the Judicial Council of Georgia to promulgate such forms. See O.C.G.A. § 9-11-133. It also amends O.C.G.A. § 15-5-24(4), regarding duties of the Administrative Office of the Courts, so that in analyzing the data from civil cases, that must be done on or before the first day of October of each year. Such analysis is then to be shared with the judicial branch, agencies of the executive branch, and chairpersons of the Senate Judiciary Committee and the House Committee on Judiciary. Governor Deal signed this legislation as **Act Number 240**. The Act takes effect on January 1, 2018.

Legislation Not Passed

HB 15 – Rep. Wendell Willard (R-Sandy Springs) authored this legislation in Titles 15 and 16, which sought to amend pleading filing requirements to provide for electronic filing through a court's e-filing service provider, although it was not a requirement. Such service providers would have been able to charge a transaction fee in Civil Cases, not to exceed $7. Both House and Senate Conference Committees were appointed to work out some of the differences between chambers. No vote was taken on any Conference Committee Report.

HB 203 - Rep. Brian Strickland (R-McDonough) introduced this measure which would have addressed limitations of actions relative to breach of restrictive covenant in O.C.G.A. § 9-3-29(c) so that the right of action would accrue immediately upon the erection of a permanent fixture which results in a violation of the covenant restricting lands to certain uses or the violation of a set-back line provision. It further amended O.C.G.A. § 44-3-89 relating to the expansion of a condominium after the declarant's right to expand has expired and provided for procedures for such expansion. It remained in the Senate Judiciary Committee.

COMMERCE AND TRADE

Legislation Passed

HB 221 – Rep. Chuck Efstration (R-Dacula) carried this legislation, which is a comprehensive update to Georgia's Power of Attorney law. It enacts in a new Chapter 6B in Title 10, the "Uniform Power of Attorney Act," which outlines that the new Chapter applies to all powers of attorney *except* for those: "(1) the power to extent it is coupled with an interest in the subject of the power, including a power given to or for the benefit of a creditor in connection with a credit transaction; (2) a power to make healthcare decisions; (3) a proxy or other delegation to exercise voting rights or management rights with respect to an entity; (4) a power created on a form prescribed by a government or governmental subdivision, agency, or instrumentality for a governmental purpose; (5) transaction specific powers of attorney,

including but not limited to, powers of attorney under Chapter 6 of Title 10; and (6) powers of attorney provided for under Titles 19 and 33." The power of attorney in this Chapter is durable unless it expressly provides that it is terminated by the incapacity of the principal. Some of the additional provisions in this Chapter are:

- O.C.G.A. § 10-6B-5 requires that the power of attorney be signed by the principal or another individual in such principal's presence at the principal's express direction; attested to by one or more competent witnesses; and attested in the presence of the principal before a notary public or other individual authorized by law to administer oaths and not a witness.
- O.C.G.A. § 10-6B-8 allows a principal to nominate a conservator of the principal's estate for consideration by the court if protective proceedings for the principal's estate began after the principal executes the power of attorney.
- O.C.G.A. § 10-6B-9 states that a power of attorney becomes effective when executed unless the principal provides in the power of attorney that it becomes effective at a future date or upon the occurrence of a future event or contingency. (If it takes effect upon a principal's capacity, the law outlines what is required such as a physician or a licensed psychologist who makes that determination after an evaluation or an attorney at law, a judge or an appropriate governmental official determines that the principal is missing, detained, including incarcerated in a penal system or is outside the United States and unable to return.)
- O.C.G.A. § 10-6B-10 outlines when a power of attorney terminates (such as upon death; when the principal becomes incapacitated and the power of attorney specifically provides that it is not durable; when the agent resigns, becomes incapacitated or dies; etc.). Further, it outlines when the agent's authority terminates.
- O.C.G.A. § 10-6B-11 permits a principal the ability to designate two or more persons to act as coagents.
- O.C.G.A. § 10-6B-12 states that unless provided for, an agent is not entitled to compensation for services rendered; an agent is entitled to reasonable reimbursement of expenses incurred in performing acts required by the principal.
- O.C.G.A. § 10-6B-14 outlines expectations of the agent once he or she has accepted an appointment (e.g. act loyally for the principal's benefit; act so as not to create a conflict of interest that impairs the agent's ability to act impartially in the principal's best interest; etc.)
- O.C.G.A. § 10-6B-40 outlines what an agent under a power of attorney may do following on behalf of the principal or with the principal's property only if the power of attorney expressly grants the agent the authority and exercise of the authority is not otherwise prohibited by another agreement or instrument to which the authority or property is subject (including create, amend, revoke, or terminate an *inter vivos* trust; make a gift; create or change rights of survivorship; create or change a beneficiary designation; etc.).
- O.C.G.A. § 10-6B-43 permits, unless the power of attorney provides otherwise, that the granting general authority with respect to real property shall authorize the agent to: (1) demand, buy, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to

real property; (2) sell; exchange; convey with or without covenants, representations, or warranties; quitclaim; release; surrender; retain title for security; encumber; partition; consent to partitioning; subject to an easement or covenant; subdivide; apply for zoning or other governmental permits; plat or consent to platting; develop; grant an option concerning; lease; sublease; contribute to an entity in exchange for an interest in that entity; or otherwise grant or dispose of an interest in real property or a right incident to real property; (3) pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal; (4) release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property which exists or is asserted; and etc.

- O.C.G.A. § 10-6B-45 outlines the powers concerning an agent's authority relating to stocks and bonds.
- O.C.G.A. § 10-6B-47 provides the general authority to the agent with respect to banks and other financial institutions (e.g. continue, modify and terminate an account; contract for services available from a financial institution; withdraw, by check, order, electronic funds transfer or otherwise, money or property of the principal deposited with or left in the custody of a financial institution; enter a safe deposit box or vault; etc.).
- O.C.G.A. § 10-6B-48 outlines the authority for an agent in a power of attorney granting general authority with respect to the operation of an entity or business.
- O.C.G.A. § 10-6B-49 outlines the power of attorney authority with respect to insurance and annuities and what the agent is authorized to do.
- O.C.G.A. § 10-6B-55 outlines the general authority to the agent regarding taxes (e.g. prepare, sign and file tax returns; pay taxes due; and etc.).
- O.C.G.A. § 10-6B-70 outlines the new statutory form for the power of attorney.

The Uniform Power of Attorney initiative was supported in part by the Georgia Alzheimer's Association and AARP as a means of helping to lessen elder abuse. Governor Deal approved this bill as **Act Number 186**. It takes effect on July 1, 2017.

HB 292 – Rep. Rick Jasperse (R-Jasper) carried this year's weapons' carry proposal, incorporating several changes in Titles 10, 16 and 51. At O.C.G.A. § 10-1-439 et seq., it creates the "Georgia Firearms Industry Nondiscrimination Act." The legislation prohibits a financial services entity (bank, etc.) from refusing to provide financial services or terminate an existing financial services relationship against an entity which is engaged in the lawful commerce of firearms or ammunition products. Further, the legislation adds a new definition for the term, "knife," so that as a weapon it is a blade greater than 12 inches in length (rather than five). It also adds reciprocity language for weapons' carry privileges from other states and requires the Attorney General to maintain a webpage with a list of states whose laws recognize and give effect to a license. It also requires that the Department of Natural Resources maintain information on its website regarding where hunter education and classes and courses on instruction and gun safety are taught. It also addresses how a name change petition for a license may occur. If a person has 90 days or more remaining on their weapons

carry license and the individual requests a change (due to marriage, divorce, address change), the Department may issue a replacement for the same period before being replaced. The legislation also amends provisions relating to carrying weapons into court houses or a judicial annex and how officers/law enforcement personnel are to be screened. At O.C.G.A. § 16-11-130.2(a.1), it adds a definition for "commercial service airport" (one which receives scheduled passengers from major airline carriers). At O.C.G.A. § 51-1-55, it amends tort law to address dangerous weapons and provides an immunity from civil liability for instructors of gun safety/firearms. Governor Deal signed this legislation as **Act Number 217** on May 8, 2017. The changes in this legislation took effect upon signature by the Governor.

HB 469 – Rep. Jason Shaw (R-Lakeland) introduced this legislation addressing motor vehicle franchise practices. It makes several changes in O.C.G.A. § 10-1-641 to address dealer's predelivery preparation, warranty service and recall work obligations and requirements of each franchisor, manufacturer, or distributor. It also outlines in subsection (a)(2)(A) what is considered in the "reasonable compensation for parts and labor" and the principal factors to be considered which are the "retail rates customarily charged by the dealer and the rates for parts and labor charged by other similarly situated franchised dealers in a comparable geographic area in the State offering the same line-make vehicles." It also adds language in subsection (d) regarding "stop-sale" which is a "notification issued by a manufacturer to its franchised dealers stating that certain used motor vehicles in inventory shall not be sold or leased, at either retail or wholesale, due to a federal safety recall for a defect or a noncompliance or a federal emissions recall." It also requires in subsection (d)(2) that a "franchisor, manufacturer or distributor shall compensate its dealers for all labor and parts required by the manufacturer to perform recall repairs." The legislation also amends O.C.G.A. § 10-1-663.1(a), concerning right of first refusal, so that "notwithstanding the terms of any franchise agreement, sales and service agreement, or similar agreement, a franchisor, manufacturer, or distributor shall be permitted to exercise a right of first refusal to acquire a dealer's assets or ownership, in the event of a proposed change of ownership, or transfer of dealership assets," if certain requirements are met. In subsection (b) of that Code Section, it outlines the terms of the right of first refusal which requires the franchisor, manufacturer, or distributor have the right to assume the dealer's lease or acquire the real property on which the franchise is located on the same terms as those on which the real property or lease was to be sold or transferred to the proposed new owner unless otherwise agreed to by the dealer and manufacturer or distributor and the franchisor, manufacturer, or distributor is to assume all of the duties, obligations, and liabilities contained in the agreements that were to be assumed by the proposed new owner. Governor Deal signed this legislation as **Act Number 201**; it takes effect on July 1, 2017.

SB 147 – Sen. Michael Williams (R-Cumming) proposed changes to cemetery and funeral services to permit a cemetery or cemetery company to request a trustee to distribute income earned by an irrevocable trust fund utilizing certain unitrust distribution method provisions in O.C.G.A. § 10-14-6. In subsection (a), it defines the term, 'income,' as "(1) the net income, including the collected dividends, interest, net realized gains, and other income of the trust reduced by any expenses, including, but not limited to, taxes on income, fees, commissions, and costs; or (2) four percent of the net fair market value of the trust assets, averaged over the lesser of the three preceding years or the period during which the trust has been in existence."

In subsection (e), it outlines the steps necessary for income earned to be distributed and at (e)(2), it states that the unitrust distribution method may be used by the cemetery owner or receiver by delivering written instructions to the trustee no later than 60 days prior to when the conversion is to take place. Such notice is also to be provided to the Secretary of State. Disbursements are to be made on a monthly, quarterly, semiannual, or annual basis as agreed upon by the cemetery or cemetery company and trustee. The Secretary of State is also granted the ability to limit or prohibit any distribution based on the unitrust distribution method in instances "where investment returns and distribution practices have not resulted in sufficient protection of the perpetual care trust fund's trust principal based upon a three to five-year analysis." Governor Deal signed this measure as **Act Number 209**. It takes effect on July 1, 2017.

Legislation Not Passed

HB 78 – Rep. Dar'shun Kendrick (D-Lithonia) proposed this legislation, providing that a rule adopted under Section 18(b)(3) of the Securities Act of 1933, 15 U.S.C. Section 774(b)(3) may require a notice filing to include a copy of a federal registration statement filed with the Securities and Exchange Commission, a consent to service of process complying with O.C.G.A. § 10-5-80 signed by the issuer, and payment of a fee of $250.00. It was recommitted to the House Judiciary Committee, where it remained.

HB 82 – Rep. Sheri Gilligan (R-Cumming) proposed this amendment to O.C.G.A. § 10-1-912 that would have required that an information broker or data collector was required to provide notice in the same manner as for a breach in the security of the system when personal information maintained on individuals by such information broker was released to unauthorized persons. It remained in the House Judiciary Committee.

HB 118 - Rep. Trey Kelley (R-Cedartown) introduced this legislation that sought to amend Chapter 1 of Title 10, relating to selling and trading practices, by adding a new Article 35 entitled the "Registered Fantasy Contest Operators Act." This legislation would have required that fantasy contest operators register with the Secretary of State and pay an annual fee before offering fantasy contests in Georgia. A 'fantasy contest' was defined in the bill as a game or contest for which the value of all prizes and awards was fixed and where winning outcomes are based on individual, rather than group, performance. Finally, the bill listed a number of procedures a fantasy contest operator would be required to implement in O.C.G.A § 10-1-933. HB 118 passed through the House, but was tabled by the Senate.

HB 629 – Rep. Rich Golick (R-Smyrna) offered this initiative which sought to create a new Chapter 16 in Title 10. It would have been known as the "Georgia Civil Rights in Public Accommodations Act." At O.C.G.A. § 10-16-1, it proposed that the policy of the State of Georgia was to provide for equal enjoyment of public accommodations throughout Georgia. The main purpose of the new chapter would be to execute the policies embodied in 42 U.S.C. Section 2000a. An appointed administrator would investigate cases of alleged discrimination in public accommodations practice and issue a charge based on the findings. The board of

commissioners would conduct a hearing to consider the charges brought by the administrator. The bill remained in the House Judiciary Committee.

CONSTITUTION

Legislation Passed

SR 95 – Sen. Ellis Black (R-Valdosta) offered this Resolution for an amendment to Georgia's Constitution at Article VIII, Section VI, Paragraph IV at subparagraphs (a) and (g). It authorizes a county school district or an independent school district or districts within the county having a majority of the students enrolled within the county to call for a referendum for a sales and use tax for education and provides that the proceeds are to be distributed on a per student basis among all the school systems unless an agreement is reached among such school systems for a different distribution. Governor Deal signed this legislation as **Act Number 278** on May 9, 2017. It will not take effect until approved by voters in a referendum.

Legislation Not Passed

HB 509 - Rep. Paulette Rakestraw (R-Powder Springs) authored this legislation amending Titles 10 and 37 and adding a new Article 35 in Chapter 1 of Title 10 to be titled the "Human Trafficking Prevention Act." It sought to prohibit retailers, at O.C.G.A. § 10-1-920, from selling or leasing products that make Internet content accessible unless the product contains a digital blocking capability, which blocks access to obscene material, child pornography, revenge pornography, and websites known to facilitate prostitution. The bill also contained an accompanying amendment to Article III, Section IX, Paragraph VI(q) of the Georgia Constitution that would have allowed for remitted fees to be allocated to the Georgia Mental Health and Addiction Treatment Fund. HB 509 remained in the House Judiciary Committee.

SB 76 – Sen. Ellis Black (R-Valdosta) authored this legislation at O.C.G.A. § 48-8-143 so as to allow the net "proceeds of the sales tax for educational purposes be distributed in the manner provided under Article VIII, Section VI, Paragraph IV(g) of the Constitution unless another distribution formula is provided for in an agreement between a county school system and one or more independent school systems within such county." [See SR 95 which passed and is the Constitutional Amendment required; it became **Act Number 278**.] This enabling legislation (SB 76), however, remained in the Senate Education and Youth Committee.

CORPORATIONS, PARTNERSHIPS ANDASSOCIATIONS

Legislation Passed

HB 87 – Rep. Brad Raffensperger (R-Johns Creek) introduced this initiative providing for multiple-year registrations for corporations, partnerships and associations with the Secretary of State in Title 14. It adds a new Code Section at O.C.G.A. § 14-2-121.1, stating:

> Notwithstanding any other law to the contrary, the Secretary of State may provide for the annual registration required under this chapter to be valid for a period up to and including three years. The Secretary of State is authorized to adopt the necessary rules and regulations to implement such a registration process.

This same language is further added in Chapters 3, 4, 5, 8, 9, and 11 of Title 14. Also, the bill adds a new Article 11A in Chapter 3 of Title 14 to allow a nonprofit corporation organized in Georgia to change its jurisdiction of organization to a foreign jurisdiction. Governor Deal approved this initiative as **Act Number 47**. The legislation takes effect on July 1, 2017.

SB 148 – Sen. John Kennedy (R-Macon) offered this measure to create a new Article 11A in Chapter 3 of Title 14. It would have allowed a nonprofit corporation organized in a foreign jurisdiction to change its jurisdiction of organization to Georgia and also would have allowed for a nonprofit corporation organized in this State to change its jurisdiction of organization to a foreign jurisdiction. It cleared the Senate Judiciary Committee but remained in the Senate Rules Committee. [See HB 87 by Rep. Brad Raffensperger (R-Johns Creek) which passed and was signed as **Act Number 47** (it takes effect on July 1, 2017).]

COURTS

Legislation Passed

HB 5 – Rep. Johnnie Caldwell, Jr. (R-Thomaston) introduced this initiative addressing compensation for judges. Initially, the legislation sought to increase in O.C.G.A. § 15-11-52(c) the compensation provided to each circuit with one or more juvenile court judges so that such $85,000.00 grant would be increased to $100,000.00. It further proposed adding additional grants, in circuits where there are more than four superior court judges, in the amount of $25,000.00 per superior court judgeship exceeding four judges in that circuit and also included additional pay for circuits with part-time judges where those circuits use the State grant to pay for the part-time judges. The Senate added further changes so that Supreme Court Judges, who reside more than 50 miles or more from the judicial building in Atlanta, are to receive the same daily expense allowance as members of the General Assembly but for not more than 35 days during each term of court. See O.C.G.A. § 15-2-3(b)(3). The Senate added the same provision for Court of Appeals Judges in O.C.G.A. § 15-3-5(b)3). This legislation was signed as **Act Number 38**. The payments for the Court of Appeals and Supreme Court judges take effect on July 1, 2017. Other portions of the law take effect on July 1, 2017 if funds are appropriated; if there are no funds appropriated, the law stands to be repealed on July 1, 2017.

HB 76 – Rep. Rick Jasperse (R-Jasper) introduced this legislation changing requirements and certifications for maps, plats and plans presented for filing with the clerk of superior court in O.C.G.A. § 15-6-67. It defines the terms "condominium plan" and "plat" and requires that such filings with the clerk of superior court be submitted electronically. The legislation outlines the format for plats and condominium plans, the required data for plats, the land

surveyor certifications required for plats and other certification information required for plats. Governor Deal signed this bill as **Act Number 193**; it became effective on May 8, 2017.

HB 88 – Rep. Barry Fleming (R-Harlem) offered this legislation addressing superior and state court judges' qualifications. The legislation amends O.C.G.A. § 15-6-4, concerning superior court judge qualifications, requiring that the individual be a member in good standing with the State Bar of Georgia. Further, it states that the office of any superior court judge is to be vacated upon disbarment or suspension from the practice of law of such judge by the Supreme Court whether voluntary or involuntary and upon order of the Supreme Court providing for such removal from office. Similar provisions are made for state court judges in O.C.G.A. § 15-7-21. Governor Deal signed this bill as **Act Number 48**. This legislation takes effect on July 1, 2017.

HB 126 – Rep. Wendell Willard (R-Sandy Springs) introduced amendments to Georgia's Judicial Qualifications Commission in Chapter 1 of Title 15 which will be known as "The Judicial Qualifications Commission Improvement Act of 2017." Changes included in this legislation are:

- O.C.G.A. § 15-1-21(b) which alters the Commission membership, moving it from seven individuals to ten
- O.C.G.A. § 15-1-21(d) clarifies that as of July 1, 2017 the members currently on the Commission cease to serve but all powers, functions, and duties of the former Commission are transferred to the Commission created effective July 1, 2017 (provided however, the formal advisory opinions, pending and former complaints and disciplinary actions, records, orders, contracts, agreements with judges, and rules of the former Commission are to be retained by the Commission created effective July 1, 2017)
- O.C.G.A. § 15-1-21(e) establishes a new seven-member investigative panel and three-member hearing panel
    - Investigative panel's responsibilities are to:
        - Investigate, prosecute, and provide administer functions of the Commission
        - Promulgate rules
        - Select the director of the Commission and
        - Authorize employment of additional staff as necessary
    - Hearing panel's responsibilities are to:
        - Adjudicate formal charges filed by the investigative panel
        - Make recommendations to the Supreme Court as to disciplinary and incapacity orders and
        - Issue formal advisory opinions on its own initiative or on the recommendation of the investigative panel, subject to review by the Supreme Court, regarding the Georgia Code of Judicial Conduct
- O.C.G.A. 15-1-21(f) outlines the appointments to the Commission's investigative panel (one attorney member is appointed by the Governor; two judges are to be appointed by the Supreme Court; two members consisting of one attorney and one citizen (someone who is not an attorney or a judge but who is a Georgia registered voter) are to be

appointed by the President of the Senate; and two members consisting of one attorney and one citizen will be appointed by the Speaker of the House of Representatives). The hearing panel is to be appointed with one citizen being appointed by the Governor and one judge and one attorney to be appointed by the Supreme Court. The State Bar of Georgia may recommend to the respective appointing authorities a list of the names of individuals for consideration to serve as attorney commission members.

The legislation further outlines how the actions of the Commission are to be taken including the appointments' terms, confirmation of members, voting on actions, confidentiality of information before the Commission, and disqualifications of individuals when a Commission member may be representing a party before a judge under investigation. The bill also includes changes at O.C.G.A. § 15-9-2.1(e)(1), regarding probate court judges. It clarifies that it is unlawful for any full-time associate judge of the probate court to engage in any practice of law outside his or her role as an associate judge of the probate court; "provided however, that such prohibition shall not apply when he or she is serving as a judge advocate general or in any other military role in a reserve component of the United States Army, United States Navy, United States Marine Corps, United States Coast Guard, United States Air Force, United States National Guard, Georgia National Guard, Georgia Air National Guard, Georgia Naval Militia, or the State Defense Force." This clarification to probate judges was language from HB 185 by Rep. Christian Coomer (R-Cartersville) which remained in the Senate Rules Committee. Language from HB 126 was approved and signed as **Act Number 51** which takes effect on July 1, 2017.

HB 337 – Rep. Bruce Williamson (R-Monroe) authored this legislation creating the "State Tax Execution Modernization Act." Several changes are incorporated within this "modernization" effort including:

- O.C.G.A. § 48-2-56, relating to revenue and taxation concerning priority of liens for taxes, which in part adds at subsection (e) that liens for taxes, relating to certain income taxes, are to (1) arise and attach to all property of the taxpayer within the State as of the time a tax execution for these taxes is filed with the clerk of the superior court of the county of the last known address of the taxpayer appearing on the records of the department as of the time the State tax execution is filed; and (2) not attach to the interest of a prior bona fide purchase where a certificate of clearance is required and has been obtained or where a certificate of clearance is not required pursuant to O.C.G.A. § 44-1-18 nor be superior to the lien of a prior recorded instrument securing a bona fide debt. It also adds a part of the changes in this Code Section to a new subsection (i) so as to require that all executions, liens, releases, cancellations, or other related documents issued by the Department to be filed with the superior court clerk be filed electronically and the appropriate fees are to be paid as provided in O.C.G.A. § 15-6-77(f).
- O.C.G.A. § 48-2-59(b), relating to the appeals to the Georgia Tax Tribunal, so that in addition to a taxpayer being able to appeal by filing a petition with the Georgia Tax Tribunal or the superior court within 30 days from the date of decision by the

Commissioner, such may be filed at any time after the Department records a State tax execution pursuant to O.C.G.A. § 48-3-42.

- O.C.G.A. § 48-3-21, concerning statute of limitations for tax executions, is changed so as to eliminate State tax executions from enforcement within seven years as current law provides.
- O.C.G.A. § 48-3-28 requires that an entry of satisfaction be made on the lien docket in the office of the Clerk of the Superior Court (rather than on the execution docket) unless otherwise provided for in Chapter 3 of Title 48.
- O.C.G.A. § 48-3-40 et seq., adding a new Article 2 in Chapter 30 of Title 48, creates a uniform statewide system for filing notices of State tax executions issued by the Commissioner that are in favor of or enforced by the Department. In part, it adds at O.C.G.A. § 48-3-42(a) that "on or after January 1, 2018, the execution shall be effective as provided by law when such execution is filed by the Department with the appropriate superior court clerk." Also at (b), it adds that "all executions or writs of fieri facias issued by the Department filed or recorded on the general execution docket or lien docket of any county shall be invalid as of December 31, 2017. Any such execution or writs of fieri facias which the Department does not show as satisfied, issued in error, or otherwise withdrawn and which was last recorded or rerecorded on the general execution docket within seven years before January 1, 2018, may be renewed for a period of ten years upon the Department's filing a renewed State tax execution with the clerk of superior court on or after January 1, 2018. For priority purposes, a filed, renewed, state tax execution shall retain its original date of filing on the general execution docket or lien docket. All renewed State tax execution documents shall reflect the original date of filing."
- O.C.G.A. § 48-3-43 requires that the Department maintain information on its information management system regarding executions that is readily accessible to the public. It further establishes in subsection (b) that there is a system of "official statuses" for executions with these categories: active; withdrawn; released; refiled; and expired.
- O.C.G.A. § 48-3-44 outlines the "release status" and establishes that a "certificate of clearance issued by the Department shall be deemed an effective release of an execution." Further, the Department is to provide to the delinquent taxpayer, within 30 days of the date of payment, a notice of the release of the execution and shall also cause a release of the execution to be filed with the appropriate superior court clerk.
- O.C.G.A. § 15-6-97.3 requires that the Georgia Superior Court Clerks' Cooperative Authority, or its designated agent, is to revise the statewide uniform automated information system for real and personal property records as provided in O.C.G.A. § 15-6-97 to provide for the inclusion in such system functionality for State tax executions and renewed State tax executions electronically filed with the clerk of the superior court.
- O.C.G.A. § 44-1-18 adds at subsection (b) that "prior to the conveyance of real property upon which a title is transferred, any holder of a fee simple interest in real property, licensed attorney at law, or title insurance company shall be entitled to, upon request from the Department: (1) a certificate of clearance or (2) a statement of lien." It further outlines in this Code Section how requests for certificate of clearance are to

be made to the Department (e.g. in writing; information about the property; information about the requestor such as name, address, email and telephone number; etc.).

- O.C.G.A. § 44-2-2, concerning duties of clerks to record property transactions" are changed to require that the clerk of superior court file, index and permanently record State tax executions and State tax execution renewals. It also outlines the specifics to be followed in indexing these documents.

Governor Deal signed HB 337 as **Act Number 257**. The Act takes effect on January 1, 2018.

SB 95 – Sen. Jesse Stone (R-Waynesboro) introduced this measure addressing the selection of jurors. It amends O.C.G.A. § 15-12-40.1 concerning selection of jurors and the statewide master jury list. It in part requires that after July 1, 2011 that the Council compile this statewide master jury list and that on and after July 1, 2017, upon the Council's request, that the Department of Driver Services provide the Council data showing the full name of all persons who are at least 18 years of age and residents of the State who have been issued a driver's license or personal identification card. It eliminates that the Department of Driver Services is required to provide the Administrative Office of the Courts the data showing those who are at least 18 years of age and older. It also requires that there be a "unique identifier" which is to be a representation of the last four digits of the social security number associated with each driver's license or personal identification card holder. Further in subsection (c), it adds that the Secretary of State is also required to provide to the Council information on the full name, date of birth, address, gender, and when such information is available, the race of any individual declared as mentally incompetent within the information collected by the Secretary of State. Again, there is to be a unique identifier used. It adds in subsection (f), that the Department of Corrections, on and after July 1, 2017 and upon request, is to provide to the Council data showing a list of the names of all persons who have been convicted of a felony in this State. In addition to information about the person's address, including the county of residence and ZIP code, date of birth, and gender, it is also to include the convicted person's race. Again, a secure unique identifier is to be used. It adds in subsection (g) that the State Board of Pardons and Paroles is to provide to the Council on and after July 1, 2017, upon request, data showing the list of the names of all persons who have had his/her civil rights restored – the data is also to include the secure unique identifier. It includes at subsection (h), that on or after July 1, 2017, in each county, the clerk is to choose a random list of persons from the county master jury list to comprise the venire, and at subsection (i), the Supreme Court is allowed to establish by rules reasonable standards for the preparation, dissemination, and technological improvements of the statewide master jury list and county master jury lists. Governor Deal signed this bill as **Act Number 235**; it takes effect on July 1, 2017.

SB 104 – Sen. Donzella James (D-Atlanta) offered this initiative originally to address the posting of human trafficking hotline in certain public buildings. The legislation received several changes through the process and now includes amendments to:

- O.C.G.A. § 16-5-44.1(b) and (d) creating the offense of hijacking a motor vehicle in the first degree and hijacking a motor vehicle in the second degree along with

respective punishments. (This language was from HB 67 by Rep. William Boddie (D-East Point) which was tabled in the Senate on March 28, 2017.)

- O.C.G.A. § 16-7-1(c) addressing the offense of burglary so as to eliminate burglary of a vehicle from current law. (This language was also from HB 67.)
- Conform the Juvenile Code in Title 15, replacing "hijacking a motor vehicle" with "hijacking a motor vehicle in the first degree." (This language was from HB 67.)
- O.C.G.A. § 16-11-131(e), defining "forcible felony" when it involves the use or threat of physical force or violence against any person and involves hijacking a motor vehicle in the first degree. This language was also from HB 67.)
- O.C.G.A. § 17-7-130(a)(11)(A)(vi), pertaining to the proceedings upon a plea of mental incompetence to stand trial including hijacking a motor vehicle in the first degree or hijacking an aircraft. (This language was from HB 67.)
- O.C.G.A. § 17-10-9.1(a)(6) regarding voluntary surrender to county jail or correctional institution for offense of aircraft hijacking and hijacking a motor vehicle in the first degree. (This language was from HB 67.)
- O.C.G.A. § 16-5-47 regarding the posting of the model notice with human trafficking hotline information in businesses and on the internet and termination by requiring the posting of the notice in government buildings with public access (a building or portion of a building owned or leased by a government entity (which is an office, agency, authority, department, commission, board, body, division, instrumentality, or institution of the executive, legislative, or judicial branch of the State government) and any county, municipal corporation or consolidated government within this State). As it relates to "leased" space, it requires only posting the notice in public restrooms that are part of the lease for the exclusive use by the government entity. Each government entity is also required to post on its homepage of its website an "identified hyperlink to the model notice that is on the Georgia Bureau of Investigation's website."
- O.C.G.A. § 16-9-5, regarding counterfeit or false proof of insurance documents, so as to provide that if such individual violates by possessing a counterfeit or false proof of insurance that he or she knows to be a counterfeit or false proof of insurance document or such is deemed counterfeit or false then the individual would be guilty of a felony and upon conviction is to be punished by a fine of not more than $10,000.00 (rather than $5,000.00) or by imprisonment for not less than two and not more than ten years (rather than not more than three years) or both. The change imposed in this Code Section is to be the same punishment as outlined in the Insurance Code for such violations. (This language was from HB 214 by Rep. Rich Golick (R-Smyrna) but which remained in the Senate Rules Committee.)
- Adds a new Code Section at O.C.G.A. § 16-11-91 making it unlawful for a person to "knowingly and without the consent of the individual observed, use or install a device for the purpose of surreptitiously observing, photographing, videotaping, filming, or video recording such individual underneath or through such individual's clothing, for the purpose of viewing the intimate parts of the body of or the undergarments worn by such individual, under circumstances in which such individual has a reasonable expectation of privacy, regardless of whether it occurs in a public place." (This language was known as the "upskirting" legislation and two bills were proposed on this issue: HB 9 by Rep. Shaw Blackmon (R-Bonaire) which remained in the Senate Rules

Committee and SB 45 by Sen. Larry Walker (R-Perry) which remained in the House Rules Committee.)

- O.C.G.A. § 16-13-30(c)(3)(B), adding additional substances where the purchase, possession, manufacture, distribution, or sale of controlled substances or marijuana do not apply; changes in O.C.G.A. § 16-13-31 regarding trafficking of cocaine, illegal drugs, marijuana or methamphetamine; and changes to O.C.G.A. § 16-13-25(l) adding additional Schedule I drugs.
- O.C.G.A. § 16-13-25 adding fentanyl analog structural class to the dangerous drug list in the Schedule I controlled substances (including derivatives, salts, isomers or salts of isomers except under certain instances) and adding carfentanil and thiafentanil to the Schedule II controlled substances list at O.C.G.A. § 16-13-26(2). (This language was from HB 213 by Rep. Rich Golick (R-Smyrna) which was tabled in the Senate. It was also included in HB 231, by Rep. Bruce Broadrick (R-Dalton) and was signed into law **Act Number 17** by Governor Deal on April 17, 2017.)
- O.C.G.A. § 26-4-115 addressing wholesale drug distributors and adding a new subsection (g) so as to clarify that transfers of drugs from a licensed hospital pharmacy to an entity that is affiliated with or owned by the hospital is not to be deemed a wholesale distributor of drugs. (This language had been added as a Floor Amendment in the Senate by Sen. Chuck Hufstetler (R-Rome) to HB 213 but that legislation was eventually tabled.)

Governor Deal approved this initiative as **Act Number 182** on May 8, 2017. All portions of SB 104 addressing drugs, drug offenses, dangerous drugs, and wholesale drug distribution took effect upon signature of the Governor. All remaining parts of the legislation take effect on July 1, 2017.

SB 132 – Sen. Blake Tillery (R-Vidalia) authored this bill which addresses Georgia's Civil Practice Act in Title 9 and removes the statutory civil case filing and disposition forms and allows the Judicial Council of Georgia to promulgate such forms. See O.C.G.A. § 9-11-133. It also amends O.C.G.A. § 15-5-24(4), regarding duties of the Administrative Office of the Courts, so that in analyzing the data from civil cases, that must be done on or before the first day of October of each year. Such analysis is then to be shared with the judicial branch, agencies of the executive branch, and chairpersons of the Senate Judiciary Committee and the House Committee on Judiciary. Governor Deal signed this legislation as **Act Number 240**. The Act takes effect on January 1, 2018.

SB 160 – Sen. Tyler Harper (R-Ocilla) introduced this bill addressing crimes against public safety officers which is to be known as "Back the Badge Act of 2017." The legislation addresses aggravated assault and aggravated battery offenses by juveniles in O.C.G.A. § 15-11-2(12) and (13). It also addresses a superior court's exclusive original jurisdiction over the trial of any child 13 to 17 years of age when it involves murder, murder in the second degree, voluntary manslaughter, rape, aggravated sodomy, aggravated child molestation, aggravated sexual batter, and armed robbery with a firearm – it adds the offenses of aggravated assault committed with a firearm upon a public safety officer and aggravated battery upon a public safety officer. It also defines in subsection (h) of the Code Section the term, 'firearm,' so it is

a "handgun, rifle, shotgun, or other weapon which will or can be converted to expel a projectile by the action of an explosive or electrical charge." Changes are also imposed at O.C.G.A. § 15-11-561(a), regarding the waiver of juvenile court jurisdiction and transfer to superior court and what the court is to determine when a transfer is appropriate, and also amends O.C.G.A. § 15-11-562 concerning transfer criteria. It adds a new Code Section at O.C.G.A. § 16-5-19 regarding assault and battery which defines, in part, who a 'public safety officer' is (it includes peace officers, correctional officers, emergency health workers, firefighters, highway emergency response operators, jail officers, juvenile correctional officers and probation officers). Sentencing for crimes where a person knowingly commits the offense of aggravated assault upon a public safety officer is outlined in O.C.G.A. § 16-5-21. Sentencing for crimes where a person knowingly commits the offense of aggravated battery is addressed in O.C.G.A. § 16-5-24. It also amends O.C.G.A. § 16-10-24 concerning the crime of obstructing or hindering law enforcement officers and adds hindering of a prison guard, jailer, correctional officer, community supervision officer, county or Department of Juvenile Justice juvenile probation officer, probation officer or conservation ranger in the lawful discharge of his or her official duties so that such crime is a misdemeanor. It further increases the penalties for such crimes. It also amends the law relating to riots in a penal institution at O.C.G.A. § 16-10-56, defining 'penal institution' as "any place of confinement for persons accused of or convicted of violating a law of this State, or an ordinance of a municipality or political subdivision of this State." Finally, it increases the payment to a surviving unremarried spouse, dependents, or the legal guardian from $100,000.00 to $150,000.00 in the case of death or organic brain damage suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management specialist, State highway employee or prison guard. The initiative contains language from HB 258 (by Rep. Alan Powell (R-Hartwell), increasing penalties for crimes against public safety personnel as that legislation stalled in the Senate Public Safety Committee) and SB 154 (by Sen. Greg Kirk (R-Americus), addressing crimes against public safety officers and penalties associated with such crimes but which did not clear the House Rules Committee). Governor Deal signed SB 160 as **Act Number 198**; it takes effect on July 1, 2017.

SB 174 – Sen. John Kennedy (R-Macon) introduced this legislation which incorporates additional recommendations from the Georgia Council on Criminal Justice Reform. It addresses reforms for individuals supervised under accountability courts, the Department of Community Supervision, and the State Board of Pardons and Paroles. Some of the added changes are:

- O.C.G.A. § 15-1-17(4) to require that the Council of Accountability Court Judges of Georgia provide technical assistance to veterans court divisions including guidance on implementation of risk and needs assessments; it requires the Council of Accountability Court Judges create and manage a certification and peer review process to ensure veterans court divisions are adhering to the Council of Accountability Court Judges of Georgia's standards and practices and to create a waiver process for the veterans court divisions to seek an exception to the Council of Accountability Court Judges of Georgia's standards and practices. It also requires that before any veterans court division (established on and after July 1, 2017) receive State-appropriated funds it is to

be certified or receive a waiver from the Council of Accountability Court Judges of Georgia. It also requires that the Council of Accountability Court Judges of Georgia and the Georgia Council on Criminal Justice Reform develop and manage an electronic information system for performance measurement and accept submission of performance data in a consistent format from all veteran court divisions. Also required, on or before July 1, 2018, is that the Council of Accountability Court Judges of Georgia conduct a performance peer review of the veterans court divisions for the purpose of improving veterans court division policies and practices and the certification/recertification process.

- O.C.G.A. § 15-11-70(a)(5)(C) to require that there is a certification process for family treatment court divisions to allow a court to demonstrate its need for additional State grant funds.
- O.C.G.A. § 15-11-212(f) to change required substance abuse treatment and random substance abuse screenings by a parent, guardian, or legal custodian of a child who is adjudicated as dependent so that rather than six months it would be no less than 12 consecutive months and that the parent, guardian, or legal custodian successfully complete programming through a family treatment court division.
- O.C.G.A. § 49-3-6(a) to add a requirement of local county departments in regards to protecting children so that "in collaboration with the family treatment court division planning group, if one exists, establish a written protocol to assess cases involving substantiated reports of abuse or neglect for possible referral to a family treatment court division. Such protocol shall be consistent with the Council on Accountability Courts of Georgia's certification requirements and include sufficient criteria to determine the need for substance abuse treatment."
- O.C.G.A. § 42-2-11(c) to add at (1)(C) that the board of the Department of Corrections is to use evidence-based practices to evaluate the quality of programming at its facilities, except State prisons, by January 1, 2019 and shall also publish a report.
- O.C.G.A. § 42-3-2(g)(3) to require that the Board of Community Supervisions use evidence-based practices to evaluate the quality of its programming at day reporting centers by January 1, 2019. It further permits in (h)(1) that the Board may provide educational programs for probationers and is required to exercise program approval authority, and at (h)(2) it requires that the Board create a Program and Treatment Completion Certificate that may be issued to probationers to symbolize the probationer's achievements toward successful reentry into society.
- O.C.G.A. § 42-5-36(c) to require that the Commissioner for the Department of Corrections prepare a report of the conduct of record of any inmate serving a sentence for a serious violent felony.
- O.C.G.A. § 42-8-21, regarding Georgia's statewide probation system, to add a definition for 'qualified offense.'
- O.C.G.A. § 42-8-27 to require that community supervision officers be authorized to provide supervision of defendants who are participants in a drug court division, mental health court division, or veterans court division operated by a superior court (as long as sufficient staffing and resources are available).
- O.C.G.A. § 42-8-34(e) to address payment of probation supervision fees and what the court may consider in imposing such (e.g. defendant's earnings and other income; other

defendant obligations; etc.) and also when a court is to waive, modify or convert fines, statutory surcharges, probation supervision fees and other moneys assessed by the court or a provider of probation services.

- O.C.G.A. § 42-8-37(c) to address cases where a person receives a probated sentence of three years or more to require that there is a review by the officer responsible for such case with a report to specifically state if the probationer has been arrested for anything other than a nonserious traffic offense as defined in O.C.G.A. § 35-3-37, determining whether the probationer has been compliant with general and special conditions of probation imposed and the status of the probationer's payments toward restitution or any fines and fees imposed.
- O.C.G.A. § 42-9-43(d) to require that if the Board of Pardons and Paroles holds a hearing, it is to provide the district attorney of the circuit in which the person was sentenced 30 days' notice via email of the hearing date and the district attorney or his or designee may attend such hearing and present evidence and also provide the person being considered 30 days' notice so he or she may present evidence to the Board.
- O.C.G.A. § 42-9-44 to require conditions of probation be imposed as conditions of parole when a defendant is serving a split sentence.
- O.C.G.A. § 42-9-46 requires that in cases in which an inmate has failed to serve time required for automatic initial consideration, there are requirements which are to be followed for early consideration. If an objection is filed and the board grants early parole, then the Board is to issue a statement explaining its reasoning for granting such parole and such statement is to be served on any party who filed an objection.
- O.C.G.A. § 42-9-61 to require that after the Board of Pardons and Paroles provides notice of making a final decision on parole or conditional release, the prosecuting attorney and person being considered for relief may make a written request to the Board for the report outlined in O.C.G.A. § 42-9-43(a)(2); the disclosure of this report does not vitiate the confidential nature of the report and does not make this report subject to Georgia's Open Meetings and Records laws in Title 50.

Governor Deal signed the additional Criminal Justice Council reforms as **Act Number 226**; the revisions take effect on July 1, 2017.

SB 175 – Sen. John Kennedy (R-Macon) offered this initiative to enact reforms recommended by the Georgia Council on Criminal Justice Reform concerning juvenile court proceedings. The legislation provides:

- A new Code Section at O.C.G.A. § 15-11-29.1, addressing proceedings involving a child in need of services or a delinquent child or when a case plan has been imposed pursuant to O.C.G.A. § 15-11-38 and O.C.G.A. § 15-11-39, upon the application of the prosecuting attorney or a party to the plan under O.C.G.A. § 15-11-38 and O.C.G.A. § 15-11-39, or on the court's own motion, the court may issue an order restraining or otherwise controlling the conduct of such child's parent, guardian, or legal custodian so as to promote such child's treatment, rehabilitation, and welfare, provided that due notice of the application or motion and the grounds for such and an opportunity to be heard has been given to the parent, guardian, or legal custodian. It

also outlines what the court is to consider if an order is appropriate (what is in the best interest of the child; what is the public safety risk such delinquent child poses; evidence of a repeated pattern of behavior of the child; and extent to which enhanced involvement and supervision of such child may ameliorate public safety concerns). It also outlines what an order issued may require the parent, guardian or legal custodian do (e.g. monitor the child's school homework and studies after school; attend school meetings as requested by the teacher, counselor or school administrator; participate with the child in any counseling or treatment; pay restitution; enter into an successfully complete a substance abuse program approved by the court; etc.). These orders may be modified, extended, or terminated if it is found in the best interests of the child and the public. Also, an order may be enforced by citation to show cause for contempt of court by reason of any violation and when the protection of the welfare of the child requires.

- It amends current law in O.C.G.A. § 15-11-39, concerning risk assessments or risk and needs assessments for community-based risk reduction programs, and adds a subsection (f) permitting in any jurisdiction within which a risk reduction program has been established that a court may issue an order authorized in O.C.G.A. § 15-11-29.1.
- It also amends O.C.G.A. § 15-11-442(b), addressing disposition hearings for a child in need of services, to also bring in the orders authorized in O.C.G.A. § 15-11-29.1. It also makes similar changes in O.C.G.A. § 15-11-601(a) and adds a new paragraph (12) for those orders issued under O.C.G.A. § 15-11-29.1 in dispositions of a delinquent act.
- It adds at O.C.G.A. § 15-11-653(d), concerning the evaluation of a child's mental condition, so as to require a recommendation as to the least restrictive setting in which competency remediation services may be effectively provided in such child if he or she is in a secure residential facility or nonsecure residential facility and how such detention is to continue.
- It amends O.C.G.A. § 15-11-656(d), concerning the disposition of an incompetent child, so that a child may be placed in a facility or program authorized or designated by the Department of Behavioral Health and Developmental Disabilities if the court makes a finding by clear and convincing evidence that all available less restrictive alternatives, including treatment in community residential facilities or community settings which would offer an opportunity for improvement of a child's condition, are inappropriate (currently, a child may be placed in a crisis stabilization unit or a psychiatric residential treatment facility (including Department of Juvenile Justice facilities). In subsection (g), it outlines actions to be taken if it is determined that the child is incompetent to proceed or if the child is unrestorably incompetent to proceed and where that child is to be detained.

Governor Deal signed this legislation as **Act Number 227**; it takes effect on July 1, 2017.

Legislation Not Passed

HB 15 – Rep. Wendell Willard (R-Sandy Springs) authored this legislation in Titles 15 and 16, which sought to amend pleading filing requirements to provide for electronic filing through a court's e-filing service provider, although it was not a requirement. Such service providers

would have been able to charge a transaction fee in Civil Cases, not to exceed $7. Both House and Senate Conference Committees were appointed to work out some of the differences between chambers. No vote was taken on any Conference Committee Report.

HB 19 – Rep. Sandra Scott (D-Rex) introduced this legislation, which would have revised the definition of 'legal father' at O.C.G.A. § 15-11-2 to include a person who was determined to be the legal father of the child in question by a final paternity order. A new Code Section would have been created at O.C.G.A. § 19-7-22.1 providing that a biological father of a child born out of wedlock can petition the Department of human Services to legitimize such child if the father was obligated to support the child. This bill was never assigned to a Committee.

HB 53 – Rep. Mary Margaret Oliver (D-Decatur) proposed a bill to change the jurisdiction of the juvenile court by increasing the age at which a person was treated as a child from 17 years to 18 years of age. This change was made throughout the Juvenile Code, including at: O.C.G.A. § 15-11-2, O.C.G.A. § 15-11-7, O.C.G.A. § 15-11-10, O.C.G.A. § 15-11-504, O.C.G.A. § 15-11-560, O.C.G.A. § 15-11-561, O.C.G.A. § 15-11-562, O.C.G.A. § 15-11-565, O.C.G.A. § 15-11-630, O.C.G.A. § 42-5-52, O.C.G.A. § 42-8-35.1, O.C.G.A. § 42-8-35.4, and O.C.G.A. § 42-12-3. The legislation remained in the House Juvenile Justice Committee.

HB 116 - Rep. Bert Reeves (R-Marietta) proposed this measure that sought to amend the Juvenile Code at O.C.G.A. § 15-11-2 to provide the superior court with exclusive jurisdiction over the trial of any child 13 to 17 years of age who committed the crime of aggravated assault with a firearm or aggravated battery. The superior court would have the discretion to transfer cases back to the juvenile court, but only if the victim in the case was not a peace officer or someone over the age of 65. It passed the House, but remained in the Senate Public Safety Committee.

HB 330 - Rep. Stacey Abrams (D-Atlanta) authored this bill which would have amended O.C.G.A. § 15-11-211(c) regarding the relative search by the Division of Family and Children's Services (DFCS) of the Department of Human Services. It specified additional information to be provided in the notice to relatives. Further, the notice would also have required "the contact information for a regional DFCS case worker qualified to assist a kinship caregiver or the contact information for a director of a county or district department of family and children services." HB 330 remained in the Senate Health and Human Services Committee.

SB 130 – Sen. Blake Tillery (R-Vidalia) offered this bill which originally addressed O.C.G.A. § 15-11-103(g), relating to the right to an attorney in juvenile proceedings. Under current law, a party other than a child is to be informed of his or her right to an attorney prior to any hearing. A party other than a child is also to be given an opportunity to: "(1) Obtain and employ an attorney of such party's own choice; (2) Obtain a court appointed attorney if the court determines that such party is an indigent person; or (3) Waive the right to an attorney." This legislation added that the waiver could only be done if made knowingly, voluntarily, and on the record. The House, frustrated over the Senate Judiciary Committee's lack of action on the adoption law update (HB 159), which has been worked on for over two years, added the

language from that bill by Rep. Bert Reeves (R-Marietta) to SB 130. HB 159 had been amended in the Senate Judiciary Committee with a religious freedom amendment which caused concern by many under the Gold Dome. Sen. Tillery's legislation, thus, passed the Senate and House but no further action was taken by the Senate to address changes made by the House as they did not wish to have a full debate on religious freedom on the last night of the Session. Therefore, the legislation failed.

SB 131 – Sen. Blake Tillery (R-Vidalia) authored this set of Juvenile Code revisions at O.C.G.A. § 15-11-35 so that "in all cases of final judgments of the juvenile court, appeals shall be taken to the Court of Appeals or the Supreme Court in the same manner as appeals from the superior court. However, no such judgment or order shall be superseded or modified except in the discretion of the trial court; rather, the judgment or order of the court shall stand until reversed or modified by the reviewing court. The appeal of an order granting a petition to terminate parental rights shall stay an adoption proceeding related to the child who is the subject of such order until such order becomes final by the conclusion of appellate proceedings or the expiration of the time for seeking such review. Except for proceedings in connection with an adoption, the court shall continue to conduct hearings and issue orders in accordance with this chapter while an appeal in a case is pending." The legislation cleared the Senate Judiciary Committee but then stalled in the Senate Rules Committee where it remained.

SB 231 – Sen. Josh McKoon (R-Columbus) authored this bill amending Titles 15, 20, 40, 43 and 48 which would have required that a person who is not a United States citizen would not be permitted admission to the practice of law or be a duly licensed attorney at law in Georgia unless he or she possessed a lawful alien status. Similar provisions would have been added so that certificated professional personnel employed by Georgia schools would also have been required to be citizens or have lawful alien status. It further would have required individuals to be eligible for the HOPE scholarships and grants by citizens or have lawful alien status. It remained in the Senate Judiciary Committee.

CRIMES AND OFFENSES

Legislation Passed

HB 231 – Rep. Bruce Broadrick (R-Dalton) introduced Georgia's annual dangerous drug update, making a series of changes to Chapter 13 of Title 16. Included in this year's legislation are the addition of fentanyl analog structural class, including derivatives, their salts, isomers, or salts of isomers, unless specifically utilized as a part of the manufacturing process by a commercial industry of a substance or material not intended for human ingestion or consumption as a prescription administered under medical supervision, or for research at a recognized institution. [This language regarding fentanyl was incorporated into HB 213 (Section 2-2), which was authored by Rep. Rich Golick (R-Smyrna). However, HB 213 was tabled in the Senate on March 28, 2017.] Governor Deal approved this annual drug update initiative as **Act Number 17**, and it took effect upon signature on April 17, 2017.

HB 249 – Rep. Kevin Tanner (R-Dawsonville) introduced this initiative as an effort to address the State's burgeoning opioid abuse crisis. It does a number of things:

- O.C.G.A. § 16-13-57(b) moves the Prescription Drug Monitoring Program (PDMP) from the Georgia Drugs and Narcotics Agency to the Department of Public Health (which is also required to conduct testing of the PDMP to see if its accessible and operational).
- O.C.G.A. § 16-13-57(c) requires each prescriber with a DEA registration number to enroll as a user of the PDMP as soon as possible but not later than January 1, 2018. New prescribers are required to enroll within 30 days of receiving his or her credentials.
- O.C.G.A. § 16-13-59(b) requires each dispenser to submit prescription information to the Department (PDMP) at least every 24 hours. This information will be used to provide medical/pharmaceutical care to a patient or inform the prescriber or dispenser of a patient's potential use, misuse, abuse, or underutilization of a prescription.
- O.C.G.A. § 16-13-60(c) permits additional personnel to access the PDMP – it permits two individuals in the pharmacy per shift or rotation of the prescriber's or dispenser's staff or employed at the health care facility in which the prescriber is practicing provided that these individuals: Are licensed under Title 43 (Chapters 11, 30, 34 or 35) [The dentists, dental hygienists and dental assistants; optometrists; physicians and physician's assistants; and podiatrists.]; Are registered under Title 26 [Pharmacists and pharmacy technicians]; Are licensed under Chapter 26 of Title 43 and submit to the annual registration process required in O.C.G.A. § 16-13-35(a); and for the purposes of this Code section such individuals shall not be deemed exempted from registration as set forth in O.C.G.A. § 16-13-35(g) or [Nurses are in Chapter 26 of Title 43]; and Submit to the annual registration process required by O.C.G.A. § 16-13-35(a) and for the purposes of this Code Section, such individuals shall not be deemed exempted from registration as set forth in O.C.G.A. § 16-13-35(g). [These are the manufacturers, distributors and dispensers who are required to have an annual registration.] These individuals will have the authorization by the medical director of the facility. Hospitals are also permitted to designate two individuals per shift or rotation (either employed or contracted) for this work.
- O.C.G.A. § 16-13-63 requires that on and after July 1, 2018, when a prescriber is prescribing a controlled substance in O.C.G.A. §16-13-26(1) or (2) or benzodiazepines, then he or she is to review the PDMP the first time he or she issues such prescription and thereafter at least once every 90 days (*except* under certain conditions – when it is, for instance, no more than a three-day supply of the substance or no more than 26 pills; if the patient is in a hospital or healthcare facility (explicitly including nursing home or hospice (and likely including crisis stabilization units)) and the patient is using the medications there; patient has outpatient surgery in an ambulatory surgery center and has a prescription for no more than a ten-day supply of the substance or no more than 40 pills; if the patient is terminally ill or in hospice; or the patient is receiving treatment for cancer. Prescribers are to make notes in the patient's medical record noting the date and time the PDMP was reviewed for the patient.

- O.C.G.A. § 16-13-71(b) and (c) provides an exemption for Naloxone from the dangerous drug list.
- O.C.G.A. § 16-13-56.1(b) requires a prescriber who issues a prescription for an opioid to a patient to inform that patient of the addictive risks of using such medications and how to safely dispose of unused medicines – this can be done verbally or in writing.
- O.C.G.A. § 31-1-10(b) permits the State Health Officer (an individual licensed to practice medicine) the ability to issue a standing order for Naloxone and O.C.G.A. § 26-4-116.2(e)(3) allows that Officer an immunity from liability if he or she is acting in good faith.
- O.C.G.A. § 31-12-2(a.1)(2) requires that babies with neonatal abstinence syndrome be reported to the Department of Public Health; and that department is to provide an annual report to the President of the Senate, Speaker of the House, and Chairs of the Health and Human Services Committees on these babies.
- O.C.G.A. § 26-5-22 requires that the Department of Community Health conduct annual onsite inspections of each narcotic treatment program in the State.
- O.C.G.A. § 26-5-23 requires the Departments of Community Health and Behavioral Health and Developmental Disabilities to publish annually a report on numbers of patients enrolled the narcotic treatment programs.
- O.C.G.A. § 45-16-24(a)(10) requires law enforcement to notify the coroner or county medical examiner if an individual dies of an apparent overdose and O.C.G.A. § 45-16-27(a) requires that coroners are to conduct an inquest of such.
- O.C.G.A. § 20-2-149.1(a) names the current law concerning cardiopulmonary resuscitation and use of automated external defibrillators the "Cory Joseph Wilson Act." [This Code Section is in the Education Code, O.C.G.A. § 20-2-149.1, which required beginning in school year 2013-2014 that each local board of education operating a school with grades nine through 12 are to provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator to students as a requirement within existing health or physical education courses.]

Governor Deal signed this initiative as **Act Number 141**; it takes effect on July 1, 2017.

HB 280 – Rep. Mandi Ballinger (R-Canton) introduced as this year's "campus carry" proposal. Last year, Governor Deal vetoed the legislation expanding where weapons could be carried on campuses. The legislation specifically amends O.C.G.A. § 16-11-127.1(b) and (c). It permits a weapons carry license holder to carry a weapon in any building or on real property owned by or leased to any public technical school, vocational school, college, or university or other public institution of postsecondary education. However, this legislation shall not apply to:

(i) Buildings or property used for athletic sporting events or student housing, including but not limited to, fraternity and sorority houses;
(ii) Any preschool or childcare space located within such building or buildings or real property; not apply to any room or space being used for classes related to a college and career academy or other specialized school as provided for under Code Section 20-4-37;

(iii) any room or space being used for classes in which high school students are enrolled through a dual enrollment program, including, but not limited to, classes related to the "Move on When Ready Act" as provided for under Code Section 20-2-161.3; and

(iv) Faculty, staff, or administrative offices or rooms where disciplinary proceedings are conducted.

Further, it does require this exemption only applies to the carrying of handguns which a licensee is licensed to carry and only applies if the carrying of the handgun is concealed. The revisions do include punishments for violations so that a first offense conviction is a misdemeanor and punishable by a fine of $25.00. Governor Deal signed this bill as **Act Number 167**. The changes from HB 280 take effect on July 1, 2017.

HB 320 – Rep. Bill Hitchens (R-Rincon) introduced this bill addressing motor vehicles' sales and transfers. It adds a new Code Section at O.C.G.A. § 16-9-111, making it illegal, and a misdemeanor crime of a high and aggravated nature, for a person who knowingly and intentionally imports, manufactures, sells, offers to sell, installs, or reinstalls in a motor vehicle a counterfeit air bag, nonfunctional air bag or other device intended to replace a motor vehicle's inflatable occupant restraint system or its component parts. It also makes it illegal for sales, offers for sales, installs or reinstalls in a motor vehicle of a device which causes such motor vehicle's diagnostic system to "inaccurately indicate that such motor vehicle is equipped with a properly functioning air bag." Governor Deal signed this legislation into law as **Act Number 254**. It takes effect on July 1, 2017.

HB 341 – Rep. Bert Reeves (R-Marietta) offered this legislation addressing crimes and offenses and punishments for sexual offenders. Specific changes include:

- O.C.G.A. § 16-5-46, relating to trafficking of persons for labor or sexual servitude, which now includes that an individual commits the offense of trafficking an individual for sexual servitude if he "subjects an individual" to or maintains an individual in sexual servitude; recruits an individual for the purpose of sexual servitude; or solicits "by any means an individual to perform sexually explicit conduct on behalf of such person when such individual is the subject of sexual servitude." These are felony offenses upon conviction and subject to punishment by imprisonment for not less than ten nor more than 20 years. If the violation involves an individual less than 18 years of age, the punishment is increased to not less than 25 nor more than 50 years or life imprisonment. There are also increased penalties for individuals who are 16 or 17 years of age and when an offense is committed on an individual younger than 16 years of age.
- O.C.G.A. § 16-5-47(c) is amended and subsection (e) is repealed. It requires in subsection (c) that the Georgia Bureau of Investigation develop a model notice regarding human trafficking hotline information for businesses and post such on the internet which is to be made available for download on the GBI's website. The Notice is to include information giving individuals a method to contact the National Human Trafficking Hotline and the Statewide Georgia Hotline for Domestic Minor Trafficking.

- O.C.G.A. § 16-6-13, which addresses penalties for violating O.C.G.A. § 16-6-9 through O.C.G.A. § 16-5-12 (relating to prostitution, keeping a place of prostitution, pimping and pandering), changes penalties (allows judicial discretion of those misdemeanor crimes of a high and aggravated nature all but 24 hours of any term of imprisonment imposed to be suspended, stayed or probated).
- O.C.G.A. § 16-12-100(f)(1), relating to sexual exploitation of children, so that violation of the Code Section is not only a felony upon conviction but also adds that "any person punished as provided in this paragraph shall, in addition, is subject to the sentencing and punishment provisions of O.C.G.A. § 17-10-6.2 which is also amended in this legislation. This change addresses split sentencing which includes a minimum term of imprisonment for a sexual offense so that if the court imposes consecutive sentences for sexual offenses, the requirement that the court impose a "probated sentence of at least one year shall only apply to the final consecutive sentence imposed."
- O.C.G.A. § 42-1-12(a)(10)(B.1) is amended, relating to the State Sexual Offender Registry, to make conforming changes and includes a new definition for "dangerous sexual offense" for convictions occurring after June 30, 2017.

Governor Deal signed this bill as **Act Number 194**. The changes take effect on July 1, 2017.

HB 406 – Rep. Alan Powell (R-Hartwell) authored this gun law revision in O.C.G.A. § 16-11-126(e) and (e.1). The legislation provides for the reciprocity of recognizing and giving effect to licenses to carry from other states. It also adds that no other state shall be required to recognize and give effect to a license issued that is held by a person who is younger than 21 years of age. It requires that Georgia's Attorney General create and maintain a webpage on the Department of Law's website that lists states whose laws recognize and give effect to license issued pursuant to this Code Section. [This language was also included in HB 292 which passed and became **Act Number 217** on May 8, 2017.] Governor Deal approved this legislation as **Act Number 15**; it took effect upon signature on April 5, 2017.

HB 452 – Rep. Jesse Petrea (R-Savannah) authored this proposal to repeal certain parts of Georgia's laws relating to domestic terrorism and penalty and create the crime of "domestic terrorism." The legislation is to be known as the "Protect Georgia Act" and is created in a new Article 6 of Chapter 11 of Title 16. The legislation defines 'domestic terrorism' as:

> any felony violation of, or attempt to commit a felony violation of the laws of this state which, as part of a single unlawful act or a series of unlawful acts which are interrelated by distinguishing characteristics, is intended to cause serious bodily harm, kill any individual or group of individuals, or disable or destroy critical infrastructure, a state or government facility, or a public transportation system when such disability or destruction results in major economic loss, and is intended to: (A) Intimidate the civilian population of this state or any of its political subdivisions; (B) Alter, change, or coerce the policy of the government of this state or any of its political subdivisions by intimidation or coercion; or (C) Affect the conduct of the government of this state or

any of its political subdivisions by use of destructive devices, assassination, or kidnapping.

O.C.G.A. § 16-11-221 provides the penalties upon convictions of such crimes. At O.C.G.A. § 16-11-223, it allows Georgia's Attorney General to have concurrent jurisdiction with district attorneys to conduct criminal prosecution of violations of such crimes. The legislation also addresses 'bacteriological weapons' or 'biological weapons' at O.C.G.A. § 16-7-80(1) and definitions for 'biological agents.' O.C.G.A. § 16-7-88 adds that possessing, transporting or attempting to possess, transport or receive any destructive device, explosive, bacteriological weapon or biological weapon with the knowledge or intent that it will be used to kill, injure, or intimidate any individual or to destroy any public building is to be punished for not less than ten nor more than 20 years or by a fine of not more than $125,000.00 or both (the punishment is more if a corporation and adds an option to impose community service). A new Code Section is added at O.C.G.A. § 35-1-21 to require that the Georgia Peace Officer Standards and Training Council and the Georgia Public Safety Training Center establish guidelines and procedures for training materials concerning the identification, combating, and reporting of activities relating to domestic terrorism. It also adds a new Code Section at O.C.G.A. § 35-3-14 to require that the Georgia Bureau of Investigation post on its website information relating to persons who are aliens and who have been released from federal custody within the boundaries of the State. Governor Deal approved this legislation as **Act Number 208**; the changes take effect on July 1, 2017.

SB 18 – Sen. Tyler Harper (R-Ocilla) introduced this legislation. It addresses the ability of retired law enforcement officers to carry weapons and also retain their service weapons following their retirement. It specifically amends O.C.G.A. § 16-11-130(c) allowing an exemption for an individual who has at least ten years of aggregate service as a law enforcement officer, with powers of arrest, who has separated from service in good standing from employment with his or her most recent law enforcement agency (determined by criteria established by the Georgia Peace Officer Standards and Training Council), and who possesses an identification card for retired law enforcement officers as issued by the Georgia Peace Officers Standards and Training Council so that such individual may carry a weapon. Governor Deal signed SB 18 as **Act Number 20**, and it takes effect on July 1, 2017.

SB 104 – Sen. Donzella James (D-Atlanta) offered this initiative originally to address the posting of human trafficking hotline in certain public buildings. The legislation received several changes through the process and now includes amendments to:

- O.C.G.A. § 16-5-44.1(b) and (d) creating the offense of hijacking a motor vehicle in the first degree and hijacking a motor vehicle in the second degree along with respective punishments. (This language was from HB 67 by Rep. William Boddie (D-East Point) which was tabled in the Senate on March 28, 2017.)
- O.C.G.A. § 16-7-1(c) addressing the offense of burglary so as to eliminate burglary of a vehicle from current law. (This language was also from HB 67.)
- Conform the Juvenile Code in Title 15, replacing "hijacking a motor vehicle" with "hijacking a motor vehicle in the first degree." (This language was from HB 67.)

- O.C.G.A. § 16-11-131(e), defining "forcible felony" when it involves the use or threat of physical force or violence against any person and involves hijacking a motor vehicle in the first degree. This language was also from HB 67.)
- O.C.G.A. § 17-7-130(a)(11)(A)(vi), pertaining to the proceedings upon a plea of mental incompetence to stand trial including hijacking a motor vehicle in the first degree or hijacking an aircraft. (This language was from HB 67.)
- O.C.G.A. § 17-10-9.1(a)(6) regarding voluntary surrender to county jail or correctional institution for offense of aircraft hijacking and hijacking a motor vehicle in the first degree. (This language was from HB 67.)
- O.C.G.A. § 16-5-47 regarding the posting of the model notice with human trafficking hotline information in businesses and on the internet and termination by requiring the posting of the notice in government buildings with public access (a building or portion of a building owned or leased by a government entity (which is an office, agency, authority, department, commission, board, body, division, instrumentality, or institution of the executive, legislative, or judicial branch of the State government) and any county, municipal corporation or consolidated government within this State). As it relates to "leased" space, it requires only posting the notice in public restrooms that are part of the lease for the exclusive use by the government entity. Each government entity is also required to post on its homepage of its website an "identified hyperlink to the model notice that is on the Georgia Bureau of Investigation's website."
- O.C.G.A. § 16-9-5, regarding counterfeit or false proof of insurance documents, so as to provide that if such individual violates by possessing a counterfeit or false proof of insurance that he or she knows to be a counterfeit or false proof of insurance document or such is deemed counterfeit or false then the individual would be guilty of a felony and upon conviction is to be punished by a fine of not more than $10,000.00 (rather than $5,000.00) or by imprisonment for not less than two and not more than ten years (rather than not more than three years) or both. The change imposed in this Code Section is to be the same punishment as outlined in the Insurance Code for such violations. (This language was from HB 214 by Rep. Rich Golick (R-Smyrna) but which remained in the Senate Rules Committee.)
- Adds a new Code Section at O.C.G.A. § 16-11-91 making it unlawful for a person to "knowingly and without the consent of the individual observed, use or install a device for the purpose of surreptitiously observing, photographing, videotaping, filming, or video recording such individual underneath or through such individual's clothing, for the purpose of viewing the intimate parts of the body of or the undergarments worn by such individual, under circumstances in which such individual has a reasonable expectation of privacy, regardless of whether it occurs in a public place." (This language was known as the "upskirting" legislation and two bills were proposed on this issue: HB 9 by Rep. Shaw Blackmon (R-Bonaire) which remained in the Senate Rules Committee and SB 45 by Sen. Larry Walker (R-Perry) which remained in the House Rules Committee.)
- O.C.G.A. § 16-13-30(c)(3)(B), adding additional substances where the purchase, possession, manufacture, distribution, or sale of controlled substances or marijuana do not apply; changes in O.C.G.A. § 16-13-31 regarding trafficking of cocaine, illegal

drugs, marijuana or methamphetamine; and changes to O.C.G.A. § 16-13-25(l) adding additional Schedule I drugs.

- O.C.G.A. § 16-13-25 adding fentanyl analog structural class to the dangerous drug list in the Schedule I controlled substances (including derivatives, salts, isomers or salts of isomers except under certain instances) and adding carfentanil and thiafentanil to the Schedule II controlled substances list at O.C.G.A. § 16-13-26(2). (This language was from HB 213 by Rep. Rich Golick (R-Smyrna) which was tabled in the Senate. It was also included in HB 231, by Rep. Bruce Broadrick (R-Dalton) and was signed into law **Act Number 17** by Governor Deal on April 17, 2017.)
- O.C.G.A. § 26-4-115 addressing wholesale drug distributors and adding a new subsection (g) so as to clarify that transfers of drugs from a licensed hospital pharmacy to an entity that is affiliated with or owned by the hospital is not to be deemed a wholesale distributor of drugs. (This language had been added as a Floor Amendment in the Senate by Sen. Chuck Hufstetler (R-Rome) to HB 213 but that legislation was eventually tabled.)

Governor Deal approved this initiative as **Act Number 182** on May 8, 2017. All portions of SB 104 addressing drugs, drug offenses, dangerous drugs, and wholesale drug distribution took effect upon signature of the Governor. All remaining parts of the legislation take effect on July 1, 2017.

SB 121 – Sen. Butch Miller (R-Gainesville) introduced this proposal known as the "Jeffrey Dallas Gay Jr. Act." This legislation codifies Governor Deal's executive order issued late in 2016 in an effort to help prevent overdose deaths with the issuance of a standing drug order by the State's health officer for Naloxone. Like HB 249, this bill also provides an exemption for the drug Naloxone from Georgia's Dangerous Drug List in O.C.G.A. § 16-13-71(b)(635) and (c)(14.25). Further, it provides in O.C.G.A. § 26-4-116.2(e) an immunity from any civil liability, criminal responsibility or professional licensing sanctions for the State health officer who is acting in good faith as provided in O.C.G.A. § 31-1-10 (which is the Code Section allowing the Governor to appoint an individual licensed to practice medicine in Georgia as the State's health officer and which further authorizes that individual to issue a standing order prescribing an opioid antagonist on a statewide basis under conditions that he or she determines to be in the best interest of the State). Governor Deal signed this legislation as **Act Number 19** on April 18, 2017. This legislation took effect upon signature.

SB 160 – Sen. Tyler Harper (R-Ocilla) introduced this bill addressing crimes against public safety officers which is to be known as "Back the Badge Act of 2017." The legislation addresses aggravated assault and aggravated battery offenses by juveniles in O.C.G.A. § 15-11-2(12) and (13). It also addresses a superior court's exclusive original jurisdiction over the trial of any child 13 to 17 years of age when it involves murder, murder in the second degree, voluntary manslaughter, rape, aggravated sodomy, aggravated child molestation, aggravated sexual batter, and armed robbery with a firearm – it adds the offenses of aggravated assault committed with a firearm upon a public safety officer and aggravated battery upon a public safety officer. It also defines in subsection (h) of the Code Section the term, 'firearm,' so it is a "handgun, rifle, shotgun, or other weapon which will or can be converted to expel a

projectile by the action of an explosive or electrical charge." Changes are also imposed at O.C.G.A. § 15-11-561(a), regarding the waiver of juvenile court jurisdiction and transfer to superior court and what the court is to determine when a transfer is appropriate, and also amends O.C.G.A. § 15-11-562 concerning transfer criteria. It adds a new Code Section at O.C.G.A. § 16-5-19 regarding assault and battery which defines, in part, who a 'public safety officer' is (it includes peace officers, correctional officers, emergency health workers, firefighters, highway emergency response operators, jail officers, juvenile correctional officers and probation officers). Sentencing for crimes where a person knowingly commits the offense of aggravated assault upon a public safety officer is outlined in O.C.G.A. § 16-5-21. Sentencing for crimes where a person knowingly commits the offense of aggravated battery is addressed in O.C.G.A. § 16-5-24. It also amends O.C.G.A. § 16-10-24 concerning the crime of obstructing or hindering law enforcement officers and adds hindering of a prison guard, jailer, correctional officer, community supervision officer, county or Department of Juvenile Justice juvenile probation officer, probation officer or conservation ranger in the lawful discharge of his or her official duties so that such crime is a misdemeanor. It further increases the penalties for such crimes. It also amends the law relating to riots in a penal institution at O.C.G.A. § 16-10-56, defining 'penal institution' as "any place of confinement for persons accused of or convicted of violating a law of this State, or an ordinance of a municipality or political subdivision of this State." Finally, it increases the payment to a surviving unremarried spouse, dependents, or the legal guardian from $100,000.00 to $150,000.00 in the case of death or organic brain damage suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management specialist, State highway employee or prison guard. The initiative contains language from HB 258 (by Rep. Alan Powell (R-Hartwell), increasing penalties for crimes against public safety personnel as that legislation stalled in the Senate Public Safety Committee) and SB 154 (by Sen. Greg Kirk (R-Americus), addressing crimes against public safety officers and penalties associated with such crimes but which did not clear the House Rules Committee). Governor Deal signed SB 160 as **Act Number 198**; it takes effect on July 1, 2017.

Legislation Not Passed

HB 15 – Rep. Wendell Willard (R-Sandy Springs) authored this legislation in Titles 15 and 16, which sought to amend pleading filing requirements to provide for electronic filing through a court's e-filing service provider, although it was not a requirement. Such service providers would have been able to charge a transaction fee in Civil Cases, not to exceed $7. Both House and Senate Conference Committees were appointed to work out some of the differences between chambers. No vote was taken on any Conference Committee Report.

HB 32 - Rep. Joyce Chandler (R-Grayson) authored this legislation in O.C.G.A. § 16-6-5.1, proposing to make it a felony for certain educators or school employees with 'supervisory authority' over students to have sexual relations with students. There was concern about the severity of the punishment and how to address such instances when a student was 18 years old. The legislation remained in the House Judiciary Non-Civil Committee.

HB 51 – Earl Ehrhart (R-Power Springs) authored this bill, which would have created a new Code Section at O.C.G.A. § 20-3-10, requiring post-secondary institutions to report any information relating to felony crimes to a law enforcement agency. If the felony involved a sexual assault, no information would be included that would identify the victim, without such victims' consent. It also would have provided that post-secondary institutions may pursue interim measures necessary to discipline students for violating the code of conduct. HB 51 passed the House, but the legislation remained in the Senate Judiciary Committee.

HB 65 – Rep. Allen Peake (R-Johns Creek) proposed various changes to the 'Low THC Oil Registry' at O.C.G.A. § 16-12-191. Under this legislation, the State of Georgia would have honored registration cards issued by another state allowing for possession of low THC oil. The bill also included a number of additional medical conditions to be covered by low THC oil (these conditions were added to another bill prior to passage). HB 65 passed the House; however, it remained in the Senate Health and Human Services Committee. [See SB 16 which passed and became **Act Number 229**.]

HB 67 – Rep. William Boddie (D-East Point) proposed to designate the existing crime of hijacking a motor vehicle as being in the first degree at O.C.G.A. § 16-5-44.1. It further created a second degree offense for instances where a person hijacks a motor vehicle without being in possession of a weapon. Punishment for the second degree offense was not less than one year of imprisonment and a fine of not more than $5,000. HB 67 passed the House; however, the Senate tabled it. [See SB 104 which passed and was signed as **Act Number 182**.]

HB 90 – Rep. Dan Gasaway (R-Homer) authored this legislation, which would have created O.C.G.A. § 16-10-6.1 to prohibit elected officials who had a conflict of interest from knowingly and intentionally voting, attempting to influence a vote, or from being present in executive or closed session when the body he or she is serving on is considering the acquisition or sale of real property. It did not prohibit a member from attending public hearings when the body he or she served on was considering the acquisition of such real property. HB 90 was recommitted to the House Judiciary Non-Civil Committee where it remained.

HB 124 - Rep. David Clark (R-Buford) introduced this bill that would have revised Title 16 and Title 49 relating to fraud and public assistance by replacing the term 'food stamps' with 'food instrument,' defined in the bill as a voucher, check, EBT card, or coupon used to obtain public assistance. It was passed by the House, but remained in the Senate Health and Human Services Committee.

HB 161 - Rep. Betty Price (R-Roswell) authored this legislation amending O.C.G.A. § 16-13-32 to provide that it was to be unlawful for a person employed by or an agent of a harm reduction organization to sell, lend, rent, lease, give, exchange, or distribute hypodermic needles designed for human use. It defined a 'harm reduction organization' as an organization which provided services such as syringe exchanges, counseling, homeless services, advocacy, drug treatment, and screening to at-risk individuals to slow the spread of HIV and other infectious diseases. HB 161 was withdrawn and recommitted to the House Health and Human Services Committee.

HB 213 - Rep. Golick (R- Smyrna) introduced this legislation which would have amended O.C.G.A. § 16-13-31 to prohibit the sale, manufacture, delivery, or possession of four grams or more of 'fentanyl.' After passing the House, the bill was tabled in the Senate. [See SB 104 which was passed and signed as **Act Number 182**.]

HB 214 – Rep. Rich Golick (R-Smyrna) introduced this legislation which would have amended O.C.G.A. § 16-9-5 to provide that it was unlawful for a person to possess any counterfeit or false proof of insurance document that such person knows to be counterfeit. It would have raised the fine for violating this law to $10,000.00 or by imprisonment for not less than two nor more than ten years. It passed the House and remained in the Senate Judiciary Committee. [See SB 104 which passed and was signed as **Act Number 182**.]

HB 258 - Rep. Alan Powell (R-Hartwell) authored this legislation which revised O.C.G.A. § 16-5-21 by increasing the mandatory minimum for convictions of aggravated assault upon a peace officer from five years to ten years. Additionally, it revised O.C.G.A. § 16-10-24 by establishing increased minimum sentences for the first, second, and third conviction of obstructing or hindering a law enforcement officer. The first conviction was punishable by a minimum of one year of imprisonment; second conviction by a minimum of two years; and third conviction by a minimum of three years. HB 258 passed the House, but remained in the Senate Public Safety Committee. [See SB 160 which was passed and signed as **Act Number 198**.]

SB 1 – Sen. Bill Cowsert (R-Athens) offered this legislation to create a new Article 6 in Chapter 11 of Title 16, the "Protect Act - Protecting Georgians Against Terrorism." It, in part, would have established the crime of domestic terrorism and its penalties. The legislation lost on the House Floor on March 28, 2017 in a vote of 84-83.

SB 45 – Sen. Larry Walker, III (R-Perry) introduced this legislation in O.C.G.A. § 16-11-91 to address an incident of "upskirting." It would have prohibited the use of a device to film underneath or through an individual's clothing under certain circumstances. After receiving a favorable report from the House Judiciary Non-Civil Committee, the bill remained in the House Rules Committee. [See SB 104 by Sen. Donzella James (D-Atlanta) which incorporated this language and was passed and signed as **Act Number 182** (this language takes effect on July 1, 2017).]

SB 49 – Sen. Bill Heath (R-Bremen) offered this measure to add a new definition for the term, 'knife,' at O.C.G.A. § 16-11-125.1(2) so that it would be a "pointed or sharp edged instrument consisting of a blade that is greater than 12 inches in length which is fastened to a handle." The legislation remained in the Senate Rules Committee. [See HB 292 which incorporated this definition and was signed as **Act Number 217** and became effective on May 8, 2017.]

SB 99 – Sen. Elena Parent (D-Atlanta) proposed this legislation which in part provided for judicial procedures for purging a person's involuntary hospitalization information received by the Georgia Crime Information Center for the purpose of the National Instant Criminal

Background Check System under certain circumstances in Titles 16 and 34. It passed the Senate and cleared the House Judiciary Non-Civil Committee. However, the legislation remained in the House Rules Committee.

SB 105 – Sen. Harold Jones, II (D-Augusta) offered this idea proposing in part to amend O.C.G.A. § 16-13-2(b), relating to possession of marijuana and conditional discharge for possession of controlled substances as first offense and certain nonviolent property crimes. His language would have added: "It shall be unlawful for any person to possess or have under his or her control two ounces or less of marijuana. Any person who violates this subsection shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as follows: (1) If the aggregate weight is one-half ounce or less, he or she shall be punished by a fine not to exceed $300.00; and (2) If the aggregate weight is at least one-half ounce but not more than two ounces, he or she shall be punished by imprisonment for a period not to exceed 12 months or a fine not to exceed $1,000.00, or both, or community service not to exceed 12 months." The legislation remained in the Senate Rules Committee.

SB 154 – Sen. Greg Kirk (R-Americus) authored this initiative which would have amended O.C.G.A. § 16-6-5.1, relating to sexual assault by persons with supervisory or disciplinary authority over students. It addressed the crime of sexual assault. Specifically, it created a crime of sexual assault when sexual activity took place between a person who has supervisory or disciplinary authority over another and an employee of any school when that individual who the actor knew or should have known is enrolled at the same school. Under current law, it is limited to teacher, principal, assistant principal or administrator who is the individual with "supervisory authority." The legislation passed the Senate and out of the House Judiciary Non-Civil Committee. However, it remained in the House Rules Committee.

SB 159 – Sen. Lee Anderson (R-Grovetown) proposed this legislation amending O.C.G.A. § 16-7-21 to address the laws of criminal trespass on property. It would have allowed property owners to mark their property with 'purple paint' under certain conditions to note the property lines so that if a person entered such marked area then he or she would be committing the crime of criminal trespass. It passed the Senate and then was assigned to the House Judiciary Non-Civil Committee where it remained. Several concerns were raised in the Senate discussions on how individuals would know that criminal paint was a designation of property boundaries; it was noted that it would take "public education."

SB 163 – Sen. Donzella James (D-Atlanta) introduced this initiative to require at O.C.G.A. § 16-11-129(k) and (k.1) that the judge of the probate court, upon issuance of a weapons carry license or a renewal license, would have to provide the Georgia Crime Information Center with the application information of the issued weapons carry license or renewal license. The Georgia Crime Information Center would be required to match those records of persons within motor vehicle and driver's license data bases maintained by the center designated as weapons carry license holders in such data bases. It remained in the Senate Public Safety Committee.

SB 177 – Sen. Josh McKoon (R-Columbus) proposed this idea addressing Georgia's weapons' carry provisions in Titles 12, 16, 27 and 40. It would have been known as the "Georgia Constitutional Carry Act of 2017." In part, it would have eliminated the "exceptions" for

weapons' carry license requirements for homes, motor vehicles, private property and other locations and conditions. It remained in the Senate Judiciary Committee.

SB 234 – Sen. Donzella James (D-Atlanta) proposed this bill which would have amended O.C.G.A. § 16-5-70(d), concerning the crime of cruelty to children, adding that a person would commit such an offense if he or she left a "child six years of age or younger unattended, or supervised by someone who is younger than 13 years of age, in a motor vehicle under circumstances that pose a substantial risk of harm to such child's health or safety." The legislation remained in the Senate Judiciary Committee.

SB 241 – Sen. Renee Unterman (R-Buford) introduced this idea which addressed Georgia's Prescription Drug Monitoring Program (PDMP) in Title 16. In part, it moved this program from the Georgia Drugs and Narcotics Agency to the Department of Public Health. The bill remained in the House Judiciary Non-Civil Committee. [See HB 249 by Rep. Kevin Tanner (R-Dawsonville) which passed and was signed as **Act Number 141.]**

CRIMINAL JUSTICE REFORM

Legislation Passed

SB 174 – Sen. John Kennedy (R-Macon) introduced this legislation which incorporates additional recommendations from the Georgia Council on Criminal Justice Reform. It addresses reforms for individuals supervised under accountability courts, the Department of Community Supervision, and the State Board of Pardons and Paroles. Some of the added changes are:

- O.C.G.A. § 15-1-17(4) to require that the Council of Accountability Court Judges of Georgia provide technical assistance to veterans court divisions including guidance on implementation of risk and needs assessments; it requires the Council of Accountability Court Judges create and manage a certification and peer review process to ensure veterans court divisions are adhering to the Council of Accountability Court Judges of Georgia's standards and practices and to create a waiver process for the veterans court divisions to seek an exception to the Council of Accountability Court Judges of Georgia's standards and practices. It also requires that before any veterans court division (established on and after July 1, 2017) receive State-appropriated funds it is to be certified or receive a waiver from the Council of Accountability Court Judges of Georgia. It also requires that the Council of Accountability Court Judges of Georgia and the Georgia Council on Criminal Justice Reform develop and manage an electronic information system for performance measurement and accept submission of performance data in a consistent format from all veteran court divisions. Also required, on or before July 1, 2018, is that the Council of Accountability Court Judges of Georgia conduct a performance peer review of the veterans court divisions for the purpose of improving veterans court division policies and practices and the certification/recertification process.

- O.C.G.A. § 15-11-70(a)(5)(C) to require that there is a certification process for family treatment court divisions to allow a court to demonstrate its need for additional State grant funds.
- O.C.G.A. § 15-11-212(f) to change required substance abuse treatment and random substance abuse screenings by a parent, guardian, or legal custodian of a child who is adjudicated as dependent so that rather than six months it would be no less than 12 consecutive months and that the parent, guardian, or legal custodian successfully complete programming through a family treatment court division.
- O.C.G.A. § 49-3-6(a) to add a requirement of local county departments in regards to protecting children so that "in collaboration with the family treatment court division planning group, if one exists, establish a written protocol to assess cases involving substantiated reports of abuse or neglect for possible referral to a family treatment court division. Such protocol shall be consistent with the Council on Accountability Courts of Georgia's certification requirements and include sufficient criteria to determine the need for substance abuse treatment."
- O.C.G.A. § 42-2-11(c) to add at (1)(C) that the board of the Department of Corrections is to use evidence-based practices to evaluate the quality of programming at its facilities, except State prisons, by January 1, 2019 and shall also publish a report.
- O.C.G.A. § 42-3-2(g)(3) to require that the Board of Community Supervisions use evidence-based practices to evaluate the quality of its programming at day reporting centers by January 1, 2019. It further permits in (h)(1) that the Board may provide educational programs for probationers and is required to exercise program approval authority, and at (h)(2) it requires that the Board create a Program and Treatment Completion Certificate that may be issued to probationers to symbolize the probationer's achievements toward successful reentry into society.
- O.C.G.A. § 42-5-36(c) to require that the Commissioner for the Department of Corrections prepare a report of the conduct of record of any inmate serving a sentence for a serious violent felony.
- O.C.G.A. § 42-8-21, regarding Georgia's statewide probation system, to add a definition for 'qualified offense.'
- O.C.G.A. § 42-8-27 to require that community supervision officers be authorized to provide supervision of defendants who are participants in a drug court division, mental health court division, or veterans court division operated by a superior court (as long as sufficient staffing and resources are available).
- O.C.G.A. § 42-8-34(e) to address payment of probation supervision fees and what the court may consider in imposing such (e.g. defendant's earnings and other income; other defendant obligations; etc.) and also when a court is to waive, modify or convert fines, statutory surcharges, probation supervision fees and other moneys assessed by the court or a provider of probation services.
- O.C.G.A. § 42-8-37(c) to address cases where a person receives a probated sentence of three years or more to require that there is a review by the officer responsible for such case with a report to specifically state if the probationer has been arrested for anything other than a nonserious traffic offense as defined in O.C.G.A. § 35-3-37, determining whether the probationer has been compliant with general and special conditions of

probation imposed and the status of the probationer's payments toward restitution or any fines and fees imposed.

- O.C.G.A. § 42-9-43(d) to require that if the Board of Pardons and Paroles holds a hearing, it is to provide the district attorney of the circuit in which the person was sentenced 30 days' notice via email of the hearing date and the district attorney or his or designee may attend such hearing and present evidence and also provide the person being considered 30 days' notice so he or she may present evidence to the Board.
- O.C.G.A. § 42-9-44 to require conditions of probation be imposed as conditions of parole when a defendant is serving a split sentence.
- O.C.G.A. § 42-9-46 requires that in cases in which an inmate has failed to serve time required for automatic initial consideration, there are requirements which are to be followed for early consideration. If an objection is filed and the board grants early parole, then the Board is to issue a statement explaining its reasoning for granting such parole and such statement is to be served on any party who filed an objection.
- O.C.G.A. § 42-9-61 to require that after the Board of Pardons and Paroles provides notice of making a final decision on parole or conditional release, the prosecuting attorney and person being considered for relief may make a written request to the Board for the report outlined in O.C.G.A. § 42-9-43(a)(2); the disclosure of this report does not vitiate the confidential nature of the report and does not make this report subject to Georgia's Open Meetings and Records laws in Title 50.

Governor Deal signed the additional Criminal Justice Council reforms as **Act Number 226**; the revisions take effect on July 1, 2017.

SB 175 – Sen. John Kennedy (R-Macon) offered this initiative to enact reforms recommended by the Georgia Council on Criminal Justice Reform concerning juvenile court proceedings. The legislation provides:

- A new Code Section at O.C.G.A. § 15-11-29.1, addressing proceedings involving a child in need of services or a delinquent child or when a case plan has been imposed pursuant to O.C.G.A. § 15-11-38 and O.C.G.A. § 15-11-39, upon the application of the prosecuting attorney or a party to the plan under O.C.G.A. § 15-11-38 and O.C.G.A. § 15-11-39, or on the court's own motion, the court may issue an order restraining or otherwise controlling the conduct of such child's parent, guardian, or legal custodian so as to promote such child's treatment, rehabilitation, and welfare, provided that due notice of the application or motion and the grounds for such and an opportunity to be heard has been given to the parent, guardian, or legal custodian. It also outlines what the court is to consider if an order is appropriate (what is in the best interest of the child; what is the public safety risk such delinquent child poses; evidence of a repeated pattern of behavior of the child; and extent to which enhanced involvement and supervision of such child may ameliorate public safety concerns). It also outlines what an order issued may require the parent, guardian or legal custodian do (e.g. monitor the child's school homework and studies after school; attend school meetings as requested by the teacher, counselor or school administrator; participate with the child in any counseling or treatment; pay restitution; enter into an successfully

complete a substance abuse program approved by the court; etc.). These orders may be modified, extended, or terminated if it is found in the best interests of the child and the public. Also, an order may be enforced by citation to show cause for contempt of court by reason of any violation and when the protection of the welfare of the child requires.

- It amends current law in O.C.G.A. § 15-11-39, concerning risk assessments or risk and needs assessments for community-based risk reduction programs, and adds a subsection (f) permitting in any jurisdiction within which a risk reduction program has been established that a court may issue an order authorized in O.C.G.A. § 15-11-29.1.
- It also amends O.C.G.A. § 15-11-442(b), addressing disposition hearings for a child in need of services, to also bring in the orders authorized in O.C.G.A. § 15-11-29.1. It also makes similar changes in O.C.G.A. § 15-11-601(a) and adds a new paragraph (12) for those orders issued under O.C.G.A. § 15-11-29.1 in dispositions of a delinquent act.
- It adds at O.C.G.A. § 15-11-653(d), concerning the evaluation of a child's mental condition, so as to require a recommendation as to the least restrictive setting in which competency remediation services may be effectively provided in such child if he or she is in a secure residential facility or nonsecure residential facility and how such detention is to continue.
- It amends O.C.G.A. § 15-11-656(d), concerning the disposition of an incompetent child, so that a child may be placed in a facility or program authorized or designated by the Department of Behavioral Health and Developmental Disabilities if the court makes a finding by clear and convincing evidence that all available less restrictive alternatives, including treatment in community residential facilities or community settings which would offer an opportunity for improvement of a child's condition, are inappropriate (currently, a child may be placed in a crisis stabilization unit or a psychiatric residential treatment facility (including Department of Juvenile Justice facilities). In subsection (g), it outlines actions to be taken if it is determined that the child is incompetent to proceed or if the child is unrestorably incompetent to proceed and where that child is to be detained.

Governor Deal signed this legislation as **Act Number 227**; it takes effect on July 1, 2017.

SB 176 – Sen. John Kennedy (R-Macon) carried this proposal also addressing added reform ideas from the Georgia Council on Criminal Justice Reform. This legislation enacts reforms relating to driving privileges in O.C.G.A. § 17-6-11, and in part, adds at subsection (b) that when a uniform traffic citation is issued and if the accused fails to appear for court or otherwise dispose of his or her charges before the scheduled court appearance on the uniform traffic citation, then prior to the court issuing a bench warrant, the clerk of court is to notify the accused by first-class mail or by postcard at the address listed on the uniform traffic citation of his or her failure to appear. The notice is required to be dated and is to allow the accused 30 days from such date to dispose of the charges or waive arraignment and plead not guilty. After that 30 days, and accused fails to dispose of his or charges or waive arraignment and plead not guilty, the clerk of court is to, within five days of such date, forward to the Department of Driver Services the accused's driver's license number. At that point, the Commissioner for the Department of Driver Services is to suspend the individual's driver's

license and driving privilege. Reinstatement is permitted if he or she shows proof of final adjudication and the individual pays a restoration fee to the Department of Driver Services. It also adds a new definition for 'bench warrant' in O.C.G.A. § 17-7-90 and when such can be issued by a judge. There are also revisions in O.C.G.A. § 40-5-75(a) and (g) concerning suspension of driver's licenses so that "effective July 1, 2017, the Department shall be authorized to reinstate, instanter, a driver's license that was suspended pursuant to this Code Section for a violation of Article 1 of Chapter 13 of Title 16, or the equivalent law of any other jurisdiction, that occurred prior to July 1, 2015, provided that the driver's license has not been previously reinstated. The provisions of this subparagraph shall not apply to a suspension imposed pursuant to this Code Section for a violation of paragraph (2), (4), or (6) of subsection (a) of Code Section 40-6-391 or the equivalent law of any other jurisdiction, that occurred prior to July 1, 2015, unless ordered by a judge presiding in a drug court division, mental health court division, veterans court division, or operating under the influence court division in accordance with subsection (a) of Code Section 40-5-76." Governor Deal signed this legislation as **Act Number 228**; it takes effect on July 1, 2017.

CRIMINAL PROCEDURE

Legislation Passed

HB 343 – Rep. Scott Hilton (R-Peachtree Corners) introduced this legislation amending several Code Sections in Title 17, Georgia's criminal procedure statutes. It changes the references to the terms, 'mental retardation' and 'mentally retarded' to 'intellectual disability.' It defines at O.C.G.A. § 17-7-131 "intellectual disability" as "having significantly subaverage general intellectual functioning resulting in or associated with impairments in adaptive behavior which manifested during the developmental period." It adds further at subsection (j) of this Code Section that: "in any trial of any case in which the death penalty is sought which commences on or after July 1, 2017, should the judge find in accepting a plea of guilty but with intellectual disability, or the jury or court find in its verdict that the defendant is guilty of the crime charged but with intellectual disability, the death penalty shall not be imposed and the court shall sentence the defendant to imprisonment for life." Governor Deal approved this legislation as **Act Number 189**. This Act takes effect on July 1, 2017.

SB 104 – Sen. Donzella James (D-Atlanta) offered this initiative originally to address the posting of human trafficking hotline in certain public buildings. The legislation received several changes through the process and now includes amendments to:

- O.C.G.A. § 16-5-44.1(b) and (d) creating the offense of hijacking a motor vehicle in the first degree and hijacking a motor vehicle in the second degree along with respective punishments. (This language was from HB 67 by Rep. William Boddie (D-East Point) which was tabled in the Senate on March 28, 2017.)
- O.C.G.A. § 16-7-1(c) addressing the offense of burglary so as to eliminate burglary of a vehicle from current law. (This language was also from HB 67.)
- Conform the Juvenile Code in Title 15, replacing "hijacking a motor vehicle" with "hijacking a motor vehicle in the first degree." (This language was from HB 67.)

- O.C.G.A. § 16-11-131(e), defining "forcible felony" when it involves the use or threat of physical force or violence against any person and involves hijacking a motor vehicle in the first degree. This language was also from HB 67.)
- O.C.G.A. § 17-7-130(a)(11)(A)(vi), pertaining to the proceedings upon a plea of mental incompetence to stand trial including hijacking a motor vehicle in the first degree or hijacking an aircraft. (This language was from HB 67.)
- O.C.G.A. § 17-10-9.1(a)(6) regarding voluntary surrender to county jail or correctional institution for offense of aircraft hijacking and hijacking a motor vehicle in the first degree. (This language was from HB 67.)
- O.C.G.A. § 16-5-47 regarding the posting of the model notice with human trafficking hotline information in businesses and on the internet and termination by requiring the posting of the notice in government buildings with public access (a building or portion of a building owned or leased by a government entity (which is an office, agency, authority, department, commission, board, body, division, instrumentality, or institution of the executive, legislative, or judicial branch of the State government) and any county, municipal corporation or consolidated government within this State). As it relates to "leased" space, it requires only posting the notice in public restrooms that are part of the lease for the exclusive use by the government entity. Each government entity is also required to post on its homepage of its website an "identified hyperlink to the model notice that is on the Georgia Bureau of Investigation's website."
- O.C.G.A. § 16-9-5, regarding counterfeit or false proof of insurance documents, so as to provide that if such individual violates by possessing a counterfeit or false proof of insurance that he or she knows to be a counterfeit or false proof of insurance document or such is deemed counterfeit or false then the individual would be guilty of a felony and upon conviction is to be punished by a fine of not more than $10,000.00 (rather than $5,000.00) or by imprisonment for not less than two and not more than ten years (rather than not more than three years) or both. The change imposed in this Code Section is to be the same punishment as outlined in the Insurance Code for such violations. (This language was from HB 214 by Rep. Rich Golick (R-Smyrna) but which remained in the Senate Rules Committee.)
- Adds a new Code Section at O.C.G.A. § 16-11-91 making it unlawful for a person to "knowingly and without the consent of the individual observed, use or install a device for the purpose of surreptitiously observing, photographing, videotaping, filming, or video recording such individual underneath or through such individual's clothing, for the purpose of viewing the intimate parts of the body of or the undergarments worn by such individual, under circumstances in which such individual has a reasonable expectation of privacy, regardless of whether it occurs in a public place." (This language was known as the "upskirting" legislation and two bills were proposed on this issue: HB 9 by Rep. Shaw Blackmon (R-Bonaire) which remained in the Senate Rules Committee and SB 45 by Sen. Larry Walker (R-Perry) which remained in the House Rules Committee.)
- O.C.G.A. § 16-13-30(c)(3)(B), adding additional substances where the purchase, possession, manufacture, distribution, or sale of controlled substances or marijuana do not apply; changes in O.C.G.A. § 16-13-31 regarding trafficking of cocaine, illegal

drugs, marijuana or methamphetamine; and changes to O.C.G.A. § 16-13-25(l) adding additional Schedule I drugs.

- O.C.G.A. § 16-13-25 adding fentanyl analog structural class to the dangerous drug list in the Schedule I controlled substances (including derivatives, salts, isomers or salts of isomers except under certain instances) and adding carfentanil and thiafentanil to the Schedule II controlled substances list at O.C.G.A. § 16-13-26(2). (This language was from HB 213 by Rep. Rich Golick (R-Smyrna) which was tabled in the Senate. It was also included in HB 231, by Rep. Bruce Broadrick (R-Dalton) and was signed into law **Act Number 17** by Governor Deal on April 17, 2017.)
- O.C.G.A. § 26-4-115 addressing wholesale drug distributors and adding a new subsection (g) so as to clarify that transfers of drugs from a licensed hospital pharmacy to an entity that is affiliated with or owned by the hospital is not to be deemed a wholesale distributor of drugs. (This language had been added as a Floor Amendment in the Senate by Sen. Chuck Hufstetler (R-Rome) to HB 213 but that legislation was eventually tabled.)

Governor Deal approved this initiative as **Act Number 182** on May 8, 2017. All portions of SB 104 addressing drugs, drug offenses, dangerous drugs, and wholesale drug distribution took effect upon signature of the Governor. All remaining parts of the legislation take effect on July 1, 2017.

SB 176 – Sen. John Kennedy (R-Macon) carried this proposal also addressing added reform ideas from the Georgia Council on Criminal Justice Reform. This legislation enacts reforms relating to driving privileges in O.C.G.A. § 17-6-11, and in part, adds at subsection (b) that when a uniform traffic citation is issued and if the accused fails to appear for court or otherwise dispose of his or her charges before the scheduled court appearance on the uniform traffic citation, then prior to the court issuing a bench warrant, the clerk of court is to notify the accused by first-class mail or by postcard at the address listed on the uniform traffic citation of his or her failure to appear. The notice is required to be dated and is to allow the accused 30 days from such date to dispose of the charges or waive arraignment and plead not guilty. After that 30 days, and accused fails to dispose of his or charges or waive arraignment and plead not guilty, the clerk of court is to, within five days of such date, forward to the Department of Driver Services the accused's driver's license number. At that point, the Commissioner for the Department of Driver Services is to suspend the individual's driver's license and driving privilege. Reinstatement is permitted if he or she shows proof of final adjudication and the individual pays a restoration fee to the Department of Driver Services. It also adds a new definition for 'bench warrant' in O.C.G.A. § 17-7-90 and when such can be issued by a judge. There are also revisions in O.C.G.A. § 40-5-75(a) and (g) concerning suspension of driver's licenses so that "effective July 1, 2017, the Department shall be authorized to reinstate, instanter, a driver's license that was suspended pursuant to this Code Section for a violation of Article 1 of Chapter 13 of Title 16, or the equivalent law of any other jurisdiction, that occurred prior to July 1, 2015, provided that the driver's license has not been previously reinstated. The provisions of this subparagraph shall not apply to a suspension imposed pursuant to this Code Section for a violation of paragraph (2), (4), or (6) of subsection (a) of Code Section 40-6-391 or the equivalent law of any other jurisdiction, that occurred

prior to July 1, 2015, unless ordered by a judge presiding in a drug court division, mental health court division, veterans court division, or operating under the influence court division in accordance with subsection (a) of Code Section 40-5-76." Governor Deal signed this legislation as **Act Number 228**; it takes effect on July 1, 2017.

Legislation Not Passed

SB 127 – Sen. John Kennedy (R-Macon) authored this legislation which sought to amend O.C.G.A. § 17-17-15(c) to read:

> (1) Except as provided in this subsection, this chapter shall not confer upon a victim any standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.
> (2)(A) When a victim has made a written request to the prosecuting attorney to be notified of all proceedings and has provided contact information to the prosecuting attorney, and such victim asserts that he or she was not provided notification of a proceeding, he or she may file a motion requesting to be heard on such matter. When a victim has made a written request to the prosecuting attorney to be heard according to the provisions of this chapter in a criminal proceeding and alleges that he or she was not given such opportunity by the prosecuting attorney or court, such victim may file a motion requesting to be heard on such matter. When a victim alleges that any other provision of this chapter has not been complied with, such victim may file a motion alleging such deficiency and requesting to be heard on such matter
> (B) Such motion shall be filed as soon as possible, but not later than 20 days after the claimed denial. Such motion shall be filed in the criminal case and the victim shall provide a copy of the motion to the prosecuting attorney and the defendant.
> (3) When the victim's motion alleges potential failures by the prosecuting attorney, the prosecuting attorney may recuse in accordance with Code Section 15-18-5 or 15-18-65, as applicable. When the victim's motion alleges potential failures by the court, the judge may recuse in accordance with Code Section 15-1-8.
> (4) The court may set the motion for a hearing or issue an order disposing of the motion.

His bill remained in the House Judiciary Non-Civil Committee.

SB 185 – Sen. Elena Parent (D-Atlanta) authored this legislation which would have amended O.C.G.A. § 17-7-131(c)(3), relating to proceedings upon a plea of insanity or mental incompetency at the time of a crime. It proposed to change the standard of proof so that: "The defendant may be found 'guilty but mentally retarded' if the jury, or court acting as trier of facts, finds beyond a reasonable doubt that the defendant is guilty of the crime charged and by a preponderance of the evidence that the defendant is mentally retarded. If the court or jury should make such finding, it shall so specify in its verdict." Current law only requires that the trier of facts finds it is "beyond a reasonable doubt." It remained in the Senate Judiciary Committee.

SB 189 – Sen. Blake Tillery (R-Vidalia) introduced this bill with numerous revisions to Chapter 12 of Title 17 pertaining to the legal defense of indigents. It proposed, in part, to clarify provisions relating to the authority and responsibilities of the Georgia Public Defender Council and its director and would have authorized the creation of more divisions within the Council. It reported out favorably from the Senate Judiciary Committee but remained in the Senate Rules Committee.

DEBTOR AND CREDITOR

Legislation Passed

SB 87 – Sen. Blake Tillery (R-Vidalia) proposed this initiative addressing O.C.G.A. § 44-13-100(a), relating to exemptions for purposes of bankruptcy and intestate insolvent estates. It adds assets in health savings accounts and medical savings accounts to the list of property exempt from bankruptcy. It also adds in subsection (d) that after closing a case relating to bankruptcy, the debtor or his or her receiver or trustee or any interested party may file with a clerk of court where a judgment lien is recorded an affidavit of lien release and attach a certified copy of the discharge of such bankrupt or debtor and a lien avoidance order, or a certified copy of the order of confirmation of a plan and the plan as confirmed, together with a copy of the portions of the schedules filed by the debtor in the bankruptcy case listing the judgment creditor and identifying property is exempt. Further, the filer is to certify that no order has been entered in the bankruptcy limiting the discharge as to the judgment or retaining the judgment lien. After the filing of the affidavit, then the lien of such judgment is to be deemed cancelled as any property identified as exempt and for which a lien avoidance order was issued; or re-vested in the debtor without lien retention under a plan and any other property acquired by the debtor after the filing of the bankruptcy petition. Governor Deal approved this bill as **Act Number 234**; it takes effect July 1, 2017.

Legislation Not Passed

SB 194 – Sen. Jesse Stone (R-Waynesboro) offered this initiative which proposed changes to Georgia's statues on garnishments in Chapter 4 of Title 18 in order to raise amounts to conform with the forms (moving the maximum amount of the defendant's disposable earnings in statute from $217.00 per week to $217.50 per week). It remained in the Senate Judiciary Committee.

DOMESTIC RELATIONS

Legislation Passed

HB 86 – Rep. Mary Margaret Oliver (D-Decatur) offered this legislation amending O.C.G.A. § 19-7-5(b)(10)(J), expanding the definition of sexual abuse to include acts involving trafficking a person for sexual servitude. Governor Deal signed this initiative as **Act Number 168** on May 8, 2017; it took effect on that date.

HB 279 – Rep. Mandi Ballinger (R-Canton) authored this legislation, amending O.C.G.A. § 19-12-1 and O.C.G.A. § 19-12-2. The changes allow a separate process when a name change is requested by an individual alleging to be the victim of family violence so that such petition is filed under seal with the court. The court is to determine if the petitioner is a victim of family violence and may issue an order waiving the publication requirements. Governor Deal signed this legislation as **Act Number 222**; it takes effect on July 1, 2017.

HB 303 – Rep. Mandi Ballinger (R-Canton) offered this measure amending O.C.G.A. § 19-13-32 to address the State Commission on Family Violence and its members and their qualifications. It no longer requires "three advocates for battered women recommended by groups which have addressed the problem of family violence," but in its place, inserted three advocates for victims of family violence, taking into account recommendations made by groups which have addressed the problem of family violence." Further, it deletes from membership a representative from "Men Stopping Violence" and in its place adds a "family violence intervention program, as such term is defined in Code Section 19-13-10." This Commission remains at 37 members. Terms for membership are three years and no member is permitted to serve more than two consecutive terms "unless he or she is serving in an ex officio capacity" and the Governor's letter of appointment is to "set out the term for which each member is appointed." Language was also added to the law outlining that if a member of the Commission changes his or her position (which was the basis for why he or she was appointed) then a vacancy will occur as he or she are no longer eligible to serve. The new language for the Commission also addresses compensation/allowances for legislative members and daily expense allowances for citizen members. Governor Deal signed this legislation as **Act Number 252**. The legislation takes effect on July 1, 2017.

HB 359 – Rep. Barry Fleming (R-Harlem) authored this year's "Supporting and Strengthening Families Act" which a version had previously been championed by Sen. Renee Unterman (R-Buford). The legislation adds a new Article 4 in Chapter 9 of Title 19, beginning at O.C.G.A. § 19-9-120 et seq. The new proposal permits a parent to execute a notarized, written power of attorney so as to allow a parent to give delegation of authority over a child to another individual (a relative who resides in the State or is approved as an agent by a licensed child placing agency or a nonprofit entity that is focused on child or family services and that is in good standing with the Internal Revenue Service). This care authorization is limited to one year. Language is included to address delegations of the caregiving authority to a grandparent which may be unlimited in time and there is also extra time permitted, if the parent providing the delegation, is an active military personnel so that he or she can allow for the caregiving for the deployment but that such delegation is not to exceed the term of deployment plus 30 days. The agent granted this custody does not need court approval and that individual may act in the best interests of the child – including getting medical, dental or mental health care for the child. There is a notice provision for the parent to notify the non-custodial parent of his or her intention to execute this power of attorney and the non-custodial parent does have an opportunity to object (within 21 days of receiving the notice). Such placement is not to be considered as placing the child in foster care or as an out-of-home placement. Governor Deal, however, **vetoed** this initiative on May 9, 2017 as **Veto Number 4**. He stated in his veto message that while "well intentioned," the legislation "creates a parallel and unchecked system

to our Department of Family and Children Services unintentionally placing children at risk." This power of attorney circumvents current law "granting a power of attorney for a child to an individual, or even a non-profit corporation, with no oversight." Further, he stated that "the State should consider all options that help in streamlining the process for a child to be adopted, or placed in a loving home or improved foster care environment; however, creating a parallel system in which DFCS has no oversight runs contrary to the progress the State has made in strengthening our child welfare system." His message also urged that supporters of this legislation, leadership in the House and Senate as well as the child welfare advocacy community work together – especially as lawmakers were not successful in passing the comprehensive revisions to Georgia's adoption laws – on a proposal to streamline Georgia's adoption process.

HB 391 – Rep. David Clark (R-Buford) authored this initiative amending Georgia's "Safe Place for Newborns Act of 2002" in Chapter 10A of Title 19. Specifically, it expands the locations where a newborn child up to 30 days of age can be left by a mother. Current law allows the mother to leave the child up to one week in age with an employee, agent, or member of the staff of a medical facility. This law expands such locations to also include a fire station or police station. If the mother leaves the child, she will not be prosecuted for violating O.C.G.A. § 16-12-1 or O.C.G.A. § 19-10-1. The mother may show proof of her identity to the person with whom the newborn is left and may provide her name and address. Changes included in HB 391, which became **Act Number 202**, take effect on July 1, 2017.

SB 128 – Sen. John Wilkinson (R-Toccoa) introduced this measure. It allows the sharing of personal data from the Department of Drivers' Services with the Department of Natural Resources in O.C.G.A. § 40-5-2(d) and (f) so that the Department of Natural Resources (DNR) can use that information in the detection and prevention of fraud in applications for licenses, permits and registrations issued by DNR and so that confirmation may be made of the applicant's residency (including name, address, date of birth, gender, driver identification number of identification number, status of driver's license, date of driver's license issuance and cancellation, type of driver's license or identification card issued, and other information required). This information is only to be used to detect and prevent fraud and fulfillment of obligations under the "Child Support Recovery Act" found in Chapter 11 of Title 19. Governor Deal signed this initiative as **Act Number 239**; it takes effect on July 1, 2017.

SB 137 – Sen. Greg Kirk (R-Americus) offered this legislation to enact the recommendations from the Georgia Child Support Commission concerning child support and enforcement of child support orders in Title 19. Some of the changes include:

- Amendments to O.C.G.A. § 19-5-12, concerning final judgment of divorce, so as to address instances where cases involve the determination of child support. It now requires that the final judgment include and have attached to it the child support worksheet containing the calculation of the final award of child support and any schedule prepared for the purpose of calculating child support. It also now requires when applicable, the court is to also include in the final judgment the ability to use income deduction orders as outlined in O.C.G.A. § 19-6-30 and O.C.G.A. § 19-6-32.

- Changes to O.C.G.A. § 19-6-14 which now allows a judge to grant alimony while there is a pending final judgment in a divorce action. This legislation allows the judge to grant "temporary child support" in a sum sufficient for the support of the children of the parties in accordance with O.C.G.A. § 19-6-15.
- Adds new definitions in O.C.G.A. § 19-6-32, regarding the entering of income deduction order or medical support notice for award of child support, to include new definitions for the terms, 'child support enforcement agency,' 'court,' 'earnings,' 'IV-D,' 'National Medical Support Notice," 'obligee,' 'obligor,' and 'payor.' Those same new definitions are also added in O.C.G.A. § 19-6-33, regarding notice and service of income deduction order, and at O.C.G.A. § 19-6-33.1, concerning the family support registry.
- Changes fees that the Department of Human Services is authorized to charge in O.C.G.A. § 19-11-6(f), eliminating the fees charged to the obligee and raising the fee charged to the obligor from $13.00 to $25.00 (based on the federal Deficit Reduction Act of 2005). The fee is also increased to $25.00 to the obligor in O.C.G.A. § 19-11-8(e) as well.
- Amends O.C.G.A. § 19-11-39(a) requires that the Department create by contract, cooperative agreement or otherwise a computerized central case registry for all support orders entered by any court or administrative tribunal of Georgia and that all support orders obtained by the child support enforcement agency as well as those support orders not within the child support enforcement agency be registered in that database.
- Amends O.C.G.A. § 19-6-15(h)(1)(F), regarding child support in the final verdict or decree, so as to address child care costs which are variable. It permits the court or jury to remove work-related child care cost from the calculation of support and divide the work-related child care costs pro rata to be paid within a time specified in the final child support order. It also addresses instances where the parent or nonparent custodian who fails to comply with the final child support order so that the other parent or nonparent custodian may enforce payment of the work-related child care costs by other means permitted by law or child support services is to pursue enforcement when such unpaid costs have been reduced to a judgment in a sum certain.

Governor Deal signed SB 137 as **Act Number 242.** The fees discussed above which are increased to $25.00 to the obligor take effect on October 1, 2017; all other portions of this Act take effect on July 1, 2017.

Legislation Not Passed

HB 19 – Rep. Sandra Scott (D-Rex) introduced this legislation, which would have revised the definition of 'legal father' at O.C.G.A. § 15-11-2 to include a person who was determined to be the legal father of the child in question by a final paternity order. A new Code Section would have been created at O.C.G.A. § 19-7-22.1 providing that a biological father of a child born out of wedlock can petition the Department of human Services to legitimize such child if the father was obligated to support the child. This bill was never assigned to a Committee.

HB 159 - Rep. Bert Reeves (R-Marietta) addressed Georgia's adoption laws in this legislation at Chapter 8 of Title 19. It proposed, in O.C.G.A. § 19-8-2(b), the process for a child who has been placed for adoption with an individual who was a resident of another state in compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the Placement of Children. It lowered the age that an individual must be to adopt a child to 21 years of age in O.C.G.A. § 19-8-3(a)(1). It further amended the 10-year age difference exception, so that it would not apply when the petitioner was a stepparent or relative and the petition was filed pursuant to O.C.G.A. § 19-8-6 or O.C.G.A. § 19-8-7. The House passed this bill; however, the Senate recommitted HB 159 after a religious freedom amendment was added in the Senate Judiciary Committee.

HB 190 – Rep. Meagan Hanson (R-Brookhaven) introduced this legislation that would have amended various code sections in Chapter 3 of Title 19 to clarify provisions relating to antenuptial agreements (defined as a contract entered into prior to marriage that contemplates a future settlement, divisions of property, etc.) It further updated language throughout Chapter 3 of Title 19 to modernize terminology and repealed arcane concepts. It remained in the House Judiciary Committee.

HB 212 - Rep. Beth Beskin (R-Atlanta) introduced this legislation which proposed to enact a recommendation by the Georgia Child Support Commission by amending O.C.G.A. § 19-6-15. It proposed to provide that, in situations in which work-related child care costs are variable, the court could remove such costs from the calculation of support, and divide such costs pro rata, to be paid within a time specified in the child support order. If a parent or custodian failed to comply with such an order: (A) the other parent could enforce the payment by any means permitted by law; or (B) child support services was to pursue enforcement when such unpaid costs have been reduced to a judgment in a sum certain. HB 212 was recommitted to the House Judiciary Committee where it remained.

HB 305 - Rep. Beth Beskin (R-Atlanta) sponsored this legislation which sought to amend O.C.G.A. § 19-7-1(b.1), regarding to whom parental power lies, how much power is lost and recover for homicide of a child. It added stepparents and former stepparents to the category of third parties who may be awarded custody of a child (in addition to a grandparent, great-grandparent, aunt, uncle, great aunt, great uncle, sibling or adoptive parent) – it continued to require that an award of custody to a third party is for the best interest of the child(ren) and will best promote their welfare and happiness. HB 305 passed through the House, but remained in the Senate Health and Human Services Committee.

HB 308 - Rep. Beth Beskin (R-Atlanta) proposed this measure to address domestic relations in Title 19. At O.C.G.A. § 19-5-12 it sought to enact provisions recommended by the Georgia Child Support Commission on child support and enforcement of child support orders. It replaced "IV-D Agency" with "child support enforcement agency." It also required that only one support form be filed for each child for whom support is being determined. The total work-related costs related to the order are to be included in the final order instead of the written order of the court. It remained in the Senate Judiciary Committee.

HB 344 - Rep. Katie Dempsey (R-Rome) authored this measure, proposing changes to O.C.G.A. § 19-7-54(d) regarding the motion to set aside determination of paternity. It allowed parties beyond movants in a case concerning a child support order to request a genetic test from the Department of Human Services when accompanied by a statement setting forth requirements to set aside a determination of paternity described in O.C.G.A. § 19-7-54(b) paragraphs (2) through (5). The Department would have the ability to deny the request in certain instances. HB 344 remained in the Senate Judiciary Committee.

SB 130 – Sen. Blake Tillery (R-Vidalia) offered this bill which originally addressed O.C.G.A. § 15-11-103(g), relating to the right to an attorney in juvenile proceedings. Under current law, a party other than a child is to be informed of his or her right to an attorney prior to any hearing. A party other than a child is also to be given an opportunity to: "(1) Obtain and employ an attorney of such party's own choice; (2) Obtain a court appointed attorney if the court determines that such party is an indigent person; or (3) Waive the right to an attorney." This legislation added that the waiver could only be done if made knowingly, voluntarily, and on the record. The House, frustrated over the Senate Judiciary Committee's lack of action on the adoption law update (HB 159), which has been worked on for over two years, added the language from that bill by Rep. Bert Reeves (R-Marietta) to SB 130. HB 159 had been amended in the Senate Judiciary Committee with a religious freedom amendment which caused concern by many under the Gold Dome. Sen. Tillery's legislation, thus, passed the Senate and House but no further action was taken by the Senate to address changes made by the House as they did not wish to have a full debate on religious freedom on the last night of the Session. Therefore, the legislation failed.

DRUGS

Legislation Passed

HB 231 – Rep. Bruce Broadrick (R-Dalton) introduced Georgia's annual dangerous drug update, making a series of changes to Chapter 13 of Title 16. Included in this year's legislation are the addition of fentanyl analog structural class, including derivatives, their salts, isomers, or salts of isomers, unless specifically utilized as a part of the manufacturing process by a commercial industry of a substance or material not intended for human ingestion or consumption as a prescription administered under medical supervision, or for research at a recognized institution. [This language regarding fentanyl was incorporated into HB 213 (Section 2-2), which was authored by Rep. Rich Golick (R-Smyrna). However, HB 213 was tabled in the Senate on March 28, 2017.] Governor Deal approved this annual drug update initiative as **Act Number 17**, and it took effect upon signature on April 17, 2017.

HB 249 – Rep. Kevin Tanner (R-Dawsonville) introduced this initiative as an effort to address the State's burgeoning opioid abuse crisis. It does a number of things:

- O.C.G.A. § 16-13-57(b) moves the Prescription Drug Monitoring Program (PDMP) from the Georgia Drugs and Narcotics Agency to the Department of Public Health

(which is also required to conduct testing of the PDMP to see if its accessible and operational).

- O.C.G.A. § 16-13-57(c) requires each prescriber with a DEA registration number to enroll as a user of the PDMP as soon as possible but not later than January 1, 2018. New prescribers are required to enroll within 30 days of receiving his or her credentials.
- O.C.G.A. § 16-13-59(b) requires each dispenser to submit prescription information to the Department (PDMP) at least every 24 hours. This information will be used to provide medical/pharmaceutical care to a patient or inform the prescriber or dispenser of a patient's potential use, misuse, abuse, or underutilization of a prescription.
- O.C.G.A. § 16-13-60(c) permits additional personnel to access the PDMP – it permits two individuals in the pharmacy per shift or rotation of the prescriber's or dispenser's staff or employed at the health care facility in which the prescriber is practicing provided that these individuals: Are licensed under Title 43 (Chapters 11, 30, 34 or 35) [The dentists, dental hygienists and dental assistants; optometrists; physicians and physician's assistants; and podiatrists.]; Are registered under Title 26 [Pharmacists and pharmacy technicians]; Are licensed under Chapter 26 of Title 43 and submit to the annual registration process required in O.C.G.A. § 16-13-35(a); and for the purposes of this Code section such individuals shall not be deemed exempted from registration as set forth in O.C.G.A. § 16-13-35(g) or [Nurses are in Chapter 26 of Title 43]; and Submit to the annual registration process required by O.C.G.A. § 16-13-35(a) and for the purposes of this Code Section, such individuals shall not be deemed exempted from registration as set forth in O.C.G.A. § 16-13-35(g). [These are the manufacturers, distributors and dispensers who are required to have an annual registration.] These individuals will have the authorization by the medical director of the facility. Hospitals are also permitted to designate two individuals per shift or rotation (either employed or contracted) for this work.
- O.C.G.A. § 16-13-63 requires that on and after July 1, 2018, when a prescriber is prescribing a controlled substance in O.C.G.A. §16-13-26(1) or (2) or benzodiazepines, then he or she is to review the PDMP the first time he or she issues such prescription and thereafter at least once every 90 days (*except* under certain conditions – when it is, for instance, no more than a three-day supply of the substance or no more than 26 pills; if the patient is in a hospital or healthcare facility (explicitly including nursing home or hospice (and likely including crisis stabilization units)) and the patient is using the medications there; patient has outpatient surgery in an ambulatory surgery center and has a prescription for no more than a ten-day supply of the substance or no more than 40 pills; if the patient is terminally ill or in hospice; or the patient is receiving treatment for cancer. Prescribers are to make notes in the patient's medical record noting the date and time the PDMP was reviewed for the patient.
- O.C.G.A. § 16-13-71(b) and (c) provides an exemption for Naloxone from the dangerous drug list.
- O.C.G.A. § 16-13-56.1(b) requires a prescriber who issues a prescription for an opioid to a patient to inform that patient of the addictive risks of using such medications and how to safely dispose of unused medicines – this can be done verbally or in writing.

- O.C.G.A. § 31-1-10(b) permits the State Health Officer (an individual licensed to practice medicine) the ability to issue a standing order for Naloxone and O.C.G.A. § 26-4-116.2(e)(3) allows that Officer an immunity from liability if he or she is acting in good faith.
- O.C.G.A. § 31-12-2(a.1)(2) requires that babies with neonatal abstinence syndrome be reported to the Department of Public Health; and that department is to provide an annual report to the President of the Senate, Speaker of the House, and Chairs of the Health and Human Services Committees on these babies.
- O.C.G.A. § 26-5-22 requires that the Department of Community Health conduct annual onsite inspections of each narcotic treatment program in the State.
- O.C.G.A. § 26-5-23 requires the Departments of Community Health and Behavioral Health and Developmental Disabilities to publish annually a report on numbers of patients enrolled the narcotic treatment programs.
- O.C.G.A. § 45-16-24(a)(10) requires law enforcement to notify the coroner or county medical examiner if an individual dies of an apparent overdose and O.C.G.A. § 45-16-27(a) requires that coroners are to conduct an inquest of such.
- O.C.G.A. § 20-2-149.1(a) names the current law concerning cardiopulmonary resuscitation and use of automated external defibrillators the "Cory Joseph Wilson Act." [This Code Section is in the Education Code, O.C.G.A. § 20-2-149.1, which required beginning in school year 2013-2014 that each local board of education operating a school with grades nine through 12 are to provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator to students as a requirement within existing health or physical education courses.]

Governor Deal signed this initiative as **Act Number 141**; it takes effect on July 1, 2017.

HB 276 – Rep. David Knight (R-Griffin) authored this bill addressing the regulation and licensure of pharmacy benefits managers in Chapter 64 of Title 33. The legislation amends:

- O.C.G.A. § 33-64-7 addressing enforcement powers of the Commissioner of Insurance so that he may promulgate rules and regulations to "effectuate the specific provisions of this chapter."
- O.C.G.A. § 33-64-10 is added so that a pharmacy benefits manager is prohibited from requiring insureds to use a mail-order pharmaceutical distributor, including a mail order pharmacy. Such applies to individual accident and sickness policies issued pursuant to Chapter 29 of Title 33. The new Code Section does not apply to these entities: "1) a care management organization as defined in Chapter 21A of Title 33; 2) the Department of Community Health as defined in Chapter 2 of Title 31; 3) the State Health Benefit Plan under Article 1 of Chapter 18 of Title 45; or 4) any licensed group model health maintenance organization with an exclusive medical group contract and which operates its own pharmacies licensed under Code Section 26-4-110.1."
- O.C.G.A. § 33-64-11 is added so as to enumerate what a pharmacy benefits manager ("PBM") is proscribed from:
    - Prohibiting a pharmacist or pharmacy from providing an insured individual information on the amount of the insured's cost share for the insured's

prescription drug and clinical efficacy of a more affordable drug alternative if one is available (it also prohibits a pharmacy or pharmacist from being penalized by the PBM for disclosing such information to an insured or for selling to an insured a more affordable alternative if one is available).
- Prohibiting a pharmacist or pharmacy from offering and providing store direct delivery services to an insured as an ancillary service.
- Charging or collecting from an insured a copayment that exceeds the total submitted charges by the network pharmacy for which the pharmacy is paid.
- Charging or holding a pharmacist or pharmacy responsible for a fee relating to the adjudication of claims.
- Recouping funds from a pharmacy in connection with claims for which the pharmacy has already been paid without first complying with the requirements outlined in O.C.G.A. § 26-4-118, unless recoupment is otherwise permitted or required by law.
- Penalizing or retaliating against a pharmacist or pharmacy for exercising rights under Chapter 64 or O.C.G.A. § 26-4-118.
- O.C.G.A. § 33-64-11 also does not apply to care management organizations (as defined in 21A of Title 33); Department of Community Health; State Health Benefit Plan; or "any licensed group model health maintenance organization with an exclusive medical group contract and which operates its own pharmacies licensed under O.C.G.A. § 26-4-110.1.

Governor Deal approved HB 276 as **Act Number 195** and it takes effect on July 1, 2017 and applies to all contracts issued, delivered, or issued for delivery in Georgia on and after such date.

SB 41 – Sen. Renee Unterman (R-Buford) authored this initiative to license durable medical equipment suppliers in O.C.G.A. § 26-4-51. A definition for 'durable medical equipment' is added at O.C.G.A. § 26-4-5(14.04) which means: "equipment for which a prescription is required, including repair and replacement parts for such equipment, and which: (A) can withstand repeated use; (B) has an expected life of at least three years; (C) is primarily and customarily used to serve a medical purpose; (D) generally is not useful to a person in the absence of illness or injury; and (E) is appropriate for use in the home." At O.C.G.A. § 26-4-51(a), it requires that "any person who supplies durable medical equipment to a consumer and submits a claim for reimbursement by a third-party, either directly or through a contractual arrangement, shall possess a durable medical supplier licensed" issued by the Board of Pharmacy – a license is in effect once issued for 36 months and is not transferrable or assignable. The entity is required to maintain an office or place of business in Georgia. The Board of Pharmacy is provided the ability to issue a license to a "Medicare enrolled out-of-state manufacturer or wholesale distributor that provides durable medical equipment directly to consumers if such manufacturer or wholesale distributor possesses a valid license from another state." There are exemptions from licensure outlined in (g) which include these: (1) pharmacies and pharmacists; (2) hospitals; (3) ambulatory surgical centers; (4) healthcare facilities owned or operated by the State or federal government; (5) skilled nursing facilities; (6) assisted living facilities; (7) healthcare practitioners who: (A) provide durable medical equipment within the

scope of practice of the health care practitioner's profession; and (B) are licensed in Georgia to practice the healthcare practitioner's profession; (8) suppliers of insulin infusion pumps and related supplies or services; (9) manufacturers or wholesale distributors that do not sell or rent durable medical equipment directly to consumers; (10) renal dialysis providers and persons or entities that distribute devices necessary to perform home renal dialysis to patients with chronic kidney disease; and (11) suppliers of osteogenesis stimulators, transcutaneous electrical; nerve stimulators, pneumatic compression devices, and related supplies or services. Governor Deal signed this licensure requirement as **Act Number 230**; it takes effect on July 1, 2017.

SB 78 – Sen. Lee Anderson (R-Grovetown) offered this legislation addressing O.C.G.A. § 26-2-34, relating to the adulteration and misbranding of food, to authorize the Commissioner of the Department of Agriculture to issue a variance or waiver to any rule promulgated pursuant to the Code Section when that person subject to the rule demonstrates "that the purpose of the underlying statute upon which the rule is based can be or has been achieved by other specific means which are agreeable to the person seeking the variance or waiver and that strict application of the rule would create a substantial hardship to such person." The term, 'substantial hardship,' is a "significant, unique, and demonstrable economic, technological, legal, or other type of hardship to the person requesting a variance or waiver which impairs the ability of the person to continue to function in the regulated practice or business." Governor Deal signed this initiative as **Act Number 233**, and it takes effect on July 1, 2017.

SB 88 – Sen. Jeff Mullis (R-Chickamauga) offered this legislation creating a regulation for narcotic treatment programs (for chronic heroin or opiate-like drug dependent individuals) in new Article 2 of Chapter 5 Title 26. These programs will be overseen by the Department of Community Health. The legislation is to be cited to as the "Narcotic Treatment Programs Enforcement Act." The Department of Community Health is tasked with creating and promulgating "reasonable and necessary minimum standards of quality and services for narcotic treatment programs" in O.C.G.A. § 26-5-42. O.C.G.A. § 26-5-44 prohibits a governing body from operating a narcotic treatment program without having a valid license or provisional license. O.C.G.A. § 26-5-46(a) requires that the Department establish an annual or biannual open enrollment period and subsection (d) requires that the first enrollment period for licensure is to be held December 1, 2017 through December 31, 2017. O.C.G.A. § 26-5-47 outlines the application requirements; applications will look at factors such as data and details regarding treatment and counseling; biographical information and qualifications of owners, medical directors, counselors and other staff; demographics; experience in operating such a program; proof of filing notice with drug courts within 75 miles of the center; etc. O.C.G.A. § 26-5-48 outlines other factors that the Department is to review, determining if a governing body for a narcotic treatment program has demonstrated certain requirements (such as being in compliance with all State and federal law and regulations; being in compliance with all applicable standards of practice; having program structure for successful service delivery; and providing an impact on the delivery of opioid treatment services of the applicant in the applicable population). O.C.G.A. § 26-5-47(c) outlines information about transfers of licenses and provides that licenses are not transferrable (for change of ownership or change of location). In O.C.G.A. § 26-5-48(h), the legislation creates 49 regions established with the State's counties for the purpose of establishing these treatment programs. O.C.G.A. § 26-5-59

requires that drug-dependent females are given priority in enrollment in the programs. Governor Deal approved SB 88 as **Act Number 140** on May 4, 2017. The legislation took effect upon signature.

SB 103 – Sen. Jeff Mullis (R-Chickamauga) authored this change to the regulation and licensure of pharmacy benefits managers in Chapter 64 of Title 33. It adds a new Code Section at O.C.G.A. § 33-64-10 so that a pharmacy benefits manager administering claims cannot require insureds to use a mail-order pharmaceutical distributor including a mail-order pharmacy. This Code Section will not apply to: (1) a care management organizations; (2) the Department of Community Health; (3) the State Health Benefit Plan; or (4) any licensed group model health maintenance organization with an exclusive medical group contract and which operates its own pharmacies licensed under O.C.G.A. § 26-4-110.1. An additional new Code Section is added at O.C.G.A. § 33-64-11 which outlines activities that a pharmacy benefits manager is proscribed from doing and outlines entities which the condemned practices do not apply. Governor Deal signed this effort as **Act Number 196** which takes effect on July 1, 2017 and applies to all contracts issued, delivered, or issued for delivery in Georgia on and after that date.

SB 104 – Sen. Donzella James (D-Atlanta) offered this initiative originally to address the posting of human trafficking hotline in certain public buildings. The legislation received several changes through the process and now includes amendments to:

- O.C.G.A. § 16-5-44.1(b) and (d) creating the offense of hijacking a motor vehicle in the first degree and hijacking a motor vehicle in the second degree along with respective punishments. (This language was from HB 67 by Rep. William Boddie (D-East Point) which was tabled in the Senate on March 28, 2017.)
- O.C.G.A. § 16-7-1(c) addressing the offense of burglary so as to eliminate burglary of a vehicle from current law. (This language was also from HB 67.)
- Conform the Juvenile Code in Title 15, replacing "hijacking a motor vehicle" with "hijacking a motor vehicle in the first degree." (This language was from HB 67.)
- O.C.G.A. § 16-11-131(e), defining "forcible felony" when it involves the use or threat of physical force or violence against any person and involves hijacking a motor vehicle in the first degree. This language was also from HB 67.)
- O.C.G.A. § 17-7-130(a)(11)(A)(vi), pertaining to the proceedings upon a plea of mental incompetence to stand trial including hijacking a motor vehicle in the first degree or hijacking an aircraft. (This language was from HB 67.)
- O.C.G.A. § 17-10-9.1(a)(6) regarding voluntary surrender to county jail or correctional institution for offense of aircraft hijacking and hijacking a motor vehicle in the first degree. (This language was from HB 67.)
- O.C.G.A. § 16-5-47 regarding the posting of the model notice with human trafficking hotline information in businesses and on the internet and termination by requiring the posting of the notice in government buildings with public access (a building or portion of a building owned or leased by a government entity (which is an office, agency, authority, department, commission, board, body, division, instrumentality, or institution of the executive, legislative, or judicial branch of the State government) and

any county, municipal corporation or consolidated government within this State). As it relates to "leased" space, it requires only posting the notice in public restrooms that are part of the lease for the exclusive use by the government entity. Each government entity is also required to post on its homepage of its website an "identified hyperlink to the model notice that is on the Georgia Bureau of Investigation's website."

- O.C.G.A. § 16-9-5, regarding counterfeit or false proof of insurance documents, so as to provide that if such individual violates by possessing a counterfeit or false proof of insurance that he or she knows to be a counterfeit or false proof of insurance document or such is deemed counterfeit or false then the individual would be guilty of a felony and upon conviction is to be punished by a fine of not more than $10,000.00 (rather than $5,000.00) or by imprisonment for not less than two and not more than ten years (rather than not more than three years) or both. The change imposed in this Code Section is to be the same punishment as outlined in the Insurance Code for such violations. (This language was from HB 214 by Rep. Rich Golick (R-Smyrna) but which remained in the Senate Rules Committee.)
- Adds a new Code Section at O.C.G.A. § 16-11-91 making it unlawful for a person to "knowingly and without the consent of the individual observed, use or install a device for the purpose of surreptitiously observing, photographing, videotaping, filming, or video recording such individual underneath or through such individual's clothing, for the purpose of viewing the intimate parts of the body of or the undergarments worn by such individual, under circumstances in which such individual has a reasonable expectation of privacy, regardless of whether it occurs in a public place." (This language was known as the "upskirting" legislation and two bills were proposed on this issue: HB 9 by Rep. Shaw Blackmon (R-Bonaire) which remained in the Senate Rules Committee and SB 45 by Sen. Larry Walker (R-Perry) which remained in the House Rules Committee.)
- O.C.G.A. § 16-13-30(c)(3)(B), adding additional substances where the purchase, possession, manufacture, distribution, or sale of controlled substances or marijuana do not apply; changes in O.C.G.A. § 16-13-31 regarding trafficking of cocaine, illegal drugs, marijuana or methamphetamine; and changes to O.C.G.A. § 16-13-25(l) adding additional Schedule I drugs.
- O.C.G.A. § 16-13-25 adding fentanyl analog structural class to the dangerous drug list in the Schedule I controlled substances (including derivatives, salts, isomers or salts of isomers except under certain instances) and adding carfentanil and thiafentanil to the Schedule II controlled substances list at O.C.G.A. § 16-13-26(2). (This language was from HB 213 by Rep. Rich Golick (R-Smyrna) which was tabled in the Senate. It was also included in HB 231, by Rep. Bruce Broadrick (R-Dalton) and was signed into law **Act Number 17** by Governor Deal on April 17, 2017.)
- O.C.G.A. § 26-4-115 addressing wholesale drug distributors and adding a new subsection (g) so as to clarify that transfers of drugs from a licensed hospital pharmacy to an entity that is affiliated with or owned by the hospital is not to be deemed a wholesale distributor of drugs. (This language had been added as a Floor Amendment in the Senate by Sen. Chuck Hufstetler (R-Rome) to HB 213 but that legislation was eventually tabled.)

Governor Deal approved this initiative as **Act Number 182** on May 8, 2017. All portions of SB 104 addressing drugs, drug offenses, dangerous drugs, and wholesale drug distribution took effect upon signature of the Governor. All remaining parts of the legislation take effect on July 1, 2017.

SB 106 – Sen. Greg Kirk (R-Americus) introduced this initiative addressing staffing at pain management clinics in O.C.G.A. § 43-34-283(g). Under current law, it states in subsection (g) that "no pain management clinic shall provide medical treatment or services, as defined by the board, unless a physician, a physician assistant authorized to prescribe controlled substances under an approved job description, or an advanced practice registered nurse authorized to prescribe controlled substances pursuant to a physician protocol is on-site at the pain management clinic." This bill added that this limitation would "not apply to a certified registered nurse anesthetist practicing pursuant to Code Section 43-26-11.1, so long as (1) the patient has previously been examined by a physician and such physician has issued a written order for such patient to receive medical treatment or services and (2) the pain management clinic has obtained written consent of the patient prior to any medical treatment or services being provided by the certified registered nurse anesthetist regarding the medical treatment or services to be performed, the risks of the medical treatment or services to be performed, and that a physician may or may not be on-site." Governor Deal approved this bill as **Act Number 237**; it takes effect on July 1, 2017.

SB 121 – Sen. Butch Miller (R-Gainesville) introduced this proposal known as the "Jeffrey Dallas Gay Jr. Act." This legislation codifies Governor Deal's executive order issued late in 2016 in an effort to help prevent overdose deaths with the issuance of a standing drug order by the State's health officer for Naloxone. Like HB 249, this bill also provides an exemption for the drug Naloxone from Georgia's Dangerous Drug List in O.C.G.A. § 16-13-71(b)(635) and (c)(14.25). Further, it provides in O.C.G.A. § 26-4-116.2(e) an immunity from any civil liability, criminal responsibility or professional licensing sanctions for the State health officer who is acting in good faith as provided in O.C.G.A. § 31-1-10 (which is the Code Section allowing the Governor to appoint an individual licensed to practice medicine in Georgia as the State's health officer and which further authorizes that individual to issue a standing order prescribing an opioid antagonist on a statewide basis under conditions that he or she determines to be in the best interest of the State). Governor Deal signed this legislation as **Act Number 19** on April 18, 2017. This legislation took effect upon signature.

SB 125 – Sen. Rick Jeffares (R-McDonough) offered this legislation addressing prescriptive authority rights for physician's assistants. The legislation, touted as perhaps one of the most narrow in the country, seeks to authorize a physician to delegate to a physician assistant the authority to prescribe hydrocodone compound products in O.C.G.A. § 43-34-103(e.1) as long as the physician assistant has a job description providing the authority to issue a "single nonrefillable prescription drug order for a hydrocodone compound product so long as such nonrefillable prescription drug order is not in excess of a five-day supply consisting of not more than the lesser of 30 tablets or 300 milligrams of hydrocodone." If this drug is for a patient under the age of 18, the order is not to exceed a five-day supply consisting of not more than the lesser of 30 pills or 100 milligrams. Physician assistants with this delegated authority

are required to complete three hours of continuing education biennially in the "appropriate ordering and use of Schedule II controlled substances." Governor Deal **vetoed** this measure as **Veto Number 8**. In his veto message, Governor Deal noted this legislation "would add several thousand prescribers to our healthcare system, and as a result, create the potential for hundreds of thousands more opioid prescriptions to be issued." Georgia is already plagued with an opioid abuse problem and "this change is incongruent with the State's efforts to quell that problem."

SB 193 – Sen. Renee Unterman (R-Buford) introduced this initiative which modifies a law passed in 2016, creating the Positive Alternatives for Pregnancy and Parenting Grant Program in O.C.G.A. § 31-2A-30 et seq. It specifically allows that the Department of Public Health, which oversees this Program, be granted more flexibility by amending the "purpose" of the Program to "develop a statewide effort that promotes healthy pregnancies and childbirth by awarding grants to nonprofit organizations that provide pregnancy support services." It also amends O.C.G.A. § 31-2A-35 so that the grants awarded annually on a competitive basis to direct client service providers "who display competent experience in providing" any (rather than "all" as required in the 2016 law) of the services outlined in O.C.G.A. § 31-2A-34 (which are: "(1) Medical care and information, including but not limited to pregnancy tests, sexually transmitted infection tests, other health screening, ultrasound service, prenatal care, and birth classes and planning; (2) Nutritional services and education; (3) Housing, education, and employment assistance during pregnancy and up to one year following a birth; (4) Adoption education, planning, and services; (5) Child care assistance if necessary for the client to receive pregnancy support services;(6) Parenting education and support services for up to one year following a birth; (7) Material items which are supportive of pregnancy and childbirth including, but not limited to, cribs, car seats, clothing, formula, or other safety devices; and (8) Information regarding health care benefits, including but not limited to, available Medicaid coverage for the client for pregnancy care that provides health coverage for the client's child upon his or her birth."). The House also added language from Rep. Sharon Cooper's legislation, HB 360, on "expedited partner therapy" so that a sexual partner of a patient clinically diagnosed with Chlamydia or gonorrhea could access antibiotic medications for treatment without seeing the licensed practitioner." It amends the law relating to "prescription drug orders" for this purpose at O.C.G.A. § 26-4-80(c)(2) adds a new Code Section at O.C.G.A. §31-17-7.1 for the "control of venereal disease," which includes an immunity from civil or criminal liability for the practitioner who "reasonably and in good faith prescribes antibiotic drugs for expedited partner therapy" and this individual would also not be deemed to have engaged in unprofessional conduct by the licensed practitioner's licensing board. [Note HB 360 remained in the Senate Health and Human Services Committee.] Governor Deal approved this legislation as **Act Number 271**; it takes effect on July 1, 2017.

SB 200 –Sen. Chuck Hufstetler (R-Rome) carried this legislation adding a new Code Section at O.C.G.A. § 33-24-59.21 so that a prescription drug program which is providing prescription drug coverage is permitted and may "apply a prorated daily cost-sharing rate to prescriptions that are dispensed by a pharmacy for less than a 30 days' supply if the prescriber or pharmacist indicates the fill or refill could be in the best interest of the insured patient or is for the purpose of synchronizing the insured patient's medications." It prohibits a drug program providing

drug coverage from "denying coverage for the dispensing of any drug prescribed for the treatment of an illness that is made in accordance with a plan among the insured, a practitioner, and a pharmacist to synchronize the refilling of multiple prescriptions for the insured." Further, it prohibits a drug program from using "payment structures incorporating prorated dispensing fees determined by calculation of the days' supply of medication dispensed." It requires that dispensing fees be determined on the total number of prescriptions dispensed. Governor Deal signed this bill as **Act Number 272**. This legislation takes effect on July 1, 2017.

Legislation Not Passed

HB 35 – Rep. Bruce Broadrick (R-Dalton) proposed this legislation, which would have created a new Code Section at O.C.G.A. § 33-64-10 requiring that pharmacy benefit managers provide confirmation after receiving requests for prior approval for a prescription drug. Such confirmation was required to be made to a pharmacy or contracting representative within 48 hours of receipt of such request which would have also required a claim reference number and return contact phone number for follow-up. This only applied to insurance plans under Article 1 of Chapter 18 of Title 45 or under Article 7 of Chapter 4 of Title 49. The legislation remained in the House Insurance Committee.

HB 213 - Rep. Golick (R- Smyrna) introduced this legislation which would have amended O.C.G.A. § 16-13-31 to prohibit the sale, manufacture, delivery, or possession of four grams or more of 'fentanyl.' After passing the House, the bill was tabled in the Senate. [See SB 104 which was passed and signed as **Act Number 182**.]

HB 360 - Rep. Sharon Cooper (R-Marietta) authored this legislation which sought an amendment to O.C.G.A. § 26-4-80(c)(2) to provide for "expedited partner therapy" for patients with Chlamydia or gonorrhea. A new Code Section would have been added in O.C.G.A. § 31-17-7.1 which defined "expedited partner therapy" and permitted the licensed practitioner who diagnoses a patient infected with Chlamydia or gonorrhea the ability to utilize the expedited partner therapy in accordance with rules developed by the Department of Public Health. HB 360 passed the House, but remained in the Senate Health and Human Services Committee. [See SB 193 which passed and was signed as **Act Number 271**.]

SB 81 – Sen. Renee Unterman (R-Buford) introduced this measure to codify the Governor's Executive Order for a standing order for Naloxone to help address Georgia's problem with opioid abuse and to create the "Jeffrey Dallas Gay, Jr. Act." It would have allowed the standing order for the opioid antagonist to be issued by the State's public health officer at O.C.G.A. § 26-4-116.2. Similar efforts were passed this Session. [See SB 121, by Sen. Butch Miller (R-Gainesville), which became **Act Number 19**; and HB 249, by Rep. Kevin Tanner (R-Dawsonville), which became **Act Number 141**.] SB 81 remained in the House Health and Human Services Committee.

SB 105 – Sen. Harold Jones, II (D-Augusta) offered this idea proposing in part to amend O.C.G.A. § 16-13-2(b), relating to possession of marijuana and conditional discharge for

possession of controlled substances as first offense and certain nonviolent property crimes. His language would have added: "It shall be unlawful for any person to possess or have under his or her control two ounces or less of marijuana. Any person who violates this subsection shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as follows: (1) If the aggregate weight is one-half ounce or less, he or she shall be punished by a fine not to exceed $300.00; and (2) If the aggregate weight is at least one-half ounce but not more than two ounces, he or she shall be punished by imprisonment for a period not to exceed 12 months or a fine not to exceed $1,000.00, or both, or community service not to exceed 12 months." The legislation remained in the Senate Rules Committee.

SB 241 – Sen. Renee Unterman (R-Buford) introduced this idea which addressed Georgia's Prescription Drug Monitoring Program (PDMP) in Title 16. In part, it moved this program from the Georgia Drugs and Narcotics Agency to the Department of Public Health. The bill remained in the House Judiciary Non-Civil Committee. [See HB 249 by Rep. Kevin Tanner (R-Dawsonville) which passed and was signed as **Act Number 141.]**

EDUCATION

Legislation Passed

HB 37 – Rep. Earl Ehrhart (R-Powder Springs) authored this legislation which creates a new Code Section at O.C.G.A. § 20-3-10 so as to prohibit a private post-secondary institution from "sanctuary policies" (prohibitions or restrictions "of officials or employees of such private postsecondary institution from communicating or cooperating with federal officials or law enforcement officers with regard to reporting status information while such official or employee is acting within the scope of his or her official duties at such private postsecondary institution"). Violations of such would subject the institution from having State funds or State-administered funds withheld from the institution. Governor Deal signed HB 37 as **Act Number 28** takes effect on July 1, 2017.

HB 139 – Rep. Dave Belton (R-Buckhead) brought this legislation which creates a new Part 3A in Article 2 of Chapter 14 of Title 20 so as to provide for greater transparency of financial information of local school systems and schools. There are a number of provisions:

- The Department of Education is to post on its website by October 31, 2018 the following school site budget and expenditure information for each school unless specifically made confidential by law: "(1) The cost of all materials, equipment, and other nonstaff support; (2) Salary and benefit expenditures for all staff; (3) The cost of all professional development, including training, materials, and tuition provided for instructional staff on an annual basis; (4) The total cost of facility maintenance and small capital projects; (5) The total expenditures of new construction or major renovation, based on the school system facility plan; and (6) The per student expenditures for each local school system and school as delineated in Section 1111(h)(1)(C)(x) of the federal Elementary and Secondary Education Act, as amended by the federal Every Student Succeeds Act."

- The Department of Education is to further post on its website the following school system level information: "(1) The annual budget of the local board of education; (2) Ratios of expenditures to revenues for all general and special revenue funds; (3) The total dollar amount of local property tax revenue the school system collected in addition to the actual millage rate levied; and (4) The total dollar amount of all other tax revenue that is collected by the school system."
- It requires that each local school system and each state charter school which maintains a website to post in a prominent location on its website a link to the information listed in those areas above and the following information: "(1) The annual budget submitted to the State Board of Education pursuant to subsection (c) of Code Section 20-2-167; (2) The annual personnel report prepared by the state auditor pursuant to Code Section 51 50-6-27; (3) The most recent five years of audits conducted by the Department of Audits and Accounts pursuant to subsection (a) of Code Section 50-6-6 and any additional independent audits conducted pursuant to subsection (b) of Code Section 50-6-6; (4) Any findings of irregularities or budget deficits reported by the Department of Audits and Accounts pursuant to Code Section 20-2-67; and (5) For a local board of education which imposes a sales tax for educational purposes pursuant to Part 2 of Article 3 of Chapter 8 of Title 48, the information required pursuant to Code Section 48-8-141 as provided to the Department of Audits and Accounts for posting on such department's searchable website pursuant to subsection (g) of Code 61 Section 50-6-32."
- Further, each public school which maintains a website is required to post in a prominent location on its website a link to where: (1) The financial efficiency ratings for the school published by the office pursuant to Code Section 20-14-34 can be found on the office's website; and (2) The information listed in paragraphs (1) through (5) of subsection (c) of O.C.G.A. § 20-14-46 and its location on the Department of Education website.

The Department is also required to create a "sortable" database for each local school system and school on per student expenditures to determine the financial efficiency rating as required by the federal Elementary and Secondary Education Act and as amended by the federal Every Student Succeeds Act. The Senate added, in a Floor Amendment, a Section 2 to the legislation which creates a new Code Section at O.C.G.A. § 20-2-324.3, the "Educating Children of Military Families Act." This addition was language from Rep. Mike Glanton (D-Jonesboro) and his HB 148 which remained in the Senate Rules Committee. It requires that the Department of Education establish a unique identifier for each student when that student's parent or guardian is an active duty military service member in the armed forces of the United States or in the reserve of the armed forces of the United States or the National Guard. HB 139 was signed as **Act Number 29** becomes effective on July 1, 2017.

HB 198 – Rep. Katie Dempsey (R-Rome) initiated this legislation. It requires local school systems that provide information on immunizations, infectious diseases, medications or other school health issues to parents and guardians of students in grades six through 12 are to also provide not only information on meningococcal meningitis but also information on influenza and recommendations on influenza issued by the Advisory Committee on Immunization

Practices. Further, the legislation names O.C.G.A. § 20-2-149.1, concerning the required instruction in cardiopulmonary resuscitation and use of automated external defibrillators, to be known as the "Cory Joseph Wilson Act" after a Gainesville student. Sen. Butch Miller (R-Gainesville) had authored a standalone proposal honoring Cory, SB 245, but SB 245 remained in the Senate Rules Committee. [Note that the Cory Joseph Wilson Act was also included in the passed version of HB 249.] Finally, it moves the Commission on Women to the Department of Public Health in O.C.G.A. § 50-12-80(d) for administrative purposes. [Note the language moving the Commission on Women to the Department of Public Health was also contained in a standalone bill, HB 382 by Rep. Jimmy Pruett (R-Eastman, but that legislation remained in Senate Rules Committee.] Governor Deal signed HB 198 as **Act Number 30,** and it becomes effective on July 1, 2017.

HB 224 – Rep. Dave Belton (R-Buckhead) authored this initiative addressing "military students," who are defined as school age children of military service members living on a military base or off-base in military housing. It requires, in O.C.G.A. § 20-2-295, that in school year 2017-2018 that a military student be allowed to attend any public school located within the school system in which the military base or off-base military housing where the student resides is located provided that space is available for such enrollment. The parent is responsible for transporting the student to and from school. The school system is to have a streamlined process for these students' transfers and must annually notify the parents by letter those options available to the parent. Governor Deal signed this measure into law as **Act Number 31**, and it takes effect on July 1, 2017.

HB 237 – Rep. Brooks Coleman (R-Duluth) authored this legislation authorizing the Public Education Innovation Fund Foundation to receive private donations to be used for competitive grants to public schools in O.C.G.A. § 20-14-26.1 in order to implement academic and organizational innovations to improve student achievement. Priority is to be given to schools which have been identified as the lowest five percent in terms of performance. The Foundation is to report to the Department of Revenue by January 12 of each tax year on the number and total dollar value of donations and tax credits approved and received from individuals and corporations as well as number and dollar value of grants awarded and the list of donors, including the dollar value of each donation and dollar value of each approved tax credit. The legislation also adds a new Code Section at O.C.G.A. § 48-7-29.21 to allow the individual and corporation to claim these tax credits. For an individual, the credit is the actual amount donated or $1,000.00 per tax year, whichever is less; for a married couple filing a joint return, the credit is the actual donation amount or $2,500.00 per tax year, whichever is less; and for a corporation, the credit is the actual amount donated or 75 percent of the corporation's income tax liability, whichever is less. A cap on the aggregate amount of the tax credits permitted is placed at $5 million per tax year and these credits are allowed on a first come, first served basis. Prior to making the donation, the taxpayer is required to electronically notify the Department of Revenue of their intention to make a donation; the Commissioner for the Department of Revenue is to preapprove or deny the request within 30 days of receipt of the notice – the taxpayer is then allowed 60 days, in order to get the tax credit, to make the donation. In order for a taxpayer to receive the tax credit, the Foundation is to confirm the amount with a receipt and that receipt is to be attached with the taxpayer's tax

return. There is an automatic repeal of the credits proposed of December 31, 2020. Governor Deal signed this initiative as **Act Number 32**; it took effect upon signature.

HB 245 – Rep. Al Williams (D-Midway) offered this legislation creating a new Code Section at O.C.G.A. § 20-2-200.2 to require that not later than July 1, 2018, the Professional Standards Commission (for teachers) adopt and implement a process by which military spouses may qualify for temporary certificates, certificates by endorsement, or expedited certificates upon moving to Georgia with their service member or transitioning service member spouse. Governor Deal signed this bill as **Act Number 184**; it takes effect on July 1, 2017.

HB 249 – Rep. Kevin Tanner (R-Dawsonville) introduced this initiative as an effort to address the State's burgeoning opioid abuse crisis. It does a number of things:

- O.C.G.A. § 16-13-57(b) moves the Prescription Drug Monitoring Program (PDMP) from the Georgia Drugs and Narcotics Agency to the Department of Public Health (which is also required to conduct testing of the PDMP to see if its accessible and operational).
- O.C.G.A. § 16-13-57(c) requires each prescriber with a DEA registration number to enroll as a user of the PDMP as soon as possible but not later than January 1, 2018. New prescribers are required to enroll within 30 days of receiving his or her credentials.
- O.C.G.A. § 16-13-59(b) requires each dispenser to submit prescription information to the Department (PDMP) at least every 24 hours. This information will be used to provide medical/pharmaceutical care to a patient or inform the prescriber or dispenser of a patient's potential use, misuse, abuse, or underutilization of a prescription.
- O.C.G.A. § 16-13-60(c) permits additional personnel to access the PDMP – it permits two individuals in the pharmacy per shift or rotation of the prescriber's or dispenser's staff or employed at the health care facility in which the prescriber is practicing provided that these individuals: Are licensed under Title 43 (Chapters 11, 30, 34 or 35) [The dentists, dental hygienists and dental assistants; optometrists; physicians and physician's assistants; and podiatrists.]; Are registered under Title 26 [Pharmacists and pharmacy technicians]; Are licensed under Chapter 26 of Title 43 and submit to the annual registration process required in O.C.G.A. § 16-13-35(a); and for the purposes of this Code section such individuals shall not be deemed exempted from registration as set forth in O.C.G.A. § 16-13-35(g) or [Nurses are in Chapter 26 of Title 43]; and Submit to the annual registration process required by O.C.G.A. § 16-13-35(a) and for the purposes of this Code Section, such individuals shall not be deemed exempted from registration as set forth in O.C.G.A. § 16-13-35(g). [These are the manufacturers, distributors and dispensers who are required to have an annual registration.] These individuals will have the authorization by the medical director of the facility. Hospitals are also permitted to designate two individuals per shift or rotation (either employed or contracted) for this work.
- O.C.G.A. § 16-13-63 requires that on and after July 1, 2018, when a prescriber is prescribing a controlled substance in O.C.G.A. §16-13-26(1) or (2) or benzodiazepines, then he or she is to review the PDMP the first time he or she issues such prescription

and thereafter at least once every 90 days (*except* under certain conditions – when it is, for instance, no more than a three-day supply of the substance or no more than 26 pills; if the patient is in a hospital or healthcare facility (explicitly including nursing home or hospice (and likely including crisis stabilization units)) and the patient is using the medications there; patient has outpatient surgery in an ambulatory surgery center and has a prescription for no more than a ten-day supply of the substance or no more than 40 pills; if the patient is terminally ill or in hospice; or the patient is receiving treatment for cancer. Prescribers are to make notes in the patient's medical record noting the date and time the PDMP was reviewed for the patient.

- O.C.G.A. § 16-13-71(b) and (c) provides an exemption for Naloxone from the dangerous drug list.
- O.C.G.A. § 16-13-56.1(b) requires a prescriber who issues a prescription for an opioid to a patient to inform that patient of the addictive risks of using such medications and how to safely dispose of unused medicines – this can be done verbally or in writing.
- O.C.G.A. § 31-1-10(b) permits the State Health Officer (an individual licensed to practice medicine) the ability to issue a standing order for Naloxone and O.C.G.A. § 26-4-116.2(e)(3) allows that Officer an immunity from liability if he or she is acting in good faith.
- O.C.G.A. § 31-12-2(a.1)(2) requires that babies with neonatal abstinence syndrome be reported to the Department of Public Health; and that department is to provide an annual report to the President of the Senate, Speaker of the House, and Chairs of the Health and Human Services Committees on these babies.
- O.C.G.A. § 26-5-22 requires that the Department of Community Health conduct annual onsite inspections of each narcotic treatment program in the State.
- O.C.G.A. § 26-5-23 requires the Departments of Community Health and Behavioral Health and Developmental Disabilities to publish annually a report on numbers of patients enrolled the narcotic treatment programs.
- O.C.G.A. § 45-16-24(a)(10) requires law enforcement to notify the coroner or county medical examiner if an individual dies of an apparent overdose and O.C.G.A. § 45-16-27(a) requires that coroners are to conduct an inquest of such.
- O.C.G.A. § 20-2-149.1(a) names the current law concerning cardiopulmonary resuscitation and use of automated external defibrillators the "Cory Joseph Wilson Act." [This Code Section is in the Education Code, O.C.G.A. § 20-2-149.1, which required beginning in school year 2013-2014 that each local board of education operating a school with grades nine through 12 are to provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator to students as a requirement within existing health or physical education courses.]

Governor Deal signed this initiative as **Act Number 141**; it takes effect on July 1, 2017.

HB 280 – Rep. Mandi Ballinger (R-Canton) introduced as this year's "campus carry" proposal. Last year, Governor Deal vetoed the legislation expanding where weapons could be carried on campuses. The legislation specifically amends O.C.G.A. § 16-11-127.1(b) and (c). It permits a weapons carry license holder to carry a weapon in any building or on real property owned by

or leased to any public technical school, vocational school, college, or university or other public institution of postsecondary education. However, this legislation shall not apply to:

(v) Buildings or property used for athletic sporting events or student housing, including but not limited to, fraternity and sorority houses;
(vi) Any preschool or childcare space located within such building or buildings or real property; not apply to any room or space being used for classes related to a college and career academy or other specialized school as provided for under Code Section 20-4-37;
(vii) any room or space being used for classes in which high school students are enrolled through a dual enrollment program, including, but not limited to, classes related to the "Move on When Ready Act" as provided for under Code Section 20-2-161.3; and
(viii) Faculty, staff, or administrative offices or rooms where disciplinary proceedings are conducted.

Further, it does require this exemption only applies to the carrying of handguns which a licensee is licensed to carry and only applies if the carrying of the handgun is concealed. The revisions do include punishments for violations so that a first offense conviction is a misdemeanor and punishable by a fine of $25.00. Governor Deal signed this bill as **Act Number 167**. The changes from HB 280 take effect on July 1, 2017.

HB 338 – Rep. Kevin Tanner (R-Dawsonville) proposed this initiative in the wake of the failure of last year's Opportunity School District constitutional amendment. It seeks to create a system of supports and assistance for Georgia's lowest-performing schools which are identified as those with the greatest need for help. It creates in O.C.G.A. § 20-14-43 a position of the "Chief Turnaround Officer" (someone with personal experience in turning around low-performing schools and has held the position of at least a principal or other higher administrative position within the public school system for at least five years) within the Department of Education who after a national search is to be appointed by the State Board of Education and report directly to that Board. The legislation identifies the duties of this Chief Turnaround Officer. The Chief Turnaround Officer (CTO) is to identify "coaches" to help the schools in greatest need of assistance. O.C.G.A. § 20-14-45 outlines the "turnaround eligible schools," which are those identified annually which have performed at the lowest five percent of schools in the State and identified in the statewide accountability system as established through the State plan pursuant to "Every Student Succeeds Act." The legislation contemplates actions to be taken by the local boards of education, if identified as having schools on the list, and how to amend their contract with the State for strategic waivers or otherwise enter into an intervention contract to receive assistance. If the school is not selected by the CTO, then the Department of Education, through its school improvement division, is to begin or continue focused supports and a pre-diagnostic review utilizing relevant data held about that school. At O.C.G.A. § 20-14-46, there is a requirement that within 30 days of entering a contract amendment or intervention contract between the State Board of Education and local school board, the local board of education is to consult with the turnaround coach and select a third-party specialist to conduct a comprehensive on-site diagnostic review in cooperation with the

regional educational service agency and the turnaround coach of the school to determine the root causes of the school's low performance and lack of progress (which is to take place within 90 days of entering a contract amendment or intervention contract). If the third-party specialist is selected from the list maintained by the Department of Education, then the third-party specialist's expenses are covered by the State; if the third-party specialist is selected by the local system, then that system is responsible for those costs. At O.C.G.A. § 20-14-47, it requires that within the first 60 days of instruction during the school year of a contract amendment or intervention contract, the turnaround coach is to coordinate with each school to conduct individual assessments of students who have been identified as low-performing and coordinate with the schools to provide interventions. O.C.G.A. § 20-14-48 outlines the priorities to be made by the Office of Student Achievement once a contract amendment or intervention contract is made. O.C.G.A. § 20-14-49 addresses what is required of the CTO if after three years of the implementation of the intensive school improvement plan it is found that the school is still not improving (e.g. removal of school personnel; implementation of a State charter school or special charter school; operation of the school by a private nonprofit third-party operator; mandatory parental option to relocate the student to another public school; etc.). The eleven-member Education Turnaround Advisory Council is created at O.C.G.A. § 20-14-49.1 and its duties are enumerated which are purely advisory in nature. The CTO is required to prepare a written biannual update on the status of each school under contract or intervention contract – those reports are to be provided to the Chairs of the House Committee on Education and Senate Education and Youth Committee. The CTO is also required to meet annually with the Governor, the Lt. Governor, Speaker of the House and Chairs of the education legislative committees as well as the State School Superintendent and Education Turnaround Advisory Council to present his or her findings. The legislation further creates a sixteen-member Joint Study Committee on the Establishment of a State Accreditation Process, which is to perform its work before the end of the year as it will be repealed on December 31, 2017. The legislation also creates, at O.C.G.A. § 20-14-49.4, the Joint Study Committee on the Establishment of a Leadership Academy to provide opportunities for principals and other school leaders to update and expand their leadership knowledge and skills. This fifteen-member Committee is to make a report at the end of 2017, but the actual Georgia Academic Leadership Academy does not commence until July 1, 2018. Much has been said about suspension and removal of local school board members and the possibility of the loss of accreditation; O.C.G.A. § 20-2-73 addresses such concerns – it provides for the removal of local school board members if one-half or more of the schools in a local school system are turnaround eligible schools for the fifth or more consecutive years. At O.C.G.A. § 20-2-83, concerning the State Board of Education approval of a local school board flexibility contract, it amends current law at subsection (c) so that contract terms will be six years rather than five years and allows for contract term amendments so that those may be made upon approval by the State Board and the local board of education (eliminating "if warranted due to unforeseen circumstances" as now required). The legislation also addresses O.C.G.A. § 20-2-2067.1(b) so that terms of charter for charter school, initial term of charter, and annual report so that their contract terms are six years rather than five years. Finally, the legislation adds a new subsection (h) at O.C.G.A. § 20-14-41, concerning appropriate levels of intervention for failing schools, so that the State Board of Education is required to prepare an annual report detailing the schools which have received an unacceptable rating for one or more consecutive years and the interventions applied. Further, it requires that the State Board of Education

provide an annual report by December 31 for the prior academic year to the Governor, Lt. Governor, Speaker, and chairs of the legislative education committees and the Education Turnaround Advisory Committee. Governor Deal signed HB 338 as **Act Number 27** which takes effect on July 1, 2017.

HB 425 – Rep. Joyce Chandler (R-Grayson) introduced this initiative addressing elementary and secondary education. It specifically proposed new subsections to O.C.G.A. § 20-2-281 to strongly encourage the State Board of Education or local system to allow the administration of any standardized assessment developed be done in a paper-and-pencil format for any student whose parent or guardian requests such and also for any student 18 years of age or older who makes such request. It further proposed that the State School Superintendent be required to develop guidelines approved by the State Board of Education that identify a range of appropriate policies which a local school system is strongly encouraged to adopt when considering how students not participating in a statewide assessment will be supervised and what, if any, alternative to the assessment will be provided to them during the test administration. The guidelines were also to prohibit a school system from taking punitive action against a student (including the adoption of a "sit and stare" policy in response to the student's refusal to participate in a federal, state or locally mandated standardized assessment). Governor Deal **vetoed** this bill on May 9, 2017 as **Veto Number 5.** His message indicated that local school districts already have the ability/flexibility to determine "opt-out procedures for students who cannot, or choose not to, take these statewide assessments." He did not see the need to impose "an additional layer of state-level procedures for these students." Governor Deal also noted that using the paper-and-pencil format would also not be helpful for the return of test data to districts or reduce the opportunity for cheating.

HB 430 – Rep. Buzz Brockway (R-Lawrenceville) offered this measure, implementing recommendations from the Governor's Education Reform Commission relating to charter schools. It creates a new Code Section at O.C.G.A. § 20-2-2063.3. This new Code Section requires the State Charter Schools Commission, along with the State Board of Education, to establish a code of principles and standards for charter school authorizing to guide the local boards of education, the State Board and the State Charter School Commission in meeting high-quality authorizing practices (examples of such would include for instance maintaining high standards for approving charter petitions; annually monitoring, evaluating and reporting charter school progress in meeting academic, financial and operational performance standards; etc.). It requires that the State Board of Education annually review local boards of education by an independent party for adherence to the principles and standards of charter school authorizing practices adopted. Failure of the charter school to meet those principles and standards for two consecutive years, permits that charter school to petition to transfer its charter authorization to the State Charter Schools Commission. Some of the other changes incorporated into this bill include amendments relating to charter school funding in O.C.G.A. § 20-2-2068.1(b) so that a local charter school is to certify that all data submissions are correct, including enrollment data and certified personnel information, prior to a local board of education submitting any such information to the State Board of Education for funding. Further in subsection (c) of this Code Section, it requires that the Department of Education implement procedures to ensure each local charter school receive from it local school system

the proportionate amount of federal funds for which such local charter school is eligible under each federal program (e.g. Title I, Title II and Title III of the Elementary and Secondary Education Act and pursuant to the federal Individuals with Disabilities Education Act). It adds a new subsection (c.3) to require that each local board of education with a local charter school publish on its website the calculation of earnings for that school. At O.C.G.A. § 20-2-2068.2, it permits charter schools or a State charter school the ability to receive facilities' grants if such entity has received final approval from the State Charter Schools Commission or from the State Board for Operation during that fiscal year. It adds that subject to appropriations that the State Board is to disburse annual facilities grants to eligible applicants in the amount of $100,000.00 or other amount deemed appropriate by the State Board. Finally, it addresses use of real property held by a local board of education and requires that prior to denying the use by a local charter school of an unused facility, the local charter school is to have the right to a hearing before the local board of education. Charter schools are to be subject to the same zoning, planning and building permitting requirements which apply to traditional public schools in constructing or renovating a facility and as long as such are in conformity with existing county or city comprehensive land use plans. Governor Deal signed this bill as **Act Number 33**; it takes effect on July 1, 2017.

HB 463 – Rep. Katie Dempsey (R-Rome) introduced this bill, adding a new Code Section at O.C.G.A. § 20-1A-4.1. It authorizes the Department of Early Care and Learning to establish a nonprofit corporation that would qualify as a public foundation under Section 501(c)(3) of the Internal Revenue Code to aid the Department in carrying out its powers. It is to be known as the Georgia Foundation for Early Care and Learning to Promote Public-Private Partnerships for the purpose of supporting educational excellence for children and families. Any funds awarded are to be made in a competitive grant process. This Foundation is to make an annual report showing the identity of all donors and the amounts each donated as well as expenditures or disposal of money or property. Governor Deal signed HB 463 as **Act Number 12**; it takes effect on July 1, 2017.

SB 149 – Sen. Emanuel Jones (D-Decatur) offered this bill originally to address training for school resource officers in Chapter 8 of Title 35. The House Public Safety and Homeland Security Committee altered the legislation, adding in language addressing municipal probation officers (adding in part of the language from Sen. Jesse Stone's Bill, SB 217, which remained in the Senate Rules Committee) and prohibited items to be in possession of inmates. The final legislation includes these changes:

- Defines "school resource officers" in O.C.G.A. § 35-8-2 who are "a peace officer whose primary employment or assigned duties with a law enforcement unit is assignment or appointment to a public elementary school or secondary school."
- Adds a new Code Section at O.C.G.A. § 35-8-27 providing that "best practice" for individuals employed or appointed as a school resource officer to "successfully complete a training course for school resource officers approved by the Council," which is 40 hours of training including search and seizure in elementary and secondary schools, criminal offenses, gang awareness, drug awareness, interviews and

interrogations, emergency preparedness, and interpersonal interactions with adolescents, including the encountering of mental health issues.

- Amends training and certification of municipal probation officers at O.C.G.A. § 35-8-13.1(a) so that no individual employed or appointed as a municipal probation officer on or after July 1, 2017 is authorized to exercise the power of arrest as a municipal probation officer unless that individual has successfully completed a training course and received certification for municipal probation officers approved by the Georgia Peace Officer Standards and Training Council; "provided, however, that such person shall only exercise the power of arrest upon individuals whom he or she is supervising under Article 6 of Chapter 8 of Title 42, unless such person is certified as a peace officer by the Georgia Peace Officer Standards and Training Council."
- Amends O.C.G.A. § 42-8-107, concerning the uniform professional standards and uniform contract standards, so that individuals employed or appointed as a municipal probation officer on or after July 1, 2017 are not authorized to exercise the power of arrest unless they meet the requirements in O.C.G.A. § 35-8-13.1.
- Revises O.C.G.A. § 42-4-13, adding a definition for the term, 'inmate.' It further adds at subsection (d) that it is unlawful for any person to obtain for, to procure for, or to give to an inmate tobacco or any product containing tobacco without the knowledge and consent of the jailer – persons who violate this are guilty of a misdemeanor. It also adds this prohibition for inmates in O.C.G.A. § 42-5-18(b.1) and at (c) makes it unlawful for an inmate to possess tobacco or any product containing tobacco (in addition to a gun, pistol, or any other weapon, any intoxicating liquor, amphetamines, biphetamines, or any other hallucinogenic drugs or other drugs, a telecommunications device or any other item without the authorization of the warden or superintendent or his or her designee). If a person does provide the inmate such, then he or she is guilty of a felony and upon conviction is to be imprisoned for not less than one nor more than five years. Also, the legislation adds in subsection (e) of this Code Section that it is unlawful for an inmate to possess a "stored value card" or an account number of a stored value card or the personal identification number of a stored value card – if someone provides the inmate such, then he or she is guilty of a felony upon conviction and is to be sentenced to a term of imprisonment of not less than one nor more than ten years unless the judge imposes a misdemeanor sentence pursuant to O.C.G.A. § 17-10-5.

Governor Deal signed this bill as **Act Number 243**; the changes from this Act take effect on July 1, 2017.

SB 186 – Sen. Lindsey Tippins (R-Marietta) authored this legislation which became a "vehicle" for Rep. Stacey Abrams's (D-Atlanta) legislation addressing kinship caregivers' consent for children residing with such caregivers. Rep. Abrams's bill was HB 331 and it remained in the Senate Health and Human Services Committee. SB 186 adds eligibility requirements for a HOPE grant in O.C.G.A. § 20-3-519.5(a.1) for students who have earned a high school diploma through dual credit coursework are eligible for such HOPE grant towards an associate's degree at a branch of the Technical College System of Georgia. Section 2 of the legislation adds a new Article 1A in Chapter 1 of Title 20, creating "The Caregiver

Educational Consent Act." This allows the "kinship caregiver" which is a grandparent, great-grandparent, aunt, uncle, great aunt, great uncle, cousin, sibling, or fictive kin, who has assumed responsibility for raising a child and not in custody of the Division of Family and Children's Services, to give legal consent for the child to: (1) receive any educational services; (2) receive medical services directly related to academic enrollment; or (3) participate in any curricular or extracurricular activities through a notarized affidavit as prescribed in O.C.G.A. § 20-1-18. Governor Deal signed this legislation as **Act Number 35**; it takes effect on July 1, 2017.

SB 211 – Sen. Lindsey Tippins (R-Marietta) authored this initiative addressing local reading programs for students when establishing a research-based formative assessment with a summative component for grades one and two. It requires in O.C.G.A. § 20-2-281(a) that the research based assessment is to be selected after consultation is done with the local school systems and the research based assessment is to provide for real-time data analysis students, teachers, school leaders, and parents. Further, it is to allow for flexible grouping of students based on skill level and measure the student progress toward grade level expectations throughout the school year. It also adds a new subsection (t) to require that the State Board of Education "direct the existing assessment workgroup to pursue maximum flexibility for State and local assessments under federal law." It also requires that the State Board of Education "conduct a comparability study to determine and establish the concordance of nationally recognized academic assessments, including, but not limited to, the SAT, ACT, and the ACCUPLACER with alignment to State content standards in grades nine through 12." This "study" is to begin no later than July 1, 2017 and be posted on the Department of Education's website and copies are to be sent to the State School Superintendent, Governor, Lt. Governor, Speaker of the House, and chairs of the education legislative committees upon its completion. Governor Deal signed this bill as **Act Number 36**; it took effect upon signature.

SR 95 – Sen. Ellis Black (R-Valdosta) offered this Resolution for an amendment to Georgia's Constitution at Article VIII, Section VI, Paragraph IV at subparagraphs (a) and (g). It authorizes a county school district or an independent school district or districts within the county having a majority of the students enrolled within the county to call for a referendum for a sales and use tax for education and provides that the proceeds are to be distributed on a per student basis among all the school systems unless an agreement is reached among such school systems for a different distribution. Governor Deal signed this legislation as **Act Number 278** on May 9, 2017. It will not take effect until approved by voters in a referendum.

Legislation Not Passed

HB 16 – Rep. Keisha Waites (D-Atlanta) introduced this legislation which would have amended O.C.G.A. § 20-2-740 to require the Department of Education's annual report on disciplinary and placement actions to include actions in which a student was disciplined for bullying or harassment. At O.C.G.A. § 20-2-751.4 it defined "bullying" and "harassment", which included usage of electronic technology and communications on school premises or at school events. It would have required that local boards of education adopt policies prohibiting harassment and provide training for staff. HB 16 remained in the House Education Committee.

HB 23 – Rep. Billy Mitchell (D-Stone Mountain) proposed this legislation, which sought to provide for accountability requirements for charter schools. A new Code Section would have been created at O.C.G.A. § 20-2-2064.2, requiring the charter petitioner, local boards of education, and the State Board of Education to review the processes for administering standardized assessments in charter schools. It also proposed to give parents of students in charter schools the right to inspect each student's assessment booklet, response sheets, and any instructions provided to the student. The legislation remained in the House Education Committee.

HB 24 – Rep. Billy Mitchell (D-Stone Mountain) authored this legislation which would have amended O.C.G.A. § 20-2-212.3 to require that the Department of Education establish a program to provide incentive pay for teachers in schools with high levels of students from low-income families. Such incentives would have included salary increases and bonuses. Local Boards of Education would have been required to annually provide a roster of teachers who met the requirements of the incentive program. The legislation remained in the House Education Committee.

HB 26 - Rep. Erica Thomas (D-Austell) proposed this legislation at O.C.G.A. § 20-4-15 to increase the mandatory age of education for children from 16 to 17. This bill was never assigned to a Committee.

HB 28 - Rep. Billy Mitchell (D-Stone Mountain) authored this legislation, providing at O.C.G.A. § 20-2-779.2, that every public and private school in the State be required to conduct testing of drinking water for lead contamination. If such contamination was identified, the Department of Education was required to consult with the Department of Public Health to establish regulations. Exempted from this legislation were any public or private schools which were classified as public water systems. The legislation remained in the House Education Committee.

HB 29 – Rep. Billy Mitchell (D) authored this legislation, providing at O.C.G.A. § 20-2-75, that no local board of education was required to seek or maintain accreditation by an accrediting entity, unless such entity made related records open for personal inspection. The legislation remained in the House Education Committee.

HB 51 – Earl Ehrhart (R-Power Springs) authored this bill, which would have created a new Code Section at O.C.G.A. § 20-3-10, requiring post-secondary institutions to report any information relating to felony crimes to a law enforcement agency. If the felony involved a sexual assault, no information would be included that would identify the victim, without such victims' consent. It also would have provided that post-secondary institutions may pursue interim measures necessary to discipline students for violating the code of conduct. HB 51 passed the House, but the legislation remained in the Senate Judiciary Committee.

HB 77 – Rep. Dar'shun Kendrick (D-Lithonia) would have provided at O.C.G.A. § 20-2-779.2 that no later than July 1, 2018, the Department of Education would be required to develop and provide to all local school systems a list of training materials for awareness in

mental health, behavioral disabilities, and learning disabilities which may include training materials currently being used by a local school system. It further added that no person shall have cause of action for any loss or damage caused by any act or omission resulting from any training, or lack thereof. HB 77 remained in the House Education Committee.

HB 114 - Rep. Robert Dickey (R-Musella) authored this legislation that would have amended O.C.G.A. § 20-2-161.3(f) relating to the 'Move on When Ready Act" and dual credit courses. It would have add at paragraph (4) of subsection (f) that no local school system which receives funding would be permitted to exclude eligible high school students taking one or more dual credit courses from eligibility determination for valedictorian and salutatorian. However, this prohibition would not apply to a high school student who moves into the local school system after his or her sophomore year and has not taken any courses on site at the participating eligible high school HB 114 passed through the House; however, it remained in the Senate Education and Youth Committee. [Note: See SB 211 by Sen. Lindsey Tippins which passed and became **Act Number 36**.]

HB 148 - Rep. Mike Glanton (D-Jonesboro) authored this bill, which proposed to add a new Code Section at O.C.G.A. § 20-2-324.3 authorizing the Department of Education to establish a unique identifier for each student whose parent or guardian was an active duty military service member in the armed forces of the United States and whose parent was a member of a reserve component of the armed forces of the United States or the National Guard. Such unique identifier would have been in a manner that would allow for disaggregation of data for each category. HB 148 passed through the House, but remained in the Senate Education and Youth Committee.

HB 170 - Rep. Sheila Jones (D-Atlanta) authored this bill to enact the "Student Online Personal Information Protection Act" in a new Code Section at O.C.G.A. § 20-2-721. It would have required that an "operator shall not knowingly engage in certain activities with respect to its site, service or application." Examples included engaging in targeted advertising when that advertising was based on information that the operator has acquired; using covered information created or gathered by the operator's site, service or application; selling a student's information; etc. HB 170 remained in the House Education Committee.

HB 178 - Rep. Dave Belton (R-Buckhead) authored this legislation, adding a new Code Section at O.C.G.A. § 20-2-192 to provide for local school systems to earn funding for school counselors for military students so as to pay for school counselor salaries. It sought to require that each school counselor for military students spend at least 50 percent of his or her time counseling or advising military students and their parents. It also required that local school systems spend 100 percent of funds earned, pursuant to this Code Section, on salaries and benefits for the school counselors for military students. This funding would be supplemental to funding earned for counselors in O.C.G.A. § 20-2-182(c). HB 178 remained in the House Education Committee

HB 179 - Rep. Brad Raffensperger (R-Johns Creek) authored this legislation which addressed HOPE scholarships and grants in O.C.G.A. § 20-3-519.2(27) to provide for eligibility for Zell

Miller Scholarships for home study students and students graduating from ineligible high schools who received scores in the eightieth percentile or higher on the ACT or on the combined critical reading and math portions on a single administration of the SAT. It further proposed to revise eligibility requirements for a HOPE scholarship in O.C.G.A. § 20-3-519.2(a) for entering freshmen students who were home study students or students who graduated from ineligible high schools so that they could meet eligibility if they were in the eightieth percentile of the ACT or SAT rather than in the seventy-fifth percentile. HB 179 remained in the House Higher Education Committee

HB 200 - Rep. Mark Newton (R-Augusta) authored this legislation which sought to add a new Code Section at O.C.G.A. § 20-2-776.5 to require local school boards to adopt a policy authorizing students to carry and self-administer sunscreen while they are in school, at a school sponsored activity, under supervision of school personnel, and in before-school or after-school care on school property. Such local school system would not incur liability other than for willful or wanton misconduct for any injury to a student caused by his or her use of sunscreen. It remained in the House Education Committee.

HB 211 - Rep. Beth Beskin (R-Atlanta) introduced this legislation to create a new Code Section at O.C.G.A. § 48-7-29.21. It proposed to provide for an annual tax credit of up to $2,500.00 for up to five years for taxpayers who purchased, owned, and occupied a dwelling that qualified for a homestead exemption located within a school attendance zone assigned to a public elementary school that was among the lowest five percent of academic achievement public elementary schools in the State. The bill also required the Department of Education to annually provide the Department of Revenue with a list of those public elementary schools that the Office of Student Achievement determined to be among the lowest five percent. The legislation remained in the House Ways and Means Committee.

HB 217 - Rep. John Carson (R-Marietta) proposed this bill in Titles 20 and 48 that would have increased the cap on tuition tax credits to student scholarship organizations to $65 million for 2017 tax year (currently it is $58 million annually); $65 million for 2018; $75 million for 2019; and $85 million for 2020. It would have further required each student scholarship organization to obligate at least 97 percent of its annual revenue received from donations to scholarships or tuition grants. The Senate disagreed to the House's amendments to the Senate substitute, so the bill failed to pass as no further action was taken.

HB 222 - Rep. Shaw Blackmon (R-Bonaire) proposed this legislation which would have amended O.C.G.A. § 20-3-519.1 to provide that members of the Georgia National Guard or a member of a reserve component of the armed forces were to meet residency requirements to be considered for HOPE Scholarship. Further, it amended O.C.G.A. § 50-27-13 so that net proceeds for FY 2018 were required to equal at least 26.5 percent of the lottery proceeds; for FY 2019 it required 27.5 percent; and in FY 2020 and each year thereafter, it required at least 28.5 percent. A Conference Committee was appointed to work out the differences between the chambers. No agreement was reached; thus, the bill failed to pass.

HB 229 - Rep. Matt Dollar (R-Marietta) authored this legislation in order to amend O.C.G.A. § 20-3-100 to limit yearly tuition and student fee increases within the university system. It

would have required the Georgia Student Finance Commission to certify the rate of inflation to be used for calculating the maximum allowable tuition rates and student fees for the upcoming academic year. The maximum tuition or student fees could be waived if, prior to July 1 immediately preceding such academic year, the Senate Higher Education Committee and the Appropriations Subcommittee of the House Committee on Higher Education agreed to waive the requirements. HB 229 remained in the House Higher Education Committee.

HB 230 - Rep. Rhonda Burnough (D-Riverdale) authored this legislation which sought to amend O.C.G.A. § 20-2A-1 to provide that schools, in order for to qualify for scholarships or grants, could not discriminate in hiring or admission on the basis of race, color, religion, sex, national origin, gender, sexual orientation, disability, or gender-related characteristics. HB 230 remained the House Higher Education Committee.

HB 269 – Rep. Stacey Evans (D-Smyrna) introduced this bill to provide at O.C.G.A. § 20-3-519 that members of the Georgia National Guard and reservists would be eligible to become Zell Miller Grant Scholars and receive HOPE Scholarship grants. It was withdrawn from consideration and recommitted to the House Higher Education Committee.

HB 273 – Rep. Demetrius Douglas (D-Stockbridge) authored this legislation which proposed to mandate at O.C.G.A. § 20-2-323 that schools provide 30 minutes of recess time each day. Local boards of education would be required to adopt policies addressing the recess time. There was some disagreement between the chambers about whether or not the specified 30 minutes could be structured or unstructured recess time. HB 273 was tabled by the Senate after passing the House.

HB 297 – Rep. Debra Bazemore (D-Riverdale) authored this legislation which would have created O.C.G.A. § 20-1A-19, requiring early care and education programs to prepare a safety plan to provide a safe environment for children by addressing preparedness for emergencies, such as natural disasters. Such programs would have been required to train teachers and staff and perform practice drills using the emergency procedures developed under current safety plans. It also required that emergency telephone numbers for State emergency entities be readily available to all staff (e.g. numbers for local fire departments, police departments, hospitals, abuse hotline, local emergency management agencies and others). HB 297 remained in the House Education Committee.

HB 307 - Rep. Sandra Scott (D-Rex) authored this legislation to enact the "Higher Education Access and Success for Homeless and Foster Youth Act" in O.C.G.A. § 20-3-66. It updated the definitions of 'student from a foster home situation' and 'student from a homeless situation' so these students are classified as "in-state" for tuition purposes and allowed them to maintain such classification until completion of a baccalaureate degree. Further, at O.C.G.A. § 20-3-330 it excluded State funded foster care assistance as "income" for the purposes of calculating financial aid or determining need. HB 307 remained in the House Higher Education Committee.

HB 331 - Rep. Stacey Abrams (D-Atlanta) proposed this legislation, which would have also been known as the "Caregiver Educational Consent Act" created at O.C.G.A. § 20-1-16. It

would have allowed kinship caregivers to give legal consent for a child residing with such kinship caregiver to receive educational services and medical services directly related to academic enrollment and to participate in curricular or extracurricular activities for which parental consent is usually required. The legislation also addressed liability issues when a person acted in good faith reliance on a properly executed kinship caregiver's affidavit. The form for such "kinship caregiver's affidavit" was proposed to be included at O.C.G.A. § 20-1-18. HB 331 remained in the Senate Health and Human Services Committee. [See SB 186 which was passed and became **Act Number 35**.]

HB 432 – Rep. Matt Dubnik (R-Gainesville) sponsored this legislation, proposing to amend O.C.G.A. § 20-3-411 to expand the definition of an 'approved school' to include institutions that lack accreditation by the Southern Association of Colleges and Schools, but met all other requirements of an 'approved school.' Such school must have been considered an 'approved school' within the past five years. This measure was passed by the House, but remained in the Senate Rules Committee.

HB 448 - Rep. Chuck Williams (R-Watkinsville) authored this legislation, which would have allowed education and postsecondary educational institutions listed in subsection (a) of O.C.G.A. § 20-3-250.3 to qualify for exemptions with the Nonpublic Postsecondary Education Commission. The bill revised the membership requirements for the Commission, providing that at least one member represent each of the following institutions: degree-granting nonpublic postsecondary schools; nonpublic postsecondary schools that grant certificates only; and exempted education and postsecondary educational institutions. The House passed HB 448, but the legislation remained in the Senate Rules Committee.

HB 524 - Rep. Sam Teasley (R-Marietta) offered this legislation, which would have created, at O.C.G.A. § 48-7-29.21, the "Digital Learning tax Credit Act of 2017." It proposed this 'digital learning' tax credit for taxpayers who make donations to certain qualified nonprofit organizations, acting in support of public education. This credit would be equal to 50 percent of the amount donated. The total amount of tax credits was not to exceed $10 million in the first year. After the first year, this total credit amount was to be increased by 15 percent as long as 90 percent of the credits were claimed. Eligible nonprofits would be certified by the Department of Revenue. These entities would make grants to county, municipal, or independent school districts for such things as purchase of new technology products and devices, digital content and interactive textbooks, and etc. The bill remained in the House Ways and Means Committee.

HB 625 – Rep. Matt Hatchett (R-Dublin) authored this measure which would have amended O.C.G.A. § 20-2-58 by requiring each local board of education to provide a public comment period during every meeting. Such comment period must be posted prior to the meeting and be added to meeting agendas. It remained in the House Education Committee.

HB 628 – Rep. Rich Golick (R-Smyrna) proposed this legislation which sought to amend O.C.G.A. § 20-2-989.7 to provide that performance ratings contained in personnel evaluations would be subject to complaint. It remained in the House Education Committee.

SB 3 – Sen. Lindsey Tippins (R-Marietta) introduced this Leadership legislative idea to enact the "Creating Opportunities Needed Now to Expand Credentialed Training (CONNECT) Act" in Chapter 2 of Title 20. A number of changes were made to the bill in the process that was an attempt to deal with a mechanism to provide for industry credentialing for students who: complete certain focused programs of study and included such credentialing in individual graduation plans; identify critical and emerging occupations; and address automated traffic enforcement safety devices in school zones. The legislation passed both chambers in different forms; Conference Committees were appointed on both sides but no Conference Committee Report was adopted.

SB 5 – Sen. Bill Cowsert (R-Athens) proposed this Senate Leadership effort which would have amended O.C.G.A. § 50-27-13, relating to the disposition of lottery proceeds, the budget report by the Governor, appropriations by the General Assembly, and the shortfall reserve subaccount. It specifically sought to establish the percentage of the lottery proceeds for each fiscal year which must equal the net proceeds to be transferred to the State treasury for credit to the Lottery for Education Account. It set the net proceeds at 35 percent or as near as is practical but not less than 25 percent of the lottery proceeds. The legislation remained in the House Rules Committee and never made it to a House Rules Calendar.

SB 24 – Sen. Josh McKoon (R-Columbus) carried this idea to amend O.C.G.A. § 20-1A-14(b), relating to variances and waivers to regulatory requirements of the Department of Early Care and Learning. It proposed to keep in place that the Department could exempt classes of programs from regulation when, in the Department's judgment, regulation would not permit the purpose intended or the class of programs would be subject to similar requirements under other rules and regulations. It also proposed to require that the exemptions be provided in rules and regulations promulgated by the Board – but added this proviso: "that nursery schools, playschools, kindergarten programs, or other educational programs for children from age zero through six years old which operate for no more than four consecutive hours per day and up to five days per week shall be exempt from licensure." This legislation remained in the Senate Education and Youth Committee.

SB 26 – Sen. Josh McKoon (R-Columbus) proposed this measure which, in part, added a new Code Section at O.C.G.A. § 20-2-501. It sought to require local boards of education to provide that all contracts for professional services exceeding $50,000.00 over a 12-month period be awarded by competitive sealed bidding except if that local board of education deemed, by majority vote, that the professional services to be procured were unique and could only be obtained from a single source. This legislation remained in the Senate Education and Youth Committee.

SB 29 – Sen. Vincent Fort (D-Atlanta) authored this bill to create a new Code Section at O.C.G.A. § 20-1-11. It sought to require that no later than June 30, 2019, every child care learning center and every school conduct testing of drinking water outlets for lead contamination and remediate any lead contamination identified. If lead was found, it required notices to be sent to parents and remediation efforts to be explained. It passed the Senate and then stalled in the House Natural Resources and Environment Committee.

SB 30 – Sen. Vincent Fort (D-Atlanta) sponsored this legislation which would have created the "Unlocking the Promise Community Schools Act." It proposed in O.C.G.A. § 20-2-641 to create within the Department of Education a pilot program, subject to appropriations, to plan, implement, and improve sustainable community schools. Applicants would submit grant proposals which would require that the school be: (1) a Title I school in improvement, corrective action, or restructuring that is among the lowest-achieving 15 percent of Title I schools in the State; (2) a secondary school eligible for, but does not receive, Title I funds and is among the lowest-achieving 15 percent of secondary schools in the State; or (3) a high school that has had a graduation rate as defined in 34 C.F.R. 200.19(b) that is less than 60 percent over three years. The legislation passed out of the House Education Committee and then stalled in the House Rules Committee where it was then recommitted to the House Education Committee on Sine Die.

SB 68 – Sen. Hunter Hill (R-Atlanta) introduced this legislative idea at O.C.G.A. § 20-2-2140, et seq., creating the "Individual Student Education Account Act." It defined such accounts as: "a consumer driven savings account established pursuant to this article composed of state funds accrued on behalf of an eligible student and which may be used for qualifying educational expenses, including future postsecondary education expenses." It remained in the Senate Education and Youth Committee.

SB 71 – Sen. Jesse Stone (R-Waynesboro) authored this bill which originally proposed changes to O.C.G.A. § 44-13-100, relating to exemptions for purposes of bankruptcy and intestate insolvent estates, so as to add assets in health savings accounts and medical savings accounts to the list of property that is exempt from bankruptcy. It passed the Senate with that language. However, in the House the language was changed. So, while the legislation passed both the House and Senate, the House insisted on its position. The House version of the legislation, by Rep. Earl Ehrhart (R-Powder Springs), created a new Code Section at O.C.G.A. § 20-3-10 to provide for the manner of reporting and investigation of certain crimes (felony and/or sexual assault) by officials and employees of postsecondary institutions in this State. This language was much like what Rep. Ehrhart had proposed in HB 51 which had stalled in the Senate Judiciary Committee. A Conference Committee was appointed by the House; no such Committee was appointed by the Senate. Thus, no further action was taken.

SB 77 – Sen. Vincent Fort (D-Atlanta) offered this idea to raise the mandatory attendance age for education at O.C.G.A. § 20-2-690.1. Current law mandates that children attend school between ages six and 16, and this bill would have placed mandatory school attendance between the ages of six and 17. The idea remained in the Senate Education and Youth Committee.

SB 82 – Sen. Lester Jackson (D-Savannah) authored this bill which proposed the creation at O.C.G.A. § 20-3-519.2(g) of a need-based HOPE scholarship and grant. It remained in the Senate Higher Education Committee.

SB 83 – Sen. Lester Jackson (D-Savannah) proposed this legislation which would have amended O.C.G.A. § 20-2-690.1(a), so as to raise the age of mandatory attendance in a public

school, private school, or home school program from 16 to 17 ½ years of age. It remained in the Senate Education and Youth Committee.

SB 97 – Sen. Elena Parent (D-Atlanta) authored this legislation amending O.C.G.A. § 20-1A-64 so as to expand child care subsidies from one year to two years for parents in a job training or educational program. The legislation remained in the Senate Education and Youth Committee.

SB 98 – Sen. Elena Parent (D-Atlanta) introduced this idea which would have amended O.C.G.A. § 20-2-260, relating to capital outlay funds in elementary and secondary education, so as to provide that capital outlay funds may be used for educational facilities for voluntary pre-kindergarten programs provided by the school system and to provide that student projection counts may include pre-kindergarten students. This bill remained in the Senate Education and Youth Committee.

SB 113 – Sen. Josh McKoon (R-Columbus) proposed changes to Chapter 3 of Title 20, relating to scholarships, loans, and grants for postsecondary education, so as to provide for automatic eligibility for a HOPE scholarship to the children of certain public officials who have been killed or permanently disabled in the line of duty. The bill remained in the Senate Higher Education Committee.

SB 139 - Sen. Hunter Hill (R-Atlanta) proposed this idea to create a new subsection (b) at O.C.G.A. § 20-2-159.1 which would have allowed local school systems, charter schools, and college and career academies to develop and submit additional pathways, including recommended content standards, for consideration by the State Board of Education (which would then be required to approve or deny such within 90 days of the submissions). This measure passed the Senate but then remained in the House Education Committee.

SB 142 – Sen. John Kennedy (R-Macon) authored this legislation with several changes in Chapter 14 of Title 40 concerning speed detection devices. In part, it allowed for "automated traffic enforcement safety devices in school zones." These devices are: capable of producing photographically recorded still/video images of both the rear of a motor vehicle or the rear of a motor vehicle being towed by another vehicle including an image of such vehicle's rear license plate; capable of monitoring the speed of a vehicle as photographically recorded; and indicates on each of the one or more photographically recorded still or video images produced the date, time, location, and speed of a photographically recorded vehicle traveling at a speed above the posted speed limit within a marked school zone. The proposal remained in the Senate Government Oversight Committee.

SB 150 – Sen. Emanuel Jones (D-Decatur) authored this initiative which in part added at O.C.G.A. § 20-2-1183: "When a local school system assigns or employs law enforcement officers in schools, the local board of education shall have a collaborative written agreement with law enforcement officials to establish the role of law enforcement and school employees in school disciplinary matters and ensure coordination and cooperation among officials, agencies, and programs involved in school discipline and public protection. Such collaborative written agreement shall ensure coordination and cooperation among officials, agencies, and

programs involved in school discipline, public protection, and juvenile courts. Such collaborative written agreement may include a graduated response program for the commission of minor delinquent acts by students in lieu of referral to juvenile court, a use of force continuum, and a program to minimize the social impact of arrests on the student population. For local school systems that directly employ school resource officers, a written protocol or operating procedures may be used in lieu of a collaborative written agreement; provided, however, that such written protocol or operating procedures shall be subject to the same requirements as collaborative written agreements pursuant to this Code Section." Further it proposed that officers assigned or employed by a local school system have a code of conduct at O.C.G.A. § 20-2-1186. It remained in the Senate Education and Youth Committee.

SB 151 – Sen. Emanuel Jones (D-Decatur) authored this initiative to create a new Code Section at O.C.G.A. § 20-2-75 so as to provide that local boards of education would have the sole authority and responsibility with regard to decisions relating to the initiation and defense of any civil actions, including decisions on whether to pursue appeals. The legislation remained in the Senate Education and Youth Committee.

SB 152 – Sen. Emanuel Jones (D-Decatur) offered this legislation which in part would have amended O.C.G.A. § 20-2-154.1, relating to compulsory attendance and use of alternative education programs. It added in subsection (a) that:

> It is the policy of this state that the alternative education program shall provide a learning environment that includes the objectives of the content standards and that the instruction in an alternative education program shall enable students to return to a general or career education program as quickly as possible. Course credit shall be earned in an alternative education program in the same manner as in other education programs. It is the policy of this State that it is preferable to reassign disruptive students who are subject to mandatory attendance pursuant to Code Section 20-2-690.1 to an alternative education program rather than suspending for more than ten days or expelling such students from school. It is further the policy of this State that, except as otherwise provided for in Code Section 20-2-751.1 and except for serious offenses, it is preferable that the duration of any assignment of a disruptive student to an alternative education program not exceed the remainder of the semester in which the student is suspended for more than ten days or expelled and the following semester as long as the student exhibits acceptable behavior while in the alternative education program. As used in this subsection, serious offenses include physical assault or battery of school personnel or other students, bullying, and unlawful use or possession of illegal drugs or alcohol; provided, however, that it is preferable that any student assigned to an alternative education program for a serious offense is afforded the right to request a hearing pursuant to the procedures provided for in Code Section 20-2-754 after two semesters in such alternative education program for purposes of returning to a regular classroom.

The Senate passed this legislation; however, in the House it was lost on the third reading when the legislation came to the Floor. Motions were made to reconsider and those also failed. Thus, the bill died.

SB 188 – Sen. Donzella James (D-Atlanta) proposed a new Code Section at O.C.G.A. § 20-2-779.2 to require that each local board of education be encouraged to adopt a policy that provides guidelines regarding students taking psychotropic medication or who have been referred for treatment of mental disorders. The legislation passed favorably from the Senate Education and Youth Committee but remained in the Senate Rules Committee.

SB 203 – Sen. Bruce Thompson (R-White) offered this bill which sought to add a new Article 13 to Chapter 2 of Title 20 so as to provide for the designation of a nonprofit organization to govern high school athletics in Georgia. This legislation remained in the Senate Education and Youth Committee.

SB 208 – Sen. Josh McKoon (R-Columbus) authored this legislation in Chapter 3 of Title 20 so that the award amount for HOPE scholarships would be based on the previous year's average cost of tuition for institutions within the university system. It remained in the Senate Higher Education Committee.

SB 209 – Sen. Josh McKoon (R-Columbus) introduced this idea. It would have created new Parts 4 and 5 in Article 2 of Chapter 3 of Title 20, relating to the Board of Regents of the University System of Georgia and the University System of Georgia, so as to create the Student Advisory Council and the Faculty Advisory Council, respectively. This legislation remained in the Senate Higher Education Committee.

SB 215 – Sen. Michael Williams (R-Cumming) proposed this measure which would have created a new Code Section at O.C.G.A. § 20-3-69 so that no institution within the university system could increase the cost of tuition for any student seeking an associate or baccalaureate degree at such institution "beyond the cost established for such student as an entering freshman; provided, however, that this Code section shall cease to apply if such student has disenrolled from such institution or attempted a total of 190 quarter hours or 127 semester hours." The initiative remained in the Senate Higher Education Committee.

SB 231 – Sen. Josh McKoon (R-Columbus) authored this bill amending Titles 15, 20, 40, 43 and 48 which would have required that a person who is not a United States citizen would not be permitted admission to the practice of law or be a duly licensed attorney at law in Georgia unless he or she possessed a lawful alien status. Similar provisions would have been added so that certificated professional personnel employed by Georgia schools would also have been required to be citizens or have lawful alien status. It further would have required individuals to be eligible for the HOPE scholarships and grants by citizens or have lawful alien status. It remained in the Senate Judiciary Committee.

SB 245 – Sen. Butch Miller (R-Gainesville) offered this bill to create the "Cory Joseph Wilson Act" by naming the Code Section at O.C.G.A. § 20-2-149.1 after Cory. This Code Section requires that local boards of education, beginning in the 2013-2014 school year, provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator to its students as a requirement within existing health or physical education courses in grades nine through twelve. The bill reported out favorably from the Senate Health and Human

Services Committee but remained in the Senate Rules Committee. [See two other proposals which both passed and were signed into law which names this Code Section after this Gainesville youth: HB 198, by Rep. Katie Dempsey (R-Rome) which became **Act Number 30**; and HB 249 by Rep. Kevin Tanner (R-Dawsonville) which became **Act Number 141**.]

SB 253 – Sen. Burt Jones (R-Jackson) authored this initiative which would have added a new Code Section at O.C.G.A. § 20-2-319.5. It proposed to require a local school system to permit home study students to participate in any extracurricular and interscholastic activities offered or conducted by that student's resident school in the same manner as any public school student attending such resident school would be afforded. The bill remained in the Senate Education and Youth Committee.

SB 260 – Sen. Jeff Mullis (R-Chickamauga) proposed this measure which would have amended O.C.G.A. § 20-2-984.3 relating to investigations by the Professional Standards Commission of alleged violations by educators. His legislation proposed at subsection (a) that "upon receipt of a written request from a local board, the state board, or one or more individual residents of this state, another educator who is employed by a local school system in this state regardless of whether such educator is a resident of this state, or the parent of a student in a public school in this state regardless of whether the parent is a resident of this state, the commission shall be authorized to investigate." It remained in the Senate Education and Youth Committee.

SB 268 – Sen. Marty Harbin (R-Tyrone) introduced this bill which in part would have amended O.C.G.A. § 20-3-519.2, relating to eligibility requirements for a HOPE scholarship, so as to provide for revised eligibility requirements for incoming freshmen (requiring 3.0 cumulative GPA at an eligible postsecondary school and attempted 45 quarter hours or 30 semester hours) and eliminate the high school grade point average requirements for HOPE eligibility for incoming freshmen. It remained in the Senate Higher Education Committee.

ELECTIONS/ETHICS

Legislation Passed

HB 268 – Rep. Barry Fleming (R-Harlem) authored this election law legislation. In part, it amends O.C.G.A. § 21-2-101(a) addressing certification of all county and municipal election superintendents, chief registrars, and absentee ballot clerks or, in the case of a board of elections or board of elections and registration, the designee of such board charged with the daily operations of such board are to become certified by completing a certification program approved by the Secretary of State within six months of their appointment rather than by December 31 of the year in which they were appointed. It further changes how candidates may qualify for an election at O.C.G.A. § 21-2-130 and filing for notice of candidacy for President and Vice President of the United States in O.C.G.A. § 21-2-132(d) and when such filing of the notice is to occur. There are also revisions to current law relating to correction of mistakes and omissions on a ballot in O.C.G.A. § 21-2-293 so as to authorize the superintendent to take steps as necessary to correct such mistake or omission if the superintendent determines that such correction is feasible and practicable under the

circumstances; provided, however, that the superintendent is to give at least 24 hours' notice to the Secretary of State and any affected candidate of such mistake or omission prior to making the correction. Governor Deal approved this measure as **Act Number 250.** The changes incorporated in this legislation take effect on July 1, 2017.

Legislation Not Passed

SB 64 – Sen. Steve Henson (D-Tucker) introduced this bill to enact the "Agreement Among the States to Elect the President by National Popular Vote" in a new Chapter 6 of Title 21. The legislation remained in the Senate Ethics Committee.

SB 107 - Sen. Fran Millar (R-Atlanta) introduced this bill to amend O.C.G.A. § 21-5-34, relating to ethics in government. It sought to revise the dates for filing campaign financial disclosure reports – adding a report to be filed by candidates and campaign committees on May 10 in election years. It also proposed annual reports to be filed by December 31 of each year. The initiative remained in the Senate Ethics Committee.

EMINENT DOMAIN

Legislation Passed

HB 413 – Rep. Don Parsons (R-Marietta) authored this bill, one of the more hotly contested proposals this Session. It addresses the regulation and permitting of petroleum pipelines. It adds a new Chapter 17 in Title 12, under the Department of Natural Resources, that on or after July 1, 2017, any construction of a new petroleum pipeline, or an extension of a pipeline, requires a permit to be issued by the Director of the Environmental Protection Division (EPD) of the Department of Natural Resources. See O.C.G.A. § 12-17-2. In O.C.G.A. § 12-17-3, it outlines what an application for such permit requires and O.C.G.A. § 12-17-4 outlines what information is required before EPD may grant such permit. Any "aggrieved or adversely affected" party may challenge any order by filing a petition within 30 days after the issuance of the order and also have a right to a hearing before an administrative law judge appointed by the board. It limits the submission of a permit application and the applicable review process not to exceed 150 days in length in O.C.G.A. § 12-17-6. The issues of the exercise of power of eminent domain for special purposes, relating to the construction, operation, etc. of petroleum pipelines, is addressed by adding a new Article 4 in Chapter 3 of Title 22. In part, this new Article provides that petroleum pipeline companies "are granted the power to acquire property or interests in property by eminent domain for the purpose of an expansion, an extension, maintenance, or construction of a new petroleum pipeline." See O.C.G.A. § 22-3-81. It also requires, at O.C.G.A. § 22-3-82(a), before a pipeline may exercise the power of eminent domain, that a "certificate of public convenience" be obtained from the Commissioner of Transportation in addition to the permit required by the Director of EPD. It also requires in subsection (b) that no certificate of public convenience and necessity or permit is required of a petroleum pipeline company that is "(1) not exercising the power of eminent domain to acquire property; or (2) exercising the power of eminent domain for the purpose of maintenance or expansion." The requirements of an application for a certificate of public convenience and

necessity are outlined in O.C.G.A. § 22-3-83(b) which must also be published in the legal organ of each county through which the proposed route of the new petroleum pipeline or extension is to be located. In subsection (d), it outlines what factors are to be considered before the Commissioner of Transportation is to grant a certificate of public convenience. The process for the certificate of public convenience is not to exceed 120 days. At O.C.G.A. § 22-3-84, it outlines what process is required of the petroleum pipeline company before eminent domain proceedings are to commence. At O.C.G.A. § 22-3-85, it permits a petroleum pipeline company the ability to acquire the property or interest by the use of condemnation procedures if the company is unable to acquire the property or interest after reasonable negotiation with the owner. Governor Deal signed this on May 9, 2017 as **Act Number 263**; it took effect upon signature.

HB 434 – Rep. Wendell Willard (R-Sandy Springs) authored this bill which adds an exception, relative to the powers of eminent domain to the requirement that condemnations not be converted to any use other than a public use for 20 years from the initial condemnation and outlines the process to be followed in O.C.G.A. § 22-1-15 for a condemnor seeking to condemn property for public use. The process is to file a petition in the superior court of the county having jurisdiction for a judgment *in rem* against such property seeking a determination as to whether the property is blighted property. Notice provisions are outlined in this Code Section and also grants the court discretion if it seems "to be in the interest of justice" for additional notice. The court's order is to describe the blighted property and contain a statement of the then current approved land use of the property, or in the case of vacant property, the last lawful use of the property when occupied and the property's future use which is to be restricted to the same land use as stated in the order for a period of five years from the date of the judge's order. Governor Deal signed this measure as **Act Number 265**; it takes effect on July 1, 2017.

ESTATES

Legislation Not Passed

HB 266 – Rep. Trey Kelley (R-Cedartown) authored this legislation to amend O.C.G.A. § 29-3-1. It proposed to define 'natural guardians' as parents or a parent with sole custody, and 'legally-qualified conservators,' as court-appointed guardians of minors. The following thresholds were increased from $15,000.00 to $25,000.00: (1) the personal property value that a natural guardian may receive without becoming a legally-qualified conservator of the minor; (2) the amount of debt owed to a minor which a natural guardian may release without court approval; (3) the amount of proposed gross settlement, present value of all amounts paid or to be paid, in settlement of a minor's legal claim that a natural guardian may settle without becoming the conservator of the minor or seeking court approval; and (4) the amount that a conservator may settle of any contested or doubtful claim or release the debtor of a minor without court approval. HB 266 passed the House, but remained in the Senate Banking and Finance Committee.

EVIDENCE

Legislation Not Passed

HB 40 - Rep. Scot Turner (R-Holly Springs) proposed this legislation, which would have amended O.C.G.A. § 24-12-31 to require that veterinarians disclose the rabies vaccination history of any animal in their care within 24 hours of receiving a written request by the physician of any bite victim. HB 40 was passed by the House, but remained in the Senate Agriculture and Consumer Affairs Committee.

HB 293 - Rep. Deborah Silcox (R-Sandy Springs) authored this bill to amend O.C.G.A. § 24-8-820, relating to testimony of a child's description of sexual contact or physical abuse, by adding an effective date for the Code section. HB 393 passed through the House chamber, but was not called for a vote in the Senate. The legislation remained in the Senate Rules Committee.

FIRE PROTECTION AND SAFETY

Legislation Passed

HB 146 – Rep. Micah Gravley (R-Douglasville) introduced the 2017 version of this initiative to require fire departments to provide and maintain certain insurance coverage for firefighters in O.C.G.A. § 25-3-23(b). Specifically, on and after January 1, 2018, a legally organized fire department is required to provide and maintain "sufficient insurance coverage on each member of the fire department who is a firefighter to pay claims for cancer diagnosed after having served 12 consecutive months as a firefighter with such fire department." The legislation also outlines the insurance benefits which are to include "at minimum the following: (i)(I) A lump sum benefit of $25,000.00 subject to limitations specified in the insurance contract and based on severity of cancer and payable to such firefighter upon submission to the insurance carrier or other payor of acceptable proof of diagnosis by a physician board certified in the medical specialty appropriate for the type of cancer involved that there are one or more malignant tumors characterized by the uncontrollable and abnormal growth and spread of malignant cells with invasion of normal tissue and that: (a) Surgery, radiotherapy, or chemotherapy is medically necessary; (b) There is metastasis; or (c) The firefighter has terminal cancer, is expected to die within 24 months or less from the date of diagnosis, and will not benefit from, or has exhausted, curative therapy; or (II) A lump sum benefit of $6,250.00 subject to limitations specified in the insurance contract and based on severity of cancer and payable to such firefighter upon submission to the insurance carrier or other payor of acceptable proof of diagnosis by a physician board certified in the medical specialty appropriate for the type of cancer involved that: (a) There is carcinoma in situ such that surgery, radiotherapy, or chemotherapy has been determined to be medically necessary: (b) There are malignant tumors which are treated by endoscopic procedures alone; (c) There are malignant melanomas; or (d) There is a tumor of the prostate, provided that it is treated with radical prostatectomy or external beam therapy; and (ii) Payable as a result of a specific injury or illness to begin six months after disability and submission to the insurance carrier or other payor of acceptable

proof of disability precluding service as a firefighter and continuing for up to 36 consecutive monthly payments: (I) A monthly benefit equal to 60 percent of the member's monthly salary as an employed firefighter with the fire department or a monthly benefit of $5,000.00, whichever is less; or (II) If the member is a volunteer, a monthly benefit of $1,500.00. The benefit under subdivision (I) or (II) of this division, as applicable, shall be subordinate to any other benefit actually paid to the firefighter for such disability from any other source, not including insurance purchased solely by the firefighter, and shall be limited to the difference between the amount of such other paid benefit and the amount specified under subdivision (I) or (II) of this division, as applicable. (C) The combined total of all benefits received by any firefighter under subdivisions (B)(i)(I) and (B)(i)(II) of this paragraph during his or her lifetime shall not exceed $50,000.00." The legislation also addresses a tax exemption for benefits received from and a deduction for premiums paid for such insurance coverage for firefighters in O.C.G.A. § 48-7-27(a)(12.2) and (12.3). A similar proposal had been offered in 2016 but that legislation was **vetoed** by Governor Deal. [That legislation was HB 216, which proposed to expand the eligibility for workers' compensation benefits to firefighters diagnosed with cancer, "allowing such benefits for any firefighter in Georgia if a medical expert can prove by a preponderance of the evidence that the cancer was caused from exposure to any risk factor while performing work related duties." In his veto message, Governor Deal stated he was "concerned that codifying an exception for one occupation at this relatively low standard of proof with no time limitation on diagnosis or restriction on eligible types of cancer is a broad solution for a problem not yet abundantly demonstrated in Georgia." Further, he noted that the Association County Commissioners of Georgia also expressed concern "that the shift in this burden of proof may potentially lead to tremendous uncertainty in projecting the future financial liability for workers' compensation." Likewise, the Georgia Municipal Association expressed reservations and noted that there was "no distinction between paid and volunteer firefighters."] Governor Deal approved this insurance proposal in HB 146 as **Act Number 142**, and the language takes effect on January 1, 2018.

SB 141 – Sen. Bruce Thompson (R-White) authored this legislation addressing carnival ride safety. It requires in O.C.G.A. § 25-15-85 that beginning January 1, 2018, that no permit for a carnival ride to operate in Georgia is to be issued by the Office of Safety Fire Commissioner until the carnival owner submits an "engineering evaluation from a licensed engineer that evaluates the functionality of safety mechanisms and the condition of the critical components of the carnival ride." This evaluation is required to be provided prior to the annual inspection as required in O.C.G.A. § 25-15-86 and use of the carnival ride by the general public. The submission of such "evaluation shall only be required the first time the carnival owner applies for a permit for the carnival ride in this State on or after January 1, 2018." Governor Deal signed this bill as **Act Number 224**, and it takes effect on July 1, 2017.

GAMBLING

Legislation Not Passed

HB 118 - Rep. Trey Kelley (R-Cedartown) introduced this legislation that sought to amend Chapter 1 of Title 10, relating to selling and trading practices, by adding a new Article 35

entitled the "Registered Fantasy Contest Operators Act." This legislation would have required that fantasy contest operators register with the Secretary of State and pay an annual fee before offering fantasy contests in Georgia. A 'fantasy contest' was defined in the bill as a game or contest for which the value of all prizes and awards was fixed and where winning outcomes are based on individual, rather than group, performance. Finally, the bill listed a number of procedures a fantasy contest operator would be required to implement in O.C.G.A § 10-1-933. HB 118 passed through the House, but was tabled by the Senate.

SB 79 – Sen. Brandon Beach (R-Alpharetta) carried this version of legalized casino gambling. It proposed to create at O.C.G.A. § 50-39-1 the "Destination Resort Act" or "Resort Act." The legislation remained in the Senate Regulated Industries and Public Utilities Committee. A House version of this legislation was authored by Rep. Ron Stephens (R-Savannah), HB 158, which remained in the House Regulated Industries Committee.

GAME AND FISH

Legislation Passed

HB 208 – Rep. Trey Rhodes (R-Greensboro) carried this legislation for the Governor to overhaul Georgia's hunting and fishing licenses and fees in Title 27. Georgia's licenses' fees were touted to be among the lowest in the Southeast and the changes imposed bring Georgia's fees to the average amount of its fellow Southeastern states. The changes are numerous in the initiative as passed but a few of these include amendments to O.C.G.A. § 27-2-3.1, concerning hunting and sportsman's licenses, so that in subsection (d), an "adult" lifetime sportsman license (for individuals ages 16 to 49 years of age) are now $750.00 rather than $500.00; a license for an "older adult" (for individuals who are ages 50 to 59 years of age) are $375.00; and a "senior discount" (available for those ages 60 to 64 years of age) are $315.00 (rather than $95.00). The changes also add a Type M (Military) license for residents currently in active military service and who are in possession of a valid United States Department of Defense Common Access Card with a Uniformed Services affiliation – those fees are 80 percent of the amount specified for an "adult" lifetime sportsman's license. It further requires in subsection (e) of this Code Section that persons who hold a lifetime license are required to complete an "official hunter education or hunter safety course and display proof of completion" as required by the Department of Natural Resources in order to hunt. Another section of the legislation addresses commercial fishing boat licenses in O.C.G.A. § 27-2-8(b) – it increases a license for a trawler (which is any boat or vessel utilizing one or more trawls or power-drawn nets in the taking of shrimp, crabs, or fish and up to 18 feet in length) from $50.00 to $85.00; a trawler more than 18 feet is now $85.00 plus $3.00 per foot or fraction thereof; and boats other than trawlers, regardless of length, are $5.00. It adds in subsection (c) of that Code Section, to defray additional cost of regulating and policing aliens and nonresidents are to be charged a license fee in addition to those named in subsection (b) in the amount of $150.00 for each trawl boat or vessel used and $50.00 for each boat or vessel other than a trawler used in commercial fishing or in the taking of seafood which boat or vessel is owned, in whole or in part, by a nonresident or alien provided that in the event that the nonresident or alien applying for the licenses is a resident of another state which charges a license fee greater than the total

license fee charged in Georgia then the additional license fee provided for nonresidents in subsection (c) is to be increased to the amount necessary to cause the Georgia nonresident license to be the same amount as the nonresident license fee of the other state. It further adds in subsection (d) that the owner or operator of a trawler may purchase a "trawler crew license" which is separate and distinct from other license and only valid for the trawler for which it is purchased and not transferrable to another trawler or vessel. The Code is further amended at O.C.G.A. § 27-2-23, relating to the license, permit, stamp and tag fees, and adds at (13) that the General Assembly, after July 1, 2017, is not permitted to increase the cost of any license, permit, tag, or stamp by more than 20 percent. It adds in O.C.G.A. § 27-4-136(a)(1) that it is unlawful for any person to operate as a seafood dealer or to own or operate shellfish canning or shucking facilities or otherwise deal in purchasing, landing, packing or supplying raw shrimp, shellfish, crabs, fish, or other seafood for commercial purposes without having a valid seafood dealer license. There are changes included at O.C.G.A. § 52-7-5(d), increasing the fees for boats' registrations – moving the rate from $15.00 to $25.00 for a vessel up to 16 feet in length; from $36.00 to $60.00 for a vessel between 16 and 26 feet in length; from $90.00 to $130.00 for a vessel between 26 and 40 feet in length; and from $150.00 to $200.00 for vessels more than 40 feet in length – again, it caps these fees to increases to no more than 20 percent after July 1, 2017. Governor Deal signed this legislation as **Act Number 22** which takes effect on July 1, 2017.

Legislation Not Passed

SB 48 – Sen. Bill Heath (R-Bremen) authored this bill which would have amended O.C.G.A. § 27-2-23, relating to hunting, trapping, and fishing license, permit, tag, and stamp fees. It added a new paragraph at (11): "The purchaser of any license listed in subparagraphs (A) through (D) of paragraph (1) of this Code section shall be entitled to continually renew such license for the original purchase price, including any fees, so long as each renewal thereof occurs prior to expiration of such license." It remained in the House Game, Fish and Parks Committee.

GENERAL ASSEMBLY

Legislation Not Passed

SB 23 – Sen. Josh McKoon (R-Columbus) proposed this measure to add a new Code Section at O.C.G.A. § 28-1-18 so that no member of the General Assembly who serves on a conference committee would be eligible for employment in State government, other than as an elected official, for a period of 24 months immediately following such member's service on such conference committee. It remained in the Senate Rules Committee.

SB 178 – Sen. Josh McKoon (R-Columbus) offered this legislation which would create a new Code Section at O.C.G.A. § 28-1-18 so that all meetings of caucuses of the General Assembly would be open to the public. The bill remained in the Senate Rules Committee.

SB 179 – Sen. Josh McKoon (R-Columbus) authored this idea to add a new Code Section at O.C.G.A. § 28-1-18. It would have required all votes taken by subcommittees and committees of the General Assembly be recorded and entered into the minutes of the subcommittee or committee showing the names of the members voting in favor of the question, the names of the members voting against the question, and the names of the members present but not voting. Further, it would have required that all votes on any matter before the Senate or House of Representatives be by roll call vote and entered on the journal of such house, noting the names of those members not voting. Further, no senator or representative would have been permitted to cast his or her vote on any motion, resolution, amendment, bill, or other question before the Senate or the House of Representatives until after the roll call has commenced. It also remained in the Senate Rules Committee.

GUARDIAN AND WARD

Legislation Not Passed

HB 266 – Rep. Trey Kelley (R-Cedartown) authored this legislation to amend O.C.G.A. § 29-3-1. It proposed to define 'natural guardians' as parents or a parent with sole custody, and 'legally-qualified conservators,' as court-appointed guardians of minors. The following thresholds were increased from $15,000.00 to $25,000.00: (1) the personal property value that a natural guardian may receive without becoming a legally-qualified conservator of the minor; (2) the amount of debt owed to a minor which a natural guardian may release without court approval; (3) the amount of proposed gross settlement, present value of all amounts paid or to be paid, in settlement of a minor's legal claim that a natural guardian may settle without becoming the conservator of the minor or seeking court approval; and (4) the amount that a conservator may settle of any contested or doubtful claim or release the debtor of a minor without court approval. HB 266 passed the House, but remained in the Senate Banking and Finance Committee.

HANDICAPPED PERSONS

Legislation Not Passed

HB 288 - Rep. Tom Kirby (R-Loganville) authored this legislation at O.C.G.A. § 30-4-1 which would have given physically or mentally impaired persons the right to be accompanied by a service animal in public places without being required to pay an extra charge. Further, at O.C.G.A. § 30-4-2 it provided that physically or mentally impaired persons must have access to housing accommodations without being required to pay extra. A physically or mentally impaired person was defined as any person, regardless of age, who is unable or substantially limited in his or her ability to perform one or more major life activities, including ambulating, seeing, hearing, learning, working, or socializing. Finally, at O.C.G.A. § 30-4-4, it allowed the Department of Human Services to authorize private service organizations to provide physically and mentally impaired persons with an information card that outlines their rights. HB 288 remained in the House Judiciary Non-Civil Committee.

HB 635 – Rep. Sharon Cooper (R-Marietta) authored this bill which would have provided for the establishment of 'at-risk adult protective investigative teams' at O.C.G.A. § 30-5-11 to coordinate the investigation of and responses to suspected instances of abuse, neglect, or exploitation of disabled adults or elderly persons. Such teams were defined as a "multiagency team established in each judicial circuit in the State." Language was added throughout Title 30 to implement this definition. The bill remained in the House Human Relations and Aging Committee.

SB 53 – Sen. Valencia Seay (D-Riverdale) sponsored creating a new Code Section at O.C.G.A. § 30-3A-1 to provide for the installation and maintenance of adult changing stations in certain commercial public facilities for persons with disabilities. The bill remained in the Senate Health and Human Services Committee.

SB 237 – Sen. Donzella James (D-Atlanta) also authored this legislation which proposed a new Code Section at O.C.G.A. § 30-1-7. It would have required that every motorized wheelchair and scooter operated on the sidewalks and public ways of Georgia be equipped with a type of reflector approved by the Department of Public Safety for bicycles. The bill remained in the Senate Public Safety Committee.

HEALTH

Legislation Passed

HB 210 – Rep. Jodi Lott (R-Evans) introduced this bill to clarify what is considered a "clinical laboratory" at O.C.G.A. § 31-22-1(2) which includes specimen collection stations and blood banks that "provide through their ownership or operation a system for the collection, processing, or storage of human blood and its component parts unless such human blood and its component parts are intended as source material for the manufacture of biological products and regulated by the Center for Biologics Evaluation and research (CBER) within the Food and Drug Administration." The change excludes plasma centers from State regulation under the current definition of "clinical laboratory." Governor Deal signed this legislation into law as **Act Number 210**; it takes effect on July 1, 2017.

HB 241 – Rep. Lee Hawkins (R-Gainesville) authored this language to enact "Cove's Law" in O.C.G.A. § 31-12-6. It allows parents the ability to have their children screened for Krabbe's disease and adds that disease to the list of metabolic and genetic conditions for which newborn screening may be conducted pursuant to the Department of Public Health. Governor Deal signed this initiative as **Act Number 190** and it takes effect on July 1, 2017.

HB 249 – Rep. Kevin Tanner (R-Dawsonville) introduced this initiative as an effort to address the State's burgeoning opioid abuse crisis. It does a number of things:

- O.C.G.A. § 16-13-57(b) moves the Prescription Drug Monitoring Program (PDMP) from the Georgia Drugs and Narcotics Agency to the Department of Public Health

(which is also required to conduct testing of the PDMP to see if its accessible and operational).

- O.C.G.A. § 16-13-57(c) requires each prescriber with a DEA registration number to enroll as a user of the PDMP as soon as possible but not later than January 1, 2018. New prescribers are required to enroll within 30 days of receiving his or her credentials.
- O.C.G.A. § 16-13-59(b) requires each dispenser to submit prescription information to the Department (PDMP) at least every 24 hours. This information will be used to provide medical/pharmaceutical care to a patient or inform the prescriber or dispenser of a patient's potential use, misuse, abuse, or underutilization of a prescription.
- O.C.G.A. § 16-13-60(c) permits additional personnel to access the PDMP – it permits two individuals in the pharmacy per shift or rotation of the prescriber's or dispenser's staff or employed at the health care facility in which the prescriber is practicing provided that these individuals: Are licensed under Title 43 (Chapters 11, 30, 34 or 35) [The dentists, dental hygienists and dental assistants; optometrists; physicians and physician's assistants; and podiatrists.]; Are registered under Title 26 [Pharmacists and pharmacy technicians]; Are licensed under Chapter 26 of Title 43 and submit to the annual registration process required in O.C.G.A. § 16-13-35(a); and for the purposes of this Code section such individuals shall not be deemed exempted from registration as set forth in O.C.G.A. § 16-13-35(g) or [Nurses are in Chapter 26 of Title 43]; and Submit to the annual registration process required by O.C.G.A. § 16-13-35(a) and for the purposes of this Code Section, such individuals shall not be deemed exempted from registration as set forth in O.C.G.A. § 16-13-35(g). [These are the manufacturers, distributors and dispensers who are required to have an annual registration.] These individuals will have the authorization by the medical director of the facility. Hospitals are also permitted to designate two individuals per shift or rotation (either employed or contracted) for this work.
- O.C.G.A. § 16-13-63 requires that on and after July 1, 2018, when a prescriber is prescribing a controlled substance in O.C.G.A. §16-13-26(1) or (2) or benzodiazepines, then he or she is to review the PDMP the first time he or she issues such prescription and thereafter at least once every 90 days (*except* under certain conditions – when it is, for instance, no more than a three-day supply of the substance or no more than 26 pills; if the patient is in a hospital or healthcare facility (explicitly including nursing home or hospice (and likely including crisis stabilization units)) and the patient is using the medications there; patient has outpatient surgery in an ambulatory surgery center and has a prescription for no more than a ten-day supply of the substance or no more than 40 pills; if the patient is terminally ill or in hospice; or the patient is receiving treatment for cancer. Prescribers are to make notes in the patient's medical record noting the date and time the PDMP was reviewed for the patient.
- O.C.G.A. § 16-13-71(b) and (c) provides an exemption for Naloxone from the dangerous drug list.
- O.C.G.A. § 16-13-56.1(b) requires a prescriber who issues a prescription for an opioid to a patient to inform that patient of the addictive risks of using such medications and how to safely dispose of unused medicines – this can be done verbally or in writing.

- O.C.G.A. § 31-1-10(b) permits the State Health Officer (an individual licensed to practice medicine) the ability to issue a standing order for Naloxone and O.C.G.A. § 26-4-116.2(e)(3) allows that Officer an immunity from liability if he or she is acting in good faith.
- O.C.G.A. § 31-12-2(a.1)(2) requires that babies with neonatal abstinence syndrome be reported to the Department of Public Health; and that department is to provide an annual report to the President of the Senate, Speaker of the House, and Chairs of the Health and Human Services Committees on these babies.
- O.C.G.A. § 26-5-22 requires that the Department of Community Health conduct annual onsite inspections of each narcotic treatment program in the State.
- O.C.G.A. § 26-5-23 requires the Departments of Community Health and Behavioral Health and Developmental Disabilities to publish annually a report on numbers of patients enrolled the narcotic treatment programs.
- O.C.G.A. § 45-16-24(a)(10) requires law enforcement to notify the coroner or county medical examiner if an individual dies of an apparent overdose and O.C.G.A. § 45-16-27(a) requires that coroners are to conduct an inquest of such.
- O.C.G.A. § 20-2-149.1(a) names the current law concerning cardiopulmonary resuscitation and use of automated external defibrillators the "Cory Joseph Wilson Act." [This Code Section is in the Education Code, O.C.G.A. § 20-2-149.1, which required beginning in school year 2013-2014 that each local board of education operating a school with grades nine through 12 are to provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator to students as a requirement within existing health or physical education courses.]

Governor Deal signed this initiative as **Act Number 141**; it takes effect on July 1, 2017.

HB 427 – Rep. Mark Newton, MD (R-Augusta) authored this legislation expanding the service cancelable loan program for physicians in underserved areas so that the program will also be available to dentists, physician assistants and advanced practice registered nurses in O.C.G.A. § 31-34-1 et seq. Governor Deal signed the bill as **Act Number 176**. The provisions of this legislation take effect on July 1, 2017.

SB 14 – Sen. Dean Burke, MD (R-Bainbridge) introduced this legislation concerning rural hospital grants in Chapter 7 of Title 31. It adds at O.C.G.A. § 31-7-94 that the State is authorized to make grants, as funds are available, to hospital authorities and rural hospital organizations (presently, the grants are only for hospital authorities) for public health purposes. Further, it adds that the funds granted are to be distributed among the various public hospital authorities and rural hospital organizations. The legislation also adds a new Code Section at O.C.G.A. § 31-7-94.1, to be known as the "Rural Hospital Organization Assistance Act of 2017." In it, the Code Section defines a 'rural hospital organization' and authorizes the Department of Community Health to make grants to hospital organizations which make application and are certified as meeting the requirements. The grants are capped at $4 million annually. It also outlines how the grants funds may be used:

(1) Infrastructure development, including, without being limited to, health information technology, facility renovation, or equipment acquisition; provided, however, that the amount granted to any qualified hospital may not exceed the expenditure thresholds that would constitute a new institutional health service requiring a certificate of need under Chapter 6 of this title and the grant award may be conditioned upon obtaining local matching funds;
(2) Strategic planning, including, without being limited to, strategies for personnel retention or recruitment, development of an emergency medical network, or the development of a collaborative and integrated health care delivery system with other health care providers, and the grant award may be conditioned upon obtaining local matching funds for items such as telemedicine, billing systems, and medical records. For the purposes of this paragraph, the maximum grant to any grantee shall be $500,000.00;
(3) Nontraditional health care delivery systems, excluding operational funds and purposes for which grants may be made under paragraph (1) or (2) of this subsection. For the purposes of this paragraph, the maximum grant to any grantee shall be $2.5 million; or
(4) The provision of 24 hour emergency room services open to the general public.

Governor Deal signed this initiative as **Act Number 179**; the changes to the rural hospital grants became effective upon signature on May 8, 2017.

SB 16 – Sen. Ben Watson (R-Savannah) authored the changes to O.C.G.A. § 16-12-191 and O.C.G.A. § 31-2A-18 concerning medical marijuana or Low THC Oil. The Title 16 change addresses the possession, manufacture, distribution or sale of the oil. The change makes it lawful for any person to possess or have under his or her control 20 fluid ounces or less of low THC oil if: (1) such substance is in a pharmaceutical container labeled by the manufacturer indicating the percentage of tetrahydrocannabinol therein; and (2) the person is registered with the Department of Public Health and has in his or her possession a registration card issued by that Department. The amendment also adds that a person, who has in his or her possession a registration card issued by another state allowing that individual to have in his or her possession the low THC oil, is permitted possession of the oil in Georgia (however, that "reciprocity" only permits that Georgia visitor to be present here for no more than 45 days). Additionally, the legislation adds in Title 31 additional diseases or conditions where the Low THC Oil may be used adding Tourette's syndrome, autism spectrum disorder when such disorder is diagnosed for a patient who is at least 18 years of age, or severe autism when diagnosed for a patient who is less than 18 years of age; epidermolysis bullosa; Alzheimer's disease, when such disease is diagnosed as severe or end stage; acquired immune deficiency syndrome when such syndrome is diagnosed as severe or end stage; and peripheral neuropathy, when such symptoms are diagnosed as severe or end stage. It also adds in subsection (d) of O.C.G.A. § 31-2A-18 that the Department of Public Health may issue a registration card to an individual in an inpatient or outpatient hospice program or the caregiver of the individual when the circumstances warrant such. It requires in subsection (e) that physicians make semiannual reports, rather than quarterly reports, to the board and those reports are to also include patient clinical responses and levels of tetraydrocannabinol or tetrahydrocannabinolic acid present in

test results, compliance, responses to treatment, side effects, and drug interactions. Governor Deal signed SB 16 as **Act Number 229**. It takes effect July 1, 2017. [This incorporates much of the language from Rep. Allen Peake's HB 65 which remained in the Senate Health and Human Services Committee.]

SB 70 – Sen. Butch Miller (R-Gainesville) carried this legislation, which was a part of the Governor's package of bills this year. SB 70 extends the sunset provision relating to the hospitals' Medicaid financing program, moving its sunset from June 30, 2017 to June 30, 2020 at O.C.G.A. § 31-8-179.6. This law was initially passed in 2013, authorizing the Department of Community Health Board to "establish and assess, by board rule, one or more provider payments on hospitals, or a subclass of hospitals, as defined by the board; provided, however, that if any such provider payment is established and assessed, the provider payment shall comply with the requirements of 42 C.F.R. 433.68." Further, "any provider payment assessed pursuant to this article shall not exceed the amount necessary to obtain federal financial participation allowable under Title XIX of the federal Social Security Act. The aggregate amount of any fees established and assessed pursuant to this subsection shall not exceed those percentages of net patient revenues set forth in the General Appropriations Act. The board shall be authorized to discontinue any provider payment assessed pursuant to this article. The board shall cease to impose any such provider payment if: (1) The provider payments are not eligible for federal matching funds under Title XIX of the federal Social Security Act; or (2) The department reduces Medicaid payment rates to hospitals as are in effect on June 30, 2012, or reduces the provider payment rate adjustment factors utilized in developing the state Fiscal Year 2013 capitated rates for Medicaid managed care organizations." Governor Deal signed this initiative as **Act Number 4**. The legislation took effect on February 13, 2017 when Governor Deal signed the bill.

SB 88 – Sen. Jeff Mullis (R-Chickamauga) offered this legislation creating a regulation for narcotic treatment programs (for chronic heroin or opiate-like drug dependent individuals) in new Article 2 of Chapter 5 Title 26. These programs will be overseen by the Department of Community Health. The legislation is to be cited to as the "Narcotic Treatment Programs Enforcement Act." The Department of Community Health is tasked with creating and promulgating "reasonable and necessary minimum standards of quality and services for narcotic treatment programs" in O.C.G.A. § 26-5-42. O.C.G.A. § 26-5-44 prohibits a governing body from operating a narcotic treatment program without having a valid license or provisional license. O.C.G.A. § 26-5-46(a) requires that the Department establish an annual or biannual open enrollment period and subsection (d) requires that the first enrollment period for licensure is to be held December 1, 2017 through December 31, 2017. O.C.G.A. § 26-5-47 outlines the application requirements; applications will look at factors such as data and details regarding treatment and counseling; biographical information and qualifications of owners, medical directors, counselors and other staff; demographics; experience in operating such a program; proof of filing notice with drug courts within 75 miles of the center; etc. O.C.G.A. § 26-5-48 outlines other factors that the Department is to review, determining if a governing body for a narcotic treatment program has demonstrated certain requirements (such as being in compliance with all State and federal law and regulations; being in compliance with all applicable standards of practice; having program structure for successful service delivery;

and providing an impact on the delivery of opioid treatment services of the applicant in the applicable population). O.C.G.A. § 26-5-47(c) outlines information about transfers of licenses and provides that licenses are not transferrable (for change of ownership or change of location). In O.C.G.A. § 26-5-48(h), the legislation creates 49 regions established with the State's counties for the purpose of establishing these treatment programs. O.C.G.A. § 26-5-59 requires that drug-dependent females are given priority in enrollment in the programs. Governor Deal approved SB 88 as **Act Number 140** on May 4, 2017. The legislation took effect upon signature.

SB 96 – Sen. Ben Watson, MD (R-Savannah) authored this legislation authorizing the pronouncement of death by registered professional nurses, nurse practitioners, or physician assistants (in addition to physicians) of patients in nursing homes and hospices if those patients are organ donors. These changes are made at O.C.G.A. § 31-7-16 and O.C.G.A. § 31-7-176.1. Additionally, the legislation amends O.C.G.A. § 31-10-16(a), concerning the criteria for determining death and immunity from liability, so as to also add a nurse practitioner and advanced practice registered nurse be permitted to make such pronouncement (in addition to a qualified physician, registered professional nurse, and physician's assistant) if it is determined that the individual has sustained either (1) irreversible cessation of circulatory and respiratory function; or (2) irreversible cessation of all functions of the entire brain, including the brain stem. It further amends O.C.G.A. § 45-16-25(a)(1) relating to a coroner's or county medical examiner's duties after notice of suspicious or unusual death. It adds the nurse practitioner, advanced practice registered nurse and physician's assistant so that if a registered professional nurse, nurse practitioner, advanced practice registered nurse, or physician's assistant authorized to make a pronouncement of death under O.C.G.A. § 31-10-16 or a qualified physician is not available, a coroner, deputy coroner, or medical examiner's investigator may make a pronouncement of death at the investigation scene, if, and only if, one or more the following conditions is met: "(A) the body is in a state of rigor mortis with lividity present; (B) the body is in a state of decomposition evidenced by a component of putrefaction; (C) the body is skeletonized or (4) death has been established by qualified emergency medical services personnel." Governor Deal signed this bill as **Act Number 236** and the changes take effect on July 1, 2017.

SB 102 – Sen. Butch Miller (R-Gainesville) authored this initiative which came about due to a Study Committee on Emergency Cardiac Care Centers in 2016. That Study indicated that 79,901 Georgians died in 2015 and of those 23.6 percent were the result of cardiovascular disease (excluding stroke). This legislation establishes in new Article 7 of Chapter 11 of Title 31. In the new language, the Department of Public Health is to create an Office of Cardiac Care and a designation process for hospitals' emergency cardiac care centers. There are three levels for these centers based upon the services provided (e.g. a Level I has: cardiac catheterization and angioplasty facilities available 24/7 365 days of the year; on-site cardiothoracic surgery available 24/7 365 days of the year; established protocols for therapeutic hypothermia for out-of-hospital cardiac arrest patients; the ability to implant percutaneous left ventricular assist devices for support of hemodynamically unstable patients experiencing out-of-hospital cardiac arrest or heart attack; neurologic protocols to measure functional status at hospital discharge; and the ability to implant automatic implantable

cardioverter defibrillators). These "centers" are encouraged to coordinate, through written agreement, with other level emergency cardiac care centers across the State to provide appropriate access to care for cardiac patients (this includes transfer agreements for the transport and acceptance of patients as well as communication criteria and protocols between the emergency cardiac care centers). Hospitals are to apply for designation as an emergency cardiac care center, demonstrating the satisfaction of the criteria for the level requested. The Office of Cardiac Care can suspend or revoke a hospital's designation after notice and hearing. The Office of Cardiac Care is required to establish a data reporting system and analyze the statewide data and make improvements on processes and protocols to implement necessary best practices to improve cardiac care to patients. An annual report is to be posted on the Office of Cardiac Care's website and also be sent to the Governor, President of the Senate, and Speaker of the House; results may be used by the Office to conduct training with the hospitals regarding best practices. Grants are to be awarded to encourage and ensure the establishment of emergency cardiac care centers, subject to appropriations from the General Assembly. Beginning June 1, 2018, the Office of Cardiac Care is to provide a list of emergency cardiac care centers designated by the Office to the medical director of each licensed emergency medical services provider as well as maintain such list in the Office and on the Office's website. It also requires that the Office adopt or develop a sample emergency cardiac care triage assessment tool and distribute such to licensed emergency medical services providers no later than December 31, 2017. Governor Deal signed this legislation as **Act Number 105**. The changes from SB 102 take effect on July 1, 2017.

SB 106 – Sen. Greg Kirk (R-Americus) introduced this initiative addressing staffing at pain management clinics in O.C.G.A. § 43-34-283(g). Under current law, it states in subsection (g) that "no pain management clinic shall provide medical treatment or services, as defined by the board, unless a physician, a physician assistant authorized to prescribe controlled substances under an approved job description, or an advanced practice registered nurse authorized to prescribe controlled substances pursuant to a physician protocol is on-site at the pain management clinic." This bill added that this limitation would "not apply to a certified registered nurse anesthetist practicing pursuant to Code Section 43-26-11.1, so long as (1) the patient has previously been examined by a physician and such physician has issued a written order for such patient to receive medical treatment or services and (2) the pain management clinic has obtained written consent of the patient prior to any medical treatment or services being provided by the certified registered nurse anesthetist regarding the medical treatment or services to be performed, the risks of the medical treatment or services to be performed, and that a physician may or may not be on-site." Governor Deal approved this bill as **Act Number 237**; it takes effect on July 1, 2017.

SB 109 – Sen. Michael Williams (R-Cumming) authored this initiative for the enactment of the "Recognition of Emergency Medical Services Personnel Licensure Interstate Compact" which is also known as "REPLICA." The legislation adds this interstate compact in a new Article 4 of Chapter 3 of Title 38 governing all emergency medical services, including emergency medical technicians, advanced emergency medical technicians, and paramedics. Also included in this legislation is the "Nurse Licensure Compact" in a new Article 4 of Chapter 26 of Title 43 in order to provide for uniformity of nurse licensure requirements. Governor Deal signed

this bill as **Act Number 175**. The Act takes effect on July 1, 2017. [Note: a standalone proposal for the nurse compact was authored by Rep. Sharon Cooper (R-Marietta) as HB 402 but it remained in the House Health and Human Services Committee.]

SB 121 – Sen. Butch Miller (R-Gainesville) introduced this proposal known as the "Jeffrey Dallas Gay Jr. Act." This legislation codifies Governor Deal's executive order issued late in 2016 in an effort to help prevent overdose deaths with the issuance of a standing drug order by the State's health officer for Naloxone. Like HB 249, this bill also provides an exemption for the drug Naloxone from Georgia's Dangerous Drug List in O.C.G.A. § 16-13-71(b)(635) and (c)(14.25). Further, it provides in O.C.G.A. § 26-4-116.2(e) an immunity from any civil liability, criminal responsibility or professional licensing sanctions for the State health officer who is acting in good faith as provided in O.C.G.A. § 31-1-10 (which is the Code Section allowing the Governor to appoint an individual licensed to practice medicine in Georgia as the State's health officer and which further authorizes that individual to issue a standing order prescribing an opioid antagonist on a statewide basis under conditions that he or she determines to be in the best interest of the State). Governor Deal signed this legislation as **Act Number 19** on April 18, 2017. This legislation took effect upon signature.

SB 153 – Sen. Matt Brass (R-Newnan) authored this legislation which originally proposed the deregulation of over-the-counter sales of hearing aids in Title 43. The legislation was "gutted" in the House Regulated Industries Committee and became a vehicle for optometrists who sought permission in their scope of practice to provide injections around the eye. Governor Deal signed this legislation into law on May 9, 2017 as **Act Number 244** and also issued an Executive Order relating to this legislation to require that the Department of Public Health, through its Commissioner and State Health Officer, provide guidance to the Board of Optometry on the appropriate curriculum required to be included for optometrists to be trained regarding injectables around the eye. The legislation adds the permission for the optometrists' scope of practice at O.C.G.A. § 43-30-1(2). Doctors of optometry *may* administer pharmaceutical agents related to the diagnosis or treatment of diseases and conditions of the eye and adnexa oculi by injection except for sub-tenon, retrobulbar, peribulbar, facial nerve block, subconjunctival anesthetic, dermal filler, intravenous injections, intramuscular injections, intraorbital nerve block, intraocular, or botulinum toxin injections with a current license or certificate of registration and shows successful completion of an injectables training program consisting of a minimum of 30 hours approved by the board; or is enrolled in injectables training program sponsored by the school or college of optometry credentialed by the United States Department of Education and the Council on Postsecondary Accreditation; and is under the direct supervision of a licensed physician and board certified in ophthalmology. It takes effect on July 1, 2017.

SB 180 – Sen. Dean Burke, MD (R-Bainbridge) introduced changes to hospital reporting requirements on indigent care and the tax credits for rural hospital organizations. A new Code Section is added at O.C.G.A. § 31-8-9.1 to require that the Department of Community Health approve a list of rural hospital organizations which are eligible to receive contributions from the tax credits in O.C.G.A. § 48-7-29.20. Then that list to be transmitted to Georgia's Department of Revenue. Prior to a hospital organization being eligible to receive the

contributions from the tax credit, it is required to submit a five-year plan outlining financial viability and stability of the rural hospital organization. It further provides what the organization must do if it receives such funds (e.g. provision of healthcare related services for residents of a rural county or for residents of the area served by a critical access hospital and report the contributions and corporate donors). The legislation contemplates the use of a third-party to solicit, administer or manage donations – it caps such entities' administrative fees to three percent of the total amount of the donations. The Department of Community Health is also required to annually report information to the Chairs of the House Committee on Ways and Means and the Senate Health and Human Services Committee. In O.C.G.A. § 48-7-29.20, it increases the credits for individuals received moving it from 70 percent to 90 percent of the actual money expended and also increases the current $2,500.00 credit to $5,000.00, whichever is less. It also increases the credits' amounts for a married couple filing a joint return (moving from 70 percent to 90 percent of the actual amount expended and moving the $5,000.00 to $10,000.00). Further, it allows corporate entities tax credits not to exceed 90 percent (rather than 70 percent) of the amount expended. It also provides for an aggregate amount of the credits for years 2017, 2018 and 2019 at $60 million per year. It allows a taxpayer preapproved by the Department to retain their approval in the event the credit percentage is modified for the year in which the taxpayer was preapproved. Governor Deal signed this legislation as **Act Number 200**; it takes effect on July 1, 2017.

SB 193 – Sen. Renee Unterman (R-Buford) introduced this initiative which modifies a law passed in 2016, creating the Positive Alternatives for Pregnancy and Parenting Grant Program in O.C.G.A. § 31-2A-30 et seq. It specifically allows that the Department of Public Health, which oversees this Program, be granted more flexibility by amending the "purpose" of the Program to "develop a statewide effort that promotes healthy pregnancies and childbirth by awarding grants to nonprofit organizations that provide pregnancy support services." It also amends O.C.G.A. § 31-2A-35 so that the grants awarded annually on a competitive basis to direct client service providers "who display competent experience in providing" any (rather than "all" as required in the 2016 law) of the services outlined in O.C.G.A. § 31-2A-34 (which are: "(1) Medical care and information, including but not limited to pregnancy tests, sexually transmitted infection tests, other health screening, ultrasound service, prenatal care, and birth classes and planning; (2) Nutritional services and education; (3) Housing, education, and employment assistance during pregnancy and up to one year following a birth; (4) Adoption education, planning, and services; (5) Child care assistance if necessary for the client to receive pregnancy support services;(6) Parenting education and support services for up to one year following a birth; (7) Material items which are supportive of pregnancy and childbirth including, but not limited to, cribs, car seats, clothing, formula, or other safety devices; and (8) Information regarding health care benefits, including but not limited to, available Medicaid coverage for the client for pregnancy care that provides health coverage for the client's child upon his or her birth."). The House also added language from Rep. Sharon Cooper's legislation, HB 360, on "expedited partner therapy" so that a sexual partner of a patient clinically diagnosed with Chlamydia or gonorrhea could access antibiotic medications for treatment without seeing the licensed practitioner." It amends the law relating to "prescription drug orders" for this purpose at O.C.G.A. § 26-4-80(c)(2) adds a new Code Section at O.C.G.A. §31-17-7.1 for the "control of venereal disease," which includes an

immunity from civil or criminal liability for the practitioner who "reasonably and in good faith prescribes antibiotic drugs for expedited partner therapy" and this individual would also not be deemed to have engaged in unprofessional conduct by the licensed practitioner's licensing board. [Note HB 360 remained in the Senate Health and Human Services Committee.] Governor Deal approved this legislation as **Act Number 271**; it takes effect on July 1, 2017.

Legislation Not Passed

HB 18 – Rep. Sandra Scott (D-Rex) introduced this legislation which sought to amend O.C.G.A. § 31-12A-4.1 to prohibit smoking inside all motor vehicles when a child was present, whether the vehicle was in motion or at rest. This bill was never assigned to a Committee.

HB 36 – Rep. Earl Ehrhart (R-Powder Springs) proposed this bill to amend O.C.G.A. § 43-30-1 providing that injectible pharmaceutical agents (for eyes) may only be administered by a licensed doctor of optometry or a doctor of optometry enrolled in an approved injectibles training program. The legislation remained in the House Health and Human Services Committee. [See SB 153 which passed and became **Act Number 244**.]

HB 54 – Rep. Geoff Duncan (R-Cumming) proposed to amend O.C.G.A. § 31-8-9.1 to require additional reporting requirements for rural hospital organizations that receive donations. Such organizations would have been required to report on any payments made to a third party to solicit, administer, or manage the donations received. At O.C.G.A. § 48-7-29.20, the bill would have increased the tax credit for individual taxpayers for qualified rural hospital organization expenses. For a single individual, it was increased to 90 percent (as current law is 70 percent) of the amount expended, or $5,000 per tax year (current law is $2,500 per tax year). For a married couple, it was increased to 90 percent (current law is 70 percent) of the amount expended, or $10,000 per tax year (current law is $5,000 per tax year). HB 54 was withdrawn and recommitted to the House Ways and Means Committee, where it remained.

HB 161 - Rep. Betty Price (R-Roswell) authored this legislation amending O.C.G.A. § 16-13-32 to provide that it was to be unlawful for a person employed by or an agent of a harm reduction organization to sell, lend, rent, lease, give, exchange, or distribute hypodermic needles designed for human use. It defined a 'harm reduction organization' as an organization which provided services such as syringe exchanges, counseling, homeless services, advocacy, drug treatment, and screening to at-risk individuals to slow the spread of HIV and other infectious diseases. HB 161 was withdrawn and recommitted to the House Health and Human Services Committee.

HB 228 - Rep. Brad Raffensperger (R-Johns Creek) authored this legislation which sought to amend O.C.G.A. § 33-24-59.21 to require health plans to provide coverage for hearing aids for children (ages 18 and under). Specifically, it required coverage of up to $3,000.00 per hearing aid per hearing impaired ear and allowed for replacement of one hearing aid per hearing impaired ear every 48 months for covered individuals. Parents/guardians would have been responsible for billed charges in excess of such benefits. Coverage would not have been

required if an actuary certified in writing that the coverage caused a one (1) percent increase in premiums. HB 228 remained in the House Insurance Committee. [See SB 206 which passed and was signed as **Act Number 174**.]

HB 301 - Rep. Jodi Lott (R-Evans) authored this bill to delete current law at O.C.G.A. § 48-7-27 concerning the income tax on physicians serving as community-based faculty physicians. In its place was a new income tax credit, at O.C.G.A. § 48-7-29.21, for taxpayers who were licensed physicians, advanced practice registered nurses or physician assistants who provide uncompensated preceptorship training to medical students, advanced practice registered nurse students or physician assistant students for specific periods of time. The credit accrued on a per preceptorship rotation basis in the amount of $500.00 for the first, second and third preceptorship rotation and $1,000.00 for the fourth, fifth, sixth, seventh, eighth, ninth, or tenth preceptorship rotation completed in one calendar year by a "community based faculty preceptor" (who is a physician). Advanced practice registered nurses and physician assistants, could receive $375.00 for the first, second, or third such preceptorship rotation and $750.00 for the fourth, fifth, sixth, seventh, eighth, ninth, or tenth rotation. No individual could accrue more than ten preceptorship rotations in one calendar year. HB 301 was passed by the House, but remained in the Senate Finance Committee.

HB 360 - Rep. Sharon Cooper (R-Marietta) authored this legislation which sought an amendment to O.C.G.A. § 26-4-80(c)(2) to provide for "expedited partner therapy" for patients with Chlamydia or gonorrhea. A new Code Section would have been added in O.C.G.A. § 31-17-7.1 which defined "expedited partner therapy" and permitted the licensed practitioner who diagnoses a patient infected with Chlamydia or gonorrhea the ability to utilize the expedited partner therapy in accordance with rules developed by the Department of Public Health. HB 360 passed the House, but remained in the Senate Health and Human Services Committee. [See SB 193 which passed and was signed as **Act Number 271**.]

HB 517 – Rep. Tom Taylor (R-Dunwoody) introduced this bill which provided at O.C.G.A. § 31-7-2 for the registration of diagnostic imaging equipment through the Department of Community Health. In order to be properly licensed, diagnostic image equipment must not be greater than five years old if purchased on or after July 1, 2017. Such equipment would have been required to have the most updated software from the manufacturer, be accredited by an accrediting agency, and be approved by the Centers for Medicare and Medicaid Services for purposes of Medicare reimbursement. HB 517 remained in the House Health and Human Services Committee.

HB 536 - Rep. Trey Kelley (R-Cedartown) authored this bill O.C.G.A. § 31-11-53 to provide that emergency medical technicians may administer approved parenteral injections and opioid antagonists "upon the order of a duly licensed physician." It further proposed to amend O.C.G.A. § 31-11-53.1 eliminating the recommendation that persons who have access to or use of automated external defibrillators be trained. It added that it is the "intent of the General Assembly that all persons who use an automated external defibrillator shall activate the emergency medical services system as soon as reasonably possible by calling 9-1-1 or the

appropriate emergency telephone number upon use of the automated external defibrillator." This bill remained in the House Health and Human Services Committee.

HB 631 – Rep. Trey Kelley (R-Cedartown) sponsored this legislation which would have amended Part 1 of Article 1 of Chapter 18 of Title 45, relating to state employees' health insurance plan. At O.C.G.A. § 45-18-6.1, it proposed to provide that the term 'critical access hospital' referred to a hospital that meets CMS requirements to be designated as a critical access hospital. A corporation licensed to provide accident and health insurance that has been out-of-network with a critical access hospital for the previous 12 months would not have been eligible to submit a proposal or enter into a contract with the board. HB 631 remained in the House Insurance Committee.

HB 637 – Rep. Debra Silcox (R-Sandy Springs) authored this legislation to create an interstate compact to be called the "Interstate Medical Licensure Compact" in a new Article 11 of Chapter 34 of Title 43. The Georgia Composite Medical Board was to have the authority to administer the compact, which was meant to "develop a comprehensive process that complements existing licensing and regulatory authority of state medical boards, provides a streamlined process that allows physicians to become licensed in other states, thereby enhancing the portability of a medical license and ensuring the safety of patients." HB 637 remained in the House Health and Human Services Committee.

HB 643 – Rep. Billy Mitchell (D-Stone Mountain) introduced this legislation proposing a new Article 16 of Chapter 7 of Title 31. It required at O.C.G.A. § 31-7-452 the development of quality assurance standards for health care facilities which are to be used to identify, evaluate and remedy problems related to the quality of such facilities. O.C.G.A. § 31-7-453 provided a mechanism for reporting instances when the quality of care of a patient was "in jeopardy." This bill was introduced late and never assigned to a committee.

HB 646 – Rep. Katie Dempsey (R-Rome) proposed this legislation which would have amended O.C.G.A. § 31-2-12 by reinstating a pilot program within the State Health Benefit Plan to provide coverage for bariatric surgical procedures for the treatment and management of obesity to begin on January 1, 2018. It remained in the House Health and Human Services Committee.

HB 647 – Rep. Katie Dempsey (R-Rome) sponsored this legislation which would have created a two year pilot program at O.C.G.A. § 31-2-15 to provide coverage for the treatment of obesity and other conditions under the State's health insurance plan. Such program proposed to cover all FDA-approved medications for chronic weight management for eligible participants, in conjunction with obesity screening, prevention, and counseling. Participation was proposed to be limited to no more than 2,000 individuals. It remained in the House Health and Human Services Committee.

SB 8 – Sen. Renee Unterman (R-Buford) sponsored this "balanced billing" solution for consumers who receive surprise bills from their healthcare providers for services not covered by health insurance. The legislation would have created a new Chapter 20E in Title 33 to be known as the "Surprise Billing and Consumer Protection Act." It was recommitted to, and

remained in, the House Rules Committee after it cleared the House Insurance Committee and made it onto a House Rules Calendar.

SB 12 – Sen. Renee Unterman (R-Buford) proposed this legislation to make changes in Chapter 11 of Title 43 to authorize licensed dental hygienists to perform certain functions under general supervision, rather than direct supervision, by dentists, in certain settings. The legislation remained in the House Health and Human Services Committee. [See HB 154 by Rep. Sharon Cooper (R-Marietta) which was passed and became **Act Number 177** and takes effect on July 1, 2017.]

SB 25 – Sen. Josh McKoon (R-Columbus) introduced this idea to create in O.C.G.A. § 33-1-25 the "Georgia Health Care Transparency Initiative" which would be a database of all-payor claims data administered by the Commissioner of Insurance. This database would have received and stored data from a submitting entity relating to medical, dental, and pharmaceutical and other insurance claims information; unique identifiers; geographic and demographic information for covered individuals and provider files. The bill remained in the Senate Insurance and Labor Committee.

SB 31- Sen. Josh McKoon (R-Columbus) introduced this measure which in part would have changed the composition of the Board of the Department of Community Health, at O.C.G.A. § 31-2-3(b), so as to require that that at least two members of the Board be active participants in the State Health Benefit Plan, at least one of whom would be a member of the Employees' Retirement System of Georgia and one of whom would be a member of the Teachers Retirement System of Georgia. Further, of these two members, one would be a retired member and one an active member of the respective retirement system. The legislation also proposed creating at O.C.G.A. § 31-2-15 the State Health Benefit Plan Customer Advisory Council to advise the Commissioner of the Department of Community Health "on components, provisions, elements, strategies, marketing, and customer satisfaction of the State Health Benefit Plan." The legislation passed out of the Senate Health and Human Services Committee but stalled in the Senate Rules Committee.

SB 44 – Sen. Dean Burke, MD (R-Bainbridge) proposed this legislation addressing O.C.G.A. § 50-18-72, relating to when public disclosure was not required, so that at (51) "records related to Code Section 31-8-9.1 containing the identity of any individual or corporate donor that made or applied to make a contribution to a rural hospital organization pursuant to Code Section 48-7-29.20, unless the identity of such individual or corporate donor is redacted prior to public disclosure" would not be subject to disclosure. It remained in the Senate Rules Committee.

SB 50 – Sen. Hunter Hill (R-Atlanta) proposed this legislation creating a new Code Section at O.C.G.A. § 33-7-2.1 to permit "concierge medicine." Specifically, it would have established that a direct primary care agreement is not insurance and not subject to State insurance laws. Further, it would have permitted a "physician offering, marketing, selling, or entering into a direct primary care agreement shall not be required to obtain a certificate of authority or license other than to maintain a current license to practice medicine with the State of Georgia." It also outlined what must be contained in a direct primary care agreement: "(1) Be in writing;

(2) Be signed by a physician or agent of the physician and the individual patient or his or her legal representative; (3) Allow either party to terminate such agreement upon written notice to the other party of no more than 30 days; (4) Describe the scope of health care services that are covered by the periodic fee; (5) Specify the periodic fee and any additional fees outside of the periodic fee for ongoing care; (6) Specify the duration of such agreement and any automatic renewal periods and require that no more than 12 months of the periodic fee be paid in advance; and (7) Prominently state in writing that such agreement is not health insurance." It cleared the House Insurance Committee but remained in the House Rules Committee.

SB 56 – Sen. Josh McKoon (R-Columbus) offered this idea to create in O.C.G.A. § 33-20E-1 the "Accuracy and Transparency in Physician/Provider Profiling Act." It defined "profiling program" as a "system that compares, rates, ranks, measures, tiers, or classifies a physician's or physician group's performance, quality, or cost of care against objective or subjective standards or the practice of other physicians, including without limitation quality improvement programs, pay-for-performance programs, public reporting on physician performance or ratings, and the use of tiered or narrowed networks." The bill remained in the Senate Insurance and Labor Committee.

SB 61 – Sen. Horacena Tate (D-Atlanta) authored this effort to enact the "Georgia Family Planning Initiative" to authorize public and private funding and distribution of funds for family planning services in O.C.G.A. § 31-2A-19. The legislation remained in the Senate Health and Human Services Committee.

SB 118 – Sen. Renee Unterman (R-Buford) introduced this proposal to amend O.C.G.A. § 33-24-59.10, relating to the insurance coverage for autism. Her bill sought to change the age limit for coverage for autism spectrum disorders for an individual covered under a policy or contract, moving that age limitation from six years of age to twenty-one years of age. The initiative cleared the Senate Insurance and Labor Committee, but then remained in the Senate Rules Committee.

SB 123 – Sen. Hunter Hill (R-Atlanta) offered this bill on behalf of Cancer Treatment Centers of America which sought to amend Chapter 6 of Title 31 relating to Georgia's current Certificate of Need laws. His bill would have eliminated the 65 percent out-of-state patient base requirement for a "destination cancer hospital" for purposes of certificate of need. Additionally, it proposed to eliminate the 50-bed limitation on destination cancer hospitals and proposed to provide that destination cancer hospitals could increase bed capacity under certain conditions. It also would have eliminated the limitation on the number of destination cancer hospitals which could be issued a certificate of need. The legislation remained in the Senate Health and Human Services Committee.

SB 138 – Sen. Brandon Beach (R-Alpharetta) offered this measure which received no traction. It sought to create the "Patient Compensation Act" as an alternative to the current system to address medical malpractice litigation. This version was not the first such legislation proposed to create a new Chapter 13 in Title 51. Rick Jackson and Jackson Healthcare have been proponents of this idea. The legislation remained in the Senate Health and Human Services Committee.

SB 146 – Sen. Donzella James (D-Atlanta) introduced this bill which proposed a new Chapter 53 in Title 31 to regulate the use by physicians of electroconvulsive therapy procedures. Such electroconvulsive therapy was defined as an electric stimulus applied to the brain for the purpose of intentionally triggering a seizure. It further prohibited the performance of electronconvulsive therapy on any individual 16 years of age or younger or on any individual, including, but not limited to, individuals involuntarily or voluntarily detained or hospitalized for mental health treatment, without such individual's written consent. This legislation remained in the Senate Health and Human Services Committee.

SB 157 – Sen. Ben Watson, MD (R-Savannah) offered this legislation to create additional exemptions under Georgia's Certificate of Need program in Chapter 6 of Title 31. In this legislation, he proposed exemptions for multi-specialty ambulatory surgical centers and single-specialty surgical centers not located in a rural restriction area. He added a definition at O.C.G.A. § 31-6-2(32.1) for the term, 'rural restriction area,' to mean a county served by a single hospital with no more than 100 inpatient beds. This legislation remained in the Senate Health and Human Services Committee.

SB 158 – Sen. Ben Watson, MD (R-Savannah) offered additional amendments to the Certificate of Need laws in Chapter 6 of Title 31. This bill would have created a certificate of need process for freestanding emergency services in additional exemptions from certificate of need for hospital expenditures, multi-specialty surgical centers, and the sale of single specialty surgery centers. This legislation remained in the Senate Health and Human Services Committee.

SB 164 – Sen. Fran Millar (R-Atlanta) authored this proposal to create a new Code Section at O.C.G.A. § 33-24-59.21 which would have prohibited a health insurance plan from imposing a different or additional copayment, coinsurance, or office visit charge on an insured when he or she obtained the services of a licensed physical therapist, a licensed occupational therapist, or a licensed chiropractor than when such insured obtained the services of a primary care physician or licensed osteopath. It passed the Senate but remained in the House Insurance Committee.

SB 202 – Sen. Michael "Doc" Rhett (D-Atlanta) proposed this idea for an amendment to O.C.G.A. § 49-4-142, relating to modification of the Medicaid State plan, by adding a new subsection (d): "The department shall, upon state appropriations, implement a modification of the State plan for medical assistance or any affected rules or regulations of the department, which modification shall provide that, in determining the amount of a recipient's income that is to be applied to payment for the costs of care in a nursing home, there shall be deducted a personal needs allowance of not less than $70.00 per month which shall include the minimum amount required by 42 U.S.C. Section 1396a(q)(2)." SB 202 passed the Senate and then was assigned to the House Health and Human Services Committee where it remained. [See HB 206 as the language was added into that legislation which passed and became **Act Number 68** which takes effect on July 1, 2017.]

SB 220 – Sen. Renee Unterman (R-Buford) authored this bill which sought to repeal O.C.G.A. § 43-34-22.1, relating to requirements for advertising or publicizing of medical specialty certification. It cleared the Senate Health and Human Services Committee but remained in the Senate Rules Committee. [See HB 157 by Rep. Trey Kelley (R-Cedartown) which passed and was signed as **Act Number 59** and takes effect on July 1, 2017.]

SB 221 – Sen. Renee Unterman (R-Buford) offered this proposal which would have amended O.C.G.A. § 43-30-1, relating to the scope of practice for optometrists, so as to authorize doctors of optometry to administer pharmaceutical agents by injection under certain limitations and requirements. The bill passed the Senate and was then assigned to the House Health and Human Services Committee where it remained. [See SB 153 which was "gutted" and used as a vehicle for this language although originally SB 153 proposed to allow for over-the-counter sales of hearing aids. SB 153 passed and became **Act Number 244** and takes effect on July 1, 2017.]

SB 230 – Sen. Josh McKoon (R-Columbus) introduced this bill to incorporate several changes into Title 31. Changes included in the proposal were to: provide for requirements of physicians performing or inducing an abortion to have certain hospital admitting privileges; require physicians performing or inducing an abortion to provide certain information to the pregnant woman; and provide for the regulation of abortion inducing drugs. It remained in the Senate Health and Human Services Committee.

SB 238 – Sen. Nan Orrock (D-Atlanta) introduced this proposal which sought to enact the "Whole Women's Health Act" in Chapter 9C of Title 31. It, in part, proposed at O.C.G.A. § 31-9C-3:

> A law or regulation of this state addressing abortion that places a burden on a woman's access to an abortion is unenforceable if the law or regulation does not confer any legitimate health benefit. A law or regulation places such burden on a woman's access to an abortion if such law or regulation:
> (1) Forces abortion providers to close;
> (2) Increases the time a woman must wait to have an abortion;
> (3) Requires a meaningful increase in the distance a woman must travel to have access to an abortion;
> (4) Requires medically unnecessary health care visits;
> (5) Requires a health care provider to perform a medical service that the provider would not otherwise perform;
> (6) Causes a meaningful increase in procedure cost;
> (7) Has no purpose other than to stigmatize patients and abortion providers; or
> (8) Has no purpose or effect other than to decrease or eliminate access to abortions.
> (b) A law or regulation confers a legitimate health benefit if the law or regulation:
> (1) Expands women's access to health care services; or
> (2) Increases patient safety according to evidence-based research.

It remained in the Senate Health and Human Services Committee.

SB 239 – Sen. Bruce Thompson (R-White) authored his version of the "Woman's Right to Know Act," so as to include chemical abortion under voluntary and informed consent requirements that are presently required for other types of abortion in O.C.G.A. § 31-9A-3. His bill remained in the Senate Health and Human Services Committee.

SB 245 – Sen. Butch Miller (R-Gainesville) offered this bill to create the "Cory Joseph Wilson Act" by naming the Code Section at O.C.G.A. § 20-2-149.1 after Cory. This Code Section requires that local boards of education, beginning in the 2013-2014 school year, provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator to its students as a requirement within existing health or physical education courses in grades nine through twelve. The bill reported out favorably from the Senate Health and Human Services Committee but remained in the Senate Rules Committee. [See two other proposals which both passed and were signed into law which names this Code Section after this Gainesville youth: HB 198, by Rep. Katie Dempsey (R-Rome) which became **Act Number 30**; and HB 249 by Rep. Kevin Tanner (R-Dawsonville) which became **Act Number 141**.]

SB 277 – Sen. Michael Williams (R-Cumming) authored this initiative which would have added a new Chapter 20E in Title 33 so as to create the "Consumer Coverage for Emergency Medical Care Act." It sought to establish standards for carriers and health care providers with regard to payment under a managed care plan in the provision of emergency medical care. This bill remained in the Senate Insurance and Labor Committee.

HIGHWAYS, BRIDGES AND FERRIES

Legislation Not Passed

HB 150 – Rep. Bert Reeves (R-Marietta) authored this proposal, amending O.C.G.A. § 32-10-64 to provide for a setoff of debt owed on unpaid toll violations from tax refunds by the Department of Revenue. The Senate passed a substitute version; however, the House never agreed or disagreed to it. The bill remained under consideration in the House.

HB 160 – Rep. Kevin Tanner (R-Dawsonville) authored this bill which would have created the Georgia Regional Transit Council at a newly created 'Article 9' of Chapter 12 of Title 50. At O.C.G.A. § 50-12-140, it provided that appointees would include three members from both the House and the Senate, as well as the chairpersons from various County Boards of Commissioners. Pursuant to O.C.G.A. § 50-12-141, the Council would have been required to develop a long-term investment strategy for transit services, develop methods for planning projects between federal, state and local governments, and develop a strategic plan based on efficiency and coordination. The strategic plan would have been made available to the public by December 31, 2018 and officially published on December 31, 2019. This Council was to be assigned to the Department of Transportation. The Senate tabled this legislation.

SB 6 – Sen. Steve Gooch (R-Dahlonega) authored this bill which sought to create in O.C.G.A. § 32-9-15 the "Georgia Commission on Transit Governance and Funding." This advisory

Commission was tasked to study and "assess the needs for and means of providing a system of mass transportation and mass transportation facilities for any one or more metropolitan areas in this state, as determined by the Commission." This legislation moved through the House Transportation Committee but stalled in the House Rules Committee.

SB 89 – Sen. David Shafer (R-Duluth) offered this measure to create the "Georgia Right Track Act." Specifically, it would have added a new Code Section at O.C.G.A. § 32-2-41.3 creating the Georgia Freight Railroad Program, administered by the Commissioner of the Department of Transportation and subject to appropriations, to enhance the State's investment in freight rail projects for public benefit and to support a safe and balanced transportation system for the State. It would have three subprograms: (1) The Rail Enhancement Plan which would acquire, lease, or improve railways or railroad equipment, including rail crossings, rolling stock, rights of way, or rail facilities; (2) The Rail Preservation Plan which would acquire, lease, or improve short line railways or assist other appropriate entities to acquire, lease, or improve short line railways; and (3) The Rail Industrial Plan which would build, construct, restructure, or improve industrial access to railroad tracks and related facilities. It passed the Senate but then remained in the House Transportation Committee.

HOSPITAL PROVIDER FEE

Legislation Passed

SB 70 – Sen. Butch Miller (R-Gainesville) carried this legislation, which was a part of the Governor's package of bills this year. SB 70 extends the sunset provision relating to the hospitals' Medicaid financing program, moving its sunset from June 30, 2017 to June 30, 2020 at O.C.G.A. § 31-8-179.6. This law was initially passed in 2013, authorizing the Department of Community Health Board to "establish and assess, by board rule, one or more provider payments on hospitals, or a subclass of hospitals, as defined by the board; provided, however, that if any such provider payment is established and assessed, the provider payment shall comply with the requirements of 42 C.F.R. 433.68." Further, "any provider payment assessed pursuant to this article shall not exceed the amount necessary to obtain federal financial participation allowable under Title XIX of the federal Social Security Act. The aggregate amount of any fees established and assessed pursuant to this subsection shall not exceed those percentages of net patient revenues set forth in the General Appropriations Act. The board shall be authorized to discontinue any provider payment assessed pursuant to this article. The board shall cease to impose any such provider payment if: (1) The provider payments are not eligible for federal matching funds under Title XIX of the federal Social Security Act; or (2) The department reduces Medicaid payment rates to hospitals as are in effect on June 30, 2012, or reduces the provider payment rate adjustment factors utilized in developing the state Fiscal Year 2013 capitated rates for Medicaid managed care organizations." Governor Deal signed this initiative as **Act Number 4**. The legislation took effect on February 13, 2017 when Governor Deal signed the bill.

INSURANCE

Legislation Passed

HB 74 – Rep. Darlene Taylor (R-Thomasville) authored this initiative on behalf of the Department of Insurance. It amends O.C.G.A. § 33-56-3 bringing Georgia into compliance with the National Association of Insurance Commissioner's requirements relating to life risk-based capital (RBC) trend tests for life and health insurers so that Georgia may comply with accreditation standards. It moves the "RBC" to its "authorized control level RBC and 3.0 and has a negative trend" where currently it is at "2.5." Governor Deal signed this initiative as **Act Number 45**; it takes effect on July 1, 2017.

HB 92 – Rep. John Carson (R-Marietta) introduced this revision to O.C.G.A. § 33-24-45(b), relating to cancellation or nonrenewal of automobile or motorcycle policies. It expands the definition of policy to include policies issued by the same insurer. Governor Deal signed this legislation as **Act Number 247**; it takes effect on July 1, 2017.

HB 127 – Rep. Richard Smith (R-Columbus) offered this legislation to repeal obsolete Code Sections relating to Blue Cross and Blue Shield in the State's Insurance Code in Title 33. It specifically repeals Chapter 18 and 19 in Title 33 relating to nonprofit medical service corporations and nonprofit medical service corporations respectively and deletes references to hospital nonprofit corporations and nonprofit medical service corporations throughout Titles 31, 33 and 45. Governor Deal approved this repeal as **Act Number 52** and the changes take effect on July 1, 2017.

HB 146 – Rep. Micah Gravley (R-Douglasville) introduced the 2017 version of this initiative to require fire departments to provide and maintain certain insurance coverage for firefighters in O.C.G.A. § 25-3-23(b). Specifically, on and after January 1, 2018, a legally organized fire department is required to provide and maintain "sufficient insurance coverage on each member of the fire department who is a firefighter to pay claims for cancer diagnosed after having served 12 consecutive months as a firefighter with such fire department." The legislation also outlines the insurance benefits which are to include "at minimum the following: (i)(I) A lump sum benefit of $25,000.00 subject to limitations specified in the insurance contract and based on severity of cancer and payable to such firefighter upon submission to the insurance carrier or other payor of acceptable proof of diagnosis by a physician board certified in the medical specialty appropriate for the type of cancer involved that there are one or more malignant tumors characterized by the uncontrollable and abnormal growth and spread of malignant cells with invasion of normal tissue and that: (a) Surgery, radiotherapy, or chemotherapy is medically necessary; (b) There is metastasis; or (c) The firefighter has terminal cancer, is expected to die within 24 months or less from the date of diagnosis, and will not benefit from, or has exhausted, curative therapy; or (II) A lump sum benefit of $6,250.00 subject to limitations specified in the insurance contract and based on severity of cancer and payable to such firefighter upon submission to the insurance carrier or other payor of acceptable proof of diagnosis by a physician board certified in the medical specialty appropriate for the type of cancer involved that: (a) There is carcinoma in situ such that surgery, radiotherapy, or

chemotherapy has been determined to be medically necessary: (b) There are malignant tumors which are treated by endoscopic procedures alone; (c) There are malignant melanomas; or (d) There is a tumor of the prostate, provided that it is treated with radical prostatectomy or external beam therapy; and (ii) Payable as a result of a specific injury or illness to begin six months after disability and submission to the insurance carrier or other payor of acceptable proof of disability precluding service as a firefighter and continuing for up to 36 consecutive monthly payments: (I) A monthly benefit equal to 60 percent of the member's monthly salary as an employed firefighter with the fire department or a monthly benefit of $5,000.00, whichever is less; or (II) If the member is a volunteer, a monthly benefit of $1,500.00. The benefit under subdivision (I) or (II) of this division, as applicable, shall be subordinate to any other benefit actually paid to the firefighter for such disability from any other source, not including insurance purchased solely by the firefighter, and shall be limited to the difference between the amount of such other paid benefit and the amount specified under subdivision (I) or (II) of this division, as applicable. (C) The combined total of all benefits received by any firefighter under subdivisions (B)(i)(I) and (B)(i)(II) of this paragraph during his or her lifetime shall not exceed $50,000.00." The legislation also addresses a tax exemption for benefits received from and a deduction for premiums paid for such insurance coverage for firefighters in O.C.G.A. § 48-7-27(a)(12.2) and (12.3). A similar proposal had been offered in 2016 but that legislation was **vetoed** by Governor Deal. [That legislation was HB 216, which proposed to expand the eligibility for workers' compensation benefits to firefighters diagnosed with cancer, "allowing such benefits for any firefighter in Georgia if a medical expert can prove by a preponderance of the evidence that the cancer was caused from exposure to any risk factor while performing work related duties." In his veto message, Governor Deal stated he was "concerned that codifying an exception for one occupation at this relatively low standard of proof with no time limitation on diagnosis or restriction on eligible types of cancer is a broad solution for a problem not yet abundantly demonstrated in Georgia." Further, he noted that the Association County Commissioners of Georgia also expressed concern "that the shift in this burden of proof may potentially lead to tremendous uncertainty in projecting the future financial liability for workers' compensation." Likewise, the Georgia Municipal Association expressed reservations and noted that there was "no distinction between paid and volunteer firefighters."] Governor Deal approved this insurance proposal in HB 146 as **Act Number 142**, and the language takes effect on January 1, 2018.

HB 174 – Rep. Eddie Lumsden (R-Armuchee) authored this legislation addressing an expansion of an insurer's medium for the payment of policy or contractual obligations in O.C.G.A. § 33-24-43. Under current law, insurers are required to pay claims with legal tender of the United States. This legislation attempted to also permit insurers to use wire transfer of funds; cashier's checks issued by a bank or other financial institution; drafts or bank checks; electronic funds transfers or other method of electronic payments; general use gift cards; or other method approved by the Commissioner of Insurance. Governor Deal **vetoed** this legislation on May 9, 2017 as **Veto Number 3**. In his veto message, Governor Deal noted that "this statute does not prevent alternative methods of payment that are not legal tender of the United States when the insured accepts such payment as satisfaction of a claim – rather, the statute refers to forms of payments that an insured would be legally required to accept in accordance with their policy. HB 174 would expand this statute, permitting insurers to

contractually require payment of claims via forms other than legal tender including general use gift cards, thereby compelling an insured to accept such form of payment. A general use gift card is not an appropriate means of payment for most losses or indemnities which may accrue under an insurance policy as, generally, this form of payment is not deducible to cash, its value cannot be deposited into a bank account, there are no or few recourses for a lost or stolen value card, and the card may be subject to expenditure limits with retailers."

HB 262 – Rep. Eddie Lumsden (R-Armuchee) introduced this proposal which amends O.C.G.A. § 33-20C-5(c). It exempts standalone dental plans from the requirement of printed directories for certain entities as passed in 2016. Governor Deal approved this bill as **Act Number 251**. This legislation takes effect on July 1, 2017.

HB 276 – Rep. David Knight (R-Griffin) authored this bill addressing the regulation and licensure of pharmacy benefits managers in Chapter 64 of Title 33. The legislation amends:

- O.C.G.A. § 33-64-7 addressing enforcement powers of the Commissioner of Insurance so that he may promulgate rules and regulations to "effectuate the specific provisions of this chapter."
- O.C.G.A. § 33-64-10 is added so that a pharmacy benefits manager is prohibited from requiring insureds to use a mail-order pharmaceutical distributor, including a mail order pharmacy. Such applies to individual accident and sickness policies issued pursuant to Chapter 29 of Title 33. The new Code Section does not apply to these entities: "1) a care management organization as defined in Chapter 21A of Title 33; 2) the Department of Community Health as defined in Chapter 2 of Title 31; 3) the State Health Benefit Plan under Article 1 of Chapter 18 of Title 45; or 4) any licensed group model health maintenance organization with an exclusive medical group contract and which operates its own pharmacies licensed under Code Section 26-4-110.1."
- O.C.G.A. § 33-64-11 is added so as to enumerate what a pharmacy benefits manager ("PBM") is proscribed from:
    - Prohibiting a pharmacist or pharmacy from providing an insured individual information on the amount of the insured's cost share for the insured's prescription drug and clinical efficacy of a more affordable drug alternative if one is available (it also prohibits a pharmacy or pharmacist from being penalized by the PBM for disclosing such information to an insured or for selling to an insured a more affordable alternative if one is available).
    - Prohibiting a pharmacist or pharmacy from offering and providing store direct delivery services to an insured as an ancillary service.
    - Charging or collecting from an insured a copayment that exceeds the total submitted charges by the network pharmacy for which the pharmacy is paid.
    - Charging or holding a pharmacist or pharmacy responsible for a fee relating to the adjudication of claims.
    - Recouping funds from a pharmacy in connection with claims for which the pharmacy has already been paid without first complying with the requirements outlined in O.C.G.A. § 26-4-118, unless recoupment is otherwise permitted or required by law.

- Penalizing or retaliating against a pharmacist or pharmacy for exercising rights under Chapter 64 or O.C.G.A. § 26-4-118.
- O.C.G.A. § 33-64-11 also does not apply to care management organizations (as defined in 21A of Title 33); Department of Community Health; State Health Benefit Plan; or "any licensed group model health maintenance organization with an exclusive medical group contract and which operates its own pharmacies licensed under O.C.G.A. § 26-4-110.1.

Governor Deal approved HB 276 as **Act Number 195** and it takes effect on July 1, 2017 and applies to all contracts issued, delivered, or issued for delivery in Georgia on and after such date.

SB 103 – Sen. Jeff Mullis (R-Chickamauga) authored this change to the regulation and licensure of pharmacy benefits managers in Chapter 64 of Title 33. It adds a new Code Section at O.C.G.A. § 33-64-10 so that a pharmacy benefits manager administering claims cannot require insureds to use a mail-order pharmaceutical distributor including a mail-order pharmacy. This Code Section will not apply to: (1) a care management organizations; (2) the Department of Community Health; (3) the State Health Benefit Plan; or (4) any licensed group model health maintenance organization with an exclusive medical group contract and which operates its own pharmacies licensed under O.C.G.A. § 26-4-110.1. An additional new Code Section is added at O.C.G.A. § 33-64-11 which outlines activities that a pharmacy benefits manager is proscribed from doing and outlines entities which the condemned practices do not apply. Governor Deal signed this effort as **Act Number 196** which takes effect on July 1, 2017 and applies to all contracts issued, delivered, or issued for delivery in Georgia on and after that date.

SB 133 – Sen. Larry Walker, III (R-Perry) introduced this effort originally to address Georgia's corporate net worth tax in Chapter 13 of Title 48. The House Ways and Means Committee added the language in O.C.G.A. § 33-1-25 creating the "Georgia Agribusiness and Rural Jobs Act." The final product includes both changes. The "Georgia Agribusiness and Rural Jobs Act" permits that upon making a capital investment in a rural fund, a rural investor earns a vested right to a credit against such entity's State tax liability that may be utilized on each credit allowance date of such capital investment in an amount equal to the applicable percentage for such credit allowance date multiplied by the purchase price paid to the rural fund for the capital investment. It permits that any amount of credit that a rural investor is prohibited from claiming in a taxable year may be carried forward for use in any subsequent year. A rural fund is to be certified as a capital investment and eligible for credits by the Department of Community Affairs – which can begin accepting applications 90 days after the Act takes effect. Applicants are required to show that the entity has invested (or its affiliates have invested) at least $100 million in nonpublic companies located in rural areas within the United States and it must also estimate the number of jobs to be created or retained due the qualified investment. A business plan, including a revenue impact assessment, is also required with a non-refundable application fee of $5,000.00 payable to the Department. [This portion of the legislation is from HB 314 by Rep. Jason Shaw (R-Lakeland); HB 314 remained in the Senate Finance Committee.] The legislation also amends O.C.G.A. § 48-13-71, addressing

corporate net worth tax, and adds an additional exemption from payment of the tax imposed – presently, there are exemptions for organizations not organized for pecuniary gain or profit and insurance companies which are separately taxed. This legislation adds an exemption for corporations having a net worth, including capital stock, paid-in surplus and earned surplus, of no more than $100,000.00. Governor Deal signed this initiative as **Act Number 241.** The portion of the legislation addressing the "Georgia Agribusiness and Rural Jobs Act" takes effect on July 1, 2017 and applies to tax years beginning on or after January 1, 2018. The portion of the legislation making changes to corporate net worth taxation becomes effective on January 1, 2018 and applies to tax years commencing on or after that date.

SB 173 – Sen. Burt Jones (R-Jackson) authored this legislation regarding captive insurance companies in Chapter 41 of Title 33. Some of the changes imposed are:

- O.C.G.A. § 33-41-2 implementing several new definitions or revised definitions of terms. Included in new terms are 'formation documents,' 'mutual insurer,' and 'stock insurer.'
- O.C.G.A. § 33-41-3, relating to the scope of provisions and lines of business, adds that "an agency captive insurance company may only reinsure: (A) the risk of insurance or annuity contracts placed by or through the agency, brokerage, managing general agent, or reinsurance intermediary by which it is owned or controlled; or (B) the contractual liability arising out of service contracts or warranties sold through a marketer, producer, administrator, issuer, or provider of service contracts or warranties by which it is owned or controlled."
- It adds now the requirement of prior written approval from the Commissioner for a captive insurance company to reinsure risks insured or reinsured either directly or indirectly by (1) any other captive insurance company or (2) any foreign or alien insurance company which satisfies the ownership or membership requirements of a captive insurance company as long as the risks insured or reinsured from the foreign or alien insurance company are solely those of its owners or members or their affiliates.
- It revises incorporation requirements in O.C.G.A. § 33-41-5 and in part adds that a pure captive insurance company or an agency insurance company may be incorporated as a stock insurer or organized as a manager-managed limited liability company. It also adds what materials are required to form a captive insurance company including formation documents and a $100.00 fee which are to be submitted to the Commissioner along with articles of incorporation.

Governor Deal signed this legislation as **Act Number 246**; it takes effect July 1, 2017.

SB 200 –Sen. Chuck Hufstetler (R-Rome) carried this legislation adding a new Code Section at O.C.G.A. § 33-24-59.21 so that a prescription drug program which is providing prescription drug coverage is permitted and may "apply a prorated daily cost-sharing rate to prescriptions that are dispensed by a pharmacy for less than a 30 days' supply if the prescriber or pharmacist indicates the fill or refill could be in the best interest of the insured patient or is for the purpose of synchronizing the insured patient's medications." It prohibits a drug program providing drug coverage from "denying coverage for the dispensing of any drug prescribed for the

treatment of an illness that is made in accordance with a plan among the insured, a practitioner, and a pharmacist to synchronize the refilling of multiple prescriptions for the insured." Further, it prohibits a drug program from using "payment structures incorporating prorated dispensing fees determined by calculation of the days' supply of medication dispensed." It requires that dispensing fees be determined on the total number of prescriptions dispensed. Governor Deal signed this bill as **Act Number 272**. This legislation takes effect on July 1, 2017.

SB 206 – Sen. P.K. Martin, IV (R-Lawrenceville) carried this health insurance mandate for two dedicated mothers with children who have hearing loss. The legislation, adds a new Code Section at O.C.G.A. § 33-24-59.21 which will be known as the "Hearing Aid Coverage for Children Act." It requires health insurance plans issued in Georgia to provide hearing aid coverage for children 18 years of age and younger. It requires coverage for one hearing aid per hearing impaired ear not to exceed $3,000.00, allowing one hearing aid per hearing impaired ear every 48 months. This coverage requirement applies only to employers who provide health insurance coverage to their employees and if they have more than ten employees. The legislation does not impact ERISA plans. Governor Deal signed this hearing aid mandate as **Act Number 174**. The new coverage requirement takes effect on July 1, 2017.

Legislation Not Passed

HB 35 – Rep. Bruce Broadrick (R-Dalton) proposed this legislation, which would have created a new Code Section at O.C.G.A. § 33-64-10 requiring that pharmacy benefit managers provide confirmation after receiving requests for prior approval for a prescription drug. Such confirmation was required to be made to a pharmacy or contracting representative within 48 hours of receipt of such request which would have also required a claim reference number and return contact phone number for follow-up. This only applied to insurance plans under Article 1 of Chapter 18 of Title 45 or under Article 7 of Chapter 4 of Title 49. The legislation remained in the House Insurance Committee.

HB 63 – Rep. Shaw Blackmon (R-Bonaire) proposed the 'Protection and Guarantee of Service for Health Insurance Consumers Act' at O.C.G.A. § 33-24-59.21, which have required that insurance carriers compensate agents at a minimum of four percent of the premium collected for each renewal term, so long as such agent reviewed coverage and provided ongoing customer service for such plan. Such compensation would have been required for plans sold during a special enrollment period and plans sold to an employer that employed over 50 employees on at least half of its working days. HB 63 remained in the House Insurance Committee.

HB 214 – Rep. Rich Golick (R-Smyrna) introduced this legislation which would have amended O.C.G.A. § 16-9-5 to provide that it was unlawful for a person to possess any counterfeit or false proof of insurance document that such person knows to be counterfeit. It would have raised the fine for violating this law to $10,000.00 or by imprisonment for not less than two nor more than ten years. It passed the House and remained in the Senate Judiciary Committee. [See SB 104 which passed and was signed as **Act Number 182**.]

HB 228 - Rep. Brad Raffensperger (R-Johns Creek) authored this legislation which sought to amend O.C.G.A. § 33-24-59.21 to require health plans to provide coverage for hearing aids for children (ages 18 and under). Specifically, it required coverage of up to $3,000.00 per hearing aid per hearing impaired ear and allowed for replacement of one hearing aid per hearing impaired ear every 48 months for covered individuals. Parents/guardians would have been responsible for billed charges in excess of such benefits. Coverage would not have been required if an actuary certified in writing that the coverage caused a one (1) percent increase in premiums. HB 228 remained in the House Insurance Committee. [See SB 206 which passed and was signed as **Act Number 174**.]

HB 314 – Rep. Jason Shaw (R-Lakeland) authored the 'Georgia Agribusiness Rural Jobs Act' at O.C.G.A. § 33-1-25, which would have allowed investors to make a capital investment in a rural fund, against the entity's State tax liability. It passed the House and remained in the Senate Finance Committee. [See SB 133 which passed and was signed as **Act Number 241**.]

HB 363 – Rep. Heath Clark (R-Warner Robbins) offered this legislation which would have amended O.C.G.A. § 33-20C-5, relating to printed provider directories, to provide that paragraphs (2) and (3) of subsection (a) of this Code section would not apply to standalone dental plans. It remained in the House Insurance Committee. [See HB 262 which passed and was signed as **Act Number 251**.]

HB 519 - Rep. Sharon Cooper (R-Marietta) proposed this legislation in order to require health benefit plans to utilize certain clinical review criteria to establish step therapy protocols in a new Code Section at O.C.G.A. § 33-24-59.21. It would have applied to commercial insurance as well as health plans under State Health Benefit Plan and the State's Medicaid program. The legislation outlined that the new Code Section was not to be construed to prevent (1) a health benefit plan or private review agent from requiring the patient to try an AB-rated generic equivalent prior to providing coverage for the equivalent branded product; (2) a health benefit plan or private review agent from requiring a patient to try an interchangeable biological product prior to providing coverage for the biological product; or (3) a practitioner from prescribing a medication that was determined by the practitioner to be "medically appropriate." HB 519 remained in the House Insurance Committee.

HB 592 – Rep. Eddie Lumsden (R-Armuchee) proposed to amend O.C.G.A. § 33-2-35 by repealing the applicability and sunset provisions, relating to insurance compliance and self-evaluative privilege. HB 592 remained in the House Insurance Committee.

SB 8 – Sen. Renee Unterman (R-Buford) sponsored this "balanced billing" solution for consumers who receive surprise bills from their healthcare providers for services not covered by health insurance. The legislation would have created a new Chapter 20E in Title 33 to be known as the "Surprise Billing and Consumer Protection Act." It was recommitted to, and remained in, the House Rules Committee after it cleared the House Insurance Committee and made it onto a House Rules Calendar.

SB 25 – Sen. Josh McKoon (R-Columbus) introduced this idea to create in O.C.G.A. § 33-1-25 the "Georgia Health Care Transparency Initiative" which would be a database of all-payor claims data administered by the Commissioner of Insurance. This database would have received and stored data from a submitting entity relating to medical, dental, and pharmaceutical and other insurance claims information; unique identifiers; geographic and demographic information for covered individuals and provider files. The bill remained in the Senate Insurance and Labor Committee.

SB 50 – Sen. Hunter Hill (R-Atlanta) proposed this legislation creating a new Code Section at O.C.G.A. § 33-7-2.1 to permit "concierge medicine." Specifically, it would have established that a direct primary care agreement is not insurance and not subject to State insurance laws. Further, it would have permitted a "physician offering, marketing, selling, or entering into a direct primary care agreement shall not be required to obtain a certificate of authority or license other than to maintain a current license to practice medicine with the State of Georgia." It also outlined what must be contained in a direct primary care agreement: "(1) Be in writing; (2) Be signed by a physician or agent of the physician and the individual patient or his or her legal representative; (3) Allow either party to terminate such agreement upon written notice to the other party of no more than 30 days; (4) Describe the scope of health care services that are covered by the periodic fee; (5) Specify the periodic fee and any additional fees outside of the periodic fee for ongoing care; (6) Specify the duration of such agreement and any automatic renewal periods and require that no more than 12 months of the periodic fee be paid in advance; and (7) Prominently state in writing that such agreement is not health insurance." It cleared the House Insurance Committee but remained in the House Rules Committee.

SB 56 – Sen. Josh McKoon (R-Columbus) offered this idea to create in O.C.G.A. § 33-20E-1 the "Accuracy and Transparency in Physician/Provider Profiling Act." It defined "profiling program" as a "system that compares, rates, ranks, measures, tiers, or classifies a physician's or physician group's performance, quality, or cost of care against objective or subjective standards or the practice of other physicians, including without limitation quality improvement programs, pay-for-performance programs, public reporting on physician performance or ratings, and the use of tiered or narrowed networks." The bill remained in the Senate Insurance and Labor Committee.

SB 118 – Sen. Renee Unterman (R-Buford) introduced this proposal to amend O.C.G.A. § 33-24-59.10, relating to the insurance coverage for autism. Her bill sought to change the age limit for coverage for autism spectrum disorders for an individual covered under a policy or contract, moving that age limitation from six years of age to twenty-one years of age. The initiative cleared the Senate Insurance and Labor Committee, but then remained in the Senate Rules Committee.

SB 164 – Sen. Fran Millar (R-Atlanta) authored this proposal to create a new Code Section at O.C.G.A. § 33-24-59.21 which would have prohibited a health insurance plan from imposing a different or additional copayment, coinsurance, or office visit charge on an insured when he or she obtained the services of a licensed physical therapist, a licensed occupational therapist, or a licensed chiropractor than when such insured obtained the services of a primary care physician or licensed osteopath. It passed the Senate but remained in the House Insurance Committee.

SB 199 – Sen. Brandon Beach (R-Alpharetta) introduced this idea to create the "Better Employees Benefits Act" in Titles 33 and 34. It proposed to provide for the recognition and regulation of professional employer organizations operating in the State of Georgia. A "professional employer organization" was defined as any person engaged in the business of providing professional employer services (the service of entering into co-employment relationships in which all or a majority of the employees providing services to a client or to a division or work unit of a client are covered employees). This bill remained in the Senate Insurance and Labor Committee.

SB 248 – Sen. Marty Harbin (R-Tyrone) introduced this bill which proposed a new Code Section at O.C.G.A. § 33-25-16 to require that each insurer which issues life insurance policies or annuities in Georgia be required to at least on a quarterly basis review the National Association of Insurance Commissioners life insurance policy locator service for policyholder matches. It remained in the Senate Insurance and Labor Committee.

SB 277 – Sen. Michael Williams (R-Cumming) authored this initiative which would have added a new Chapter 20E in Title 33 so as to create the "Consumer Coverage for Emergency Medical Care Act." It sought to establish standards for carriers and health care providers with regard to payment under a managed care plan in the provision of emergency medical care. This bill remained in the Senate Insurance and Labor Committee.

LABOR AND INDUSTRIAL RELATIONS

Legislation Passed

HB 243 – Rep. Bill Werkheiser (R-Glennville) introduced this legislation in O.C.G.A. § 34-4-3.1 so as to preempt local government mandates requiring additional pay to employees based on schedule changes. Governor Deal signed this initiative as **Act Number 221**; it takes effect on July 1, 2017.

SB 201 – Sen. Butch Miller (R-Gainesville) proposed this initiative, adding a new Code Section at O.C.G.A. § 34-1-10 to allow employees to use sick time for the care of immediate family members (a child, spouse, grandchild, grandparent, or parent or any dependents on the employee's most recent tax return) when that employer provides sick leave. This leave usage will not apply to an employer offering to their employees an employee stock ownership plan. The legislation is to be repealed in its entirety on July 1, 2020 unless it is extended by an Act of the General Assembly. Governor Deal signed this bill as **Act Number 203**. This initiative takes effect on July 1, 2017.

Legislation Not Passed

HB 184 - Rep. William Boddie (D-East Point) proposed this bill, which would have provided for the enactment of the "Georgia Pregnant Workers Fairness Act" in a new Chapter 5A of Title 34. In part, it sought to add that it would be an "unfair employment practice for an

employer, unless such employer could demonstrate that an undue hardship on such employer's program, enterprise, or business, would result, to" not make reasonable accommodations to job applicants or employees for circumstances related to pregnancy, childbirth, or related conditions; take adverse action against an employee who requests or uses an accommodation, including but not limited to, failing to reinstate such employee to such employee's original job or to an equivalent position (with equal pay, accumulated seniority, and other benefits); deny employment opportunities to an otherwise qualified job applicant or employee, if the denial is based on the need of the employer to make reasonable accommodations to such job applicant or employee for circumstances related to pregnancy, childbirth or related conditions; require a job applicant or employee affected by pregnancy, childbirth, or related conditions to accept an accommodation that such job applicant or employee chooses not to accept; or require an employee to take leave if another reasonable accommodation can be provided to such employee for circumstances related to pregnancy, childbirth, or related conditions. It remained in the House Insurance and Labor Committee.

HB 345 - Rep. Park Cannon (D-Atlanta) authored this legislation, which sought to enact the "Georgia Pay Equity Act" in Title 34. In O.C.G.A. § 34-5-2, it would have prohibited an employer from discriminating in any way on the basis of gender in the payment of wages, or pay any person in its employ a salary or wage rate less than the rates paid to its employees of a different gender for "comparable work." At O.C.G.A. § 34-5-3, it outlined what was an unlawful practice of the employer. It proposed remedies in O.C.G.A. § 34-5-4 should the employer violate the provisions of this chapter. HB 345 remained in the House Insurance and Labor Committee.

HB 521 - Rep. Erica Thomas (D-Austell) offered this initiative which would have amended O.C.G.A. § 34-4-3 to provide for an increase in the State minimum wage to not less than $10.10 which would have been an increase from the current level of $5.15 per hour. HB 521 remained in the House Industry and Labor Committee.

HB 583 – Rep. Rich Golick (R-Smyrna) authored this legislation which provided at O.C.G.A. § 34-7-6 that the rights, powers, and responsibilities of "professional employer organizations" are not to be construed to exempt any person from licensing requirements in Chapter 23 of Title 33. This bill remained in the House Industry and Labor Committee.

SB 28 – Sen. Vincent Fort (D-Atlanta) offered this legislation to address the State's minimum wage laws in O.C.G.A. § 34-4-3. It proposed to increase the State minimum wage from $5.15 to $15.00 per hour for each hour worked. The proposal also included adjustments to reflect the increase in the cost of living, if any, as determined by the Georgia Department of Labor. There were some exceptions to this outlined (e.g., employers with less than $50,000.00 in sales, an employer with five employees or less, etc.). This legislation remained in the Senate Insurance and Labor Committee.

SB 38 - Sen. Elena Parent (D-Atlanta) authored this measure which would have amended O.C.G.A. § 34-8-35(f), relating to the definition of employment applicable to the "Employment Security Law." It offered changes to certain provisions of the definition in order to provide that services performed by an individual for wages "shall be deemed to be

employment unless the Department of Labor makes a contrary determination based upon evidence submitted of certain factors demonstrating that such individual has been and will continue to be free from control or direction over the performance of such services." The legislation remained in the Senate Insurance and Labor Committee.

SB 60 – Sen. Horacena Tate (D-Atlanta) carried the creation of the "Georgia Equal Pay Act" in a new Chapter 5 of Title 34. In part, it sought to prohibit differential pay because of the sex of the employee and prohibited employers from preventing employees from inquiring about, discussing, or disclosing their wages or the wages of other employees except under certain circumstances. The initiative remained in the Senate Insurance and Labor Committee.

SB 63 – Sen. Horacena Tate (D-Atlanta) proposed this version of the "Family Medical Leave Act" in O.C.G.A. § 34-8A-1, et seq. It proposed the creation by the Department of a temporary family medical leave insurance program to provide up to six weeks of wage replacement benefits to individuals who take time off work due to a disability or for care leave. The benefits would have been payable from the Family Medical Leave Fund to individuals who would be eligible to receive such benefit payments. A similar piece of legislation did pass but is not as comprehensive. [See SB 201 by Sen. Butch Miller (R-Gainesville) which allows individuals with sick leave to use that time to take care of immediate family members. SB 201 became **Act Number 203** and took effect on May 8, 2017.]

SB 99 – Sen. Elena Parent (D-Atlanta) proposed this legislation which in part provided for judicial procedures for purging a person's involuntary hospitalization information received by the Georgia Crime Information Center for the purpose of the National Instant Criminal Background Check System under certain circumstances in Titles 16 and 34. It passed the Senate and cleared the House Judiciary Non-Civil Committee. However, the legislation remained in the House Rules Committee.

SB 199 – Sen. Brandon Beach (R-Alpharetta) introduced this idea to create the "Better Employees Benefits Act" in Titles 33 and 34. It proposed to provide for the recognition and regulation of professional employer organizations operating in the State of Georgia. A "professional employer organization" was defined as any person engaged in the business of providing professional employer services (the service of entering into co-employment relationships in which all or a majority of the employees providing services to a client or to a division or work unit of a client are covered employees). This bill remained in the Senate Insurance and Labor Committee.

LAW ENFORCEMENT OFFICERS AND AGENCIES

Legislation Passed

HB 452 – Rep. Jesse Petrea (R-Savannah) authored this proposal to repeal certain parts of Georgia's laws relating to domestic terrorism and penalty and create the crime of "domestic terrorism." The legislation is to be known as the "Protect Georgia Act" and is created in a new Article 6 of Chapter 11 of Title 16. The legislation defines 'domestic terrorism' as:

> any felony violation of, or attempt to commit a felony violation of the laws of this state which, as part of a single unlawful act or a series of unlawful acts which are interrelated by distinguishing characteristics, is intended to cause serious bodily harm, kill any individual or group of individuals, or disable or destroy critical infrastructure, a state or government facility, or a public transportation system when such disability or destruction results in major economic loss, and is intended to: (A) Intimidate the civilian population of this state or any of its political subdivisions; (B) Alter, change, or coerce the policy of the government of this state or any of its political subdivisions by intimidation or coercion; or (C) Affect the conduct of the government of this state or any of its political subdivisions by use of destructive devices, assassination, or kidnapping.

O.C.G.A. § 16-11-221 provides the penalties upon convictions of such crimes. At O.C.G.A. § 16-11-223, it allows Georgia's Attorney General to have concurrent jurisdiction with district attorneys to conduct criminal prosecution of violations of such crimes. The legislation also addresses 'bacteriological weapons' or 'biological weapons' at O.C.G.A. § 16-7-80(1) and definitions for 'biological agents.' O.C.G.A. § 16-7-88 adds that possessing, transporting or attempting to possess, transport or receive any destructive device, explosive, bacteriological weapon or biological weapon with the knowledge or intent that it will be used to kill, injure, or intimidate any individual or to destroy any public building is to be punished for not less than ten nor more than 20 years or by a fine of not more than $125,000.00 or both (the punishment is more if a corporation and adds an option to impose community service). A new Code Section is added at O.C.G.A. § 35-1-21 to require that the Georgia Peace Officer Standards and Training Council and the Georgia Public Safety Training Center establish guidelines and procedures for training materials concerning the identification, combating, and reporting of activities relating to domestic terrorism. It also adds a new Code Section at O.C.G.A. § 35-3-14 to require that the Georgia Bureau of Investigation post on its website information relating to persons who are aliens and who have been released from federal custody within the boundaries of the State. Governor Deal approved this legislation as **Act Number 208**; the changes take effect on July 1, 2017.

SB 18 – Sen. Tyler Harper (R-Ocilla) introduced this legislation. It addresses the ability of retired law enforcement officers to carry weapons and also retain their service weapons following their retirement. It specifically amends O.C.G.A. § 16-11-130(c) allowing an exemption for an individual who has at least ten years of aggregate service as a law enforcement officer, with powers of arrest, who has separated from service in good standing from employment with his or her most recent law enforcement agency (determined by criteria established by the Georgia Peace Officer Standards and Training Council), and who possesses an identification card for retired law enforcement officers as issued by the Georgia Peace Officers Standards and Training Council so that such individual may carry a weapon. Governor Deal signed SB 18 as **Act Number 20**, and it takes effect on July 1, 2017.

SB 149 – Sen. Emanuel Jones (D-Decatur) offered this bill originally to address training for school resource officers in Chapter 8 of Title 35. The House Public Safety and Homeland

Security Committee altered the legislation, adding in language addressing municipal probation officers (adding in part of the language from Sen. Jesse Stone's Bill, SB 217, which remained in the Senate Rules Committee) and prohibited items to be in possession of inmates. The final legislation includes these changes:

- Defines "school resource officers" in O.C.G.A. § 35-8-2 who are "a peace officer whose primary employment or assigned duties with a law enforcement unit is assignment or appointment to a public elementary school or secondary school."
- Adds a new Code Section at O.C.G.A. § 35-8-27 providing that "best practice" for individuals employed or appointed as a school resource officer to "successfully complete a training course for school resource officers approved by the Council," which is 40 hours of training including search and seizure in elementary and secondary schools, criminal offenses, gang awareness, drug awareness, interviews and interrogations, emergency preparedness, and interpersonal interactions with adolescents, including the encountering of mental health issues.
- Amends training and certification of municipal probation officers at O.C.G.A. § 35-8-13.1(a) so that no individual employed or appointed as a municipal probation officer on or after July 1, 2017 is authorized to exercise the power of arrest as a municipal probation officer unless that individual has successfully completed a training course and received certification for municipal probation officers approved by the Georgia Peace Officer Standards and Training Council; "provided, however, that such person shall only exercise the power of arrest upon individuals whom he or she is supervising under Article 6 of Chapter 8 of Title 42, unless such person is certified as a peace officer by the Georgia Peace Officer Standards and Training Council."
- Amends O.C.G.A. § 42-8-107, concerning the uniform professional standards and uniform contract standards, so that individuals employed or appointed as a municipal probation officer on or after July 1, 2017 are not authorized to exercise the power of arrest unless they meet the requirements in O.C.G.A. § 35-8-13.1.
- Revises O.C.G.A. § 42-4-13, adding a definition for the term, 'inmate.' It further adds at subsection (d) that it is unlawful for any person to obtain for, to procure for, or to give to an inmate tobacco or any product containing tobacco without the knowledge and consent of the jailer – persons who violate this are guilty of a misdemeanor. It also adds this prohibition for inmates in O.C.G.A. § 42-5-18(b.1) and at (c) makes it unlawful for an inmate to possess tobacco or any product containing tobacco (in addition to a gun, pistol, or any other weapon, any intoxicating liquor, amphetamines, biphetamines, or any other hallucinogenic drugs or other drugs, a telecommunications device or any other item without the authorization of the warden or superintendent or his or her designee). If a person does provide the inmate such, then he or she is guilty of a felony and upon conviction is to be imprisoned for not less than one nor more than five years. Also, the legislation adds in subsection (e) of this Code Section that it is unlawful for an inmate to possess a "stored value card" or an account number of a stored value card or the personal identification number of a stored value card – if someone provides the inmate such, then he or she is guilty of a felony upon conviction and is to be sentenced to a term of imprisonment of not less than one nor more than ten

years unless the judge imposes a misdemeanor sentence pursuant to O.C.G.A. § 17-10-5.

Governor Deal signed this bill as **Act Number 243**; the changes from this Act take effect on July 1, 2017.

SB 160 – Sen. Tyler Harper (R-Ocilla) introduced this bill addressing crimes against public safety officers which is to be known as "Back the Badge Act of 2017." The legislation addresses aggravated assault and aggravated battery offenses by juveniles in O.C.G.A. § 15-11-2(12) and (13). It also addresses a superior court's exclusive original jurisdiction over the trial of any child 13 to 17 years of age when it involves murder, murder in the second degree, voluntary manslaughter, rape, aggravated sodomy, aggravated child molestation, aggravated sexual batter, and armed robbery with a firearm – it adds the offenses of aggravated assault committed with a firearm upon a public safety officer and aggravated battery upon a public safety officer. It also defines in subsection (h) of the Code Section the term, 'firearm,' so it is a "handgun, rifle, shotgun, or other weapon which will or can be converted to expel a projectile by the action of an explosive or electrical charge." Changes are also imposed at O.C.G.A. § 15-11-561(a), regarding the waiver of juvenile court jurisdiction and transfer to superior court and what the court is to determine when a transfer is appropriate, and also amends O.C.G.A. § 15-11-562 concerning transfer criteria. It adds a new Code Section at O.C.G.A. § 16-5-19 regarding assault and battery which defines, in part, who a 'public safety officer' is (it includes peace officers, correctional officers, emergency health workers, firefighters, highway emergency response operators, jail officers, juvenile correctional officers and probation officers). Sentencing for crimes where a person knowingly commits the offense of aggravated assault upon a public safety officer is outlined in O.C.G.A. § 16-5-21. Sentencing for crimes where a person knowingly commits the offense of aggravated battery is addressed in O.C.G.A. § 16-5-24. It also amends O.C.G.A. § 16-10-24 concerning the crime of obstructing or hindering law enforcement officers and adds hindering of a prison guard, jailer, correctional officer, community supervision officer, county or Department of Juvenile Justice juvenile probation officer, probation officer or conservation ranger in the lawful discharge of his or her official duties so that such crime is a misdemeanor. It further increases the penalties for such crimes. It also amends the law relating to riots in a penal institution at O.C.G.A. § 16-10-56, defining 'penal institution' as "any place of confinement for persons accused of or convicted of violating a law of this State, or an ordinance of a municipality or political subdivision of this State." Finally, it increases the payment to a surviving unremarried spouse, dependents, or the legal guardian from $100,000.00 to $150,000.00 in the case of death or organic brain damage suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management specialist, State highway employee or prison guard. The initiative contains language from HB 258 (by Rep. Alan Powell (R-Hartwell), increasing penalties for crimes against public safety personnel as that legislation stalled in the Senate Public Safety Committee) and SB 154 (by Sen. Greg Kirk (R-Americus), addressing crimes against public safety officers and penalties associated with such crimes but which did not clear the House Rules Committee). Governor Deal signed SB 160 as **Act Number 198**; it takes effect on July 1, 2017.

Legislation Not Passed

HB 149 - Rep. Alan Powell (R-Hartwell) introduced this bill, which provided for comprehensive regulation of trauma scene cleanup services and regulated waste transport in O.C.G.A. § 35-11-1 et seq. and O.C.G.A. § 12-8-109. These entities would have been required to be performed by Georgia Bureau of Investigation-licensed entities. A license would have been required to be obtained from the GBI and renewed annually; trauma scene waste management practitioners and regulated waste transporters were to pay initial licensing fees of $200.00 to the GBI and for each subsequent year an annual license renewal fee of $200.00. Surety bonds, in the amount of $100,000.00 per entity, would have also been required as well as proof of liability insurance of $1 million for each occurrence. The House passed HB 149, but the Senate tabled the measure.

HB 623 – Rep. Andrew Welch (R-McDonough) introduced this bill to amend O.C.G.A. § 35-3-33 to require the Georgia Crime Information Center (GCIC) to retain fingerprints of certain individuals and submit such fingerprints to the FBI. It applied the same requirements to Titles 3, 7, 9, 10, 17, 19, 20, 25, 29, 31, 33, 35, 37, 38, 40, 42, 43, and 49. The legislation remained in the House Judiciary Non-Civil Committee.

SB 40 – Sen. Renee Unterman (R-Buford) offered this bill amending O.C.G.A. § 37-3-42 to provide for authorization of emergency medical services personnel and peace officers to transport certain mentally ill patients under certain circumstances. It would have required that such personnel would: (1) have been dispatched to a scene in response to an emergency, (2) have probable cause for believing that such person is a mentally ill person requiring involuntary treatment, and (3) have consulted with the emergency receiving facility physician and it was the opinion of such physician that it was in the best interest of such person and the public that such person be transported immediately to the facility and that such physician confirmed that such facility has the capacity to treat such patient and not divert the patient to another facility. It would have further required that the emergency medical services personnel execute a written report detailing the circumstances under which the person was transported, and that the report be made a part of such patient's clinical record. This legislation stalled in the House Rules Committee after Community Service Boards and others raised questions about the legislation.

LOCAL GOVERNMENT

Legislation Passed

HB 342 – Rep. Chuck Efstration (R-Dacula) proposed this bill, amending Chapter 88 of Title 36. It provides that certain urban redevelopment zones may be designated as "enterprise zones." The legislation adds new criteria for a nominated area, in a new subsection (g) of O.C.G.A. § 36-88-6, for designation as an "enterprise zone" (to be included in an urban area as defined in O.C.G.A. § 36-61-2; and contain within its borders the site for a redevelopment project having a minimum of $400 million in capital investment for the redevelopment of an area certified by the Commissioner to have been chronically underdeveloped for a period of 20

years or more). Under current law, enterprise zones remain in existence for ten years from the first day of the calendar year immediately following its designation; if declared an enterprise zone based on (g) above, such enterprise zone remains in existence for 30 years from the day or until the redevelopment project is complete and any revenue bond issued has been retired (whichever occurs first). Governor Deal signed HB 342 as **Act Number 24**; it takes effect on July 1, 2017.

HB 370 – Rep. Scott Hilton (R-Peachtree Corners) offered this measure to authorize the Council of Municipal Court Judges of Georgia, in O.C.G.A. § 36-32-41, to create and administer savings plans and deferred compensation plans for its members. Participation would be optional and the plans would be funded solely by individual contributions of the members of the Council who opt to participate. The creation and oversight of the Council's plans are not to create a debt or other financial obligation for the State or any political subdivision of the State. It also does not create a fiduciary liability on the part of the Council. Governor Deal signed this legislation as **Act Number 188**; it takes effect on July 1, 2017.

HB 453 –Rep. David Dreyer (D-Atlanta) authored this change to O.C.G.A. § 36-15-1 to add the chief judge of the magistrate court to the board of trustees of the county law library in each county. Presently, that board of trustees consists of the chief judge of the superior court of the circuit in which the county is located; the judge of the probate court; the senior judge of the state court, if any; the district attorney of the circuit in which the county is located; a solicitor-general of the state court, if any; the clerk of the superior court; and two practicing attorneys from the county. Governor Deal signed this bill as **Act Number 212**; the change takes effect on July 1, 2017.

HB 470 – Rep. Shaw Blackmon (R-Bonaire) offered this initiative concerning the economic development investment impact of Georgia's military installations on the State. His bill creates a new Article 10 in Chapter 7 of Title 50 to create a grant program supporting counties and municipalities that are military communities. The Department of Economic Development is to administer this program to be called, "Defense Community Economic Development Fund." Grants will be awarded on a case-by-case basis upon an application review. The grants are to: (1) further the relationship between the military community and the military installation; (2) further the military installation's economic development investment into the military community; or (3) assist in efforts to defend the viability of a military installation from a federal review. There is a financial "match" required to be made by the military community to the grants award. Grant funds are prohibited from being utilized to contract with, compensate, or reimburse a registered lobbyist. Governor Deal signed this bill as **Act Number 185** which takes effect on July 1, 2017.

HB 485 – Rep. Mike Glanton (D-Jonesboro) proposed this legislation that addresses referendum requirements for the sales of distilled beverages in Chapter 4 of Title 3. In part, the legislation adds a new Code Section at O.C.G.A. § 3-4-24.2 which states: "The commissioner may issue licenses for the manufacture or distribution of distilled spirits in any county or municipality of this state in which licenses for such activity have been authorized and issued in accordance with the adoption of a resolution or ordinance by the local governing

authority of such county or municipality. The local governing authority of a county or municipality issuing licenses pursuant to this Code section shall within its jurisdiction have the authority to determine the location of any licensed businesses, not inconsistent with this title." It adds now in a newly numbered O.C.G.A. § 3-4-46(b) that in the event an election referendum is held and a majority of the votes cast are against the issuance of licenses for the package sale of distilled spirits, then no new licenses for the package sale of distilled spirits within the political subdivision conducting the referendum are to be issued. Further, any existing licensee issued a license for the package sale of distilled spirits is to be prohibited, effective upon the expiration of such license, from engaging in any package sales of distilled spirits within the political subdivision. Governor Deal signed this initiative into law as **Act Number 277** on May 9, 2017; it took effect on that date.

HB 510 – Rep. Calvin Smyre (D-Columbus) authored this bill which repeals O.C.G.A. § 3-3-21(d), relating to provisions concerning population requirements and the measurement of certain distances for sales of alcohol. Specifically, this elimination affects counties which have a population of not less than 175,000 nor more than 195,000, according to the United States decennial census of 1970 or any future such census, and the distances where alcohol may be sold by businesses in relation to churches and schools. (Supposedly only Hall and Muscogee Counties are impacted by the passage of this legislation.) Governor Deal approved this measure as **Act Number 269**; it takes effect on July 1, 2017.

SB 156 – Sen. Fran Millar (R-Atlanta) offered this Tax Code legislation addressing restrictions with respect to equalized homestead option sales and use taxes. In Section 1, it addresses exemptions in O.C.G.A. § 48-8-3(57)(D) and that part of the law took effect upon approval by the Governor. In Section 2 of the legislation, it makes changes in O.C.G.A. § 48-8-109.5(e), regarding the administration, collection and disbursement of the equalized homestead option sales tax striking the current reference to when a municipality, located within a special district and incorporated after May 4, 2015, and relies upon a county governing authority for maintenance of roads, streets, sidewalks and bicycle paths and what the municipality's per capita share of the proceeds are to be paid to the county governing authority. Section 2 becomes effective on July 1, 2017. In Section 3, it amends O.C.G.A. § 48-8-111(a) regarding the procedure for imposition of tax, resolution or ordinance, notice to county election superintendent and election with regard to county special purpose local option sales taxes so as to address the purposes of how "SPLOST" may be expended so that the tax authorized and submitted to the voters for approval in connection with the equalized homestead option sales tax is required to be used for transportation purposes (e.g. roads, bridges, public transit, rails, airports, buses, seaports, and including without limitation road, street, and bridge purposes, for public safety facilities and related capital equipment used in the operation thereof, for debt service purposes for which a municipality used proceeds from the homestead option sales and use tax, and for the repair of capital outlay projects – it limits the amounts for repair of capital outlay projects to 15 percent of the total proceeds). Section 3 also took effect upon signature. Governor Deal approved this legislation as **Act Number 206** on May 8, 2017.

SB 222 – Sen. John Kennedy (R-Macon) proposed this bill which was to create the Local Government 9-1-1 Authority in Chapter 93 of Title 36. Among its many provisions were that

it sought specifically to require at O.C.G.A. § 36-93-3(a)(2) that all "local governments that operate or contract for the operation of a public safety answering point as of July 1, 2017, shall be members of the authority." Additional local governments were to become members upon adoption of a resolution or ordinance to impose the monthly 9-1-1 charge; local governments ceasing operations or contracting for the operation of a public safety answering point would withdraw from the authority. It required in O.C.G.A. § 36-93-5(a) that beginning January 1, 2019, all 9-1-1 charges and all wireless enhanced 9-1-1 charges imposed by the governing authority of a local government and collected by a service supplier were to be remitted by each service supplier to the Authority on a monthly basis. Governor Deal **vetoed** this initiative on May 9, 2017 as **Veto Number 9.** In his veto message, Governor Deal stated that the authority created in the bill "is a quasi-independent authority with little oversight from, or coordination with, the State. The lack of oversight could lead to obvious negative consequences stemming from the absence of accountability, and further, the lack of State coordination could hamper local and State joint responses in emergency situations." Staffing and payment of those individuals were also concerns as the staffing was to be in place by July 1, 2017 but no fees were to be collected until July 1, 2019. Governor Deal indicated that he planned to issue an executive order to establish a Local Government 9-1-1 Authority under the Georgia Emergency Management and Homeland Security Agency and would appoint an executive director for the authority to oversee daily operations. His message indicated that he would be working with the General Assembly in 2018 to codify his executive order. Governor Deal announced in a press release on June 8, 2017 the creation of a 9-1-1 Authority: https://gov.georgia.gov/press-releases/2017-06-08/deal-announces-creation-local-government-9-1-1-authority ; his Executive Order was issued on May 30, 2017 https://gov.georgia.gov/sites/gov.georgia.gov/files/related_files/document/05.30.17.01.pdf

Legislation Not Passed

HB 189 – Rep. Sheila Nelson (D-Augusta) introduced this measure to require in O.C.G.A. § 36-80-26 that any contract the State enters into be required to include language allowing the State to cancel the contract on the basis of quality, price, and other factors. After it passed the House, the bill remained in the Senate State and Local Governmental Operations Committee.

HB 194 - Rep. Todd Jones (R-South Forsyth) authored this measure which would have amended O.C.G.A. § 36-66-5 to provide that the standards adopted by local governments relating to their exercise of zoning power would be required to consider the effect that such proposed zoning actions would have on local school systems and the potential overcrowding of schools within such systems. The legislation also sought to add at O.C.G.A. § 20-2-520, at a new subsection (d), that prior to a final decision on the proposing "siting" of a new school house, the board of education or the independent school system would be required to consider the impact of such decision on the infrastructure of the county and any municipality which is located within that school district. This legislation remained in the House Governmental Affairs Committee.

HB 257 - Rep. Jan Tankersley (R-Brooklet) proposed this legislation which required all local government authorities to register with the Department of Community Affairs to be eligible to

receive State funds and to renew such registration each year. The bill also proposed to establish that local government authorities must meet the reporting requirements of subsection (c) of O.C.G.A. § 36-81-8 before such authority incurred debt or credit obligations. The legislation passed the House; however, it was read three times in the Senate, but was not called for a vote. It was tabled by the Senate on March 28 and never removed from the Table.

HB 302 - Rep. Randy Nix (R-LaGrange) authored this legislation which would have changed the advertising and notice requirements pertaining to millage rate adoption and the advertisement form to be placed in the newspaper of general circulation serving the residents of the unit of local government and on the website of the levying authority. At O.C.G.A. § 48-5-32.1, it eliminated the current references to "average home value for the previous year's digest rounded to the nearest $25,000.00" and required that the advertisement outline the amount anticipated to be generated with the proposed millage rate. HB 302 remained in the House Ways and Means Committee.

HB 336 - Rep. Don Parsons (R-Marietta) authored this legislation, providing for certification of certain counties and municipal corporations as "broadband ready" communities. The legislation sought to enact the "Broadband Strategy for All of Georgia Act" in Chapter 66C of Title 36. The bill was withdrawn and recommitted to the House Energy, Utilities, and Telecommunications Committee, where it remained.

HB 419 - Rep. Deborah Silcox (R-Sandy Springs) proposed this legislation to address provisions regarding local governments in order to enable the governing authorities with the Atlanta Regional Commission (including Counties of Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry and Rockdale) to further regulate the use or ignition of consumer fireworks in O.C.G.A. § 36-60-24(d.1). HB 419 passed through the House, but was tabled in the Senate.

HB 446 - Rep. Alan Powell (R-Hartwell) introduced this legislation which would have created a new Chapter 93 in Title 36, establishing the Local Government 9-1-1 Authority for the purpose of administering, collecting, auditing, and remitting 9-1-1 revenue for the benefit of local governments. Such Authority would have been managed by a board of directors that would have been appointed and the Authority would have collected 9-1-1 charges, retained up to 3% of such charges to cover its administrative costs, and distributed the remainder to local governments. Further, O.C.G.A. § 36-93-7 proposed to authorize the Authority to contract with an auditor to oversee service suppliers and provided for civil penalties for noncompliant suppliers. HB 446 was withdrawn from the House Rules Calendar and recommitted to the House Energy, Utilities, and Telecommunications Committee, where it remained.

HB 579 – Rep. Matt Dollar (R-Marietta) provided for the creation of a new Chapter 77 to regulate lodging accommodations and vacation rentals. At O.C.G.A. § 36-77-1, it proposed that local governments could not ban or regulate short-term and vacation rentals based on their classification, use, or occupancy, unless the purpose of the regulation was related to protecting the public health and safety. It also outlined mechanisms for a lodging marketplace to elect to register with the Department of Revenue at O.C.G.A. § 36-77-3. HB 579 remained in the House Regulated Industries Committee.

SB 2 – Sen. Mike Dugan (R-Douglasville) carried this effort for the Senate Leadership which sought to create "FAST Act - Fairness, Accountability, Simplification, and Transparency - Empowering Our Small Businesses to Succeed" in Titles 36, 43 and 50. In part, the legislation would have modified the imposition of regulations on businesses and professions at the State and local levels; provided for schedules of fees and timelines for permits, licenses, and other regulatory requirements; provided for reduced fees when such deadlines were not met; and provided expedited processing of licenses and permits. The legislation was recommitted to the House Small Business Development Committee.

SB 232 – Sen. Steve Gooch (R-Dahlonega) proposed this initiative proposing to create the "Facilitating Internet Broadband Rural Expansion (FIBRE) Act" in Titles 36, 46, 48 and 50. It would have provided for broadband service planning, deployment, and incentives and addressed what local governments could do with respect to such. It remained in the Senate Regulated Industries and Utilities Committee.

SB 285 – Sen. Emanuel Jones (D-Decatur) authored this measure to add a new Code Section at O.C.G.A. § 36-31-4.1 so that no municipality would be incorporated, in whole or in part, using territory within the corporate limits of an existing municipality, either by de-annexing such territory from an existing municipality or through other means. It was assigned to the Senate State and Local Government Operations Committee where it remained.

MARTA

Legislation Passed

HB 506 – Rep. Tom Taylor (R-Dunwoody) offered this bill to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended. It provides for a competitive and responsible process for the award of contracts for concessions and the sale, lease, or other disposition of real property owned by the Authority. Governor Deal approved this measure as **Act Number 215**; it takes effect on July 1, 2017.

Legislation Not Passed

HB 225 – Rep. Jay Powell (R-Camilla) authored this legislation to amend O.C.G.A. § 48-8-3 to extend a sales and use tax exemption to include the fares of transportation referral services and transportation referral service providers. Such exemption would have applied to all sales taxes, use taxes, or local sales and use taxes, including taxes authorized by the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965.' HB 225 remained in the Senate Finance Committee.

MEDICAL MARIJUANA

Legislation Passed

SB 16 – Sen. Ben Watson (R-Savannah) authored the changes to O.C.G.A. § 16-12-191 and O.C.G.A. § 31-2A-18 concerning medical marijuana or Low THC Oil. The Title 16 change addresses the possession, manufacture, distribution or sale of the oil. The change makes it lawful for any person to possess or have under his or her control 20 fluid ounces or less of low THC oil if: (1) such substance is in a pharmaceutical container labeled by the manufacturer indicating the percentage of tetrahydrocannabinol therein; and (2) the person is registered with the Department of Public Health and has in his or her possession a registration card issued by that Department. The amendment also adds that a person, who has in his or her possession a registration card issued by another state allowing that individual to have in his or her possession the low THC oil, is permitted possession of the oil in Georgia (however, that "reciprocity" only permits that Georgia visitor to be present here for no more than 45 days). Additionally, the legislation adds in Title 31 additional diseases or conditions where the Low THC Oil may be used adding Tourette's syndrome, autism spectrum disorder when such disorder is diagnosed for a patient who is at least 18 years of age, or severe autism when diagnosed for a patient who is less than 18 years of age; epidermolysis bullosa; Alzheimer's disease, when such disease is diagnosed as severe or end stage; acquired immune deficiency syndrome when such syndrome is diagnosed as severe or end stage; and peripheral neuropathy, when such symptoms are diagnosed as severe or end stage. It also adds in subsection (d) of O.C.G.A. § 31-2A-18 that the Department of Public Health may issue a registration card to an individual in an inpatient or outpatient hospice program or the caregiver of the individual when the circumstances warrant such. It requires in subsection (e) that physicians make semiannual reports, rather than quarterly reports, to the board and those reports are to also include patient clinical responses and levels of tetraydrocannabinol or tetrahydrocannabinolic acid present in test results, compliance, responses to treatment, side effects, and drug interactions. Governor Deal signed SB 16 as **Act Number 229**. It takes effect July 1, 2017. [This incorporates much of the language from Rep. Allen Peake's HB 65 which remained in the Senate Health and Human Services Committee.]

Legislation Not Passed

HB 65 – Rep. Allen Peake (R-Johns Creek) proposed various changes to the 'Low THC Oil Registry' at O.C.G.A. § 16-12-191. Under this legislation, the State of Georgia would have honored registration cards issued by another state allowing for possession of low THC oil. The bill also included a number of additional medical conditions to be covered by low THC oil (these conditions were added to another bill prior to passage). HB 65 passed the House; however, it remained in the Senate Health and Human Services Committee. [See SB 16 which passed and became **Act Number 229**.]

SB 295 – Sen. Curt Thompson (D-Tucker) proposed a new Chapter 52 in Title 43 to create the "Georgia Retail Marijuana Code." It would have provided for the regulation of the retail sale

of marijuana which would have been overseen by the Department of Revenue. The initiative remained in the Senate Health and Human Services Committee.

SB 296 – Sen. Curt Thompson (D-Tucker) also authored this bill which would have created a new Article 5 in Chapter 34 of Title 43 to be known as the "Controlled Substances Therapeutic Relief Act." In part, it sought to allow the public to provide input as to which diseases could be treated with medical marijuana. The bill remained in the Senate Health and Human Services Committee.

MENTAL HEALTH

Legislation Passed

SB 52 – Sen. P.K. Martin, IV (R-Lawrenceville) authored this legislation which repeals the sunset in the current law allowing licensed professional counselors to perform 1013 examinations and make those certifications. Under present law, these licensed professional counselors would be required to end such practice on June 30, 2018. With the repeal of the sunset, the licensed professional counselors may continue to perform such mental health examinations after June 30, 2018. Originally, this law, created by SB 65 from 2013, expanded who could perform these mental health examinations – at that time, only a physician, psychologist, clinical social worker, or clinical nurse specialist in psychiatric/mental health could perform any act specified under O.C.G.A. § 37-3-41 and O.C.G.A. § 37-7-41. SB 65 allowed such to be performed also by a licensed professional counselor (for not only mental health treatment but also those requiring alcohol or substance abuse treatment) but limited the practice until the June 30, 2018. Governor Deal signed this legislation as **Act Number 231**; it took effect on signature on May 9, 2017.

Legislation Not Passed

HB 77 – Rep. Dar'shun Kendrick (D-Lithonia) would have provided at O.C.G.A. § 20-2-779.2 that no later than July 1, 2018, the Department of Education would be required to develop and provide to all local school systems a list of training materials for awareness in mental health, behavioral disabilities, and learning disabilities which may include training materials currently being used by a local school system. It further added that no person shall have cause of action for any loss or damage caused by any act or omission resulting from any training, or lack thereof. HB 77 remained in the House Education Committee.

HB 173 - Rep. Joyce Chandler (R-Grayson) proposed this legislation, which was meant to authorize licensed marriage and family therapists to perform certain acts which physicians, psychologists, licensed clinical social workers, clinical nurse specialist in psychiatric/mental health, and licensed professional counselors can do in O.C.G.A. § 37-3-41(d). It further proposed to expand current law on acts they may perform regarding emergency involuntary treatment of an alcoholic, drug abuser, or a drug dependent individual in O.C.G.A. § 37-7-41(d) and those individuals' emergency involuntary treatment in O.C.G.A. § 37-3-41(d), and permits them to also perform necessary functions for the emergency admission of a person for

involuntary evaluation of mental illness in O.C.G.A. § 37-3-41(d). The legislation remained in the House Health and Human Services Committee.

HB 509 - Rep. Paulette Rakestraw (R-Powder Springs) authored this legislation amending Titles 10 and 37 and adding a new Article 35 in Chapter 1 of Title 10 to be titled the "Human Trafficking Prevention Act." It sought to prohibit retailers, at O.C.G.A. § 10-1-920, from selling or leasing products that make Internet content accessible unless the product contains a digital blocking capability, which blocks access to obscene material, child pornography, revenge pornography, and websites known to facilitate prostitution. The bill also contained an accompanying amendment to Article III, Section IX, Paragraph VI(q) of the Georgia Constitution that would have allowed for remitted fees to be allocated to the Georgia Mental Health and Addiction Treatment Fund. HB 509 remained in the House Judiciary Committee.

HB 607 – Rep. Pat Gardner (D-Atlanta) authored this legislation to create the "Psychiatric Advance Directive Act" in a newly created 'Chapter 11 in Title 37. Such chapter was to be enacted "in recognition of the fundamental right of an individual to have power over decisions relating to his or her mental health care as a matter of public policy". The bill proposed to provide for a "competent adult to express his or her mental health care treatment preferences and desires directly through institutions written in advance and indirectly through appointing an agent to make mental health care decisions on behalf of that person." This bill remained in the House Health and Human Services Committee.

SB 4 – Sen. Renee Unterman (R-Buford) authored this legislation to create the "Enhancing Mental Health Treatment in Georgia Act" in O.C.G.A. § 49-4-142.3. In part it would have established the Georgia Mental Health Treatment Task Force and a Mental Health Treatment Advisory Council. Further, it proposed that this Task Force review Georgia's landscape of mental health services and develop a plan for appropriate distribution of funding for mental health and substance abuse services in Georgia by developing an 1115 Waiver. The House disagreed to the Senate's change to the legislation once the bill had passed both chambers and further amendments were made. The Senate never called the bill back for further action. There, it failed to pass.

SB 11 – Sen. Michael "Doc" Rhett (D-Marietta) authored this pre-filed legislation. However, it was never introduced. Its language sought to amend, in part, O.C.G.A. § 37-3-4 to authorize emergency medical technicians, cardiac technicians, and paramedics to perform certain acts which physicians, psychologists, and other persons are authorized to perform regarding emergency examinations of a person for involuntary evaluation and treatment for mental illness or alcohol or drug abuse.

SB 40 – Sen. Renee Unterman (R-Buford) offered this bill amending O.C.G.A. § 37-3-42 to provide for authorization of emergency medical services personnel and peace officers to transport certain mentally ill patients under certain circumstances. It would have required that such personnel would: (1) have been dispatched to a scene in response to an emergency, (2) have probable cause for believing that such person is a mentally ill person requiring involuntary treatment, and (3) have consulted with the emergency receiving facility physician and it was the opinion of such physician that it was in the best interest of such person and the

public that such person be transported immediately to the facility and that such physician confirmed that such facility has the capacity to treat such patient and not divert the patient to another facility. It would have further required that the emergency medical services personnel execute a written report detailing the circumstances under which the person was transported, and that the report be made a part of such patient's clinical record. This legislation stalled in the House Rules Committee after Community Service Boards and others raised questions about the legislation.

SB 55 – Sen. Josh McKoon (R-Columbus) proposed another version of a "Psychiatric Advanced Directive" in Title 37 so that competent adult individuals could express their mental health care treatment preferences and desires directly through instructions written in advance and indirectly through appointing an agent to make mental health care decisions on behalf of that person. The legislation remained in the Senate Health and Human Services Committee.

SB 146 – Sen. Donzella James (D-Atlanta) introduced this bill which proposed a new Chapter 53 in Title 31 to regulate the use by physicians of electroconvulsive therapy procedures. Such electroconvulsive therapy was defined as an electric stimulus applied to the brain for the purpose of intentionally triggering a seizure. It further prohibited the performance of electronconvulsive therapy on any individual 16 years of age or younger or on any individual, including, but not limited to, individuals involuntarily or voluntarily detained or hospitalized for mental health treatment, without such individual's written consent. This legislation remained in the Senate Health and Human Services Committee.

SB 185 – Sen. Elena Parent (D-Atlanta) authored this legislation which would have amended O.C.G.A. § 17-7-131(c)(3), relating to proceedings upon a plea of insanity or mental incompetency at the time of a crime. It proposed to change the standard of proof so that: "The defendant may be found 'guilty but mentally retarded' if the jury, or court acting as trier of facts, finds beyond a reasonable doubt that the defendant is guilty of the crime charged and by a preponderance of the evidence that the defendant is mentally retarded. If the court or jury should make such finding, it shall so specify in its verdict." Current law only requires that the trier of facts finds it is "beyond a reasonable doubt." It remained in the Senate Judiciary Committee.

MINORS

Legislation Not Passed

HB 159 - Rep. Bert Reeves (R-Marietta) addressed Georgia's adoption laws in this legislation at Chapter 8 of Title 19. It proposed, in O.C.G.A. § 19-8-2(b), the process for a child who has been placed for adoption with an individual who was a resident of another state in compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the Placement of Children. It lowered the age that an individual must be to adopt a child to 21 years of age in O.C.G.A. § 19-8-3(a)(1). It further amended the 10-year age difference exception, so that it would not apply when the petitioner was a stepparent or relative and the petition was filed pursuant to O.C.G.A. § 19-8-6 or O.C.G.A. § 19-8-7. The House passed this bill; however, the Senate

recommitted HB 159 after a religious freedom amendment was added in the Senate Judiciary Committee.

MOTOR VEHICLES

Legislation Passed

HB 320 – Rep. Bill Hitchens (R-Rincon) introduced this bill addressing motor vehicles' sales and transfers. It adds a new Code Section at O.C.G.A. § 16-9-111, making it illegal, and a misdemeanor crime of a high and aggravated nature, for a person who knowingly and intentionally imports, manufactures, sells, offers to sell, installs, or reinstalls in a motor vehicle a counterfeit air bag, nonfunctional air bag or other device intended to replace a motor vehicle's inflatable occupant restraint system or its component parts. It also makes it illegal for sales, offers for sales, installs or reinstalls in a motor vehicle of a device which causes such motor vehicle's diagnostic system to "inaccurately indicate that such motor vehicle is equipped with a properly functioning air bag." Governor Deal signed this legislation into law as **Act Number 254**. It takes effect on July 1, 2017.

HB 340 – Rep. Shaw Blackmon (R-Bonaire) introduced this legislation addressing alternative ad valorem tax on motor vehicles at O.C.G.A. § 48-5C-1(a)(1)(E). This change affects the determination of fair market value of motor vehicles subject to the tax so that for a new motor vehicle, which is leased, the fair market value is the total base payments of the lease agreement. Governor Deal approved this legislation as **Act Number 197**. This Act takes effect on January 1, 2018 and applies to all tax years beginning on and after that date.

HB 412 – Rep. Timothy Barr (R-Lawrenceville) introduced this initiative to require a study to be conducted by the Department of Revenue on the elimination of issuance of revalidation decals for motor vehicle registration renewals in O.C.G.A. § 40-1-9 (looking at the costs, benefits, and feasibility of such proposal and time frame necessary for implementation by the Department and county tag agents). The study's findings are to be provided to the House Committee on Public Safety and Homeland Security, the House Committee on Motor Vehicles, and the Senate Public Safety Committee no later than January 1, 2018. The Code Section is to be repealed on January 1, 2020. There are additional changes in Title 40 incorporated into this legislation including:

- O.C.G.A. § 40-2-88(c)(1), regarding reciprocal agreements for registration of commercial vehicles on apportionment basis and waiver of penalties, so that applications for registration or renewal of registration under the International Plan are to be submitted electronically during the applicable registration period specified in O.C.G.A. § 40-2-21(a)(1)(A)(ii).
- O.C.G.A. § 40-2-88.1, concerning electronic filing for the registration of commercial vehicles, so that on and after January 1, 2018, the Commissioner is to require any applicant for a commercial vehicle registration under the International Registration Plan submit such application electronically. The Commissioner is charged with adopting

rules and regulation which provide for denial of an application, including a denial of registration.
- O.C.G.A. § 40-2-158, concerning fee assessments to registrants, is eliminated and reserved.
- O.C.G.A. § 40-3-33, concerning transfers of vehicles to or from a dealer and records to be kept by dealers, is amended with the addition of a new subsection (d) which requires that on and after January 1, 2018 all applications for certificate of title by a motor vehicle dealer are to be submitted to the Department electronically.

Governor Deal signed this legislation as **Act Number 262.** The Act takes effect on July 1, 2017.

SB 128 – Sen. John Wilkinson (R-Toccoa) introduced this measure. It allows the sharing of personal data from the Department of Drivers' Services with the Department of Natural Resources in O.C.G.A. § 40-5-2(d) and (f) so that the Department of Natural Resources (DNR) can use that information in the detection and prevention of fraud in applications for licenses, permits and registrations issued by DNR and so that confirmation may be made of the applicant's residency (including name, address, date of birth, gender, driver identification number of identification number, status of driver's license, date of driver's license issuance and cancellation, type of driver's license or identification card issued, and other information required). This information is only to be used to detect and prevent fraud and fulfillment of obligations under the "Child Support Recovery Act" found in Chapter 11 of Title 19. Governor Deal signed this initiative as **Act Number 239**; it takes effect on July 1, 2017.

SB 176 – Sen. John Kennedy (R-Macon) carried this proposal also addressing added reform ideas from the Georgia Council on Criminal Justice Reform. This legislation enacts reforms relating to driving privileges in O.C.G.A. § 17-6-11, and in part, adds at subsection (b) that when a uniform traffic citation is issued and if the accused fails to appear for court or otherwise dispose of his or her charges before the scheduled court appearance on the uniform traffic citation, then prior to the court issuing a bench warrant, the clerk of court is to notify the accused by first-class mail or by postcard at the address listed on the uniform traffic citation of his or her failure to appear. The notice is required to be dated and is to allow the accused 30 days from such date to dispose of the charges or waive arraignment and plead not guilty. After that 30 days, and accused fails to dispose of his or charges or waive arraignment and plead not guilty, the clerk of court is to, within five days of such date, forward to the Department of Driver Services the accused's driver's license number. At that point, the Commissioner for the Department of Driver Services is to suspend the individual's driver's license and driving privilege. Reinstatement is permitted if he or she shows proof of final adjudication and the individual pays a restoration fee to the Department of Driver Services. It also adds a new definition for 'bench warrant' in O.C.G.A. § 17-7-90 and when such can be issued by a judge. There are also revisions in O.C.G.A. § 40-5-75(a) and (g) concerning suspension of driver's licenses so that "effective July 1, 2017, the Department shall be authorized to reinstate, instanter, a driver's license that was suspended pursuant to this Code Section for a violation of Article 1 of Chapter 13 of Title 16, or the equivalent law of any other jurisdiction, that occurred prior to July 1, 2015, provided that the driver's license has not been

previously reinstated. The provisions of this subparagraph shall not apply to a suspension imposed pursuant to this Code Section for a violation of paragraph (2), (4), or (6) of subsection (a) of Code Section 40-6-391 or the equivalent law of any other jurisdiction, that occurred prior to July 1, 2015, unless ordered by a judge presiding in a drug court division, mental health court division, veterans court division, or operating under the influence court division in accordance with subsection (a) of Code Section 40-5-76." Governor Deal signed this legislation as **Act Number 228**; it takes effect on July 1, 2017.

SB 219 – Sen. Steve Gooch (R-Dahlonega) authored the legislation, addressing autonomous motor vehicles with automated driving systems. Specifically, the legislation adds at:

- O.C.G.A. § 40-1-1 definitions for terms such as 'automated driving system,' 'dynamic driving task,' fully autonomous vehicle,' 'minimal risk condition,' 'operational design domain,' and 'operator.'
- O.C.G.A. § 40-5-21(a) that a fully autonomous vehicle with automated driving system engaged or the operator of a fully autonomous vehicle driving system engaged as an exemption to driver's license requirements.
- O.C.G.A. § 40-6-279 that if an accident involves a fully autonomous vehicle with the automated driving system engaged, the requirements of O.C.G.A. § 40-6-270(a), O.C.G.A. § 40-6-271, O.C.G.A. § 40-6-272, O.C.G.A. § 40-6-273 and O.C.G.A. § 40-6-273.1 are deemed satisfied if the fully autonomous vehicle remains on the scene of an accident and the fully autonomous vehicle or operator promptly contacts a local law enforcement agency and communicates required information.
- O.C.G.A. § 40-8-11 when a person may operate a fully autonomous vehicle with the automated driving system without a human driver being present.

Governor Deal approved this legislation as **Act Number 214**; it takes effect on July 1, 2017.

Legislation Not Passed

HB 38 – Rep. Alan Powell (R-Hartwell) proposed this bill, seeking to amend O.C.G.A. § 40-5-23, to provide for the issuance of Class C driver's licenses for the operation of '3-wheeled' motor vehicles equipped with steering wheels for directional control. HB 38 passed the House, but it remained in the Senate Public Safety Committee.

HB 67 – Rep. William Boddie (D-East Point) proposed to designate the existing crime of hijacking a motor vehicle as being in the first degree at O.C.G.A. § 16-5-44.1. It further created a second degree offense for instances where a person hijacks a motor vehicle without being in possession of a weapon. Punishment for the second degree offense was not less than one year of imprisonment and a fine of not more than $5,000. HB 67 passed the House; however, the Senate tabled it. [See SB 104 which passed and was signed as **Act Number 182**.]

HB 474 – Rep. Carolyn Hugley (D-Columbus) authored this legislation which would have required at O.C.G.A. § 40-11-1 that any republication of a driver's manual by the Department of Driver Services must include best practices for facilitating the safety of all parties during

traffic stops. The Office of Highway Safety would have been required to incorporate such instructions or best practices at least once annually in any planned, highly visible project or public advertising campaign. This bill was passed by the House, but was tabled in the Senate.

SB 142 – Sen. John Kennedy (R-Macon) authored this legislation with several changes in Chapter 14 of Title 40 concerning speed detection devices. In part, it allowed for "automated traffic enforcement safety devices in school zones." These devices are: capable of producing photographically recorded still/video images of both the rear of a motor vehicle or the rear of a motor vehicle being towed by another vehicle including an image of such vehicle's rear license plate; capable of monitoring the speed of a vehicle as photographically recorded; and indicates on each of the one or more photographically recorded still or video images produced the date, time, location, and speed of a photographically recorded vehicle traveling at a speed above the posted speed limit within a marked school zone. The proposal remained in the Senate Government Oversight Committee.

SB 231 – Sen. Josh McKoon (R-Columbus) authored this bill amending Titles 15, 20, 40, 43 and 48 which would have required that a person who is not a United States citizen would not be permitted admission to the practice of law or be a duly licensed attorney at law in Georgia unless he or she possessed a lawful alien status. Similar provisions would have been added so that certificated professional personnel employed by Georgia schools would also have been required to be citizens or have lawful alien status. It further would have required individuals to be eligible for the HOPE scholarships and grants by citizens or have lawful alien status. It remained in the Senate Judiciary Committee.

NARCOTIC TREATMENT

Legislation Passed

SB 88 – Sen. Jeff Mullis (R-Chickamauga) offered this legislation creating a regulation for narcotic treatment programs (for chronic heroin or opiate-like drug dependent individuals) in new Article 2 of Chapter 5 Title 26. These programs will be overseen by the Department of Community Health. The legislation is to be cited to as the "Narcotic Treatment Programs Enforcement Act." The Department of Community Health is tasked with creating and promulgating "reasonable and necessary minimum standards of quality and services for narcotic treatment programs" in O.C.G.A. § 26-5-42. O.C.G.A. § 26-5-44 prohibits a governing body from operating a narcotic treatment program without having a valid license or provisional license. O.C.G.A. § 26-5-46(a) requires that the Department establish an annual or biannual open enrollment period and subsection (d) requires that the first enrollment period for licensure is to be held December 1, 2017 through December 31, 2017. O.C.G.A. § 26-5-47 outlines the application requirements; applications will look at factors such as data and details regarding treatment and counseling; biographical information and qualifications of owners, medical directors, counselors and other staff; demographics; experience in operating such a program; proof of filing notice with drug courts within 75 miles of the center; etc. O.C.G.A. § 26-5-48 outlines other factors that the Department is to review, determining if a governing body for a narcotic treatment program has demonstrated certain requirements (such

as being in compliance with all State and federal law and regulations; being in compliance with all applicable standards of practice; having program structure for successful service delivery; and providing an impact on the delivery of opioid treatment services of the applicant in the applicable population). O.C.G.A. § 26-5-47(c) outlines information about transfers of licenses and provides that licenses are not transferrable (for change of ownership or change of location). In O.C.G.A. § 26-5-48(h), the legislation creates 49 regions established with the State's counties for the purpose of establishing these treatment programs. O.C.G.A. § 26-5-59 requires that drug-dependent females are given priority in enrollment in the programs. Governor Deal approved SB 88 as **Act Number 140** on May 4, 2017. The legislation took effect upon signature.

SB 121 – Sen. Butch Miller (R-Gainesville) introduced this proposal known as the "Jeffrey Dallas Gay Jr. Act." This legislation codifies Governor Deal's executive order issued late in 2016 in an effort to help prevent overdose deaths with the issuance of a standing drug order by the State's health officer for Naloxone. Like HB 249, this bill also provides an exemption for the drug Naloxone from Georgia's Dangerous Drug List in O.C.G.A. § 16-13-71(b)(635) and (c)(14.25). Further, it provides in O.C.G.A. § 26-4-116.2(e) an immunity from any civil liability, criminal responsibility or professional licensing sanctions for the State health officer who is acting in good faith as provided in O.C.G.A. § 31-1-10 (which is the Code Section allowing the Governor to appoint an individual licensed to practice medicine in Georgia as the State's health officer and which further authorizes that individual to issue a standing order prescribing an opioid antagonist on a statewide basis under conditions that he or she determines to be in the best interest of the State). Governor Deal signed this legislation as **Act Number 19** on April 18, 2017. This legislation took effect upon signature.

SB 125 – Sen. Rick Jeffares (R-McDonough) offered this legislation addressing prescriptive authority rights for physician's assistants. The legislation, touted as perhaps one of the most narrow in the country, seeks to authorize a physician to delegate to a physician assistant the authority to prescribe hydrocodone compound products in O.C.G.A. § 43-34-103(e.1) as long as the physician assistant has a job description providing the authority to issue a "single nonrefillable prescription drug order for a hydrocodone compound product so long as such nonrefillable prescription drug order is not in excess of a five-day supply consisting of not more than the lesser of 30 tablets or 300 milligrams of hydrocodone." If this drug is for a patient under the age of 18, the order is not to exceed a five-day supply consisting of not more than the lesser of 30 pills or 100 milligrams. Physician assistants with this delegated authority are required to complete three hours of continuing education biennially in the "appropriate ordering and use of Schedule II controlled substances." Governor Deal **vetoed** this measure as **Veto Number 8**. In his veto message, Governor Deal noted this legislation "would add several thousand prescribers to our healthcare system, and as a result, create the potential for hundreds of thousands more opioid prescriptions to be issued." Georgia is already plagued with an opioid abuse problem and "this change is incongruent with the State's efforts to quell that problem."

SB 241 – Sen. Renee Unterman (R-Buford) introduced this idea which addressed Georgia's Prescription Drug Monitoring Program (PDMP) in Title 16. In part, it moved this program

from the Georgia Drugs and Narcotics Agency to the Department of Public Health. The bill remained in the House Judiciary Non-Civil Committee. [See HB 249 by Rep. Kevin Tanner (R-Dawsonville) which passed and was signed as **Act Number 141.]**

Legislation Not Passed

SB 81 – Sen. Renee Unterman (R-Buford) introduced this measure to codify the Governor's Executive Order for a standing order for Naloxone to help address Georgia's problem with opioid abuse and to create the "Jeffrey Dallas Gay, Jr. Act." It would have allowed the standing order for the opioid antagonist to be issued by the State's public health officer at O.C.G.A. § 26-4-116.2. Similar efforts were passed this Session. [See SB 121, by Sen. Butch Miller (R-Gainesville), which became **Act Number 19**; and HB 249, by Rep. Kevin Tanner (R-Dawsonville), which became **Act Number 141**.] SB 81 remained in the House Health and Human Services Committee.

NATURAL RESOURCES

Legislation Passed

HB 413 – Rep. Don Parsons (R-Marietta) authored this bill, one of the more hotly contested proposals this Session. It addresses the regulation and permitting of petroleum pipelines. It adds a new Chapter 17 in Title 12, under the Department of Natural Resources, that on or after July 1, 2017, any construction of a new petroleum pipeline, or an extension of a pipeline, requires a permit to be issued by the Director of the Environmental Protection Division (EPD) of the Department of Natural Resources. See O.C.G.A. § 12-17-2. In O.C.G.A. § 12-17-3, it outlines what an application for such permit requires and O.C.G.A. § 12-17-4 outlines what information is required before EPD may grant such permit. Any "aggrieved or adversely affected" party may challenge any order by filing a petition within 30 days after the issuance of the order and also have a right to a hearing before an administrative law judge appointed by the board. It limits the submission of a permit application and the applicable review process not to exceed 150 days in length in O.C.G.A. § 12-17-6. The issues of the exercise of power of eminent domain for special purposes, relating to the construction, operation, etc. of petroleum pipelines, is addressed by adding a new Article 4 in Chapter 3 of Title 22. In part, this new Article provides that petroleum pipeline companies "are granted the power to acquire property or interests in property by eminent domain for the purpose of an expansion, an extension, maintenance, or construction of a new petroleum pipeline." See O.C.G.A. § 22-3-81. It also requires, at O.C.G.A. § 22-3-82(a), before a pipeline may exercise the power of eminent domain, that a "certificate of public convenience" be obtained from the Commissioner of Transportation in addition to the permit required by the Director of EPD. It also requires in subsection (b) that no certificate of public convenience and necessity or permit is required of a petroleum pipeline company that is "(1) not exercising the power of eminent domain to acquire property; or (2) exercising the power of eminent domain for the purpose of maintenance or expansion." The requirements of an application for a certificate of public convenience and necessity are outlined in O.C.G.A. § 22-3-83(b) which must also be published in the legal organ of each county through which the proposed route of the new petroleum pipeline or

extension is to be located. In subsection (d), it outlines what factors are to be considered before the Commissioner of Transportation is to grant a certificate of public convenience. The process for the certificate of public convenience is not to exceed 120 days. At O.C.G.A. § 22-3-84, it outlines what process is required of the petroleum pipeline company before eminent domain proceedings are to commence. At O.C.G.A. § 22-3-85, it permits a petroleum pipeline company the ability to acquire the property or interest by the use of condemnation procedures if the company is unable to acquire the property or interest after reasonable negotiation with the owner. Governor Deal signed this on May 9, 2017 as **Act Number 263**; it took effect upon signature.

SB 128 – Sen. John Wilkinson (R-Toccoa) introduced this measure. It allows the sharing of personal data from the Department of Drivers' Services with the Department of Natural Resources in O.C.G.A. § 40-5-2(d) and (f) so that the Department of Natural Resources (DNR) can use that information in the detection and prevention of fraud in applications for licenses, permits and registrations issued by DNR and so that confirmation may be made of the applicant's residency (including name, address, date of birth, gender, driver identification number of identification number, status of driver's license, date of driver's license issuance and cancellation, type of driver's license or identification card issued, and other information required). This information is only to be used to detect and prevent fraud and fulfillment of obligations under the "Child Support Recovery Act" found in Chapter 11 of Title 19. Governor Deal signed this initiative as **Act Number 239**; it takes effect on July 1, 2017.

Legislation Not Passed

HB 149 - Rep. Alan Powell (R-Hartwell) introduced this bill, which provided for comprehensive regulation of trauma scene cleanup services and regulated waste transport in O.C.G.A. § 35-11-1 et seq. and O.C.G.A. § 12-8-109. These entities would have been required to be performed by Georgia Bureau of Investigation-licensed entities. A license would have been required to be obtained from the GBI and renewed annually; trauma scene waste management practitioners and regulated waste transporters were to pay initial licensing fees of $200.00 to the GBI and for each subsequent year an annual license renewal fee of $200.00. Surety bonds, in the amount of $100,000.00 per entity, would have also been required as well as proof of liability insurance of $1 million for each occurrence. The House passed HB 149, but the Senate tabled the measure.

HB 205 – Rep. John Meadows (R-Calhoun) authored this legislation proposing to amend the 'Oil and Gas and Deep Drilling Act of 1975' in Article 2 of Chapter 4 of Title 12. It aimed at protecting the State's supplies of fresh water during oil or gas exploration initiatives. It would have allowed the Board of Natural Resources to grant authority to the Director of the Environmental Protection Division to issue permits for drilling activity. The bill, however, did not limit the authority of local governments to adopt local zoning or land use ordinances. A Conference Committee was appointed to work out the differences between chambers; however, no agreement was reached. Thus, the bill failed.

HB 271 – Rep. Jesse Petrea (R-Savannah) introduced this bill which proposed several amendments in Chapter 5 of Title 12 and included a new definition of 'Dynamic Dune Field.' In part, it specified various distances at which structures may be placed near dunes. After passing the House, the bill now remained in the Senate Natural Resources and Environment Committee.

HB 310 – Rep. Buzz Brockway (R-Lawrenceville) offered this bill which would have amended O.C.G.A. § 12-8-28 to exempt secondary metals recyclers from the requirements relating to certain used lead acid vehicle batteries. It provides that battery retailers shall provide a discount on a new battery only upon receipt of a used lead acid vehicle battery. It was recommitted to the House Regulated Industries Committee.

SB 48 – Sen. Bill Heath (R-Bremen) authored this bill which would have amended O.C.G.A. § 27-2-23, relating to hunting, trapping, and fishing license, permit, tag, and stamp fees. It added a new paragraph at (11): "The purchaser of any license listed in subparagraphs (A) through (D) of paragraph (1) of this Code section shall be entitled to continually renew such license for the original purchase price, including any fees, so long as each renewal thereof occurs prior to expiration of such license." It remained in the House Game, Fish and Parks Committee.

SB 191 – Sen. Rick Jeffares (R-McDonough) authored this initiative which would have created a new Chapter 17 in Title 12 to regulate and permit petroleum pipelines and petroleum marine terminals in Georgia. The legislation cleared the Senate and reported out favorably from the House Energy, Utilities and Telecommunications Committee. However, it remained in the House Rules Committee.

PENAL INSTITUTIONS

Legislation Passed

HB 261 – Rep. Bill Werkheiser (R-Glennville) offered this initiative amending O.C.G.A. § 42-8-66, concerning petitions for exoneration and discharge as a first offender, hearings, and retroactive grant of first offender status. This bill allows individuals sentenced between March 18, 1968 and October 31, 1982 to a period of incarceration not exceeding one year but who would otherwise have qualified for sentencing pursuant to Article 3 of Chapter 8 of Title 42, with the consent of the prosecuting attorney, to petition the superior court in the county in which he or she was convicted for exoneration of guilt and discharge. The Code Section applies to any sentence entered into or after March 18, 1968. One of the chief advocates for this legislation was Georgia Justice Project. Governor Deal signed this legislation as **Act Number 219**; it takes effect on July 1, 2017.

HB 341 – Rep. Bert Reeves (R-Marietta) offered this legislation addressing crimes and offenses and punishments for sexual offenders. Specific changes include:

- O.C.G.A. § 16-5-46, relating to trafficking of persons for labor or sexual servitude, which now includes that an individual commits the offense of trafficking an individual for sexual servitude if he "subjects an individual" to or maintains an individual in sexual servitude; recruits an individual for the purpose of sexual servitude; or solicits "by any means an individual to perform sexually explicit conduct on behalf of such person when such individual is the subject of sexual servitude." These are felony offenses upon conviction and subject to punishment by imprisonment for not less than ten nor more than 20 years. If the violation involves an individual less than 18 years of age, the punishment is increased to not less than 25 nor more than 50 years or life imprisonment. There are also increased penalties for individuals who are 16 or 17 years of age and when an offense is committed on an individual younger than 16 years of age.
- O.C.G.A. § 16-5-47(c) is amended and subsection (e) is repealed. It requires in subsection (c) that the Georgia Bureau of Investigation develop a model notice regarding human trafficking hotline information for businesses and post such on the internet which is to be made available for download on the GBI's website. The Notice is to include information giving individuals a method to contact the National Human Trafficking Hotline and the Statewide Georgia Hotline for Domestic Minor Trafficking.
- O.C.G.A. § 16-6-13, which addresses penalties for violating O.C.G.A. § 16-6-9 through O.C.G.A. § 16-5-12 (relating to prostitution, keeping a place of prostitution, pimping and pandering), changes penalties (allows judicial discretion of those misdemeanor crimes of a high and aggravated nature all but 24 hours of any term of imprisonment imposed to be suspended, stayed or probated).
- O.C.G.A. § 16-12-100(f)(1), relating to sexual exploitation of children, so that violation of the Code Section is not only a felony upon conviction but also adds that "any person punished as provided in this paragraph shall, in addition, is subject to the sentencing and punishment provisions of O.C.G.A. § 17-10-6.2 which is also amended in this legislation. This change addresses split sentencing which includes a minimum term of imprisonment for a sexual offense so that if the court imposes consecutive sentences for sexual offenses, the requirement that the court impose a "probated sentence of at least one year shall only apply to the final consecutive sentence imposed."
- O.C.G.A. § 42-1-12(a)(10)(B.1) is amended, relating to the State Sexual Offender Registry, to make conforming changes and includes a new definition for "dangerous sexual offense" for convictions occurring after June 30, 2017.

Governor Deal signed this bill as **Act Number 194**. The changes take effect on July 1, 2017.

SB 149 – Sen. Emanuel Jones (D-Decatur) offered this bill originally to address training for school resource officers in Chapter 8 of Title 35. The House Public Safety and Homeland Security Committee altered the legislation, adding in language addressing municipal probation officers (adding in part of the language from Sen. Jesse Stone's Bill, SB 217, which remained in the Senate Rules Committee) and prohibited items to be in possession of inmates. The final legislation includes these changes:

- Defines "school resource officers" in O.C.G.A. § 35-8-2 who are "a peace officer whose primary employment or assigned duties with a law enforcement unit is assignment or appointment to a public elementary school or secondary school."
- Adds a new Code Section at O.C.G.A. § 35-8-27 providing that "best practice" for individuals employed or appointed as a school resource officer to "successfully complete a training course for school resource officers approved by the Council," which is 40 hours of training including search and seizure in elementary and secondary schools, criminal offenses, gang awareness, drug awareness, interviews and interrogations, emergency preparedness, and interpersonal interactions with adolescents, including the encountering of mental health issues.
- Amends training and certification of municipal probation officers at O.C.G.A. § 35-8-13.1(a) so that no individual employed or appointed as a municipal probation officer on or after July 1, 2017 is authorized to exercise the power of arrest as a municipal probation officer unless that individual has successfully completed a training course and received certification for municipal probation officers approved by the Georgia Peace Officer Standards and Training Council; "provided, however, that such person shall only exercise the power of arrest upon individuals whom he or she is supervising under Article 6 of Chapter 8 of Title 42, unless such person is certified as a peace officer by the Georgia Peace Officer Standards and Training Council."
- Amends O.C.G.A. § 42-8-107, concerning the uniform professional standards and uniform contract standards, so that individuals employed or appointed as a municipal probation officer on or after July 1, 2017 are not authorized to exercise the power of arrest unless they meet the requirements in O.C.G.A. § 35-8-13.1.
- Revises O.C.G.A. § 42-4-13, adding a definition for the term, 'inmate.' It further adds at subsection (d) that it is unlawful for any person to obtain for, to procure for, or to give to an inmate tobacco or any product containing tobacco without the knowledge and consent of the jailer – persons who violate this are guilty of a misdemeanor. It also adds this prohibition for inmates in O.C.G.A. § 42-5-18(b.1) and at (c) makes it unlawful for an inmate to possess tobacco or any product containing tobacco (in addition to a gun, pistol, or any other weapon, any intoxicating liquor, amphetamines, biphetamines, or any other hallucinogenic drugs or other drugs, a telecommunications device or any other item without the authorization of the warden or superintendent or his or her designee). If a person does provide the inmate such, then he or she is guilty of a felony and upon conviction is to be imprisoned for not less than one nor more than five years. Also, the legislation adds in subsection (e) of this Code Section that it is unlawful for an inmate to possess a "stored value card" or an account number of a stored value card or the personal identification number of a stored value card – if someone provides the inmate such, then he or she is guilty of a felony upon conviction and is to be sentenced to a term of imprisonment of not less than one nor more than ten years unless the judge imposes a misdemeanor sentence pursuant to O.C.G.A. § 17-10-5.

Governor Deal signed this bill as **Act Number 243**; the changes from this Act take effect on July 1, 2017.

SB 174 – Sen. John Kennedy (R-Macon) introduced this legislation which incorporates additional recommendations from the Georgia Council on Criminal Justice Reform. It addresses reforms for individuals supervised under accountability courts, the Department of Community Supervision, and the State Board of Pardons and Paroles. Some of the added changes are:

- O.C.G.A. § 15-1-17(4) to require that the Council of Accountability Court Judges of Georgia provide technical assistance to veterans court divisions including guidance on implementation of risk and needs assessments; it requires the Council of Accountability Court Judges create and manage a certification and peer review process to ensure veterans court divisions are adhering to the Council of Accountability Court Judges of Georgia's standards and practices and to create a waiver process for the veterans court divisions to seek an exception to the Council of Accountability Court Judges of Georgia's standards and practices. It also requires that before any veterans court division (established on and after July 1, 2017) receive State-appropriated funds it is to be certified or receive a waiver from the Council of Accountability Court Judges of Georgia. It also requires that the Council of Accountability Court Judges of Georgia and the Georgia Council on Criminal Justice Reform develop and manage an electronic information system for performance measurement and accept submission of performance data in a consistent format from all veteran court divisions. Also required, on or before July 1, 2018, is that the Council of Accountability Court Judges of Georgia conduct a performance peer review of the veterans court divisions for the purpose of improving veterans court division policies and practices and the certification/recertification process.
- O.C.G.A. § 15-11-70(a)(5)(C) to require that there is a certification process for family treatment court divisions to allow a court to demonstrate its need for additional State grant funds.
- O.C.G.A. § 15-11-212(f) to change required substance abuse treatment and random substance abuse screenings by a parent, guardian, or legal custodian of a child who is adjudicated as dependent so that rather than six months it would be no less than 12 consecutive months and that the parent, guardian, or legal custodian successfully complete programming through a family treatment court division.
- O.C.G.A. § 49-3-6(a) to add a requirement of local county departments in regards to protecting children so that "in collaboration with the family treatment court division planning group, if one exists, establish a written protocol to assess cases involving substantiated reports of abuse or neglect for possible referral to a family treatment court division. Such protocol shall be consistent with the Council on Accountability Courts of Georgia's certification requirements and include sufficient criteria to determine the need for substance abuse treatment."
- O.C.G.A. § 42-2-11(c) to add at (1)(C) that the board of the Department of Corrections is to use evidence-based practices to evaluate the quality of programming at its facilities, except State prisons, by January 1, 2019 and shall also publish a report.
- O.C.G.A. § 42-3-2(g)(3) to require that the Board of Community Supervisions use evidence-based practices to evaluate the quality of its programming at day reporting centers by January 1, 2019. It further permits in (h)(1) that the Board may provide

educational programs for probationers and is required to exercise program approval authority, and at (h)(2) it requires that the Board create a Program and Treatment Completion Certificate that may be issued to probationers to symbolize the probationer's achievements toward successful reentry into society.

- O.C.G.A. § 42-5-36(c) to require that the Commissioner for the Department of Corrections prepare a report of the conduct of record of any inmate serving a sentence for a serious violent felony.
- O.C.G.A. § 42-8-21, regarding Georgia's statewide probation system, to add a definition for 'qualified offense.'
- O.C.G.A. § 42-8-27 to require that community supervision officers be authorized to provide supervision of defendants who are participants in a drug court division, mental health court division, or veterans court division operated by a superior court (as long as sufficient staffing and resources are available).
- O.C.G.A. § 42-8-34(e) to address payment of probation supervision fees and what the court may consider in imposing such (e.g. defendant's earnings and other income; other defendant obligations; etc.) and also when a court is to waive, modify or convert fines, statutory surcharges, probation supervision fees and other moneys assessed by the court or a provider of probation services.
- O.C.G.A. § 42-8-37(c) to address cases where a person receives a probated sentence of three years or more to require that there is a review by the officer responsible for such case with a report to specifically state if the probationer has been arrested for anything other than a nonserious traffic offense as defined in O.C.G.A. § 35-3-37, determining whether the probationer has been compliant with general and special conditions of probation imposed and the status of the probationer's payments toward restitution or any fines and fees imposed.
- O.C.G.A. § 42-9-43(d) to require that if the Board of Pardons and Paroles holds a hearing, it is to provide the district attorney of the circuit in which the person was sentenced 30 days' notice via email of the hearing date and the district attorney or his or designee may attend such hearing and present evidence and also provide the person being considered 30 days' notice so he or she may present evidence to the Board.
- O.C.G.A. § 42-9-44 to require conditions of probation be imposed as conditions of parole when a defendant is serving a split sentence.
- O.C.G.A. § 42-9-46 requires that in cases in which an inmate has failed to serve time required for automatic initial consideration, there are requirements which are to be followed for early consideration. If an objection is filed and the board grants early parole, then the Board is to issue a statement explaining its reasoning for granting such parole and such statement is to be served on any party who filed an objection.
- O.C.G.A. § 42-9-61 to require that after the Board of Pardons and Paroles provides notice of making a final decision on parole or conditional release, the prosecuting attorney and person being considered for relief may make a written request to the Board for the report outlined in O.C.G.A. § 42-9-43(a)(2); the disclosure of this report does not vitiate the confidential nature of the report and does not make this report subject to Georgia's Open Meetings and Records laws in Title 50.

Governor Deal signed the additional Criminal Justice Council reforms as **Act Number 226**; the revisions take effect on July 1, 2017.

SB 250 – Sen. Jeff Mullis (R-Chickamauga) authored this revision to O.C.G.A. § 42-1-15(d) concerning restrictions on registered sex offenders. Under current law, registered sex offenders in other states, visiting Georgia, do not have to comply with Georgia's loitering restrictions in place for sex offenders who are registered in this State. Thus, this change applies loitering restrictions to those individuals who are registered as sexual offenders in other states when visiting Georgia (so they will not be able to loiter within certain distances of child care facilities, churches, schools or areas where minors congregate). Governor Deal approved this change in law as **Act Number 171**, and it takes effect on July 1, 2017.

Legislation Not Passed

HB 53 – Rep. Mary Margaret Oliver (D-Decatur) proposed a bill to change the jurisdiction of the juvenile court by increasing the age at which a person was treated as a child from 17 years to 18 years of age. This change was made throughout the Juvenile Code, including at: O.C.G.A. § 15-11-2, O.C.G.A. § 15-11-7, O.C.G.A. § 15-11-10, O.C.G.A. § 15-11-504, O.C.G.A. § 15-11-560, O.C.G.A. § 15-11-561, O.C.G.A. § 15-11-562, O.C.G.A. § 15-11-565, O.C.G.A. § 15-11-630, O.C.G.A. § 42-5-52, O.C.G.A. § 42-8-35.1, O.C.G.A. § 42-8-35.4, and O.C.G.A. § 42-12-3. The legislation remained in the House Juvenile Justice Committee.

HB 350 – Rep. Alan Powell (R-Hartwell) authored this bill in O.C.G.A. § 42-5-15 to add tobacco to the list of substances that a person was prohibited from bringing within guard lines established at correctional facilities. The first offense would be punishable by a misdemeanor and the second offense would be punishable by a felony conviction. Such persons were to be notified and would be charged if they did not immediately leave the guard lines to rid themselves of the tobacco products. HB 350 was withdrawn and recommitted to the House Public Safety and Homeland Security Committee.

PROFESSIONS/BUSINESSES

Legislation Passed

HB 39 – Rep. Alan Powell (R-Hartwell) offered this legislation making changes regarding real estate appraisers, real estate brokers, and sales persons. It changes O.C.G.A. § 43-39A-14(i) regarding the appraiser's requirements to notify the Board of any conviction within ten days from the date of conviction (presently, it requires the appraiser to immediately provide such notice to the Board). Further, it states that the appraiser's appraiser classification *may* be revoked by the Board 60 days after the conviction unless the appraiser has made a written request during that 60 day period for a hearing. The Board is allowed discretion after the hearing to impose any disciplinary action or sanction. It further states that if the appraiser fails to make a written request for a hearing during the 60 day period after the conviction then the Board, upon discovery of the conviction, "shall have the option of revoking the appraiser's

appraiser classification without the appraiser being entitled to a hearing or the Board in its discretion may impose upon such appraiser any other disciplinary action or sanction permitted by this Chapter or impose no disciplinary action or sanction." The same language provisions regarding convictions also now apply to real estate brokers and sales persons in O.C.G.A. § 43-40-15(i). Governor Deal approved this bill as **Act Number 40**, and it takes effect on July 1, 2017.

HB 41 – Rep. Brett Harrell (R-Snellville) authored this initiative relating to qualifications of applicants for licensure examination or certificate of registration as an architect. The legislation specifically amends O.C.G.A. § 43-4-11. In subsection (b), addressing examinations prepared and graded by the National Council of Architectural Registration Boards (NCARB), candidates for examination are currently required to submit satisfactory evidence of a professional degree in architecture from a school or college approved by the National Architectural Accrediting Board. Alternatively, this legislation permits the candidate to show "active participation in a National Council of Architectural Registration Boards accepted Integrated Path to Architectural Licensure option within a National Architectural Accrediting Board accredited professional degree program in architecture." Further, the legislation adds a new subsection (e) so that "no certificate of registration shall be issued to an applicant under this article, if he or she was a candidate for examination under the provisions of paragraph (1) of subsection (b) of this Code section, unless and until such applicant for certification shows the board satisfactory evidence of a professional degree in architecture from a school or college approved by the National Architectural Accrediting Board." It also requires that the Board of Architecture promulgate necessary rules and regulations. HB 41 was signed as **Act Number 41**; it takes effect on July 1, 2017.

HB 154 – Rep. Sharon Cooper (R-Marietta) negotiated a compromise on this issue involving the scopes of practice for dentists and dental hygienists after similar legislation failed in 2016. This bill authorizes licensed dental hygienists to perform certain functions under general supervision in certain settings in O.C.G.A. § 43-11-74. The legislation outlines definitions for the terms, 'direct supervision' and 'general supervision.' In subsection (e), it states that the requirement of direct supervision is not to apply to the performance of dental hygiene duties at approved dental facilities of the Department of Public Health, county boards of health, or the Department of Corrections or the performance of dental hygiene duties by personnel of the Department of Public Health or county boards of health at approved offsite locations. At (f)(2), it states that the requirement of direct supervision is not to apply to the performance of licensed dental hygienists providing dental screenings in settings which include: schools; hospitals; clinics; state, county, local and federal public health programs; federally qualified health centers; volunteer community health settings; senior centers; and family violence shelters. It outlines those duties which a dental hygienist may perform in a private dental office setting under general supervision at subsection (g). It outlines at subsection (h) the duties which the licensed dental hygienist may perform in school settings (Title I schools with 65 percent of the student population eligible for free or reduced price lunch under federal guidelines, Head Start programs and Georgia's Pre-K programs) which are the application of topical fluoride and the performance of the application of sealants and oral prophylaxis with written permission of the student's parent or guardian. The dental hygienist may, without

prior written permission from the parent or guardian, provide oral hygiene instruction and counseling. Subsection (i) provides that the licensed dental hygienist, under general supervision, may apply fluoride and sealants, and perform oral prophylaxis to individuals in hospitals, nursing homes, long-term care facilities, rural health clinics, federally qualified health centers, health facilities operated by federal, State, county or local governments, hospices, family violence shelters, and free health clinics. Subsection (j) prohibits a licensed dental hygienist from providing services if the patient has dental pain or clearly visible evidence of widespread dental disease and is to immediately refer such patient to the authorizing licensed dentist for clinical examination and treatment; requires that prior to providing services, obtain, study, and comprehend the school's or facility's protocols and procedures regarding medical emergencies and implement and comply with such protocols and procedures if such medical emergency arises during the provision of dental hygiene services; provide each patient a written notice with the name and license number of the licensed dental hygienist and authorizing licensed dentist, an outline of any dental hygiene issues found during the performance of services and whether the patient cannot receive services because the patient needs a clinical examination by the dentist and the dentist provides those services and such are documented, and includes a statement advising the patient to seek a thorough clinical examination by a licensed dentist within 90 days. Records are to be kept in the student/patient's file. It also requires that dental hygienists who perform services under general supervision have at least two years of experience in the practice of dental hygiene and are compliant with continuing education requirements and cardiopulmonary resuscitation certification. These dental hygienists providing services under general supervision are to maintain professional liability insurance. It further limits a licensed dentist to authorize up to four licensed dental hygienists at any one time, and requires that the licensed dentist who authorizes the licensed dental hygienist in performing duties under general supervision be required to practice dentistry and treat patients in a physical and operational dental office located (in Georgia) within 50 miles of the setting where the services by the hygienist are performed. In subsection (m), dental hygiene services provided by licensed dental hygienists in mobile dental vans are to be performed under direct supervision. The Department of Community Health is tasked with collecting data on utilization rates for dental services provided to Medicaid recipients and make that available to the General Assembly. The Georgia Board of Dentistry is required to provide a report to the House Committee on Health and Human Services and the Senate Health and Human Services Committee on January 1 of years 2018, 2019 and 2020 on the number of licensed dentists who have dental hygienists under general supervision in particular settings as permitted. Governor Deal signed this bill as **Act Number 177**; it takes effect on January 1, 2018.

HB 157 – Rep. Trey Kelley (R-Cedartown) introduced this bill, addressing medical practice, which repeals O.C.G.A. § 43-34-22.1 relating to the requirements of advertising or publicizing of medical specialty certifications held by a physician. Governor Deal signed this legislation into law as **Act Number 59**; it takes effect on July 1, 2017.

HB 165 – Rep. Betty Price, MD (R-Roswell) offered this measure which adds a new Code Section at O.C.G.A. § 43-34-46 to address physicians' "maintenance of certification" which is defined as a "continuous professional development program through which physicians certified

by one or more of the medical specialty boards of the American Board of Medical Specialties or American Osteopathic Association maintain specialty certification." It clarifies that nothing in Georgia law requires a physician to secure "maintenance of certification as a condition of licensure to practice medicine as a prerequisite for employment in State medical facilities, reimbursement from third parties, or malpractice insurance coverage." Governor Deal signed this bill as **Act Number 180**; it takes effect on July 1, 2017.

HB 486 – Rep. Tommy Benton (R-Jefferson) authored this initiative to provide for training of "proxy caregivers" in O.C.G.A. § 43-26-12(a). It outlines that the training curricula is to be selected and approved by the Departments of Behavioral Health and Developmental Disabilities and Community Health "for the purpose of implementing the health maintenance activity of medication administration to be implemented by such proxy caregivers employed or contracted to providers of home and community based services, community residential alternative services, or community living services." It further delineates that "good faith efforts by an attending physician, advanced practice registered nurse, physician assistant, registered professional nurse, or providers of home and community based services and other persons approved by the department to provide training to proxy caregiver to perform health maintenance activities shall not be construed to be professional delegation." Governor Deal signed this bill as **Act Number 218**. The changes in this legislation take effect on July 1, 2017.

SB 41 – Sen. Renee Unterman (R-Buford) authored this initiative to license durable medical equipment suppliers in O.C.G.A. § 26-4-51. A definition for 'durable medical equipment' is added at O.C.G.A. § 26-4-5(14.04) which means: "equipment for which a prescription is required, including repair and replacement parts for such equipment, and which: (A) can withstand repeated use; (B) has an expected life of at least three years; (C) is primarily and customarily used to serve a medical purpose; (D) generally is not useful to a person in the absence of illness or injury; and (E) is appropriate for use in the home." At O.C.G.A. § 26-4-51(a), it requires that "any person who supplies durable medical equipment to a consumer and submits a claim for reimbursement by a third-party, either directly or through a contractual arrangement, shall possess a durable medical supplier licensed" issued by the Board of Pharmacy – a license is in effect once issued for 36 months and is not transferrable or assignable. The entity is required to maintain an office or place of business in Georgia. The Board of Pharmacy is provided the ability to issue a license to a "Medicare enrolled out-of-state manufacturer or wholesale distributor that provides durable medical equipment directly to consumers if such manufacturer or wholesale distributor possesses a valid license from another state." There are exemptions from licensure outlined in (g) which include these: (1) pharmacies and pharmacists; (2) hospitals; (3) ambulatory surgical centers; (4) healthcare facilities owned or operated by the State or federal government; (5) skilled nursing facilities; (6) assisted living facilities; (7) healthcare practitioners who: (A) provide durable medical equipment within the scope of practice of the health care practitioner's profession; and (B) are licensed in Georgia to practice the healthcare practitioner's profession; (8) suppliers of insulin infusion pumps and related supplies or services; (9) manufacturers or wholesale distributors that do not sell or rent durable medical equipment directly to consumers; (10) renal dialysis providers and persons or entities that distribute devices necessary to perform home renal dialysis to patients with chronic

kidney disease; and (11) suppliers of osteogenesis stimulators, transcutaneous electrical; nerve stimulators, pneumatic compression devices, and related supplies or services. Governor Deal signed this licensure requirement as **Act Number 230**; it takes effect on July 1, 2017.

SB 47 – Sen. Chuck Hufstetler (R-Rome) offered this measure concerning physicians, physician assistants and athletic trainers. It provides for licensure exemption for visiting sports teams' physicians, physician assistants and athletic trainers in O.C.G.A. § 43-34-29.3 when the providers are licensed in good standing to practice in another state and if the provider has a written or oral agreement with the sports team to provide care to the team members and coaching staff traveling with the team for a specific sporting event to take place in Georgia or if the provider has been invited by a national sport governing body to provide care to team members and coaching staff at a national sport training center in Georgia or during an event or competition in the State which is sanctioned by that national sport governing body under certain conditions. The law also outlines the duration of the exemption (ten days per sporting event with a maximum of 20 additional days per sporting event with a prior written request to the Georgia Board of Athletic Trainers, as appropriate, but not to exceed 30 days). Governor Deal signed this initiative as **Act Number 207**, and the Act takes effect on July 1, 2017.

SB 52 – Sen. P.K. Martin, IV (R-Lawrenceville) authored this legislation which repeals the sunset in the current law allowing licensed professional counselors to perform 1013 examinations and make those certifications. Under present law, these licensed professional counselors would be required to end such practice on June 30, 2018. With the repeal of the sunset, the licensed professional counselors may continue to perform such mental health examinations after June 30, 2018. Originally, this law, created by SB 65 from 2013, expanded who could perform these mental health examinations – at that time, only a physician, psychologist, clinical social worker, or clinical nurse specialist in psychiatric/mental health could perform any act specified under O.C.G.A. § 37-3-41 and O.C.G.A. § 37-7-41. SB 65 allowed such to be performed also by a licensed professional counselor (for not only mental health treatment but also those requiring alcohol or substance abuse treatment) but limited the practice until the June 30, 2018. Governor Deal signed this legislation as **Act Number 231**; it took effect on signature on May 9, 2017.

SB 96 – Sen. Ben Watson, MD (R-Savannah) authored this legislation authorizing the pronouncement of death by registered professional nurses, nurse practitioners, or physician assistants (in addition to physicians) of patients in nursing homes and hospices if those patients are organ donors. These changes are made at O.C.G.A. § 31-7-16 and O.C.G.A. § 31-7-176.1. Additionally, the legislation amends O.C.G.A. § 31-10-16(a), concerning the criteria for determining death and immunity from liability, so as to also add a nurse practitioner and advanced practice registered nurse be permitted to make such pronouncement (in addition to a qualified physician, registered professional nurse, and physician's assistant) if it is determined that the individual has sustained either (1) irreversible cessation of circulatory and respiratory function; or (2) irreversible cessation of all functions of the entire brain, including the brain stem. It further amends O.C.G.A. § 45-16-25(a)(1) relating to a coroner's or county medical examiner's duties after notice of suspicious or unusual death. It adds the nurse practitioner, advanced practice registered nurse and physician's assistant so that if a registered professional

nurse, nurse practitioner, advanced practice registered nurse, or physician's assistant authorized to make a pronouncement of death under O.C.G.A. § 31-10-16 or a qualified physician is not available, a coroner, deputy coroner, or medical examiner's investigator may make a pronouncement of death at the investigation scene, if, and only if, one or more the following conditions is met: "(A) the body is in a state of rigor mortis with lividity present; (B) the body is in a state of decomposition evidenced by a component of putrefaction; (C) the body is skeletonized or (4) death has been established by qualified emergency medical services personnel." Governor Deal signed this bill as **Act Number 236** and the changes take effect on July 1, 2017.

SB 106 – Sen. Greg Kirk (R-Americus) introduced this initiative addressing staffing at pain management clinics in O.C.G.A. § 43-34-283(g). Under current law, it states in subsection (g) that "no pain management clinic shall provide medical treatment or services, as defined by the board, unless a physician, a physician assistant authorized to prescribe controlled substances under an approved job description, or an advanced practice registered nurse authorized to prescribe controlled substances pursuant to a physician protocol is on-site at the pain management clinic." This bill added that this limitation would "not apply to a certified registered nurse anesthetist practicing pursuant to Code Section 43-26-11.1, so long as (1) the patient has previously been examined by a physician and such physician has issued a written order for such patient to receive medical treatment or services and (2) the pain management clinic has obtained written consent of the patient prior to any medical treatment or services being provided by the certified registered nurse anesthetist regarding the medical treatment or services to be performed, the risks of the medical treatment or services to be performed, and that a physician may or may not be on-site." Governor Deal approved this bill as **Act Number 237**; it takes effect on July 1, 2017.

SB 125 – Sen. Rick Jeffares (R-McDonough) offered this legislation addressing prescriptive authority rights for physician's assistants. The legislation, touted as perhaps one of the most narrow in the country, seeks to authorize a physician to delegate to a physician assistant the authority to prescribe hydrocodone compound products in O.C.G.A. § 43-34-103(e.1) as long as the physician assistant has a job description providing the authority to issue a "single nonrefillable prescription drug order for a hydrocodone compound product so long as such nonrefillable prescription drug order is not in excess of a five-day supply consisting of not more than the lesser of 30 tablets or 300 milligrams of hydrocodone." If this drug is for a patient under the age of 18, the order is not to exceed a five-day supply consisting of not more than the lesser of 30 pills or 100 milligrams. Physician assistants with this delegated authority are required to complete three hours of continuing education biennially in the "appropriate ordering and use of Schedule II controlled substances." Governor Deal **vetoed** this measure as **Veto Number 8**. In his veto message, Governor Deal noted this legislation "would add several thousand prescribers to our healthcare system, and as a result, create the potential for hundreds of thousands more opioid prescriptions to be issued." Georgia is already plagued with an opioid abuse problem and "this change is incongruent with the State's efforts to quell that problem."

SB 153 – Sen. Matt Brass (R-Newnan) authored this legislation which originally proposed the deregulation of over-the-counter sales of hearing aids in Title 43. The legislation was "gutted" in the House Regulated Industries Committee and became a vehicle for optometrists who sought permission in their scope of practice to provide injections around the eye. Governor Deal signed this legislation into law on May 9, 2017 as **Act Number 244** and also issued an Executive Order relating to this legislation to require that the Department of Public Health, through its Commissioner and State Health Officer, provide guidance to the Board of Optometry on the appropriate curriculum required to be included for optometrists to be trained regarding injectables around the eye. The legislation adds the permission for the optometrists' scope of practice at O.C.G.A. § 43-30-1(2). Doctors of optometry *may* administer pharmaceutical agents related to the diagnosis or treatment of diseases and conditions of the eye and adnexa oculi by injection except for sub-tenon, retrobulbar, peribulbar, facial nerve block, subconjunctival anesthetic, dermal filler, intravenous injections, intramuscular injections, intraorbital nerve block, intraocular, or botulinum toxin injections with a current license or certificate of registration and shows successful completion of an injectables training program consisting of a minimum of 30 hours approved by the board; or is enrolled in injectables training program sponsored by the school or college of optometry credentialed by the United States Department of Education and the Council on Postsecondary Accreditation; and is under the direct supervision of a licensed physician and board certified in ophthalmology. It takes effect on July 1, 2017.

SB 242 – Sen. Renee Unterman (R-Buford) proposed this amendment to O.C.G.A. § 43-34-25(g) and adds new subsections at (g.1) and (g.2), regarding the delegation of medical acts to advanced practice registered nurses. The amendment made in (g), which states that except as otherwise provided now in subsections (g.1) and (g.2), outlines the exceptions from limits the delegating physician from entering a nurse protocol agreement with more than four advanced practice registered nurses (hospital, college university, Department of Public Health, county board of health, community service board, free health clinic, birthing center, federally qualified health center, local board of education with a school nurse program, and a health maintenance organization with an exclusive contract with a medical group practice and arranges for the provision of substantially all physician services to enrollees in health benefits of the health maintenance organization), and adds another exemption for emergency medical services systems operated by, or on behalf of, any county municipality, or hospital authority with a full-time medical director and who does not order drugs. Under new provisions in (g.1), a delegating physician may not enter into a nurse protocol agreement with more than eight advanced practice registered nurses at any one time, may not supervise more than four advanced practice registered nurses at any one time pursuant to a nurse protocol agreement, and is not permitted to conduct any meetings, observations or review of medical records if the advanced practice registered nurses practice in a location that: (1) maintains evidence-based clinical practice guidelines; (2) accredited by an accrediting body approved by the board (e.g. Joint Commission); (3) requires the delegating physician to document and maintain a record of review of at least 10 percent of the advanced practice registered nurses' medical records to monitor quality of care provided to patients (electronically or onsite); (4) requires the delegating physician and advanced practice registered nurse to participate in and maintain documentation of quarterly clinical collaboration meetings (phone, in person, onsite for

purpose of monitoring care of the patient); and (5) requires the delegating physician's name, contact information and record of the visit to be provided to the patient's primary care provider of choice with the patient's consent within 24 hours of the visit. In (g.2), it prohibits a delegating physician to enter a nurse protocol agreement with more than eight advanced practice registered nurses at any one time or supervise more than four advanced practice registered nurses at any one time in any emergency medical services system operated by, or on behalf of, any county, municipality, or hospital authority with a full-time medical director. Governor Deal signed this bill as **Act Number 274** which takes effect July 1, 2017.

Legislation Not Passed

HB 36 – Rep. Earl Ehrhart (R-Powder Springs) proposed this bill to amend O.C.G.A. § 43-30-1 providing that injectible pharmaceutical agents (for eyes) may only be administered by a licensed doctor of optometry or a doctor of optometry enrolled in an approved injectibles training program. The legislation remained in the House Health and Human Services Committee. [See SB 153 which passed and became **Act Number 244**.]

HB 239 – Rep. Lee Hawkins (R-Gainesville) authored this legislation in O.C.G.A. § 43-14-6 which would have authorized the Division of Low-voltage Contractors to require persons seeking license renewal to complete board approved continuing education of not more than four hours annually. Continuing education courses conducted by manufacturers specifically to promote their products were not to be approved. HB 239 remained in the House Regulated Industries Committee.

HB 416 - Rep. Earl Ehrhart (R-Powder Springs) authored this legislation which sought to amend O.C.G.A. § 43-30-1(2) to authorize doctors of optometry to administer pharmaceutical agents by injection, related to the diagnosis or treatment of diseases and conditions of the eye and adnexa oculi, except for sub-tenon, retrobulbar, peribulbar, intraorbital nerve block, intraocular, or botulinum toxin injections. It remained in the House Health and Human Services Committee. [See SB 153 which passed and was signed as **Act Number 244**.]

HB 475 – Rep. Buddy Harden (R-Cordele) authored this legislation which provided at O.C.G.A. § 43-17-8.1 that operators of outdoor collection receptacles for charitable solicitations were required to obtain written permission from the owner(s) of the property on which the operators wants to place a receptacle. The operator was to maintain copies of such permission form and any failure to get permission would require the immediate removal of such receptacles. It also required that the receptacles be emptied at least every two weeks. This bill passed the House, but remained in the Senate Rules Committee.

HB 501 – Rep. Jan Tankersley (R-Brooklet) proposed this bill to create in a new Chapter 40A the Georgia Board of Recreational Therapy. The Board was to consist of five members and would be responsible for establishing rules and regulations and the licensing of recreational therapists in Georgia. Recreational therapists would have provided consultation, evaluation, prevention, wellness, education, adaptive sports and recreation, and related services. HB 501 remained in the House Regulated Industries Committee. [Note new professions are required to

go before the Georgia Occupational Regulation Review Council https://opb.georgia.gov/georgia-occupational-regulation-review-council]

HB 509 - Rep. Paulette Rakestraw (R-Powder Springs) authored this legislation amending Titles 10 and 37 and adding a new Article 35 in Chapter 1 of Title 10 to be titled the "Human Trafficking Prevention Act." It sought to prohibit retailers, at O.C.G.A. § 10-1-920, from selling or leasing products that make Internet content accessible unless the product contains a digital blocking capability, which blocks access to obscene material, child pornography, revenge pornography, and websites known to facilitate prostitution. The bill also contained an accompanying amendment to Article III, Section IX, Paragraph VI(q) of the Georgia Constitution that would have allowed for remitted fees to be allocated to the Georgia Mental Health and Addiction Treatment Fund. HB 509 remained in the House Judiciary Committee.

HB 616 – Rep. Alan Powell (R-Hartwell) sponsored this bill to amend O.C.G.A. § 43-38-3 by providing that the duties of private detectives and security agents in Georgia include the application of electronic tracking devices, so long as application of such devices do not violate the law or when such devices are not under the protection of a protective order. HB 616 remained in the House Regulated Industries Committee.

HB 636 – Rep. Sharon Cooper (R-Marietta) offered this legislation which would have been cited as the "Genetic Counselors Act." It proposed licensure of genetic counselors by the Georgia Composite Medical Board. A continuing education requirement of not less than 40 hours biennially is also added at O.C.G.A. § 43-34-11. It remained in the House Health and Human Services Committee. [Note new professions are required to go before the Georgia Occupational Regulation Review Council https://opb.georgia.gov/georgia-occupational-regulation-review-council]

HB 637 – Rep. Debra Silcox (R-Sandy Springs) authored this legislation to create an interstate compact to be called the "Interstate Medical Licensure Compact" in a new Article 11 of Chapter 34 of Title 43. The Georgia Composite Medical Board was to have the authority to administer the compact, which was meant to "develop a comprehensive process that complements existing licensing and regulatory authority of state medical boards, provides a streamlined process that allows physicians to become licensed in other states, thereby enhancing the portability of a medical license and ensuring the safety of patients." HB 637 remained in the House Health and Human Services Committee.

SB 2 – Sen. Mike Dugan (R-Douglasville) carried this effort for the Senate Leadership which sought to create "FAST Act - Fairness, Accountability, Simplification, and Transparency - Empowering Our Small Businesses to Succeed" in Titles 36, 43 and 50. In part, the legislation would have modified the imposition of regulations on businesses and professions at the State and local levels; provided for schedules of fees and timelines for permits, licenses, and other regulatory requirements; provided for reduced fees when such deadlines were not met; and provided expedited processing of licenses and permits. The legislation was recommitted to the House Small Business Development Committee.

SB 12 – Sen. Renee Unterman (R-Buford) proposed this legislation to make changes in Chapter 11 of Title 43 to authorize licensed dental hygienists to perform certain functions under general supervision, rather than direct supervision, by dentists, in certain settings. The legislation remained in the House Health and Human Services Committee. [See HB 154 by Rep. Sharon Cooper (R-Marietta) which was passed and became **Act Number 177** and takes effect on July 1, 2017.]

SB 166 – Sen. Renee Unterman (R-Buford) proposed this legislation to create the "Nurse Licensure Compact" at Chapter 26 of Title 43. The legislation passed the Senate and then remained in the House Health and Human Services Committee. [See also HB 402, addressing the Nurse Licensure Compact, which did not pass by Rep. Sharon Cooper (R-Marietta).]

SB 220 – Sen. Renee Unterman (R-Buford) authored this bill which sought to repeal O.C.G.A. § 43-34-22.1, relating to requirements for advertising or publicizing of medical specialty certification. It cleared the Senate Health and Human Services Committee but remained in the Senate Rules Committee. [See HB 157 by Rep. Trey Kelley (R-Cedartown) which passed and was signed as **Act Number 59** and takes effect on July 1, 2017.]

SB 221 – Sen. Renee Unterman (R-Buford) offered this proposal which would have amended O.C.G.A. § 43-30-1, relating to the scope of practice for optometrists, so as to authorize doctors of optometry to administer pharmaceutical agents by injection under certain limitations and requirements. The bill passed the Senate and was then assigned to the House Health and Human Services Committee where it remained. [See SB 153 which was "gutted" and used as a vehicle for this language although originally SB 153 proposed to allow for over-the-counter sales of hearing aids. SB 153 passed and became **Act Number 244** and takes effect on July 1, 2017.]

SB 230 – Sen. Josh McKoon (R-Columbus) introduced this bill to incorporate several changes into Title 31. Changes included in the proposal were to: provide for requirements of physicians performing or inducing an abortion to have certain hospital admitting privileges; require physicians performing or inducing an abortion to provide certain information to the pregnant woman; and provide for the regulation of abortion inducing drugs. It remained in the Senate Health and Human Services Committee.

SB 231 – Sen. Josh McKoon (R-Columbus) authored this bill amending Titles 15, 20, 40, 43 and 48 which would have required that a person who is not a United States citizen would not be permitted admission to the practice of law or be a duly licensed attorney at law in Georgia unless he or she possessed a lawful alien status. Similar provisions would have been added so that certificated professional personnel employed by Georgia schools would also have been required to be citizens or have lawful alien status. It further would have required individuals to be eligible for the HOPE scholarships and grants by citizens or have lawful alien status. It remained in the Senate Judiciary Committee.

SB 295 – Sen. Curt Thompson (D-Tucker) proposed a new Chapter 52 in Title 43 to create the "Georgia Retail Marijuana Code." It would have provided for the regulation of the retail sale

of marijuana which would have been overseen by the Department of Revenue. The initiative remained in the Senate Health and Human Services Committee.

SB 296 – Sen. Curt Thompson (D-Tucker) also authored this bill which would have created a new Article 5 in Chapter 34 of Title 43 to be known as the "Controlled Substances Therapeutic Relief Act." In part, it sought to allow the public to provide input as to which diseases could be treated with medical marijuana. The bill remained in the Senate Health and Human Services Committee.

PROPERTY/LIENS

Legislation Passed

HB 337 – Rep. Bruce Williamson (R-Monroe) authored this legislation creating the "State Tax Execution Modernization Act." Several changes are incorporated within this "modernization" effort including:

- O.C.G.A. § 48-2-56, relating to revenue and taxation concerning priority of liens for taxes, which in part adds at subsection (e) that liens for taxes, relating to certain income taxes, are to (1) arise and attach to all property of the taxpayer within the State as of the time a tax execution for these taxes is filed with the clerk of the superior court of the county of the last known address of the taxpayer appearing on the records of the department as of the time the State tax execution is filed; and (2) not attach to the interest of a prior bona fide purchase where a certificate of clearance is required and has been obtained or where a certificate of clearance is not required pursuant to O.C.G.A. § 44-1-18 nor be superior to the lien of a prior recorded instrument securing a bona fide debt. It also adds a part of the changes in this Code Section to a new subsection (i) so as to require that all executions, liens, releases, cancellations, or other related documents issued by the Department to be filed with the superior court clerk be filed electronically and the appropriate fees are to be paid as provided in O.C.G.A. § 15-6-77(f).
- O.C.G.A. § 48-2-59(b), relating to the appeals to the Georgia Tax Tribunal, so that in addition to a taxpayer being able to appeal by filing a petition with the Georgia Tax Tribunal or the superior court within 30 days from the date of decision by the Commissioner, such may be filed at any time after the Department records a State tax execution pursuant to O.C.G.A. § 48-3-42.
- O.C.G.A. § 48-3-21, concerning statute of limitations for tax executions, is changed so as to eliminate State tax executions from enforcement within seven years as current law provides.
- O.C.G.A. § 48-3-28 requires that an entry of satisfaction be made on the lien docket in the office of the Clerk of the Superior Court (rather than on the execution docket) unless otherwise provided for in Chapter 3 of Title 48.
- O.C.G.A. § 48-3-40 et seq., adding a new Article 2 in Chapter 30 of Title 48, creates a uniform statewide system for filing notices of State tax executions issued by the Commissioner that are in favor of or enforced by the Department. In part, it adds at

O.C.G.A. § 48-3-42(a) that "on or after January 1, 2018, the execution shall be effective as provided by law when such execution is filed by the Department with the appropriate superior court clerk." Also at (b), it adds that "all executions or writs of fieri facias issued by the Department filed or recorded on the general execution docket or lien docket of any county shall be invalid as of December 31, 2017. Any such execution or writs of fieri facias which the Department does not show as satisfied, issued in error, or otherwise withdrawn and which was last recorded or rerecorded on the general execution docket within seven years before January 1, 2018, may be renewed for a period of ten years upon the Department's filing a renewed State tax execution with the clerk of superior court on or after January 1, 2018. For priority purposes, a filed, renewed, state tax execution shall retain its original date of filing on the general execution docket or lien docket. All renewed State tax execution documents shall reflect the original date of filing."

- O.C.G.A. § 48-3-43 requires that the Department maintain information on its information management system regarding executions that is readily accessible to the public. It further establishes in subsection (b) that there is a system of "official statuses" for executions with these categories: active; withdrawn; released; refiled; and expired.
- O.C.G.A. § 48-3-44 outlines the "release status" and establishes that a "certificate of clearance issued by the Department shall be deemed an effective release of an execution." Further, the Department is to provide to the delinquent taxpayer, within 30 days of the date of payment, a notice of the release of the execution and shall also cause a release of the execution to be filed with the appropriate superior court clerk.
- O.C.G.A. § 15-6-97.3 requires that the Georgia Superior Court Clerks' Cooperative Authority, or its designated agent, is to revise the statewide uniform automated information system for real and personal property records as provided in O.C.G.A. § 15-6-97 to provide for the inclusion in such system functionality for State tax executions and renewed State tax executions electronically filed with the clerk of the superior court.
- O.C.G.A. § 44-1-18 adds at subsection (b) that "prior to the conveyance of real property upon which a title is transferred, any holder of a fee simple interest in real property, licensed attorney at law, or title insurance company shall be entitled to, upon request from the Department: (1) a certificate of clearance or (2) a statement of lien." It further outlines in this Code Section how requests for certificate of clearance are to be made to the Department (e.g. in writing; information about the property; information about the requestor such as name, address, email and telephone number; etc.).
- O.C.G.A. § 44-2-2, concerning duties of clerks to record property transactions" are changed to require that the clerk of superior court file, index and permanently record State tax executions and State tax execution renewals. It also outlines the specifics to be followed in indexing these documents.

Governor Deal signed HB 337 as **Act Number 257**. The Act takes effect on January 1, 2018.

HB 434 – Rep. Wendell Willard (R-Sandy Springs) authored this bill which adds an exception, relative to the powers of eminent domain to the requirement that condemnations not be converted to any use other than a public use for 20 years from the initial condemnation and outlines the process to be followed in O.C.G.A. § 22-1-15 for a condemnor seeking to condemn property for public use. The process is to file a petition in the superior court of the county having jurisdiction for a judgment *in rem* against such property seeking a determination as to whether the property is blighted property. Notice provisions are outlined in this Code Section and also grants the court discretion if it seems "to be in the interest of justice" for additional notice. The court's order is to describe the blighted property and contain a statement of the then current approved land use of the property, or in the case of vacant property, the last lawful use of the property when occupied and the property's future use which is to be restricted to the same land use as stated in the order for a period of five years from the date of the judge's order. Governor Deal signed this measure as **Act Number 265**; it takes effect on July 1, 2017.

SB 46 – Sen. William Ligon, Jr. (R-Brunswick) introduced this legislation which originally addressed tort actions involving space flight activities in Title 51. In the end, SB 46 addresses Titles 9, 44 and 46 regarding condominium associations and language relating to telephone cooperatives. Much of the language regarding telephone cooperatives was originally contained in HB 413 by Rep. Don Parsons (R-Marietta) which as passed did not contain such language. The final version of SB 46:

- Revises current law at O.C.G.A. § 9-3-29(c) concerning limitations of actions relative to breach of restrictive covenant so that the right of action "shall accrue immediately upon the erection of a permanent fixture which results in a violation of the covenant restricting lands to certain uses or the violation of a set-back line provision." It also now ads that when an "alleged violation or complaint is based upon a continuous violation of the covenant resulting from an act or omission, the right of action shall accrue each time such act or omission occurs."
- Adds at O.C.G.A. § 44-3-89 a new subsection (c) regarding expansion of condominiums and amendments to declarations – it provides for an expansion of a condominium after the declarant's right to expand has expired and the process to allow for such (requiring that two-thirds of unit owners votes). The legislation also addresses subsection (c) of O.C.G.A. § 44-3-101 and allows the right to control of the condominium association pass to the unit owners if the declarant fails to do any of the following: (A) incorporate or maintain an annual registration; (B) cause the board of directors to be duly appointed and the officers to be elected; (C) maintain and make available to owners, upon written request, a list of names and business or home addresses of the association's current directors and officers; (D) call meetings of the members of the association pursuant to its bylaws at least annually; (E) prepare an annual operating budget and establish the annual assessment, and distribute the budget and notice of assessment to owners no later than 30 days after the beginning of the association's fiscal year; or (F) pay property taxes on common property of the condominium for two or more years. It also allows a derivative action to be filed if the declarant fails to cure any or all deficiencies within 30 days of notice by the owners –

this action is to be filed in the superior court of the county in which any portion of the condominium is located in order to obtain a declaratory judgment to grant the owner or owners control of the association.

- Adds a new Code Section at O.C.G.A. § 44-3-232.1.
- Revises O.C.G.A. § 44-5-60 adding a new subsection (d) , relating to covenants running with the land, effect of zoning laws, covenants and scenic easements for use of public, renewal of certain covenants, and costs, so as to address planned subdivisions with no fewer than 15 individual lots and the right of control of such when there is a failure to do any of the following:(A) incorporate or maintain an annual registration; (B) cause the board of directors to be duly appointed and the officers to be elected; (C) maintain and make available to owners, upon written request, a list of names and business or home addresses of the entity's current directors and officers; (D) call meetings of the members of the entity pursuant in accordance to its covenants; (E) prepare an annual operating budget and establish the annual assessment, and distribute the budget and notice of assessment to plot owners no later than 30 days after the beginning of the entity's fiscal year; or (F) pay property taxes on common property of the planned subdivision for two or more years. This also outlines a process to file an action in superior court if there is a failure to cure deficiencies.
- Adds a new Code Section at O.C.G.A. § 44-12-236.1 relating to telephone cooperatives to address patronage dividends or capital credits held by such entities and when they are presumed to be abandoned so that such property may be donated to a nonprofit organization which supports education or economic development in the area (the telephone cooperative is to maintain on its website for at least six months a public posting of the names and last known addresses of all property owners and published the list in the legal organ of the county in which the telephone cooperative's main office is located and the last date to claim property presumed to be abandoned.
- Adds a new Code Section at O.C.G.A. § 46-5-64.1 regarding the acquisition and loss of property relating to public utilities and public transportation. Venue in proceedings against a cooperative is to be determined in accordance with the State's constitution. Unless otherwise required by the State's constitution, the cooperative may be sued only in the county of its residence.
- Amends O.C.G.A. § 46-5-78, regarding the telephone cooperative bylaws. The change allows provides the board of directors the power to alter, amend, or repeal the bylaws or adopt new bylaws.
- Adds a new Code Section at O.C.G.A. § 46-5-92.1 permitting upon the death of a member or former member, the board of directors has the authority but is not required, to pay revenues allocated but not previously paid to such member or former member. It further outlines what that process is if the member or former member dies testate or intestate.

Governor Deal approved this legislation as **Act Number 173**; it takes effect on July 1, 2017.

SB 87 – Sen. Blake Tillery (R-Vidalia) proposed this initiative addressing O.C.G.A. § 44-13-100(a), relating to exemptions for purposes of bankruptcy and intestate insolvent estates. It adds assets in health savings accounts and medical savings accounts to the list of property

exempt from bankruptcy. It also adds in subsection (d) that after closing a case relating to bankruptcy, the debtor or his or her receiver or trustee or any interested party may file with a clerk of court where a judgment lien is recorded an affidavit of lien release and attach a certified copy of the discharge of such bankrupt or debtor and a lien avoidance order, or a certified copy of the order of confirmation of a plan and the plan as confirmed, together with a copy of the portions of the schedules filed by the debtor in the bankruptcy case listing the judgment creditor and identifying property is exempt. Further, the filer is to certify that no order has been entered in the bankruptcy limiting the discharge as to the judgment or retaining the judgment lien. After the filing of the affidavit, then the lien of such judgment is to be deemed cancelled as any property identified as exempt and for which a lien avoidance order was issued; or re-vested in the debtor without lien retention under a plan and any other property acquired by the debtor after the filing of the bankruptcy petition. Governor Deal approved this bill as **Act Number 234**; it takes effect July 1, 2017.

Legislation Not Passed

HB 203 - Rep. Brian Strickland (R-McDonough) introduced this measure which would have addressed limitations of actions relative to breach of restrictive covenant in O.C.G.A. § 9-3-29(c) so that the right of action would accrue immediately upon the erection of a permanent fixture which results in a violation of the covenant restricting lands to certain uses or the violation of a set-back line provision. It further amended O.C.G.A. § 44-3-89 relating to the expansion of a condominium after the declarant's right to expand has expired and provided for procedures for such expansion. It remained in the Senate Judiciary Committee.

HB 649 – Rep. Sam Teasley (R-Marietta) authored this legislation which sought to amend O.C.G.A. § 44-3-80 to provide that condominiums that maintain an internet website would be required to disclose a listing of all fees that a purchaser of a unit would be expected to pay at closing on such unit. The list included closing letter fees, special assessments, initiation fees, move-in fees, and similar charges. It remained in the House Judiciary Committee.

SB 71 – Sen. Jesse Stone (R-Waynesboro) authored this bill which originally proposed changes to O.C.G.A. § 44-13-100, relating to exemptions for purposes of bankruptcy and intestate insolvent estates, so as to add assets in health savings accounts and medical savings accounts to the list of property that is exempt from bankruptcy. It passed the Senate with that language. However, in the House the language was changed. So, while the legislation passed both the House and Senate, the House insisted on its position. The House version of the legislation, by Rep. Earl Ehrhart (R-Powder Springs), created a new Code Section at O.C.G.A. § 20-3-10 to provide for the manner of reporting and investigation of certain crimes (felony and/or sexual assault) by officials and employees of postsecondary institutions in this State. This language was much like what Rep. Ehrhart had proposed in HB 51 which had stalled in the Senate Judiciary Committee. A Conference Committee was appointed by the House; no such Committee was appointed by the Senate. Thus, no further action was taken.

SB 86 – Sen. Jesse Stone (R-Waynesboro) introduced this legislation which addressed O.C.G.A. § 44-14-161. It would require confirmation and make it nonwaivable for real estate

sold on foreclosure or levy. Originally, this bill was assigned to the Senate Banking and Financial Institutions Committee but was recommitted to the Senate Judiciary Committee.

SB 159 – Sen. Lee Anderson (R-Grovetown) proposed this legislation amending O.C.G.A. § 16-7-21 to address the laws of criminal trespass on property. It would have allowed property owners to mark their property with 'purple paint' under certain conditions to note the property lines so that if a person entered such marked area then he or she would be committing the crime of criminal trespass. It passed the Senate and then was assigned to the House Judiciary Non-Civil Committee where it remained. Several concerns were raised in the Senate discussions on how individuals would know that criminal paint was a designation of property boundaries; it was noted that it would take "public education."

PUBLIC OFFICERS AND EMPLOYEES

Legislation Passed

HB 202 – Rep. Jay Powell (R-Camilla) introduced this measure to increase Georgia's governor's salary as outlined in O.C.G.A. § 45-7-4(a)(1) which indicates that the salary is $60,000 plus cost-of-living adjustments. This legislation moves that salary level to $175,000.00, but it will not take effect until after the November 2018 elections take place and Georgia elects a new Governor who will take office in January 2019. Changes are included for other state officials, allowing them to be reimbursed for "other reasonable expenditures directly related to the performance of a member's duties." That language takes effect on July 1, 2017. Changes are also included regarding the Commission on Compensation (moving that Commission's membership from 12 to seven members and adjusting their compensation for service) and that language took effect upon signature. Governor Deal signed this legislation as **Act Number 225.** As noted, the effective dates vary based on the Section of the legislation.

HB 249 – Rep. Kevin Tanner (R-Dawsonville) introduced this initiative as an effort to address the State's burgeoning opioid abuse crisis. It does a number of things:

- O.C.G.A. § 16-13-57(b) moves the Prescription Drug Monitoring Program (PDMP) from the Georgia Drugs and Narcotics Agency to the Department of Public Health (which is also required to conduct testing of the PDMP to see if its accessible and operational).
- O.C.G.A. § 16-13-57(c) requires each prescriber with a DEA registration number to enroll as a user of the PDMP as soon as possible but not later than January 1, 2018. New prescribers are required to enroll within 30 days of receiving his or her credentials.
- O.C.G.A. § 16-13-59(b) requires each dispenser to submit prescription information to the Department (PDMP) at least every 24 hours. This information will be used to provide medical/pharmaceutical care to a patient or inform the prescriber or dispenser of a patient's potential use, misuse, abuse, or underutilization of a prescription.
- O.C.G.A. § 16-13-60(c) permits additional personnel to access the PDMP – it permits two individuals in the pharmacy per shift or rotation of the prescriber's or dispenser's

staff or employed at the health care facility in which the prescriber is practicing provided that these individuals: Are licensed under Title 43 (Chapters 11, 30, 34 or 35) [The dentists, dental hygienists and dental assistants; optometrists; physicians and physician's assistants; and podiatrists.]; Are registered under Title 26 [Pharmacists and pharmacy technicians]; Are licensed under Chapter 26 of Title 43 and submit to the annual registration process required in O.C.G.A. § 16-13-35(a); and for the purposes of this Code section such individuals shall not be deemed exempted from registration as set forth in O.C.G.A. § 16-13-35(g) or [Nurses are in Chapter 26 of Title 43]; and Submit to the annual registration process required by O.C.G.A. § 16-13-35(a) and for the purposes of this Code Section, such individuals shall not be deemed exempted from registration as set forth in O.C.G.A. § 16-13-35(g). [These are the manufacturers, distributors and dispensers who are required to have an annual registration.] These individuals will have the authorization by the medical director of the facility. Hospitals are also permitted to designate two individuals per shift or rotation (either employed or contracted) for this work.

- O.C.G.A. § 16-13-63 requires that on and after July 1, 2018, when a prescriber is prescribing a controlled substance in O.C.G.A. §16-13-26(1) or (2) or benzodiazepines, then he or she is to review the PDMP the first time he or she issues such prescription and thereafter at least once every 90 days (*except* under certain conditions – when it is, for instance, no more than a three-day supply of the substance or no more than 26 pills; if the patient is in a hospital or healthcare facility (explicitly including nursing home or hospice (and likely including crisis stabilization units)) and the patient is using the medications there; patient has outpatient surgery in an ambulatory surgery center and has a prescription for no more than a ten-day supply of the substance or no more than 40 pills; if the patient is terminally ill or in hospice; or the patient is receiving treatment for cancer. Prescribers are to make notes in the patient's medical record noting the date and time the PDMP was reviewed for the patient.
- O.C.G.A. § 16-13-71(b) and (c) provides an exemption for Naloxone from the dangerous drug list.
- O.C.G.A. § 16-13-56.1(b) requires a prescriber who issues a prescription for an opioid to a patient to inform that patient of the addictive risks of using such medications and how to safely dispose of unused medicines – this can be done verbally or in writing.
- O.C.G.A. § 31-1-10(b) permits the State Health Officer (an individual licensed to practice medicine) the ability to issue a standing order for Naloxone and O.C.G.A. § 26-4-116.2(e)(3) allows that Officer an immunity from liability if he or she is acting in good faith.
- O.C.G.A. § 31-12-2(a.1)(2) requires that babies with neonatal abstinence syndrome be reported to the Department of Public Health; and that department is to provide an annual report to the President of the Senate, Speaker of the House, and Chairs of the Health and Human Services Committees on these babies.
- O.C.G.A. § 26-5-22 requires that the Department of Community Health conduct annual onsite inspections of each narcotic treatment program in the State.
- O.C.G.A. § 26-5-23 requires the Departments of Community Health and Behavioral Health and Developmental Disabilities to publish annually a report on numbers of patients enrolled the narcotic treatment programs.

- O.C.G.A. § 45-16-24(a)(10) requires law enforcement to notify the coroner or county medical examiner if an individual dies of an apparent overdose and O.C.G.A. § 45-16-27(a) requires that coroners are to conduct an inquest of such.
- O.C.G.A. § 20-2-149.1(a) names the current law concerning cardiopulmonary resuscitation and use of automated external defibrillators the "Cory Joseph Wilson Act." [This Code Section is in the Education Code, O.C.G.A. § 20-2-149.1, which required beginning in school year 2013-2014 that each local board of education operating a school with grades nine through 12 are to provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator to students as a requirement within existing health or physical education courses.]

Governor Deal signed this initiative as **Act Number 141**; it takes effect on July 1, 2017.

HB 312 – Rep. Howard Maxwell (R-Dallas) authored this bill, concerning deferred compensation plans, in order to authorize the Board of Trustees of the Employees' Retirement System of Georgia to include a qualified Roth contribution program (in accordance with Section 402A of the United States Internal Revenue Code) in State and local deferred compensation plans in O.C.G.A. § 45-18-32(c)(2). Governor Deal signed this initiative as **Act Number 253**; it takes effect on January 1, 2018.

SB 96 – Sen. Ben Watson, MD (R-Savannah) authored this legislation authorizing the pronouncement of death by registered professional nurses, nurse practitioners, or physician assistants (in addition to physicians) of patients in nursing homes and hospices if those patients are organ donors. These changes are made at O.C.G.A. § 31-7-16 and O.C.G.A. § 31-7-176.1. Additionally, the legislation amends O.C.G.A. § 31-10-16(a), concerning the criteria for determining death and immunity from liability, so as to also add a nurse practitioner and advanced practice registered nurse be permitted to make such pronouncement (in addition to a qualified physician, registered professional nurse, and physician's assistant) if it is determined that the individual has sustained either (1) irreversible cessation of circulatory and respiratory function; or (2) irreversible cessation of all functions of the entire brain, including the brain stem. It further amends O.C.G.A. § 45-16-25(a)(1) relating to a coroner's or county medical examiner's duties after notice of suspicious or unusual death. It adds the nurse practitioner, advanced practice registered nurse and physician's assistant so that if a registered professional nurse, nurse practitioner, advanced practice registered nurse, or physician's assistant authorized to make a pronouncement of death under O.C.G.A. § 31-10-16 or a qualified physician is not available, a coroner, deputy coroner, or medical examiner's investigator may make a pronouncement of death at the investigation scene, if, and only if, one or more the following conditions is met: "(A) the body is in a state of rigor mortis with lividity present; (B) the body is in a state of decomposition evidenced by a component of putrefaction; (C) the body is skeletonized or (4) death has been established by qualified emergency medical services personnel." Governor Deal signed this bill as **Act Number 236** and the changes take effect on July 1, 2017.

SB 258 – Sen. Blake Tillery (R-Vidalia) introduced this change in O.C.G.A. § 45-2-1 as a result of a constituent's Youth Scholarship project looking at changes needed to Georgia laws.

"Briley's Bill" provides for additional ineligibility for office holders who owe tax funds or other public moneys. Under current law, all holders or receivers of public money in Georgia or any county thereof who have refused or failed when called upon after reasonable opportunity to account for and pay over the same to the proper officer from being ineligible to hold office – this adds school districts and municipalities to the list. Governor Deal approved this measure as **Act Number 204** on May 8, 2017, and it took effect on that date.

Legislation Not Passed

HB 120 – Rep. Trey Kelley (R-Cedartown) proposed this legislation to create a new Chapter 17 at O.C.G.A. § 45-17-1 which would have been cited as the "Revised Georgia Law on Notarial Acts of 2018". It outlined who can perform certain notarial acts. It remained in the House Judiciary Committee.

HB 631 – Rep. Trey Kelley (R-Cedartown) sponsored this legislation which would have amended Part 1 of Article 1 of Chapter 18 of Title 45, relating to state employees' health insurance plan. At O.C.G.A. § 45-18-6.1, it proposed to provide that the term 'critical access hospital' referred to a hospital that meets CMS requirements to be designated as a critical access hospital. A corporation licensed to provide accident and health insurance that has been out-of-network with a critical access hospital for the previous 12 months would not have been eligible to submit a proposal or enter into a contract with the board. HB 631 remained in the House Insurance Committee.

HB 646 – Rep. Katie Dempsey (R-Rome) proposed this legislation which would have amended O.C.G.A. § 31-2-12 by reinstating a pilot program within the State Health Benefit Plan to provide coverage for bariatric surgical procedures for the treatment and management of obesity to begin on January 1, 2018. It remained in the House Health and Human Services Committee.

HB 647 – Rep. Katie Dempsey (R-Rome) sponsored this legislation which would have created a two year pilot program at O.C.G.A. § 31-2-15 to provide coverage for the treatment of obesity and other conditions under the State's health insurance plan. Such program proposed to cover all FDA-approved medications for chronic weight management for eligible participants, in conjunction with obesity screening, prevention, and counseling. Participation was proposed to be limited to no more than 2,000 individuals. It remained in the House Health and Human Services Committee.

SB 66 – Sen. Lester Jackson (D-Savannah) proposed this initiative amending O.C.G.A. § 45-19-22 and O.C.G.A. § 45-19-47 to require that in the event of a vacancy in any position for the executive head of a State agency, at least one minority person be interviewed for consideration to fill each such position. The Bill remained in the Senate Government Oversight Committee.

SB 155 – Sen. Greg Kirk (R-Americus) proposed the creation of a new Chapter 25 of Title 45, implementing the Local Law Enforcement Officer Compensation Commission. Its intention

was, in part, to create an appropriate base line compensation for officers. This legislation remained in the House Governmental Affairs Committee.

SB 184 – Sen. Chuck Hufstetler (R-Rome) introduced this bill to add new Code Sections at O.C.G.A. § 45-12-150, et seq., relating to the Office of Planning and Budget, so as to establish the Integrated Population Health Data Project. It was assigned to the Senate Appropriations Committee where it remained.

PUBLIC UTILITIES AND PUBLIC TRANSPORATION

Legislation Passed

SB 46 – Sen. William Ligon, Jr. (R-Brunswick) introduced this legislation which originally addressed tort actions involving space flight activities in Title 51. In the end, SB 46 addresses Titles 9, 44 and 46 regarding condominium associations and language relating to telephone cooperatives. Much of the language regarding telephone cooperatives was originally contained in HB 413 by Rep. Don Parsons (R-Marietta) which as passed did not contain such language. The final version of SB 46:

- Revises current law at O.C.G.A. § 9-3-29(c) concerning limitations of actions relative to breach of restrictive covenant so that the right of action "shall accrue immediately upon the erection of a permanent fixture which results in a violation of the covenant restricting lands to certain uses or the violation of a set-back line provision." It also now ads that when an "alleged violation or complaint is based upon a continuous violation of the covenant resulting from an act or omission, the right of action shall accrue each time such act or omission occurs."
- Adds at O.C.G.A. § 44-3-89 a new subsection (c) regarding expansion of condominiums and amendments to declarations – it provides for an expansion of a condominium after the declarant's right to expand has expired and the process to allow for such (requiring that two-thirds of unit owners votes). The legislation also addresses subsection (c) of O.C.G.A. § 44-3-101 and allows the right to control of the condominium association pass to the unit owners if the declarant fails to do any of the following: (A) incorporate or maintain an annual registration; (B) cause the board of directors to be duly appointed and the officers to be elected; (C) maintain and make available to owners, upon written request, a list of names and business or home addresses of the association's current directors and officers; (D) call meetings of the members of the association pursuant to its bylaws at least annually; (E) prepare an annual operating budget and establish the annual assessment, and distribute the budget and notice of assessment to owners no later than 30 days after the beginning of the association's fiscal year; or (F) pay property taxes on common property of the condominium for two or more years. It also allows a derivative action to be filed if the declarant fails to cure any or all deficiencies within 30 days of notice by the owners – this action is to be filed in the superior court of the county in which any portion of the condominium is located in order to obtain a declaratory judgment to grant the owner or owners control of the association.

- Adds a new Code Section at O.C.G.A. § 44-3-232.1.
- Revises O.C.G.A. § 44-5-60 adding a new subsection (d) , relating to covenants running with the land, effect of zoning laws, covenants and scenic easements for use of public, renewal of certain covenants, and costs, so as to address planned subdivisions with no fewer than 15 individual lots and the right of control of such when there is a failure to do any of the following:(A) incorporate or maintain an annual registration; (B) cause the board of directors to be duly appointed and the officers to be elected; (C) maintain and make available to owners, upon written request, a list of names and business or home addresses of the entity's current directors and officers; (D) call meetings of the members of the entity pursuant in accordance to its covenants; (E) prepare an annual operating budget and establish the annual assessment, and distribute the budget and notice of assessment to plot owners no later than 30 days after the beginning of the entity's fiscal year; or (F) pay property taxes on common property of the planned subdivision for two or more years. This also outlines a process to file an action in superior court if there is a failure to cure deficiencies.
- Adds a new Code Section at O.C.G.A. § 44-12-236.1 relating to telephone cooperatives to address patronage dividends or capital credits held by such entities and when they are presumed to be abandoned so that such property may be donated to a nonprofit organization which supports education or economic development in the area (the telephone cooperative is to maintain on its website for at least six months a public posting of the names and last known addresses of all property owners and published the list in the legal organ of the county in which the telephone cooperative's main office is located and the last date to claim property presumed to be abandoned.
- Adds a new Code Section at O.C.G.A. § 46-5-64.1 regarding the acquisition and loss of property relating to public utilities and public transportation. Venue in proceedings against a cooperative is to be determined in accordance with the State's constitution. Unless otherwise required by the State's constitution, the cooperative may be sued only in the county of its residence.
- Amends O.C.G.A. § 46-5-78, regarding the telephone cooperative bylaws. The change allows provides the board of directors the power to alter, amend, or repeal the bylaws or adopt new bylaws.
- Adds a new Code Section at O.C.G.A. § 46-5-92.1 permitting upon the death of a member or former member, the board of directors has the authority but is not required, to pay revenues allocated but not previously paid to such member or former member. It further outlines what that process is if the member or former member dies testate or intestate.

Governor Deal approved this legislation as **Act Number 173**; it takes effect on July 1, 2017.

Legislation Not Passed

SB 244 – Sen. Rick Jeffares (R-McDonough) introduced this legislation which would have amended O.C.G.A. § 46-5-30, relating to the telephone system for the physically impaired. In part, it would have permitted in subsection (h) that the telecommunications equipment distributed as part of the telecommunications equipment distribution program would also

include wireless devices and applications. It passed out favorably from the Senate Regulated Industries and Utilities Committee, but it remained in the Senate Rules Committee.

RETIREMENT AND PENSIONS

Legislation Not Passed

HB 119 - Rep. Trey Kelley (R-Cedartown) introduced this legislation to amend O.C.G.A. § 47-23-64 by providing that any 'member' of the Employees' Retirement System of Georgia could elect to have their contributions transferred to the Judicial Retirement System. Currently, only superior judges, state court judges, solicitors general, or district attorneys may transfer such funds. It remained in the House Retirement Committee.

HB 128 - Rep. Paul Battles (R-Cartersville) introduced this legislation to amend O.C.G.A § 47-3-22, providing that the board of trustees for the Teachers' Retirement System of Georgia was required to elect a chairperson from among its membership. It remained in the House Retirement Committee.

HB 129 - Rep. Paul Battles (R-Cartersville) authored this legislation, which sought to amend O.C.G.A § 47-2-22, to provide that the board of trustees for the Employees' Retirement System of Georgia was required to elect a chairperson from among its membership. It remained in the House Retirement Committee.

HB 588 – Rep Howard Maxwell (R-Dallas) offered this legislation which sought to revise the method by which a member of the Employees' Retirement System of Georgia (ERS) may purchase an annuity. At O.C.G.A. § 47-2-51, it authorized the board of trustees to offer a supplemental guaranteed lifetime annuity to eligible retired members purchased by a transfer of at least $25,000.00 in aggregate funds from his or her 401(k) plan or 457(b) plan, into an account under ERS for the purposes of purchasing an SGLI annuity. Only two annuities may be purchased by each member. HB 588 remained in the House Retirement Committee.

HB 633 – Rep. Dave Belton (R-Buckhead) authored this bill to create a new Code Section at O.C.G.A. § 47-3-127. It would repeal current law at O.C.G.A. § 47-3-127. The new language proposed that any beneficiary of the Teachers Retirement System would be eligible to continue to receive his or her retirement allowance while employed and not be required to contribute to the retirement system; provided, however, that he or she would not receive creditable service as a result of such employment and would be considered by the retirement system to be solely a beneficiary. Further, the employer of such an employee would not be required to contribute to the retirement system for such employee. It remained in the House Retirement Committee.

SB 196 – Sen. Ellis Black (R-Valdosta) proposed this change to the Teacher's Retirement System which remained in the Senate Retirement Committee. It would have amended O.C.G.A. § 47-3-22(a), relating to the election of the chairman, so that the Board of Trustees

would elect from its membership a chairperson from among its membership and would elect an executive director who would not be one of its members.

SB 197 – Sen. Ellis Black (R-Valdosta) also proposed this amendment to the Employees' Retirement System. It also remained in the Senate Retirement Committee. This bill sought to amend O.C.G.A. § 47-2-22(a), relating to the election of the chairperson and director, so that the board of trustees would elect from among its membership a chairperson from its membership and employ a director who would not be a trustee. The legislation remained in the Senate Retirement Committee.

SB 282 – Sen. Ellis Black (R-Valdosta) sponsored this bill addressing Title 47. Two Code Sections were proposed to be amended relating to service creditable toward retirement benefits in the Employees' Retirement System of Georgia. O.C.G.A. § 47-2-90, regarding the Georgia National Guard, Georgia State Guard and General Assembly, was proposed to be changed so that an individual who first becomes a member on or after July 1, 2018 would not receive creditable service unless he or she contributed to the retirement system an amount equal to full actuarial cost of obtaining such creditable service. A new Code Section was proposed at O.C.G.A. § 47-2-90.1 so that one year of creditable service would be given for each year of service in the Georgia National Guard, Georgia State Guard or the General Assembly provided that no credit would be given unless that individual was a member of the retirement system at that time and that no more than five years of creditable service would be obtained. The initiative remained in the Senate Retirement Committee.

SB 293 – Sen. Ellis Black (R-Valdosta) introduced this legislation. It sought to repeal existing provisions related to the employment of beneficiaries of the Teachers Retirement System of Georgia and add a new Code Section at O.C.G.A. § 47-3-127. It would have required public employers, who directly or indirectly employ a beneficiary, to pay the retirement system the employer and employee contributions to such retirement system on behalf of certain employed beneficiaries. It remained in the Senate Retirement Committee.

SB 294 – Sen. Ellis Black (R-Valdosta) also authored this bill which was similar to SB 293 above except it related to the Employees' Retirement System. It sought to add a new Code Section at O.C.G.A. § 47-2-126.1 so that "an employer that directly or indirectly employs a beneficiary shall pay to the retirement system the employer and employee contributions required by this chapter for members." It also remained in the Senate Retirement Committee.

REVENUE AND TAXATION

Legislation Passed

HB 73 – Rep. Penny Houston (R-Nashville) authored this effort addressing rural Georgia revitalization. It adds a new Code Section at O.C.G.A. § 48-7-40.32 to provide a tax credit incentive to promote revitalization of vacant rural Georgia downtown properties by encouraging investment, job creation and economic growth. In subsection (b) of this Code Section, the Commissioners of the Departments of Community Affairs and Economic

Development are required to designate a specified area as a "revitalization zone" enabling new and established businesses and new business investments in the zone to qualify for revitalization zone tax credits. Up to ten such zones may be designated annually and there are to be no more than 50 such zones in existence at the same time. Designations last for five consecutive years once approved. Eligibility requires that the population in the areas have fewer than 15,000 residents. Local governments are required to prove "economic distress" based on poverty, vacancy in the downtown, or blight with specific characteristics required to be met (concentration of historic commercial structures at least 50 years old within the targeted area; a feasibility study or market analysis identifying the business activities which can be supported in the targeted area; and a master plan or strategic plan to assist private and public investment). These certified entities receive the revitalization zone tax credit for five years beginning with the first taxable year in which new full-time equivalent jobs are created and for the following four years provided the new full-time equivalent jobs are maintained. Each new full-time equivalent job is eligible for a $2,000.000 annual income tax credit; there is a cap of $40,000.00 credit for each certified entity per taxable year. The legislation also permits certified investors, who acquire and develop property in a revitalization zone on or after January 1, 2018, the ability to receive a revitalization zone tax credit if they can show: (1) ongoing commercial benefit (A) if an eligible business is located in the investment property and qualifies to receive the tax credit for new jobs or (B) if the eligible business is located in the investment property and maintains a minimum of two full-time equivalent jobs for each year the tax credit is claimed); (2) the amount of the tax credit per project is 25 percent of the purchase price and capped at $125,000.00; provided, however, that the entire credit is not to be taken in the year in which the property is placed in commercial service but is to be prorated equally in five installments over five taxable years beginning with the taxable year in which the property is placed in service; and (3) a certified investor is allowed to preserve the revitalization zone tax credit for up to seven years from the date of initial eligibility if the commercial requirements is not satisfied in consecutive years. It also adds that a certified investor or certified entity with qualified rehabilitation expenditures on or after January 1, 2018 are to receive the "revitalization zone tax credit" for three years beginning with the year the property is placed in service. That credit is 30 percent of the qualified rehabilitation expenditures and not to exceed $150,000.00; provided, however, the entire credit is not to be taken in the year in which the property is placed in commercial service but prorated equally in three installments over three taxable years beginning with the taxable year in which the property is placed in service. It does require that the business maintain a minimum of two full-time equivalent jobs for each year the tax credit is claimed. See subsection (e). These tax credits in O.C.G.A. § 48-7-40.32 are not transferable. There is an automatic repeal of this Code Section on December 31, 2027 unless reauthorized by the General Assembly prior to that time. Governor Deal signed this legislation as **Act Number 205** on May 8, 2017; it took effect on that date.

HB 125 – Rep. Ron Stephens (R-Savannah) authored this Tax Code change to create an exemption from the payment of sales tax in excess of $35,000.00 for tangible personal property sold for the maintenance, refit or repair of a boat during a single "event" (defined as an "uninterrupted period of time beginning when a boat arrives at a maintenance, refit, or repair facility in this State and ending when such boat departs such facility"). This tax

exemption is the only such exemption of its kind offered to boat owners on the eastern seaboard. It is anticipated that a new repair facility will be built in the Savannah area. Governor Deal approved this measure as **Act Number 50,** and those changes take effect on July 1, 2017.

HB 146 – Rep. Micah Gravley (R-Douglasville) introduced the 2017 version of this initiative to require fire departments to provide and maintain certain insurance coverage for firefighters in O.C.G.A. § 25-3-23(b). Specifically, on and after January 1, 2018, a legally organized fire department is required to provide and maintain "sufficient insurance coverage on each member of the fire department who is a firefighter to pay claims for cancer diagnosed after having served 12 consecutive months as a firefighter with such fire department." The legislation also outlines the insurance benefits which are to include "at minimum the following: (i)(I) A lump sum benefit of $25,000.00 subject to limitations specified in the insurance contract and based on severity of cancer and payable to such firefighter upon submission to the insurance carrier or other payor of acceptable proof of diagnosis by a physician board certified in the medical specialty appropriate for the type of cancer involved that there are one or more malignant tumors characterized by the uncontrollable and abnormal growth and spread of malignant cells with invasion of normal tissue and that: (a) Surgery, radiotherapy, or chemotherapy is medically necessary; (b) There is metastasis; or (c) The firefighter has terminal cancer, is expected to die within 24 months or less from the date of diagnosis, and will not benefit from, or has exhausted, curative therapy; or (II) A lump sum benefit of $6,250.00 subject to limitations specified in the insurance contract and based on severity of cancer and payable to such firefighter upon submission to the insurance carrier or other payor of acceptable proof of diagnosis by a physician board certified in the medical specialty appropriate for the type of cancer involved that: (a) There is carcinoma in situ such that surgery, radiotherapy, or chemotherapy has been determined to be medically necessary: (b) There are malignant tumors which are treated by endoscopic procedures alone; (c) There are malignant melanomas; or (d) There is a tumor of the prostate, provided that it is treated with radical prostatectomy or external beam therapy; and (ii) Payable as a result of a specific injury or illness to begin six months after disability and submission to the insurance carrier or other payor of acceptable proof of disability precluding service as a firefighter and continuing for up to 36 consecutive monthly payments: (I) A monthly benefit equal to 60 percent of the member's monthly salary as an employed firefighter with the fire department or a monthly benefit of $5,000.00, whichever is less; or (II) If the member is a volunteer, a monthly benefit of $1,500.00. The benefit under subdivision (I) or (II) of this division, as applicable, shall be subordinate to any other benefit actually paid to the firefighter for such disability from any other source, not including insurance purchased solely by the firefighter, and shall be limited to the difference between the amount of such other paid benefit and the amount specified under subdivision (I) or (II) of this division, as applicable. (C) The combined total of all benefits received by any firefighter under subdivisions (B)(i)(I) and (B)(i)(II) of this paragraph during his or her lifetime shall not exceed $50,000.00." The legislation also addresses a tax exemption for benefits received from and a deduction for premiums paid for such insurance coverage for firefighters in O.C.G.A. § 48-7-27(a)(12.2) and (12.3). A similar proposal had been offered in 2016 but that legislation was **vetoed** by Governor Deal. [That legislation was HB 216, which proposed to expand the eligibility for workers' compensation benefits to firefighters diagnosed with

cancer, "allowing such benefits for any firefighter in Georgia if a medical expert can prove by a preponderance of the evidence that the cancer was caused from exposure to any risk factor while performing work related duties." In his veto message, Governor Deal stated he was "concerned that codifying an exception for one occupation at this relatively low standard of proof with no time limitation on diagnosis or restriction on eligible types of cancer is a broad solution for a problem not yet abundantly demonstrated in Georgia." Further, he noted that the Association County Commissioners of Georgia also expressed concern "that the shift in this burden of proof may potentially lead to tremendous uncertainty in projecting the future financial liability for workers' compensation." Likewise, the Georgia Municipal Association expressed reservations and noted that there was "no distinction between paid and volunteer firefighters."] Governor Deal approved this insurance proposal in HB 146 as **Act Number 142**, and the language takes effect on January 1, 2018.

HB 155 – Rep. Amy Carter (R-Valdosta) introduced this Tax Code legislation creating the "Georgia Musical Investment Act." Specifically, it adds a new Code Section at O.C.G.A. § 48-7-40.32 to create income tax credits for a production company which invests in a State-certified production (by the Department of Economic Development) when the company's qualified production expenditures equal or exceed the spending threshold: (1) it is allowed a tax credit equal to 15 percent of its qualified production expenditures; and (2) it is allowed an additional tax credit equal to five (5) percent for such production company's qualified production expenditures incurred in a county designated as Tier 1 or Tier 2 by the Commissioner of the Department of Community Affairs. There are tiered caps for these credits: for taxable years beginning on or before January 1, 2018 and before January 1, 2019, the aggregate of the tax credits permitted is not to exceed $ 5 million; for taxable years beginning on or after January 1, 2019 and before January 1, 2020, the aggregate of the tax credits is not to exceed $10 million; for taxable years beginning on or after January 1, 2020 and before January 1, 2023, the aggregate amount of the tax credits is not to exceed $15 million per year. In order to be eligible for the credits, there are spending thresholds for a musical or theatrical performance (which is a live performance or concert, musical tour, ballet, dance, opera, live variety entertainment, or a series of any such performances occurring over a 12-month period or longer which originates, is developed and has its initial public performance before a live audience within Georgia or that prepares or rehearses a minimum of seven days within Georgia and has its United States debut within the State) of $500,000.00 per taxable year or for a recorded musical performance which is incorporated into or synchronized with a movie or television or interactive entertainment production of $250,000.00 per year and for other recorded musical performance a threshold of $100,000.00 per tax year. The credits are unavailable beginning on or after January 1, 2023. It also limits the amount of the tax credit to one production company to 20 percent of the aggregate amount available in any given year. There is an automatic repeal of this law on January 1, 2023. Governor Deal approved this bill as **Act Number 223**; it takes effect on July 1, 2017.

HB 196 – Rep. Matt Dollar (R-Marietta) authored this original proposal to permit an income tax exemption on royalties paid for music. However, his legislation was 'hijacked' in the Senate where it originally dealt with hospital financing for rural hospitals. It was in a Conference Committee that it became a third version, unrelated to the prior two. In the final

version as passed by the General Assembly, it addresses ad valorem taxation on property and revises criteria used by tax assessors to determine the fair market value of real property in O.C.G.A. § 48-5-2(3). It requires that the income approach be utilized in determining "fair market value" of income-producing property, and if actual income and expense data are voluntarily supplied by the property owner, then such data is to be considered in the determination. It also amends the criteria the tax assessor is to apply in determining the fair market value of real property, including "rent limitations." It also adds that in establishing the value of any property subject to "rent restrictions" under the sales comparison approach, any "income tax credits described in division (vi) of this subparagraph (B) that are attributable to a property may be considered in determining the fair market value of the property provided that the tax assessor uses comparable sales of property which, at the time of the comparable sale, had unused income tax credits that were transferred in an arm's length bona fide sale." Further, it adds that in "establishing the value of any property subject to rent restrictions under the income approach, any income tax credits described in division (vi) of this subparagraph (B) that are attributable to property may be considered in determining the fair market value of the property provided that such income tax credits generate actual income to the record holder of title to the property." Section 2 of the Conference Committee Report added language to help a nonprofit providing housing for the mentally disabled in O.C.G.A. § 48-5-41(13) so as to address instances of indirect ownership of such home through a limited liability company that is fully owned by such exempt organization - such would be considered "direct ownership." Further, the participation of a business corporation or other entity or person in the indirect ownership of such home for the mentally disabled, as a member of the limited liability company or limited partner of the partnership that is the direct owner of such home, for the purpose of providing financing for the construction or renovation of such home in return for a share of any tax credits pursuant to United States Internal Revenue Code 1986, Section 42, as amended, and which relinquishes all ownership of such home upon the completion of its obligation under the financing agreement, shall not operate to disqualify such home for the exemption under this paragraph." [This language in the bill came from HB 195 by Rep. Brett Harrell (R-Snellville); that legislation remained in the Senate Rules Committee.] Section 3 addresses homestead exemptions for qualified disabled veterans in O.C.G.A. § 48-5-48(g) so that if such disabled veteran receives a final determination of disability from the United States Department of Veterans Affairs containing a retroactive period of eligibility, such disabled veteran or his or her surviving unremarried spouse or minor children are entitled to a refund of the ad valorem taxes paid during such period that he or she or his or her surviving unremarried spouse or minor children would have otherwise been exempt from such taxes; the refund is only for the three tax years preceding his or her or his or her surviving spouse's or minor children's application for the homestead exemption. Section 4 requires that the Secretary of State call and conduct an election on the provisions relating to the exemption for the indirect ownership of a home for the mentally disabled. Governor Deal signed this initiative as **Act Number 25**. Except for Section 4 of the legislation, it takes effect on July 1, 2017.

HB 199 – Rep. Trey Rhodes (R-Greensboro) offered this measure addressing income tax exemptions. This initiative is to help expand Georgia's film production and entertainment industry. It changes tax credits for "gaming" entities or what are referred to as "qualified

interactive entertainment" companies. The legislation contains several amendments to Georgia's Tax Code:

- O.C.G.A. § 48-7-40.26(b), adding definitions for terms:
  - "game platform"
  - "game sequel"
  - "prereleased interactive game" and
  - Changing the definition for "qualified interactive entertainment production company" so that on or after January 1, 2018 it will be an entity with an aggregate payroll of $250,000 or more for employees working within the State in the taxable year the qualified interactive entertainment production company claims the tax credits (It will still require that the business be located in the State; have gross income of less than $100 million for the taxable year; and be primarily engaged in qualified production activities related to interactive entertainment which have been approved by the Department of Economic Development.)
- O.C.G.A. § 48-7-40.26(c), permitting qualified interactive entertainment production companies a tax credit if the base investment in Georgia equals or exceeds $250,000.00 for qualified production activities on or after January 1, 2018. (Previously, it required an investment of $500,000.00 base investment.) In the calculation, it permits the additional tax credit equal to 10 percent of the base investment if the qualified promotion includes a qualified Georgia promotion upon its release to the general public.
- O.C.G.A. § 48-7-40.26(e), addressing the amounts of the tax credits so that those for qualified interactive entertainment production companies and affiliates are not to exceed $12.5 million for each taxable year for tax years beginning on or after January 1, 2018. It also adds that beginning on or after January 1, 2018, that qualified interactive entertainment production companies are eligible for tax credits for pre-released interactive game production – those are limited to a period of three years.

The legislation also adds a new Code Section at O.C.G.A. § 48-7-40.26A, creating the "Georgia Entertainment Industry Postproduction Investment Act." Under Georgia's current law, post-production expenses qualify for tax credits if the original production was filmed in the State and those expenses were incurred by a production company here. In this bill, there is a new tax credit for tax years on and after January 1, 2018, providing that post-production companies (approved by the Department of Revenue) which have at least $250,000.00 in Georgia payroll and $500,000.00 in qualified postproduction expenses (e.g. costs associated with photography and sound synchronization; license fees for sound recording and musical compositions, lighting, and related services and materials; editing and related services; facilities' and equipment rentals; digital or tape editing, film processing, sound mixing, computer graphics services, special effects services and animation; etc.) to be eligible for a 20 percent tax credit with an additional tax credit of 10 percent if those expenditures were incurred in the State; and another credit of up to five percent if the qualified production expenses were incurred in a tier 1 or tier 2 county (as defined by the Commissioner of the Department of Community Affairs). The aggregate cap for the tax credits is $10 million for each tax year for those years 2018 through 2022;

the credits, though, expire in tax year beginning January 1, 2023. Post-production companies which have incurred qualified postproduction expenditures of at least $100,000.00 but less than $500,000.00 and with payrolls of at least $100,000.00 but less than $500,000.00 are also allowed tax credits of up to 20 percent for qualified production expenses – these credits are awarded are not to exceed $1 million annually and are excluded from the aggregate cap above.

Governor Deal signed HB 199 as **Act Number 26**; it takes effect on July 1, 2017, applying to tax years beginning on or after January 1, 2018.

HB 238 – Rep. Matt Hatchett (R-Dublin) offered this measure, changing ad valorem taxation on property. It expands the definition of "family farm" in O.C.G.A. § 48-5-7.4(a)(1)(C), relating to bona fide conservation use property, to include an "entity created by the merger or consolidation of two or more entities which independently qualify as a family owned farm entity." It further adds in (p)(11) exemptions which do not constitute a breach of a covenant so as to include that "allowing part of the property subject to the covenant to be used for solar generation of energy and conservation of such energy into heat or electricity, and the sale of the same in accordance with applicable law" but "shall not allow the portion of the property on which such solar energy generating equipment is located, as depicted by a boundary survey prepared by a licensed surveyor, and which is subject to an existing covenant to remain in the covenant." Further, it states that "such property shall be removed from the existing covenant at the time of the installation of the solar energy generating equipment and shall be subject to the penalty for breach of the covenant …and shall be subject to ad valorem taxation at fair market value." It also adds an addition exemption at (p)(12) so that "allowing part of the property subject to the covenant to be used for farm labor housing" (defined as "all buildings or structures used as living quarters when such housing is provided free of charge to workers who provide labor on agricultural property") but it shall not allow the portion of the property on which such farm labor housing is located and which is subject to an existing covenant to remain in the covenant. Such property would be removed from the existing covenant at the time construction of the farm labor housing begins and be subject to ad valorem taxation at the fair market value. Governor deal approved this legislation as **Act Number 16,** and it became effective on April 17, 2017.

HB 247 – Rep. Dominic LaRiccia (R-Douglas) authored this measure addressing State sales and use taxation. It provides at O.C.G.A. § 48-8-3.2(e), for a limited period of time until July 1, 2020, a sales and use tax exemption on "maintenance and replacement parts for machinery or equipment, stationary or in transit, used to mix, agitate, and transport freshly mixed concrete in a plastic and unhardened state, including but not limited to mixers and components, engines and components, interior and exterior operational controls and components, hydraulics and components, all structural components, and all safety components, provided that sales and use taxes on motor fuel used as energy in a concrete mixer truck are not exempt or refundable." Governor Deal signed this initiative as **Act Number 220**; it takes effect on July 1, 2017.

HB 265 – Rep. Chuck Efstration (R-Dacula) carried this initiative on behalf of the Governor. It changes current law regarding the State's income tax provisions, revising provisions relating

to the tax credits permitted for establishing or relocating quality jobs in O.C.G.A. § 48-7-40.17. It inserts definitions for the terms, 'qualified investment property,' 'qualified investment property requirement,' and 'qualified project.' It adds in subsection (b) of that Code Section, for employers establishing new quality jobs and electing not to receive tax credits (as provided in O.C.G.A. § 48-7-40, O.C.G.A. § 48-7-40.1, O.C.G.A. § 48-7-40.2, O.C.G.A. § 48-7-40.3, O.C.G.A. § 48-7-40.4, O.C.G.A. § 48-7-40.7, O.C.G.A. § 48-7-40.8 and O.C.G.A. § 48-7-40.9) allowing an employer if the first date on which the taxpayer withholds wages for employees in Georgia occurs in a taxable year beginning on or after January 1, 2017 up to two years to employ at least 50 persons in new quality jobs (as outlined in current law). A new subsection (d) is added at O.C.G.A. § 48-7-40.17 so only a taxpayer which completes the creation of a qualified project in a taxable year beginning on or after January 1, 2017 is eligible to begin a subsequent seven-year job creation period for the qualified project, provided that the taxpayer creates 50 or more new quality jobs, at the site or sites of a qualified project or the facility or facilities resulting therefrom, above its single previous high yearly average number of new quality jobs during any prior seven-year job creation period. The legislation also deletes and adds a new paragraph (98) in O.C.G.A. § 48-8-3, regarding exemptions from State sales and use taxes. It allows the sale or use of tangible personal property used for or in the renovation or expansion of a theatre which is within a facility containing an art museum, symphonic hall, and theatre that charges for admission and is owned or operated by an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and the organization's primary mission is to provide arts and education programming for the benefit of the citizens of the State. This exemption is permitted from July 1, 2017 until January 1, 2019 and for sales up to $750,000.00. Further at paragraph (100), it adds an exemption on sales of tickets, fees, or charges for admission to a fine arts (e.g. ballet, dance, opera, symphony orchestra, poetry, photography, dramatic arts, painting, sculpture, ceramics, drawing, water color, graphics, printmaking and architecture) performance or exhibition conducted within a facility owned or operated by a 501(c)(3) entity or a museum of cultural significance, if such organization's museum's primary mission is to advance the arts in this State and provide arts, educational, and culturally significant programming and exhibits for the benefit and enrichment of the citizens of this State. Governor Deal signed HB 265 as **Act Number 23**, which took effect on April 25, 2017.

HB 283 – Rep. David Knight (R-Griffin) authored this legislation which is Georgia's annual Tax Code update, conforming the State's laws with federal tax law provisions of the Internal Revenue Code in O.C.G.A. § 48-1-2(14). Governor Deal signed this initiative as **Act Number 10**; it took effect on March 21, 2017.

HB 290 – Rep. Sam Watson (R-Moultrie) introduced this ad valorem property tax exemption legislation amending O.C.G.A. § 48-5-41.1. It revises definitions relating to qualified farm products and harvested agricultural products, adding definitions for the terms, 'agricultural equipment' and 'lease-purchase agreement.' Governor Deal signed this bill as **Act Number 192**; it takes effect on July 1, 2017.

HB 337 – Rep. Bruce Williamson (R-Monroe) authored this legislation creating the "State Tax Execution Modernization Act." Several changes are incorporated within this "modernization" effort including:

- O.C.G.A. § 48-2-56, relating to revenue and taxation concerning priority of liens for taxes, which in part adds at subsection (e) that liens for taxes, relating to certain income taxes, are to (1) arise and attach to all property of the taxpayer within the State as of the time a tax execution for these taxes is filed with the clerk of the superior court of the county of the last known address of the taxpayer appearing on the records of the department as of the time the State tax execution is filed; and (2) not attach to the interest of a prior bona fide purchase where a certificate of clearance is required and has been obtained or where a certificate of clearance is not required pursuant to O.C.G.A. § 44-1-18 nor be superior to the lien of a prior recorded instrument securing a bona fide debt. It also adds a part of the changes in this Code Section to a new subsection (i) so as to require that all executions, liens, releases, cancellations, or other related documents issued by the Department to be filed with the superior court clerk be filed electronically and the appropriate fees are to be paid as provided in O.C.G.A. § 15-6-77(f).
- O.C.G.A. § 48-2-59(b), relating to the appeals to the Georgia Tax Tribunal, so that in addition to a taxpayer being able to appeal by filing a petition with the Georgia Tax Tribunal or the superior court within 30 days from the date of decision by the Commissioner, such may be filed at any time after the Department records a State tax execution pursuant to O.C.G.A. § 48-3-42.
- O.C.G.A. § 48-3-21, concerning statute of limitations for tax executions, is changed so as to eliminate State tax executions from enforcement within seven years as current law provides.
- O.C.G.A. § 48-3-28 requires that an entry of satisfaction be made on the lien docket in the office of the Clerk of the Superior Court (rather than on the execution docket) unless otherwise provided for in Chapter 3 of Title 48.
- O.C.G.A. § 48-3-40 et seq., adding a new Article 2 in Chapter 30 of Title 48, creates a uniform statewide system for filing notices of State tax executions issued by the Commissioner that are in favor of or enforced by the Department. In part, it adds at O.C.G.A. § 48-3-42(a) that "on or after January 1, 2018, the execution shall be effective as provided by law when such execution is filed by the Department with the appropriate superior court clerk." Also at (b), it adds that "all executions or writs of fieri facias issued by the Department filed or recorded on the general execution docket or lien docket of any county shall be invalid as of December 31, 2017. Any such execution or writs of fieri facias which the Department does not show as satisfied, issued in error, or otherwise withdrawn and which was last recorded or rerecorded on the general execution docket within seven years before January 1, 2018, may be renewed for a period of ten years upon the Department's filing a renewed State tax execution with the clerk of superior court on or after January 1, 2018. For priority purposes, a filed, renewed, state tax execution shall retain its original date of filing on the general execution docket or lien docket. All renewed State tax execution documents shall reflect the original date of filing."

- O.C.G.A. § 48-3-43 requires that the Department maintain information on its information management system regarding executions that is readily accessible to the public. It further establishes in subsection (b) that there is a system of "official statuses" for executions with these categories: active; withdrawn; released; refiled; and expired.
- O.C.G.A. § 48-3-44 outlines the "release status" and establishes that a "certificate of clearance issued by the Department shall be deemed an effective release of an execution." Further, the Department is to provide to the delinquent taxpayer, within 30 days of the date of payment, a notice of the release of the execution and shall also cause a release of the execution to be filed with the appropriate superior court clerk.
- O.C.G.A. § 15-6-97.3 requires that the Georgia Superior Court Clerks' Cooperative Authority, or its designated agent, is to revise the statewide uniform automated information system for real and personal property records as provided in O.C.G.A. § 15-6-97 to provide for the inclusion in such system functionality for State tax executions and renewed State tax executions electronically filed with the clerk of the superior court.
- O.C.G.A. § 44-1-18 adds at subsection (b) that "prior to the conveyance of real property upon which a title is transferred, any holder of a fee simple interest in real property, licensed attorney at law, or title insurance company shall be entitled to, upon request from the Department: (1) a certificate of clearance or (2) a statement of lien." It further outlines in this Code Section how requests for certificate of clearance are to be made to the Department (e.g. in writing; information about the property; information about the requestor such as name, address, email and telephone number; etc.).
- O.C.G.A. § 44-2-2, concerning duties of clerks to record property transactions" are changed to require that the clerk of superior court file, index and permanently record State tax executions and State tax execution renewals. It also outlines the specifics to be followed in indexing these documents.

Governor Deal signed HB 337 as **Act Number 257**. The Act takes effect on January 1, 2018.

HB 340 – Rep. Shaw Blackmon (R-Bonaire) introduced this legislation addressing alternative ad valorem tax on motor vehicles at O.C.G.A. § 48-5C-1(a)(1)(E). This change affects the determination of fair market value of motor vehicles subject to the tax so that for a new motor vehicle, which is leased, the fair market value is the total base payments of the lease agreement. Governor Deal approved this legislation as **Act Number 197**. This Act takes effect on January 1, 2018 and applies to all tax years beginning on and after that date.

HB 375 – Rep. Brad Raffensperger (R-Johns Creek) introduced this proposal that cleans up revisions relating to tax executions in O.C.G.A. § 48-3-3 and also repeals current law at O.C.G.A. § 48-5-163 relating to the fee for issuance of tax executions and the allowance of costs on executions. Governor Deal signed this measure into law as **Act Number 259**; it takes effect on July 1, 2017.

SB 133 – Sen. Larry Walker, III (R-Perry) introduced this effort originally to address Georgia's corporate net worth tax in Chapter 13 of Title 48. The House Ways and Means Committee added the language in O.C.G.A. § 33-1-25 creating the "Georgia Agribusiness and Rural Jobs Act." The final product includes both changes. The "Georgia Agribusiness and Rural Jobs Act" permits that upon making a capital investment in a rural fund, a rural investor earns a vested right to a credit against such entity's State tax liability that may be utilized on each credit allowance date of such capital investment in an amount equal to the applicable percentage for such credit allowance date multiplied by the purchase price paid to the rural fund for the capital investment. It permits that any amount of credit that a rural investor is prohibited from claiming in a taxable year may be carried forward for use in any subsequent year. A rural fund is to be certified as a capital investment and eligible for credits by the Department of Community Affairs – which can begin accepting applications 90 days after the Act takes effect. Applicants are required to show that the entity has invested (or its affiliates have invested) at least $100 million in nonpublic companies located in rural areas within the United States and it must also estimate the number of jobs to be created or retained due the qualified investment. A business plan, including a revenue impact assessment, is also required with a non-refundable application fee of $5,000.00 payable to the Department. [This portion of the legislation is from HB 314 by Rep. Jason Shaw (R-Lakeland); HB 314 remained in the Senate Finance Committee.] The legislation also amends O.C.G.A. § 48-13-71, addressing corporate net worth tax, and adds an additional exemption from payment of the tax imposed – presently, there are exemptions for organizations not organized for pecuniary gain or profit and insurance companies which are separately taxed. This legislation adds an exemption for corporations having a net worth, including capital stock, paid-in surplus and earned surplus, of no more than $100,000.00. Governor Deal signed this initiative as **Act Number 241.** The portion of the legislation addressing the "Georgia Agribusiness and Rural Jobs Act" takes effect on July 1, 2017 and applies to tax years beginning on or after January 1, 2018. The portion of the legislation making changes to corporate net worth taxation becomes effective on January 1, 2018 and applies to tax years commencing on or after that date.

SB 156 – Sen. Fran Millar (R-Atlanta) offered this Tax Code legislation addressing restrictions with respect to equalized homestead option sales and use taxes. In Section 1, it addresses exemptions in O.C.G.A. § 48-8-3(57)(D) and that part of the law took effect upon approval by the Governor. In Section 2 of the legislation, it makes changes in O.C.G.A. § 48-8-109.5(e), regarding the administration, collection and disbursement of the equalized homestead option sales tax striking the current reference to when a municipality, located within a special district and incorporated after May 4, 2015, and relies upon a county governing authority for maintenance of roads, streets, sidewalks and bicycle paths and what the municipality's per capita share of the proceeds are to be paid to the county governing authority. Section 2 becomes effective on July 1, 2017. In Section 3, it amends O.C.G.A. § 48-8-111(a) regarding the procedure for imposition of tax, resolution or ordinance, notice to county election superintendent and election with regard to county special purpose local option sales taxes so as to address the purposes of how "SPLOST" may be expended so that the tax authorized and submitted to the voters for approval in connection with the equalized homestead option sales tax is required to be used for transportation purposes (e.g. roads, bridges, public transit, rails, airports, buses, seaports, and including without limitation road, street, and bridge purposes,

for public safety facilities and related capital equipment used in the operation thereof, for debt service purposes for which a municipality used proceeds from the homestead option sales and use tax, and for the repair of capital outlay projects – it limits the amounts for repair of capital outlay projects to 15 percent of the total proceeds). Section 3 also took effect upon signature. Governor Deal approved this legislation as **Act Number 206** on May 8, 2017.

SB 180 – Sen. Dean Burke, MD (R-Bainbridge) introduced changes to hospital reporting requirements on indigent care and the tax credits for rural hospital organizations. A new Code Section is added at O.C.G.A. § 31-8-9.1 to require that the Department of Community Health approve a list of rural hospital organizations which are eligible to receive contributions from the tax credits in O.C.G.A. § 48-7-29.20. Then that list to be transmitted to Georgia's Department of Revenue. Prior to a hospital organization being eligible to receive the contributions from the tax credit, it is required to submit a five-year plan outlining financial viability and stability of the rural hospital organization. It further provides what the organization must do if it receives such funds (e.g. provision of healthcare related services for residents of a rural county or for residents of the area served by a critical access hospital and report the contributions and corporate donors). The legislation contemplates the use of a third-party to solicit, administer or manage donations – it caps such entities' administrative fees to three percent of the total amount of the donations. The Department of Community Health is also required to annually report information to the Chairs of the House Committee on Ways and Means and the Senate Health and Human Services Committee. In O.C.G.A. § 48-7-29.20, it increases the credits for individuals received moving it from 70 percent to 90 percent of the actual money expended and also increases the current $2,500.00 credit to $5,000.00, whichever is less. It also increases the credits' amounts for a married couple filing a joint return (moving from 70 percent to 90 percent of the actual amount expended and moving the $5,000.00 to $10,000.00). Further, it allows corporate entities tax credits not to exceed 90 percent (rather than 70 percent) of the amount expended. It also provides for an aggregate amount of the credits for years 2017, 2018 and 2019 at $60 million per year. It allows a taxpayer preapproved by the Department to retain their approval in the event the credit percentage is modified for the year in which the taxpayer was preapproved. Governor Deal signed this legislation as **Act Number 200**; it takes effect on July 1, 2017.

Legislation Not Passed

HB 13 – Rep. Jeff Jones (R-Brunswick) also authored this legislation, which would have amended O.C.G.A. § 48-7-27 to provide for adjustments in taxable income for educators. At O.C.G.A. § 48-7-29.21, it would provide for a tax credit of 50 percent of up to $500 of eligible expenses incurred during the tax year. To be considered an eligible educator, one must be a K-12 teacher, instructor, or aide in a qualified school and must have worked for at least 810 hours during a taxable year. The legislation remained in the House Ways and Means Committee.

HB 54 – Rep. Geoff Duncan (R-Cumming) proposed to amend O.C.G.A. § 31-8-9.1 to require additional reporting requirements for rural hospital organizations that receive donations. Such organizations would have been required to report on any payments made to a third party to

solicit, administer, or manage the donations received. At O.C.G.A. § 48-7-29.20, the bill would have increased the tax credit for individual taxpayers for qualified rural hospital organization expenses. For a single individual, it was increased to 90 percent (as current law is 70 percent) of the amount expended, or $5,000 per tax year (current law is $2,500 per tax year). For a married couple, it was increased to 90 percent (current law is 70 percent) of the amount expended, or $10,000 per tax year (current law is $5,000 per tax year). HB 54 was withdrawn and recommitted to the House Ways and Means Committee, where it remained.

HB 66 – Rep. Jeff Jones (R-Brunswick) proposed requiring financial institutions to collect a fee on each money transmission transaction within the United States or to a location abroad. There would be a ten dollar fee on transactions less than $500 and a two percent fee on transactions greater than $500. At O.C.G.A. § 48-7-64, it would have established a tax credit for fees associated with the transaction fee. HB 66 remained in the House Ways and Means Committee.

HB 69 – Rep. Paulette Rakestraw (R-Powder Springs) would have amended O.C.G.A. § 48-7-40 requiring the tax commissioner to issue an annual report that included a list of all counties and their tier classifications, and the following statistics: a) The total number of employers claiming an income tax credit; b) the total value of tax credits applied; and c) the overall economic impact produced. HB 69 remained in the House Ways and Means Committee.

HB 81 - Rep. Tom McCall (R-Elberton) introduced this measure in order to alter O.C.G.A. § 48-7-161 to include under the definition of 'Claimant Agency', any health care facility that is formed, created, or operated by a hospital authority established pursuant to Article 4 of Chapter 7 or Title 31. It remained in the House Ways and Means Committee

HB 93 – Rep. John Corbett (R-Lake Park) proposed to create a new Code Section at O.C.G.A. § 48-8-49.1 which would have established a direct pay reporting program, allowing taxpayers to directly pay sales and use taxes owed to the Department. Such taxpayers would have been required to purchase more than $2 million in tangible property each year and be classified in one of nine industry codes. O.C.G.A. § 48-2-35.1 would have also been amended to provide for interest to be paid on overpayments through this program. If a taxpayer overpaid its actual liability by 20 percent or more, then interest would not have been required on overages for the filing period. HB 93 was passed by the House; however, it remained in the Senate Finance Committee.

HB 142 – Rep. Spencer Frye (D-Athens) proposed this legislation, which would have amended O.C.G.A. § 48-7-105, establishing late penalties for the delayed release of 1099 and W-2 forms to an employee or the Department of Revenue. Fees would amount to $10.00 per statement filed up to 30 days late; $20.00 per statement filed between 31 and 210 days late; and $50.00 per statement filed more than 210 days late. This bill passed the House, but failed to pass the Senate by a vote of 100-64.

HB 145 – Rep. John Carson (R-Marietta) authored this legislation, which would have changed the method of charging sales and use tax on jet fuel at O.C.G.A. § 48-8-3.4, by exempting jet fuel from the sales and use tax in instances when such fuel was consumed outside of Georgia in

the operation of commercial aircraft. It was recommitted to the House Ways and Means Committee where it remained.

HB 150 – Rep. Bert Reeves (R-Marietta) authored this proposal, amending O.C.G.A. § 32-10-64 to provide for a setoff of debt owed on unpaid toll violations from tax refunds by the Department of Revenue. The Senate passed a substitute version; however, the House never agreed or disagreed to it. The bill remained under consideration in the House.

HB 181 - Rep. Jodi Lott (R-Evans) proposed this legislation amending O.C.G.A. § 48-2-15 to address confidential information secured in the administration of taxes and the furnishing of certain tax information in all municipalities in Georgia having a population of 350,000 or more. This would be done by a resolution of the governing authority of the any county or municipality. Further, it proposed to limit how such information may be discussed or disclosed, limiting it to the members of the governing authority for the county or municipality when they are in executive session. HB 181 passed the House, but remained in the Senate Finance Committee.

HB 195 - Rep. Brett Harrell (R-Snellville) authored this measure which proposed to amend O.C.G.A. § 48-5-41 providing that indirect ownership of a home for the mentally disabled through a limited liability company that is fully owned by a tax exempt organization was to be considered direct ownership. After passing the House, the bill failed to receive a vote in the Senate. The legislation remained in the Senate Finance Committee. [See HB 196 which was passed and became **Act Number 25**.]

HB 204 - Rep. Brett Harrell (R-Snellville) introduced this measure to add a new Code Section at O.C.G.A. § 48-5-33, relating to ad valorem property taxation. It proposed that property tax bills were not to include any non-tax related fees or assessments (including but not limited to storm-water service fees or solid waste fees). It remained in the Senate Finance Committee.

HB 209 - Rep. Lee Hawkins (R-Gainesville) authored this initiative which would have enacted the "Russell D. Rego USMC Act." The legislation would have added a new subsection (g) to O.C.G.A. § 48-5-48 so that if a disabled veteran receives a final determination of "disability" from the United States Department of Veterans Affairs containing a retroactive period of eligibility, then the disabled veteran or his or her surviving unremarried spouse or minor children would be entitled to a refund of the ad valorem taxes paid during the period that the veteran or his or her surviving unremarried spouse or minor children would have otherwise been exempt from such taxes provided that the refund would only be for the three tax years preceding his or her or his or her surviving unremarried spouse's or minor children's application for the homestead exemption permitted under O.C.G.A. § 48-5-48. This bill remained in the Senate Finance Committee.

HB 211 - Rep. Beth Beskin (R-Atlanta) introduced this legislation to create a new Code Section at O.C.G.A. § 48-7-29.21. It proposed to provide for an annual tax credit of up to $2,500.00 for up to five years for taxpayers who purchased, owned, and occupied a dwelling that qualified for a homestead exemption located within a school attendance zone assigned to a

public elementary school that was among the lowest five percent of academic achievement public elementary schools in the State. The bill also required the Department of Education to annually provide the Department of Revenue with a list of those public elementary schools that the Office of Student Achievement determined to be among the lowest five percent. The legislation remained in the House Ways and Means Committee.

HB 217 - Rep. John Carson (R-Marietta) proposed this bill in Titles 20 and 48 that would have increased the cap on tuition tax credits to student scholarship organizations to $65 million for 2017 tax year (currently it is $58 million annually); $65 million for 2018; $75 million for 2019; and $85 million for 2020. It would have further required each student scholarship organization to obligate at least 97 percent of its annual revenue received from donations to scholarships or tuition grants. The Senate disagreed to the House's amendments to the Senate substitute, so the bill failed to pass as no further action was taken.

HB 225 – Rep. Jay Powell (R-Camilla) authored this legislation to amend O.C.G.A. § 48-8-3 to extend a sales and use tax exemption to include the fares of transportation referral services and transportation referral service providers. Such exemption would have applied to all sales taxes, use taxes, or local sales and use taxes, including taxes authorized by the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965.' HB 225 remained in the Senate Finance Committee.

HB 285 – Rep David Knight (R-Griffin) authored this bill which would have revised the criteria used by tax assessors to determine the fair market value of real property. At O.C.G.A. § 48-5-2, it proposed that higher operating costs resulting from regulatory requirements imposed on a property were now considered criteria. It passed out of the House, but remained in the Senate Finance Committee.

HB 301 - Rep. Jodi Lott (R-Evans) authored this bill to delete current law at O.C.G.A. § 48-7-27 concerning the income tax on physicians serving as community-based faculty physicians. In its place was a new income tax credit, at O.C.G.A. § 48-7-29.21, for taxpayers who were licensed physicians, advanced practice registered nurses or physician assistants who provide uncompensated preceptorship training to medical students, advanced practice registered nurse students or physician assistant students for specific periods of time. The credit accrued on a per preceptorship rotation basis in the amount of $500.00 for the first, second and third preceptorship rotation and $1,000.00 for the fourth, fifth, sixth, seventh, eighth, ninth, or tenth preceptorship rotation completed in one calendar year by a "community based faculty preceptor" (who is a physician). Advanced practice registered nurses and physician assistants, could receive $375.00 for the first, second, or third such preceptorship rotation and $750.00 for the fourth, fifth, sixth, seventh, eighth, ninth, or tenth rotation. No individual could accrue more than ten preceptorship rotations in one calendar year. HB 301 was passed by the House, but remained in the Senate Finance Committee.

HB 302 - Rep. Randy Nix (R-LaGrange) authored this legislation which would have changed the advertising and notice requirements pertaining to millage rate adoption and the advertisement form to be placed in the newspaper of general circulation serving the residents of the unit of local government and on the website of the levying authority. At O.C.G.A. § 48-

5-32.1, it eliminated the current references to "average home value for the previous year's digest rounded to the nearest $25,000.00" and required that the advertisement outline the amount anticipated to be generated with the proposed millage rate. HB 302 remained in the House Ways and Means Committee.

HB 314 – Rep. Jason Shaw (R-Lakeland) authored the 'Georgia Agribusiness Rural Jobs Act' at O.C.G.A. § 33-1-25, which would have allowed investors to make a capital investment in a rural fund, against the entity's State tax liability. It passed the House and remained in the Senate Finance Committee. [See SB 133 which passed and was signed as **Act Number 241**.]

HB 329 - Rep. Jay Powell (R-Camilla) authored legislation to set the income tax rate at 5.65 percent in O.C.G.A. § 48-7-20(b) for individuals with taxable net income over $7,000.00. It also amended subsection (b)(3) of O.C.G.A. § 48-7-27 so that there "shall be added to taxable income any income taxes imposed by any tax jurisdiction to the extent deducted in determining federal taxable income." Senate and House Conference Committees were appointed, but no agreement was reached; thus, the bill failed.

HB 524 - Rep. Sam Teasley (R-Marietta) offered this legislation, which would have created, at O.C.G.A. § 48-7-29.21, the "Digital Learning tax Credit Act of 2017." It proposed this 'digital learning' tax credit for taxpayers who make donations to certain qualified nonprofit organizations, acting in support of public education. This credit would be equal to 50 percent of the amount donated. The total amount of tax credits was not to exceed $10 million in the first year. After the first year, this total credit amount was to be increased by 15 percent as long as 90 percent of the credits were claimed. Eligible nonprofits would be certified by the Department of Revenue. These entities would make grants to county, municipal, or independent school districts for such things as purchase of new technology products and devices, digital content and interactive textbooks, and etc. The bill remained in the House Ways and Means Committee.

SB 44 – Sen. Dean Burke, MD (R-Bainbridge) proposed this legislation addressing O.C.G.A. § 50-18-72, relating to when public disclosure was not required, so that at (51) "records related to Code Section 31-8-9.1 containing the identity of any individual or corporate donor that made or applied to make a contribution to a rural hospital organization pursuant to Code Section 48-7-29.20, unless the identity of such individual or corporate donor is redacted prior to public disclosure" would not be subject to disclosure. It remained in the Senate Rules Committee.

SB 76 – Sen. Ellis Black (R-Valdosta) authored this legislation at O.C.G.A. § 48-8-143 so as to allow the net "proceeds of the sales tax for educational purposes be distributed in the manner provided under Article VIII, Section VI, Paragraph IV(g) of the Constitution unless another distribution formula is provided for in an agreement between a county school system and one or more independent school systems within such county." [See SR 95 which passed and is the Constitutional Amendment required; it became **Act Number 278**.] This enabling legislation (SB 76), however, remained in the Senate Education and Youth Committee.

SB 172 – Sen. Elena Parent (D-Atlanta) introduced this bill to add a new Code Section at O.C.G.A. § 48-7-29.21. It would have allowed a refundable earned income tax credit against the tax imposed by Code Section 48-7-20 13 in an amount equal to 10 percent of the federal credit that such taxpayer is allowed under Section 32 of the Internal Revenue Code. The initiative remained in the Senate Finance Committee.

SB 231 – Sen. Josh McKoon (R-Columbus) authored this bill amending Titles 15, 20, 40, 43 and 48 which would have required that a person who is not a United States citizen would not be permitted admission to the practice of law or be a duly licensed attorney at law in Georgia unless he or she possessed a lawful alien status. Similar provisions would have been added so that certificated professional personnel employed by Georgia schools would also have been required to be citizens or have lawful alien status. It further would have required individuals to be eligible for the HOPE scholarships and grants by citizens or have lawful alien status. It remained in the Senate Judiciary Committee.

SB 232 – Sen. Steve Gooch (R-Dahlonega) proposed this initiative proposing to create the "Facilitating Internet Broadband Rural Expansion (FIBRE) Act" in Titles 36, 46, 48 and 50. It would have provided for broadband service planning, deployment, and incentives and addressed what local governments could do with respect to such. It remained in the Senate Regulated Industries and Utilities Committee.

SOCIAL SERVICES

Legislation Passed

HB 75 – Rep. Wendell Willard (R-Sandy Springs) offered this legislation to address situations where information is released about a child's death, during the time the death is being investigated by law enforcement, when that child died and was in the care of the Division of Family and Children's Services. The legislation amends current law at O.C.G.A. § 49-5-41(a) and (e) so as to clarify that the part of a record of the Department of Human Services or a governmental child protective agency that includes information provided by law enforcement or prosecution agencies in any pending investigation or prosecution of criminal activity contained within the child abuse, neglect, or dependency records is protected from disclosure. Governor Deal signed this bill as **Act Number 169**; it takes effect on July 1, 2017.

HB 206 – Rep. Trey Kelley (R-Cedartown) offered this legislation amending "The Pharmacy Audit Bill of Rights." It clarifies at O.C.G.A. § 26-4-118(g) that the provisions outlined in O.C.G.A. § 49-4-151.1 apply to audits conducted by the Department of Community Health. It adds a new Code Section at O.C.G.A. § 49-4-151.1 stating that "any clerical or record-keeping error, including but not limited to a typographical error, scrivener's error, or computer error; any unintentional error or omission in billing, coding, or required documentation; or any isolated instances of incomplete documentation by a provider of medical assistance regarding reimbursement for medical assistance may not in and of itself constitute fraud or constitute a basis to recoup payment for medical assistance provided, so long as any such errors or instances do not result in an improper payment." It addresses what is an "improper payment"

and also prohibits any recoupment of the Medical Assistance if an error, omission, or incomplete documentation has been resolved; "provided, however, that recoupment shall be allowed to the extent the error, omission, or incomplete documentation resulted in an improper payment, though recoupment shall be limited to the amount improperly paid." A provider is allowed 30 calendar days, following receipt by the provider of a preliminary audit review report, in which to submit records or documents to correct an error or omission or to complete documentation identified in that report – the Department is given discretion in rejecting such information of a corrected record or document if the submission would result in an improper payment or the provider demonstrates a pattern of repeated errors, omissions, or incomplete documentation. The legislation also adds a new subsection (d) at O.C.G.A. § 49-4-142, allowing an increase in the personal needs allowance of not less than $70.00 per month for a nursing home resident. [This portion of the legislation was actually SB 202 by Sen. Michael Rhett (D-Marietta); his legislation remained in the House Health and Human Services Committee.] Governor Deal signed this legislation as **Act Number 68**; it takes effect on July 1, 2017.

HB 250 – Rep. Mandi Ballinger (R-Canton) carried this initiative on behalf of a lobbyist who is caring for two of her sister's children that are under the State's Division of Family and Children's Services' control. It creates a new Code Section at O.C.G.A. § 49-5-115 to allow, in lieu of any background screening or fingerprint check required pursuant to any State law or any department regulation for an individual who provides short-term care for a child in the custody of the Department, the Department to accept a letter issued within the previous 12 months by the Department of Early Care and Learning stating that such individual has received a satisfactory determination by the Department of Early Care and Learning in accordance with Article 2 of Chapter 1A of Title 20. Governor Deal signed this legislation as **Act Number 191** on May 8, 2017. This language took effect upon approval of the legislation by Governor Deal.

SB 168 – Sen. Butch Miller (R-Gainesville) authored these changes to Georgia's child abuse records. The bill amends O.C.G.A. § 49-5-41(c) so that a 'licensed child-placing agency,' 'licensed child caring institution,' 'licensed adoption agency of Georgia or other State which is placing a child for adoption,' or an investigator appointed by a court of competent jurisdiction of this State is permitted to investigate a pending petition for adoption – under current law, it does not permit that a licensed adoption agency can make such investigation. It further permits accessing and sharing of records electronically between local and State law enforcement agencies, Department of Community Supervision, probation officers, Department of Corrections and Department of Juvenile Justice when they are providing services to those who also are receiving services from the Department of Human Services and Division of Family and Children's Services. The legislation also amends O.C.G.A. § 49-5-185 regarding access to the child abuse registry, broadening who has access to that registry. It includes an abuse "investigator who has investigated or any federal, federally recognized tribal, State or local governmental entity of this or any other state or any agent of such governmental agencies which is investigating or responding to a report of a case of possible child abuse or is investigating a case of possible child abuse and who shall only be provided information relating to such case for purposes of using such information in such investigation." It also allows child-placing entities conducting foster and adoptive parent background checks and any entity

licensed by another state to place children for adoption access for the purposes of conducting background checks on adoptive parents or prospective adoptive parents. Governor Deal approved this legislation as **Act Number 170**. The changes take effect on July 1, 2017.

SB 174 – Sen. John Kennedy (R-Macon) introduced this legislation which incorporates additional recommendations from the Georgia Council on Criminal Justice Reform. It addresses reforms for individuals supervised under accountability courts, the Department of Community Supervision, and the State Board of Pardons and Paroles. Some of the added changes are:

- O.C.G.A. § 15-1-17(4) to require that the Council of Accountability Court Judges of Georgia provide technical assistance to veterans court divisions including guidance on implementation of risk and needs assessments; it requires the Council of Accountability Court Judges create and manage a certification and peer review process to ensure veterans court divisions are adhering to the Council of Accountability Court Judges of Georgia's standards and practices and to create a waiver process for the veterans court divisions to seek an exception to the Council of Accountability Court Judges of Georgia's standards and practices. It also requires that before any veterans court division (established on and after July 1, 2017) receive State-appropriated funds it is to be certified or receive a waiver from the Council of Accountability Court Judges of Georgia. It also requires that the Council of Accountability Court Judges of Georgia and the Georgia Council on Criminal Justice Reform develop and manage an electronic information system for performance measurement and accept submission of performance data in a consistent format from all veteran court divisions. Also required, on or before July 1, 2018, is that the Council of Accountability Court Judges of Georgia conduct a performance peer review of the veterans court divisions for the purpose of improving veterans court division policies and practices and the certification/recertification process.
- O.C.G.A. § 15-11-70(a)(5)(C) to require that there is a certification process for family treatment court divisions to allow a court to demonstrate its need for additional State grant funds.
- O.C.G.A. § 15-11-212(f) to change required substance abuse treatment and random substance abuse screenings by a parent, guardian, or legal custodian of a child who is adjudicated as dependent so that rather than six months it would be no less than 12 consecutive months and that the parent, guardian, or legal custodian successfully complete programming through a family treatment court division.
- O.C.G.A. § 49-3-6(a) to add a requirement of local county departments in regards to protecting children so that "in collaboration with the family treatment court division planning group, if one exists, establish a written protocol to assess cases involving substantiated reports of abuse or neglect for possible referral to a family treatment court division. Such protocol shall be consistent with the Council on Accountability Courts of Georgia's certification requirements and include sufficient criteria to determine the need for substance abuse treatment."

- O.C.G.A. § 42-2-11(c) to add at (1)(C) that the board of the Department of Corrections is to use evidence-based practices to evaluate the quality of programming at its facilities, except State prisons, by January 1, 2019 and shall also publish a report.
- O.C.G.A. § 42-3-2(g)(3) to require that the Board of Community Supervisions use evidence-based practices to evaluate the quality of its programming at day reporting centers by January 1, 2019. It further permits in (h)(1) that the Board may provide educational programs for probationers and is required to exercise program approval authority, and at (h)(2) it requires that the Board create a Program and Treatment Completion Certificate that may be issued to probationers to symbolize the probationer's achievements toward successful reentry into society.
- O.C.G.A. § 42-5-36(c) to require that the Commissioner for the Department of Corrections prepare a report of the conduct of record of any inmate serving a sentence for a serious violent felony.
- O.C.G.A. § 42-8-21, regarding Georgia's statewide probation system, to add a definition for 'qualified offense.'
- O.C.G.A. § 42-8-27 to require that community supervision officers be authorized to provide supervision of defendants who are participants in a drug court division, mental health court division, or veterans court division operated by a superior court (as long as sufficient staffing and resources are available).
- O.C.G.A. § 42-8-34(e) to address payment of probation supervision fees and what the court may consider in imposing such (e.g. defendant's earnings and other income; other defendant obligations; etc.) and also when a court is to waive, modify or convert fines, statutory surcharges, probation supervision fees and other moneys assessed by the court or a provider of probation services.
- O.C.G.A. § 42-8-37(c) to address cases where a person receives a probated sentence of three years or more to require that there is a review by the officer responsible for such case with a report to specifically state if the probationer has been arrested for anything other than a nonserious traffic offense as defined in O.C.G.A. § 35-3-37, determining whether the probationer has been compliant with general and special conditions of probation imposed and the status of the probationer's payments toward restitution or any fines and fees imposed.
- O.C.G.A. § 42-9-43(d) to require that if the Board of Pardons and Paroles holds a hearing, it is to provide the district attorney of the circuit in which the person was sentenced 30 days' notice via email of the hearing date and the district attorney or his or designee may attend such hearing and present evidence and also provide the person being considered 30 days' notice so he or she may present evidence to the Board.
- O.C.G.A. § 42-9-44 to require conditions of probation be imposed as conditions of parole when a defendant is serving a split sentence.
- O.C.G.A. § 42-9-46 requires that in cases in which an inmate has failed to serve time required for automatic initial consideration, there are requirements which are to be followed for early consideration. If an objection is filed and the board grants early parole, then the Board is to issue a statement explaining its reasoning for granting such parole and such statement is to be served on any party who filed an objection.
- O.C.G.A. § 42-9-61 to require that after the Board of Pardons and Paroles provides notice of making a final decision on parole or conditional release, the prosecuting

attorney and person being considered for relief may make a written request to the Board for the report outlined in O.C.G.A. § 42-9-43(a)(2); the disclosure of this report does not vitiate the confidential nature of the report and does not make this report subject to Georgia's Open Meetings and Records laws in Title 50.

Governor Deal signed the additional Criminal Justice Council reforms as **Act Number 226**; the revisions take effect on July 1, 2017.

Legislation Not Passed

HB 52 – Rep. Mary Margaret Oliver (D-Decatur) authored this legislation which would have addressed the Temporary Assistance for Needy Families (TANF) program. It would have amended O.C.G.A. § 49-4-181 to include 'legal custodian' under the definition of 'family' with regards to the TANF program. O.C.G.A. § 49-4-182, O.C.G.A. § 49-4-183, and O.C.G.A. § 49-4-184 were also amended to include 'legal custodian,' in addition to parents and legal guardians. It remained in the House Juvenile Justice Committee.

HB 124 - Rep. David Clark (R-Buford) introduced this bill that would have revised Title 16 and Title 49 relating to fraud and public assistance by replacing the term 'food stamps' with 'food instrument,' defined in the bill as a voucher, check, EBT card, or coupon used to obtain public assistance. It was passed by the House, but remained in the Senate Health and Human Services Committee.

HB 188 - Rep. Stacey Abrams (D-Atlanta) sought to create a new Code Section at O.C.G.A. § 49-4-159 authorizing appropriations for the purpose of obtaining federal financial participation for medical assistance payments to providers on behalf of Medicaid recipients and funding the State's portion of the cost to expand Medicaid under the Affordable Care Act. Such appropriations would have provided up to a maximum of 138 percent of the federal poverty level. It remained in the House Appropriations Committee.

SB 4 – Sen. Renee Unterman (R-Buford) authored this legislation to create the "Enhancing Mental Health Treatment in Georgia Act" in O.C.G.A. § 49-4-142.3. In part it would have established the Georgia Mental Health Treatment Task Force and a Mental Health Treatment Advisory Council. Further, it proposed that this Task Force review Georgia's landscape of mental health services and develop a plan for appropriate distribution of funding for mental health and substance abuse services in Georgia by developing an 1115 Waiver. The House disagreed to the Senate's change to the legislation once the bill had passed both chambers and further amendments were made. The Senate never called the bill back for further action. There, it failed to pass.

SB 7 – Sen. Vincent Fort (D-Atlanta) introduced this new Code Section idea for O.C.G.A. § 49-4-142.3. It would have authorized appropriations "for the purposes of obtaining federal financial participation for medical assistance payments to providers on behalf of Medicaid recipients pursuant to this article and funding the State's portion of the cost to expand the Medicaid program under the federal Patient Protection and Affordable Care Act (Public 17

Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and any regulations or guidelines issued under such acts." Further, it outlined that such appropriations' authorization would not be required if the federal government did not provide a minimum of 90 percent of such funding. This legislation remained in the Senate Health and Human Services Committee.

SB 97 – Sen. Elena Parent (D-Atlanta) authored this legislation amending O.C.G.A. § 20-1A-64 so as to expand child care subsidies from one year to two years for parents in a job training or educational program. The legislation remained in the Senate Education and Youth Committee.

SB 170 – Sen. Hunter Hill (R-Atlanta) offered this bill proposing the "Georgia SERVES Act" in Chapter 5 of Title 49. The purpose of this legislation was to establish a uniform volunteer certification system for volunteers to serve children in Georgia's foster care system. While a laudable goal, there were numerous issues raised with this proposal including how it might work with "Prudent Parenting Standards." The legislation passed the Senate and reported favorably out of the House Juvenile Justice Committee. However, the bill remained in the House Rules Committee.

SB 202 – Sen. Michael "Doc" Rhett (D-Atlanta) proposed this idea for an amendment to O.C.G.A. § 49-4-142, relating to modification of the Medicaid State plan, by adding a new subsection (d): "The department shall, upon state appropriations, implement a modification of the State plan for medical assistance or any affected rules or regulations of the department, which modification shall provide that, in determining the amount of a recipient's income that is to be applied to payment for the costs of care in a nursing home, there shall be deducted a personal needs allowance of not less than $70.00 per month which shall include the minimum amount required by 42 U.S.C. Section 1396a(q)(2)." SB 202 passed the Senate and then was assigned to the House Health and Human Services Committee where it remained. [See HB 206 as the language was added into that legislation which passed and became **Act Number 68** which takes effect on July 1, 2017.]

STATE GOVERNMENT

Legislation Passed

HB 470 – Rep. Shaw Blackmon (R-Bonaire) offered this initiative concerning the economic development investment impact of Georgia's military installations on the State. His bill creates a new Article 10 in Chapter 7 of Title 50 to create a grant program supporting counties and municipalities that are military communities. The Department of Economic Development is to administer this program to be called, "Defense Community Economic Development Fund." Grants will be awarded on a case-by-case basis upon an application review. The grants are to: (1) further the relationship between the military community and the military installation; (2) further the military installation's economic development investment into the military community; or (3) assist in efforts to defend the viability of a military installation from a federal review. There is a financial "match" required to be made by the military community to

the grants award. Grant funds are prohibited from being utilized to contract with, compensate, or reimburse a registered lobbyist. Governor Deal signed this bill as **Act Number 185** which takes effect on July 1, 2017.

SB 117 – Sen. P.K. Martin, IV (R-Lawrenceville) introduced this effort relating to the Georgia Technology Authority. It defines the term, 'agency,' at O.C.G.A. § 50-25-1(b)(1) so that it now means "every State department, agency, board, bureau, commission, and authority but shall not include any agency within the judicial or legislative branch of State government, the Georgia Department of Defense, departments headed by elected constitutional officers of the State, or the University System of Georgia and shall also not include any authority statutorily required to effectuate the provisions of Part 4 of Article 9 of Title 11." It further adds a new duty for the Georgia Technology Authority at O.C.G.A. § 50-25-4(a)(9) so that it is to "establish technology policies and standards for all agencies, including but not limited to, the role and responsibilities of chief information officers and chief information security officers within such agencies." Also, it adds at (a)(25), that it is to "provide a waiver for any agency as to the use of any policies, standards, specifications, or contracts developed by the authority, when it is determined by the authority that such should not be applicable to such agency or that it will promote the best interests of the State to grant such a waiver." Governor Deal signed this bill as **Act Number 187.** The changes take effect on July 1, 2017.

SB 126 – Sen. John Kennedy (R-Macon) introduced this initiative addressing tort actions. Specifically, his legislation amends O.C.G.A. § 50-21-28. Presently all tort actions against the State, pursuant to Article 2 of Chapter 21 of Title 50, are to be brought in the state or superior court of the county wherein the tort loss occurred; provided, however, that in any case in which an officer or employee of the State may be included as a defendant in his individual capacity, the action may be brought in the county of residence of such officer or employee. All actions against the State for losses sustained in any other state are to be brought in the county of residence of any officer or employee residing in this State upon whose actions or omissions the claim against the State is based. His new language reads:

> All tort actions against the state under this article shall be brought in the state or superior court of the county wherein the tort giving rise to the loss occurred; provided, however, that wrongful death actions may be brought in the county wherein the tort giving rise to the loss occurred or the county wherein the decedent died, and provided, further, that in any case in which an officer or employee of the state may be included as a defendant in his or her individual capacity, the action may be brought in the county of residence of such officer or employee. All actions against the state for losses sustained in any other state shall be brought in the county of residence of any officer or employee residing in this state upon whose actions or omissions the claim against the state is based.

Governor Deal signed this bill as **Act Number 238**; it takes effect on July 1, 2017 and applies to actions filed on or after that date.

Legislation Not Passed

HB 160 – Rep. Kevin Tanner (R-Dawsonville) authored this bill which would have created the Georgia Regional Transit Council at a newly created 'Article 9' of Chapter 12 of Title 50. At O.C.G.A. § 50-12-140, it provided that appointees would include three members from both the House and the Senate, as well as the chairpersons from various County Boards of Commissioners. Pursuant to O.C.G.A. § 50-12-141, the Council would have been required to develop a long-term investment strategy for transit services, develop methods for planning projects between federal, state and local governments, and develop a strategic plan based on efficiency and coordination. The strategic plan would have been made available to the public by December 31, 2018 and officially published on December 31, 2019. This Council was to be assigned to the Department of Transportation. The Senate tabled this legislation.

HB 177 - Rep. Pedro Marin (D-Duluth) authored this legislation to require reasonable access to public services for non-English speakers in O.C.G.A. § 50-3-100. Such would include the provision of in-house oral language services like staff interpreters and translation of applications, informational materials, notices, complaint forms and other vital documents. It also proposed to require that the Department of Human Services, in consultation with the Attorney General's office, provide central coordination and technical assistance to State entities to ensure the implementation of the new Code provisions. The legislation remained in the House Governmental Affairs Committee.

HB 222 - Rep. Shaw Blackmon (R-Bonaire) proposed this legislation which would have amended O.C.G.A. § 20-3-519.1 to provide that members of the Georgia National Guard or a member of a reserve component of the armed forces were to meet residency requirements to be considered for HOPE Scholarship. Further, it amended O.C.G.A. § 50-27-13 so that net proceeds for FY 2018 were required to equal at least 26.5 percent of the lottery proceeds; for FY 2019 it required 27.5 percent; and in FY 2020 and each year thereafter, it required at least 28.5 percent. A Conference Committee was appointed to work out the differences between the chambers. No agreement was reached; thus, the bill failed to pass.

HB 634 – Rep. Rick Jasperse (R-Jasper) proposed this measure to create the "Georgia Endowment for Teaching Professionals" at O.C.G.A. § 50-12-110, under a newly created Article 7. The fund aimed to foster a public-private partnership meant to support postsecondary teaching professionals in high demand courses and disciplines. At O.C.G.A. § 50-12-112, it provided for the creation of a Board of Trustees to manage the fund. Pursuant to O.C.G.A. § 50-12-113, no funds would be expended until contributions to the endowment from private donors aggregate $50,000.00 and funding and grants from public sources aggregate $50,000.00. It remained in the House Higher Education Committee.

SB 2 – Sen. Mike Dugan (R-Douglasville) carried this effort for the Senate Leadership which sought to create "FAST Act - Fairness, Accountability, Simplification, and Transparency - Empowering Our Small Businesses to Succeed" in Titles 36, 43 and 50. In part, the legislation would have modified the imposition of regulations on businesses and professions at the State and local levels; provided for schedules of fees and timelines for permits, licenses, and other

regulatory requirements; provided for reduced fees when such deadlines were not met; and provided expedited processing of licenses and permits. The legislation was recommitted to the House Small Business Development Committee.

SB 5 – Sen. Bill Cowsert (R-Athens) proposed this Senate Leadership effort which would have amended O.C.G.A. § 50-27-13, relating to the disposition of lottery proceeds, the budget report by the Governor, appropriations by the General Assembly, and the shortfall reserve subaccount. It specifically sought to establish the percentage of the lottery proceeds for each fiscal year which must equal the net proceeds to be transferred to the State treasury for credit to the Lottery for Education Account. It set the net proceeds at 35 percent or as near as is practical but not less than 25 percent of the lottery proceeds. The legislation remained in the House Rules Committee and never made it to a House Rules Calendar.

SB 19 – Sen. Josh McKoon (R-Columbus) authored this bill to address duties of the State Treasurer and would have added a new Code Section at O.C.G.A. § 50-5A-12. It sought to require the State Treasurer to collect certain data and maintain and publish a data base of searchable information related to all expenditures made by State entities to vendors. The initiative remained in the Senate Government Oversight Committee.

SB 44 – Sen. Dean Burke, MD (R-Bainbridge) proposed this legislation addressing O.C.G.A. § 50-18-72, relating to when public disclosure was not required, so that at (51) "records related to Code Section 31-8-9.1 containing the identity of any individual or corporate donor that made or applied to make a contribution to a rural hospital organization pursuant to Code Section 48-7-29.20, unless the identity of such individual or corporate donor is redacted prior to public disclosure" would not be subject to disclosure. It remained in the Senate Rules Committee.

SB 67 – Sen. John Albers (R-Roswell) authored this bill in Chapter 13 of Title 50 to create the "Bring Small Businesses Back Georgia Regulatory Reform Act." It was an attempt to rid Georgia of some unnecessary business regulations. The legislation remained in the Senate Economic Development and Tourism Committee.

SB 75 – Sen. Vincent Fort (D-Atlanta) offered this measure to create at O.C.G.A. § 50-5-150 the Division of Supplier Diversity within the Department of Administrative Services. His bill remained in the Senate Government Oversight Committee. This legislation was similar to House proposal, HB 21, by Rep. Roger Bruce (D-Atlanta) which also proposed the creation of a Division of Supplier Diversity in Title 50 within the Department of Administrative Services.

SB 79 – Sen. Brandon Beach (R-Alpharetta) carried this version of legalized casino gambling. It proposed to create at O.C.G.A. § 50-39-1 the "Destination Resort Act" or "Resort Act." The legislation remained in the Senate Regulated Industries and Public Utilities Committee. A House version of this legislation was authored by Rep. Ron Stephens (R-Savannah), HB 158, which remained in the House Regulated Industries Committee.

SB 182 – Sen. Horacena Tate (D-Atlanta) offered this measure to create the Division of Supplier Diversity within the Department of Administrative Services at O.C.G.A. § 50-5-150,

et seq. It remained in the Senate Government Oversight Committee. See also HB 21 and SB 75 which also did not pass.

SB 195 – Sen. John Albers (R-Roswell) authored this legislation to create the "Georgia Jobs First Act of 2017" in a new Article 10 of Chapter 7 of Title 50. Companies (which did business with the State or received tax credits) would have been required to give 120-day notice to the Commissioner of Economic Development when they moved either facilities or operations outside of the State. This measure remained in the Senate Economic Development and Tourism Committee.

SB 232 – Sen. Steve Gooch (R-Dahlonega) proposed this initiative proposing to create the "Facilitating Internet Broadband Rural Expansion (FIBRE) Act" in Titles 36, 46, 48 and 50. It would have provided for broadband service planning, deployment, and incentives and addressed what local governments could do with respect to such. It remained in the Senate Regulated Industries and Utilities Committee.

SB 233 – Sen. Marty Harbin (R-Tyrone) introduced this proposal to address religious freedom. Specifically, it would have added a new Chapter 15A in Title 50: "The provisions of 42 U.S.C. Chapter 21B as such existed on January 1, 2017, regarding government burdens on the free exercise of religion, shall in like manner apply to this State or any political subdivision thereof." The initiative was assigned to the Senate Rules Committee where it remained.

SB 252 – Sen. Josh McKoon (R-Columbus) offered this legislation to create a new Chapter 39 in Title 50 which would have been known as the "Compact Among the States to Prohibit Public Financing of Professional Stadiums." The initiative reported out favorably from the Senate Interstate Cooperation Committee but failed to move to the Senate Floor, remaining in the Senate Rules Committee.

TORTS

Legislation Passed

HB 1 – Rep. Jason Spencer (R-Woodbine) authored this change to Georgia's tort laws in Title 51, adding a new Article 4 in Chapter 3 to this Title. It addresses at O.C.G.A. § 51-3-42 liability so that a space flight entity is not civilly or criminally liable for a space flight participant injury arising out of inherent risks associated with any space flight activities occurring or originating in Georgia if the space flight participant has: (1) signed the warning and agreement as required in O.C.G.A. § 51-3-43; and (2) given written informed consent as may be required pursuant to 51 U.S.C. Section 50905 or other federal law. O.C.G.A. § 51-3-43 outlines the specifics of the written Warning and Agreement which is required to be executed before participating in any space flight activity. O.C.G.A. § 51-3-44 requires that any litigation, action, suit, or other arbitral, administrative, or judicial proceeding, at law or equity against a space flight entity which pertains to a space flight activity, is to be governed by Georgia laws. Governor Deal signed this bill as **Act Number 172**; its provisions take effect on July 1, 2017.

HB 292 – Rep. Rick Jasperse (R-Jasper) carried this year's weapons' carry proposal, incorporating several changes in Titles 10, 16 and 51. At O.C.G.A. § 10-1-439 et seq., it creates the "Georgia Firearms Industry Nondiscrimination Act." The legislation prohibits a financial services entity (bank, etc.) from refusing to provide financial services or terminate an existing financial services relationship against an entity which is engaged in the lawful commerce of firearms or ammunition products. Further, the legislation adds a new definition for the term, "knife," so that as a weapon it is a blade greater than 12 inches in length (rather than five). It also adds reciprocity language for weapons' carry privileges from other states and requires the Attorney General to maintain a webpage with a list of states whose laws recognize and give effect to a license. It also requires that the Department of Natural Resources maintain information on its website regarding where hunter education and classes and courses on instruction and gun safety are taught. It also addresses how a name change petition for a license may occur. If a person has 90 days or more remaining on their weapons carry license and the individual requests a change (due to marriage, divorce, address change), the Department may issue a replacement for the same period before being replaced. The legislation also amends provisions relating to carrying weapons into court houses or a judicial annex and how officers/law enforcement personnel are to be screened. At O.C.G.A. § 16-11-130.2(a.1), it adds a definition for "commercial service airport" (one which receives scheduled passengers from major airline carriers). At O.C.G.A. § 51-1-55, it amends tort law to address dangerous weapons and provides an immunity from civil liability for instructors of gun safety/firearms. Governor Deal signed this legislation as **Act Number 217** on May 8, 2017. The changes in this legislation took effect upon signature by the Governor.

SB 46 – Sen. William Ligon, Jr. (R-Brunswick) introduced this legislation which originally addressed tort actions involving space flight activities in Title 51. In the end, SB 46 addresses Titles 9, 44 and 46 regarding condominium associations and language relating to telephone cooperatives. Much of the language regarding telephone cooperatives was originally contained in HB 413 by Rep. Don Parsons (R-Marietta) which as passed did not contain such language. The final version of SB 46:

- Revises current law at O.C.G.A. § 9-3-29(c) concerning limitations of actions relative to breach of restrictive covenant so that the right of action "shall accrue immediately upon the erection of a permanent fixture which results in a violation of the covenant restricting lands to certain uses or the violation of a set-back line provision." It also now ads that when an "alleged violation or complaint is based upon a continuous violation of the covenant resulting from an act or omission, the right of action shall accrue each time such act or omission occurs."
- Adds at O.C.G.A. § 44-3-89 a new subsection (c) regarding expansion of condominiums and amendments to declarations – it provides for an expansion of a condominium after the declarant's right to expand has expired and the process to allow for such (requiring that two-thirds of unit owners votes). The legislation also addresses subsection (c) of O.C.G.A. § 44-3-101 and allows the right to control of the condominium association pass to the unit owners if the declarant fails to do any of the following: (A) incorporate or maintain an annual registration; (B) cause the board of

directors to be duly appointed and the officers to be elected; (C) maintain and make available to owners, upon written request, a list of names and business or home addresses of the association's current directors and officers; (D) call meetings of the members of the association pursuant to its bylaws at least annually; (E) prepare an annual operating budget and establish the annual assessment, and distribute the budget and notice of assessment to owners no later than 30 days after the beginning of the association's fiscal year; or (F) pay property taxes on common property of the condominium for two or more years. It also allows a derivative action to be filed if the declarant fails to cure any or all deficiencies within 30 days of notice by the owners – this action is to be filed in the superior court of the county in which any portion of the condominium is located in order to obtain a declaratory judgment to grant the owner or owners control of the association.

- Adds a new Code Section at O.C.G.A. § 44-3-232.1.
- Revises O.C.G.A. § 44-5-60 adding a new subsection (d) , relating to covenants running with the land, effect of zoning laws, covenants and scenic easements for use of public, renewal of certain covenants, and costs, so as to address planned subdivisions with no fewer than 15 individual lots and the right of control of such when there is a failure to do any of the following:(A) incorporate or maintain an annual registration; (B) cause the board of directors to be duly appointed and the officers to be elected; (C) maintain and make available to owners, upon written request, a list of names and business or home addresses of the entity's current directors and officers; (D) call meetings of the members of the entity pursuant in accordance to its covenants; (E) prepare an annual operating budget and establish the annual assessment, and distribute the budget and notice of assessment to plot owners no later than 30 days after the beginning of the entity's fiscal year; or (F) pay property taxes on common property of the planned subdivision for two or more years. This also outlines a process to file an action in superior court if there is a failure to cure deficiencies.
- Adds a new Code Section at O.C.G.A. § 44-12-236.1 relating to telephone cooperatives to address patronage dividends or capital credits held by such entities and when they are presumed to be abandoned so that such property may be donated to a nonprofit organization which supports education or economic development in the area (the telephone cooperative is to maintain on its website for at least six months a public posting of the names and last known addresses of all property owners and published the list in the legal organ of the county in which the telephone cooperative's main office is located and the last date to claim property presumed to be abandoned.
- Adds a new Code Section at O.C.G.A. § 46-5-64.1 regarding the acquisition and loss of property relating to public utilities and public transportation. Venue in proceedings against a cooperative is to be determined in accordance with the State's constitution. Unless otherwise required by the State's constitution, the cooperative may be sued only in the county of its residence.
- Amends O.C.G.A. § 46-5-78, regarding the telephone cooperative bylaws. The change allows provides the board of directors the power to alter, amend, or repeal the bylaws or adopt new bylaws.
- Adds a new Code Section at O.C.G.A. § 46-5-92.1 permitting upon the death of a member or former member, the board of directors has the authority but is not required,

to pay revenues allocated but not previously paid to such member or former member. It further outlines what that process is if the member or former member dies testate or intestate.

Governor Deal approved this legislation as **Act Number 173**; it takes effect on July 1, 2017.

Legislation Not Passed

SB 138 – Sen. Brandon Beach (R-Alpharetta) offered this measure which received no traction. It sought to create the "Patient Compensation Act" as an alternative to the current system to address medical malpractice litigation. This version was not the first such legislation proposed to create a new Chapter 13 in Title 51. Rick Jackson and Jackson Healthcare have been proponents of this idea. The legislation remained in the Senate Health and Human Services Committee.

VETERANS AFFAIRS

Legislation Passed

HB 251 – Rep. Darrel Ealum (D-Albany) offered this legislation adding a new Code Section at O.C.G.A. § 38-3-38 so to add that during any state of emergency or state of disaster declared by the Governor pursuant to O.C.G.A. § 38-3-51, that the Department of Corrections "personnel and individuals in their custody and subject to their direction shall be authorized to enter upon private property following such declaration to the extent necessary for property protection, debris removal, restoration of services, and infrastructure repair and relocation; provided, however, that such personnel and individuals shall avoid interfering with the rights of private property owners and shall vacate such private property upon request of any owner thereof." Governor Deal signed this bill as **Act Number 181** and the initiative takes effect on July 1, 2017.

HB 405 – Rep. Bill Hitchens (R-Rincon) offered this bill, addressing the emergency powers of the Governor, which requires that the Georgia Emergency Management and Homeland Security Agency establish a statewide system to facilitate the transportation and distribution of essentials in commerce during a State of Emergency declared by the Governor in O.C.G.A. § 38-3-58. Organizations to facilitate the transportation or distribution will be certified by Georgia Emergency Management and Homeland Security Agency. Governor Deal signed this bill as **Act Number 261**; the Act takes effect on July 1, 2017.

SB 108 – Sen. Larry Walker, III (R-Perry) proposed this Department of Veterans Service's change to require the maintenance of a women veterans' office by the Commissioner of Veterans Service at O.C.G.A. § 38-4-13. HB 44, the State's FY 2018 Budget, included funds for a women's coordinator position within the Department of Veterans Services. The office is to "conduct outreach to women veterans for the purpose of improving awareness of eligibility for federal and State veterans' benefits and services, conduct assessments of the specific needs of women veterans with respect to benefits and services, and review programs, research

projects, and other initiatives designed to address or meet the specific needs of women veterans in this State." Further, the office is to work with the veterans' court divisions and assist with recruiting and training women veterans to serve as mentors for veterans. Governor Deal approved this bill as **Act Number 183**; it takes effect on July 1, 2017.

SB 109 – Sen. Michael Williams (R-Cumming) authored this initiative for the enactment of the "Recognition of Emergency Medical Services Personnel Licensure Interstate Compact" which is also known as "REPLICA." The legislation adds this interstate compact in a new Article 4 of Chapter 3 of Title 38 governing all emergency medical services, including emergency medical technicians, advanced emergency medical technicians, and paramedics. Also included in this legislation is the "Nurse Licensure Compact" in a new Article 4 of Chapter 26 of Title 43 in order to provide for uniformity of nurse licensure requirements. Governor Deal signed this bill as **Act Number 175**. The Act takes effect on July 1, 2017. [Note: a standalone proposal for the nurse compact was authored by Rep. Sharon Cooper (R-Marietta) as HB 402 but it remained in the House Health and Human Services Committee.]

HB 139 – Rep. Dave Belton (R-Buckhead) brought this legislation which creates a new Part 3A in Article 2 of Chapter 14 of Title 20 so as to provide for greater transparency of financial information of local school systems and schools. There are a number of provisions:

- The Department of Education is to post on its website by October 31, 2018 the following school site budget and expenditure information for each school unless specifically made confidential by law: "(1) The cost of all materials, equipment, and other nonstaff support; (2) Salary and benefit expenditures for all staff; (3) The cost of all professional development, including training, materials, and tuition provided for instructional staff on an annual basis; (4) The total cost of facility maintenance and small capital projects; (5) The total expenditures of new construction or major renovation, based on the school system facility plan; and (6) The per student expenditures for each local school system and school as delineated in Section 1111(h)(1)(C)(x) of the federal Elementary and Secondary Education Act, as amended by the federal Every Student Succeeds Act."
- The Department of Education is to further post on its website the following school system level information: "(1) The annual budget of the local board of education; (2) Ratios of expenditures to revenues for all general and special revenue funds; (3) The total dollar amount of local property tax revenue the school system collected in addition to the actual millage rate levied; and (4) The total dollar amount of all other tax revenue that is collected by the school system."
- It requires that each local school system and each state charter school which maintains a website to post in a prominent location on its website a link to the information listed in those areas above and the following information: "(1) The annual budget submitted to the State Board of Education pursuant to subsection (c) of Code Section 20-2-167; (2) The annual personnel report prepared by the state auditor pursuant to Code Section 51 50-6-27; (3) The most recent five years of audits conducted by the Department of Audits and Accounts pursuant to subsection (a) of Code Section 50-6-6 and any additional independent audits conducted

pursuant to subsection (b) of Code Section 50-6-6; (4) Any findings of irregularities or budget deficits reported by the Department of Audits and Accounts pursuant to Code Section 20-2-67; and (5) For a local board of education which imposes a sales tax for educational purposes pursuant to Part 2 of Article 3 of Chapter 8 of Title 48, the information required pursuant to Code Section 48-8-141 as provided to the Department of Audits and Accounts for posting on such department's searchable website pursuant to subsection (g) of Code 61 Section 50-6-32."

- Further, each public school which maintains a website is required to post in a prominent location on its website a link to where: (1) The financial efficiency ratings for the school published by the office pursuant to Code Section 20-14-34 can be found on the office's website; and (2) The information listed in paragraphs (1) through (5) of subsection (c) of O.C.G.A. § 20-14-46 and its location on the Department of Education website.

The Department is also required to create a "sortable" database for each local school system and school on per student expenditures to determine the financial efficiency rating as required by the federal Elementary and Secondary Education Act and as amended by the federal Every Student Succeeds Act. The Senate added, in a Floor Amendment, a Section 2 to the legislation which creates a new Code Section at O.C.G.A. § 20-2-324.3, the "Educating Children of Military Families Act." This addition was language from Rep. Mike Glanton (D-Jonesboro) and his HB 148 which remained in the Senate Rules Committee. It requires that the Department of Education establish a unique identifier for each student when that student's parent or guardian is an active duty military service member in the armed forces of the United States or in the reserve of the armed forces of the United States or the National Guard. HB 139 was signed as **Act Number 29** becomes effective on July 1, 2017.

HB 221 – Rep. Chuck Efstration (R-Dacula) carried this legislation, which is a comprehensive update to Georgia's Power of Attorney law. It enacts in a new Chapter 6B in Title 10, the "Uniform Power of Attorney Act," which outlines that the new Chapter applies to all powers of attorney *except* for those: "(1) the power to extent it is coupled with an interest in the subject of the power, including a power given to or for the benefit of a creditor in connection with a credit transaction; (2) a power to make healthcare decisions; (3) a proxy or other delegation to exercise voting rights or management rights with respect to an entity; (4) a power created on a form prescribed by a government or governmental subdivision, agency, or instrumentality for a governmental purpose; (5) transaction specific powers of attorney, including but not limited to, powers of attorney under Chapter 6 of Title 10; and (6) powers of attorney provided for under Titles 19 and 33." The power of attorney in this Chapter is durable unless it expressly provides that it is terminated by the incapacity of the principal. Some of the additional provisions in this Chapter are:

- O.C.G.A. § 10-6B-5 requires that the power of attorney be signed by the principal or another individual in such principal's presence at the principal's express direction; attested to by one or more competent witnesses; and attested in the presence of the principal before a notary public or other individual authorized by law to administer oaths and not a witness.

- O.C.G.A. § 10-6B-8 allows a principal to nominate a conservator of the principal's estate for consideration by the court if protective proceedings for the principal's estate began after the principal executes the power of attorney.
- O.C.G.A. § 10-6B-9 states that a power of attorney becomes effective when executed unless the principal provides in the power of attorney that it becomes effective at a future date or upon the occurrence of a future event or contingency. (If it takes effect upon a principal's capacity, the law outlines what is required such as a physician or a licensed psychologist who makes that determination after an evaluation or an attorney at law, a judge or an appropriate governmental official determines that the principal is missing, detained, including incarcerated in a penal system or is outside the United States and unable to return.)
- O.C.G.A. § 10-6B-10 outlines when a power of attorney terminates (such as upon death; when the principal becomes incapacitated and the power of attorney specifically provides that it is not durable; when the agent resigns, becomes incapacitated or dies; etc.). Further, it outlines when the agent's authority terminates.
- O.C.G.A. § 10-6B-11 permits a principal the ability to designate two or more persons to act as coagents.
- O.C.G.A. § 10-6B-12 states that unless provided for, an agent is not entitled to compensation for services rendered; an agent is entitled to reasonable reimbursement of expenses incurred in performing acts required by the principal.
- O.C.G.A. § 10-6B-14 outlines expectations of the agent once he or she has accepted an appointment (e.g. act loyally for the principal's benefit; act so as not to create a conflict of interest that impairs the agent's ability to act impartially in the principal's best interest; etc.)
- O.C.G.A. § 10-6B-40 outlines what an agent under a power of attorney may do following on behalf of the principal or with the principal's property only if the power of attorney expressly grants the agent the authority and exercise of the authority is not otherwise prohibited by another agreement or instrument to which the authority or property is subject (including create, amend, revoke, or terminate an *inter vivos* trust; make a gift; create or change rights of survivorship; create or change a beneficiary designation; etc.).
- O.C.G.A. § 10-6B-43 permits, unless the power of attorney provides otherwise, that the granting general authority with respect to real property shall authorize the agent to: (1) demand, buy, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property; (2) sell; exchange; convey with or without covenants, representations, or warranties; quitclaim; release; surrender; retain title for security; encumber; partition; consent to partitioning; subject to an easement or covenant; subdivide; apply for zoning or other governmental permits; plat or consent to platting; develop; grant an option concerning; lease; sublease; contribute to an entity in exchange for an interest in that entity; or otherwise grant or dispose of an interest in real property or a right incident to real property; (3) pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal; (4) release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust,

conditional sale contract, encumbrance, lien, or other claim to real property which exists or is asserted; and etc.

- O.C.G.A. § 10-6B-45 outlines the powers concerning an agent's authority relating to stocks and bonds.
- O.C.G.A. § 10-6B-47 provides the general authority to the agent with respect to banks and other financial institutions (e.g. continue, modify and terminate an account; contract for services available from a financial institution; withdraw, by check, order, electronic funds transfer or otherwise, money or property of the principal deposited with or left in the custody of a financial institution; enter a safe deposit box or vault; etc.).
- O.C.G.A. § 10-6B-48 outlines the authority for an agent in a power of attorney granting general authority with respect to the operation of an entity or business.
- O.C.G.A. § 10-6B-49 outlines the power of attorney authority with respect to insurance and annuities and what the agent is authorized to do.
- O.C.G.A. § 10-6B-55 outlines the general authority to the agent regarding taxes (e.g. prepare, sign and file tax returns; pay taxes due; and etc.).
- O.C.G.A. § 10-6B-70 outlines the new statutory form for the power of attorney.

The Uniform Power of Attorney initiative was supported in part by the Georgia Alzheimer's Association and AARP as a means of helping to lessen elder abuse. Governor Deal approved this bill as **Act Number 186**. It takes effect on July 1, 2017.

WATERS OF THE STATE, PORTS, AND WATERCRAFT

Legislation Not Passed

HB 357 - Rep. Ron Stephens (R-Savannah) proposed this bill which sought to provide in O.C.G.A. § 52-7-4(b) that no person could operate a vessel on Georgia waters unless the vessel was titled, including every outboard motor greater than 25 horsepower. The legislation also contemplated situations where there was hull damage to a vessel and what was to occur for insurance purposes. The legislation passed the House, but it remained in the Senate Rules Committee after being favorably reported out of the Senate Finance Committee.

BUDGET

As we stated in the beginning, Lawmakers achieved their number one priority – they passed spending plans for the remainder of the FY 2017 year (HB 43) and a new plan for the State's fiscal year commencing on July 1, 2018 (HB 44). We have highlighted some of initiatives from the larger departments' budget areas as you will see below.

FY 2017 Amended Budget

The FY 2017 Amended budget (HB 43) now has a total of more than $24.3 billion in State funds for the work of State government which will end on June 30, 2017. By major spending area, here are a few breakdowns in funding:

- In Education, lawmakers provide $108.9 million for midterm growth (which is about .68 percent)
- In Higher Education, budget writers include
    - approximately $16.7 million for the Move on When Ready initiative
    - $1.8 million for the REACH Scholarship, expanding the effort to 30 new school systems
    - $2.3 million for creation of the Georgia Center for Early Language and Literacy at Georgia College and State University
- In Public Safety, HB 43 includes
    - Funding for a pay raise for State-level law enforcement officers of 20 percent which takes effect January 1, 2017 (retroactive) in the amount of $25.1 million (increases will help officers in 16 agencies)
    - Money for new vehicles in the amount of $23.5 million (612 new vehicles, replacing the high-mileage ones)
    - Funding for driver education programs (Joshua's Law) in the amount of $832,921
    - Money for the Criminal Justice Coordinating Council – including a single access portal to criminal justice data systems
- In Human Services, lawmakers include
    - $28.6 million in growth for the out-of-home care utilization
    - $13.4 million for the State's Integrated Eligibility System information technology project (which will allow a single port of entry for benefits)
- In General Government, the FY 2017 budget includes funds for the Forestland Protection Act grant reimbursements of $15 million and almost $9 million for hazardous waste cleanup activities
- In Transportation and related infrastructure, HB 43 contains
    - $108.7 million, including motor fuel funds, for the Department of Transportation over the original FY 2017 Budget which will be used for capital construction, capital maintenance projects and local improvements and maintenance

- $2 million for the Georgia Regional Transportation Authority, permitting draw down of federal funds, to purchase new buses and expand the I-75 managed lanes in the northwest corridor of the State

Below are a few budget highlights from the Department of Behavioral Health and Developmental Disabilities and Community Health within HB 43:

Department of Behavioral Health and Developmental Disabilities

In total, the Department is receiving $1.04 billion in State funds – a total, though, of $1.2 billion with federal funds attached for its work.

The big changes were:

- Adult Developmental Disabilities Services (Total funding for this program to $361.3 million which includes State funds of more than $305 million.)
  - 250 additional slots were funded for the NOW and COMP programs for developmentally disabled to meet the terms of the DOJ Settlement Agreement - $6.05 million
- Adult Mental Health Services (Total funding in this program is $384 million which includes State funds of more than $371.3 million.)
  - Additional funding of $6.13 million for mental health consumers in community settings to comply with the DOJ Settlement requirements

No changes were made to children's services (either in mental health or developmental disabilities). Also, no changes were made in increasing funding for services for substance abuse prevention.

Department of Community Health

In total, DCH is receiving $3.2 billion in State funds – a total, though of more than $14.5 billion for its work.

The big adjustments were:

- Departmental Administration and Program Support (Total funding is more than $395.3 million; State funds are $64.5 million.)
  - Transfers of funds from Medicaid ABD to this program so as to initiate contract services with an external firm for mandatory nursing audits – this transfer is more than $1.1 million
  - Transfer of funds from Medicaid LIM to evaluate the cost saving measures through accurate diagnosis of ADHD through NEBA and a report back to the General Assembly by July 1, 2017 on this – a transfer of $150,000
- Health Care Access and Improvements (This program's total funding is $27.9 million; State funds are $11.5 million.)

    - A reduction of $85,000 for the "Patient Centered Medical Home" grant program to account for the grant funds which have not been awarded
- Healthcare Facility Regulation (This program area is funded with $22.39 million; State funds are $11.77 million.)
    - Transfer of $767,927 in State funds from Medicaid ABD to provide an increase in the salaries for nurse surveyors
- Indigent Care Trust Fund (The ICTF has a total of $470.5 million but State funds are only $11.05 million.)
    - Utilization of more than $11.5 million in Tenet Settlement funds so as to provide the State matching funds for the DSH payments to the private deemed and non-deemed hospitals
    - Transfer of $11.05 million from Medicaid ABD so as to provide the requisite match for the DSH payments for the private deemed and non-deemed hospitals
- Medicaid ABD (Total program funding is $5.4 billion with federal funding attached; State money is $1.64 billion of this amount.) Aside from the transfers discussed previously, the following changes were made to this program:
    - $2.9 million increase of funds (State money only) to reflect the projected FY 2017 Nursing Home Provider Fee Revenue
    - $459,415 increase of funds (State only) to reflect additional revenue from the hospital provider payments
    - $3.18 million from the Tenet Settlement for the hold harmless provision in Medicare Part B premiums
    - $3.7 million in Tenet Settlement funds to reflect the projected increase in the Medicare Part D Clawback payment
- Medicaid LIM (Total funding for the program is more than $4.3 billion with federal money attached; State money is $1.39 billion.)
    - Aside from the previously discussed transfer addressing ADHD diagnosis, this program received $3.7 million in increased funds to reflect the additional revenue from the hospital provider payments
- PeachCare – note that it is all federally funded with $424 million
- State Health Benefit Plan– all total for SHBP is $3.34 billion.
    - Numerous changes were made, addressing Medicare Advantage plan rates and premiums as well as an increase in funding for the five-year benefit limit on children's hearing aids (moving from $3,000 to $6,000 or a total of $4,736)

FY 2018 Budget

In all, this FY 2018 Budget (HB 44) is $24.99 billion in State funds. This Budget commences on July 1, 2018. This amount is approximately $1.25 billion over the original FY 2017 Budget.

Some of the highlights from HB 44 are noted below:

- In Economic Development

    - $400,000 in additional funds are added to the Department of Economic Development to support the State's outreach efforts to China
    - Funding for tourism efforts such as an addition of $125,000 to promote tourism with a new information center at Hartsfield-Jackson Atlanta International Airport
    - $180,000 in additional funds for two positions to support agricultural trade and global commerce
- In the Department of Revenue
    - Funding of $3.5 million is included for the DRIVES effort, allowing an integrated system for title and registration system within the Department of Revenue with the driver's license system in the Department of Driver Services
- In Public Safety
    - $55.5 million is added to annualize pay raises for State-level law enforcement officers (which is 20 percent)
    - Expansion funds for Georgia's accountability courts in the amount of $3.7 million
    - $270,000 in added funds for the Juvenile Justice Incentive Grant programs allowing for community-based treatment options
    - $2 million for creating parity between the Prosecuting Attorney's Council and the Public Defender Council (a two percent raise and ten additional public defenders to support juvenile courts)
- In bonds
    - Total package is $1.16 billion (keeping Georgia's debt service ratio low at 5.7 percent)
    - 57 percent of this total is for k-12 education, higher education and the State's libraries (e.g. $18.7 million for Georgia Northwestern Technical College construction of a new education building on its Whitfield Murray Campus; $1.38 million for renovation of the Moultrie-Colquitt Library; $5 million for UGA's renovation of its Poultry Science Research Facility; $47 million for Georgia Tech's funding and purchase of equipment of the renovation of the Price Gilbert Library and Crosland Tower Complex; $56.2 million for k-12 schools regular advance for local school construction efforts; $50 million for Board of Regents to fund facility major improvements and renovations; etc.)
    - 23 percent is expended on health, general government and economic development (e.g. more than $5 million for Savannah Regional Hospital design and construction; $1 million for a new Division of Family and Children's Services Building in LaGrange; $1.8 million for Roosevelt Warm Springs Institute improvements; $3 million for Georgia War Veterans Nursing Home in Milledgeville; etc.)
    - Roughly 11 percent is for public safety projects (e.g. moneys for the Georgia Public Safety Training Center repairs and a new classroom; $36.7 million for Savannah Crime Lab; moneys for GBI efforts; and almost $10 million for Metro State Prison)

- Nine percent of the bond package is targeted towards transportation and State infrastructure repairs (e.g. $100 million is targeted for funding repairs, replacements and renovations of bridges)

Department of Behavioral Health and Developmental Disabilities

In total, this Department is to use a total of $1.269 billion with federal funds attached; $1.09 billion of the amount is State funds.

There were some changes made and below are some highlights:

- Adult Addictive Diseases Services (Total funding is $90.2 million; State funds for this program area is $45.5 million.)
  - There is a reduction of $715,980 for the one-time funding for the Highland Rivers CSB Home Again pilot
- Adult Developmental Disabilities Services (Total funding for the program is $396.3 million; State funds are more than $340 million.)
  - $12.1 million is included to annualize the cost of 250 NOW and COMP slots for the developmentally disabled to meet the requirements of the DOJ Settlement
  - $11.7 million is added to annualize the cost of a provider rate increase for the COMP providers
  - $8.4 million is added in State funds to reflect the loss of the Balancing Incentive Payment Program Funds (BIPP)
  - $6.05 million is added to increase funds for 250 additional slots for NOW and COMP for the developmentally disabled to meet the requirements of the DOJ Settlement
  - $1.09 million is added as an increase of funds to annualize the cost of 100 NOW slots
  - $3.1 million is taken as a reduction in funds, reflecting an increase in the FMAP percentage which moves from 67.89 to 68.50 percent
  - $100,000 is added for the Georgia Options program
  - Language was added that DBHDD is to develop and report to the General Assembly on a multi-year plan to reduce and eliminate the waiting list for NOW and COMP waivers with yearly outcome measures by December 31, 2017
- Adult Mental Health Services (Total funding is $398.7 million; State funds for this program are $385.7 million.)
  - $7.75 million is added for an increase in funds for mental health consumers in community settings to comply with the requirements of the DOJ Settlement
  - $6 million is added to provide funds for one Behavioral Health Crisis Center (which will be located either in Atlanta or Savannah)
  - $2.27 million is added to reflect the loss of BIPP funds
  - $830,520 is eliminated for a reduction of funds to reflect an increase in FMAP
- Departmental Administration (Total funding is $50.3 million for this program; State funding of this amount is $38.6 million.)

    - $49,500 is added so as to provide an increase in the hourly rate paid to SAAGS moving their rate to $57.50 per hour
    - $214,527 is added for cyber insurance premiums for the DOAS purchase of private market insurance

Again, this Department showed no changes to increase funding for services to children or substance abuse prevention efforts.

Department of Community Health

Total funding with federal moneys is $14.8 billion; State funds are more than $3.13 billion for this Department's work.

- Departmental Administration (Total funding is $395.4 million; State funds are $64.6 million.)
    - $1.1 million is added as a transfer of funds from Medicaid ABD to initiate contract services with an external firm for mandatory nursing home audits
    - $10,220 is included as an increase for cyber insurance premiums for the Department of Administrative Services' purchase of private market insurance
- Health Care Access and Improvement (Total funding is $28.7 million; State funding for this program is $12.26 million.)
    - $42,000 reduction in funds for the one-time funding for the purchase of three telemedicine equipment devices to support middle Georgia EMS services
    - $500,000 elimination of funding for the one-time start-up funds for FQHCs
    - $1 million increase for four FQHCs' start-up grants in Cook, Lincoln, Seminole and Lowndes Counties
    - $150,000 increase for AHEC's housing resources for APRNs, PAs, and medical and dental residency students in rural, primary care rotations
    - Language requiring the DCH to conduct an analysis of technical assistance available at public and private medical colleges or universities to determine an appropriate location and structure of a center of excellence for rural health and support if funds are appropriated in FY 2019
- Healthcare Facility Regulation (Total funding is $25.2 million; State funding is $13.2 million.)
    - $2.01 million is transferred from Medicaid ABD to this program to provide an increase in the salaries for nurse surveyors
- ICTF (This program is funded with intragovernmental transfers; funding from hospital authorities and sales and services with the federal funding which totals $399.6 million.)
    - Language is added that the fees assessed for the hospital provider payment program are not to exceed 1.45 percent of net patient revenue
- Medicaid ABD (Total funding $5.6 billion; State funding for the program is $1.38 billion.)
    - $4 million is added in State funds to support increased waiver rates and slots previously funded by BIPP
    - $16.9 million is eliminated to reflect an increase in the FMAP rate

- $2.9 million is eliminated to reflect the hold harmless provision in Medicare Part B premiums
- $1.37 million is added to reduce the waiting list for the CCSP waiver
- $250,000 is added for an adjustment to the congregate and home-delivered meals' rates for Medicaid waivers for the elderly
- $7.5 million is added as an increase in funds to reflect additional revenue from the nursing home provider fees
- $6.1 million is added to reflect additional revenue from hospital provider payments
- Utilize $72.5 million in Tenet Settlement agreement funds for Medicaid growth based on projected need
- Utilize $23.8 million in Tenet Settlement funds for a projected increase in the Medicare Part D clawback payment
- Language to evaluate options to ensure mental health coverage parity for Medicaid and CHIP beneficiaries with that of the commercial market
- Language added for DCH to evaluate and develop a Quality Incentive Payment program for privately-owned intermediate care facilities for the developmentally disabled
- $6.8 million in Tenet Settlement agreement funds to increase reimbursement rates for select primary care and OB/BYN codes to 100 percent of the 2014 Medicare levels
- $11.7 million transfer of funds from the Medicaid LIM to ABD for a three percent inflation adjustment on the nursing home cost report
- $336,641 transfer of funds from Medicaid LIM to ABD for a three percent rate increase for the SOURCE case management fee
- Utilization of $614,452 in existing State funds to match with federal funding for a ten percent reimbursement rate increase for select dental codes
- $1.13 million in a transfer of funds from Medicaid LIM to ABD for a new period of attestation for increased reimbursement rates for select primary care codes with rates effective July 1, 2017
- $500,000 increase in funds to increase reimbursement rates for personal support and extended personal support services for CCSP and SOURCE programs
- $100,000 increase in funds for a three percent increase in nursing home mechanical ventilator reimbursement rates
- Utilization of $2.1 million to implement increased Medicaid inpatient payments for graduate medical education costs for new teaching hospitals while holding existing teaching and other hospitals harmless
- $1 million increase in funds for home care services in the CCSP and SOURCE programs for Alzheimer's Disease and related dementia patients with a confirmed diagnosis to include any who may be a part of the Georgia Alzheimer's Project
- Increase of $50,000 to provide a provider rate increase for emergency response system in the CCSP and SOURCE programs

- Medicaid LIM (Total for this program is $4.37 billion; State funding is $1.3 billion.)
  - $29.9 million reduction reflecting an increase in the FMAP percentage

- $12 million reduction as a "replacement of funds"
- $32.2 million reduction of funds for one year Hospital Insurance Fee moratorium
- $51.9 million increase in funds, reflecting the additional revenue from the hospital provider payments
- $10.3 million to be utilized in Tenet Settlement agreement funds for growth based on projected need
- $3.5 million to be utilized from Tenet Settlement to comply with federal Hepatitis C treatment access requirements
- $31.9 million to be utilized in Tenet Settlement agreement funds to increase reimbursement rates for select primary care and OB/GYN codes to 100 percent of the 2014 Medicare levels
- $44.8 million to be utilized in Tenet Settlement agreement funds to cover behavioral health services for children under 21 who are diagnosed as autistic
- $5.4 million to be utilized in Tenet Settlement agreement funds for behavioral health services to children ages 0-4
- Language to evaluate options to ensure mental health coverage parity for Medicaid and CHIP beneficiaries with that of the commercial market
- $200,000 elimination of one-time funds for the evaluation of the ADHD cost-saving measures
- $4.7 million to be utilized in existing State funds to match with federal funds for a ten percent reimbursement rate increase for select dental codes
- $5.2 million to be utilized in existing State funds to match with federal funds for a new period of attestation for increased reimbursement rates for select primary care codes with rates effective on July 1, 2017 (also reflects the transfer from LIM to ABD for the $1.1 million for new period of attestation for the reimbursement rates for select primary care codes)
- $27.1 million is taken as a reduction to reflect projected expenditures
- $595,653 is added as an increase in funds for a $500 add-on payment for newborn delivery in rural counties (populations of less than 35,000)

- PeachCare is funded with federal funds of $427 million
- State Health Benefit Plan (Total funding is set at $3.4 billion.)
  - Includes $14.4 million for an increase to reflect the 2.5 percent increase in employee premiums for non-Medicare Advantage plans effective January 1, 2017
  - Includes $9,471 to raise the five year benefit limit for children's hearing aids from $3,000 to $6,000
  - Adds $10.5 million to increase funds to reflect a $20 premium increase for Medicare Advantage premium plan members effective January 1, 2017
  - Adds $200.3 million to increase funding to reflect membership, medical services utilization, and medical trend changes since the previous projection
  - Deducts $42.2 million to recognize plan savings attributable to Pharmacy Benefit Management strategies such as enhanced compound pharmacy management

- Deducts $19.5 million to reflect savings attributable to Medicare Advantage rates in Plan Year 2017
- Adds more than $29.5 million for increasing the employer contribution rate to the Non-Certificated School Service Personnel Plan from $846.20 to $945.00 per member per month, effective January 1, 2018, bringing employer contributions to parity with the Teacher's plan
- Adds $1.1 million to increase funds to reflect enrollment growth to match Medicaid age requirements for the treatment of autism spectrum disorders (ASDs) effective January 1, 2018

Department of Education

A total of $9.4 billion in State funds is allocated to the Department of Education, bringing its total funding with all funds attached to $11.38 billion.

There were funds across the programs adding a two percent salary increase for teachers and funds permitting the merit-based pay adjustments, employee recruitment and retention efforts.

- Central Office program (Total funding for this effort is $5.48 million in State funds with more than $22.8 million with all funds attached.)
  - A transfer of $125,000 is made to the Non-Quality Basic Education Formula Grants program for a program manager position to provide State-level support for the education component of Residential Treatment Facilities.
  - $25,000 is added for an increase in funding for the American Association of Adapted Sports Program (AAASP) to provide services for the physically disabled youth in public schools.
- Communities in Schools program receives $1.22 million in State funds (no federal funds are added to this effort). The program receives $25,000 in added funding to increase its local affiliates.
- Non-Quality Basic Education Formula Grants program (Total funding is $11.74 million for its work (no federal funds are attached.))
  - A reduction of $138,015 is made to Residential Treatment Facilities' grants based on attendance (originally, Governor Deal had proposed a reduction of more than $560,000).
  - Conferees added $125,000 in the transferred funds for a program manager position, providing State-level support for the education component of Residential Treatment Facilities' schools.
  - Conferees also did <u>not</u> agree to the Senate proposal to direct the Department of Education to provide an audit on the financial and operational status of all Residential Treatment Facilities to the Governor and Georgia General Assembly by July 1, 2017.
- Quality Basic Education Equalization program (Total funding is more than $584.5 million.)
  - This current amount includes an addition of $85.83 million for the equalization grants.

- Quality Basic Education program (Total funding is $10.3 billion in State funds (no federal funds are included in this program.))
    - An increase of $9.3 million is added for the State Commission Charter School supplement.
    - An addition of $9.8 million is included for charter system grants.
    - $4 million is added, increasing funds for school counselors to reflect HB 283 (2013 Session) and $445,145 is added to increase funding for school counselors in districts that have a large concentration of military students.
    - Conferees added language directing the Department of Education to provide a report to the Governor and General Assembly no later than July 1, 2017 on the status of the State's school bus fleet, including a sustainable replenishment model.
- Regional Education Service Agencies (RESAs) (Total funding is with more than $12.2 million (no federal funds are attached.))
    - Within the RESA program, almost $1.27 million is added for personnel for Positive Behavior and Intervention Support specialists to convert part-time staff to full-time staff.
- Testing program (Total funding is $24.8 million in State funds and with federal funds is allocated more than $40.5 million.)
    - A reduction of $750,000 is made to reflect a reduction in the number of State mandated tests due to SB 364 (passed in 2016).
    - Another reduction, this one in the amount of more than $1.47 million, is taken so as to transfer funds from this program to the Governor's Office of Student Achievement program and utilize $1.23 million in existing innovation grant funds to provide one AP STEM exam for every student taking an AP STEM course.
    - $250,000 is added for an increase for concordant testing models (see SB 211 passed this year and noted above).

Department of Human Services

In total, this Department is to receive more than $757 million in State funds. Its total funding with federal funds attached is more than $1.85 billion.

- Child Care Services program (Total funding in this program is $9.77 million; all of this funding is federal funds.)
    - Conferees did not agree with the reduction of funds to reflect the transfer of Childcare and Parent Services (CAPS) eligibility services from the Department of Human Services to the Department of Early Care and Learning.
- Child Support Services program (Total State funds are more than $29.6 million and with federal funding attached totals more than $109.2 million.)
    - $362,310 is added for an increase in funds to adjust the Division of Child Support Services Special Assistant Attorneys General (SSAGs) to a $57.50 hourly rate.

- Child Welfare Services program (Total funding includes more than $193 million in State funds; federal funds bring the total to more than $390.4 million.)
    - $25.8 million is added for salary increases for child welfare services workers (19 percent)
    - $2.8 million is added to increase funding for personnel for 80 additional employees for foster care support services
    - $2.5 million is added to increase funds for personnel for 27 additional employees to fully implement the supervisor-mentor program
    - $500,000 is included to increase funds to the Court Appointed Special Advocates (CASAs) to enhance statewide capacity
    - $300,000 is added to increase funds to adjust the Division of Family and Children Services' Special Assistant Attorneys General (SAAGs) to a $57.50 hourly rate
    - $155,877 is added to increase funds for cyber insurance premiums for the Department of Administrative Services for the purchase of private market insurance
- Departmental Administration program (Total State funds are more than $54.7 million; $118.8 million with federal funds attached.)
    - $10.9 million is added for an increase in funds for the Integrated Eligibility System information technology project
    - More than $2.5 million is added as an increase in funds for personnel for 25 additional human resources employees to meet recruitment demands
    - $4.12 million is added to increase funding for the Georgia Alzheimer's Project and a report is required to be made to the General Assembly by July 1, 2018
    - $28,367 is added to increase funding for cyber insurance premiums for the Department of Administrative Services for the purchase of private market insurance
- Elder Community Living Services program (Total State funding is $25.9 million; with federal funds it is more than $53.7 million.)
    - $4.2 million is added for an increase in funds for 1,000 additional Non-Medicaid Home and Community Based slots
    - $750,000 is added as an increase in funds to provide home-delivered and congregate meal services
- Out-of-Home Care program (Total State funds are more than $239.2 million; federal funding attached brings amount to more than $333.7 million.)
    - $20.16 million is added to increase funds for growth in out-of-home care utilization
    - $10.7 million is added to provide an increase to the Division of Family and Children Services' foster parent per diem rates by $10.00
    - $14.9 million is added to increase funds for the first installment of a two-year plan to increase relative foster care provider per diem rates by $10.00
    - More than $5.2 million is added to increase funds for the first installment of a two-year plan to increase Child Placing Agencies' foster parent per diem rates by $10.00

- $2 million is added as an increase for the Families First COACHES program and a report is to be provided to the General Assembly by December 31, 2017

Department of Public Health

Department of Public Health is funded primarily with federal moneys. However, it does have more than $275 million allocated in State funds. Funding for FY 2018, with federal funds, is more than $686.5 million.

- Adolescent and Adult Health Promotion program (Total State funding is more than $13.4 million; federal funds bring total to more than $33.6 million.)
  - $651,897 is added in State funds to replace loss of federal funding to continue providing women's health services
  - $325,000 is added to increase funding to establish an Adolescent to Adult Transition model to improve outcomes for adults with Autism-Spectrum Disorder
  - $126,000 is added for the Diabetes Coordinator position authorized under O.C.G.A. § 31-2A-13
  - $106,000 is added for the establishment of the Office of Cardiac Care and the cardiac registry pursuant to SB 102 (2017 Session – See above)
  - $100,000 is added for one-time funding to evaluate and recommend a program to reduce maternal mortality using outcomes-based research due December 31, 2017, recognizing that Georgia's currently 50th in maternal deaths in the United States
  - $50,000 is added to increase funding to upgrade telehealth sickle cell mobile units
- Emergency Preparedness/Trauma System Improvement program (Total State funds are more than $2.78 million; with federal funding attached, this program has more than $26.6 million.)
  - $140,000 is added to increase funds for the Regional Coordinating Hospitals to replace federal funds for emergency preparedness
- Inspections and Environmental Hazard Control program (Total State funds allocated are $6.15 million; with federal funds, the total is $7.2 million.)
  - $1.49 million is added for personnel for a five (5) percent increase for recruitment and retention of environmental health personnel
  - $798,720 is added to increase funds for personnel for an additional 12 environmental health specialist positions
- Public Health Formula Grants to Counties program (Total State funds are $123.1 million; there are no federal funds.)
  - $2.2 million is added to increase funds for telehealth infrastructure
  - $978,865 is added for the Fulton County Board of Health per HB 885 (2016 Session)
  - $1.38 million is added to increase funding to reflect the final phase-in of the new general grant-in-aid formula to hold harmless all counties

Department of Transportation

Total funding for the "GDOT" is $1.9 billion in State funds. With all fund sources, its funding is more than $3.58 billion.

- Capital Construction Projects program (Total funding for the capital outlay road construction and enhancement projects on local and State road systems is more than $783.9 million and with federal funds more than $1.7 billion.)
    - $85.7 million is added to increase funds based on projected revenues resulting from HB 170 (motor fuels tax from 2015 Session)
- Capital Maintenance Projects (Total funding for this program providing for capital outlay for maintenance projects is more than $148.9 million in State funds; a total with federal funds of $430.8 million.)
    - $39.3 million is added to increase funds based on projected revenues resulting from the passage of HB 170 (2015 Session)
- Intermodal program (Total funding is $18.59 million in State funds; more than $86.2 million with federal funds attached.)
    - $150,000 is added to increase funding for one-time funds for a feasibility study on strategies to mitigate man-made shipping channel impacts to shelf and shoreline erosion and to provide a report to the Georgia General Assembly by December 31, 2017
    - $400,000 is added to increase funds for airport aid excluding projects in Dawson County
- Local Maintenance and Improvement Grants program (Total State funds in this program are more than $179.8 million to provide funding for capital outlay grants to local governments for road and bridge resurfacing projects through the State-funded Construction-Local Road Assistance program; there are no federal funds.)
    - $13.5 million is added to increase funding based on projected revenues resulting from HB 170 (2015 Session)
    - $818,800 is added from the transfer of funds from the Routine Maintenance program to the Local Maintenance and Improvement Grants program to comply with minimum funding requirements outlined in O.C.G.A. § 32-5-27

STUDY COMMITTEES FOR THE INTERIM

A number of Study Committees were adopted this Session. Many of these will commence their work later this summer or in the fall. Below is a listing of those studies to be undertaken:

Joint Study Committees

Joint Transparency and Open Access in Government Study Committee (SR 130)

Joint Study Committee on Stream Buffers in Georgia (SR 152)

Joint Study Committee on Storm-Water Management Fees (SR 224)

Joint Study Committee on the Establishment of a State Accreditation Process (HB 338)

Joint Study Committee on Establishment of a Leadership Academy (HB 338)

House Study Committees

House Elementary and Secondary School Nutrition Programs Study Committee (HR 57)

House Study Committee on Georgians' Barriers to Access to Adequate Health Care (HR 240)

House Study Committee on Distracted Driving (HR 282)

House Study Committee on State and Local Construction Management (HR 284)

House Rural Development Council (HR 389)

House Study Committee on Local Government Utility Payment Options for Customers in Need of Assistance (HR 560)

House Study Committee on the Utilization and Modernization of the State Capitol and Other Buildings (HR 629)

House Study Committee on Civics Education in Georgia (HR 634)

House Study Committee on Equitable Local Education Funding (HR 686)

House Study Committee on Low-Income Housing Tax Credits (HR 798)

House Commission on Transit Governance & Funding (HR 848)

House Military Affairs Working Group

House Medical Cannabis Working Group

Senate Study Committees

Senate Study Committee on Barriers to Georgians' Access to Adequate Healthcare (SR 188)

Senate Special Tax Exemption Study Committee (SR 222)

Senate Study Committee on Homelessness (SR 352)

Senate Rural Georgia Study Committee (SR 392)

Senate Information Technology Corridors in Georgia Study Committee (SR 410)

Senate Stroke Trauma Center Study Committee (SR 412)

Senate Study Committee on the Utilization and Modernization of the State Capitol and Other Buildings (SR 414)

Senate Cyber Security Education Study Committee (SR 454)

We are happy to answer any questions you may have regarding legislation or the budgets.