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Weekly Legislative Report #3

Week Ending January 27, 2017

Amended FY 17 Budget Passes House

The Georgia House passed the [FY 17 amended budget](#) on Thursday and sent it over to the Senate. The appropriations bill incorporates \$660 million in excess revenues that have accumulated since the beginning of the fiscal year on July 1, 2016. The measure includes \$111 million for local school systems to handle student enrollment growth, \$27 million to cover a 20% pay raise for state law enforcement officers and \$50 million to build a new cyber security facility in Augusta. There's \$2.2 million in the budget to enable the Dept. of Community Affairs to prepare for the next census count and \$768,000 to increase the salaries of nurse surveyors under the Dept. of Community Health. Lawmakers put \$5 million of the new money into the Governor's emergency fund to provide assistance to South Georgia counties hit by tornadoes and wind storms in January. The House will begin hearings on FY 2018 budget next week.

Legislators Roll the Dice on ~~Casinos~~ "Destination Resorts"

One House bill, [HB 158](#) (Ron Stephens-R), and one Senate bill, [SB 79](#) (Brandon Beach-R), have been introduced to create a Georgia Gaming Commission tasked to regulate "Destination Resorts" that will be permitted to feature "certain gaming activities" (the word "casino" is avoided). The identical bills call for only two of these specialized resorts in the state -- one larger development in a county exceeding 900,000 population in the most recent U.S. decennial census (Fulton) and the other in a county with a population between 250,000 and 900,000 (Chatham, Cobb, DeKalb, Gwinnett, or Clayton). The Gaming Commission, composed of five people (three appointed by the Governor), shall determine in which county the resorts should be placed. The larger of the two resorts requires a \$2 billion investment, including a 1,000-room hotel. The smaller of the two requires a \$450 million investment. The resorts are so-named because they would be obligated to produce 60% of their gross revenues from non-gaming activities.

Each of the two resorts will also be compelled to contribute \$250,000 annually to a program to fight compulsive or addictive gambling.

The gross gaming income from the resorts will be taxed at a rate of 20%. Of those tax proceeds, 70% will be transferred to the HOPE Scholarship fund and 30% to a needs-based college scholarship fund to be created within the Student Finance Commission.

The legislation is believed to have the support of Governor Deal, but opinion in the legislature is definitely mixed, ranging from out-right opposition, to those who think communities such as Augusta, Macon and Columbus should also have a shot at landing such major job/economic development engines. At least some Democratic legislators from these areas want four or five resorts permitted. That's important because the above bills cannot be enacted without Georgians passing a constitutional amendment on the November 2018 ballot. Resolutions to put a constitutional amendment on that ballot are expected to be dropped next week, but they require a two-thirds majority to pass in each House. With division among Republicans, the votes of Democrats will be necessary, giving these smaller cities some significant leverage on determining the eventual number of casinos permitted.

Taking a Gamble on Changing the Lottery Formula

Under [SB 5](#), (Bill Cowsert-R), Georgia's lottery officials would have to contribute a higher percentage of gross lottery sales to educational programs and devote less to winner payouts, salaries and administrative costs. Supporters are gambling that Georgia's HOPE program could reap a larger percentage of the lottery's take and also increase its overall income. The Lottery Corporation has [statistics](#) on its web site that argue a higher percentage of proceeds going to HOPE (thus reducing the amount of payouts) may actually decrease the total dollars available for educational programs by curtailing participation. SB 5 stair-steps distribution of lottery proceeds at 26% of gross sales going to HOPE and Pre-K programs in fiscal year 2018, 28% the following year, and 30% in FY 2020. Should gross sales decrease by 5% or more in a fiscal year, the percent of return would be frozen at the corresponding level.

Transit Council and Transit Commission Proposed

Sen. Steve Gooch (R-Dahlonega) has introduced [SB 6](#) to create the Georgia Regional Transit Council to be composed of approximately 20 legislators, state and local government officials, and transportation planning officials. Under the legislation, the council would hire an outside consulting firm to help them develop a structure for a comprehensive statewide system.

The bill states that the council will “develop a strategic plan for this state's transit services that emphasizes creating efficiency and coordination by offering solutions to improve arterial mobility, develop alternative freight routes, and plan for a future of transportation innovations. The strategic plan shall be finalized and made available to the public by December 31, 2018; provided, however, that with approval of the Speaker of the House of Representatives and the President of the Senate, the council may continue its development until December 31, 2019, at which time its strategic plan shall be published.”

“You've got a lot of different transit systems operating, but they're not operating as efficiently as they could or working together as well as we'd like to see it,” Gooch explained.

A similar bill, [HB 160](#) (Rep. Kevin Tanner-R), has been dropped in the House creating the Georgia Commission on Transit Governance and Funding. It has a slightly different composition and focus. The House Commission would “study and assess the needs for, potential methods of funding of, and means of providing a system of mass transportation and facilities for any one or more metropolitan areas in this state.” This Commission’s report would be due at the end of 2017.

GDoT Board Members Reelected

Two members of the State Board of Transportation were reelected to their posts in the Senate Chambers on Wednesday. Ann Purcell from the First Congressional District and Sam Wellborn, representing the Third District were approved by acclamation and without opposition. GDoT Board members are chosen by a vote of the state representatives and senators from their respective Congressional districts to serve five-year terms. Wellborn, a retired banker from Columbus, has served five terms already. Purcell, from Effingham County, will be starting her second term on the board following an 18-year career as a State Representative.

Surprise Billing Addressed

Sen. Renee Unterman (R-Buford) has introduced [SB 8](#), a bill intended to address situations where a hospital patient has surgery or goes to the emergency room for treatment and thinks that the medical services are covered by their health insurance. The hospital and even the primary surgeon may be in their insurance network, but when the bills come they discover that a radiologist, anesthesiologist or other specialist who participated in the patient’s care is not. The “out-of-network” portion of the eventual bill can amount to tens of thousands of dollars.

“People are being forced into bankruptcy by out-of-network billing,” said Unterman, noting examples where medical bills total \$100,000 or more.

SB 8 would require providers to disclose to the patient prior to the performance of non-emergency medical services that they are not part of the insurance carrier’s authorized network. Insurers would have to disclose to their insured similar information about the providers that are part of their network. SB 8 has a bipartisan group of sponsors that includes Republicans Unterman and Greg Kirk and Democrats Nan Orrock, Elena Parent, and Gloria Butler.

A similar bill, [HB 71](#), is being sponsored in the House by Rep. Richard Smith (R-Columbus).

Georgia’s Probation Rate Is Problematic

Georgia’s Chief Justice Harris Hines delivered the “State of the Judiciary” to a joint session of the General Assembly on Wednesday. He told legislators that “Georgia has the highest probation rate in the nation.” While our prison rate is comparable to that of other Southeastern states, Harris told legislators, “We place four times as many adults on probation per capital than the

national average . . . and we keep them on probation longer.” According to the gravely-voiced justice, half of probationers find themselves in the system for misdemeanors, including infractions as minor as being unable to pay a \$100 fine for a broken tail light. Hines urged legislators to adopt recommendations being offered by the Council on Criminal Justice to address the problem.

The Chief Justice went on to discuss the need to provide legal assistance to persons, families and companies that aren’t affluent enough to hire their own lawyer, yet aren’t poor enough to qualify for legal aid services. “Financially solid individuals and large businesses can afford lawyers, but many mom and pop grocery stores, family farms and working class families struggle mightily to pay for legal services,” he said.

“This leads to too many Georgians having to represent themselves in court,” Hines explained. “I in no way suggest that we abandon our efforts to help the indigent, as there is a waiting list of those trying to get help from overworked legal aid attorneys,” he said. “But we must address this gap into which people of modest means have fallen.”

Tracking List

Here are the bills we are tracking. **New activity is noted in red.** Click on the [Bill Number](#) to access the current version of the bill.

The 2017 Legislative Session is the first session of the 2017-2018 Term of the Georgia General Assembly. Therefore, bills not passed or defeated during this session will be carried over to the 2018 session. Bills pending in the House or Senate Rules Committees at adjournment sine die of the 2017 session will be recommitted to the committee from whence they came.

Aging and Adult Services

[SB 12, Dental hygienists practice](#), (Sen. Renee Unterman-R)

Regulates the practice of dental hygienists when the supervising dentist is not in same building. **Status:** **Referred to Health and Human Services Cmte**

City & County Governments and Regional Commissions

[HB 33, Individuals appointed to authorities and boards be U.S. citizens](#), (Rep. Brad Raffensperger-R)

Relating to general provisions applicable to counties, municipal corporations, and other governmental entities; general provisions regarding eligibility and qualifications for public office; and general provisions relating to state government, respectively, so as to require that individuals appointed to authorities, boards, councils, and commissions be United States citizens or nationals, lawful permanent residents, or aliens having lawful status to be present in the United States. **Status:** Referred to Judiciary Cmte

[HB 42, Correct mistakes and omissions on ballots for a primary or election](#), (Rep. Eddie Lumsden-R)

Relating to elections and primaries generally, so as to authorize election superintendents to correct mistakes and omissions on ballots for a primary or election. **Status:** Referred to Governmental Affairs Cmte

[HB 61, Retailers to collect and remit or notify purchaser and state of sales/use tax](#), (Rep. Jay Powell-R)

Relating to imposition of tax, rates, and collection, so as to require certain retailers to either collect and remit sales and use taxes or provide certain notifications to each purchaser and the state. **Status:** House Hopper, [Referred to Ways & Means Cmte](#)

[HB 62, Revise provisions for judgments and rulings deemed directly appealable](#), (Rep. Jay Powell-R)

Relating to appellate practice, so as to revise provisions regarding those judgments and rulings deemed directly appealable; to amend Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to state sales and use tax. **Status:** House Hopper, [Referred to Judiciary Cmte](#)

[HB 66, Certain fees for money transmission transactions by financial institutions](#), (Rep. Jeff Jones-R)

Relating to sale of payment instruments, so as to provide for the imposition of certain fees upon money transmission transactions completed by financial institutions for individuals; to provide for compensation to financial institutions for reporting and paying fees; to amend Article 3 of Chapter 7 of Title 48 of the O.C.G.A., relating to income tax returns and furnishing of information, so as to provide for a tax credit for residents in the amount of certain assessed money transmission transaction fees paid by such residents; to provide for a reimbursement for certain residents in the amount of certain assessed money transmission transaction fees paid by such residents. **Status:** [Referred to Ways & Means Cmte](#)

[HB 69, Reporting of statistics related to the classification of counties into tiers for economic development](#), (Rep. Paulette Rakestraw-R)

Relating to imposition, rate, computation, and exemptions from state income taxes, so as to provide for the reporting of statistics related to the classification of counties into tiers for economic development purposes. **Status:** [Referred to Ways & Means Cmte](#)

[HB 70, Reclassify counties with certain percentage who commute outside county for work](#), (Rep. Paulette Rakestraw-R)

Relating to imposition, rate, computation, and exemptions from state income taxes, so as to provide that a county with a certain percentage of workers who commute outside such county for work shall be reclassified one tier lower in the county tier system for economic development purposes. **Status:** [Referred to Ways & Means Cmte](#)

[HB 73, Income tax credit incentives to promote rural downtown revitalization](#), (Rep. Penny Houston-R)

Relating to the imposition, rate, computation, and exemptions from state income taxation, so as to provide tax credit incentives to promote the revitalization of vacant rural Georgia downtowns by encouraging investment, job creation, and economic growth in long-established business districts. **Status:** [Referred to Ways & Means Cmte](#)

[HB 95, Change certain property tax definitions](#), (Rep. Jay Powell-R)

Relating to ad valorem taxation of property, so as to change certain definitions regarding such taxation. **Status:** [Referred to Ways & Means Cmte](#)

[HB 146, Fire departments to maintain certain insurance coverage for firefighters](#), (Rep. Micah Gravley-R)

Relating to general requirements for legally organized fire departments, so as to require such fire departments to purchase and maintain certain insurance coverage for firefighters. **Status:** [Referred to Insurance Cmte](#)

[HB 152, Occupational disease; firefighter show certain evidence](#), (Rep. Micah Gravley-R)

Relating to compensation for occupational disease, so as to allow a firefighter to show certain evidence as to the ordinary disease of life of cancer. **Status:** [Referred to Industry and Labor Cmte](#)

[HR 39, House Study Committee on Enhancing Economic Development Through the County Tier System](#), (Rep. Paulette Rakestraw-R)

A RESOLUTION creating the House Study Committee on Enhancing Economic Development Through the County Tier System. **Status:** [Referred to Special Rules Cmte](#)

[SB 2, "The FAST Act - Empowering Our Small Businesses to Succeed"](#), (Sen. Mike Dugan-R)

Relating to general provisions applicable to counties and municipal corporations, general provisions regarding professions and businesses, and state government, respectively, so as to enhance accountability and notice requirements for agency rule making so as to reduce regulatory burdens on businesses. **Status:** Referred to Economic Development and Tourism Cmte

Disabilities and Mental Health

[SB 4, Georgia Mental Health Treatment Task Force](#), (Sen. Renee Unterman-R)

Relating to medical assistance generally, so as to establish the Georgia Mental Health Treatment Task Force; to provide for legislative findings; to provide for the membership, duties, compensation, and expense allowances; to develop applications for a Medicaid waiver and block grant funding; to prohibit the submission of a mental health Medicaid waiver application without legislative approval. **Status:** Referred to Health and Human Services Cmte

[SB 40, Authorize EMS personnel to transport certain mentally ill patients](#), (Sen. Renee Unterman-R)

Relating to examination, hospitalization, and treatment of involuntary patients, so as to provide for authorization of emergency medical services personnel to transport certain mentally ill patients under certain circumstances. **Status:** Referred to Health and Human Services Cmte

[SB 52, Repeal sunset provision authorizing licensed professional counselor](#), (Sen. P. K. Martin IV-R)

Relating to mental health and authorizing a licensed professional counselor to perform certain acts. **Status:** Referred to Health and Human Services Cmte

Economic Development

[HB 158, Creation of Georgia Gaming Commission and Destination Resorts](#), (Rep. Ron Stephens-R)

Relating to the creation, membership, appointments, and duties of the Georgia Gaming Commission; to authorize the licensing of up to two destination resorts. **Status:** Dropped in Hopper

[SB 17, Local authorities to authorize Sunday times to sell alcoholic beverages](#), (Sen. Renee Unterman-R)

Relating to alcoholic beverages, so as to provide that governing authorities of counties and municipalities in which the sale of alcoholic beverages for consumption on the premises is lawful may authorize sales of such alcoholic beverages during a certain time on Sundays. **Status:** Referred to Regulated Industries and Utilities Cmte

[SB 79, Creation of Georgia Gaming Commission and Destination Resorts](#), (Sen. Brandon Beach-R)

Relating to the creation, membership, appointments, and duties of the Georgia Gaming Commission; to authorize the licensing of up to two destination resorts. **Status:** Dropped in Hopper

Health – General

[HB 65, Change conditions and eligibility for Low THC Registry](#), (Rep. Allen Peake-R)

Change provisions relating to conditions and eligibility; to provide a definition; to remove certain reporting requirements for the Low THC Registry. **Status:** House Hopper, Referred to Judiciary Non-civil Cmte

[HR 14, Create a Joint Study Committee on the Creation of High-Tech Health Incubators for Job Growth](#), (Rep. Brad Raffensperger- R)

Creating the Joint Study Committee on the Creation of High-Tech Health Incubators for Job Growth for Georgia; and for other purposes. **Status:** Referred to Special Rules Cmte

[HR 36, Production and sale of medical cannabis to individuals for medical use](#), (Rep. Allen Peake-R)

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to provide by law for the regulation of the production of cannabis and sale of medical cannabis to certain individuals for medical usage as provided by law; to provide that the fees paid from the production of

cannabis and state tax proceeds from the sale of medical cannabis be dedicated. **Status:** Referred to Judiciary Non-Civil Cmte

[SB 16, Change conditions and eligibility for use of low THC Oil.](#) (Sen. Ben Watson-R)

Relating to the regulation of low THC oil and the establishment of the Low THC Oil Patient Registry, definitions, purpose, registration cards, quarterly reports, and waiver forms, respectively, so as to change the definition of low THC oil; to change provisions relating to conditions eligible for use of low THC oil. **Status:** Referred to Health and Human Services Cmte

[SB 25, Create Georgia Health Care Transparency Initiative.](#) (Sen. Joshua McKoon-R)

Relating to general provisions of insurance, so as to create the Georgia Health Care Transparency Initiative; to provide for definitions; to provide for a purpose; to provide for a Georgia Health Care Initiative Board; to provide for the board's membership and duties; to provide for the Commissioner's duties; to provide for subcommittees. **Status:** senate hopper, Referred to Insurance and Labor Cmte

Health – Public Health

[HB 28, Test for lead contamination in drinking water, public and private schools.](#) (Rep. Billy Mitchell-D)

To require testing of drinking water in public and private schools for lead contamination; to provide for remediation plans or alternate sources of drinking water. **Status:** Referred to Education Cmte

[HB 38, Issuance of license for three-wheeled motor vehicle.](#) (Rep. Alan Powell-R)

Provide for the issuance of a noncommercial Class C driver's license for the operation of three-wheeled motor vehicles equipped with a steering wheel for directional control; to provide for the issuance of a noncommercial Class M driver's license for the operation of motorcycles equipped with handlebars for directional control. **Status:** referred to Motor Vehicles Cmte, House Committee Favorably Reported

Hospitals

[HB 54, Change certain amounts eligible for tax credit for rural hospitals.](#) (Rep. Geoff Duncan-R)

Relating to hospital care for the indigent generally, so as to provide for an additional reporting requirement for rural hospitals; make changes relating to the imposition, computation, rate, and exemptions from income taxes. **Status:** Referred to Ways & Means Cmte

[HB 71, Insurance; consumer protections regarding health insurance.](#) (Rep. Richard Smith-R)

Relating to insurance, so as to provide for consumer protections regarding health insurance; to provide for definitions; to provide for disclosure requirements of providers, hospitals, and insurers; to provide for network composition; to provide for billing and reimbursement of in-network and out-of-network services; to provide for payment of emergency services. **Status:** Referred to Insurance Cmte

[HB 81, Health facilities to receive tax refund setoffs for collection of medical debts.](#) (Rep. Tom McCall-R)

Relating to income taxes, so as to allow certain health care facilities to receive income tax refund setoffs for collection of medical debts. **Status:** Referred to Ways & Means Cmte

[SB 8, Surprise Billing and Consumer Protection Act.](#) (Sen. Renee Unterman-R)

To provide for disclosure requirements of providers, hospitals, and insurers; to provide for billing and reimbursement of out-of-network services; to provide for procedures for dispute resolution for surprise bills for nonemergency services; to provide for payment of emergency services; to provide for an out-of-network reimbursement rate workgroup. **Status:** Referred to Health and Human Services Cmte

[SB 14, Clarify the amount of a state income tax credit for rural hospitals.](#) (Sen. Dean Burke-R)

Relating to imposition, rate, computation, and exemptions from state income taxes, so as to clarify the amount of an exemption for certain entities under the contributions to rural hospitals income tax credit. **Status:** Referred to Finance Cmte

[SB 44, Exempt from public disclosure the identities of donors to rural hospitals](#), (Sen. Dean Burke-R)
Relating to when public disclosure not required, so that the identities of individual and corporate donors to rural hospital organizations are exempt from public disclosure. **Status:** Referred to Health and Human Services Cmte

[SB 50, "Direct Primary Care Act"](#) (Sen. Hunter Hill-R)
Relating to kinds of insurance, limits of risks, and reinsurance, so as to provide definitions; to provide that direct primary care agreements are not insurance; to exempt such agreements from regulation as insurance. **Status:** Referred to Insurance and Labor Cmte

[SB 70, Extend hospital Medicaid Financing Program](#), (Sen. Butch Miller-R)
Relating to the hospital Medicaid financing program, so as to extend the sunset provision. **Status:** Referred to Finance Cmte

Insurance

[HB 74, Change life risk-based capital trend test to comply with accreditation standards](#), (Rep. Darlene Taylor-R)
Relating to company action level events, preparation and submission of risk-based capital level plan, so as to change the life risk-based capital trend test in order to comply with accreditation standards. **Status:** Referred to Insurance

Pharmaceuticals

[HB 30, Add synthetic opioid to Schedule I Controlled Substances](#), (Rep. Kevin Tanner-R)
Relating to Schedule I controlled substances, so as add a synthetic opioid to Schedule I. **Status:** Referred to Judiciary Non-Civil Cmte

[HB 35, Pharmacy benefits managers required to confirm receipt of prior approval request within 48 hours](#), (Rep. Bruce Broadrick-R)
Relating to regulation and licensure of pharmacy benefits managers, so as to require confirmation of receipt of prior approval requests for prescription drugs within 48 hours. **Status:** Referred to the Insurance Cmte

Taxes

[HB 56 Levy a tax on persons who enter certain rental agreements](#), (Rep. Ron Stephens-R)
Relating to specific, business, and occupation taxes, so as to levy and impose a tax on persons who enter certain rental agreements with certain equipment rental companies within a certain period of time; to provide for definitions; to require such equipment rental companies to collect such taxes and hold them in escrow for a period of time; to provide that such companies shall pay their ad valorem tax liability for certain rental equipment with such taxes and shall remit any excess funds to the general fund of the state treasury; to provide for the reporting of statistical data related to such tax. **Status:** Referred to Ways & Means Cmte

[HB 59, Tax credits for rehabilitation of historic structures](#), (Rep. Ron Stephens-R)
Changes to tax credits for the rehabilitation of historic structures, so as to revise procedures, conditions, and limitations. **Status:** House Hopper, Referred to Ways & Means Cmte

[HB 89, Type of investor eligible for certain income tax credits](#), (Rep. Dar'shun Kendrick-D)
Relating to income taxes, so as to add a type of investor eligible for certain tax credits. **Status:** Referred to Ways & Means Cmte

Transportation

[HB 58, Reference date to federal regulations regarding the safe operation of commercial vehicles](#), (Rep. Terry Rogers-R)

Relating to safe operation of motor carriers and commercial motor vehicles, so as to update the reference date to federal regulations regarding the safe operation of motor carriers and commercial motor vehicles.

Status: Referred to Motor Vehicles Cmte

[HB 68, Emergency pull off shoulders for motor vehicles in construction zones](#) (Rep. Andrew Welch-R)

Relating to general provisions relative to regulation of maintenance and use of public roads, so as to provide for emergency pull off shoulders for motor vehicles in construction zones of road expansion projects. **Status:** Referred to Transportation Cmte

[HB 96, Change definitions of rooms, lodgings, and accommodations for excise tax](#), (Rep. Jay Powell-R)

Relating to excise tax on rooms, lodgings, and accommodations, so as to change certain definitions regarding such taxes. **Status:** Referred to Ways & Means Cmte

[HB 103, Change certain definitions for motor fuel and road taxes](#), (Rep. Jay Powell-R) Relating to motor fuel and road taxes, so as to change certain definitions regarding such taxes; to provide an effective date.

Status: referred to Ways & Means Cmte

[HB 107, Change definitions for rooms, lodgings, and accommodations for excise tax](#), (Rep. Jay Powell-R)

Relating to excise tax on rooms, lodgings, and accommodations, so as to change certain definitions regarding such taxes. **Status:** Referred to Ways & Means Cmte

[HB 134, Change provisions of special district mass transportation sales tax](#), (Rep. Bubber Epps-R)

Relating to general provisions regarding the special district mass transportation sales and use tax, so as to change the definition of transportation purposes regarding such tax; to change certain provisions relating to special districts and the imposition of such tax. **Status:** Referred to Ways & Means Cmte

[HB 160, Georgia Commission on Transit Governance](#), (Rep. Kevin Tanner-R)

Relating to mass transportation, so as to create the Georgia Commission on Transit Governance and Funding; to provide for the membership, powers, and duties of the commission; to provide for a report and proposal by the commission. **Status:** Dropped in Hopper

[SB 6, Georgia Regional Transit Council](#), (Sen. Steve Gooch-R)

Relating to commissions and other agencies, so as to create the Georgia Regional Transit Council; to provide for legislative intent; to provide for definitions; to provide for the membership, powers, and duties of the council; to provide for a report and proposal by the council; to provide for assignment of the council to the Department of Transportation for administrative purposes; to provide for compensation and expenses. **Status:** Referred to Transportation Cmte

[SB 58, Repeal the excise tax on hotel and motel room rentals](#), (Sen. Joshua McKoon-R) Relating to an excise tax on hotel and motel room rentals, so as to repeal such provision; to provide for an effective date.

Status: Referred to Finance Cmte

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