



# GEORGIA STATE SENATE

## SENATE RESEARCH OFFICE

204 Coverdell Legislative Office Building | 404.656.0015  
18 Capitol Square SW  
Atlanta, GA 30334

ELIZABETH HOLCOMB  
DIRECTOR

### 2019 SESSION OF THE GEORGIA GENERAL ASSEMBLY LEGISLATION PASSED

*This document is a comprehensive report of all legislation passed by the 2019 Georgia General Assembly, with the exception of local legislation. Each bill is indexed by the assigned standing Senate Committee through which it was favorably reported with a brief summary, effective date, sponsor, and Senate carrier. Vetoed bills and legislation creating interim study committees can be found at the foot of the document. If further detail is needed, please contact the Senate Research Office to request a full bill summary or additional information.*

#### TABLE OF CONTENTS

AGRICULTURE AND CONSUMER AFFAIRS .....	2
APPROPRIATIONS .....	3
BANKING AND FINANCIAL INSTITUTIONS .....	3
ECONOMIC DEVELOPMENT AND TOURISM .....	5
EDUCATION AND YOUTH .....	5
ETHICS.....	8
FINANCE.....	9
GOVERNMENT OVERSIGHT.....	16
HEALTH AND HUMAN SERVICES.....	17
HIGHER EDUCATION.....	23
INSURANCE AND LABOR .....	24
INTERSTATE COOPERATION .....	28
JUDICIARY .....	28
NATURAL RESOURCES AND THE ENVIRONMENT .....	38
PUBLIC SAFETY .....	41
REAPPORTIONMENT AND REDISTRICTING .....	43
REGULATED INDUSTRIES.....	44
RETIREMENT .....	47
RULES .....	48
SCIENCE AND TECHNOLOGY .....	50
SPECIAL JUDICIARY .....	52
STATE AND LOCAL GOVERNMENT OPERATIONS.....	54
STATE INSTITUTIONS AND PROPERTY .....	54
TRANSPORTATION .....	55
VETERANS, MILITARY & HOMELAND SECURITY.....	56
LEGISLATION CREATING STUDY COMMITTEES, COMMISSIONS .....	57
VETOED LEGISLATION.....	58

## AGRICULTURE AND CONSUMER AFFAIRS

### **Senate Bill 97**

#### **Self-Service Storage Facilities: Apply Liens, Charge Late Payment Fees**

**Sponsor: Senator Stone of the 23<sup>rd</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 258)**

This bill authorizes self-service storage facilities to charge late payment fees associated with late rent, and authorizes liens on personal property for late payment fees. The bill adds language allowing self-service storage facilities to charge late payment fees when an occupant is late paying rent under a rental agreement. The fee is established as the greater of either: \$20.00 per month for each month there is a late payment; or 20 percent of the monthly rent for each month there is a late payment of rent.

Currently, the owner of the self-service storage facility may have a lien on personal property for rents, labor, and other charges associated with preservation or expenses incurred at sale or disposition of property. This bill adds late payment fees to the group of recoverable sums. Further, the model rental lease agreement included in Georgia Code is amended to conform to the change by notifying the lessee.

### **House Bill 213**

#### **Georgia Hemp Farming Act**

**Sponsors: Senator Harper of the 7<sup>th</sup> and Rep. Corbett of the 174<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 10, 2019; Act 314)**

This bill authorizes the growing and processing of industrial hemp in Georgia. It provides requirements for grower's licenses and processor permits, and it outlines the procedures for testing and destruction of crops. The bill requires that within 60 days of the effective date of the bill, the Commissioner of Agriculture, in consultation with the Governor and Attorney General, must submit a plan to the Secretary of Agriculture of the United States. Further, the bill removes hemp from the definition of controlled substances and definition of marijuana in the criminal code.

### **House Bill 332**

#### **Agricultural Commodity Commissions Designees**

**Sponsors: Senator Harper of the 7<sup>th</sup> and Rep. Meeks of the 178<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on April 30, 2019; Act 111)**

This bill allows a Commissioner of Agriculture's designee to serve on any agricultural commodity commissions on which he serves (with the exception of the Agricultural Commodity Commission for Peanuts which is governed under a different code section).

### **House Bill 512**

#### **Agricultural Commodity Commission for Propane; Regulations for Fertilizer, Liming Materials, and Soil Amendments Derived from Industrial By-Products**

**Sponsors: Senator Walker of the 20<sup>th</sup> and Rep. Watson of the 172<sup>nd</sup>**

**Effective Date: Upon Governor's Approval (Signed on April 18, 2019; Act 35)**

This bill creates the Agricultural Commodity Commission for Propane and provides regulations and guidelines for marketing orders and referendums, assessments, and legal remedies available to the Commission.

The Senate Committee on Agriculture and Consumer Affairs added language from HB 707. The language amends the definition for fertilizer to no longer include material for which a distributor compensates a recipient for receiving the material. Further, the bill authorizes the promulgation of rules and regulations relative to fertilizers, liming materials, and soil amendments derived from industrial by-products.

*[\[Return to Table of Contents\]](#)*

## APPROPRIATIONS

### **Senate Bill 67**

#### **Funding for the Concurrent Repair, Update, or Replacement of Undamaged Portion of Educational Facilities following Fire or Natural Disaster**

**Sponsor: Senator Burke of the 11<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 10, 2019; Act 318)**

This bill qualifies eligible school systems, in the event fire or natural disaster destroys or damages a majority of a facility, to receive regular state capital outlay funds, regular advance funding, and low-wealth capital outlay funding for the concurrent update, repair, or replacement of an undamaged portion when the facility is at least 20 years old. It also creates an additional path for eligibility for local school systems consolidating to qualify for low-wealth capital outlay grants.

### **House Bill 30**

#### **Supplemental Appropriations State Fiscal Year July 1, 2018 – June 30, 2019**

**Sponsors: Senator Hill of the 4<sup>th</sup> and Representative Ralston of the 7<sup>th</sup>**

**Effective Date: Upon Governor's Signature (Signed March 12, 2019; Act 3)**

Please contact the Senate Budget and Evaluation Office for details.

### **House Bill 31**

#### **General Appropriations State Fiscal Year July 1, 2019 – June 30, 2020**

**Sponsors: Senator Hill of the 4<sup>th</sup> and Representative Ralston of the 7<sup>th</sup>**

**Effective Date: Upon Governor's Signature; Fiscal Year Begins July 1, 2019 (Signed May 10, 2019; Act 319)**

Please contact the Senate Budget and Evaluation Office for details.

*[\[Return to Table of Contents\]](#)*

## BANKING AND FINANCIAL INSTITUTIONS

### **Senate Bill 37**

#### **Statute of Frauds Expansion**

**Sponsor: Senator Ligon of the 3<sup>rd</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 255)**

Under current law, seven types of agreements are subject to the statute of frauds, requiring the agreement to be in writing and signed by the party to be charged. This bill requires any subsequent agreement modifying, altering, canceling, repealing, revoking, releasing or rescinding an agreement already subject to the statute of frauds to also be in writing and signed by all parties. However, if the party that enforcement is sought against admits to an oral agreement in a pleading, testimony, or in court, that oral agreement will be enforceable.

### **Senate Bill 157**

#### **Public Funds Considered Held by a Depository**

**Sponsor: Senator Kennedy of the 18<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 2, 2019; Act 137)**

This bill provides banks a third option to secure deposits of public funds by allowing the funds to be placed in reciprocal deposit programs. The bill allows public funds to be considered held by a single depository even if they are subsequently distributed to several institutions, provided all funds and institutions are covered by FDIC insurance. Reciprocal deposit programs allow banks to make large deposits eligible for FDIC insurance beyond the traditional \$250,000 limit by splitting larger deposits into smaller increments and exchanging deposits with other banks in the network. The program allows banks to have the same amount of funds as the original deposit, split into smaller increments, all covered by FDIC insurance. This allows a municipality to use only one bank, and allows the bank another option to secure public funds outside of posted collateral.

## **House Bill 185**

### **Title 7 Code Revisions**

**Sponsors: Senator Kennedy of the 18<sup>th</sup> and Representative Williamson of the 115<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 270)**

This bill makes numerous revisions to Title 7 of the Official Code of Georgia concerning banks, trust companies, and credit unions. In doing so, HB 185:

- Adds provisions concerning the Department of Banking and Finance's ability to investigate, and approve or disapprove acquisitions and applications of trust companies;
- Removes the requirement that banks pay in an expense fund an amount fixed by the Department, not less than 5 percent of the capital stock, prior to receiving a permit to begin business;
- Provides that customers of a bank that has been acquired by a credit union, and the bank ceases to exist, will become members of the credit union;
- Provides that the board of directors of a credit union with a two-thirds vote can adopt and enforce a policy for expulsion from membership based on nonparticipation; and
- Allows additional exceptions to the licensure requirement for the sale of payment instruments including wholly owned subsidiaries, registered futures commission merchants, clearance or settlement service providers, payment system operators, and registered security brokers.

## **House Bill 193**

### **Savings Promotional Raffles**

**Sponsors: Senator Martin of the 9<sup>th</sup> and Representative Dunahoo of the 30<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 243)**

This bill allows federally or state chartered banks and credit unions that have federal deposit insurance to conduct a savings promotional raffle. A savings promotional raffle is a contest that provides an individual an entry or ticket with an equal chance of winning a designated prize solely by the depositing of a specific amount of money in a savings account or program.

## **House Bill 212**

### **Mortgage Broker Exemption**

**Sponsors: Senator Kennedy of the 18<sup>th</sup> and Representative Pirkle of the 155<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on April 18, 2019; Act 33)**

Under current law, a person is prohibited from transacting business in Georgia as a mortgage broker, a mortgage lender, or a mortgage loan originator unless the person is licensed and registered. This bill provides an exemption from this requirement for a retailer or retail broker of a manufactured or mobile home or a residential industrialized building. This exemption applies to retailers and retail brokers who limit their residential mortgage loan activity to compiling and transmitting residential mortgage loan applications to licensed mortgage lenders, or communicating with applicants to complete the residential mortgage loan application.

## **House Bill 266**

### **529 Plan Income Tax Deductions**

**Sponsors: Senator Dolezal of the 27<sup>th</sup> and Representative Wiedower of the 119<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 2, 2019; Act 142)**

Under current law, contributions to 529 Plans are deductible up to certain prescribed maximums from state personal income tax. This bill doubles each applicable amount deductible related to donations to 529 plans. This bill increases: the maximum deduction allowed per beneficiary from \$2,000 to \$4,000; the maximum aggregate deduction for taxpayers filing single or separate returns from \$2,000 to \$4,000; and the maximum aggregate deduction for taxpayers filing joint returns from \$4,000 to \$8,000.

## **House Bill 490**

### **Deceased Depositors and Checks Payable to Deceased Persons**

**Sponsors: Senator Jones of the 25<sup>th</sup> and Representative Ridley of the 6<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on April 26, 2019; Act 62)**

This bill revises provisions relating to funds belonging to or owed to individuals who die intestate, without having a will. This bill raises the amount that a financial institution may provide to a family member of the deceased depositor or apply towards funeral and last illness expenses from \$10,000 to \$15,000. This bill also shortens the time period from 90 days to 45 days that a family member must apply to a financial institution for funds before the financial institution may apply the deposit to funeral and last illness expenses. Family members seeking funds of a deceased depositor must provide an affidavit. This bill also raises amount the financial institution is able to distribute to family members for checks payable to a deceased individual from \$10,000 to \$15,000.

*[\[Return to Table of Contents\]](#)*

## **ECONOMIC DEVELOPMENT AND TOURISM**

### **House Bill 525**

#### **Savannah Convention Center**

**Sponsors: Senator Watson of the 1<sup>st</sup> and Representative Stephens of the 164<sup>th</sup>**

**Effective Date: See Below (Signed on April 28, 2019; Act 65)**

The bill reconstitutes the Georgia International and Maritime Trade Center as the Savannah Convention Center (SCC). The Savannah Convention Center is deemed to be a public corporation and instrumentality of the State, and will have its principal office and legal residence in Chatham County. The Savannah Convention Center will consist of the following membership: Six members appointed by the Governor; Three members appointed by the Chatham County delegation of the General Assembly; The president of the Savannah Economic Development Authority; and The president of Savannah Area Convention & Visitors' Bureau

This bill will become effective upon the Governor's signature or upon it becoming law otherwise for the purpose of appointing members to the Authority. The bill will become effective for all other purposes July 1, 2019.

*[\[Return to Table of Contents\]](#)*

## **EDUCATION AND YOUTH**

### **Senate Bill 48**

#### **Dyslexia Screening and Education**

**Sponsor: Senator Martin of the 9<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 2, 2019; Act 134)**

This legislation focuses on identifying and teaching students with dyslexia, as well as training teachers in dyslexia education. The significant provisions of the legislation are as follows: (1) Requires the State Board of Education to develop policies for referring students in kindergarten and grades one through three, for screening who have been identified as having characteristics of dyslexia, other disorders, or both; (2) Requires the Georgia Department of Education to implement guidance, technical assistance, and training to assist all local school systems in the identification and teaching of students with dyslexia; (3) Requires the Professional Standards Commission (PSC) to create a dyslexia endorsement for teachers; (4) Requires the PSC to include in its standards for teacher preparation programs relating to instruction on dyslexia and other disorders; and (5) Requires the State School Superintendent to establish a pilot program in dyslexia education.

## **Senate Bill 60**

### **Jeremy Nelson and Nick Blakely Sudden Cardiac Arrest Prevention Act**

**Sponsor: Senator Martin of the 9<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 2, 2019; Act 136)**

This legislation relates to sudden cardiac arrest prevention during or after interscholastic athletic activities. The significant provisions are as follows: (1) Provides for guidelines and other relevant materials to inform high school students participating in interscholastic athletic activities<sup>1</sup> about the nature and warning signs of sudden cardiac arrest; (2) Requires a school to hold informational meetings regarding warning signs of sudden cardiac arrest; and (3) Requires a student to be removed from participation in an interscholastic athletic activity for certain reasons and provides for reentry requirements.

## **Senate Bill 83**

### **Bible Literacy Courses and REACH Scholarship Act**

**Sponsor: Senator Mullis of the 53<sup>rd</sup>**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 229)**

Currently, public high schools are allowed to make available elective courses in the History and Literature of the Old Testament Era or the History and Literature of the New Testament Era. This legislation expands the elective course offerings to include courses on the following: (1) the Hebrew Scriptures, Old Testament of the Bible; (2) the New Testament of the Bible; and (3) The Hebrew Scriptures and the New Testament of the Bible. Also this legislation clarifies and revises the purpose of such courses.

This bill also establishes the Realizing Educational Achievement Can Happen (REACH) Scholarship Act, a needs-based mentoring and scholarship program that provides students the support to graduate from high school and achieve postsecondary educational success. The bill provides for requirements to be a REACH scholar, a participating school, and funding for REACH scholars.

## **Senate Bill 108**

### **Computer Science Competencies and Core Curriculum**

**Sponsor: Senator Martin of the 9<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 2, 2019; Act 135)**

This legislation requires computer science courses to be taught in middle and high school based on a defined phase-in schedule enumerated in the bill. The phase-in schedule starts in the 2022-2023 school year with at least one high school that offers instruction in computer science to 50 percent offering a course in computer science to all high schools offering a course in computer science.

This legislation requires, subject to appropriations by the General Assembly, grants to be provided to eligible entities to deliver professional development programs for teachers providing instruction in computer courses and content. Eligible entities include local school systems, consortia of local school systems, local charter schools, state charter schools, and high-quality professional learning providers working in partnership with local school systems.

## **Senate Bill 212**

### **Department of Driver Services (DDS) Curriculum**

**Sponsor: Senator Martin of the 9<sup>th</sup>**

**Effective Date: January 1, 2020 (Signed on May 2, 2019; Act 145)**

Current law requires that before a student driver can take a written or road test they must have successfully completed a driver training course that consists of a minimum of 30 hours of instruction and six-hours of private in-car training. This legislation expands and clarifies the

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<sup>1</sup> Interscholastic athletic activity means interscholastic athletics and practices, interschool practices, and scrimmages related to such activities.

types of approved courses a student driver can take to meet this requirement to the following: A classroom or online driver education course licensed by the DDS, consisting of a minimum of 30 hours of instruction and six hours of private in-car instruction with a licensed instructor employed by the driver training school administering such on-the-road driving skills test.

Also this legislation allows for an applicant, 18 years of age or older, to only take a minimum of six hours of private in-car instruction provided by a licensed instruction employed by the driver training school administering such on-the-road driving skills test.

### **Senate Resolution 64**

#### **Urges the Addition of the 4 x 800 Meter Relay to the State Track Meet**

**Sponsor: Senator Unterman of the 45<sup>th</sup>**

This resolution urges Georgia High School Association (GHSA) to add the 4x800 meter relay to the state track meet which has the potential to give approximately 500 additional athletes the chance to compete at the event. This resolution requests that the 4x800 meter relay be added beginning with the 2020 season as a final against time, with no preliminary qualifier necessary.

### **Senate Resolution 266**

#### **GHSA Financial Management**

**Sponsor: Senator Black of the 8<sup>th</sup>**

This resolution encourages GHSA to perform a thorough assessment of its operations and practices to determine fiscally responsible operational methods. Since tax dollars fund part of GHSA, the Georgia General Assembly has a vested interest in the finances of GHSA.

### **House Bill 12**

#### **Toll-Free Child Abuse Telephone Number at Schools**

**Sponsors: Senator Brass of the 28<sup>th</sup> and Rep. R. Williams of the 145<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 2, 2019; Act 129)**

This bill requires public schools to post a sign, in a clearly visible location that contains the toll-free telephone number operated by the Division of Family and Children Services that receives reports of child abuse or neglect, 24 hours per day and seven days per week.

### **House Bill 59**

#### **Enrollment Eligibility for Students of Military Parents**

**Sponsors: Senator Kirkpatrick of the 32<sup>nd</sup> and Rep. Belton of the 112<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on April 23, 2019; Act 38)**

Current law requires students to physically establish residency prior to enrollment in a local school system. This legislation allows for a student, whose parents have received official military orders, to enroll in the public school of the attendance zone in which residency will be established.

Further, this legislation includes language that allows students to apply to charter schools who do not live in the attendance zone, but who at the time of enrollment will reside in the appropriate attendance zone. Also, this legislation adds language from the as introduced version of House Bill 558 which allows a state charter school to be considered to have state wide jurisdiction so meetings can be conducted via teleconference.

### **House Bill 68**

#### **Student Scholarship Organization**

**Sponsors: Senator Dolezal of the 27<sup>th</sup> and Rep. Carson of the 46<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 2, 2019; Act 130)**

A student scholarship organization is a charitable organization that gives at least 90 percent of annual revenue received from donations to eligible students with scholarships or tuition grants without the limitation to only students of one school. This legislation prohibits any entity that

operates, owns, or is affiliated with an association, organization, or other entity that provides accreditation of elementary or secondary schools from being a student scholarship organization.

*The Senate Rules Substitute restored the language back to the original House version.*

### **House Bill 130**

#### **Georgia Foundation for Public Education Nonprofit Corporation**

**Sponsors: Senator Black of the 8<sup>th</sup> and Rep. Nix of the 69<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 2, 2019; Act 131)**

This legislation authorizes the Georgia Foundation for Public Education Nonprofit Corporation to incorporate a nonprofit corporation that could qualify as a public foundation under Section 501(c)(3) of the Internal Revenue Code. Any nonprofit foundation created pursuant to this Code section must be in accordance with the Georgia Nonprofit Corporation Code and will be subject to the provisions set forth in the legislation. An annual report must be made showing the identity of all donors and the amount each person or entity donated as well as all expenditures or other disposal of money or property donated. The report must be submitted to the House Committee on Education and the Senate Education and Youth Committee.

### **House Bill 530**

#### **Declaration of Intent for Home Study Programs**

**Sponsors: Senator Hill of the 4<sup>th</sup> and Rep. Hitchens of the 161<sup>st</sup>**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 224)**

Currently, parents or guardians of a student must submit to the Georgia Department of Education (GaDOE) a declaration of intent to utilize a home study program within 30 days after establishment. This legislation requires GaDOE to submit such declaration to the local school system in which the home study program is located.

This legislation further adds if a child is withdrawn from a public school without a declaration of intent and has stopped attending a public school for a period of 45 days, the school must refer the matter to DFCS to conduct an assessment. This legislation limits the assessment to the determination if such withdrawal was to avoid educating the child. A copy of a filed declaration will satisfy the assessment and end the assessment. [\[Return to Table of Contents\]](#)

## **ETHICS**

### **Senate Bill 213**

#### **Reporting Deadlines for Campaign Disclosure Reports**

**Sponsor: Senator Heath of the 31<sup>st</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 297)**

This bill adjusts the schedule of campaign reporting requirements for nonelection years. Candidates for public office, including every constitutional officer, the executive head of every state department or agency (whether elected or appointed), and each member of the General Assembly will be required to file disclosure reports in nonelection years on January 31 and June 30. Reports for every other elected state official, every elected county official, every elected members of local boards of education; as well as every elected municipal official will be required to submit disclosure reports on June 30 and December 31.

### **House Bill 316**

#### **New Voting System**

**Sponsors: Senator Ligon of the 3<sup>rd</sup> and Rep. Fleming of the 121<sup>st</sup>**

**Effective Date: Upon Governor's Approval (Signed on April 2, 2019; Act 24)**

This bill amends current law and requires a new voting system be purchased and used as soon as possible. In-Person (Early and Election Day) voting will be conducted on an Electronic Ballot



Marking Device, which will assist the voter in making selections and then print a paper ballot that the voter can hold, review, and place into a scanner and secure ballot box. The language requires the ballot to have human readable text of the voter's choices. The state will furnish the uniform system to counties, but before the equipment can be purchased, leased or acquired, it must be certified by the United States Election Assistance Commission. This bill also requires changes be made to election auditing procedures; provides for updates to the voter list maintenance laws; and specifies additional revisions to election processes. [\[Return to Table of Contents\]](#)

## FINANCE

### **Senate Bill 65**

#### **TAVT Revisions**

**Sponsor: Senator Harper of the 7<sup>th</sup>**

**Effective Date: January 1, 2020 (Signed on May 7, 2019; Act 300)**

This bill makes numerous revisions to the Title Ad Valorem Tax (TAVT). This bill revises the definition of fair market value for new, used, and kit cars to calculate TAVT liability. The TAVT rate is lowered from 7 percent to 6.6 percent from January 1, 2020 until June 30, 2023. The bill also exempts transfers of title between legal entities owned by the same individual from TAVT liability and revises the date range for a vehicle to be considered an antique motor vehicle to 1963 to 1989.

The language of this bill is significantly similar to that of House Bill 365, sponsored by Rep. Blackmon of the 146<sup>th</sup>.

### **Senate Bill 127**

#### **Electronic Filing of Motor Fuel Tax Reports**

**Sponsor: Senator Hufstetler of the 52<sup>nd</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 7, 2019; Act 298)**

Under current law, every month distributors of motor fuel must file a report of the preceding month's activities with the Commissioner of the Department of Revenue to determine the amount of motor fuel tax imposed. This bill requires the distributors to file the monthly report electronically to the Commissioner who may prescribe the manner by which such reports are electronically filed.

### **Senate Bill 138**

#### **Disabled First Responder Benefits; Sickle Cell Foundation of Georgia Inc. License Plate**

**Sponsor: Senator Martin of the 9<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 283)**

Under current law, any law enforcement officer, firefighter, emergency medical services personnel, ambulance driver, or other similarly employed public safety first responder injured during competent performance of official duties may be issued a special and distinctive motor vehicle plate. This bill provides that the initial license plate and annual revalidation decals are to be issued for free. This bill provides that disabled first responders will be provided an exemption from state and local title ad valorem tax (TAVT) fees, limited to a maximum of \$50,000 in aggregate value of motor vehicles registered during any three-year period. Under current law, disability payments to qualified disabled first responders are exempt from state income tax. This bill provides that any additional disability payments to a disabled first responder will be exempt from state income tax. This bill also creates a special license plate to support the Sickle Cell Foundation of Georgia, Inc. and funds raised by the sale of the special license plate will be disbursed to the Foundation.

### **Senate Bill 183**

#### **Electronic Filing of 1099-K; Tax Statement Late Penalty**

**Sponsor: Senator Hufstetler of the 52<sup>nd</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 7, 2019; Act 280)**

This bill requires any individual that files or is required to file a Form 1099-K with the Internal Revenue Service to also electronically file a copy with Georgia's Department of Revenue Commissioner in a specified manner. Current law requires individuals or businesses to furnish a statement of taxes withheld, final payment of wages, or an annual or final return by an applicable deadline. This bill provides for late penalties for furnishing these tax statements.

This bill includes language from the as passed Senate version of Senate Bill 128.

### **Senate Bill 216**

#### **Tax Sales; Prepayment of Ad Valorem Taxes**

**Sponsors: Senator Mullis of the 53<sup>rd</sup>**

**Effective Date: July 1, 2019 (Signed on April 26, 2019; Act 58)**

This bill provides that a sale for taxes may be done by the tax commissioner, tax collector, or their duly authorized officer at the office of the tax commissioner or tax collector, or at another location identified in a required notice. This bill allows taxpayers to enter into an agreement with a local government and the tax commissioner or tax collector to prepay ad valorem taxes. A local government must adopt a resolution, with the concurrence of the tax commissioner or tax collector, allowing the agreements and prepayment of taxes. A taxpayer may only prepay up to the amount of ad valorem taxes assessed on the property in the previous year.

### **House Bill 35**

#### **Poultry Diagnostics and Disease Monitoring Tax Exemption**

**Sponsors: Senator Wilkinson of the 50<sup>th</sup> and Representative Watson of the 172<sup>nd</sup>**

**Effective Date: July 1, 2019 (Signed on April 18, 2019; Act 34)**

This bill creates a sales and use tax exemption for nonprofit organizations whose primary purpose is providing poultry diagnostics and disease monitoring services. The organization receiving the tax exemption must be qualified as a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code.

### **House Bill 101**

#### **All-Terrain Vehicles**

**Sponsors: Senator Harper of the 7<sup>th</sup> and Representative Ridley of the 6<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on April 26, 2019; Act 61)**

This bill removes the definitions for Class I all-terrain vehicles, Class II all-terrain vehicles, and Class III all-terrain vehicles under Title 40 and replaces the definitions with a single definition for "all-terrain vehicle." This bill updates references to the definition of "all-terrain vehicle" in code sections related to marking and equipment of all-terrain vehicles used for law enforcements, and all-terrain vehicles exempt from ad valorem tax while held in inventory for resale.

### **House Bill 168**

#### **Nonprofit Health Center Sales and Use Tax Exemption Extension**

**Sponsors: Senator Black of the 8<sup>th</sup> and Representative Taylor of the 172<sup>nd</sup>**

**Effective Date: July 1, 2019 (Signed on May 10, 2019; Act 316)**

Under current law, there is an exemption to state sales and use taxes for to nonprofit health centers and nonprofit volunteer health clinics. These sales and use tax exemptions are set to sunset on June 30, 2019. This bill extends the sunset date for both of these tax exemptions to June 30, 2024.

## **House Bill 182**

### **Economic Nexus Sales Tax Threshold**

**Sponsors: Senator Hufstetler of the 52<sup>nd</sup> and Representative Harrell of the 106<sup>th</sup>**

**Effective Date: See Below (Signed on April 28, 2019; Act 63)**

Under current law, an out of state retailer that either obtains gross revenue of at least \$250,000 in retail sales or conducts at least 200 retail sales of tangible personal property in the state must either collect and remit sales tax or notify each potential purchaser immediately prior to the completion of a transaction that the sale may be subject to sales tax. This bill lowers the gross revenue threshold from \$250,000 to \$100,000 to require out of state retailers to collect and remit sales tax, and becomes effective January 1, 2020. The bill also removes a retailer's option to notify purchasers that a sale may be subject to sales tax instead of collecting and remitting the tax, and becomes effective upon the Governor's approval.

## **House Bill 183**

### **Property Tax Appeals**

**Sponsors: Senator Hufstetler of the 52<sup>nd</sup> and Representative Harrell of the 106<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 225)**

Under current law, a taxpayer that returned or paid taxes in a county in the preceding tax year and fails to return property for taxation in the current year will be deemed to have returned the same property, at the same value, with the same homestead and personal property exemptions as the preceding year. Additionally, a taxpayer that acquired real property by transfer in the preceding year may be deemed to have returned for taxation the same property in the transfer at the same value as the preceding year. This bill provides that a taxpayer has a right to appeal their ad valorem property tax assessment regardless of whether they failed to return real property or whether the real property was deemed returned for taxation.

## **House Bill 186**

### **Certificate of Need Reform; The Health Act; Investments for Hospital Authority**

**Sponsors: Senator Hufstetler of the 52<sup>nd</sup> and Representative Stephens of the 164<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on April 25, 2019; Act 41)**

This legislation revises Georgia's Certificate of Need program and makes changes to the Rural Hospital Organization Tax Credit, including creating ranking requirements for hospitals according financial need and imposing additional requirements relating to transparency and annual reporting. With respect to Georgia's CON program, HB 186:

- Increases the capital expenditure threshold requirement for health care facilities to obtain a CON from \$2.5 million to \$10 million.
- Provides a pathway for a destination cancer hospital to apply for a CON to convert to a general cancer hospital, subject to certain application requirements and deadlines. Once converted, a general cancer hospital is subject to the same requirements as other hospitals with CONs, including methodologies and inventories for determining the need for additional providers or services and indigent and charity care. Destination cancer hospitals, if not converted, will continue to be subject to the requirements under current law including maintaining a patient base where at least 65% of patients come from outside the state.
- Requires DCH to study the amount of uncompensated indigent and charity care provided by each type of health care facility, recommend requirements for the levels of uncompensated indigent and charity care required to be performed, and develop standardized reporting requirements for DCH to accurately track the amount of uncompensated indigent and charity care provided by each facility.
- Revises exemptions to CON requirements to include certain renovations, upgrades, the acquisition of diagnostic or other imaging equipment with a value of \$3 million or less, and a capital expenditure of \$10 million or less by a hospital for the expansion or addition of certain clinical health services on its primary campus.

- Requires DCH and all health care facilities, ambulatory surgical centers, and imaging centers submitting annual reports to make such reports publicly available online, both on DCH’s website and the facility’s website. The bill also requires that reports contain information on the transfers to a hospital or a hospital emergency department; the number of rooms, beds, procedures, including demographics and payer source information; patient origin by county; and certain operational information.
- Allows a party to file opposition to a CON application if: such party is an existing facility with a CON within a 35 mile radius of the proposed project or has a service area overlapping the applicant’s proposed service area; *or* the party is competing in the same batching cycle with an application proposing to offer services substantially similar to those proposed by the applicant seeking the CON.
- Revises the Rural Hospital Organization Tax Credit law by creating ranking requirements for hospitals and imposing additional requirements relating to transparency and annual reporting. Under this bill, DCH is responsible for creating an operations manual for identifying rural hospital organizations and ranking such rural hospital organizations in order of financial need. DCH is also responsible for posting certain information in a prominent location on its website, including but not limited to the operations manual, the annual report, and the total amount received by each third party that participated in soliciting, administering, or managing donations.

This bill also includes a provision to be titled “The Health Act,” which creates the Office of Health Strategy and Coordination to bring together experts and state officials to share information, coordinate the state’s health care system, and develop innovative approaches for stabilizing costs and improving access to care. This language is similar to Senate Bill 151 by Senator Burke. This bill adds permissible investments for funds from the sale of a hospital owned by a hospital authority or political subdivision of the state.

**House Bill 220**

**Solid Waste Disposal Surcharge, Tire Disposal Fee, Hazardous Waste Management Fees, and Hazardous Substance Reporting Fees**

**Sponsors: Senator Tillery of the 19<sup>th</sup> and Representative Rogers of the 10<sup>th</sup>**

**Effective Date: June 30, 2019 (Signed on April 26, 2019; Act 55)**

Under current law, an owner or operator of any solid waste disposal facility must assess and collect from each disposer of waste a surcharge of 75¢ per ton of solid waste disposed. This surcharge is set to sunset on July 1, 2019. This bill reduces that surcharge to 51¢ per ton of solid waste disposed for the time period from July 1, 2020 to June 30, 2022 when the surcharge requirement will sunset. Under current law, a fee of \$1.00 per tire is imposed on the retail sale of all new replacement tires in the state. This fee is set to sunset June 30, 2019. This bill reduces the fee to 38¢ per tire sold for the time period from July 1, 2020 to June 30, 2022 when the fee requirement will sunset. This bill extends the collection of hazardous waste management fees and hazardous substance reporting fees from July 1, 2019 until July 1, 2022.

**House Bill 221**

**Georgia World Congress Center Indebtedness Limit**

**Sponsors: Senator Tillery of the 19<sup>th</sup> and Representative Rogers of the 10<sup>th</sup>**

**Effective Date: Upon Governor’s Approval (Signed on May 2, 2019; Act 141)**

This bill increases the Geo. L. Smith II Georgia World Congress Center’s revenue bond indebtedness limit from \$400 million to \$500 million.

## **House Bill 224**

### **Rehabilitation of Historic Structure, Quality Job, and Investment Tax Credits**

**Sponsors: Senator Albers of the 56<sup>th</sup> and Representative Williamson of the 115<sup>th</sup>**

**Effective Date: June 1, 2019 (Signed on May 6, 2019; Act 228)**

This bill provides the tax credits for the rehabilitation of historic structures may be used in the year the certified rehabilitation is placed in service and allows the credit to be used up to two years after the taxable year the credit is originally reserved. This bill provides new qualifications for receiving the Quality Job Tax Credit. A taxpayer will be eligible for a wage based tax credit if they create within one year either at least ten new quality jobs within a single rural county in a Tier 1 county, at least 25 new quality jobs within a single rural county in a Tier 2 county, or at least 50 new quality jobs in the state within one year.

This bill increases the amount of qualified investment property required to receive the Investment Tax Credits beginning January 1, 2020. Under current law, an aggregate cost of at least \$50,000 is required. This bill would increase that amount to \$100,000. Under current law, the Investment Tax Credit may be carried forward for ten years from the year the credit is acquired but the amount of the credit claimed in a single year may not be greater than 50 percent of the taxpayer's income tax liability for income derived in the state. Beginning January 1, 2020, employers in Tier 1 and 2 counties that claim a credit in excess of 50 percent of their liability, may apply up to \$1 million of the credit against an employer's quarterly or monthly income tax withholding payment that will be received as a credit against an employee's individual income tax. The credit provided against individual income tax may not exceed \$10 million in aggregate for all taxpayers. Any credit claimed prior to January 1, 2020 may be carried forward and used in this manner, provided that within a single taxable year beginning January 1, 2020, the taxpayer maintains at least 100 full-time employee jobs in a rural county and purchases or acquires at least \$5 million for Tier 1 counties, or at least \$10 million for Tier 2 counties, of qualified investment property within rural counties.

*The Senate Rules Substitute allows the tax credit for rehabilitation of historic structures to be claimed up to two years after the structure is placed in service and allows the credit in excess of taxpayer liability for structures that aren't historic homes to be carried forward until the excess is used or ten years; includes language from HB 132 allowing the Film Tax Credit and Postproduction Film tax credit assigned to affiliates to be used against payroll tax withholdings.*

## **House Bill 287**

### **Preceptor Tax Incentive Program**

**Sponsors: Senator Hufstetler of the 52<sup>nd</sup> and Representative Dubnik of the 29<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on April 25, 2019; Act 44)**

This bill removes a \$1,000 income tax deduction available to any physician who served as a community based faculty physician for either a medical core clerkship, a physician assistant core clerkship, or a nurse practitioner core clerkship provided by community based faculty. This bill creates the Preceptor Tax Incentive Program which provides an income tax credit to community based faculty preceptors that conduct a preceptorship rotation. This credit will accrue per preceptorship rotation in a given year with a maximum of ten preceptorship rotations in a calendar year

## **House Bill 314**

### **Georgia Uniform Certificate of Title for Vessels Act**

**Sponsors: Senator Albers of the 56<sup>th</sup> and Representative Stephens of the 164<sup>th</sup> Effective Date: July 1, 2020 (Signed on May 7, 2019; Act 247)**

This bill requires that any boat that needs to be numbered, or any outboard motor greater than 25 horsepower, to be titled in order to operate in the water. Water vessel owners must apply for a certificate of number from the Department of Natural Resources (DNR). DNR will maintain an electronic copy of all such titles. Manufacturers and dealers of water vessels will not be required

to title any vessels which are used only for demonstration or testing purposes, provided that such vessels have a dealer's tag. The bill also requires any boat that receives hull damage to have the words "Hull Damage" included on the title.

#### **House Bill 321**

##### **Nonprofit and Rural Hospitals and Hospital Medicaid Financing Program**

**Sponsors: Senator Strickland of the 17<sup>th</sup> and Representative Lott of the 122<sup>nd</sup> Effective Date: Upon Governor's Approval (Signed on April 25, 2019; Act 42)**

This bill requires, beginning October 1, 2019, that each nonprofit hospital, hospital owned or operated by a hospital authority, or a nonprofit corporation formed, created, or operated on behalf of a hospital authority in Georgia provide the most recent version of a list of federal related disclosures and Georgia supplemental disclosures. The bill further requires that members on a hospital authority be subject to laws governing conflicts of interests when selling or leasing a hospital owned by the authority. The definition of "Rural hospital organization" is revised to ensure these organizations have a three-year average patient margin, as a percent of expense, less than one standard deviation above the state-wide three year average of rural hospital organizations. This bill requires the Department of Community Health to create an operations manual to identify and rank in order of need rural hospital organizations and provides that if an individual or corporation makes a contribution to an unspecified or undesignated rural hospital organization, the donation will be attributed to the rural hospital organization with the highest financial need that has not received the maximum amount of contributions. This bill also requires the Department of Revenue to post relevant information relating to the Qualified Rural Hospital Organization Expense Tax Credit on their website and extends the sunset date for this tax credit from December 31, 2021 to December 31, 2024. This bill extends the sunset date for hospital Medicaid financing program from June 30, 2020 until June 30, 2025.

#### **House Bill 344**

##### **Property Tax Exemption for Charities Building/Repairing Single-Family Homes**

**Sponsors: Senator Thompson of the 14<sup>th</sup> and Representative Gambill of the 15<sup>th</sup> Effective Date: Upon Governor's Approval and Approval by Electors of the Entire State in the 2020 General Election (Signed on May 2, 2019; Act 149)**

This bill adds to the list of properties exempt from ad valorem tax, property owned by a purely public charity that is held exclusively for the purpose of building or repairing single-family homes. The single family homes must be financed by the charity to individuals using no interest loans. The full amount of the ad valorem taxes exempted under this bill will become due if any portion of the real property is not financed without interest by the charity to an individual purchasing a single-family home. This exemption must be approved by the electors of the entire state in the November 2020 election.

#### **House Bill 352**

##### **Competitive Projects of Regional Significance Sale Tax Exemption Sunset**

**Sponsors: Senator Strickland of the 17<sup>th</sup> and Representative Reeves of the 34<sup>th</sup> Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 277)**

This bill extends the sunset date for the sales tax exemption on the purchase of tangible property used in the construction of competitive projects of regional significance from June 30, 2019 until June 30, 2021.

*The Senate Rules Substitute changed sunset date to June 30, 2021 and removed disclosure requirements added in Finance committee substitute.*

#### **House Bill 405**

##### **Level 1 Freeport Exemption**

**Sponsors: Senator Hufstetler of the 52<sup>nd</sup> and Representative Knight of the 130<sup>th</sup> Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 250)**

Under current law, the governing authority of a county or municipality may exempt from ad valorem taxation inventory of goods in the process of manufacturing or production held by the taxpayer or the taxpayer's designated agent. This bill includes the taxpayer's affiliate as a party that can hold the goods and receive the ad valorem exemption. This exemption only applies to property that is substantially modified, altered, combined, or changed in the ordinary course of manufacturing, processing, or production operations. This bill also includes under the list of activities that will be considered a substantial modification to goods, the remanufacture, which includes repairs or modifications of goods manufactured, processed, or produced by the taxpayer.

#### **House Bill 406**

##### **Information by Joint Authorities**

**Sponsors: Senator Cowser of the 46<sup>th</sup> and Representative Williamson of the 115<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 7, 2019; Act 251)**

This bill requires that joint authorities with revenue sharing agreements furnish certain information to the Department of Revenue Commissioner and the State Auditor. The State Auditor will use this information to determine any equalized adjusted property tax digest. Annually a report that sets out the net impact of total activities of the joint authority on the tax digest of affected taxing jurisdictions will be provided to the tax commissioner, governing authority, local board of education, joint development authority, and the State Board of Education. Tax commissioners will use the net impact report to adjust the net assessed value to account for activities of any joint authority in digest values submitted.

#### **House Bill 419**

##### **Internal Revenue Code Update; Partnership Tax Returns**

**Sponsors: Senator Hufstetler of the 42<sup>nd</sup> and Representative Knight of the 130<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 7, 2019; Act 266)**

This bill provides the annual update to Georgia's code to conform to the federal Internal Revenue Code. This bill also makes revisions to the code section relating to partnership tax returns and adjustments. Significant changes include:

- Clarifying that if a partnership or tiered partners make an election to pay, that election will be irrevocable;
- Providing that if the DOR Commissioner determines that a partnership that made the election to pay fraudulently underreported its income, the Commissioner will treat the income attributed to resident partners as being apportioned and allocated entirely to Georgia; and
- Requiring partnership elections to pay to be calculated using the same rate applicable to corporations.

#### **House Bill 446**

##### **Hurricane Michael Timber Tax Credit**

**Sponsors: Senator Burke of the 11<sup>th</sup> and Representative Knight of the 130<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on April 18, 2019; Act 32)**

This bill provides a taxpayer another option outside of replanting timber in order to claim the tax credit. A taxpayer may claim the tax credit in the first taxable year they complete the restoration of each acre timber casualty losses were incurred. The acre must be restored to a condition that has an adequately stocked stand expected to result in forest products or ecological services in the foreseeable future. The bill also clarifies that a taxpayer that received the tax credit from a transfer is not able to transfer or receive a refund for the tax credit.

*The Senate Rules Substitute removed the requirement that the timber be pine timber to claim the credit for restoration and allows the taxpayer to provide information to DOR demonstrating the management.*

### **House Bill 507**

#### **Fair Market Value of Real Property**

**Sponsors: Senator Albers of the 56<sup>th</sup> and Representative Wilensky of the 79<sup>th</sup>**

**Effective Date: January 1, 2020 (Signed on May 6, 2019; Act 223)**

This bill revises the manner that fair market value of property is determined relating to ad valorem taxation on property. Under current law, if data is available the income approach to determining the fair market value of income-producing property is utilized. This bill would allow the income approach to be considered if data is available.

### **House Bill 527**

#### **Quality Basic Education Formula**

**Sponsors: Senator Hufstetler of the 52<sup>nd</sup> and Representative Dickey of the 140<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 2, 2019; Act 133)**

This bill adjusts the program weights for state authorized instructional programs for the Quality Basic Education Formula. [\[Return to Table of Contents\]](#)

## **GOVERNMENT OVERSIGHT**

### **Senate Bill 77**

#### **Addresses Protection for All Monuments**

**Sponsor: Senator Mullis of the 53<sup>rd</sup>**

**Effective Date: Upon Governor's Approval (Signed on April 26, 2019; Act 57)**

Current law protects military monuments and memorials from removal or destruction.

This legislation expands the types of monuments to be protected to include monuments dedicated to religious, civil, civil rights, political, social, cultural events or series of events, and prohibits removing or concealing any monument located, erected, constructed, created, or maintained on real property owned by the state or local government, or on private property.

### **Senate Resolution 214**

#### **Urges State Agencies to Publish Annual Reports Electronically**

**Sponsor: Senator Heath of the 31<sup>st</sup>**

This legislation urges agencies and departments to review their processes for delivering reports in order to conserve taxpayer dollars, and if possible publish all reports electronically.

### **House Bill 315**

#### **Requirements for Local Government Consultants**

**Sponsors: Senator L. Anderson of the 24<sup>th</sup> and Rep. Newton of the 123<sup>rd</sup>**

**Effective Date: July 1, 2019 (Signed on April 17, 2019; Act 26)**

This bill requires consultants who enter into contracts or agreements with local governmental entities to include in the agreement that as consultants they will avoid any appearance of impropriety, and the consultant must immediately disclose, to the locality, any material transaction or relationship that could give rise to a conflict of interest. The exceptions to this legislation include: economic development activities that are confidential under O.C.G.A §50-18-4; development authorities created specifically to promote trade (Board Members are not exempt); and attorneys who provide legal services.

### **House Bill 379**

#### **Revises Reporting Requirements for SPLOST Funds**

**Sponsors: Senator Karinshak of the 48<sup>th</sup> and Rep. Moore of the 95<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 7, 2019; Act 236)**

Current law requires the governing authority of each municipality that receives proceeds from a SPLOST to maintain a record of each and every project for which the proceeds of the tax are used.



The law further requires that no later than December 31<sup>st</sup> of each year, the governing authority must publish a nontechnical report deleting the funds spent on each project. This legislation revises the deadline for this report; which now must be published within 180 days following the close of each fiscal year.

### **House Bill 392**

#### **Expenses for Public Safety Board Members/ Est. of Secure Voter Registration Protocols** **Sponsors: Senator Harper of the 7<sup>th</sup> and Rep. Wiedower of the 119<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on April 29, 2019; Act 75)**

This legislation adds members of the Board of Public Safety to the list of boards and commissions that receive the same expense allowances and travel reimbursements as members of the General Assembly. Such allowances and reimbursements will be paid in lieu of any per diem the members currently receive.

This bill also contains language that requires the Secretary of State (SOS) to establish security protocols for voter registration. The regulations must generally be consistent with current industry security standards, and the SOS must certify, at least annually, that the State of Georgia has complied substantially with the required regulations.

### **House Bill 456**

#### **Local Government Annual Reports**

**Sponsors: Senator Harper of the 7<sup>th</sup> and Rep. Tankersley of the 160<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 211)**

Current law requires local governments to perform an annual audit report of their budget. Local governments with less than 1,500 citizens or expenditures under \$300,000 are not required to perform an annual audit and instead are able to perform audits every two years or, publish an annual report of agreed upon procedures. This legislation increases the expenditure threshold to \$550,000. Any localities with expenditures less than this amount will be able to perform audits every two years or publish an annual report.

*[\[Return to Table of Contents\]](#)*

## **HEALTH AND HUMAN SERVICES**

### **Senate Bill 16**

#### **Joining the Interstate Medical Licensure Compact**

**Sponsor: Senator Kirkpatrick of the 32<sup>nd</sup>**

**Effective Date: July 1, 2019 (Signed on April 25, 2019; Act 46)**

This bill joins Georgia to the Interstate Medical Licensure Compact, an agreement between 24 states (as of January 2019), allowing the Georgia Medical Composite Board to grant expedited licenses to physicians who are already licensed in a Compact member state. The bill's Compact language provides for Georgia's representation on the Interstate Medical Licensure Compact Commission, the governing body of the Compact, and for fees associated with membership and licensing.

### **Senate Bill 18**

#### **Direct Primary Care Act**

**Sponsor: Senator Kirkpatrick of the 32<sup>nd</sup>**

**Effective Date: July 1, 2019 (Signed on April 25, 2019; Act 47)**

This bill allows physicians to contract directly with an individual patient to provide health care services for specified fees, and for a period of time, without falling under insurance regulations. The bill provides for strict requirements as to the formation of said contract in that it must be in writing, contain signatures from the parties or their representatives, provide the option to terminate, describe the scope of health care, specify fees and renewals, and state that the

agreement does not constitute insurance. Should the agreement be terminated, the bill requires the physician to return any unearned fees to the patient.

*The Senate Rules Substitute added the 30 day timeframe by which a terminating physician must give written notice to a patient. It retained language requiring a terminating patient to provide written notice “of no more than 30 days.”*

### **Senate Bill 106**

#### **Patients First Act**

**Sponsor: Senator Tillery of the 19<sup>th</sup>**

**Effective Date: Upon Governor’s Approval (Signed on March 27, 2019; Act 4)**

This bill authorizes the Department of Community Health (DCH) to seek an 1115 Medicaid waiver and the Governor to seek a 1332 waiver under the federal Patient Protection and Affordable Care Act regarding insurance coverage.

For the 1115 Medicaid waiver, DCH must submit the request on or before June 30, 2020. The bill specifies that the Medicaid waiver include an income limit for eligibility up to a maximum 100 percent of the federal poverty level. As for the 1332 waiver, the Governor is authorized to seek the waiver until December 31, 2021. The Trump administration issued guidance to states for 1332 waivers, requiring states to focus their programs on providing increased access to affordable private market coverage.

### **Senate Bill 121**

#### **Information Access in the PDMP**

**Sponsor: Senator Walker of the 20<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 299)**

This bill increases the length of time in which the PDMP’s information is accessible by authorized entities from two years to five years. The Department of Public Health may retain PDMP information for longer than five years, but must ensure identifying information is deleted in compliance with federal HIPAA regulations. Additionally, the bill provides the Attorney General’s Medicaid Fraud Control Unit with access to the PDMP information upon issuance of an administrative subpoena.

### **Senate Bill 168**

#### **Professional Nurses Practicing on Multistate License; Amending Duties of APRNs; Reporting Requirements for the Board of Community Health**

**Sponsor: Senator Kirk of the 13<sup>th</sup>**

**Effective Date: Upon Governor’s Approval (Signed on April 25, 2019; Act 48)**

This bill clarifies that APRNs and LPNs are not required to obtain a single-state license from the Georgia Board of Nursing before practicing *if* they hold a multistate license issued by another state under the Nurse Licensure Compact. It also requires the Board of Nursing to provide nurses licensed to practice in Georgia under the Compact with a notice that should they want to change their primary licensing state to Georgia, those nurses are required to apply for licensure in Georgia. Furthermore, the bill broadens the applicability of the Compact by repealing the requirement that the Board of Nursing only apply the Compact’s provisions to states which have substantially equivalent or more stringent licensure requirements.

The bill amends the duties of APRNs operating in an emergency medical services (EMS) system operated by a local government entity by providing that APRNs can order up to a 14 day supply of drugs, except for Schedule II drugs and benzodiazepines. The EMS system must employ a *physician* as their medical director. Additionally, the Board of Community Health is required to gather the numbers of APRNs operating under a multistate license from providers, and report that information to the Board of Nursing.

## **Senate Bill 184**

### **State Employee Health Insurance Plans Covering FQHCs**

**Sponsor: Senator Kirk of the 13<sup>th</sup>**

**Effective Date: July 1, 2019; Contracts must incorporate on and after January 1, 2020 (Signed on April 25, 2019; Act 49)**

Under this bill, all state health benefit plan contracts entered into by the Department of Community Health must include coverage for services provided by federally qualified health centers. Furthermore, the rate for reimbursement for these services must be no less than Medicare's maximum allowable rate for federally qualified health centers performing the same services. All contracts for such health insurance plans must include these provisions on and after January 1, 2020. The bill exempts any licensed group health maintenance organization with an exclusive medical contract from these provisions.

## **Senate Bill 207**

### **The Georgia Board of Health Care Workforce**

**Sponsor: Senator Burke of the 11<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on April 25, 2019; Act 50)**

This bill renames the current Georgia Board of Physician Workforce to the Georgia Board of Health Care Workforce and removes obsolete provisions of a previous rendition of the Board called the Joint Board of Family Practice. The bill also modifies the composition of the Board's members but keeps the overall number of 15 members appointed by the Governor and confirmed by the Senate.

## **Senate Bill 225**

### **DHS/DFCS Conformity with Federal Law**

**Sponsor: Senator Walker of the 20<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 7, 2019; Act 278)**

This bill provides new definitions and creates a new program for foster care in a "qualified residential treatment program" (QRTP) in conformity with the federal Family First Prevention Services Act (FFPSA). The bill defines QRTPs as a licensed program that has a trauma-informed model for treating children with serious emotional or behavioral disorders. The bill also contains other updates and revisions to foster care and Department of Human Services administrative functions.

## **Senate Resolution 276**

### **Urging Congress to Remove Wait for ALS Patients to Receive SSDI**

**Sponsor: Senator Unterman of the 45<sup>th</sup>**

During the 2017-2018 Congress, both the U.S. Senate and U.S. House of Representatives considered legislation which would exempt someone diagnosed with ALS from the five month wait period for Social Security disability insurance (SSDI) benefits. This resolution urges Congress to take up the issue again and act to exempt ALS patients from having to wait to be issued SSDI.

## **House Bill 26**

### **Joining Georgia to the Psychology Interjurisdictional Compact**

**Sponsors: Senator Thompson of the 14<sup>th</sup> and Rep. Belton of the 112<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on April 23, 2019; Act 36)**

This bill joins Georgia to the Psychology Interjurisdictional Compact (Compact) so as to allow psychologists to practice telepsychology and practice temporarily in the state. The bill allows individuals permitted to practice under the Compact to provide psychology services to Georgians after satisfying a background check conducted by the State Board of Examiners of Psychologists.

Additionally, this bill contains language which all other states must pass in order to join the Compact. The Compact is governed by a Commission made up of one commissioner from each state's regulatory authority for psychologists. The Commission is empowered to levy annual

assessments on member states when revenue falls short of the amount required for the Compact to function from other sources, such as donations, grants, or fees.

### **House Bill 39**

#### **Physical Therapy Licensure Compact Act**

**Sponsors: Senator Thompson of the 14<sup>th</sup> and Rep. Belton of the 112<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on April 23, 2019; Act 37)**

This bill joins Georgia to the Physical Therapy Licensure Compact. By joining the Compact, the Board will be required to allow physical therapists holding an unencumbered license from another Compact member state to operate within the state (called “Compact privilege” in the bill).

State membership in the Compact includes participation in a shared data system, cooperation in conducting investigations, and representation on the Compact’s governing Commission. The Commission’s membership includes one delegate from each states’ licensing board who has the power to vote on rules and bylaws governing the Compact. The Commission is authorized to levy assessments on member states each year to cover the costs for operating when sufficient revenue to cover the Commission’s staff and expenses falls short.

The bill also authorizes the Georgia State Board of Physical Therapy to conduct criminal history checks, provided that such checks will not be shared with entities outside of the state. No license can be granted by the Board to any applicant without successfully passing a criminal history check.

### **House Bill 62**

#### **Margie’s Law**

**Sponsors: Senator Watson of the 1<sup>st</sup> and Rep. Cooper of the 43<sup>rd</sup>**

**Effective Date: July 1, 2019 (Signed on May 2, 2019; Act 138)**

This bill requires health care facilities conducting mammograms to notify a patient when that patient’s mammogram demonstrates that the patient has dense breast tissue. The bill provides specific text to be included in the summary of results and the text provides suggested next steps for the patient and the reason for the notification.

### **House Bill 166**

#### **Genetic Counselors Act**

**Sponsors: Senator Kirkpatrick of the 32<sup>nd</sup> and Rep. Silcox of the 52<sup>nd</sup>**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 232)**

This bill authorizes the Georgia Composite Medical Board (Board) to license and regulate the practice of genetic counseling. The bill bases qualifications, education, and certification off of standards set by the American Board of Genetic Counseling (ABGC), the American Board of Medical Genetics and Genomics (ABMG), and the Accreditation Council for Genetic Counseling (ACGC). To qualify for a genetic counselor license, an individual must be at least 21 years old, must not have engaged in conduct subject to discipline, must have successfully completed a master’s or doctoral degree in an accredited genetics program, and must meet other administrative and testing requirements.

No one can practice genetic counseling in Georgia after January 1, 2020 unless properly licensed under the provisions of this bill. The bill provides exceptions from licensing as a genetic counselor to professionals licensed in related fields not holding themselves out as genetic counselors, federal employees providing genetic counseling through their federal employer, interns in accredited programs, FDA-approved companies, and nutritional counselors.

### **House Bill 217**

#### **Syringe Services Programs Exemptions from Civil, Criminal Liability**

**Sponsors: Senator Kirkpatrick of the 32<sup>nd</sup> and Rep. Gaines of the 117<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on April 2, 2019; Act 25)**

Current law prohibits any person or corporation from selling, lending, renting, leasing, giving, exchanging, or otherwise distributing any drug related object. Advertising drug related objects, or how to obtain or make them, is also prohibited. This bill exempts syringe services programs, and their employees or agents, from the prohibition concerning drug related objects, specifically syringes and needles.

### **House Bill 233**

#### **Pharmacy Anti-Steering and Transparency Act**

**Sponsors: Senator Burke of the 11<sup>th</sup> and Rep. Knight of the 130<sup>th</sup>**

**Effective Date: January 1, 2020 (Signed on May 7, 2019; Act 302)**

Under this bill, a pharmacy is prohibited from transferring prescription information with patient- and prescriber- identifiable data to or from an affiliate for commercial purposes unless the exchange of information is for pharmacy reimbursement, formulary compliance, pharmacy care, public health activities, or utilization review by a health care provider. Pharmacies are also prohibited from presenting a claim for payment to any individual, third-party payor, affiliate, or other entity for a service furnished pursuant to a referral from an affiliate. Additionally, this bill requires that pharmacies disclose the identity of all of their affiliates to the State Board of Pharmacy.

The provisions of this bill do not apply to any licensed group model health maintenance organization with an exclusive medical group contract which operates its own pharmacies; hospital; referrals to patients in skilled nursing facilities, intermediate care facilities, continuing care retirement communities, home health agencies, or hospices; or Medicaid care management organization.

### **House Bill 290**

#### **Pilot Program for Preexposure HIV Drugs**

**Sponsors: Senator Kirkpatrick of the 32<sup>nd</sup> and Rep. Cooper of the 43<sup>rd</sup>**

**Effective Date: Effective Upon Specific Appropriation (Signed on April 25, 2019; Act 45)**

This bill requires the Department of Public Health (DPH) to conduct a three-year pilot program for providing preexposure prophylactic drug assistance to persons who have tested negative for HIV, but are part of at risk populations. The pilot will be conducted in counties which the CDC has identified as at-risk due to a high rate of opioid use. Drugs provided through the pilot will have been approved by the Food & Drug Administration.

DPH is authorized to establish rules and regulations for the pilot, and required to submit a report to the General Assembly no later than December 31, 2022 on the implementation and effectiveness of the pilot.

### **House Bill 300**

#### **Life Plan Communities Definition**

**Sponsors: Senator Cowser of the 46<sup>th</sup> and Rep. V. Smith of the 133<sup>rd</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 303)**

Sections 1, 2, and 3 of this bill change references to “continuing care retirement community” in the state’s Health Code to “life plan community.” The definition does not change substantively.

Sections 4 and 5 address the state’s Insurance Code. Section 4 defines “life plan community” for the purposes of Chapter 45 of the Insurance Code as a licensed provider furnishing continuing care or limited continuing care which has been issued a certificate of authority. It further updates the language to include “life plan communities” for the purpose of clarifying that no provisions of

Chapter 45 of the Insurance Code limit or modify the Department of Community Health's regulatory authority on life plan communities as defined in the Health Code.

### **House Bill 323**

#### **Pharmacy Benefits Manager Prohibitions and Reporting Requirements**

**Sponsors: Senator Mullis of the 53<sup>rd</sup> and Rep. Knight of the 130<sup>th</sup>**

**Effective Date: January 1, 2020 (Signed on May 7, 2019; Act 301)**

This bill prohibits pharmacy benefits managers (PBMs) from engaging in certain practices with dispensers, pharmacies, and pharmacists to include sharing records and prescription information with patient-identifiable data for commercial purposes. The bill further prohibits PBMs from requiring insureds use only a mail-order pharmaceutical distributor.

Additionally, the bill requires PBMs to report annually to each client the aggregate amount of all rebates that the PBM received from pharmaceutical manufacturers in connection with claims administered on behalf of that client, as well as the aggregate amount of such rebates the PBM did not pass along to the client. "Client" includes, but is not limited to, insurers and payors. This bill will apply to all contracts issued, delivered, or issued for delivery in Georgia on and after the effective date.

### **House Bill 345**

#### **Prohibiting Certain Searches and Restraints of Women in Custody**

**Sponsors: Senator Unterman of the 45<sup>th</sup> and Rep. Cooper of the 43<sup>rd</sup>**

**Effective Date: October 1, 2019 (Signed on May 7, 2019; Act 249)**

This bill prohibits jail and prison officials from forcing pregnant women to engage in certain actions related to searches. It also prohibits restraining pregnant women and those in the immediate postpartum period except in specific circumstances. These circumstances are when the pregnant woman is an immediate and serious threat or a substantial flight risk and there are no reasonable other means to contain her. Jail and prison officials must document cases where they restrain pregnant women.

The bill also explains the General Assembly's intent is to have pregnant women awaiting transfer to state facilities be transferred from county jail as expeditiously as possible. Pregnant women sentenced to serve in a county jail are exempt from the transfer provision.

### **House Bill 374**

#### **Medication Aides Administering Liquid Morphine**

**Sponsors: Senator Burke of the 11<sup>th</sup> and Rep. LaHood of the 175<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 11, 2019; Act 320)**

This bill allows trained medication aides to administer liquid morphine to hospice patients in an assisted living home. The bill limits the amount of liquid morphine an assisted living community may have to no more than 50 milliliters of morphine per hospice patient. The Department of Community Health is authorized to make rules to implement the provisions of the bill.

### **House Bill 483**

#### **Controlled Substances Schedule Update**

**Sponsors: Senator Burke of the 11<sup>th</sup> and Rep. R. Stephens of the 164<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 7, 2019; Act 267)**

This bill is an annual bill to add, remove, and adjust drugs and substances on the state's drug Schedules and list of Dangerous Drugs. Included in this bill is the classification that *Epidiolex*, a brand name marijuana-derived cannabidiol approved by the FDA for treatment of severe epilepsy, is added as a Schedule V drug.

## **House Bill 514**

### **Georgia Behavioral Health Reform and Innovation Commission**

**Sponsors: Senator Kirk of the 13<sup>th</sup> and Rep. Tanner of the 9<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 216)**

This bill creates the Georgia Behavioral Health Reform and Innovation Commission for the purpose of conducting a comprehensive review of Georgia's behavioral health system. The Commission's duties are to review conditions, needs, issues, and problems related to behavioral health issues and make recommendations on any actions necessary to improve the state's behavioral health system. The Commission will be made up of 24 members with nine appointed by the Governor, six appointed by the President of the Senate, six appointed by the Speaker of the House of Representatives, and three appointed by the Chief Justice of the Supreme Court of Georgia. The Commission will stand abolished on June 30, 2023.

## **House Bill 551**

### **Regulating Kratom; Regulatory Boards' Discretion in PDMP Noncompliance**

**Sponsors: Senator Mullis of the 53<sup>rd</sup> and Rep. D. Hill of the 3<sup>rd</sup>**

**Effective Date: Upon Governor's Approval (Signed on April 26, 2019; Act 59)**

This bill prohibits selling or distributing kratom to a person under 18 years old as well as the possession of kratom by anyone under 18 years of age. Any kratom packaging must also provide appropriate labeling under the bill.

Additionally, the bill provides authority to regulatory boards governing prescribers that are required to enroll in the prescription drug monitoring program (PDMP) to rescind consent orders upon review. The boards must consider if the prescriber has complied with the PDMP's enrollment requirements or the terms of a current consent or disciplinary order the prescriber is under.

*[\[Return to Table of Contents\]](#)*

## **HIGHER EDUCATION**

## **Senate Bill 91**

### **Nonpublic Postsecondary Exemption for Dental Schools**

**Sponsor: Senator Hufstetler of the 52<sup>nd</sup>**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 226)**

Currently, fourteen categories of institutions are exempt from the Nonpublic Postsecondary Educational Commission, including nonpublic medical schools accredited by the Liaison Committee on Medical Education and a national or regional accrediting agency recognized by the U.S. Department of Education. This legislation adds nonpublic orthodontic school and residency programs accredited by the Commission on Dental Accreditation of the American Dental Association and sponsored by a hospital that is accredited and recognized by the Center for Medicare and Medicaid Services or by an accredited postsecondary educational institution. The orthodontic school and residency program must maintain and provide proof a surety bond or letter of credit annually in the amount of \$450,000 for five years.

## **House Bill 218**

### **HOPE Scholarship Eligibility Extension**

**Sponsors: Senator Payne of the 54<sup>th</sup> and Rep. R. Williams of the 145<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 2, 2019; Act 132)**

Current law allows eligible high school students to be eligible the HOPE Scholarship for seven years after graduation from high school or the equivalent. This legislation extends the eligibility for the HOPE Scholarship to ten years after graduation. Also, it clarifies that active duty military service does not constitute as a failure to be enrolled.

*[\[Return to Table of Contents\]](#)*

## INSURANCE AND LABOR

### **Senate Bill 132**

#### **Insurance Code Modernization and Update**

**Sponsor: Senator Harbin of the 16<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 2, 2019; Act 139)**

This legislation in large part updates the Insurance Code by repealing obsolete Code Sections, repealing expired dates, correcting grammar, adding pronouns, and making other editorial and conforming changes. The bill makes updates to the Insurance Code to provide for definitions, such as for “supervisory colleges,” and requiring the Insurance Commissioner adopt regulations pertaining to certain documents.

### **Senate Bill 133**

#### **Insurance Code Modernization; How Preexisting Condition Exclusions Determined**

**Sponsor: Senator Harbin of the 16<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 2, 2019; Act 140)**

This legislation in large part updates the Insurance Code by repealing obsolete Code Sections, repealing expired dates, correcting grammar, adding pronouns, and making other editorial and conforming changes. Substantive changes include:

1. Section 15 (increasing the dollar amount to \$1,000.00 for considering a willful violation of O.C.G.A. § 33-23-35 relating to reporting premiums);
2. Section 118 (raising the maximum amount the Insurance Commissioner may fine any person or any group from \$1,000.00 to \$2,000.00 for violating O.C.G.A. § 33-35-7 related to prepaid legal services); and
3. Section 64 (providing that if a short-term health benefit policy or certificate provides a definition of “preexisting conditions,” that definition can be no more restrictive than:
  - The existence of symptoms which would cause an ordinary prudent person to seek diagnosis, care, or treatment; or
  - A condition for which medical advice or treatment was recommended by a health care provider in the six months preceding the start of coverage).

### **Senate Bill 142**

#### **Requiring Statement of Whether Fully Insured on Insurance Cards**

**Sponsor: Senator Walker of the 20<sup>th</sup>**

**Effective Date: January 1, 2020 (Signed on May 7, 2019; Act 282)**

If a person’s insurance policy is fully insured, this bill requires that the applicable insurance identification cards state that the subscriber’s insurance policy is subject to regulation by the Insurance Commissioner. Dental insurers are added to the list of applicable “insurers” for the purposes of this code section. The bill provides an exemption for cards issued by a licensed group model health maintenance organization.

### **Senate Bill 156**

#### **Procedure for Insurer Division; Attorney General’s Approval Not Required; Clarifying Capitalization on Insurance Notices**

**Sponsor: Senator Martin of the 9<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 2, 2019; Act 147)**

This bill provides procedures for domestic insurers and the Insurance Commissioner when a domestic insurer seeks to divide into two or more insurers. Procedures for the Insurance Commissioner include holding a public hearing and issuing findings. Furthermore, the bill allows the Insurance Commissioner to permit the formation of a company that is solely set up for the purpose of merging or consolidating existing domestic insurance companies, and give shareholders the right to dissent.



Current law requires the Attorney General to approve the legality of any rule or regulation promulgated by the Insurance Commissioner. Section 2 of this bill repeals this requirement.

Additionally, the bill clarifies that the required notices insurers send out to their policyholders notifying them of a reduction in coverage need not be written in all capital letters. The amendment only requires that the words “NOTICE OF REDUCTION IN COVERAGE” be written on the page in all capital letters in at least 12 point font.

### **Senate Bill 202**

#### **Title Insurance on Personal Property**

**Sponsor: Senator Ligon of the 3<sup>rd</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 279)**

Currently, title insurance is insurance for owners of real property or other having an interest in real property, or liens or encumbrances on real property, against loss. This bill adds “personal property” and treats it the same as real property for the purposes of title insurance.

### **House Bill 63**

#### **Step Therapy Exception Requirement**

**Sponsors: Senator Kirkpatrick of the 32<sup>nd</sup> and Rep. Cooper of the 43<sup>rd</sup>**

**Effective Date: July 1, 2019; all plans must incorporate on or after January 1, 2020 (Signed on April 25, 2019; Act 43)**

This bill defines step therapy protocol as an evidence based and updated protocol or program that establishes the specific sequence in which prescriptions for a specific condition are deemed medically appropriate. This bill requires health benefit plans (plans) to grant an exception to the step therapy protocol if the provider submits justification and supporting documentation. Plans must issue a decision on such exception within 24 hours in an urgent health care situation and two business days in a non-urgent situation. If the plan fails to respond within the timeframes provided in this law, the exception is deemed approved. If an exception is granted, the plan must immediately authorize coverage of the prescription. Any denial may be appealed.

This bill does not apply to PeachCare for Kids or Medicaid. All plans must incorporate the step therapy exception requirement on or after January 1, 2020.

### **House Bill 99**

#### **Insurance Code Cleanup and Modernization; Captive Insurance Company Regulations**

**Sponsors: Senator B. Jones of the 25<sup>th</sup> and Rep. R. Smith of the 134<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 186)**

Part 1 of this bill updates the Insurance Code to remove obsolete dates, provisions, and duplicative terms and definitions.

Part 2 of this bill concerns various types of captive insurance companies, and establishes the legal framework for dormant and sponsored captive insurance companies. The bill defines a “dormant captive insurance company” as having ceased transacting the business of insurance and issuances of policies, has no liabilities associated with insurance business transactions, and is issued a certificate of dormancy. The bill defines “sponsored captive insurance companies” as any domestic stock insurer or manager-managed limited liability company formed by one or more sponsors, at least \$250,000 in surplus, insures or reinsures risks of its participants, funds liabilities to each participant through one or more.

### **House Bill 128**

#### **Exempts Reporting of Low Payment Settlements in Medical Malpractice Actions**

**Sponsors: Senator Kennedy of the 18<sup>th</sup> and Rep. Silcox of the 52<sup>nd</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 269)**

This bill defines “high/low agreement” as a pre-trial settlement where a defendant agrees to pay a plaintiff a minimum payment amount as recovery in return for the plaintiff agreeing to accept a maximum amount regardless of the outcome of a trial. “Low payment” is defined specifically as payment only when the court rules in favor of the defendant. The bill exempts Board licensees, certificate holders, and permit holders from notifying the Board of any low payment they make under a high/low agreement in any medical malpractice action.

These individuals are still required to report any medical malpractice judgments and settlements entered against them to the Board. Current law requires the Board to maintain physician profiles for the public that includes settlement information, and this bill exempts low payments from being reported on the public profile.

### **House Bill 227**

#### **Prohibiting Insurance Discrimination Against Victims of Sexual Assault**

**Sponsors: Senator Brass of the 28<sup>th</sup> and Rep. Frye of the 118<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 273)**

This bill changes the phrase “confidential family violence information” to “confidential abuse information,” and expands its definition to include sexual assault. Currently, the term only encompasses family violence. The bill provides that insurers are prohibited from engaging in discriminatory insurance practices on the basis that an individual is a victim of sexual assault. The bill expands prohibitions on insurers from taking actions adversely affecting applicants and insureds on the basis of medical conditions or claims which they know or should know are related to family violence to also cover those related to sexual assault.

Additionally, this bill requires insurers to pay for losses arising from sexual assault to innocent first party claimants when a loss is caused by an insured and a sexual assault complaint is brought against the insured. The bill also provides that insureds are prohibited from unreasonably restricting the ability of victims of sexual assault to be indemnified for losses, as determined by the Insurance Commissioner.

### **House Bill 277**

#### **Changes to Insurance Code Concerning the Financial Condition of Insurers**

**Sponsors: Senator Martin of the 9<sup>th</sup> and Rep. Carson of the 46<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 274)**

This bill changes the variables for determining the financial condition of insurers, specifically changing how insurers calculate their assets. The bill allows “good will” to be a variable in calculating the insurer’s assets but limited to only ten percent of the acquiring insurer’s capital and surplus as reported to the state, adjusted to exclude net positive good will, electronic data processing equipment, operating system software, and net deferred tax asset.

Additionally, this bill raises the threshold for determining what constitutes an “extraordinary dividend” thereby altering the threshold for triggering the Insurance Commissioner’s approval prior to the dividend or distribution. The bill changes the threshold from the “*lesser*” of to the “*greater*” of:

- Ten percent of the insurer’s surplus with regard to policyholders; or
- If they are a life insurer, the net gain from operations; or
- If they are *not* a life insurer, the net income of the insurer.

### **House Bill 310**

#### **Annual Autism Coverage Report Date**

**Sponsors: Senator B. Jones of the 25<sup>th</sup> and Rep. Morris of the 156<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 9, 2019; Act 313)**

Currently, the law requires the Department of Insurance to submit a report on autism coverage by January 15, 2017 and every January 15 thereafter. This bill revises those dates to June 15, 2019 and every June 15 of each year thereafter.

### **House Bill 367**

#### **Corporate Governance Annual Disclosure Act**

**Sponsors: Senator Harbin of the 16<sup>th</sup> and Rep. D. Taylor of the 173<sup>rd</sup>**

**Effective Date: January 1, 2020 (Signed on May 10, 2019; Act 315)**

This bill requires insurers to submit a corporate governance annual disclosure to the Insurance Commissioner containing information to help the Commissioner understand the insurer or the insurance group's corporate structure, policies, and practices. These documents are kept confidential by the Commissioner. Any insurer failing, without just cause, to timely file a corporate governance annual disclosure must pay \$100.00 each day the submission is not filed, to a maximum of \$10,000.

### **House Bill 373**

#### **Labor Code Updates, Change to Unemployment Benefits**

**Sponsors: Senator Walker of the 20<sup>th</sup> and Rep. Werkheiser of the 157<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 6, 2019; Act 185)**

This bill makes various changes to the Labor Code including replacing authority of the Labor Commissioner to issue rules for buildings with the general authority to make rules to administer the Labor Code, as well as authorizing the Commissioner to conduct background checks. The bill provides discretion to employers in methods of payroll and removes a requirement they notify an employee that they may opt out of a payroll card account.

In regards to unemployment benefits, for any claims made after June 30, 2019, this bill changes the benefit year to begin the Sunday previous to the day the claim is filed. Additionally, beginning July 1, 2019, the minimum weekly benefit amount for unemployment benefits that can be issued is \$55.00. The maximum weekly benefit amount that can be issued after July 1, 2019 is \$365.00. Furthermore, the bill amends and clarifies language concerning the penalties which the Commissioner imposes on individuals making false statements or misrepresentations when those individuals seek unemployment benefits.

The bill removes the requirement that an employer advise their employee in writing of the employer's attendance policy with regards to absenteeism.

### **House Bill 491**

#### **Group-wide Supervisors of Internationally Active Insurance Groups**

**Sponsors: Senator Walker of the 20<sup>th</sup> and Rep. Taylor of the 173<sup>rd</sup>**

**Effective Date: July 1, 2019 (Signed on May 10, 2019; Act 317)**

This bill authorizes the Insurance Commissioner to act as a group-wide supervisor, or acknowledge another regulatory official as such, for any internationally active insurance group.

*[\[Return to Table of Contents\]](#)*

## INTERSTATE COOPERATION

### **House Bill 553**

**Amending Code Sections regarding Boards and Councils, Revising Code Section for Signage for Georgia Film and Television Trail, and Repealing Article regarding Prohibited Conduct on Premises Licensed to Serve Alcohol**

**Sponsors: Senator Brass of the 28th and Rep. Dempsey of the 13th**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 296)**

This bill amends various Code sections to reserve, repeal, or remove references to various boards, committees, councils, and other such bodies, such as: Pacific White Shrimp Aquaculture Development; Georgia Tobacco Community Development Board; the delegation from the State of Georgia to the Southern Dairy Compact Commission; Heritage Trust Commission; Georgia Child Care Council; Georgia Southern University Herty Advanced Materials Development Center and its advisory board; Private Colleges and Universities Authority; Education Information Steering Committee; Federal and State Funded Health Care Financing Programs Overview Committee; Commission on Men's Health; Renal Dialysis Advisory Council; Arthritis Prevention and Control Program advisory panel; Special Advisory Commission on Mandated Health Insurance Benefits; Commission on the Georgia Health Insurance Risk Pool; Georgia Silver-Haired Legislature; Immigration Enforcement Review Board; and Georgia Association of Homes and Services for Children. For some of these boards, committees, councils, or bodies, the bill provides that any assets of the organization existing on June 30, 2019 will devolve by operation of law and without further action to the State of Georgia on July 1, 2019 and that any liabilities and obligations for this organization are likewise transferred to and assumed by the State.

This bill also revises Code section regarding signage for Georgia Film and Television Trail. The bill also repeals Article 3 of Chapter 3 of Title 3 of the O.C.G.A., regarding prohibited conduct on premises that are licensed to serve alcohol. In 1989, in the case of *Harris v. Entertainment Systems, Inc.*, the Supreme Court of Georgia ruled that these laws (O.C.G.A. §§ 3-3-40 to 3-3-46) violated the Georgia Constitution. [\[Return to Table of Contents\]](#)

## JUDICIARY

### **Senate Bill 1**

**“C.J.'s Law” - for Hit and Run Accidents**

**Sponsor: Senator Parent of the 42nd**

**Effective Date: July 1, 2019 (Signed on May 3, 2019; Act 151)**

This bill creates an additional version of the crime of serious injury by vehicle. Any person who, without malice aforethought, proximately causes an accident that the person knew resulted in bodily harm and leaves the scene of the accident in violation of O.C.G.A. § 40-6-270(b) (relating to the driver's duty to stop and perform certain actions when he or she is only involved in an accident that causes death or a serious injury) commits the crime of serious injury by vehicle; however, there will be no violation of this new subsection if the parties involved in the accident exchange motor vehicle insurance information prior to leaving the scene of the accident. A person convicted of violating this new version of the crime of serious injury by vehicle will be guilty of a felony, punishable for one to ten years imprisonment. (A person convicted of violating O.C.G.A. § 40-6-270(b) under current law will be punished by imprisonment for one to five years.)

### **Senate Bill 9**

**Sexual Extortion and Improper Sexual Contact by Employee or Agent**

**Sponsor: Senator H. Jones II of the 22nd**

**Effective Date: July 1, 2019, with the exception of Section 8, which has an effective date of October 1, 2019; (Signed on May 7, 2019; Act 295)**

This bill creates the crime of sexual extortion, which a person commits by intentionally coercing (orally, in writing, or electronically) another person over the age of 18 to distribute any photograph, video, or other image that depicts any individual in a state of nudity or engaged in sexually explicit conduct.

This bill also makes significant changes related to the crime of sexual assault, which becomes, through this bill, the crime of improper sexual contact by employee or agent, in either the first degree or the second degree. A person commits the offense of improper sexual contact in the first degree when the employee or agent engages in sexually explicit conduct with another person whom the employee or agent knows or reasonably should have known is contemporaneously: (1) enrolled as a student at a school of which he or she is an employee or agent; (2) under probation, parole, accountability court, or pretrial diversion supervision of the office or court of which he or she is an employee or agent; (3) being detained by or is in the custody of any law enforcement agency of which he or she is an employee or agent; (4) a patient in or at a hospital of which he or she is an employee or agent; (5) in the custody of a correctional facility, juvenile detention facility, facility providing services to a person with a disability, or facility providing child welfare and youth services of which he or she is an employee or agent; (6) the subject of such employee or agent's actual or purported psychotherapy treatment or counseling; or (7) admitted for care at a sensitive care facility of which he or she is an employee or agent. A person commits the offense of improper sexual contact by employee or agent in the second degree when such person knowingly engages in sexual contact, excluding sexually explicit conduct, with another person whom such person knows or reasonably should have known is contemporaneously in one of the same seven categories as listed above, for the offense in the first degree.

### **Senate Bill 52**

#### **Code Revision Commission and Proposed Edits and Revisions to Official Code of Georgia**

**Sponsor: Senator Ligon, Jr. of the 3rd**

**Effective Date: Upon Governor's Approval (Signed on May 12, 2019; Act 321)**

This bill incorporates numerous updates and corrections to grammar, terminology, and punctuation to the O.C.G.A. recommended by the Code Revision Commission. These revisions were proposed pursuant to the Code Revisions Commission's authority to provide for the preparation and introduction of bills to revise, modernize, and correct errors to or omissions in the Code or the laws of Georgia.

### **Senate Bill 135**

#### **Various Changes to Code Sections regarding Workers' Compensation**

**Sponsor: Senator Walker III of the 20th**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 260)**

This bill makes various changes related to workers' compensation. This bill provides for certain forms of care, treatment, services, and items prescribed by an authorized physician for injuries arising on or after July 1, 2013 that are not designated as catastrophic injuries to be exempt from the 400 week maximum benefits period. These services related to non-catastrophic injuries that would be exempt from the 400 week maximum benefits period include maintenance, repair, revision, replacement, or removal of: (1) any prosthetic device; and (2) durable medical equipment, orthotics, corrective eyeglasses, or hearing aids. The prosthetic device, durable medical equipment, and other items mentioned in this section must have been originally furnished within 400 weeks of the date of injury or occupational disease arising out of and in the course of employment.

This bill also raises certain caps on benefits owed by employers and revises Code sections related to the appointment of directors emeritus and administrative law judges emeritus of the State Board of Workers' Compensation.

### **Senate Bill 154**

#### **Review of Complaints from Outside Parties and Recommendations for the Retention, Suspension, or Removal of a Coroner**

**Sponsor: Senator Gooch of the 51st**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 262)**

This bill adds to the list of powers and responsibilities of the Georgia Coroner's Training Council the ability to review complaints from outside parties and make recommendations concerning the retention, suspension, or removal of a coroner from his or her position.

### **Senate Bill 158**

#### **Anti-Human Trafficking Protective Response Act**

**Sponsor: Senator Strickland of the 17th**

**Effective Date: July 1, 2019 (Signed on April 18, 2019; Act 30)**

The Anti-Human Trafficking Protective Response Act makes various changes to the law that are more protective of children who are victims of human trafficking, to allow DFCS to provide temporary care and supervision for these children for up to seven days without a court order. The bill also requires law enforcement or DFCS to refer a child suspected of being a victim of sexual exploitation or trafficking to a victim assistance organization, certified by the Criminal Justice Coordinating Council. The bill revises the Code section regarding the crime of prostitution, to limit the commission of the offense to only people who are over the age of 18. The bill also revises the sentencing provisions related to trafficking a minor for sexual servitude and also revises the sentencing in situations in which another person involves a minor in the crime of pimping, pandering, or keeping a place of prostitution. This bill applies to offenses which occur on or after July 1, 2019. Any offense occurring before July 1, 2019 will be governed by the statute in effect at the time of the offense, and any resulting conviction will be considered a prior conviction for the purpose of imposing a sentence that provides for a different penalty for a subsequent conviction.

### **Senate Bill 167**

#### **Diligent Search by DFCS and Placement of a Child**

**Sponsor: Senator Brass of the 28th**

**Effective Date: July 1, 2019 (Signed on May 2, 2019; Act 143)**

This bill revises the Code subsection relating to a court's determination regarding whether the DFCS made reasonable efforts to preserve or reunify a family by requiring that, when determining whether reasonable efforts have been made to finalize an alternative permanent home for a child adjudicated dependent, the court must consider whether DFCS completed the diligent search required by O.C.G.A. § 15-11-211(e) and that DFCS provided the notice to the people identified through the diligent search. This bill also requires written documentation of the diligent search and notification of adults relatives of alleged dependent child be submitted at each periodic review hearing. This bill also makes additional changes related to DFCS and the placement of a child, including but not limited to, permitting the court to excuse DFCS from considering an adult relative as a placement option if the adult fails to express an interest in or willingness to provide a permanent home for a child within six months of receiving the notice.

### **Senate Bill 190**

#### **Amendments to the Child Custody Intrastate Jurisdiction Act**

**Sponsor: Senator Kennedy of the 18th**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 281)**

This bill makes amendments to the Child Custody Intrastate Jurisdiction Act, to for example, provide definitions for "legal custody" and "physical custody" and to provide that a party can file a counterclaim for modification of legal custody or physical custody in response to a complaint seeking a change of legal custody or physical custody.

### **House Bill 21**

#### **Additional Superior Court Judge for the Gwinnett Judicial Circuit**

**Sponsors: Senator Martin IV of the 9th and Representative Efstoration of the 104th**

**Effective Date: April 2, 2019, for the purpose of appointing the judge; for all other purposes, effective date is January 1, 2020 (Signed on April 2, 2019; Act 5)**

This bill increases the number of superior court judges for the Gwinnett Judicial Circuit from 10 judges to 11 judges. The additional judge will be appointed by the Governor for a term beginning January 1, 2020, and expiring December 31, 2022, and until a successor is elected and qualified. A nonpartisan judicial election will be held in 2022.

### **House Bill 28**

#### **Additional Superior Court Judge for the Griffin Judicial Circuit**

**Sponsors: Senator Kennedy of the 18th and Rep. Mathiak of the 73rd**

**Effective Date: Upon Governor's approval for the purpose of appointing the judge; for all other purposes, the effective date is January 1, 2020 (Signed on May 6, 2019; Act 153)**

This bill increases the number of superior court judges in the Griffin Circuit from 4 judges to 5 judges. The additional judge will be appointed by the Governor for a term beginning January 1, 2020 and expiring December 31, 2022, and until a successor is elected and qualified. A nonpartisan judicial election will be held in 2022.

### **House Bill 64**

#### **Parent or Guardian in the Armed Forces Whose Child is a Suspected Victim of Child Abuse**

**Sponsors: Senator Parent of the 42nd and Rep. Prince of the 127th**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 268)**

This bill adds language to current law related to reports and photographs regarding child abuse being provided to military law enforcement, if applicable. This bill also requires the State's child welfare agency to make efforts to determine if a parent or guardian of an abused or allegedly abused child is on active duty in the U.S. armed forces. The bill also adds "military law enforcement" to the categories of agencies and authorities in the subsection of the Code regarding immunity for a person in good faith making a report from civil or criminal liability.

### **House Bill 70**

#### **Various Code Revisions Related to Guardianships and Conservatorships for Minors and Adults**

**Sponsors: Senator Stone of the 23rd and Rep. Efstoration of the 104th**

**Effective Date: January 1, 2020 (Signed on May 6, 2019; Act 233)**

This bill makes clean-up revisions to various Code sections related to guardianships and conservatorships and also adds language to Code sections regarding the powers of conservators to have access to digital assets. This bill adds provisions to existing law to provide for the allocation of costs for appointment of a guardian or conservator. This bill also makes various amendments to Code sections related to judgments and determinations from other states.

### **House Bill 79**

#### **New Code Section Regarding the Rights of Legally Blind Individuals**

**Sponsors: Senator Rhett of the 33rd and Rep. Gilliard of the 162nd**

**Effective Date: Upon Governor's Approval (Signed on May 2, 2019; Act 144)**

The bill states that neither a court, the Department of Human Services, nor a child-placing agency can deny a party child placement, child custody, visitation, guardianship, foster care, or adoption solely or primarily because the party is legally blind, but may consider such factors as provided in O.C.G.A. § 19-9-3(a)(3) (which allows the judge, in determining the best interests of the child, to consider various factors). The bill also revises O.C.G.A. § 19-9-3(a)(3)(I) (one of the factors in the best interest factors to be considered by the court). The party alleging that a parent or prospective parent's disability of being legally blind would have a detrimental impact on a child

is the party that bears the burden of proving by clear and convincing evidence that the parent's or prospective parent's blindness is endangering or will likely endanger the health, safety, or welfare of the child. If this burden is met, such parent or prospective parent will have the opportunity to demonstrate how the implementation of supportive parenting services can alleviate parental care concerns, and the court may require such services with an opportunity to review the continuation of such services within a reasonable period of time.

The bill also requires DHS to promulgate rules and regulations no later than December 31, 2019 to implement the provisions of this new Code section.

#### **House Bill 91**

##### **Authority to Retain Fingerprints for Georgia Long-term Care Background Check Program and Central Caregiver Registry**

**Sponsors: Senator Kennedy of the 18th and Rep. Welch of the 110th**

**Effective Date: October 1, 2019 (Signed on April 28, 2019; Act 74)**

This bill amends certain Code section regarding timeframes for retaining fingerprints collected in the Georgia Long-term Care Background Check Program. This bill also authorizes the Georgia Bureau of Investigation and the Federal Bureau of Investigation to retain fingerprints obtained pursuant to certain Code sections regarding the Georgia Long-term Care Background Check Program and the central caregiver registry.

#### **House Bill 118**

##### **Protection Against False Claims for Emergency Services Act**

**Sponsors: Senator Robertson of the 29th and Rep. Morris of the 26th**

**Effective Date: July 1, 2019 (Signed on April 28, 2019; Act 73)**

This bill removes from the current law the offense of "transmitting false public alarm" and replaces it with the offense of "making an unlawful request for emergency services assistance," which a person commits when he or she knowingly and intentionally transmits in any manner a request for emergency services assistance knowing at the time of the request that there is no reasonable ground for believing the truth of information which forms the basis of the request and when the request involves or relates to: (1) a purported destructive device or hazardous substance located in such a place that its explosion, detonation, or release would endanger human life or cause injury or damage to property; (2) an individual who purportedly has caused or threatened to cause physical harm to himself or herself or another individual by using a deadly weapon or with an object, device, or instrument which, when used offensively against a person, is likely to result in serious bodily injury; (3) an individual who purportedly has committed a criminal act involving the use or threat of physical force or violence or an act constituting an immediate threat to any person's life or safety; or (4) the use of any electronic device or software to alter, conceal, or disguise, or attempt to alter, conceal, or disguise, the location or identity of the person making the request.

A person convicted of making an unlawful request for emergency services assistance is guilty of a misdemeanor of a high and aggravated nature, and upon conviction for a second or subsequent violation of this Code section, the person is guilty of a felony, punished by imprisonment for one to ten years, a fine of at least \$5,000, or both. If the location for the violation is a critical infrastructure, the person will be guilty of a felony, punished by imprisonment for five to ten years, a fine of up to \$100,000, or both. If serious bodily harm or death results from the response of a public safety agency, the offense is a felony, punished by imprisonment for one to ten years and a fine of not less than \$5,000.



### **House Bill 228**

#### **Minimum Age of Marriage Raised to 17 Years of Age and Adds Emancipation Requirement, Limitation on Age of Person Who Can Marry an Emancipated 17-Year Old**

**Sponsors: Senator Kennedy of the 18th and Rep. Welch of the 110th**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 187)**

This bill raises the legal age for marriage in Georgia to 17 and requires that a court emancipate the 17-year old for the purpose of marriage. When the court considers the emancipation application, a past or current pregnancy of the petitioner or the intended spouse or the wishes of the parents or legal guardians of the petitioner may be considered by the court but will not alone or together be sufficient evidence to determine the best interests of the minor. The bill also requires that the other party to the marriage with the minor be no more than 4 years older than the minor.

Premarital education is also required. The bill also requires the Department of Public Health (“DPH”) to prepare a publicly available fact sheet for distribution by premarital education providers. The fact sheet will be developed in partnership with the Georgia Commission on Family Violence and other agencies in the discretion of DPH. The bill also states that DPH will promulgate rules and regulations to implement this new Code section.

### **House Bill 239**

#### **Georgia State-wide Business Court**

**Sponsors: Senator Stone of the 23rd and Rep. Efstration of the 104th**

**Effective Date: Upon Governor’s Approval (Signed on May 7, 2019; Act 271)**

This bill is the enabling legislation for the Georgia State-wide Business Court. The creation of the Business Court was approved by Georgia voters in a constitutional amendment in the fall of 2018. The Business Court will sit in Atlanta or in Macon-Bibb County, and the bill has provisions regarding the proper venue for trials in the Business Court. The bill also sets forth the jurisdiction for the Business Court, the compensation of the Business Court judge, and other related matters for the creation and operation of the Business Court.

This bill also includes additional provisions that relate to other court proceedings beyond the Business Court, such as: (1) Section 4-1 of the bill, which revises O.C.G.A. § 9-11-5 (in the Civil Practice Act), to provide that a person who is not an attorney may rescind his or her election to be served with pleadings electronically and to provide that, when an attorney files a pleading in a case via an electronic filing service provider, the attorney is deemed to have consented to being served electronically with all future pleadings for that case and that attorney cannot rescind his or her election to be served with pleadings electronically in cases that are initiated using an electronic service provider; (2) Sections 5-1 and 5-2, which make changes to Code sections related to depositions to preserve testimony in criminal proceedings, to provide for the costs of the depositions taken at the instance of the state to be paid by the state in the same manner as any other motion hearing on the criminal calendar, and for the depositions to be taken and filed in the same manner as in civil proceedings or any nonjury motion hearing; (3) Section 6-1, which revises a Code section related to electronic filings in superior courts, to prohibit an electronic filing service provider from charging a fee for the filing of pleadings or documents filed by the Department of Law, the Office of Legislative Counsel, the Office of the Secretary of State, a district attorney or public defender; pleadings or documents filed on behalf of municipal corporations or county governments; or leaves of absence or conflict notices filed pursuant to the Uniform Rules for the Superior Courts. Similar changes are also made in Section 6-2, related to filings in state courts; and (4) Sections 6-2 and 6-3, which revise Code sections related to the generation of new case numbers for post-judgment proceedings filed in superior court more than 30 days after the judgment or dismissal of an action.

### **House Bill 281**

#### **Increasing the Penalty Provisions for the Crimes of Pimping and Pandering**

**Sponsors: Senator Robertson of the 29th and Rep. Anulewicz of the 42nd**

**Effective Date: July 1, 2019 (Signed on April 18, 2019; Act 29)**

This bill increases the penalty for pimping and for pandering to provide that a first offense is punished as a misdemeanor of a high and aggravated nature, and all but 72 hours of any term of imprisonment imposed may be suspended, stayed, or probated. This bill also provides that, for a second or subsequent pimping offense or a second or subsequent pandering offense, the offender will be guilty of a felony, punished by a term of imprisonment of one to ten years. This bill also revises the sentencing provision for a person who commits the offenses of keeping a place of prostitution, pimping, and pandering where the offense involves the conduct of a person under the age of 16 to require both a term of imprisonment of ten to thirty years and a fine of up to \$100,000.

### **House Bill 282**

#### **Revising Code Subsection regarding Time Period for Law Enforcement to Preserve Physical Evidence of Alleged Sexual Assault**

**Sponsors: Senator Unterman of the 45th and Rep. Holcomb of the 81st**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 238)**

Current law requires that, except as otherwise provided under certain Code sections regarding the custody of property and evidence in criminal cases and the preservation of physical evidence collected at the scene of the crime, the investigating law enforcement agency must maintain any physical evidence collected as a result of an alleged sexual assault that contains biological material, including but not limited to, stains, fluids, or hair samples that relate to the identity of the perpetrator of the alleged sexual assault, for ten years after the report of the alleged sexual assault, if the victim cooperates with law enforcement.

This bill provides that, in cases in which the victim reports an alleged sexual assault to law enforcement, the investigating law enforcement agency will maintain any physical evidence containing biological material that relate to the identity of the perpetrator of the alleged sexual assault for 30 years from the date of arrest, or seven years from completion of sentence, whichever occurs last, and if no arrests, for 50 years.

### **House Bill 288**

#### **Fees for Filing and Recording Documents and Instruments Pertaining to Real Estate or Personal Property and Other Documents with Clerks of Superior Court**

**Sponsors: Senator Ligon, Jr. of the 3rd and Rep. Powell of the 32nd**

**Effective Date: January 1, 2020 (Signed on May 6, 2019; Act 231)**

This bill revises certain Code subsections regarding costs and fees for filing and recording certain documents and instruments relating to real estate or personal property. This bill also repeals and reserves certain Code sections that provide for additional fees and costs for clerk's services based on the size of the county's population.

### **House Bill 296**

#### **Revises the Term of Court for the Hall County Superior Court**

**Sponsors: Senator Miller of the 49th and Rep. Hawkins of the 27th**

**Effective Date: July 1, 2019 (Signed on April 30, 2019; Act 109)**

Current law sets forth when the terms of court for the superior courts for each of the judicial circuits commence. The superior court for Hall County, under the Northeastern Circuit, currently has terms of court that run from the first Monday in May and November and the second Monday in January and July.

This bill revises the subsection in the Code regarding the term of court for Hall County Superior Court, to have the terms of court commence from the second Monday in January, April, and July, and the first Monday in October.

### **House Bill 307**

#### **Abandoned Motor Vehicle Act**

**Sponsors: Senator Stone of the 23rd and Rep. Powell of the 32nd**

**Effective Date: Upon Governor's approval for the purposes of developing the required forms; the effective date is September 1, 2019 for all other purposes (Signed on May 7, 2019; Act 275)**

This bill repeals and reserves the majority of the Code sections in Article 1 of Chapter 11 relating to abandoned vehicles and enacts a new Article 1A of Chapter 11, known as the "Abandoned Motor Vehicle Act." The bill further requires that certain forms related to the process for dealing with abandoned vehicles be developed by the Council of Magistrate Judges. The Department of Public Safety will specify the form of the unattended vehicle check cards. This bill also provides certain restrictions on removing or immobilizing vehicles in paid private parking lots and makes violations of this new Code section a misdemeanor.

### **House Bill 346**

#### **Creates New Code Section regarding Retaliation by Landlord against a Residential Tenant**

**Sponsors: Senator Stone of the 23rd and Rep. Cooper of the 43rd**

**Effective Date: July 1, 2019 (Signed on May 8, 2019; Act 311)**

This bill creates a new Code section which provides for a residential tenant to demonstrate a prima facie case that the landlord retaliated against the tenant because the tenant took one of the enumerated actions listed in the bill, relating to a life, health, safety, or habitability concern, within three months of the tenant taking such action. The bill also provides for exceptions for conduct for which a landlord will not be liable for a retaliation claim under the new Code section, as well as a rebuttable defense that the property has been inspected within the past twelve months pursuant to any federal, state, or local program which certified that the property complied with applicable building and housing codes or that the property has been inspected within the past twelve months by a code enforcement officer or a licensed building inspector who certifies that the property complies with applicable building and housing code.

This bill creates defense for tenant in a dispossessory action and also provides for a civil penalty for the tenant to recover from a landlord who retaliates against the tenant.

### **House Bill 353**

#### **Creating Crimes related to Staging a Motor Vehicle Collision**

**Sponsors: Senator Heath of the 31st and Rep. Carpenter of the 4th**

**Effective Date: Upon Governor's Approval (Signed on April 25, 2019; Act 40)**

This bill creates a new Code section under Title 33 (Insurance) regarding crimes related to the staging of a motor vehicle collision, including: (1) staging a collision; (2) aggravated staging of a collision; and (3) the crime of making a fraudulent claim related to a staged collision.

A person is guilty of staging a collision when, with intent to commit insurance fraud, the person does any of the following: (1) intentionally causes or attempts to cause a motor vehicle collision; or (2) engages in a scheme to fabricate evidence of a motor vehicle collision that did not occur. The bill provides that staging a collision will be a felony, punished by one to five years imprisonment. This bill also provides that a person commits the crime of aggravated staging of a collision when, with intent to commit insurance fraud, the person stages a collision as provided above, which then results in serious personal injury to another. Aggravated staging of a collision is a felony, punished by two to ten years imprisonment. This bill also states that a person will be guilty of the crime of making a fraudulent claim related to a staged collision when that person

makes, or assists in making, a claim for insurance benefits of any type or brings, or assists in bringing, a civil lawsuit against another seeking monetary damages with knowledge that the injuries for which insurance benefits or monetary damages are sought resulted from a staged collision, or seeks to obtain any benefit to which such claimants is not legally entitled. The making of a fraudulent claim related to a staged collision is a felony, punished by one to five year imprisonment.

#### **House Bill 381**

##### **Amending Code Section for Guidelines for Determining Child Support Amounts**

**Sponsors: Senator Stone of the 23rd and Rep. Efstrotation of the 104th**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 219)**

This bill makes a series of edits to O.C.G.A. § 19-6-15, relating to child support guidelines. Examples of the revisions made in this bill include adding the phrase “or the jury” to sentences referencing certain considerations or determinations made by the court, as well as stylistic changes such as replacing the term “where” for “when” and “child rearing” for “child-rearing.” The phrase “pursuant to a determination that gross income for the current year is based on a 40 hour workweek at a minimum wage” is stricken from a subsection of O.C.G.A. § 19-6-15(f)(4)(D) and replaced with “as provided in subparagraph (f)(4)(A) of this Code section,” which refers to the subsection related to imputed income. The bill also adds to the subsection related to exclusions from gross income benefits received under Title IV-B or IV-E of the federal Social Security Act and state funding associated therewith for adoption assistance.

#### **House Bill 387**

##### **Liens in Favor of Private Nonprofit Volunteer Fire Departments**

**Sponsors: Senator Mullis of the 53rd and Rep. Lumsden of the 12th**

**Effective Date: July 1, 2019 (Signed on April 28, 2019; Act 68)**

Current law, under O.C.G.A. § 44-14-320, sets forth a list of the types of liens that are established under Georgia law. Examples of liens from this enumerated list include liens in favor of creditors by judgment and decree, liens in favor of landlords, liens in favor of mortgagees, and liens in favor of mechanics on real and personal property. All other liens will be considered nonconforming liens that are not eligible for filing or recording.

This bill adds to the list of the types of liens recognized under Georgia law a lien in favor of a nonprofit organization or entity that is exempt from taxation under 26 U.S.C. § 501(c) which exercises the powers of a fire department as provided under Chapter 3 of Title 25 of the O.C.G.A. (regarding Local Fire Departments Generally) that are requested by property owners and that are based upon fees and rates charged that are consistent with the Federal Emergency Management Agency (“FEMA”) of the United States Department of Homeland Security’s Schedule of Equipment Rates as such existed on July 1, 2019.

#### **House Bill 424**

##### **Battery against a Person 65 Years Old or Older; Sentencing for Trafficking for Labor Servitude or Sexual Servitude; Revising Definition of “Exploit” as Related to Elder Persons; Revises Definition of “Criminal Gang Activity”; Rape Shield Statute; Hearsay Testimony as to Child’s Description of Sexual Contact or Physical Abuse; Amending Code Section regarding Unlicensed Personal Care Homes**

**Sponsors: Senator Kennedy of the 18th and Rep. Silcox of the 52nd**

**Effective Date: Upon Governor’s Approval (Signed on April 18, 2019; Act 31)**

This bill revises the battery statute to remove language for an enhanced penalty (misdemeanor of a high and aggravated nature) for battery of a person age 65 or older. Under the current law in Article 8 of Chapter 5 of Title 16 (regarding Protection of Elder Persons), a person who knowingly and willfully exploits an elder person, willfully inflicts physical pain, physical injury, sexual abuse, mental anguish, or unreasonable confinement upon an elder person, or willfully deprives of essential services an elder person is guilty of a felony, which is punishable by one to

20 years imprisonment, a fine of up to \$50,000, or both. This bill also revises the definition of “exploit” in the Article relating to the Protection of Elder Persons.

The bill revises sentencing provisions for trafficking a person for labor servitude or sexual servitude and provides for an additional definition of “criminal gang activity” related to human trafficking for labor or sexual servitude, keeping a place of prostitution, pimping, or pandering. The bill also revises the Rape Shield Statute regarding when a witness’s sexual behavior is admissible. This bill adds a new subsection to Child Hearsay Statute to clarify that this version of the Code section applies to any motion made or hearing or trial commenced on or after the effective date. This bill also adds a new subsection to a Code section relating to unlicensed personal care homes to provide for local or state law enforcement agencies to consent to conduct investigations of unlicensed personal care homes as agents of the Department of Community Health.

#### **House Bill 470**

##### **Collecting DNA Samples from Individuals Sentenced as a Felony First Offender or Subject to Conditional Discharge**

**Sponsors: Senator Ligon, Jr. of the 3rd and Rep. Sainz of the 180th**

**Effective Date: Upon Governor’s Approval (Signed on April 28, 2019; Act 70)**

This bill requires that a sample of DNA be collected by an oral swab or other noninvasive procedure from any person who: (1) has been convicted of a felony and is currently incarcerated in a detention facility, serving a probation sentence, or serving under the jurisdiction of the State Board of Pardons and Paroles for the felony; or (2) has been charged with a felony but was sentenced as a first offender under Article 3 of Chapter 8 of Title 42 or who was given a conditional discharge under O.C.G.A. § 16-13-2(a) or (c). Furthermore, the bill provides that this DNA collection requirement will not apply to any individual for the conviction for a misdemeanor, to any individual who is charged with a misdemeanor and the sentence for such misdemeanor is imposed pursuant to Article 3 of Chapter 8 of Title 42 regarding first offenders, or because he or she has been charged with a misdemeanor.

The bill also revises the Code section regarding the expungement of a DNA profile from the data bank maintained by GBI. GBI will purge the DNA profile of a person and destroy the DNA samples that were collected from that person within 30 days of the receipt of (1) a court order reversing the conviction, together with a court order or documentation from the prosecuting attorney stating that the charges were dismissed; (2) a judgment of acquittal; (3) a sentencing order showing that all felony charges were reduced to misdemeanors; or (4) a court order showing the successful completion of the sentence that was imposed on the person as a first time offender or as a conditional discharge.

#### **House Bill 472**

##### **Temporary Alternatives to Foster Care and Alternatives to Removal and Placement of Children in Foster Care**

**Sponsors: Senator Tillery of the 19th and Rep. Reeves of the 34th**

**Effective Date: Upon Governor’s Approval (Signed on April 18, 2019; Act 28)**

This bill revises the definition of “fictive kin” in the Juvenile Code, to provide that the term will mean a person who is not related to the child by blood, marriage, or adoption but who prior to his or her placement in foster care is known to the family, has a substantial and positive relationship with the child, and is willing and able to provide a suitable home for the child. This bill also adds the term “temporary alternatives to foster care,” which means measures that a juvenile court may order in lieu of removal of or placement of a child or children alleged to be dependent in protective custody which will prevent or reduce the trauma or removal; allow a child to be cared for by persons with whom the child has an existing bond or attachment; or that ensure the safety of the child pending further action by the court on the dependency complaint or petition. This bill also provides for annual training of juvenile court intake officers and prohibits Department of Juvenile

Justice staff from serving as a juvenile court intake officer. The bill further amends a Code section regarding a court considering removal of a child from his or her home and amends various Code sections requiring a court to consider placement with a relative or fictive kin prior to the child being placed in DFCS custody.

*The Senate Rules Committee provided a Substitute for this bill. Language from SB 222 (relating to the Criminal Justice Reform Council and uniform citations) was added in the Senate Judiciary Committee, and the Senate Rules Committee Substitute subsequently removed that language. SB 222 passed out of the Senate and, in the House, SB 222 was significantly revised in a House Committee Substitute before being withdrawn and recommitted to the House Judiciary Non-Civil Committee on Sine Die.*

### **House Bill 478**

#### **Child Abuse Registry and Reporting of Child Abuse to DFCS**

**Sponsors: Senator Parent of the 42nd and Rep. Ballinger of the 23rd**

**Effective Date: January 1, 2020 (Signed on May 7, 2019; Act 252)**

This bill makes various changes related to the child abuse registry, including raising the age for which a person could be reported on the child abuse registry as a child abuser from 13 years of age to 18. The bill also provides that DFCS cannot put an alleged child abuser's name in the child abuse registry until after the exhaustion of the alleged child abuser's appellate rights. The bill also makes changes related to the process and consideration of a request for expungement of an individual's name from the child abuse registry.

### **House Bill 543**

#### **Equitable Caregivers**

**Sponsors: Senator Robertson of the 29th and Rep. Efstration 104th**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 218)**

This bill creates a new Code section authorizing the court to declare an individual to be an "equitable caregiver" for a child. An individual seeking a determination that he or she is an equitable caregiver must file with the initial pleading an affidavit alleging under oath specific facts to support the existence of an equitable caregiver relationship with the child. The pleadings and affidavit shall be served upon all parents and legal guardians of the child and any other party to the proceeding. The court may enter an order as appropriate to establish parental rights and responsibilities for an equitable caregiver of the child, including but not limited to, custody or visitation. However, the bill also provides that the adjudication under this new Code section that a person is an equitable caregiver for a child does not disestablish the parentage of any other parent.

This bill does not authorize an original action when both parents of the minor child are not separated and the child is living with both parents; nor does it authorize an original action by an individual whose relationship with the child was established as a result of a proceeding under Article 3 of Chapter 11 of Title 15 (relating to Dependency Proceedings). Furthermore, the bill does not authorize an original action while the DFCS has an open child welfare and youth services case involving such child or his or her parent.

*[\[Return to Table of Contents\]](#)*

## **NATURAL RESOURCES AND THE ENVIRONMENT**

### **Senate Bill 72**

#### **Updates Hunting and Fishing Code**

**Sponsor: Senator Harper of the 7<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 264)**

The bill makes several changes to the hunting and fishing code. It strikes the requirement that those hunting in a wildlife management area must have a license, and allows the use of air guns

and air bows for hunting big game under certain circumstances. The bill alters the shotgun magazine and chamber limit as it relates to hunting deer and bear, and removes the prohibition against baiting feral hogs within 50 yards of the property line. It also removes the distinction of Northern Zone and Southern Zone as it relates to deer hunting and applies the southern zone rules uniformly throughout the state.

This legislation amends and modifies the following animal categories:

- Deer - The Department of Natural Resources (DNR) may choose to extend deer season (by region, by county or by locale) until Jan 31 for archery. The existing bag limit has been 10 antlerless deer and 2 antlered bucks. The newly defined bag limit is 12 deer in a season without specification of sex. Additionally, the daily limit is 12 deer without specification to sex.
- Opossum and Raccoon - Hunting season for Opossum and Raccoon is now applied state wide.
- Bear – DNR may exempt bear taken on Department managed lands from the bag limit.

### **Senate Bill 99**

#### **Anatomical Gift Registration through Hunting License**

**Sponsor: Senator Harper of the 7<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 265)**

This bill allows applicants for a hunting, fishing, or trapping license to make an anatomical gift pursuant to the Georgia Revised Uniform Anatomical Gift Act through the online licensing system with DNR.

### **House Bill 201**

#### **Live-Aboard Vessels and Maritime Toilets**

**Sponsors: Senator Ligon of the 3<sup>rd</sup> and Rep. Hogan of the 179<sup>th</sup>**

**Effective Date: January 1, 2020 (Signed on May 7, 2019; Act 245)**

This bill addresses regulations relating to anchorage areas and sewage discharge of live-aboard vessels operating within state estuaries. Specifically, the bill authorizes the Board of Natural Resources to regulate overnight or longer-term anchoring by requiring a permit and allows the Board to establish anchorage areas. The bill makes it unlawful to dock or anchor at night unless it is within an anchorage area established by the Department.

Further, this bill makes it unlawful to operate a live-aboard vessel that discharges sewage (treated or untreated) within the estuarine areas of the state. This bill requires that persons operating live-aboard vessels with marine toilets and persons operating pump-out facilities must create and maintain records showing when such vessels emptied their tanks in an appropriate manner at facilities.

### **House Bill 223**

#### **Pesticide Applications and Air Emissions from Animal Waste; Excluded from Notification Requirements**

**Sponsors: Senator Harper of the 7<sup>th</sup> and Rep. Dickey of the 140<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 188)**

This bill clarifies exemptions relating to notifications of spills and releases to the Environmental Protection Division (EPD). The bill makes it such that application of pesticides when conducted in a manner consistent with labeling does not require a notification to the EPD; nor do air emissions from animal waste at a farm, including decomposing animal waste.

### **House Bill 382**

#### **Updates and Clarifies Georgia Outdoor Stewardship Act relating to the Georgia Outdoor Stewardship Trust Fund**

**Sponsors: Senator Gooch of the 51<sup>st</sup> and Rep. Burns of the 159<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 222)**

This bill amends the Georgia Outdoor Stewardship Act relating to the Georgia Outdoor Stewardship Trust Fund (trust fund). The bill changes the applicant list to include constituted recreation authorities, removes the deadline to start accepting applications for funding, establishes that the trust monies will be available for any costs incurred by the state for administration of the trust fund, and requires the department to report administrative expenditures relating to the trust fund.

### **House Bill 445**

#### **Amends the “Shore Protection Act”**

**Sponsors: Senator Ligon of the 3<sup>rd</sup> and Rep. Hogan of the 179<sup>th</sup>**

**Effective Date: For the purposes of promulgating rules and regulations the effective date will be Upon Governor’s Approval; For all other purposes the effective date will be December 31, 2019 (Signed on May 3, 2019; Act 152)**

This bill changes the definition of dynamic dune field to conform with DNR’s established definition. The bill states the landward boundary of dynamic dune field to be 25 feet inland of certain markers for private property and 100 feet inland for public property. This bill allows permitting for minor activity (taking place in the areas of operation within a dune field) to be issued by the commissioner based on recommendations of staff, past committee actions, and public comments. The commissioner or any committee member may choose to have the full committee decide on a permit application if they feel it should receive broader consideration. The bill removes a section relating to administrative and judicial review of the permitting process. Lastly, this bill allows for DNR to authorize the operation of motorized machines on, over, or across sand dunes or beaches.

*The Senate Rules Substitute provided the final boundary used for dynamic dune fields and areas of operation within.*

### **House Bill 458**

#### **Restricting Class B Fire Fighting Foam Discharge**

**Sponsors: Senator Albers of the 56<sup>th</sup> and Rep. Gullett of the 19<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 235)**

This bill prevents individuals from discharging or otherwise testing class B fire-fighting foam containing intentionally added PFAS chemicals.

Discharge or testing is allowed if it takes place in a testing facility with implemented containment, treatment, and disposal measures to prevent uncontrolled release of foam into the environment and discharge of foam in the instance of an emergency or fire prevention is also allowed.

### **House Bill 501**

#### **Oysterfarming**

**Sponsors: Senator Ligon of the 3<sup>rd</sup> and Rep. Petrea of the 166<sup>th</sup>**

**Effective Date: For the purposes of promulgating rules and regulations the effective date will be Upon Governor’s Approval; For all other purposes the effective date will be March 1, 2020 (Signed on May 6, 2019; Act 217)**

This bill provides for the regulation and development of the commercial shellfish industry in coastal Georgia. The bill includes regulations and establishes procedures for permitting licensed fishermen, leasing intertidal and subtidal water bottoms, acquiring seeds from hatcheries, permitting cages and limits, and unlawful acts.

*[\[Return to Table of Contents\]](#)*



## PUBLIC SAFETY

### **Senate Bill 6**

#### **Prohibited Use of Drones around Places of Incarceration**

**Sponsor: Senator Kirkpatrick of the 32<sup>nd</sup>**

**Effective Date: July 1, 2019 (Signed on April 28, 2019; Act 67)**

This legislation prohibits any person from intentionally using a drone to provide contraband to an inmate. Any person convicted of violating this provision will be guilty of a felony, punishable from one to ten years' imprisonment. This legislation also prohibits anyone from using a drone to intentionally photograph or otherwise record images of a place of incarceration for the purposes of committing a criminal offense. Any person convicted of violating this provision will be guilty of a felony, punishable from one to five years' imprisonment.

### **Senate Bill 8**

#### **Atlanta United Foundation License Plate**

**Sponsor: Senator Martin of the 9<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 6, 2019; Act 220)**

This legislation creates a special license plate supporting the Atlanta United Foundation. The funds raised by the sale of this plate will be disbursed to the Atlanta United Foundation and used for the foundation's philanthropic activities. The special license plate will not include a space for the county name decal but will instead bear the phrase "Unite & Conquer."

### **Senate Bill 25**

#### **Passing Stopped School Buses**

**Sponsor: Senator Heath of the 31<sup>st</sup>**

**Effective Date: Upon Governor's Approval (Signed on February 15, 2019; Act 1)**

This legislation clarifies existing law relating to an exception when the driver of a vehicle is not required to stop upon meeting or passing a school bus that is dropping off or picking up students on the opposite side of a highway divided by a physical median. The bill states that vehicles on a highway with separate roadways that are separated by a grass median, unpaved area, or physical barrier are not required to stop upon meeting or passing a school bus which is stopped on the opposite side.

### **Senate Bill 31**

#### **Limitation on Liability for Law Enforcement Officers Performing Duties during Emergency**

**Sponsor: Senator Rhett of the 33<sup>rd</sup>**

**Effective Date: July 1, 2019 (Signed on April 28, 2019; Act 66)**

Current law provides that a law enforcement officer will not be liable for any action taken while performing any duty at the scene of an emergency except for gross negligence, willful or wanton misconduct, or malfeasance. This bill clarifies this exemption by adding a definition for "emergency" that includes "the rescuing of a person or pet from a locked vehicle." A "pet" is defined as "any domesticated animal normally maintained in or near the household of its owner."

### **Senate Bill 137**

#### **License Plate Honoring Tuskegee University**

**Sponsor: Senator Lucas of the 26<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 7, 2019; Act 284)**

This legislation creates a special license plate honoring Tuskegee University. The funds raised by the sale of this special license plate will be disbursed to the Atlanta Tuskegee Alumni Club, Inc.

### **House Bill 225**

#### **Updating Commercial Vehicle and Motor Carrier Regulations**

**Sponsors: Senator Harper of the 7<sup>th</sup> and Rep. Rich of the 97<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 272)**

This legislation represents the state's annual adoption of the federal regulations relating to the safe operation of commercial motor vehicles and carriers found in Title 49 of the Code of Federal Regulations as they exist on January 1, 2019.

### **House Bill 226**

#### **Traffic Citation Surcharge Extended**

**Sponsors: Senator Strickland of the 17<sup>th</sup> and Rep. LaRiccia of the 169<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 9, 2019; Act 312)**

Under current law, each traffic citation is assessed a 1.5 percent surcharge to help fund the Georgia Driver's Education Commission. This surcharge is set to expire on June 30, 2019. This bill extends this sunset to June 30, 2022.

### **House Bill 325**

#### **Georgia POST Council: Retention of Investigation Records**

**Sponsors: Senator Harper of the 7<sup>th</sup> and Rep. Clark of the 147<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on April 28, 2019; Act 72)**

Current law authorizes the POST Council to investigate and discipline law enforcement officers when accused of committing certain violations. This legislation requires POST to retain its investigation records of all law enforcement officers it has investigated for a period of 30 years following the date that an investigation concluded and authorizes the Council to destroy the records after they have been retained for the 30 year period. The Council may also destroy the records prior to 30 years if the investigated officer is deceased and no action upon the complaint was taken by the Council beyond the initial intake of the complaint.

### **House Bill 339**

#### **Special License Plates**

**Sponsors: Senator Anderson of the 43<sup>rd</sup> and Rep. McClain of the 100<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 276)**

This legislation creates the following special license plates:

1. A special license plate honoring Alabama A&M University. The funds raised by the sale of this special license plate will be disbursed to the Alabama A&M University Alumni Association, Inc., and used to provide scholarships and financial assistance to Georgia residents attending the university;
2. A special license plate promoting autism awareness. The funds raised by the sale of this special license plate will be disbursed to the Autism Alliance of Georgia;
3. A special license plate honoring the Alpha Kappa Alpha Sorority, Inc. The funds raised by this plate will be disbursed to the Ivy Community Foundation, Inc.; and
4. A special license plate for the Georgia Aquarium. The funds raised by this plate will be disbursed to Georgia Aquarium, Inc.

### **House Bill 454**

#### **Electric Assisted Bicycles**

**Sponsors: Senator Gooch of the 51<sup>st</sup> and Rep. Tanner of the 9<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on April 26, 2019; Act 56)**

This legislation establishes the legal framework for the use of electric assisted bicycles in Georgia while creating the following three classes of electric assisted bicycles:

1. Class I electric assisted bicycle: An electric assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the device reaches a speed of 20 miles per hour;

2. Class II electric assisted bicycle: An electric assisted bicycle equipped with a motor that may be used exclusively to propel the vehicle but is not capable of reaching a speed of 20 miles per hour; and
3. Class III electric assisted bicycle: An electric assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the device reaches a speed of 28 miles per hour. No person under the age of 15 years of age may operate a Class III electric assisted bicycle. However, such person is authorized to ride as a passenger.

This bill authorizes Class I and II electric assisted bicycles to be operated on any bicycle path or shared use path where bicycles are permitted to be operated unless a local authority or state agency prohibits their use on such paths. The bill prohibits Class III electric assisted bicycles from operating on a bicycle path or shared use path unless the path is within or adjacent to a highway or unless a local authority or state agency having jurisdiction over the path authorizes such use.

#### **House Bill 459**

##### **School Bus Drivers; and Volunteers Authorized to Direct Traffic**

**Sponsors: Senator Albers of the 56<sup>th</sup> and Rep. Ehrhart of the 36<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on April 28, 2019; Act 71)**

This legislation requires every local school board to submit to DPS the name and driver's license number of school bus drivers in order to determine if such drivers are currently qualified to operate a school bus. This bill also revises and clarifies the process in which law enforcement agencies may designate volunteers to direct traffic.

#### **House Bill 471**

##### **Implied Consent Notices**

**Sponsors: Senator Robertson of the 29<sup>th</sup> and Rep. Sainz of the 180<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on April 28, 2019; Act 69)**

This legislation rewrites the statute that provides the script of the implied consent notices that an arresting officer must read to a driver, hunter, or watercraft operator suspected of being under the influence. The implied consent notice in the current statute requires the arresting officer to state that the refusal to submit to breath, blood, or urine tests can be used against such person in court. However, the recent State Supreme Court decision in *Elliot v. State* ruled that a person's right against self-incrimination under the Georgia Constitution prevents prosecutors from bringing up in trial a person's refusal to use a breathalyzer.<sup>2</sup> As such, this bill requires the arresting officer to state that only the refusal to submit to blood or urine testing may be offered into evidence at trial.

*[Return to Table of Contents]*

## **REAPPORTIONMENT AND REDISTRICTING**

#### **Senate Bill 177**

##### **Requirements for Local Redistricting**

**Sponsor: Senator Brass of the 28<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 263)**

This legislation requires that local bills revising the districts of county boards of commissioners, county boards of education, independent boards of education, municipal governing authorities; or plans that would create a new municipality must either: 1) Be drawn by the staff of the Legislative and Congressional Reapportionment Office of the General Assembly; or 2) Be submitted to and certified by the Reapportionment Office before being adopted by the local governmental entity.

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<sup>2</sup> The Public Information Officer for the Supreme Court of Georgia prepared a brief summary of the Elliot case, which is available online at: [https://www.gasupreme.us/wp-content/uploads/2019/02/Feb1819\\_Ops.pdf](https://www.gasupreme.us/wp-content/uploads/2019/02/Feb1819_Ops.pdf)

## **REGULATED INDUSTRIES**

### **Senate Bill 2**

#### **Electric Membership Corporations and Rural Broadband Expansion**

**Sponsor: Senator Gooch of the 51<sup>st</sup>**

**Effective Date: Upon Governor's Approval (Signed on April 26, 2019; Act 51)**

This bill allows Electric Membership Corporations (EMCs) to provide broadband services. EMCs are currently authorized to provide gas and electricity to consumers. This bill expands that authority to include broadband services which EMCs may provide directly or through an affiliate. To further the planning and operation of broadband services, this bill grants authority for EMCs and their affiliates to take out loans, enter into contracts, and other business relationships. Further, this bill provides conditions for EMCs to provide broadband by prohibiting cross subsidizing between gas, electric, and broadband divisions, requiring that EMCs develop and maintain an allocated cost manual, and restricting marketing and incentives. The bill provides for dispute resolution with the Public Service Commission (PSC), and provides rate and term caps for existing contracts with communications service providers.

The House committee on Energy, Utilities, and Telecommunications inserted language from HB 499 which states that electric easement owners can use an easement to install, maintain, lease, and operate broadband services without incurring liability to the owner or occupant of the real property. Also, they must not be required to pay additional compensation to the occupant or property owner so long as no additional poles or other ground based structures are installed.

### **Senate Bill 17**

#### **Amends Rural Telephone Cooperative Act; Authorizes Telephone Cooperatives to Provide Broadband Services**

**Sponsor: Senator Gooch of the 51<sup>st</sup>**

**Effective Date: Upon Governor's Approval (Signed on April 26, 2019; Act 52)**

Telephone Cooperatives currently provide telephonic services; this bill expands their authority to include broadband either directly or through an affiliate. In support of this expansion, the bill grants authority to take out loans and to enter into other contracts for financing the planning, construction, and maintenance of broadband services. The bill explicitly prohibits costs for expanding broadband to be recovered from the Universal Access Fund.

Under current law, rural area is defined as the area outside of the boundaries of an incorporated or unincorporated city, town, village, or borough with a population exceeding 1,500 inhabitants. This bill raises the number of inhabitants from 1,500 to 15,000.

### **Senate Bill 66**

#### **“Streamlining Wireless Facilities and Antennas Act”**

**Sponsor: Senator Gooch of the 51<sup>st</sup>**

**Effective Date: See Below (Signed on April 26, 2019; Act 53)**

This bill addresses the deployment of broadband wireless services in and near the public right of ways (ROW) and provides supporting definitions and processes.

This bill allows wireless providers to collocate small wireless facilities and install or replace the associated poles without an agreement from the local government and without an implementing ordinance, so long as the poles are located in the right of ways, and the wireless providers comply with the application process. The bill provides the application process as well as provisions relating to pre-deployment meetings, consolidated applications, sizing requirements for poles and devices, and appropriate actions in the case of abandonment, imminent risk to public safety, and damage to the ROW. Additionally, the bill lays out different regulations for historic districts and decorative poles.

Sections relating to Pre-deployment meetings, definitions, and the title of the bill become effective upon the Governor's approval; All other sections become effective on October 1, 2019.

#### **Senate Bill 95**

##### **Extends Period for Towns, Counties, and Local Authorities to Contract for Utilities**

**Sponsor: Senator Robertson of the 29<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 214)**

This bill changes the term counties, cities, and local authorities can contract for solar and wind derived electricity from 10 to 20 years.

#### **Senate Bill 100**

##### **Telephone System for the Physically Impaired; Allows Wireless Devices and Applications**

**Sponsor: Senator Martin of the 9<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 259)**

This bill expands the telephone system for the physically impaired beyond basic phone service and allows the issuance of wireless devices and applications.

#### **Senate Bill 122**

##### **Motor Vehicle Franchise Practices: Consumer Data Protections, Reimbursement Practices**

**Sponsor: Senator Kennedy of the 18<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 157)**

This bill updates the codified relationships between motor vehicle franchisors, manufacturers, distributors, dealers, and other third parties. This bill restricts actions of franchisors, manufacturers, and distributors to ensure protection of consumer data and data management systems, adjusts regulations concerning warranty reimbursement programs, amends performance criteria for termination of franchise agreements, alters requirements for manufacturer signage usage and facility improvements, and changes provision concerning audits.

#### **Senate Bill 214**

##### **Registration Requirements for Cosmetologist, Hair Designers, Estheticians, Nail Technicians, and Barbers; and Continuing Education Credits and Advertising Restrictions for Electric Contractors**

**Sponsor: Senator Martin of the 9<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 2, 2019; Act 146)**

This bill establishes changes in two major areas of licensed professional work. First, it establishes licensing changes for Cosmetologists, Hair Design and Nail Technicians. Secondly, it affects the professional fields of electrical contractors.

This bill removes the requirement that candidates for registration of Cosmetologists, Hair Designers, Estheticians, Nail Technicians, Master Barbers, and Barber IIs be of good moral character.

The bill contains language from HB 535 relating to tattoo artists. The bill strikes the word tattoo artist and replaces with body artist throughout the code. It gives the Department of Health authority to promulgate rules and regulations with regard to competence and specialized knowledge of body artists. The bill further requires each body art studio to display a prominent sign of certain specifications warning patrons that body art on the face, neck, forearm, hand or lower leg with disqualify a person from military service.

The bill contains language from HB 486 which changes the qualifications for electrical contractors continuing education credits and prohibits a person not licensed as an electrical contractor from advertising as one.

## **House Bill 192**

### **Appraisal Management Companies**

**Sponsors: Senator Gooch of the 51<sup>st</sup> and Rep. Powell of the 32<sup>nd</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 241)**

This bill provides definitions for “Appraisal Management Company”, updates registration requirements for appraisers, authorizes the Georgia Real Estate Appraisers Board expanded oversight over the companies, provides requirements for registration as an appraisal management companies, and provides for appraisal panels.

## **House Bill 242**

### **“Georgia Massage Therapy Practice Act” Updates**

**Sponsors: Senator Mullis of the 53<sup>rd</sup> and Rep. Hawkins of the 27<sup>th</sup>**

**Effective Date: Upon Governor’s Approval (Signed on May 6, 2019; Act 213)**

This bill updates the Georgia Massage Therapy Practice Act by making several amendments and expanding oversight of the Georgia Board of Massage Therapy. The bill changes licensing requirements by recognizing the Massage and Bodywork Licensing Exam administered by the Federation of State Massage Therapy Boards as an acceptable equivalent to meet the examination requirement for licensure. Further, this bill requires applicants to maintain liability insurance coverage for bodily injury and property damage, and they must also carry professional liability insurance. The bill adds new advertising restrictions and provides for punishments to violations. Additionally, the bill allows for local governments to issue licenses and regulate businesses.

## **House Bill 253**

### **Georgia Occupational Therapy Practice Act**

**Sponsors: Senator Kirkpatrick of the 32<sup>nd</sup> and Rep. Hawkins of the 27<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 246)**

This bill updates the current code with several changes aimed at the Occupational Therapy Industry. The bill allows updated appointment terms for the membership of the State Board of Occupational Therapy, adds a definition for National Board for Certification in Occupation Therapy, and recognizes professional suffixes associated with certifications from that organization. The bill also requires that applicants for licensure must pass a nationally recognized exam which has been approved by the board. The bill further alters the licensing revocation standard by establishing that one who engages in unprofessional conduct will be revoked and lists the offenses.

## **House Bill 324**

### **Georgia’s Hope Act (Low THC Medical Marijuana)**

**Sponsors: Senator Brass of the 28<sup>th</sup> and Rep. Gravley of the 67<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on April 17, 2019)**

This bill makes it lawful, under Georgia law, to produce, grow, manufacture, and dispense low THC oil under regulations set forth by the state and other entities. Eligible patients registered through the Department of Public Health’s Low THC Oil Patient Registry may purchase low THC oil through three channels: a pharmacy with a dispensing license, the Georgia Access to Medical Cannabis Commission, or a retail outlet licensed for dispensing by the Georgia Access to Medical Cannabis Commission. The Commission is established under this bill and authorized to handle state funds, purchase or obtain low THC oil, develop a distribution network, distribute to registered patients, establish procedures for inspection and quality control, oversee tracking systems, collect data and report any proposed legislation to the General Assembly. Six production licenses will be granted by the Commission.

Production licensees may not operate within 3,000 feet of a school or church, nor can a distribution licensees operate within 1,000 feet of a school or church.

The University System of Georgia will apply to contract with the NIDA (National Institute on Drug Abuse) for receipt of cannabis. Designated Universities (The University of Georgia and Fort Valley State) may obtain cannabis, cannabinoids, or other derivatives from the University System of Georgia. Upon receipt of cannabis, the designated university must test the specifications of such product and report to the commission on its findings.

The GBI will be responsible for ensuring that all activities of licensees are conducted in accordance with the law, but the GBI, Commission, and local law enforcement will all have access to inspect.

The bill prohibits advertising and certain mediums for low THC oil, and further provides for inspection and testing.

### **House Bill 493**

#### **“Private Permitting Review and Inspection Act” revisions**

**Sponsors: Senator Dugan of the 30<sup>th</sup> and Rep. Tanner of the 9<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 215)**

This bill amends the process, fees, and circumstance in which a building permit applicant may employ a private professional engineer or architect for plan review or site inspections. It further provides for new insurance coverage requirements for private professional providers, and requires county or municipalities who impose regulatory fees for building permit applications to post those fees and requirements. The amount of any regulatory fees must approximate the reasonable costs associated with actual regulatory activity performed by the local authority. The bill further creates a new definition of regulatory requirements including a list of applicable regulations.

*[\[Return to Table of Contents\]](#)*

## **RETIREMENT**

### **Senate Bill 55**

#### **Allows for the Purchase of Supplemental Guaranteed Lifetime Income Annuities**

**Sponsor: Senator Hufstetler of the 52<sup>nd</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 256)**

Under current law, any ERS member may purchase an additional annuity from the system so long as the additional annuity, together with their prospective retirement allowance, provides a total retirement allowance of no more than one-half of their average final compensation. This bill repeals these provisions, and instead allows ERS retirees to purchase Supplemental Guaranteed Lifetime Income annuities.

### **Senate Bill 73**

#### **Fees Remitted to the Peace Officers’ Annuity and Benefit Fund**

**Sponsor: Senator Harper of the 7<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 257)**

Under current law, the prosecuting attorney can assess from each offender that enters into a pretrial intervention or diversion program a fee not to exceed \$1,000 for the administration of the program. Five dollars of each fee is made payable to the general fund of the political subdivision in which the case is being prosecuted. This legislation allows for the clerk of the court to deduct such fee and remit such amounts to the secretary-treasurer of the Peace Officers’ Annuity and Benefit Fund rather than to the general fund.

## **House Bill 196**

### **Education for Public Retirement System Trustees**

**Sponsors: Senator Hufstetler of the 52<sup>nd</sup> and Rep. Benton of the 31<sup>st</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 244)**

This legislation requires public retirement system trustees to complete appropriate education applicable to fiduciary duties and obligations under the public retirement system. A public retirement system trustee is either a member of a board of trustees or other administrative body or agency charged with administering a public retirement system.

A trustee that is appointed or elected on or after July 1, 2019, must complete a minimum of eight hours of education within one year of appointment or election as a trustee, and if not within 14 months, will be removed from his or her position. A trustee that has been appointed or elected prior to July 1, 2019, must complete a minimum of 12 hours of continuing education every two years, and if not within 26 months, will be removed from his or her position.

## **House Bill 319**

### **Georgia Firefighters' Pension Fund Benefits Payable after Death to Estate**

**Sponsors: Senator Hufstetler of the 52<sup>nd</sup> and Rep. N. Williams of the 148<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 248)**

This legislation provides that any Georgia Firefighters' Pension Fund member's death benefits be paid to his or her estate when such member fails to designate a beneficiary or if all named beneficiaries have predeceased such member.

*[\[Return to Table of Contents\]](#)*

## **RULES**

## **Senate Bill 227**

### **Special License Plates: Georgia Alliance of Boys & Girls Clubs, Inc.; Autism Alliance of Georgia; and Alternative Fueled Vehicles Special License Plates**

**Sponsor: Senator Martin of the 9<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 2, 2019; Act 148)**

This legislation creates a special license plate promoting autism awareness and specifies that the funds raised by the sale of this special license plate will be disbursed to the Autism Alliance of Georgia. This legislation also creates a special license plate supporting the Georgia Alliance of Boys & Girls Clubs, Inc. and specifies that the funds raised by the sale of this special license plate will be disbursed to the Georgia Alliance of Boys & Girls Clubs, Inc.

This bill also amends current law relating to the registration of vehicles by manufacturers, distributors, and dealers, dealer plates, and manufacturer headquarters plates so as to require that alternative fueled vehicles bear a special license plate with a distinctive logo or emblem. A vehicle displaying such special license plate is authorized to travel in exclusive or preferential use lanes on the interstate.

## **Senate Resolution 50**

### **Commending Cooperation with the United Kingdom of Great Britain and Northern Ireland**

**Sponsor: Senator Jordan of the 6<sup>th</sup>**

Through this resolution, the members of the Senate express cultural, economic, and educational cooperation with the United Kingdom of Great Britain and Northern Ireland, and commend the Consul General Andrew Staunton of the United Kingdom for his indefatigable efforts on behalf of the special relationship between the United Kingdom and the State of Georgia. It further acknowledges that Georgia is proud to serve as home to the British Consulate General for the Southeast and the people of Georgia welcome opportunities to grow a deeper relationship at all levels, including cultural, academic, business, and others.



**Senate Resolution 114**  
**Securing the Southern Border of the U.S.**

**Sponsor: Senator Ligon of the 3<sup>rd</sup>**

This resolution urges Congress to pass funding legislation for the purpose of securing the southern border of the U.S.

**Senate Resolution 220**  
**Recognizing Jerusalem**

**Sponsor: Senator Thompson of the 14<sup>th</sup>**

Per this resolution, the members of the Senate recognize that Jerusalem is the capital of the State of Israel. Atlanta is home to the Consulate General of the State of Israel, and in December 2017, President Trump moved the United States embassy to Jerusalem.

**Senate Resolution 222**  
**Commending Taiwan for its Relations with the U.S. and Georgia**

**Sponsor: Senator Cowsert of the 46<sup>th</sup>**

This resolution simply commends Taiwan for its relations with the U.S. and State of Georgia. Per this resolution, the members of the Senate commend and support the 40<sup>th</sup> anniversary of the Taiwan Relations Act, the democratization efforts of Taiwan and the nation's meaningful participation in the World Health Organization, the International Civil Aviation Organization, and the United Nations Framework Convention on Climate Change, as well as other international organizations. The Senate body extends its most sincere best wishes for continued cooperation and success.

**Senate Resolution 333**  
**Recognizing the 100<sup>th</sup> Anniversary of Korea's March First Movement**

**Sponsor: Senator Martin of the 9<sup>th</sup>**

Through this resolution, the Senate congratulates the people of Korea on the 100<sup>th</sup> anniversary of Korea's March First Movement and a path to independence. It also recognizes the importance of the alliance between the U.S. and the Republic of Korea to the stability of the region and reaffirms the U.S. commitment to the Republic of Korea's independence, sovereignty, and safety.

**Senate Resolution 341**  
**Urging Congress to Oppose the Green New Deal**

**Sponsor: Senator Beach of the 21<sup>st</sup>**

The Green New Deal was recently introduced in the U.S. Congress as a promise by members of the Democratic Party to address climate change through reforms. The resolution provides that the Green New Deal's stated purpose is to dramatically expand existing renewable power sources by 2030 and deploy new production capacity with a goal of meeting 100 percent of the national power demand through renewable resources.

This resolution urges Congress to oppose the Green New Deal, estimating it will stifle economic development and that 10 million Americans currently employed in oil, gas, and coal industries could lose their jobs, among other reasons.

**Senate Resolution 365**  
**Commending President Donald J. Trump**

**Sponsor: Senator Ligon of the 3<sup>rd</sup>**

This resolution commends President Trump for his honorable, bold, and courageous public service to keep the State of Georgia and the United States safe.

## **Senate Resolution 465**

### **Adoption of Senate Rules**

**Sponsor: Senator Miller of the 49<sup>th</sup>**

This resolution revises the Rules of the Senate relating to ethics complaints alleging that a Senate member, officer, or staff member has engaged in improper conduct that reflects negatively upon the Senate, violated the law, or violated any Senate Rule under Part 3 or 4 of Section One of the Rules. Complaints may not be filed against a person more than four years after the alleged conduct occurred or for conduct that was not prohibited by rules or law when the alleged conduct occurred. This resolution also revises language prohibiting expressions of approval or disapproval in the Senate gallery or Senate environs to clarify that the Senate environs include the Senate chamber, anteroom, and the cloakroom.

## **Senator Resolution 466**

### **Commending the 75th anniversary of the WWII Merrill's Marauders mission**

**Sponsor: Senator Harbison of the 15<sup>th</sup>**

This resolution commends the 75<sup>th</sup> anniversary of the WWII Merrill's Marauders Mission and urges Congress to act favorably on legislation to award the Congressional Gold Medal, the highest honor Congress can bestow, to Merrill's Marauders.

## **Senate Resolution 499**

### **Human Trafficking in Metro Atlanta**

**Sponsor: Senator James of the 35<sup>th</sup>**

Under this resolution, the members of the Senate promote an Atlanta that represents the community we once knew rich with arts and education, music history and tradition, acknowledging that human trafficking is the fastest growing criminal enterprise taking over communities. It further acknowledges Pink Boots® on the Ground, a 501(c)3 organization geared toward survivors using their voices to free other women suffering from the effective of traumatic experiences, as the enforcer of HB 141 from 2013, legislation requiring a notice to be posted in certain businesses and establishments detailing information of how human trafficking victims can obtain help and services

*[\[Return to Table of Contents\]](#)*

## **SCIENCE AND TECHNOLOGY**

### **Senate Bill 115**

#### **Telemedicine Licenses; Vaccine Protocol Geographic Requirements**

**Sponsor: Senator Unterman of the 45<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 156)**

This bill authorizes the Georgia Composite Medical Board (Board) to issue telemedicine licenses to physicians who hold a license to practice medicine in another state, and who have had no disciplinary actions taken against them by any other jurisdiction, as well as meet any other requirement established by the Board.

Section 3 of the bill amends vaccine protocol limitations. The bill provides that a physician ordering vaccines via a vaccine protocol must reside in Georgia, and removes the limitation that pharmacists in the vaccine order be located in the physician's county of registration or a contiguous county thereof.

### **Senate Bill 118**

#### **Georgia Telehealth Act**

**Sponsor: Senator Unterman of the 45<sup>th</sup>**

**Effective Date: January 1, 2020 (Signed on May 6, 2019; Act 155)**

This bill renames the Georgia Telemedicine Act, changing it to the Georgia Telehealth Act, and defines “telehealth” as use of information and communications technology to support clinical health care, provider consultation, patient and professional health education, public health, and health administration. “Telemedicine” is redefined in the bill as a form of telehealth using two-way audio or visual communication for delivering health care services as a provider would if they were in-person with the patient. An “insurer” is defined using current law, with this bill amending it to remove “preferred provider organization” from the list of applicable entities.

The bill requires that insurers issue policies which provide coverage for telehealth and telemedicine services under rules created by the state Department of Insurance. The bill further provides the framework for provider reimbursement, prohibited practices by telehealth insurers, and compensation for telehealth sites.

### **Senate Resolution 133**

#### **Urging ATL’s Use of Technology and Intelligent Transport Systems**

**Sponsor: Senator Beach of the 21<sup>st</sup>**

This resolution urges the Atlanta-region Transit Link (ATL) Authority to prioritize and encourage the use of smart and interconnected transport technology to improve transportation safety and reduce traffic accidents.

### **House Bill 197**

#### **Establishing the Georgia Data Analytics Center**

**Sponsors: Senator Underman of the 45<sup>th</sup> and Rep. Dempsey of the 13<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 154)**

This bill establishes the Georgia Data Analytics Center (GDAC), a state project “capable of securely receiving, maintaining, and transmitting data” in accordance with state and federal law. GDAC is to be maintained by the Governor’s Office of Planning and Budget (OPB). Any state department or agency that creates, receives, or maintains publicly supported program, fiscal, or health data, must transmit to or allow access by GDAC to their data but only after entering into a data use agreement. The bill provides that if the Attorney General, or through a department or agency’s own review, decides that transmission of certain data would violate state or federal law, that data is not required to be transmitted to GDAC. Each year, GDAC must publish a report for the General Assembly covering progress of the project.

### **House Bill 481**

#### **Living Infants Fairness and Equality (LIFE) Act – “The Heartbeat Bill”**

**Sponsors: Senator Underman of the 45<sup>th</sup> and Rep. Setzler of the 35<sup>th</sup>**

**Effective Date: January 1, 2020 (Signed on May 7, 2019; Act 234)**

This bill prohibits abortions being administered where there is a detectable heartbeat present in the unborn. Exceptions to this are when a medical emergency exists (either to prevent death or substantial and irreversible injury to the mother), the pregnancy is due to rape or incest (up to 20 weeks into the gestational period), or if a physician has determined the pregnancy is medically futile. The bill requires that medical aid be rendered to any child born alive after an abortion.

The bill provides that the unborn with a detectable heartbeat are to be considered persons, qualifies them as a dependent minor for tax purposes, and requires that they be considered in the definition of a “child” for the purposes of determining child support.

### **House Resolution 239**

#### **Savannah Logistics Technology Innovation Corridor**

**Sponsors: Senator Watson of the 1<sup>st</sup> and Rep. R. Stephens of the 164<sup>th</sup>**

**Effective Date: Upon Governor’s Approval (Signed on May 7, 2019; Act 308)**

This resolution expands the designated path for the Savannah Logistics Technology Innovation Corridor. A technology innovation corridor is able to take advantage of state tax credits and workforce incentives. [\[Return to Table of Contents\]](#)

## **SPECIAL JUDICIARY**

### **Senate Bill 29**

#### **Waiver of Sovereign Immunity in Local Government Motor Vehicle Claims**

**Sponsors: Senator H. Jones II of the 22nd**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 254)**

The bill revises the definitions under O.C.G.A. § 36-92-1, regarding the waiver of immunity for local government motor vehicle claims, to add to the definition of “local government officer or employee” an explicit statement that this term includes “a sheriff, deputy sheriff, or other agent, servant, or employee of a sheriff’s office.”

### **House Bill 92**

#### **Carrying Over Credit for Training Hours for Municipal Judges to Next Calendar Year**

**Sponsors: Senator Brass of the 28th and Rep. Rutledge of the 109th**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 239)**

This bill adds a provision which would allow a municipal court judge who completes more training hours than required by the statute for that calendar year to carry over up to 6 hours of credit toward the training requirement for the next calendar year. The credit would be carried over upon the request of the municipal court judge.

### **House Bill 134**

#### **Reserving Code Section Prohibiting County Law Library Fund for Counties with a Population of 950,000 or More**

**Sponsors: Senator Stone of the 23rd and Rep. Rich of the 97th**

**Effective Date: Upon Governor’s Approval (Signed on May 7, 2019; Act 240)**

Each county in Georgia has a board of trustees of the county law library. Current law provides that the board will have control over funds provided for under this chapter of the Code, and that the funds received will be deposited in a special account, known as the county law library fund, from which the board has the authority to expend the funds in accordance with this chapter. However, current law also provides that in all counties that have a population of 950,000 or more according to the U.S. census, all funds collected for the county law library will be paid into the general treasury for that county, and there will be no county law library fund for that county.

This bill reserves O.C.G.A. § 36-15-11 in its entirety, removing the specific requirements regarding counties with a population of 950,000 or more, discussed above.

### **House Bill 257**

#### **Code Revisions regarding the Council of Magistrate Judges and Other Matters regarding Magistrates**

**Sponsors: Senator Hufstetler of the 52nd and Rep. Scoggins of the 14th**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 227)**

This bill revises the Code section regarding the organization of the officers of the Council of Magistrate Court Judges, allowing the Council to organize itself according to its constitution and bylaws. The bill also removes or reserves certain outdated portions of the Code related to magistrates.

Current law requires each magistrate who takes office to execute a bond in the amount of \$25,000 for the faithful performance of his duties, and the premiums due on such bonds will be paid by the fiscal authority of the county out of county funds. This bill raises the bond to \$100,000. The bill also revises the qualifications for magistrates, to change the requirement that the magistrate

have been a resident of the county for one year next preceding the beginning of his or her term of office to two years. The current law requires that the magistrate be 25 years of age and possess a high school diploma or its equivalent. The bill removes the phrase “or its equivalent” to specify that the prospective magistrate must have a high school diploma or a general education development (GED) diploma. The bill also makes this standard applicable to all magistrates, regardless of how he or she becomes a magistrate. The bill also adds to these requirements that the magistrate remain a resident of the county during his or her term of office, be a citizen of the United States, and be a registered voter.

### **House Bill 492**

#### **Writs of Possession and Applications for Execution of Writ of Possession**

**Sponsors: Senator Stone of the 23rd and Rep. Rich of the 97th**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 230)**

If, following a trial in a dispossessory proceeding, the court enters judgment in favor of the landlord and against the tenant, the court will, among other things, issue a writ of possession, which will be effective at the expiration of seven days after the date such judgment was entered, unless the tenant appeals.

The bill provides that, subject to whether the tenant properly files an appeal and subject to a Code section related to manufactured home, mobile home, trailer, or other type of transportable housing, applications for execution of a writ of possession must be made within 30 days of the issuance of the writ of possession unless the application for the execution of the writ is accompanied by an affidavit showing good cause for the delay in applying for the execution. The failure to execute a writ that complies with these requirements will result in the applicant having to apply for a new writ. This bill defines the phrase “application for execution of a writ of possession” to mean the request or application for a sheriff, constable, or marshal to execute a writ of possession which has been issued pursuant to the Article of the Code regarding dispossessory proceedings. The bill also includes a provision which states that nothing in this Code section will require a sheriff, constable, or marshal to actually execute the writ of possession within 30 days from the issuance of the order granting the writ of possession, or the issuance, application, or request for the execution of the writ of possession.

### **House Bill 502**

#### **Grounds for Continuance for Party or Attorney in the General Assembly, and Continuances for the Attorney General and Board of Regents Members**

**Sponsors: Senator Jordan of the 6th and Rep. Welch of the 110th**

**Effective Date: Upon Governor’s Approval (Signed on May 7, 2019; Act 253)**

This bill revises Code sections regarding requests for a continuance or stay when a party or lead counsel on a case is a member of the General Assembly or one of certain legislative staff members. The bill allows, in some instances, for opposing counsel, a party to the case, the court on its own motion, or (in a criminal proceeding) the victim to object to certain requests for a continuance or stay made outside of certain timeframes listed in the bill. This bill also revises the language in the Code sections regarding postponements or continuances for the Attorney General, members of the Board of Regents, or any member of the State Board of Education. This bill applies to all civil and criminal cases, including but not limited to any case currently initiated within any court in this state.

*The Senate Rules Committee provided a Substitute which made additional changes from the Senate Special Judiciary Committee Substitute, including adding the Office of Legislative Counsel to the provisions for General Assembly members and staff who may qualify for continuances or leave. The Rules Committee Substitute made other changes as well, including for example, providing for continuances and stays for attendance at national legislative conferences and board meetings, caucus meetings, and study committee meetings. A floor amendment in the Senate struck a portion of that language in the context of stays and continuances in criminal proceedings.*

## **STATE AND LOCAL GOVERNMENT OPERATIONS**

### **Senate Bill 171**

#### **Modifies Compensation of Local Government Officials**

**Sponsor: Senator Wilkinson of the 50<sup>th</sup>**

**Effective Date: January 1, 2021 (Signed on May 8, 2019; Act 310)**

This legislation provides a raise to the minimum base annual salary of local government officials based on the county's population determined by the 2010 census, or any future census. For purposes of adjusting the minimum base salary, the census will be effective on January 1 of the second year following the census. The minimum base salary adjustment will include: clerks of superior court; probate court judges; sheriffs; tax collectors; and tax commissioners. Any cost-of-living or general performance-based increases applied prior to January 1, 2021 will no longer be applied on top of the base minimum salary as the existing Cost of Living Adjustments are included in the base salary.

### **House Bill 322**

#### **Local Government Bid Proposals**

**Sponsors: Senator Kirk of the 13<sup>th</sup> and Rep. McCall of the 33<sup>rd</sup>**

**Effective Date: Upon Governor's Approval (Signed on April 28, 2019; Act 64)**

Current law requires bids or proposal opportunities valued at \$10,000 that are extended by a county, municipal corporation, or local board of education for goods and services, be advertised in the Georgia Procurement Registry. This legislation changes that requirement and now provides that bid or proposal opportunities for goods, services, or both, valued at \$100,000 must be advertised by the governmental entity in the Georgia Procurement Registry.

### **House Bill 349**

#### **Authorizes Redevelopment Powers**

**Sponsors: Senator Thompson of the 14<sup>th</sup> and Rep. Martin of the 49<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 6, 2019; Act 189)**

This legislation permits the municipal bounds of a city to be included in the definition of "Area of operation" for redevelopment purposes. This legislation allows a city to utilize the redevelopment powers of the county or redevelopment authority inside the city limits for specific projects. The governing authority must authorize this change each time by resolution, and would not bind a city to more than a single project.

[\[Return to Table of Contents\]](#)

## **STATE INSTITUTIONS AND PROPERTY**

### **House Resolution 1**

#### **Nathan Deal Judicial Complex Center**

**Sponsors: Senator Mullis of the 53<sup>rd</sup> and Rep. Ralston of the 7<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 7, 2019; Act 304)**

This resolution honors former Governor Nathan Deal's lifetime of public service and dedication to the State of Georgia by naming the new state appellate judicial complex as the "Nathan Deal Judicial Center".

### **House Resolution 165**

#### **Conveyance and Lease of State-Owned Real Property**

**Sponsors: Senator Harbison of the 15<sup>th</sup> and Rep. Greene of the 151<sup>st</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 7, 2019; Act 306)**

This resolution authorizes the conveyance of state-owned real property in Baldwin, Chatham, Clayton, Colquitt, and Hall Counties; authorizes the lease of state-owned property in Monroe County; and it also authorizes the ground lease of state-owned property in Forsyth, Fulton, and Rabun Counties. The State Properties Commission is authorized and empowered to effect such conveyances.

### **House Resolution 182**

#### **Authorization of Easements on State-Owned Property**

**Sponsors: Senator Harbison of the 15<sup>th</sup> and Rep. Greene of the 151<sup>st</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 7, 2019; Act 307)**

This resolution authorizes the grant of non-exclusive easements on state-owned property located in Barrow, Camden, Cobb, Floyd, Forsyth, Hall, Houston, Jeff Davis, Montgomery, Paulding and White Counties. These easements will be used for the construction, operation, and maintenance of facilities, utilities, roads, and any ingress and egress within property owned by the state. The State Properties Commission is authorized to manage and oversee the grants of the easement areas.

[\[Return to Table of Contents\]](#)

## **TRANSPORTATION**

### **Senate Bill 79**

#### **Multiple Message Signs**

**Sponsor: Senator Gooch of the 51<sup>st</sup>**

**Effective Date: July 1, 2019 (Signed on April 26, 2019; Act 54)**

This legislation removes the word “mechanical” from the phrase “mechanical multiple message signs” so that the phrase conforms to its definition of “multiple message sign” found in O.C.G.A. § 32-6-71(11.1) which defines "multiple message sign" to mean a sign, display, or device which changes the message or copy on the sign electronically by movement or rotation of panels or slats.

### **Senate Resolution 24**

#### **Urging for a Modified Federal Gas Tax**

**Sponsor: Senator Beach of the 21<sup>st</sup>**

This resolution urges Congress to amend the federal Highway Trust Fund allocation process so that states can retain 10¢ of the 18.4¢ per gallon motor fuel tax collected.

### **Senate Resolution 44**

#### **Interstate 14**

**Sponsor: Senator Harbison of the 15<sup>th</sup>**

This resolution urges Georgia's Congressional delegation to support the proposed expansion of Interstate 14 (I-14) that will stretch from West Texas to the eastern edge of Georgia.

### **Senate Resolution 67**

#### **Road and Bridge Dedications**

**Sponsor: Senator Anderson of the 24<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 7, 2019; Act 309)**

This resolution represents the Senate's annual road and bridge dedications. Please see House Resolution 346 for the House's road and bridge dedications.

### **House Resolution 37**

#### **Georgia Commission on Freight and Logistics**

**Sponsors: Senator Beach of the 21<sup>st</sup> and Rep. Tanner of the 9<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 7, 2019; Act 305)**

This resolution recognizes that Georgia's current and future economic health relies on a thriving and productive freight industry and that a comprehensive and strategic business plan is needed

to develop a statewide freight and logistics infrastructure for the state to remain economically competitive. This resolution, therefore, creates the Georgia Commission on Freight and Logistics to study the needs for, and means of, providing a system of freight and logistics investment projects within and outside metro Atlanta. This study should:

1. Determine the best course of action with regard to funding and policy development to ensure that action taken over the next several years will result in the growth and support of this important industry;
2. Emphasize creating efficiency and coordination among freight and logistics providers and offer solutions to improve mobility across Georgia; and
3. Analyze the benefits of developing alternative freight routes as a means of improving regional and statewide transportation.

### **House Resolution 346**

#### **Road and Bridge Dedications**

**Sponsors: Senator Beach of the 21<sup>st</sup> and Rep. Tankersley of the 160<sup>th</sup>**

**Effective Date: Upon Governor's Approval (Signed on May 6, 2019; Act 212)**

This resolution represents the House's annual road and bridge dedications. Please see Senate Resolution 67 for the Senate's road and bridge dedications. [\[Return to Table of Contents\]](#)

## **VETERANS, MILITARY & HOMELAND SECURITY**

### **Senate Bill 140**

#### **World War I Centennial Commission**

**Sponsor: Senator Harbison of the 15<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 7, 2019; Act 261)**

Under current law, the World War I Centennial Commission stands abolished either 30 days after the date it completes its activities or on July 28, 2019, whichever is earlier. This bill extends the sunset date to December 31, 2019.

### **Senate Bill 170**

#### **Honor and Remember Flag**

**Sponsor: Senator Thompson of the 14<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on May 2, 2019; Act 150)**

This legislation designates the Honor and Remember flag as the state's emblem of the service and sacrifice of the brave men and women of the U.S. armed forces who have given their lives in the line of duty.

### **Senate Resolution 104**

#### **Urging for More Veterans Affairs Facilities in Gwinnett**

**Sponsor: Senator Karinshak of the 48<sup>th</sup>**

This resolution urges the U.S. Department of Veterans Affairs to establish new clinics in Gwinnett County to provide more accessible primary, preventative, and mental health care and services to veterans of Gwinnett County and the surrounding areas.

### **House Bill 25**

#### **Early Termination of Certain Contracts by Service Members**

**Sponsors: Senator Thompson of the 14<sup>th</sup> and Rep. Belton of the 112<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on April 23, 2019; Act 39)**

Because military service members are routinely redeployed from one geographic location to another, various state and federal laws allow service members to terminate certain contracts, such as residential rental leases, prior to the agreement's termination date. This legislation expands this protection to include contracts related to television, video, and audio programming; internet access; and gym memberships. Early termination of these contracts is allowed only if the



service member receives military orders to relocate for a period of service of at least 90 days to a location that does not support the contract. This protection cannot be waived or modified by any agreement of the parties under any circumstances.

### **House Bill 33**

#### **Expired Weapons Carry Licenses and Service Members**

**Sponsors: Senator Kirk of the 13<sup>th</sup> and Rep. Lumsden of the 12<sup>th</sup>**

**Effective Date: July 1, 2019 (Signed on April 26, 2019; Act 60)**

This bill allows a service member, whose weapons carry license has expired while serving on active duty outside of Georgia, to carry any weapon in accordance with such expired license for up to six months after the date of their discharge from active duty or reassignment to Georgia. Such expired weapons carry license will be treated as a renewal license if the service member applies for a renewal within six months from the date of their discharge from active duty or reassignment to Georgia. The service member must provide a copy of their official military orders or a written verification signed by their commanding officer.

[\[Return to Table of Contents\]](#)

## **LEGISLATION CREATING STUDY COMMITTEES, COMMISSIONS**

### *Joint Study Commission*

#### **House Resolution 37 – Georgia Commission on Freight and Logistics**

- Sponsors: Senator Beach of the 21<sup>st</sup> and Rep. Tanner of the 9<sup>th</sup>

### *Senate Study Committees, Commissions*

#### **SR 153 – Senate Study Committee on Revising Voting Rights for Nonviolent Felony Offenders**

- Sponsor: Senator H. Jones of the 22<sup>nd</sup>

#### **SR 202 – Senate Study Committee on Evaluating and Simplifying Physician Oversight of Physician Assistants and Advanced Practice Registered Nurses**

- Sponsor: Senator Hufstetler of the 52<sup>nd</sup>

#### **SR 304 – Senate Athletic Association Study Committee**

- Sponsor: Senator Thompson of the 14<sup>th</sup>

#### **SR 318 – Senate Commission on Freight, Innovation, and Logistics**

- Sponsor: Senator Beach of the 21<sup>st</sup>

#### **SR 325 – Senate Study Committee on Portable Benefits for Independent Workers**

- Sponsor: Senator Parent of the 42<sup>nd</sup>

#### **SR 353 – Senate Study Committee on Community Schools**

- Sponsor: Senator E. Jones of the 10<sup>th</sup>

#### **SR 366 – Senate Passenger Vehicle Seat Safety Belt Study Committee**

- Sponsor: Senator T. Anderson of the 43<sup>rd</sup>

#### **SR 367 – Senate Gaming and Pari-Mutual Wagering on Horse Racing and Growing Georgia’s Equine Industry Study Committee**

- Sponsor: Senator Beach of the 21<sup>st</sup>

#### **SR 371 – Senate Protections from Sexual Predators Study Committee**

- Sponsor: Senator Kirk of the 13<sup>th</sup>

**SR 431 – Senate Reducing Waste in Health Care Study Committee**

- Sponsor: Senator James of the 35<sup>th</sup>

**SR 433 – Senate Reducing Georgia’s Cost of Doing Business Study Committee**

- Sponsor: Senator Gooch of the 51<sup>st</sup>

**SR 442 – Senate Study Committee on Creating a Georgia Agricultural Marketing Authority**

- Sponsor: Senator Walker of the 20<sup>th</sup>

**SR 452 – Senate Study Committee on the Financial Efficiency Star Rating**

- Sponsor: Senator E. Jones of the 20<sup>th</sup>

**SR 460 – Senate Agriculture, Forestry, and Landscape Workforce Access Study Committee**

- Sponsor: Senator Wilkinson of the 50<sup>th</sup>

**SR 464 – Senate Higher Education Outcomes Study Committee**

- Sponsor: Senator Martin of the 9<sup>th</sup>

**SR 468 – Senate Study Committee on Educational Development of African American Children in Georgia**

- Sponsor: Senator Davenport of the 44<sup>th</sup>

**SR 479 – Senate Evaluating E-Scooters and Other Innovative Mobility Options for Georgia Study Committee**

- Sponsor: Senator Gooch of the 51<sup>st</sup>

*[Return to Table of Contents]*

**VETOED LEGISLATION**

The following general bills were vetoed by Governor Brian Kemp on May 10, 2019. For a complete list of all vetoes, including budget line items, local bills, and the issued Veto Statements, please visit the Governor’s website at: <https://gov.georgia.gov/vetoed-legislation/2019>.

**House Bill 83 – Mandatory Recess for Elementary Students**

- Sponsors: Senator Mullis of the 53<sup>rd</sup> and Rep. Douglas of the 78<sup>th</sup>

**House Bill 187 – Obesity Treatment and Management Pilot Program for Public Employees**

- Sponsors: Senator Burke of the 11<sup>th</sup> and Rep. Dempsey of the 13<sup>th</sup>

**House Bill 279 – DOR Motor Vehicles used for Off-Duty Employment**

- Sponsors: Senator Robertson of the 29<sup>th</sup> and Rep. Lumsden of the 12<sup>th</sup>

**House Bill 311 – Waiver of Sovereign Immunity for Certain Claims Seeking Declaratory or Injunctive Relief**

- Sponsors: Senator Kennedy of the 18<sup>th</sup> and Rep. Welch of the 110<sup>th</sup>

**House Bill 516 – Professional Structural Engineers and Structural Engineering; and Kickboxing**

- Sponsors: Senator Harper of the 7<sup>th</sup> and Rep. Smith of the 133<sup>rd</sup>

**House Resolution 51 – Creating the Joint Georgia-North Carolina and Georgia-Tennessee Boundary Line Commission**

- Sponsors: Senator Dolezal of the 27th and Rep. Morris of the 26th

**Senate Bill 15 – Keeping Georgia's Schools Safe Act**

- Sponsor: Senator Albers of the 56<sup>th</sup>

**Senate Bill 75 – Veterinary Medicine Professional Health Program and Additional Member to State Board of Veterinary Medicine**

- Sponsor: Senator Black of the 8<sup>th</sup>

**Senate Bill 80 – Georgia Sports Hall of Fame Authority**

- Sponsor: Senator Lucas of the 26<sup>th</sup>

**Senate Bill 103 – Two Priority Parking Spaces for Veterans at Airports**

- Sponsor: Senator Davenport of the 44<sup>th</sup>

**Senate Bill 120 – Economic Analysis on Income Tax Credits, Sales and Use Tax Exemptions Upon Request**

- Sponsor: Senator Albers of the 56<sup>th</sup>

**Senate Bill 153 – Trauma Scene Waste Management Practitioners**

- Sponsor: Senator Harper of the 7<sup>th</sup>

*[\[Return to Table of Contents\]](#)*