

MAJOR ADOPTED LEGISLATION 2016 LEGISLATIVE SESSION

AGRICULTURE

House Bill 219

Pool from Inspection and Licensing Requirements; Exemptions

Sponsor: Representative Jones of the 167th

Status: House Agreed to Senate Substitute - VETOED

This bill: (1) Broadens the regulatory exemptions of “public swimming pools,” by excluding pools of country clubs, subdivisions, apartment complexes, condominium associations, and townhomes, from the definition of “public swimming pool”; (2) Permits residents, members, and owners of an apartment complex, country club, subdivision, condominium association, or townhome to request a health inspection of a pool located therein; and (3) Provides that a pool of a country club, subdivision, condominium association, or townhome may be governed by state law rather than local ordinance, so long as the pool has a bather or load capacity of 75 people or less, and the complex is controlled by the owners of the individual dwellings therein.

House Bill 579

Farm Vehicle Operation on Public Roads and Highways

Sponsor: Representative McCall of the 33rd

Status: House Agreed to Senate Amendment – FINAL PASSAGE

Effective Date: 07/01/16

This bill permits a farmer who is at least 16 years old to operate a farm use vehicle on all public roads and highways in Georgia if certain requirements are met, and grants drivers of farm use vehicles all of the rights and duties applicable to the driver of any other vehicle. Municipalities may prohibit or limit the operation of farm use vehicles on public roads and highways.

APPROPRIATIONS

House Bill 750

Amends the Fiscal Year 2015 Appropriations

Sponsor: Representative Ralston of the 7th

Status: House and Senate Agreed to Conference Committee Report – FINAL PASSAGE

Effective Date: 02/27/16

This bill adds \$1.16 billion, or 6.3 percent, to the base FY 2016 budget, increasing it to \$22.99 billion.

House Bill 751

General Appropriations; FY 2017

Sponsor: Representative Ralston of the 7th

Status: House and Senate Agreed to Conference Committee Report – FINAL PASSAGE

Effective Date: 05/02/16

This bill makes and provides appropriations for the operation of state government totaling \$23.74 billion.

BANKING AND FINANCIAL INSTITUTIONS

Senate Bill 283

Creation of the Multibank Pooled Method

Sponsor: Senator Kennedy of the 18th

Status: House Passed/Adopted – FINAL PASSAGE

Effective Date: 05/03/16

This bill creates the multibank pooled method for depositories securing public funds, as opposed to the single bank pooled method currently in existence. This will allow multiple banks to guarantee the deposits of public funds in the event that another bank defaults, and allow banks to secure, with bonds and securities, a lower percentage of the funds being deposited.

ECONOMIC DEVELOPMENT AND TOURISM

Senate Bill 323

Public Disclosure of Certain Public College Athletic Department Information; and Further Exemption from Public Disclosure for Economic Development Project Records

Sponsor: Senator Dugan of the 30th

Status: Senate Agreed to House Amendment – FINAL PASSAGE

Effective Date: 07/01/16

Public Disclosure of Certain Public College Athletic Department Information

Section 1 of this legislation grants the athletic department of any University System institution up to 90 days to respond to an open records request for any records other than non-clerical staff salary information. This provision includes any related private athletic associations. Under current law, a request for records must be acknowledged within three business days.

Further Exemption for Documents Pertaining to Economic Development Projects from Public Disclosure

Current law exempts documents maintained by the Department of Economic Development relating to an economic development project from public disclosure until the project is secured by a binding commitment. An economic development project is defined as a plan or proposal to locate a business, or to expand a business, that would involve an expenditure of more than \$25 million by the business or the hiring of more than 50 employees. Section 2 of this bill expands this exemption to any state or local government agency's documents pertaining to economic development projects.

House Bill 951

Sales Tax Holidays; Sales Tax Exemption for Admissions to Major Sporting Events

Sponsor: Representative Nimmer of the 178th

Status: Senate Passed/Adopted – FINAL PASSAGE

Effective Date: 07/01/16

This bill reauthorizes the back-to-school and energy efficient products sales tax holidays for 2016. This bill also creates a new sales and use tax exemption for the sales of admissions to nonrecurring major sporting events in this state expected to generate over \$50 million in the host locality. The term "major sporting event" is defined as the NFL championship game; any semifinal game or championship game of a national collegiate tournament; an MLB, MLS, or NBA all-star game; or any other nonrecurring major sporting event determined by the Commissioner of Economic Development and the State Revenue Commissioner to be a major sporting event. This new tax exemption provision is automatically repealed on December 31, 2022; however, the repeal does not apply to any event for which an application has been submitted prior to December 31, 2022.

This bill is effective July 1, 2016, and is applicable to admissions purchased on or after January 1, 2017. The bill only applies to events secured on or after the effective date of the bill.

EDUCATION AND YOUTH

Senate Bill 355

Student Protection Act

Sponsor: Senator Ligon of the 3rd

Status: House Passed/Adopted – VETOED

Senate Bill 355 makes state mandated tests optional for students: upon a parent or legal guardians' written request if the child is diagnosed with a life-threatening or serious health condition; and a licensed therapist or physician's order to excuse a child. A student who has not taken a mandated assessment due to parental refusal or medical or professional exemption must be offered an appeals process if grade retention is based solely on the fact that the student failed to take the assessment.

Teachers, principals, assistant principals, schools, and local school systems are not subject to any penalties due to a student's nonparticipation. The bill also requires the State Board of Education to develop guidelines and policies relating to the supervision of students not participating in an assessment; such policies should prohibit a school from taking punitive action against a student, including "sit and stare" policies.

Senate Bill 364

Performance Evaluations; Student Assessments

Sponsor: Senator Tippins of the 37th

Status: Senate Agreed to House Substitute – FINAL PASSAGE

Effective Date: 07/01/16

Currently, each school system and all charter schools evaluate teachers, assistant principals, and principals using multiple, rigorous, and transparent measures. Growth in student achievement accounts for at least 50 percent of the evaluations of teachers. Beginning with the 2016-2017 school year, student growth will account for 30 percent of the evaluation of teacher. An additional 20 percent will be based on professional growth, and 50 percent will be based on teacher evaluations and observations. Test scores must only include those of students in attendance at least 90 percent of the time period of the specific course.

Principals' and assistant principals' evaluations now require that growth in student achievement account for 40 percent; 10 percent will be based on school climate; 20 percent will be based on a combination of achievement gap closure, Beat the Odds and College and Career Ready Performance data; and 30 percent will be based on evaluations, observations, and standards of practice.

Each teacher's annual evaluation must include multiple classroom observations conducted each year by appropriately trained and credentialed evaluators, using clear, consistent rubrics, and supplemented by other measures aligned with student achievement and professional growth, including a tiered evaluation system, if desired by the local school system or charter school.

Schools are strongly encouraged to develop and implement a program of *multiple* formative assessments in reading and mathematics, including mastery of reading by the end of third grade and mastery in mathematics by the end of fifth grade. The bill also reduces the number of state mandated tests by eliminating social studies and science tests in grades three through four and six through seven. Students are still tested in these subjects in grades five and eight. The State Board of Education is required to adopt a school readiness assessment for students entering first grade.

In order to maximize classroom instruction time, the State Board of Education is required to study and adopt policies beginning with the 2017-2018 school year that will move the end-of-grade and end-of-course assessment testing windows as close to the end of the school year or semester as possible.

House Bill 895

Charter Schools; Sound Financial Management

Sponsor: Representative Mayo of the 84th

Status: Senate Passed/Adopted – FINAL PASSAGE

Effective Date: 07/01/16

This bill requires the annual training that is currently required of charter school board members to also include two or three hours relating to sound fiscal management and monitoring of the implementation of the budget in accordance with state laws and regulations. The State Board of Education must establish a charter schools financial management certification program for charter school leaders and personnel who are responsible for the school's budget, accounting, payroll processing, purchasing, and ensuring the school's financial policies are in line with state and federal laws and best practices. This bill also specifically prohibits the principal, or its equivalent, of a charter school or state charter school from serving simultaneously as the chief financial officer, or its equivalent, for the charter school.

ETHICS

House Bill 370

Grace Period for Filing Required Reports by Local Candidates and Officials

Sponsor: Representative Fleming of the 121st

Status: House Agreed to the Senate Substitute – VETOED

This bill establishes a six-month grace period for local officials and candidates to file campaign finance and personal financial disclosures that were due between 2010 and 2014 with the Georgia Government Transparency and Campaign Finance Commission. The Commission then has a one-year review period.

House Bill 808

Judicial Qualifications Commission

Sponsor: Representative Willard of the 51st

Status: Senate Agreed to House Amendment – FINAL PASSAGE

Effective Date: 01/01/17 * Pending Constitutional Amendment Approval

House Bill 808 is the enabling legislation that accompanies House Resolution 1113. The bill establishes three-year terms for commission members and gives authority to the Governor, the Speaker of the House, the Senate President, and the Supreme Court to appoint the commission members. The bill also provides for broad confidentiality of the records and proceedings of the Judicial Qualifications Commission.

House Resolution 1113

Judicial Qualifications Commission

Sponsor: Representative Willard of the 51st

Status: Senate Passed/Adopted – FINAL PASSAGE

Effective Date: 01/01/17

House Resolution 1113 proposes an amendment to the Georgia Constitution abolishing the current Judicial Qualifications Commission and instead creating authority in the General Assembly to reconstitute the commission. It creates a new Judicial Qualifications Commission, provides for its membership and governance, and establishes provisions relating to confidentiality. Finally, the bill provides that nominations to the commission will be subject to Senate confirmation.

FINANCE

Senate Bill 258

Tax Credit for Donations to Hospitals; Valuation of Property; Disabled Veteran Tax Benefits

Sponsor: Senator Millar of the 40th

Status: Senate Conference Committee Report Adopted – FINAL PASSAGE

Effective Date: 04/26/16

This bill creates an income tax credit for contributions made to rural or critical access hospitals. Each hospital must submit to the Department of Community Health a five-year plan detailing the financial viability and stability of the organization, use any donations it receives to provide healthcare services, and report on the use of donated funds to the Department. Any individual that donates to these organizations will receive as an income tax credit 70 percent of what is donated, with a maximum of \$2,500 for single or head of household filers and \$5,000 for joint filers. Likewise, any corporation may receive a credit of 70 percent of what is donated, with a maximum equal to 75 percent of the corporation's tax liability.

This bill also enacts a bar on increasing initial assessment values of property for a taxable year beyond the initial assessment value during an appeal of such valuation. Additionally, it also updates the terms on which the value of any property may be frozen or increased, for purposes of ad valorem taxation, following a the two-year period after a successful appeal of a valuation of the property. It also expands the definition of "disabled veterans" for purposes of qualifying for the homestead exemption, motor vehicle exemption, or free license plate program.

House Bill 768

Georgia Achieving a Better Life Experience (ABLE) Act

Sponsor: Representative Hawkins of the 27th

Status: House Agreed to Senate Amendment – FINAL PASSAGE

Effective Date: 05/03/16

This bill creates the Georgia ABLE program, which is modeled after the federal ABLE Act of 2014. Federal law allows those with significant disabilities to create interest-bearing accounts, modeled after 529 college savings accounts. Funds from these accounts may be used to pay for qualified disability expenses, and will not be considered when determining eligibility for Medicaid, Social Security, or other similar benefits. Federal law requires that this program be state-run.

HEALTH AND HUMAN SERVICES

Senate Bill 308

Positive Alternatives for Pregnancy and Parenting Grant Program

Sponsor: Senator Unterman of the 45th

Status: Senate Agreed to House Substitute – FINAL PASSAGE

Effective Date: 07/01/16

This bill establishes within the Department of Health (DPH) the Positive Alternatives for Pregnancy Parenting Grant Program, which is to promote healthy pregnancies and childbirth by awarding grants to nonprofit organizations that provide pregnancy support services. DPH is to oversee the program and execute a legal contract with a contract management agency to administer the program that meets the specified criteria of this bill, which includes coordinating activities and correspondence between DPH and direct client service providers.

House Bill 887**Part I: Priority in Child Placements; Part II: "Supporting and Strengthening Families Act"****Sponsor: Representative Chuck Efstroation of the 104th****Status: Senate Agrees to House Amendment to Senate Substitute – FINAL PASSAGE****Effective Date: 07/01/16**

Part I of the bill requires the Division of Family and Children Services (DFCS) to give preference for the placement of a child in a dependency hearing to a relative or fictive kin over a nonrelated caregiver. Part II of the bill, titled the "Supporting and Strengthening Families Act," acknowledges that short-term difficulties can often impair parents' abilities to adequately provide care and support to their minor children. This Act provides a statutory mechanism for parents to grant temporary caregiving authority to another person for a limited period without involving the Department of Family and Children Services (DFCS). Specifically, this Act allows a parent or legal custodian of a child to use a power of attorney to delegate the power and authority regarding the care and custody of a child to another adult residing in Georgia for up to one year. DFCS would only be notified of such delegation of caregiving authority in cases where a child has been in the care of DFCS in the past.

HIGHER EDUCATION**Senate Bill 18****Technical College Credit for Military Service****Sponsor: Senator Harbison of the 15th****Status: Senate Agreed to House Substitute – FINAL PASSAGE****Effective Date: 07/01/16**

This bill requires the Technical College System of Georgia to maintain a policy that grants academic credit to active duty military or veteran students for college level learning acquired from military service prior to enrollment. The training and experience obtained through military service must be related to the coursework for which the academic credit is granted.

House Bill 54**"Shawn Smiley Act"****Sponsor: Representative Waites of the 60th****Status: House Agreed to the Senate Floor Amendment – FINAL PASSAGE****Effective Date: 01/01/17**

This bill offers Georgia taxpayer's the opportunity to make charitable contributions to the Georgia Student Finance Authority to provide financial assistance toward the postsecondary education costs of the children of law enforcement officers, firefighters, paramedics, emergency medical technicians, prison guards, and Highway Emergency Response Operators (HERO) workers who were injured or killed in the line of duty. Further, this bill requires the Department of Drivers Services, through appropriate language on its forms for the issuance and renewal of drivers' licenses and identification cards, to offer individuals the same voluntary charitable contribution opportunity. Individuals can make a voluntary charitable contribution of \$1.00, \$5.00, or \$10.00. The Department of Revenue and the Department of Drivers Services are responsible for transferring all contributions to the Georgia Student Finance Authority.

House Bill 801**Revision of the HOPE Scholarship Requirements and Definitions****Sponsor: Representative Jones of the 47th****Status: House Agreed to the Senate Substitute – FINAL PASSAGE****Effective Date: 7/1/16 (Sec. 3 – 7/1/20)**

Under this bill, beginning in the 2017-2018 school year, the cumulative grade point average for the HOPE scholarship will include weighted grades for certain science, technology, engineering, and math college courses

chosen by the Board of Regents in consultation with the Technical College System of Georgia. This will include a 0.5 point increase on the student's final grade if that grade is a B, C, or D. Following the 2017-2018 school year, the Georgia Student Finance Commission will provide a biennial report to the chairs of the House and Senate Committees on Higher Education during the next general session of the legislature.

INSURANCE AND LABOR

Senate Bill 158

The Insurance Transparency Act

Sponsor: Senator Burke of the 11th

Status: Senate Agreed to House Substitute – FINAL PASSAGE

Effective Date: 07/01/16

This bill attempts to bring more clarity and transparency to rental networks by defining them and requiring them to register with the Insurance Commissioner by September 30, 2016, or within 30 days of commencing business in Georgia, unless the entity is already licensed by the Commissioner as a health insurer. Rental networks are prohibited from:

- Knowingly accessing or utilizing a medical provider's contractual discount without a contractual relationship; or
- Leasing, renting, or otherwise granting to a third party¹ access to a provider network contract unless:
 1. The third party is a payor or third-party administrator that administers or processes claims on behalf of the payor;
 2. The contract states that the contracting entity may enter into an agreement with a third party;
 3. The provider network contract, and all agreements between a contracting entity and any third party, prohibits the third party from reducing any compensation to a provider; and
 4. The third party accessing the provider network contract is contractually obligated to comply with all applicable terms, limitations, and conditions of the provider network contract.

A contracting entity that grants access to a provider's services and contractual discounts to any third party must maintain a website, mobile app, or other mechanism through which providers may obtain a listing, updated at least every 30 days, of the third parties granted access to the provider's healthcare services and contractual discounts.

This bill does not apply to:

1. Medicaid, Medicare, or CHIP networks;
2. Employers, church plans, or government plans receiving administrative services from a rental preferred provider network or its affiliates, or pharmacy benefits managers;
3. Circumstances where access to the provider network contract is granted to an entity operating under the same brand licensee program as the contracting entity;
4. Workers' compensation; or
5. Self-funded, employer-sponsored health plans regulated under ERISA.

¹ "Third party" is defined as an organization that enters into a contract with a contracting entity or with another third party to gain access to a provider network contract.

Senate Bill 302

Provider Directory Improvement Act

Sponsor: Senator Martin of the 9th

Status: Senate Agreed to House Substitute – FINAL PASSAGE

Effective Date: 07/01/16

This bill requires health insurers to post and maintain a current and accurate electronic provider directory for each network plan. Printed copies of the directories must also be made available when requested and include a disclosure explaining that the information in the directory is accurate as of the date of printing and that persons should consult the insurer's electronic provider directory or call a specified customer service telephone number to obtain current provider directory information. In addition to including detailed information on each provider, hospital, and non-hospital facility, each directory must contain the following information:

1. A description of the criteria the health insurer has used to build its provider network;
2. If applicable, a description of the criteria the health insurer has used to tier providers;
3. If applicable, how the insurer designates the different provider tiers or levels in order for a person to be able to identify the provider tier; and
4. If applicable, a notice that authorization or referral may be required to access some providers.

Insurers are required to update the entire provider directory for each network plan by January 1, 2017. Thereafter, the insurer must annually audit at least a reasonable sample size of its directories and retain documentation of those audits for the Commissioner's review.

If the Commissioner finds that a covered person reasonably relied upon materially inaccurate information contained in a provider directory and the person was charged for out-of-network services, the Commissioner may require the insurer to reimburse the person for any amount beyond what he or she would have paid, had the services been delivered by an in-network provider. The Commissioner must take into consideration that insurers are relying on providers to report changes to their information.

This legislation does not apply to Medicaid and PeachCare for Kids networks.

House Bill 216

Workers' Compensation Coverage for Firefighters Diagnosed with Cancer

Sponsor: Representative Gravley of the 67th

Status: House Agreed to Senate Substitute and Senate Floor Amendment – VETOED

Under current law, any ordinary disease of life, such as cancer, to which the general public is exposed, cannot be considered an occupational disease for workers' compensation benefit purposes. This legislation creates an exception for firefighters diagnosed with cancer when it is demonstrated by a preponderance of evidence, which must include medical evidence, that the cancer is attributable to the firefighter's performance of his or her duties as a firefighter.

The bill also expands on the definition of occupational diseases to include not only when an employee is exposed to such diseases but also such diseases' risk factors.

House Bill 965

The Honorable Jimmy Carter Cancer Treatment Access Act

Sponsor: Representative Cheokas of the 138th

Status: Senate Passed/Adopted – FINAL PASSAGE

Effective Date: 07/01/16

This legislation prohibits health plans that cover the treatment of stage four advanced, metastatic cancer from first requiring that an insured fail to respond to one drug, or prove a history of failure of such drug, before

providing coverage for a different FDA-approved drug.² The use of such drugs must be consistent with best practices for such treatment and is supported by peer-reviewed medical literature.

JUDICIARY

Senate Bill 255

Comprehensive Garnishment Reform

Sponsor: Senator Stone of the 23rd

Status: Senate Agreed to House Substitute – FINAL PASSAGE

Effective Date: 05/12/16

This bill repeals and overhauls Georgia's garnishment statute. In response to a federal court decision from last year declaring certain portions of the garnishment statute unconstitutional, this bill provides a number of additional notices to parties to garnishment proceedings, shortens the time periods in which garnishment proceedings can take place, and updates and modernizes the garnishment code.

House Bill 859

Carrying of Concealed Handguns on Certain Property of Public Postsecondary Educational Institutions

Sponsor: Representative Jasperse of the 11th

Status: Senate Passed/Adopted – VETOED

This bill permits holders of a Georgia weapons carry license to carry a concealed handgun in and on any building or property owned or leased by a public postsecondary educational institution in Georgia. This privilege does not extend to buildings or property used for athletic sporting events or to student housing (including sorority and fraternity houses).

House Bill 927

Appellate Jurisdiction Reform Act of 2016

Sponsor: Representative Coomer of the 14th

Status: Senate Passed/Adopted – FINAL PASSAGE

Effective Date: Multiple (beginning 5/3/16)

The bill makes a number of reforms relating to Georgia's appellate courts. First, the bill provides for the appointment, by the Supreme Court and Court of appeals, of "law assistants." Such persons may be individuals who have graduated from law school but who are not members of the state bar, so long as such persons become members of the state bar within one year of appointment. Second, the bill eliminates the existing provisions relating to the manner in which the Court of Appeals hears cases, how decisions are overruled, and what constitutes a quorum for a division of the court. In lieu of these provisions, the bill allows the Court of Appeals to provide by rule for certain cases to be heard and determined by more than a single division and the manner in which those Judges will be selected for such cases. Third, the bill provides that the Court of Appeals, and not the Supreme Court, will have appellate jurisdiction over the following types of cases: cases involving title to land; all equity cases (except criminal cases involving the death penalty); all cases involving wills; all cases involving extraordinary remedies (except criminal cases involving the death penalty); all divorce and alimony cases; and all other cases not reserved to the Supreme Court or conferred on other courts. Finally, the bill expands the membership of the Supreme Court from seven members to nine members, requires the concurrence of at least five Justices before the Supreme Court can render judgment on any matter, and modifies the time periods constituting the terms of court for the Supreme Court.

² This legislation also applies to the SHBP and Medicaid.

JUDICIARY NON-CIVIL

Senate Bill 367

Recommendations of Criminal Justice Reform Council

Sponsor: Senator Kennedy of the 18th

Status: Senate Agreed to House Substitute – FINAL PASSAGE

Effective Date: 7/1/16 (Part IX - 4/27/16)

This bill implements many of this year's recommendations from the Georgia Council on Criminal Justice Reform, including recommendations relating to the First Offender Act, school discipline, accountability courts, access to driver's licenses, eligibility for parole, and consideration of criminal convictions by professional licensing boards.

House Bill 941

Grand Jury Proceedings Involving Peace Officers

Sponsor: Representative Golich of the 40th

Status: House Agreed to Senate Substitute – FINAL PASSAGE

Effective Date: 07/01/16

The bill provides procedures for grand jury investigations of peace officers' use of deadly force resulting in death or serious bodily harm of another and provides for use of court reporters in such proceedings. Further, it provides requirements for indictment of peace officers for criminal offenses occurring in the course of performing their duties. Finally, the bill changes provisions relating to indictment of public officers for unprofessional conduct.

NATURAL RESOURCES

House Bill 1028

Requirements of Notice of Solid or Hazardous Waste Release

Sponsor: Representative Werkheiser of the 157th

Status: House Agreed to the Senate Substitute – FINAL PASSAGE

Effective Date: 07/01/16

This bill requires owners and operators of a solid waste landfill to notify local governments of any release of a contaminant which is likely to pose a danger to human health within 14 days of such release. Notice of the release must be published in the legal organ of the county in which the landfill is located.

PUBLIC SAFETY

Senate Bill 304

Compassionate Care for Victims of Sexual Assault Act

Sponsor: Senator Parent of the 42nd

Status: House Agreed to the Senate Amendment to the House Substitute – FINAL PASSAGE

Effective Date: 07/01/16

This bill relates to the collection and analysis of medical examination kits used for alleged victims of rape and aggravated sodomy. Specifically, the bill establishes timelines for enforcement to take possession of those kits and to forward them to the Georgia Bureau of Investigation for analysis.

Senate Bill 369

MARTA Act Amendments Relating to Local Sales Tax Option

Sponsor: Senator Mullis of the 53rd

Status: Senate Agreed to House Substitute – FINAL PASSAGE

Effective Date: 04/26/16

The bill provides the City of Atlanta with the authority to levy a retail sales tax if approved by local referendum, with the proceeds to be used for rapid transit projects. The bill also creates a metropolitan county and a metropolitan city special tax district which can levy special transportation taxes in those areas.

House Bill 727

Regulation of Sale and Use of Fireworks; Provisions Relating to Fire Safety

Sponsor: Representative Battles of the 15th

Status: Conference Committee Report Adopted – FINAL PASSAGE

Effective Date: 04/26/16

This bill creates new restrictions on locations where consumer fireworks may not be used. It revises permitted times during which consumer fireworks may be ignited, including by special use permit, and provides for special hours of use during the July 4 and New Year's holidays. It allows the Governor to restrict fireworks activity during a time of drought. The bill also restricts the use of consumer fireworks while under the influence of drugs or alcohol. In addition, the bill contains provisions including "recruits" in the definition of "firefighter," and gives the Georgia Firefighter Standards and Training Council the authority to establish minimum standards for hiring and training contract firefighters, as well as other firefighting service professionals, as it deems necessary.

Senate Bill 350

Dedication of Funds from Excise Taxes on Fireworks to Trauma Care, Fire Safety, and Public Safety

Sponsor: Senator Mullis of the 53rd

Status: Senate Agreed to House Substitute – FINAL PASSAGE

Effective Date: 01/01/17

Senate Bill 350 provides for the dedication of excise tax revenues on fireworks to trauma care, fire service, and public safety services. This bill will not become effective unless the constitutional amendment proposed by SR 558 is adopted in this fall's election.

Senate Resolution 558

Dedication of Funds from Excise Taxes on Fireworks to Trauma Care, Fire Safety, and Public Safety

Sponsor: Senator Mullis of the 53rd

Status: House Passed/Adopted – FINAL PASSAGE

Effective Date: 01/01/17

Senate Resolution 558 proposes a constitutional amendment which would allow the General Assembly to dedicate revenues from excise taxes on fireworks to trauma care, fire service, and public safety services. This proposed amendment will appear on the November ballot.

REGULATED INDUSTRIES

Senate Bill 402

Moratorium on the Issuance of New Licenses to Narcotic Treatment Programs

Sponsor: Senator Mullis of the 53rd

Status: Senate Agreed to House Substitute – FINAL PASSAGE

Effective Date: 06/01/16

This bill provides for a moratorium on the issuance of new licenses to narcotic treatment programs until June 30, 2017, and creates the State Commission on Narcotic Treatment Programs.

House Bill 1036

Moratorium on Eminent Domain Powers of Pipeline Companies

Sponsor: Representative Hitchens of the 161st

Status: House Agreed to Senate Substitute and Senate Floor Amendment – FINAL PASSAGE

Effective Date: 05/03/16

This bill provides for a moratorium on the exercise of eminent domain powers of pipeline companies through June 30, 2017, and creates the State Commission on Petroleum Pipelines.

RETIREMENT

Senate Bill 336

Improving Retirement Plan Options for the Georgia Municipal Employees Benefit System

Sponsor: Senator Black of the 8th

Status: House Passed/Adopted – FINAL PASSAGE

Effective Date: 07/01/16

This bill improves the options for creating and administering employee retirement plans within the Georgia Municipal Employees Benefit System by making the following changes:

- Allows employee retirement plans to be enacted or joined by resolution, rather than ordinance alone as provided in current law;
- Changes the current limitation on employee contributions, which prevents any contributions that exceed 50 percent of the value of the retirement plan benefits at the earlier of either termination of employment or commencement of benefits. This bill provides that in the case of purchases of additional service credit, employee contributions may exceed the 50 percent benefit value threshold, and any valuation of applicable benefits must correlate to their commencement; and
- Removes the existing limitation on employers' use of master retirement plans (a government qualified defined benefit plan that can be adopted by employers in Georgia³), so as to permit their use by employers with more than 16 employees.

RULES

House Bill 757

Free Exercise Protection Act

Sponsor: Representative Tanner of the 9th

Status: Senate Agreed to House Amendment – VETOED

Individuals who are ministers, clerics, or religious practitioners who are authorized or ordained to solemnize marriages, perform rites, or administer sacraments to the usages of a denomination are free to solemnize any marriage, perform any rite, or administer any sacrament or decline to do so, in their discretion.

A faith based organization is not required to rent, lease, or otherwise grant permission for property to be used by another person for an event which is objectionable to such faith based organization. No faith based organization is required to provide social, educational, or charitable services that violate such organization's sincerely held religious belief, as demonstrated by practice, expression, or clearly articulated tenet of faith. However, this section does permit the government to enforce the terms of a grant, contract, or other agreement voluntarily entered into by such faith based organization. Faith based organizations, except as otherwise provided in the Georgia Constitution, U.S. Constitution, or federal law, will not be required to hire or retain as an employee any

³ O.C.G.A. § 47-5-41(a)(1) states that master plans must provide "[t]he employees to be covered, the retirement and employee benefits to be provided, and the terms and conditions for retirement benefits and other benefits."

person whose religious beliefs or practices or lack of either are not in accord with the organization's sincerely held religious belief as demonstrated by practice, expression, or clearly articulated tenet of faith.

A refusal by an individual covered by these provisions will not give rise to a civil claim or cause of action against such person or result in any state action to penalize, withhold benefits from, or discriminate against such individual on the basis of that refusal.

The bill also sets forth a standard of judicial review in instances in which a person claims a burden on the free exercise of religion. A government cannot substantially burden a person's exercise of religion even if the burden results from a law, rule, regulation, ordinance, or resolution of general applicability unless the government can demonstrate that the application of that burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest. However, the bill's provisions cannot be construed to:

- Permit invidious discrimination on any grounds prohibited by federal or state law;
- Apply to penological rules, regulations, conditions, or policies established by a penal institution relating to safety, security, order, and discipline;
- Create any rights by an employee against an employer, if such employer is not a government; or
- Afford any protection or relief to a public officer or employee who fails or refuses to perform his or her official duties; provided that this provision will not prohibit a person from holding any public office or trust on account of religious opinions.

No business or industry can be required by ordinance or resolution of any county, municipality, or consolidated government to operate on Saturday or Sunday.

SCIENCE AND TECHNOLOGY

House Bill 779

Regulation of Unmanned Aircraft Systems; Georgia Unmanned Vehicle Systems Commission

Sponsor: Representative Tanner of the 9th

Status: Senate Agreed to House Amendment to Senate Substitute – VETOED

This bill places limits on the regulation of unmanned aircraft systems by local governments. It also includes language from Senate Bill 325, which creates the Georgia Unmanned Vehicle Systems Commission. This Commission will analyze various issues related to unmanned vehicles (such as aerial drones, aquatic drones, or driverless cars).

SPECIAL JUDICIARY

Senate Bill 64

Child Legitimations

Sponsor: Senator Hufstetler of the 52nd

Status: Conference Committee Report Adopted – FINAL PASSAGE

Effective Date: 07/01/16

Senate Bill 64 repeals the voluntary acknowledgment of legitimation of a child with a form (administrative process), leaving the petition for legitimation (judicial process) as the only process by which a father can legitimate a child. This bill amends Code sections of the O.C.G.A. that are incorrect statements of law by adding the terms "biological father" and "legal father" where applicable. The purpose of this bill is to prevent non-biological fathers from signing a voluntary acknowledgment, which establishes the legal rights of a parent. It also

requires hospitals to provide acknowledgment of paternity information prior to and upon the birth of a child to unmarried mothers and alleged fathers. Such information must make clear that an acknowledgment of paternity establishes who the biological father is, however, it does not constitute a legal determination of legitimation.

This bill also repeals Part II of House Bill 887, known as the “Supporting and Strengthening Families Act,” which reached final passage during the 2016 Legislative Session and was enacted prior to Senate Bill 64 becoming law.

STATE AND LOCAL GOVERNMENTAL OPERATIONS

Senate Bill 269

Sanctuary Policies

Sponsor: Senator Stone of the 23rd

Status: House Passed/Adopted – FINAL PASSAGE

Effective Date: 07/01/16

As a condition of funding, state agencies that provide funding to local governments are mandated by this bill to require each jurisdiction to certify that they are not enforcing any sanctuary policy. Under current law, state agencies providing funding are only authorized and not mandated to require such certification. The certification is carried out and verified through the immigration compliance reports currently submitted by each state and local government to the Department of Audits. These reports must now contain a certificate of compliance indicating that the local government is in compliance with the provisions of this legislation.

Senate Bill 356

Recovering Costs of Impounded Animals

Sponsor: Senator Williams of the 27th

Status: House Passed/Adopted – FINAL PASSAGE

Effective Date: 04/26/16

This bill authorizes animal control agencies impounding one or more animals as part of any investigation of inhumane treatment of animals, cruelty to animals, dogfighting,⁴ or otherwise providing care for one or more impounded animals, to file a petition in civil court requesting the court to require the animal’s owner to pay into a registry of the court to cover all anticipated costs of impoundment and care.⁵

If the owner is indigent, the court may reduce or waive the costs to pay for the animal, providing that only one animal has been impounded. The court may also adjust the owner's obligation of payment upon a motion made by the owner or petitioning agency.

The petitioning agency may immediately continue to withdraw funds from the registry until the final disposition of the underlying criminal action regarding the owner and the animal. Any unused remaining funds must be refunded to the owner.

TRANSPORTATION

Senate Bill 420

Expenditure of Public Funds for the Establishment of a Fixed Guideway Transit

⁴ O.C.G.A. §§ 4-11-9.2; 16-12-4; and 16-12-37 respectively, and this legislation only applies to these three instances. This legislation does not apply to lost, stray, or feral pets or animals.

⁵ “Owner” is defined as a person who intentionally exercises custody, control, possession, or ownership of an animal.

Sponsor: Senator Tippins of the 37th

Status: Senate Agreed to House Substitute and House Floor Amendment – FINAL PASSAGE

Effective Date: 07/01/16

This bill requires that prior to an expenditure of any public funds for the establishment, maintenance, and operation of a fixed guideway transit in any county that is a mass transportation regional system participant, the county commission must obtain approval from a majority of qualified voters. This election must be held during a general election, general primary election, or presidential preference primary.⁶

Prior to the issuance of the call for the referendum, the county commission must adopt a resolution specifying the type and location of a fixed guideway transit, its capital costs, the date in which the capital costs must be paid in full, and an estimate of the project's annual costs for maintenance and operations.

This legislation does not apply to the extension of a fixed guideway transit or levy of applicable sales and use taxes authorized pursuant to the MARTA Act for which any referendum required under that Act will control. Also, this legislation does not apply to a project within a county or between counties which have approved such a sales and use tax, so long as the project is wholly within the territorial boundaries of the county or counties. This bill also does not apply to any city with a fixed guideway transit project through an intergovernmental agreement with MARTA in a county which has authorized a sales and use tax. Finally, this legislation does not apply to any surface transportation project related to MARTA as defined in Code Section 36-61-2(22).

VETERANS, MILITARY, AND HOMELAND SECURITY

House Bill 831

National Guard Employment Protections

Sponsor: Representative Smyre of the 135th

Status: Senate Passed/Adopted – FINAL PASSAGE

Effective Date: 07/01/16

Under current law, employers are required, under specific conditions, to reemploy any prior employee who left their position when called into active state service under the Georgia National Guard. This legislation extends this protection to Georgia employees who are members of another state's National Guard.

⁶ "Mass transportation regional system participant" is defined as any county within a special district created pursuant to the TSPLOST in which mass transportation is provided within such special district, to such special district, or from such special district by a multicounty regional transportation authority created by an Act of the General Assembly, including but not limited to GRTA or MARTA.