



# Legislative Update

Volume # 10, Issue 12– April 25, 2019

## 2019 Session of the General Assembly Ends

The 2019 Session of the General Assembly ended at midnight on Tuesday, April 2<sup>nd</sup>. This was the first year of the biennial legislative session, so all bills introduced this year that did not pass remain eligible for passage next year. The 2019 Session ushered in new leadership in the Senate and the Governor's Office. ACCG met with our new leaders, Governor Kemp and Lt. Governor Duncan, on policy issues of importance to counties and expressed our desire to continue a strong partnership between state and local government. ACCG and GMA also strengthened the partnership between counties and cities this Session by working very closely on many policy objectives impacting both counties and cities. The Policy Councils of both organizations also hosted a dinner for legislators that were former local officials.

ACCG made progress on several of our policy objectives in the 2019 ACCG Legislative Agenda including the passage of guidelines for small cell (5G) deployment (SB 66), authorization for EMCs to provide broadband services (SB 2), increasing TAVT by eliminating trade-in abuse on used car sales (SB 65), improving the collection of sales tax on out-of-state vendors (HB 182), clarifying the law on passing stopped school buses (SB 25), creation of a new commission on behavioral health (HB 514) and the defeat of HB 411 that would prohibit local governments from placing fees on their property tax bills. Several funding objectives were also accomplished, including \$150 million to replace voting equipment in all counties, a \$2 increase in the daily per diem for county correctional institutes, \$26 million in new funding for behavioral health crisis centers, and \$33.7 million to bring current FLPA grant reimbursements to local governments.

The following report summarizes bills that passed along with their effective dates. The report also documents the bills that did not pass but remain eligible for passage next year and study committees that have been created to possibly recommend legislative action next year. If you have any questions about legislation passed and/or considered during the 2019 Session please email the appropriate ACCG Policy Staff member listed at the beginning of each section of the report using the contact information on the last page of this report.

This report also contains a review of the final appropriations bills and lists items of interest to counties by state agency. For a complete overview, see Appendix E for the 2019 Supplemental Budget and Appendix F for the 2020 Budget.

ACCG thanks all commissioners, County Legislative Coordinators (CLC's), and county staff that supported the association's Legislative Agenda this year by meeting with legislators and making personal contact through phone calls and emails. A special thank you to this year's Policy Council for their hard work and dedication. County officials serve as the critical component of the ACCG advocacy efforts.

Your involvement was instrumental in passing legislation that will benefit counties and stopping or modifying several bills that would have been detrimental to Georgia's local governments.

## Bills Passed

### ECONOMIC DEVELOPMENT & TRANSPORTATION

[Staff: Kathleen Bowen / Larry Ramsey]

**[HB 224 Tax Credits for Job Creation in Rural Counties](#)** (Rep. Bruce Williamson, 115<sup>th</sup>) *Effective July 1, 2019. The provisions described below shall be applicable to taxable years beginning on or after January 1, 2020.* This legislation would allow businesses in certain rural and economically distressed counties to utilize the investment tax credit against payroll withholding. In addition, in rural and economically distressed counties, the number of jobs necessary to qualify for the quality jobs tax credit is lowered from the creation of 50 jobs to 10 new jobs in Tier 1 counties and the creation of 25 new jobs in Tier 2 counties. This legislation defines "rural county" as a county that has a population of less than 50,000 with 10 percent or more of such population living in poverty based upon the most recent, reliable and applicable data published by the US Bureau of Census.

**[HB 352 Sales Tax Exemption for Projects of Regional Significance](#)** (Rep. Bert Reeves, 34<sup>th</sup>) *Effective July 1, 2019.* This legislation extends, through June 30, 2021, the existing sales tax exemption for goods used in the construction of a "competitive project of regional significance," which is the location or expansion of a business's operations in Georgia that the Georgia Department of Economic Development determines will have a significant regional impact.

**[HB 454 Rules of the Road for Electric Assisted Bicycles](#)** (Rep. Kevin Tanner, 9<sup>th</sup>) *Effective July 1, 2019.* This legislation establishes regulations for electric assisted bicycles ("e-bikes") and defines three classes of e-bikes. E-bikes would follow the same rules of the road as human powered bikes and local governments would have the authority to allow or restrict the use of e-bikes on bicycle paths or shared paths where bicycles are permitted.

**[HR 37 Georgia Commission on Freight and Logistics](#)** (Rep. Kevin Tanner, 9<sup>th</sup>) This resolution creates a joint House and Senate Commission that is tasked with studying and assessing the freight and logistics infrastructure, investment projects and priorities in Georgia. The commission would consist of 22 members, four of which would be local government officials.

**[HR 214 House Rural Development Council: Reauthorized](#)** (Rep. Sam Watson, 172<sup>nd</sup>) This resolution reauthorizes the House Rural Development Council until December 31, 2020.

**[HR 368 / SR 44 Resolution Supporting the Proposed Interstate 14 through GA](#)** (Richard Smith, 134<sup>th</sup> / Ed Harbison, 15<sup>th</sup>) This resolution urges support for Interstate 14, a proposed highway that would run from Interstate 10 in West Texas to Interstate 20 in Augusta, Georgia. Many counties in Middle Georgia have passed resolutions supporting this effort.

**[SB 103 Priority Airport Parking Spaces for Veterans](#)** (Sen. Gail Davenport, 44<sup>th</sup>) *Effective July 1, 2019.* This legislation requires all publicly owned, controlled or operated airports that provide commercial air service to provide at least two priority parking spaces for veterans.

**GENERAL COUNTY GOVERNMENT**  
**[Staff: Todd Edwards]**

**[HB 33 Weapons Permit – Renewal of Extension for Active Military](#)** (Rep. Eddie Lumsden, 12<sup>th</sup>)

*Effective July 1, 2019.* This legislation enables active duty military service members to have an extension on renewing their weapons carry license. If the license expires while the service member is on active duty outside the state, the individual has six months from their return to renew it, via the presentation of their official military orders, without being required to obtain a new license.

**[HB 311 Waiver of Sovereign Immunity for Non-Monetary Claims](#)** (Rep. Andy Welch, 110<sup>th</sup>)

*Effective July 1, 2019 and applicable to causes of action accruing on or after that date.* In response to several Georgia Supreme Court cases in recent years, this legislation waives the sovereign immunity of the state, counties, and cities with respect to certain non-monetary claims. As to local governments, a party could ask a court for an injunction or declaratory judgment based on an allegation that the government is acting in violation of 1) the U.S. or Georgia Constitution; 2) state statute; 3) a state rule or regulation; or 4) a local ordinance other than a zoning ordinance. Such claims would have to be preceded by 30-days' notice to the government. A losing bidder in a public procurement would also have the power to challenge the award of a contract if that legal challenge is filed within 10 days of the contract's award; performance of that contract would be delayed for that same 10-day period except in emergency situations. Other provisions limit lawsuits against government officers and employees in their individual capacity.

**[HB 314 – Boat Titles](#)** (Rep. Ron Stephens, 164<sup>th</sup>)

*Effective July 1, 2020.* This legislation requires the issuance of ownership titles for all watercraft used in state waters. Title applications will be processed by the Georgia Department of Natural Resources. Title records will allow for easier tracking of boat ownership for ad valorem taxation and other purposes.

**[HB 315 Local Bids – Consultants Who Help Draft Must Disclose any Conflict of Interest](#)** (Rep. Mark Newton, 123<sup>rd</sup>)

*Effective July 1, 2019.* This legislation requires consultants who help draft local

governments' bid, proposal, procurement or purchasing specifications to disclose and detail whether they or their family have any possible conflicts of interest or financial interest with a firm who may respond to the bid/proposal. There are exceptions for confidential economic development activities and economic development authorities, and while attorneys must disclose the existence of a conflict, they do not have to provide details.

**[HB 316 Election Reforms and Voting Machine Replacement](#)** (Rep. Barry Fleming, 121<sup>st</sup>)

*Effective upon signature of the Governor.* This omnibus election legislation provides that the state will provide new, uniform voting machines for every county in Georgia "as soon as possible". Voting equipment would consist of ballot marking devices (electronic devices, similar to the DRE interface currently used) which produce a paper ballot that is then scanned into a recording device that tabulates votes. Among other election revisions, the bill provides additional notice before a voter's registration is rejected, before a felon is removed from the rolls, and to those appearing to have moved to another state; changes from 3 to 5 years the period of inactivity before a voter is removed from the rolls, also requiring notification prior to removal; requires counties to provide additional notice of any precinct changes; provides a cure period if a voter's signature on an absentee ballot does not mirror that used in registration; and lifts the 10-voter limit on persons assisting disabled or other individuals complete absentee ballots. Lastly, the bill enrolls Georgia in a 25-state collaboration - the Electronic Registration Information Center - to share voting information in order to track and cancel voters who move out of state. **For a detailed summary of HB 316, see [Appendix A](#).**

**[HB 322 Georgia Procurement Registry – Revisions to Local Government Mandate](#)** (Rep.

Tom McCall, 33<sup>rd</sup>) *Effective upon signature of the Governor.* Following up on last session's HB 489, this bill makes changes to local requirements on posting bids and proposals on the Georgia Procurement Registry (GPR). Under current law, if a local government extends a bid or proposal for goods or services valued at over \$10,000, they must also

advertise them on the GPR. This bill increases that monetary threshold to only goods or services valued at over \$100,000. In return, however, locals must advertise the bid/proposal on the GPR for the same period of time “as set by ordinance or practice” of the local government.

**HB 493 Local Plan Review and Permitting – Expand Private Party Participation** (Rep. Kevin Tanner, 9<sup>th</sup>) *Effective July 1, 2019*. This legislation requires local governments which impose regulatory fees or requirements on development/building permits (inspection and plan review) to establish and make available a list of such fees/requirements and all the documentation required of an applicant. The local government has five business days to notify the applicant whether an application is complete. Once the application is complete, the city or county must inform the applicant whether a plan review can be completed within 30 days, or an inspection can be completed within two days. If the city or county determines it cannot provide said actions within the above time frames, the applicant may then retain, at its own expense, a private professional provider to perform the plan review or inspection (so long as they don't have a financial interest nor are affiliated in the project under review). If that option is selected by the applicant, the local government regulatory fees will be reduced by 50 percent. Even if the local government determines that they can perform the plan review or inspection within the above time frames, the applicant may nonetheless select a private professional to conduct the services but will pay the city or county 100 percent of its "convenience" fees. In addition, HB 493:

- Allows local governments to pre-qualify companies that choose to handle permit reviews;
- Requires a local government finding a deficiency in a permit review to provide a written notice of the deficiency within 30 days to allow the private plan review professional to either correct the deficiency or dispute it;
- Requires a local government finding a deficiency in any inspection to provide a written notice of the deficiency within 2 days to allow the private plan review professional to either correct the deficiency or dispute it;

- Retains the ability of local governments to issue stop-work orders when problems arise; and
- Keeps the granting of a certificate of occupancy with the local government.

**SB 2 Authorizes EMCs to Provide Broadband Service and Utilize Electric Easements** (Sen. Steve Gooch, 51<sup>st</sup>) *Effective upon signature of the Governor*. This legislation authorizes Georgia's Electric Membership Corporations (EMCs) to provide broadband services, either directly or indirectly through a contractual arrangement or through an affiliate, within their respective jurisdictions in Georgia. EMC's would not be able to "cross-subsidize" their broadband services through their electric or gas funds, nor would they be able to charge the costs of their broadband services to their electric or gas customers. Those EMCs providing broadband would have a duty to provide access to their poles and rights of way to all communications service providers on rates, terms and conditions that are reasonable and nondiscriminatory. Other communications service providers or EMC members can petition to enforce the above conditions with the Georgia Public Service Commission. EMCs will also be eligible to apply for federal or state loans and grants to provide this service. EMCs already providing broadband services have until January 1, 2021 to comply with the provisions of this law.

The language from HB 499 was attached to this bill, permitting broadband services (so long as additional poles or other ground-based structures are not employed) to be deployed in electrical easements provided this does not change the nature of the easement nor interfere with or impair any vested rights of the easement owner or occupier. Broadband providers, or owners of electric easements, may install, maintain, lease, and operate broadband services in the easement without incurring liability or paying additional compensation to the owner of the property subject to the easement. Owners of electric easements may assess fees and impose reasonable conditions on the use of facilities within the easement.

**[SB 17 Authorization for Rural Telephone Coops to Provide Broadband Service](#)** (Sen. Steve Gooch, 51<sup>st</sup>)

*Effective upon signature of the Governor.* this legislation authorizes Georgia's four Telephone Cooperatives to provide broadband services, either directly or indirectly through a contractual arrangement or through an affiliate. Coops will also be eligible to apply for federal or state loans and grants to provide this service.

**[SB 66 Small Cell \(5G\) Legislation – ACCG](#)**

**[Compromise Language](#)** (Sen. Steve Gooch, 51<sup>st</sup>)

*Effective October 1, 2019; however, pre-deployment meetings in O.C.G.A. 36-66C-3 effective upon signature of the Governor.* Over the past two years ACCG has opposed legislation which would have greatly preempted local government management of the public's rights of way for the placement of small cell (5G) poles, antennas and equipment. At the urging of the General Assembly, ACCG, GMA, Verizon and AT&T negotiated this reasonable, balanced compromise over the 2018 interim that has incorporated many safeguards which ACCG had called for in previous legislation.

Key points of this ACCG compromise include: incentives for collocation in order to limit new poles; protections for historic districts and residential areas; the requirement that telecoms share build-out plans prior to deploying new facilities; a safe-harbor in case the current FCC order preempting state and local regulation of 5G deployment is overturned; the prohibition of speculative permit requests by third parties; and safeguards for local aesthetic and decorative pole conditions, among many others.

**For a summary of the SB 66 key provisions, see [Appendix B](#).**

**[SB 77 Monuments – Prohibit their Removal and Increase Penalties for Damaging or Removing](#)**

(Sen. Jeff Mullis, 53<sup>rd</sup>) *Effective upon signature of the Governor.* This legislation makes it unlawful to mutilate, deface, defile or abuse any publicly owned monument, plaque, statue, marker, flag, banner, structure, name, display or memorial (which is meant to be permanently displayed and is dedicated to a historical entity or historically significant military, religious, civil, civil rights, political, social or cultural event) that is located, erected, constructed, created or maintained on real property owned by local

governments or the state of Georgia. SB 77 maintains current law, prohibiting local governments from removing these monuments from public property; however, local governments may relocate a monument when it is necessary for the construction, expansion or alteration of edifices, buildings, roads, streets or other transportation infrastructure, so long as it is relocated to a site of similar prominence (excluding a museum, cemetery or mausoleum, unless the monument was originally placed at such a location). The bill also increases the penalties on those who damage, destroy or lose a monument (without replacing it).

**[SB 95 Locals Can Contract for Utilities for up to 20 Years](#)** (Sen. Randy Robertson, 29<sup>th</sup>) *Effective July 1, 2019.*

This legislation authorizes local governments to enter into contracts for utility services (electric, natural gas or water services) for terms up to 20 years. Current law allows local governments/authorities to contract for said services for up to 10 years.

**[SB 171 Local Constitutional Officers – An Additional 5-percent Pay Raise](#)** (Sen. John

Wilkinson, 50<sup>th</sup>) *Effective Jan. 1, 2021.* This legislation first re-sets the base salaries for all local constitutional officers (sheriff, clerk of superior court, tax commissioner and probate judge) to their current amount - accounting for all COLAs received since 2006 - then increases that base salary by 5 percent, effective Jan. 1, 2021.

## HEALTH & HUMAN SERVICES

[Staff: Debra Nesbit]

**[HB 186 Reform of Certificate of Need Process for Hospitals and Healthcare Facilities](#)** (Rep. Ron Stephens, 164<sup>th</sup>) *Effective upon signature of the Governor.* This legislation revises Certificate of Need (CON) provisions, extends the Rural Hospital Tax Credit and creates the Office of Health Strategy and Coordination. **For a detailed summary of HB 186, see [Appendix C](#).**

**[HB 242 Framework for the Regulation of Massage Therapy](#)** (Rep. Lee Hawkins, 27<sup>th</sup>) *Effective upon signature of the Governor.* This bill establishes board certification of massage therapy educational programs, within and outside the state, which meet the standards for training and curriculum set by the rules of the Georgia Board of Massage Therapy. The bill allows the board to request on-site inspections of massage therapy businesses and requires these businesses to continuously maintain liability insurance coverage for bodily injuries and property damages. Further, massage therapy businesses must comply with appropriate advertising. The bill increases fines for non-compliance and unlawful acts. A provision was added that allows local governments to run criminal background checks on owners and employees. The massage therapists themselves will undergo a criminal background check through the secretary of state.

**[HB 321 Extension of the Hospital Provider Fee for Medicaid Financing Program and Transparency Requirements for Hospitals](#)** (Rep. Jodi Lott, 122<sup>nd</sup>) *Effective upon signature of the Governor.* This legislation extends until June 30, 2025 the sunset provision for the hospital provider fee known as the "Medicaid Financing Program" as the state match in pulling down Medicaid dollars. The bill also provides for reporting of donations to rural hospitals whereby donors receive a tax credit.

**[HB 514 Creation of the Georgia Behavioral Health Reform and Innovation Commission](#)** (Rep. Kevin Tanner, 9<sup>th</sup>) *Effective July 1, 2019.* This legislation creates the Georgia Behavioral Health Reform and Innovation Commission. The purpose of this commission is to conduct a comprehensive review of the behavioral health system in Georgia. The commission will review the behavioral health services and facilities available in Georgia, the identification of behavioral health issues in children,

adolescents, and adults, as well as the role the education system has in the identification and treatment of behavioral health issues. Additionally, the commission will review the impact behavioral health issues have on the criminal justice system, the state's homeless population, delivery of care, access to care, the role of payers in such access, and the impact untreated behavioral illness has on children transitioning into adulthood. The commission will conclude on June 30, 2023.

**[HB 551 Prohibit Access to Kratom by Persons under the Age 18](#)** (Rep. Dewayne Hill, 3<sup>rd</sup>) *Effective upon signature of the Governor.* This legislation sets forth requirements for the sale "kratom," a tropical evergreen that contains the alkaloid mitragynine. The bill creates a misdemeanor offense for anyone transferring possession to those under the age of 18, as well as for those under 18-years old to possess or buy it. Moreover, to sell kratom, the packaging must: clearly label ingredients; provide notice that the sale or transfer of possession to those under the age of 18 is prohibited; state the amount of mitragynine in the product; state the name and principal mailing address of the manufacturer; provide clear directions for safe use of the product; and note any precautionary statements about the safety and effectiveness of the product.

**[SB 106 Patient's First Act - Allow Governor to Apply for Medicaid Waivers](#)** (Sen. Blake Tillery, 19<sup>th</sup>) *Effective date March 27, 2019.* The 'Patients First Act' authorizes the Department of Community Health (DCH) to submit Medicaid waiver requests to the United States Department of Health and Human Services Centers for Medicare and Medicaid Services by June 30, 2020. This may include an increase in the income threshold of up to a maximum of 100 percent of the federal poverty level. Upon approval of this waiver, the bill also authorizes DCH to implement the terms and conditions without any further legislative action. Many of the mentally ill housed in local county jails have no insurance coverage and therefore have no ability to pay for mental or physical health services; access to care can divert those in need of services from jail.

**[SB 115 Allow Out of State Physicians to Engage in the Practice of Telemedicine in Georgia](#)**

(Sen. Renee Unterman, 45<sup>th</sup>) *Effective July 1, 2019*. This legislation amends the 'Medical Practice Act of the State of Georgia' by authorizing the Georgia Composite Medical Board to issue telemedicine licenses to physicians who are licensed in other states but not licensed in Georgia for the specific practice of telemedicine.

**[SB 118 Modernize Telemedicine Act - Require Insurers to Cover Telemedicine Services](#)**

(Sen. Renee Unterman, 45<sup>th</sup>) *Effective January 1, 2020*. This legislation modernizes the 'Georgia Telemedicine Act' by renaming it 'Georgia Telehealth Act'. The bill requires that each insurer that issues a health benefit policy provide coverage for the cost of healthcare services provided through telehealth or telemedicine. The bill prohibits exclusion of a service from

coverage solely because the service is provided through telemedicine and is not provided through in-person consultation or contact between a provider and a patient for services appropriately provided through telemedicine services. A health care provider or telemedicine provider is not required to accept more reimbursement than they are willing to charge and payment for telemedicine interactions will include reasonable compensation to the originating or distant site for the transmission cost incurred during the delivery of healthcare services. Senate Bill 118 also requires insurers to reimburse the provider for the diagnosis, consultation, or treatment of the insured delivered through telemedicine services on the same basis and at least at the rate that the insurer is responsible for coverage for the provision of the same service through in person consultation or contact.

**NATURAL RESOURCES & the ENVIRONMENT**

[Staff: Kathleen Bowen]

**[HB 213 Georgia Hemp Farming Act](#)** (Rep. John Corbett, 174<sup>th</sup>) *Effective upon signature of the Governor*. This legislation allows for the farming of industrial hemp. The bill authorizes the Georgia Department of Agriculture to issue hemp growers licenses and hemp processors permits as well as requires the Department to create a plan to regulate hemp production. Colleges and universities within the University System of Georgia would be allowed to conduct research on the cultivation and uses of hemp. Hemp growers and producers would have to get a criminal background check conducted by local law enforcement. In addition, they would be required to give the GBI, Dept of Agriculture and state and local law enforcement access to where hemp is being processed, handled, cultivated or harvested to conduct inspections.

**[HB 220 Reauthorize Hazardous and Solid Waste Trust Funds](#)** (Rep. Terry Rogers, 10<sup>th</sup>) *Effective June 30, 2019*. This legislation renews the fees that make up the Hazardous Waste Trust Fund (HWTF) and the Solid Waste Trust Fund (SWTF) for three years, from July 1, 2019 to July 1, 2022. Effective from July 1, 2020, until June 30, 2022, the 75¢ per ton of solid waste disposal fee would be reduced to 51¢ per ton. Effective from July 1, 2020, until June 30, 2022, the \$1 fee imposed upon the retail sale of all new

replacement tires would be reduced to 38¢ per tire sold. In effect, the fees are reduced by the percentages that were not appropriated for their intended purposes in the last completed fiscal year, 2018. The HWTF and SWTF support efforts including clean-up of abandoned contaminated sites, leaking landfills, scrap tires and illegal dumps; in addition, funds go towards waste reduction and recycling programs.

**[HB 382 GA Outdoor Stewardship Act - Clean Up Bill](#)**

(Rep. Jon Burns, 159<sup>th</sup>) *Effective January 1, 2019*. This legislation is a clean-up bill to last year's Georgia Outdoor Stewardship Act (HB 332). Language is included that expands the definition of who is eligible to receive grant and loan funds from the Georgia Outdoor Stewardship Trust Fund to now include "constituted recreation authorities". Local governments were already included as an eligible recipient.

**[HB 445 Shore Protection](#)**

(Don Hogan, 179<sup>th</sup>) *Effective upon signature of the Governor*. This legislation changes the permitting requirements and definitions related to the Shore Protection Act. This bill also makes changes to the Shore Protection Committee as it relates to minor activities.

## PUBLIC SAFETY & the COURTS

[Staff: Debra Nesbit]

**[HB 118 Revises Offense of Transmitting False Alarm and Creates Offense of Causing Harm or Injury to Emergency Responder](#)** (Rep. Marc Morris, 26<sup>th</sup>) *Effective July 1, 2019.* This legislation replaces the offense of "transmitting a false public alarm" with the offense of "making an unlawful request for emergency services assistance." A person commits this offense when they knowingly and intentionally transmit a request for emergency services assistance when there are no reasonable grounds for the request. Additionally it is an offense when the unlawful request involves or relates to: a destructive device or hazardous substance located in a place where the detonation or release would endanger human life, cause injury or damage to property; an individual who has caused or threatened physical harm to themselves or another person by using a deadly weapon or any instrument that is likely to result in serious bodily injury; an individual who 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 the use of any electronic device or software to alter or conceal or attempt to alter or conceal the requestor's identity. The bill establishes felony guilt for an unlawful request which results in serious bodily harm or death from the response of a public safety agency and a minimum sentence upon conviction of imprisonment for one but not more than 10 years and a minimum fine of \$5,000.

**[HB 134 Repeal of Population Cap for Disposition of Law Library Funds](#)** (Rep. Bonnie Rich, 97<sup>th</sup>) *Effective upon signature of the Governor.* This legislation removes the population cap of 950,000 from the statute regarding disposition of law library funds. Currently law library funds are managed by law library boards in each county and are restricted to the operation of the law libraries; if a county reaches a population of 950,000 the law library funds revert to the county. With the upcoming census several counties may exceed the 950,000 population cap. This legislation removes the cap to allow those law library boards to continue management of the law library funds.

**[HB 239 Establish the Georgia Business Court/Exempt Counties from Paying Mandatory Civil E-Filing Fee](#)** (Rep. Chuck Efration, 104<sup>th</sup>) *Effective upon signature of the Governor.* This legislation creates the Georgia Business Court and provides for the salaries of the Judge and all employees as well as the operating expenses through the state budgets. The creation of the court will not impact local budgets. This legislation was amended to include SB 38 which provides for an exemption for counties for the payment of the mandatory e-filing fee in civil cases.

**[HB 257 Revision of the Organization of the Council of Magistrate Court Judges, Increase in Surety Bond Amount](#)** (Rep. Mitchell Scoggins, 14<sup>th</sup>) *Effective July 1, 2019.* This legislation revises the method of organization of the Council of Magistrate Court Judges from a statutory scheme to the ability of the Council to adopt a constitution and bylaws. The bill also increases the surety bond amount from \$25,000 to \$100,000 for magistrate court judges. The cost of the bond is paid from county funds.

**[HB 307 Abandoned Motor Vehicle Act](#)** (Rep. Alan Powell, 32<sup>nd</sup>) *Effective July 1, 2019 for the development of forms, for all other purposes the effective date is September 1, 2019.* This legislation sets forth a new procedure for magistrate courts to foreclose on liens on abandoned vehicles and increases the filing fee from \$10.00 to \$25.00. The bill also provides new procedures for how towing companies file for lien foreclosures. Additionally, the legislation sets forth that any excess funds from the sale of abandoned vehicles be remitted to the Department of Revenue Unclaimed Property Division. **For a detailed summary of HB 307, see [Appendix D](#).**

**[HB 0387 Allows Private, Nonprofit and Volunteer Fire Departments to File a Property Lien for Unpaid Services Requested by the Property Owner](#)** (Rep. Eddie Lumsden, 12<sup>th</sup>) *Effective July 1, 2019.* House Bill 387 establishes a new category of allowable liens to include those in favor of private, non-profit, volunteer fire departments for debts which stem from the performance of their services that are requested by property owners.

**HB 458 Prohibition of Class B Fire Fighting Foam**

(Rep. Joseph Gullett, 19<sup>th</sup>) *Effective July 1, 2019*. HB 458 prohibits the use of per- and polyfluoroalkyl substances (PFAS) in Class B firefighting foam during training, unless it is used at a training facility capable of preventing the release of the foam into the environment. The bill does not restrict the use of foam containing PFAS for fire-fighting operations.

**HB 492 Require Writ of Possession be Enforced within 30 Days in Dispossessory Proceedings in Magistrate Court**

(Rep. Bonnie Rich, 97<sup>th</sup>) *Effective July 1, 2019*. This bill amends the Code section relating to a writ of possession issued by a court order to recover possession of land or property. Applications to execute a writ of possession by a sheriff or marshal must be made within 30 days of issuance of the writ, unless the application is accompanied by an affidavit showing good cause for a delay. If the landlord fails to execute a writ of possession within 30 days from the issuance of any order granting the writ of possession, the landlord must reapply and pay additional filing fees for the writ. This legislation will eliminate unnecessary, time consuming, and costly filings in magistrate court.

**SB 6 Felony Offense for Use of Drone to Deliver Contraband to or Photograph Any Correctional Facility**

(Sen. Kay Kirkpatrick, 32<sup>nd</sup>) *Effective July 1, 2019*. This legislation makes it unlawful for any person to intentionally use an unmanned aircraft system to deliver to an inmate weapons, liquor, drugs, telecommunications devices, or tobacco products without the authorization of the warden, superintendent, sheriff or his or her designee. The bill also prohibits the intentional photographing or otherwise recorded images of a place of incarceration through the use of the unmanned aircraft system. Persons who commit or attempt to commit a violation of this provision are guilty of a felony. Upon a conviction for attempting to deliver or for delivering contraband, the person is sentenced to imprisonment for not less than one nor more than 10 years.

**SB 15 Keeping Georgia Schools Safe Act** (Sen. John Albers, 56<sup>th</sup>) *Effective July 1, 2019*. This legislation creates the 'Keeping Georgia's Schools Safe Act'. The act requires public schools to conduct site threat assessments by a certified private individual or company or by a government agency. Every public

school must conduct a site threat assessment before January 1, 2021 and every five years thereafter. Every public school must submit a school safety plan to the Department of Education after the local law enforcement agency has approved the plan. The Department of Education will post a list of which schools have submitted a school safety plan and which schools have yet to meet this requirement. Additionally, SB 15 streamlines communication efforts between schools and the relevant state intelligence agencies by designating a single individual at each school as the school safety coordinator. The bill requires schools to use and promote a statewide mobile application, the 'See Something Send Something' anonymous app, to report suspicious activity or potential threats.

**SB 25 Passing Stopped School Bus** (Sen. Bill Heath, 31<sup>st</sup>) *Effective February 15, 2019*. This bill clarifies that drivers are allowed to continue driving past a stopped school bus on roadways that are separated by a grass median, unpaved area, or physical barrier. Drivers are not allowed to pass a stopped school bus on a roadway with only a turning lane separating the two lanes of traffic.

**SB 29 Clarification of Waiver of Immunity for Sheriff's Deputies and Employees in Motor Vehicle Claims**

(Sen. Harold Jones, 22<sup>nd</sup>) *Effective July 1, 2019*. This legislation revises the definition of "officer", as it relates to waiving sovereign immunity for local government entities, to expressly include sheriff, deputy sheriff, or other agent, servant, or employee of a sheriff's office, so that these individuals are protected from liability for official acts particularly in torts involving use of a covered motor vehicle in performance of his or her official duties.

**SB 31 No Liability for Law Enforcement Officers Performing Duty at the Scene of an Emergency**

(Sen. Michael Rhett, 33<sup>rd</sup>) *Effective July 1, 2019*. This legislation states law enforcement officers employed by state or local government are immune from liability for actions taken while performing duties at the scene of an emergency, unless the law enforcement officer's actions constitute gross negligence, willful or wanton misconduct, or malfeasance.

Emergencies include imminent danger to life or

health of a person or pet, such as rescuing a person or pet from inside a locked motor vehicle.

**[SB 153 Registration and Regulation of Companies Providing Trauma Scene Cleanup Services](#)** (Sen. Tyler Harper, 7<sup>th</sup>) *Effective January 1, 2020*. This legislation sets forth a regulatory framework for trauma scene cleanup companies through a registration process. The Georgia Bureau of Investigation (GBI) is directed to oversee the registration process, promulgate rules and regulations, provide the proper forms, and maintain a current list of all registered trauma scene waste management practitioners on the GBI website. A trauma scene waste management practitioner must apply with the GBI and: pay a \$100 registration fee; submit to a fingerprint-based criminal background check conducted by the Georgia Crime Information Center (GCIC) and Federal Bureau of Investigation

(FBI); submit a surety bond in the amount of \$25,000; and provide proof of insurance coverage in the amount of at least \$100,000. The registration is valid for three years and may be renewed every three years thereafter with a \$100 renewal fee and completed application. It is unlawful to perform or engage in the cleanup of a trauma scene unless properly registered with the GBI. Moreover, trauma scene waste management practitioners must provide a good faith estimate of expected cost of services to clients.

## REVENUE & TAXATION

[Staff: Larry Ramsey]

**[HB 182 Sales Tax Collections by Out-of-State/Internet Sellers](#)** (Rep. Brett Harrell, 106<sup>th</sup>) *Effective July 1, 2019; lower threshold effective January 1, 2020*. This legislation lowers the threshold at which out-of-state vendors are required to collect and remit state and local sales taxes. These are taxes that are currently owed, but largely not being collected. Under 2018's HB 61, out-of-state vendors that sell \$250,000 or more of goods (or 200 or more transactions) into Georgia annually must either collect all sales taxes or send the purchaser and the Department of Revenue (DOR) annual notice of those purchases. This legislation lowers the threshold to \$100,000 or more and eliminates the notice option, with the result that all such vendors will be required and remit to DOR all sales taxes. This legislation is estimated to increase local sales tax collections by \$7M-10M per year (in addition to the estimated \$200M-\$300M per year from last year's legislation).

**[HB 183 Tax Appeal Procedures](#)** (Rep. Brett Harrell, 106<sup>th</sup>) *Effective July 1, 2019*. This legislation clarifies that an appeal of a property tax assessment may be filed regardless of whether the owner has previously filed a return for that property in that tax year.

**[HB 196 Training for Boards of Public Retirement Systems](#)** (Rep. Tommy Benton, 31<sup>st</sup>) *Effective July 1, 2019*. This legislation requires that trustees of all public retirement systems must complete training on the trustees' duties. Newly appointed trustees must complete at least 8 hours of training within 14 months of appointment; trustees who have served at least one year are required to complete at least 12 hours of training every 2 years. Failure to complete such training requires removal of the trustee.

**[HB 288 Superior Court Filing Fees](#)** (Rep. Alan Powell, 32<sup>nd</sup>) *Effective January 1, 2020*. This legislation eliminates the current per-page fees for filing deeds and other documents with the Superior Court Clerk and instead imposes a flat fee of \$25 per document. It also increases the per-page filing fee for plats to \$10.

**[HB 349 Expansion of County Powers for Tax Allocation Districts](#)** (Rep. Chuck Martin, 49<sup>th</sup>) *Effective July 1, 2019*. This legislation permits counties to create tax allocation districts (TADs) anywhere within the county, as opposed to only in unincorporated areas. Creation of a TAD within city limits would require approval by the city via resolution.

**HB 379 Revision of SPLOST Reporting**

**Requirements** (Rep. Beth Moore, 95<sup>th</sup>) *Effective upon the Governor's signature.* Under current law, local governments receiving special purpose local-option sales tax (SPLOST) funds must publish each year by December 31st a report on SPLOST collections and expenditures. This legislation would require instead that the annual report be published no later than six months following the end of the local government's fiscal year, consistent with the timing of local government audits.

**HB 405 Freeport Exemption for Remanufactured Goods**

(Rep. David Knight, 130<sup>th</sup>) *Effective July 1, 2019.* This legislation amends the Level 1 Freeport Exemption from ad valorem taxation to include goods held for remanufacture and repair. The legislation also allows exempted goods to be held by the taxpayer's affiliates without losing the exemption.

**HB 406 Joint Development Authorities Project Reporting**

(Rep. Bruce Williamson, 115<sup>th</sup>) *Effective upon Governor's signature.* This legislation requires joint development authorities with revenue-sharing agreements among participating local governments to provide the state with an annual report of all properties owned by the authority and all contracts regarding tax abatements, PILOT payments, leaseback agreements, and revenue-sharing agreements, along with information necessary to accurately determine the tax digest for each participating local government. The state auditor will then provide an annual report to each tax commissioner of an affected county so that each tax commissioner may finalize the tax digest.

**SB 65 Title Ad Valorem Tax: Used Cars and Tax Rate**

(Sen. Tyler Harper, 7<sup>th</sup>) *Effective January 1, 2020.* This legislation lowers the title ad valorem tax (TAVT) rate from 7% to 6.6% from until July 2023, at which the rate would return to 7%. The bill also revises the methodology for calculating TAVT for used cars sold by dealers, with the TAVT to be

calculated on the retail sales price (rather than the current lower "book value", which is an average of retail value and wholesale value). This bill provides that the transfer of a motor vehicle between businesses that are at least 50%-owned by the same person would be exempt from paying title ad valorem tax on that transaction, provided that one of such businesses has previously paid TAVT on that vehicle.

**SB 120 Economic Analysis of Tax Credits and Exemptions**

(Sen. John Albers, 56<sup>th</sup>) *Effective July 1, 2019.* This legislation allows for up to three economic analyses of existing or proposed laws per year to be conducted by the state auditor upon request of the House Ways and Means Committee Chairman or Senate Finance Committee Chairman. These analyses include five-year estimates of net change in state revenue, net change in state expenditures (including the cost to administer the law), net change in economic activity, and net change in public benefit.

**SB 157 Depositories for Public Funds**

(Sen. John Kennedy, 18<sup>th</sup>) *Effective upon Governor's signature.* This legislation expands the permissible depositories for governmental funds, to include "reciprocal deposit" programs under which the funds are distributed to various banks and the funds in each bank are insured by the FDIC. Detailed rules for the program will be developed by the State Depository Board.

**SB 216 Agreements for Prepayment of Ad**

**Valorem Taxes** (Sen. Jeff Mullis, 53<sup>rd</sup>) *Effective July 1, 2019.* This legislation authorizes local governments to enter into voluntary agreements with taxpayers for the prepayment of property taxes. Such agreements would require the consent of the tax commissioner or (for cities) other tax collecting official. In addition, this legislation authorizes tax commissioners to conduct tax sales at such location as is identified in the public notice, with a copy of the notice also posted at the courthouse.

## Appropriations

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**[HB 30 - Amended State Fiscal Year 2019 Budget](#)** – (Speaker David Ralston, 7<sup>th</sup>) *Effective March 12, 2019*. The Amended Fiscal Year 2019 budget recognizes \$435.7 million in additional revenue for a 1.6% increase over the FY 2019 budget passed during the 2018 Special Session. This brings the total appropriation for Amended FY 2019 to \$26.9 billion. **Please see [Appendix E](#) for an overview of the Amended 2019 Budget.**

**[HB 31 - State Fiscal Year 2020 Budget](#)** - (Speaker David Ralston, 7<sup>th</sup>) *Effective July 1, 2019*. House Bill 31, the Fiscal Year 2020 budget, is set by a revenue estimate of \$27.5 billion, an increase of \$1 billion or 3.95% over the FY 2019 original budget. All education agencies receive 55% of available funds, followed by 22% budgeted for health and human services agencies, 8% for public safety activities and the remaining 15% for economic development and general government agencies. **Please see [Appendix F](#) for an overview of the 2020 Budget.**

## 2019 Study Committee

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**[HR 590 House Study Committee on Georgia's Barriers to Access to Adequate Health Care for Children with Pediatric Acute-Onset Neuropsychiatric Syndrome \(PANS\) and Pediatric Autoimmune Neuropsychiatric Disorder with Streptococcal infection \(PANDAS\) Disorders](#)** (Karen Bennett, 94<sup>th</sup>) This resolution creates the House Study Committee on Georgia's Barriers to Access to Adequate Health Care. Committee members are charged with studying the needs, issues, and problems associated with Pediatric Acute-Onset Neuropsychiatric Syndrome (PANS) and Pediatric Autoimmune Neuropsychiatric Disorder with Streptococcal infection (PANDAS) disorders. These disorders create the sudden onset of obsessive-compulsive disorder in children, causing previously healthy and emotionally-adjusted children to experience severe anxiety and emotional disturbances. The study committee, which will be abolished on December 1, 2019, is composed of eight members: five members of the House, one practicing psychiatrist, one practicing pediatrician, and one public health practitioner. (Debra)

**[HR 591 House Study Committee on "Workforce Housing" – Prohibiting Local Government Design Standards](#)** (Rep. Vance Smith, 133<sup>rd</sup>) Following the failure of HB 302 (prohibit local government design standards), this resolution creates a House study committee (made up of five House members) on "workforce housing". Noting that local design mandates infringe on private property rights and consumer choice of building products, increase costs, and prohibit thousands of Georgians from owning new homes, this study committee will make recommendations on legislation to curtail local design standards to be considered next legislative session. (Todd)

**[SR 479 Senate Study Committee: E-Scooters and Other Innovative Mobility Options](#)** (Steve Gooch, 51<sup>st</sup>) This resolution creates a Senate Study Committee to review and study e-scooters and other innovative mobility technologies and how local governments, state agencies and universities can work with the companies providing this technology. (Kathleen)

## Bills that Failed to Pass in the 2019 Session

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### ECONOMIC DEVELOPMENT & TRANSPORTATION

- **HB 342 / HB 469** [Statewide Regulations for Boating Vehicles](#)
- **HB 447** [Sales Tax Exemption On Jet Fuel](#)
- **HB 511** [Transit: New State Agency, Funding and Incentives](#)
- **SB 131** [Georgia Major Airport Authority Act](#)
- **SB 159** [Regulations for e-Scooters](#)

### GENERAL COUNTY GOVERNMENT

- HB 24 [Appointments to Local Boards, Authorities and Commissions](#)
- HB 76 [Alcohol - Locals May Reduce State Distance Restrictions on Sales](#)
- HB 136 [Animal Shelters – Must Post Pictures of Impounded Animals on Website](#)
- HB 243 [Telecom: Another Attempt to Reduce Local ROW Fees, Another State Double Standard](#)
- HB 244 [EMCs – Reduce Pole Attachment Rates for Cable and Telecom Providers](#)
- HB 302 [Local Design Standards Preempted](#)
- HB 523 [Short Term Rentals - Preempt Local Government Regulations](#)
- HR 378 [Authorize all Betting and Gambling in GA if Approved by New Commission](#)
- SB 45 [Gambling - Legalize Horse Racing and Pari-mutuel Betting](#)
- SB 51 [Monuments – Allow Local Governments to Remove from their Property](#)
- SB 84 [Guns – Counties Must Provide Free License Renewals](#)
- SB 146 [Liquor Tastings and Brunch Referendum](#)
- SB 162 [Short Term Rentals – Preempt Local Government Regulations](#)

### HEALTH & HUMAN SERVICES

- HB 178 [Creation of "Assisted Outpatient Treatment" Pilot Programs](#)
- HB 236 [Allows Any First Responder to Engage in Emergency Transport of Patients](#)
- HB 264 [EMSC Transparency Bill](#)
- HB 477 [Exempt Apartment/Condo's from Public Health Rules](#)
- HB 518 [Automatic Qualification for EMS Zone Within Boundaries of Existing Zones](#)
- HB 544 [Revise Procedures Regarding Emergency Involuntary Treatment of Mentally Ill](#)
- SB 201 [EMSC Transparency Bill - Requirement to Open Up EMS Zones Every Five Years](#)
- SR 264 [Creation of a Joint Emergency Medical Services Study Committee](#)
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### NATURAL RESOURCES & ENVIRONMENT

- HB 422 [Land Disturbance Permits](#)
- HB 465 [Water Customer Bill of Rights](#)
- HB 545 [Limitations On Nuisance Claims Against Agriculture Facilities and Operations](#)
- HR 164 [Dedication of Trust Funds \(Constitutional Amendment\)](#)
- SB 123 [Private Landfills: Host Fee Increase for Coal Ash](#)

### PUBLIC SAFETY & THE COURTS

- HB 278 [Require Conclusion of Criminal Proceedings Prior to Civil Forfeiture](#)
- HB 439 [Require Juvenile Court Judges to be elected in the Judicial Circuit in which the Judge is to Serve](#)
- HB 440 [Increase Juvenile Court Jurisdiction to Include Children under the Age of 18](#)
- SB 180 [Increase of Base Salary of Magistrate Judges](#)

### REVENUE & FINANCE

- HB 102 [Property Tax Exemption for Charitable Institutions](#)
- HB 276 [Marketplace Facilitators Sales Tax Collections](#)
- HB 378 [Rental Car Facilitators Excise Tax Collections](#)
- HB 411 [No Fees on Property Tax Bills](#)
- HB 428 [Communications Services Tax](#)
- HB 448 [Hotel/Motel Facilitators Tax Collections](#)
- SB 119 [Economic Analysis of Tax Credits and Exemptions](#)

**APPENDIX A****HB 316 – ELECTIONS – REPLACING GEORGIA’S VOTING MACHINES****New Voting Machines**

This omnibus election legislation provides that the state will provide new, uniform voting machines for every county in Georgia.

This voting equipment will consist of “ballot marking devices” -- electronic devices, similar to the DRE interface currently used by voters -- to mark their ballots. The difference is that these devices then produce a paper “scanning ballot” which can be read and reviewed by the voter prior to the voter placing the ballot in a “ballot scanner”. The ballot scanner is an electronic recording device which then tabulates the votes of all ballots (also known as a tabulating machine) and stores/retains the scanning ballots, maintaining a paper trail for auditing, if necessary.

A significant portion of HB 316 sets out the requirements and specifications for ballot marking devices, including their display and programming; ballot scanners; all equipment’s examination, testing and storage; vendors’ responsibilities and conflicts of interest; and security.

The Governor’s proposed FY 2020 budget, a separate bill, contains \$150 million in recommended bond funding to pay for this equipment, which, according to HB 316, the state will furnish for use in each Georgia county “as soon as possible”. The procurement of this equipment, as well as its distribution to counties, will be made by the Georgia Secretary of State (SOS) -- once that office has certified the equipment safe and practical for use.

It is anticipated that the equipment will be piloted during the 2019 municipal elections, then ready for use for the 2020 primaries and general elections. The uniform equipment will be used for all federal, state, and county general primaries and general elections, as well as special primaries and special elections in the state. Counties and cities may purchase, lease or otherwise acquire additional equipment at their own expense.

**Additional elections revisions contained in HB 316 include:****Voter Registration**

- Prior to notifying an applicant that their identity cannot be verified, the local board of registrars must review the application to ensure there are no data entry errors and ensure that the applicant did not provide sufficient evidence of his or her identity.
- Not less than 30 days nor more than 60 days prior to an application being rejected, the board must mail a final notice to the applicant that her or his identification cannot be verified and that he or she must provide additional evidence of their identity.

**Removing Inactive Voters from the Rolls**

- An elector now has five years (rather than three years in current law) of non-activity/participation with Georgia’s elections process before being removed from the active voting rolls.

## **APPENDIX A**

### **HB 316 – ELECTIONS – REPLACING GEORGIA’S VOTING, cont.**

#### **Accuracy of Elections – Moving Out of State**

- The bill authorizes the SOS to enroll Georgia in a 25-state collaboration (the Electronic Registration Information Center) to share voting information in order to track and cancel voters who move out of state. The Center is made up of elections officials of states and U.S. territories that are members.
- When a person moves from Georgia and registers to vote in another state, and Georgia receives notice but not documented proof of the voter registering in the other state, the SOS or board of registrars will send the elector a confirmation that his or her Georgia registration is about to be cancelled.

#### **Felony Verification**

- The SOS, upon receiving a list of persons convicted of felonies, will contact local registrars, who must then mail a notice to the person’s last known mailing address stating that the voter will be removed from the rolls 30 days after the notification, unless the person requests a hearing to contest said removal.

#### **Precincts and Polling Places**

- Counties cannot divide, alter, format nor consolidate a voting precinct until at least 30 days’ notice is given in the local legal organ and a copy of the notice is mailed to the SOS. Current law only calls for 10 days’ notice.
- Polling places cannot be changed on Election Day, nor during the 60-day period leading up to general elections nor 30 days for special elections and runoffs, unless there is an emergency or the polling place has become unusable.
- Electors (who are entitled to receive voting assistance at a polling place) may receive assistance from any person so long as the helper is not their employer, an agent of the employer, or an agent of the elector’s union.
- Voter identification cards remain valid if the voter changes his or her address, so long as the address remains in the same county in which it was issued.
- Counties must provide one ballot marking device per every 250 voters during elections.

#### **Absentee Voting**

- Persons in a county jail or in custody, but not convicted of a felony, can now be mailed an absentee ballot to vote. An employee of the jail may mail the ballot back.
- Absentee ballot applications cannot be rejected due to an apparent mismatch between the voter’s signature on the application and their voter registration signature. In these cases, the elector will be mailed a provisional absentee ballot and instructions that he or she can cure the mismatch by submitting an affidavit to the board of registrars along with a copy of appropriate identification.
- Electors no longer have to provide their address or year of birth on the oath provided with a returned absentee ballot.
- Currently a person cannot assist more than 10 disabled or non- English-speaking individuals complete absentee ballots. That limit has been removed.
- Caregivers of a disabled person may now mail back an absentee ballot (current law allows only family members or someone else living in the household).

**APPENDIX A****HB 316 – ELECTIONS – REPLACING GEORGIA’S VOTING, cont.**

- Disabled or illiterate persons can now be assisted in voting by anyone of their choice, so long as the person assisting is not an employer, a fellow union member, a candidate, or a family member of a candidate.
- If a voter’s absentee ballot is rejected, a notice is given and the voter has until the end of the period by which to verify provisional ballots to cure their absentee ballot error(s).

**Advance and Provisional Voting**

- Election superintendents must now notify the SOS (each time an elector casts a provisional ballot) whether the ballot was counted and, if not counted, the reason why.
- Boards of registrars must now go through additional steps and check additional information before rejecting a provisional ballot. Boards must also notify a voter “at the earliest time possible” that their ballot has been rejected.

**Elections Certification and Recounts**

- Elections superintendents have four additional days to certify election returns.
- An election’s certification date can be extended by the SOS if it is determined necessary to complete a precertification audit.
- The threshold by which a candidate may request a recount has been reduced from a difference of 1 percent of the votes cast to  $\frac{1}{2}$  of 1 percent.
- Rules pertaining to mandated precertification audits are revised and spelled out.

## APPENDIX B



### SB 66 - The Small Cell (5G) Compromise Bill

After months of complex negotiations between ACCG, GMA, AT&T and Verizon, ACCG endorsed this compromise legislation due to numerous local government safeguards that were reached during the negotiation process. Our compliments and thanks to Rep. Jay Powell and the Georgia House for holding the flawed 2018 legislation and allowing these negotiations to occur.

With the understanding that local governments need new technology to remain connected and competitive, the overarching principle of this legislation is to encourage small cell wireless deployment through the collocation of new equipment on already-existing infrastructure. This process is more cost-effective for the providers and is the least invasive in the public ROW and less costly for counties and cities to maintain. Among collocation and other negotiation highlights:

- **Incentivize Collocation to Limit New Poles:** By allowing local governments to levy higher permitting fees for new poles and facilities, and requiring shorter permit approval timelines for routine collocations, these provisions will act as incentives for collocations over the placement of new poles. Additionally, wireless applicants must submit certified documentation by a licensed engineer proving the need for any new pole. Local governments have 30 days to act on a collocation permit application and 70 days for a new pole permit. Following each of those shot clocks, there is a 20-day period within which the wireless provider may notify the local government that it has failed to act. With no local government action, the permit will be deemed approved following this final 20-day period.
- **Protections for Historic Districts and Residential Areas:** Cities and counties will maintain discretion over the placement of new poles in key community areas such as historical districts and residential neighborhoods. Local governments will have the ability to require the relocation of a proposed new pole placement sites within a 100ft radius to ensure that new poles are not erected in front of residences, and to also require certain design aesthetics to be met through stealth and concealment measures for poles or other facilities.
- **Permit Application Limits Based on Local Government Sizes:** Recognizing that a one-size-fits-all process for processing small cell wireless permit applications is not always practicable, the legislation takes into consideration the differing size and needs of counties and cities through a tiered process that governs the permitting process over wireless deployment and requires providers to share build-out plans prior to deploying new facilities. To provide counties and cities time to adjust to this new process, applications are limited at first but will increase over time.
- **Reasonable ROW Use Fees, Including Fee Incentives for Collocations:** Although the FCC places caps on all permitting fees, ACCG and GMA were successful in negotiating an annual ROW usage fee, in addition to a larger fee of \$1,000 for new poles, with an annual 2.5-percent escalator to become effective in 2021.

## APPENDIX B

### SB 66 THE SMALL CELL (5G) COMPROMISE BILL, cont.

- **Safe-Harbor in Case FCC Order is Overturned:** In the absence of a small cell wireless law currently on the books, this bill recognizes the FCC order, but considers the possibility that the courts may overturn that order's provisions on rates and fees. As a result, the legislation includes language for a two-year interim period to begin July 1 after any final court decision declaring the FCC order unconstitutional or invalid. For the first-year time period beginning July 1, local governments would be immediately authorized in Georgia's statute to double their rates. After that one-year period, statutory caps on rates and fees would be repealed. From that point forward, absent any statutory changes enacted by the General Assembly, it would be up to each local jurisdiction to set a fair and reasonable rate for ROW usage and permit fees.
- **Expanded Grounds by which Permits may be Denied:** Unlike 2018's legislation, this legislation allows counties and cities to deny an application if the equipment will interfere with any planned road work or public works projects; fails to comply with laws addressing pedestrian or vehicular traffic and safety requirements; or other local laws addressing the occupancy (spacing) or management of the ROW.
- **Timeframes by which Small Cell Equipment Must be Removed:** Cities and counties may require that small cell poles and equipment be removed or relocated, at the provider's expense, if they interfere with local road widening or other public works projects – so long as other utilities are subject to the same timeframe. Local governments must first provide notice and cannot require the equipment be moved any sooner than 45 days from that notice.
- **Other Notable Provisions:** The legislation prohibits speculative permitting; requires the removal of abandoned equipment; sets conditions for locating equipment on city or county-owned poles, including "make ready" responsibilities and the removal of equipment for the reconditioning and replacement of poles; prohibits small cell interference with other utilities, traffic control equipment or infrastructure; protects other property owners abutting the ROW; requires that local aesthetic and decorative pole conditions be met; and shields local governments, their officials and employees from legal claims related to the siting or location of wireless equipment.

**APPENDIX C****HB 186 CERTIFICATE OF NEED SUMMARY**

House Bill 186 revises Certificate of Need (CON) provisions, extends the Rural Hospital Tax Credit and creates the Office of Health Strategy and Coordination. For CON, HB 186 increases the capital threshold to \$10 million for new, expanded, or relocated clinical facilities and removes the requirement for CON approval for non-clinical space upgrades and renovations. It expands the definition of "health care facility" to include freestanding emergency departments and facilities not located on a hospital's primary campus. "Primary campus" is the building where the bulk of inpatient beds are operating and any facilities within 1,000 yards of it. "Remote hospital location" is a new or acquired facility or organization that is under the administrative and operational control of a main provider. CON application fees for a health care facility in a rural county are waived; however, no new, modified, or converted CON will be issued to an applicant with outstanding payments owed to the state until the payments have been resolved. It allows for the conversion and application of CON without opposition or appeal for a destination cancer hospital to become a "general cancer hospital," which is defined as a destination cancer hospital in existence prior to January 1, 2019 that provides inpatient and outpatient treatment for cancer and co-morbid illnesses; it includes general cancer hospital within the definition and requirements of "hospital" for the purposes of CON. Appeals to a CON application are allowed by parties that: have a similar service application in the same batching cycle; or offer similar services or have a primary service area within a 35-mile radius of the proposal. Hospitals and ambulatory surgery centers (ASCs) are not required to have a CON for certain imaging and diagnostic equipment under \$4 million, but the ASC physician must be present 75 percent of the time the machine is in use.

Letters of determination are approved within 60 days if the letter is without objection. Objections must be filed within 30 days of the notification to the Department of Community Health (DCH) of the new activity. The bill requires the Department of Community Health to prepare the state health plan by December 1st of every calendar year and allows the department to seek recommendations from technical advisory committees for the plan. DCH is charged with reviewing, recommending the requirements and standardized reporting of indigent and charity care levels for each type of facility for accurate tracking and enforcement. Additional annual reporting and posting requirements for CON entities include: direct and emergency medical services transfers to a hospital or the emergency department; the number of rooms, beds, procedures and patients with demographics and payer source; patient's county of origin; and operational information, such as procedure types, volume and charges. The department and CON facilities will publish annual reports on their website, and DCH will also provide copies to certain state leadership. Further disclosure and requirements for hospitals and hospital authority corporations, enforced by DCH and effective July 1, 2020, include: audited financial statements; audited Internal Revenue Service (IRS) Form 990 with Schedule H, and for those hospitals that are not required to submit this form, one will be designed and provided by DCH; state-required annual questionnaire and financial survey; community benefit report; disproportionate share hospital survey; property holdings; ownership or interest in any partnership, corporation, joint venture, trust or captive insurance company; loans, bonds and debt information; ending fund balances of net assets for the hospital and each affiliate; cash reserves; going concerns; the legal organizational chart showing the relationship of the hospital to its parent corporation, subsidiaries, and affiliates; salaries and fringes as reported to the IRS on Form 990; evidence of accreditation; and policies regarding the provisions for financial assistance and debt collection. Information or links to the information must be provided on the hospital's website and updated annually with a minimum two-year archive period.

**APPENDIX C****HB 186 CERTIFICATE OF NEED SUMMARY, cont.**

HB 186 states non-profit hospitals may not renew or hold any property for medical use rights. The Rural Hospital Tax Credit is extended to 2024 and requires DCH to create a manual with the criteria to qualify and submit for the credit, as well as to develop and include in the manual a formula to rank the hospitals by greatest financial need. This ranked hospital list must also be distributed by any third-party entity soliciting or managing donors. DCH will prominently post the: manual; eligible hospitals; annual report; total amount received by third-party entities soliciting or managing donors; and a link to the Department of Revenue's donation information on their webpage. The Department of Revenue will also post the list of eligible hospitals by need, as well as the timeline for donations and a monthly update of all designated and undesignated contributions preapproved and received, and the aggregate totals for contributions and available credits. All parties are subject to annual auditing by the state. Authorities that have not operated a hospital for seven or more years, have no outstanding debt, and have a corpus of at least \$20 million may invest up to 30 percent of those funds in mutual funds or other collective investments. Finally, the bill creates the Office of Health Strategy and Coordination with the objective of connecting state resources, functions, reports, and agencies for improved health care service infrastructure. It allows for the creation of an advisory committee, as well as a Georgia Data Access Forum to promote the collection and use of robust data to meet the objectives.

**APPENDIX D****HB 307 ABANDONED MOTOR VEHICLE ACT SUMMARY**

HB 307 creates the 'Abandoned Motor Vehicle Act.' The intent of the General Assembly is to decrease the burden on businesses that remove abandoned vehicles at the request of law enforcement officers or private property owners.

When an insurance company acquires a motor vehicle after paying out a total loss claim but does not receive, within 30 days, the certificate of title from the vehicle owner, the insurance company, or a salvage dealer, is authorized to apply to the Department of Revenue to receive a replacement certificate of title.

When a peace officer, or authorized entity, discovers an unattended vehicle on a highway or public property, they must immediately perform an unattended vehicle check. Once the check is complete, the officer, or authorized entity, must attach a completed unattended vehicle check card to the vehicle. The Department of Public Safety will specify the rules and regulations regarding the unattended vehicle check cards and will provide them to law enforcement agencies free of charge if possible. These cards must only be attached to a vehicle by a peace officer or an authorized entity. Within 24 hours of completing or discovering the completion of an unattended vehicle check, the peace officer must check the criminal justice information system to determine if the vehicle is stolen. If the vehicle is stolen, the peace officer must notify the law enforcement agency which filed the stolen vehicle report. If a vehicle has been left unattended on a highway for more than five days or if the vehicle's abandonment poses an immediate threat to public safety or traffic congestion, a peace officer can have the vehicle removed to a safer place. Within three days of the removal, the towing company which tows the vehicle at the request of the peace officer may request from the Department of Revenue the identification of the vehicle owner. The department has five days to provide the requested information and may charge a fee of \$2 or less.

Within three days of the removal of an unattended vehicle from private property, the towing company which tows the vehicle at the request of the property owner may request from the Department of Revenue the identification of the vehicle owner. The department has five days to provide the requested information and may charge a fee of \$2 or less. After no more than one day, the towing company must submit a copy of the Department of Revenue request to the law enforcement department with jurisdiction over the location that the vehicle was abandoned. Within 24 hours, the local law enforcement department must check the criminal justice information system to determine if the vehicle has been reported as stolen. If the vehicle is stolen, the law enforcement officer must contact the law enforcement agency which filed the stolen vehicle report, who will in turn notify the vehicle owner and the towing company. If a repair facility or salvage dealer has been in possession of a vehicle for at least 15 days with no contact from the owner or insurance company, they may request from the Department of Revenue the identification of the vehicle owner. The department has five days to provide the requested information and may charge a fee of \$2 or less.

It is prohibited to remove or tow a vehicle left in a paid private parking lot between midnight and 9 a.m. of the following day; the parking lot owner can impose a penalty of \$25 or less and is not liable for any damage to the abandoned vehicle.

## APPENDIX D

### HB 307 ABANDONED MOTOR VEHICLE ACT SUMMARY, cont.

A towing company, repair facility, or salvage dealer must give the vehicle owner up to 30 days after notice is sent to retrieve any personal property from the vehicle. After 30 days, any remaining personal property will be considered abandoned.

Within 15 calendar days of removal, the towing company or salvage dealer must send the owners the notification letter form developed by the Council of Magistrate Court Judges to give notice of the vehicle's location and fees owed. If the identity of the owners cannot be found, the towing company or salvage dealer must place a notice in the local newspaper or the county courthouse for two consecutive weeks. When a vehicle is left with a repair facility for at least 15 days without payment, the repair facility must send the owner the applicable notification letter form developed by the Council of Magistrate Court Judges to give notice of the vehicle's location and fees owed. The towing company, salvage dealer, or repair facility shall have a lien placed on motor vehicles in their possession in the amount of the noticed recoverable fees.

Between 10 days and six months after compliance with the notice requirements, a towing company, repair facility, or salvage dealer may file an action for a petition to foreclose a lien against the motor vehicle in any magistrate court in the judicial circuit where the vehicle is located. The towing company, repair facility, or salvage dealer must send a copy of the filed claim to any known owners of the vehicle. If the identity of the owners cannot be found, the towing company, repair facility, or salvage dealer must advertise the notice in the local newspaper or the county courthouse for two consecutive weeks. The vehicle owner may file an answer to the claim within 10 days of receipt by using the included answer form. If no answer is filed within the specified time frame, the towing company, repair facility, or salvage dealer may seek to foreclose the lien through a judgment. If the judgement is granted by the court, the vehicle will be considered abandoned and within five days the court must transmit an order for the disposition of the motor vehicle. If an answer is returned to the court, a trial deciding whether to foreclose on the lien will be held within 10 days.

After a court order, the towing company, repair facility, or salvage dealer is authorized to sell the vehicle to the highest bidder at public sale. The towing company, repair facility, or salvage dealer will use the proceeds from the sale to satisfy the outstanding lien and cover any costs associated with the advertisement and sale of the vehicle. The remaining proceeds will be submitted to the Department of Revenue as unclaimed property. The purchaser of a motor vehicle at such a public sale will receive a certified copy of the court order authorizing the sale. The purchaser will be able to obtain a clear title from the Department of Revenue by meeting specified requirements.

Once the vehicle proceeds have been turned over to the Department of Revenue as unclaimed property, any person claiming a property interest in the motor vehicle sold and the excess funds from the sale must make a claim within six months of the sale. If no claim is made within six months, the person who sold the motor vehicle can make a claim for the excess funds until one year from the date of the deposit of excess funds.

**APPENDIX E****AMENDED FISCAL YEAR 2019 STATE BUDGET HOUSE BILL 30 FINAL HIGHLIGHTS**

The FY 2019 budget approved during the 2018 Special Session set spending at \$26.4 billion for the current year. House Bill 30, the Amended FY 2019 budget, recognizes \$435.7 million in additional revenue or 1.6% over the current budget. This brings the total appropriation for Amended FY 2019 to \$26.9 billion.

The safety and well-being of children are a focus of the amended budget with grants for school security, funding for mental health services in high schools, and out of home foster care growth accounting for \$87.7 million or 20% of all new revenue. The General Assembly also includes an infusion of \$20 million in the budget to continue to meet the needs of Georgia farmers impacted by Hurricane Michael.

By policy area, \$234.4 million, or 54%, of all new revenue is appropriated for K-12 education needs. An additional \$109.7 million, or 21%, of new funds is budgeted for health and human services agencies. General Government agencies, primarily driven by the increase in Forestland Protection Act grant reimbursements, total 8% of new revenue, or \$42.5 million. Highlights of House Bill 30 are detailed below:

**Economic Development**

- A key item in the Amended FY 2019 budget is the addition of \$20 million for emergency disaster relief assistance to Georgia farmers in counties impacted by Hurricane Michael. This builds upon the \$55 million appropriated to the Georgia Development Authority to assist farmers during the 2018 Special Session. To date, 436 applications totaling more than \$100 million have been submitted, and the authority has already approved 197 applications totaling \$54.4 million. Area landowners suffered \$1.6 billion in commodity losses to agriculture, \$763 million in commodity losses for forest products, and \$63 million in equipment losses.
- HB 30 also includes \$14 million in the OneGeorgia Authority for statewide water planning to support Lake Lanier water storage and the state's estimated future water needs.

**Education**

- The safety and well-being of children at school and state facilities is a priority in this budget. HB 30 includes \$69.4 million to provide school security grants of \$30,000 each for 2,314 school facilities including charter schools, college and career academies, GNETS facilities, and the three state schools. The Amended FY 2019 budget also includes \$38,860 to provide security through local law enforcement for the state FFA-FCCLA Center in Covington and Camp John Hope in Fort Valley when youth are present. Additionally, the budget includes \$1 million for the Georgia School for the Blind and the Georgia School for the Deaf to purchase generators to help ensure the safety and well-being of residential students during inclement weather.
- The Amended FY 2019 budget also includes \$500,000 for middle school coding labs in rural or high-poverty school districts.
- HB 30 includes \$129.9 million for the Department of Education to provide for midterm enrollment growth of 13,638 additional FTEs. This figure also includes additional funds for charter system grants and State Commission Charter School supplements.
- The Amended FY 2019 budget includes an increase in the Governor's Office of Student Achievement of \$215,350 for AP exams, bringing the total appropriation to \$3.7 million for 53,000 exams.

## APPENDIX E

### AMENDED FISCAL YEAR 2019 STATE BUDGET HOUSE BILL 30 FINAL HIGHLIGHTS, cont.

#### General Government

- In the Department of Natural Resources, \$1.1 million in additional revenue from the lifetime sportsman license is recognized for the Wildlife Endowment Fund, which is used for conservation efforts, management of wildlife and fishery resources, and purchasing land. An additional \$5.6 million is recognized in the Hazardous Waste Trust Fund bringing the total appropriation in the current budget to \$9.6 million for cleanup activities.
- The Amended FY 2019 budget includes an additional \$33.7 million to fund Forestland Protection Act grants in the Department of Revenue, bringing the total amount of funding for the program to \$47.8 million. These funds will be used to reimburse county governments and school systems for property tax revenues and will satisfy all outstanding applications received by the department.
- The budget provides the Department of Revenue with \$901,680 for revenue processing information technology security upgrades. It also adds \$1.2 million for contractual services to facilitate Integrated Tax Solution system improvements for online sales tax remittance per HB 61 (2018 Session) and the implementation of Georgia tax reform per HB 918 (2018 Session).
- HB 30 includes \$906,083 for the Department of Driver Services for DRIVES implementation expenses. An additional \$82,412 is provided for enhanced security measures at high volume customer service centers.

#### Health

- The Amended FY 2019 budget includes \$5.6 million to replace the Medicaid Management Information System (MMIS). Funding is also provided to keep vulnerable Georgians safe including \$495,264 to provide background checks for owners and employees of long-term care facilities, and \$25,000 in existing funds to design, develop and implement a caregiver registry pursuant to SB 406 (2018 Session). • The budget provides \$1.6 million in state funds, to be matched with \$1 million in federal funds, for an external consultant to review, analyze, and recommend 1115 Medicaid and Section 1332 waiver options to the governor.
- HB 30 increases funding for Medicaid by \$32.1 million for: enrollment growth; gene therapy drug coverage; Medicare Part B premiums and Part D Clawback payment; the addition of long-term acute care hospitals and intermediate rehabilitation facilities; and the revision of the hospital Inpatient Prospective Payment System (IPPS) reimbursement model.
- The budget provides \$9.3 million for the Mercer University School of Medicine to establish a four-year medical school campus in Columbus.
- An additional \$18.7 million for the Disproportionate Share Hospital (DSH) payments for private deemed and non-deemed hospitals, bringing the total appropriation to the Indigent Care Trust Fund to \$418.4 million.
- The House and the Senate agree to add \$500,000 for Augusta University for recruitment to advance basic science and clinical translational research in women's and childhood cancer as well
- as \$350,000 for the Department of Public Health to conduct an Alzheimer's disease public awareness campaign.

## APPENDIX E

### AMENDED FISCAL YEAR 2019 STATE BUDGET HOUSE BILL 30 FINAL HIGHLIGHTS, cont.

- One-time funds in the amount of \$2 million are provided to compensate hospitals impacted by Hurricane Michael located in rural counties with a population less than 35,000.
- An additional \$5 million in super speeder collections and reinstatement fees as well as \$805,214 in the fireworks excise tax is recognized in the Georgia Trauma Care Network Commission bringing the total funding to \$22.5 million.

#### Higher Education

- HB 30 includes \$9.9 million in the Board of Regents for the pediatric and adult clinical radiation therapy renovation and expansion projects at the Augusta University Health System campus to promote treatment and accessibility for patients statewide. The General Assembly also added \$180,000 in new funds for local law enforcement security at 4-H facilities when students are present.
- Funds in the amount of \$326,859 are provided to the Georgia Public Library Service to promote early literacy through a statewide children's digital library.
- The Amended FY 2019 budget also includes \$30,000 for a school security grant for Georgia Military College as well as \$444,940 for enrollment growth and training and experience at the Preparatory School.
- The Amended 2019 budget adds \$1.6 million to the Georgia Student Finance Commission for the Dual Enrollment program, \$26,250 for the Engineer Scholarship program, and \$2.9 million in lottery funds for the HOPE Scholarship program to meet the projected need. The budget also provides the agency with \$605,500 for information technology systems to improve customer service and cyber security.
- HB 30 includes \$35 million for the Chattahoochee Technical College to establish an Aviation Academy at Silver Comet Field and the Paulding Northwest Atlanta Airport. The program will address the workforce needs of the aviation industry – specifically a shortage of aviation technicians in the state.

#### Human Services

- The governor recommends, and the General Assembly agrees, to add \$8.4 million in the Department of Behavioral Health and Developmental Disabilities to expand the Georgia Apex Program by providing support counselors for mental health services in high schools. The program currently serves more than 17,000 students in 418 schools.
- HB 30 includes \$8.5 million to meet the funding needs of the Administrative Services Organization (ASO) to increase the efficiency and support of services delivered.
- The budget adds \$790,801 to the Substance Abuse Prevention program to prevent opioid abuse.
- Within the Department of Human Services, \$9.8 million is added to the Out-of-Home Care program to recognize a 7.1% increase in utilization. Currently, there are more than 13,000 children in foster care.
- As passed, the budget includes an increase of \$250,000 for home-delivered meals to reduce the waitlist in each Area Agency on Aging (AAA).
- The Amended FY 2019 budget instructs the Department of Human Services to utilize \$750,000 in existing funds for predictive data analytics software to increase efficiency in the delivery of welfare services. The budget further directs the department to utilize existing funds to develop an outreach initiative pilot to connect families of at-risk juveniles with community resources.

## APPENDIX E

### AMENDED FISCAL YEAR 2019 STATE BUDGET HOUSE BILL 30 FINAL HIGHLIGHTS, cont.

#### Public Safety

- HB 30 provides the Criminal Justice Coordinating Council with \$700,000 for maintenance of the criminal justice e-filing pilot initiative.
- Funds in the amount of \$751,396 are added to the Georgia Bureau of Investigation for equipment and 15 vehicles to bring the GBI unit at the Cyber Crime Center in Augusta to full operating capacity. The Amended FY 2019 budget includes \$75,000 for the design of the Northwest GBI Crime Lab and Region One Investigative Office Complex and \$240,000 to equip five scientists and one lab technician to address the backlog at the crime lab. One-time funds in the amount of \$350,000 are provided to enhance the “See Something Send Something” app to allow students to anonymously report school threats and other school safety issues.
- Within the Department of Public Safety, \$613,013 is provided for equipment and other one-time costs associated with a 50-person trooper school and 20 additional positions for the Criminal Interdiction Unit; \$270,000 is provided for vehicle purchases for the new Office of Public Safety Officer Support (HB 703, 2018 Session).
- HB 30 also recognizes \$585,610 in additional revenue from fireworks excise tax collections for the Georgia Firefighter Standards Training Council and \$90,689 in additional funds for driver education and training to reflect the intent of Joshua’s Law (HB 806, 2016 Session).

#### Transportation and Infrastructure

- The Amended FY 2019 budget supplements one-time funding with \$491,361 in new state funds for the Atlanta-region Transit Link (ATL) Authority for additional expenses. These funds are necessary for the ATL to carry out its mandated task of developing a regional transit plan (HB 930, 2018 Session).

**APPENDIX F****FISCAL YEAR 2020 STATE BUDGET HOUSE BILL 31 – FINAL HIGHLIGHTS**

House Bill 31, the Fiscal Year 2020 budget, is set by a revenue estimate of \$27.5 billion – an increase of \$1.05 billion, or 3.95%, over the FY 2019 current budget. Of the funds appropriated in the FY 2020 budget, 55% is for education; 22% for health and human services; 8% for public safety; 8% for transportation and economic development; and 7% for general government agencies. House priorities are reflected throughout the budget, but particular emphasis is placed on women’s and children’s issues including maternal mortality; education, including funding the largest increase in the base salary in the state’s history for teachers and certified personnel; and additional funding for our most vulnerable Georgians including the elderly and foster children. Highlights of the budget are as follows:

**Economic Development**

- HB 31 provides \$300,000 in the FY 2020 budget for the creation of the Blight Removal and Code Enforcement (BRACE) program in the Department of Community Affairs. This program will provide grants to communities with a population of 2,500 or less to initiate a free, neighborhood-level cleanup for their areas with the most code violations and blight. This program is a recommendation of the House Rural Development Council.
- The FY 2020 budget includes \$2 million for the Georgia Broadband Deployment Initiative. This initiative allows for a more detailed map to be developed in order to indicate which areas of Georgia need broadband services as recommended by the House Rural Development Council.
- The House and Senate agree to add \$400,000 to create the Savannah Logistics Technology Corridor. These funds will require a local match, and the corridor will work with the Georgia Cyber Center, the Georgia Ports, and other supporting institutions in order to bring more high-wage, high-tech jobs to the state.
- In an effort to assist Georgia’s water resources, HB 31 restores \$423,495 to the Georgia Rural Water Association and \$200,000 to the Metropolitan North Georgia Water Planning District. The FY 2020 budget also adds \$55,000 for resource conservation and development district grants to increase each individual district’s funding by \$5,000.
- HB 31 provides \$300,000 in the Department of Economic Development to establish a facilities grant program for local arts organizations. Grants are to be matched with local funds and applicants must operate full time as community arts programs.
- \$150,000 is included in the FY 2020 budget to increase grant funding to local visitor information centers in rural areas of the state. This allows local visitor centers to be able to better promote their area.
- In addition to the 2% merit increase, HB 31 includes \$1.3 million in the State Forestry Commission to increase starting salaries and address pay parity for forest rangers and foresters.
- Bonds in the FY 2020 budget include \$1.3 million for facility repairs at farmers markets statewide; \$2.95 million for updates and repairs to the Georgia Poultry Laboratory Network in Gainesville; \$22 million for a pedestrian mall and bus depot at the Georgia World Congress Center; and \$13.7 million for the Savannah International Trade and Convention Center.

## APPENDIX F

### FISCAL YEAR 2020 STATE BUDGET HOUSE BILL 31 – FINAL HIGHLIGHTS, cont.

#### Education

- HB 31 includes a \$3,000 pay raise for certified teachers and certified personnel, including counselors, social workers, psychologists, special education specialists, speech and language pathologists, media specialists and technology specialists starting July 1, 2019. The pay raise maintains one state salary schedule for certified teachers and certified employees, as stated in Georgia Code. The \$3,000 pay raise is reflected in all Department of Education programs where funds for certified teachers and certified employees are earned on the state salary schedule, including \$522.1 million for the Quality Basic Education (QBE) Program and \$7.7 million for programs outside of QBE, specifically Georgia Network for Educational and Therapeutic Supports (GNETS), Preschool Disabilities Services, Residential Treatment Facilities, State Schools, and Extended Day and Extended Year programs in agriculture and technology/career education. HB 31 also includes \$2.8 million to provide bus drivers, lunch room workers, and school nurses a 2% pay raise.
- The FY 2020 budget provides the Department of Education with \$133.7 million for enrollment growth and training and experience. The majority of funding is for training and experience, reflecting 2,063 new teachers and corresponding health insurance costs. The budget also includes \$47.8 million for growth in charter system grants and State Commission Charter School supplements. Funds for equalization grants are also increased by \$78.6 million, bringing the total amount of funding to \$694 million. In the bond package, \$284 million in new bonds is provided for local school construction, renovations and additions statewide.
- HB 31 reflects formula adjustments in other DOE programs. Sparsity grants receive an additional \$968,634 based on enrollment decline in eligible schools. Schools that receive sparsity grants do not have enough students enrolled to earn funds through the QBE formula to provide for the basic educational costs. Also, the budget provides the 16 Regional Education Service Agencies (RESAs) with an additional \$413,000 to their base grant to reduce austerity and reflect the important support they provide local school systems, especially in rural areas of the state.
- HB 31 includes an additional \$2 million, combined with \$1.5 million in existing funds, to provide facilities grants for local charter schools of up to \$100,000 per school pursuant to HB 430 (2017 Session). The General Assembly provides Communities in Schools with an additional \$200,000 for wraparound support for dropout prevention in new schools. school receives \$1 million for additional high school counselors and enriching counselor programs at Title I schools.
- The Curriculum Development Program in the Department of Education includes \$750,000 for grants for professional development programs for teachers providing instruction in computer science courses and content per SB 108 (2019 Session) as well as \$100,000 for a pilot program to demonstrate and evaluate the effectiveness of early reading assistance programs for students with risk factors for dyslexia per SB 48 (2019 Session).
- The General Assembly provides full funding for school nurses in addition to \$1 million for grants to schools to provide feminine hygiene products for low-income students.
- HB 31 includes \$818,906 in additional funds for pupil transportation based on student growth. The final version of the budget includes \$20 million in the bond package for school bus replacement and \$1.815 million to incentivize the purchase of alternative fuel school buses.

## APPENDIX F

### FISCAL YEAR 2020 STATE BUDGET HOUSE BILL 31 – FINAL HIGHLIGHTS, cont'd.

- HB 31 also includes \$299,216 in the Agriculture Education Program to provide for staff and operations at Camp John Hope in Fort Valley and the Georgia FFA/FFLA Center in Covington. A recommendation of the 2018 House School Security Study Committee was to ensure adequate security at facilities owned by the state and frequented by students. The final version of the FY 2020 budget adds \$83,462 to contract with local law enforcement to provide security at the two camps when students are present and \$1.2 million in bonds for infrastructure improvements at the camps, including cameras, fencing, and gates.
- Another recommendation of the 2018 House School Security Study Committee highlighted the need for school safety threat assessment trainers to work with local school systems to develop threat assessment plans. The final version of the FY 2020 budget includes \$274,920 within the Georgia Emergency Management and Homeland Security Agency (GEMA) to hire three trainers.
- The Department of Early Care and Learning receives \$500,000 for the Childcare and Parent Services (CAPS) program to provide assistance to low-income families for the cost of childcare and encourage quality-rated programs. This will serve an estimated 125 low-income families with childcare.
- The FY 2020 budget includes \$15 million in lottery funds for the \$3,000 pay raise for certified teachers and \$1.5 million for a 2% salary increase for assistant teachers in Georgia's Pre-Kindergarten Program.
- The Governor's Office of Student Achievement receives \$250,000 for 50 additional participants in the Governor's School Leadership Academy, bringing the total program cost to \$1.75 million.
- Throughout the budget, school systems receive an additional \$18.2 million for Teachers Retirement System (TRS) annual required contribution rate increases. When funding for higher education is included, the total new state fund investment in TRS for FY 2020 is \$21.4 million. These funds will support 122,687 retired and 222,902 active members.
- The FY 2020 budget includes \$1.6 million for a \$.25 increase, from \$15.25 to \$15.50, to the benefit multiplier for retired members of the Public School Employees Retirement System (PSERS).

### General Government

- The FY 2020 budget includes \$119.4 million across all departments to provide for a 2% merit-based salary adjustment for state employees to address recruitment and retention. The budget urges the Employees' Retirement System to consider a benefit adjustment for retired state employees in accordance with sound actuarial principles.
- HB 31 contains \$527,000 for the Department of Driver Services to provide security at the highest volume customer service centers in Georgia. Bonds in the amount of \$820,000 are also provided for two Customer Service Centers in Dalton and Rome.
- House Bill 31 provides \$418,184 to the Special Fraud division of the Office of the Commissioner of Insurance for nine positions and two vehicles to aid in insurance fraud investigations. The budget also includes \$243,617 for two safety engineers, one plan review engineer, and one building inspection engineer. These positions will aid the agency in performing mandated safety inspections, conducting permit plan reviews, and inspecting buildings to complete permits for new construction.
- The Department of Revenue receives \$3.5 million in HB 31 to facilitate upgrades to the Integrated Tax System. These upgrades will allow for the department to apply new tax policy changes and efficiently serve Georgia's taxpayers. The budget also includes \$995,540 for eight auditors and 12 revenue agents for audit and compliance reporting related to online retail sales tax collection.

## APPENDIX F

### FISCAL YEAR 2020 STATE BUDGET HOUSE BILL 31 – FINAL HIGHLIGHTS, cont.

- HB 31 contains \$228,859 for three new criminal investigator positions within the Secretary of State’s office to investigate complaints, including election fraud. The budget also includes \$150 million in the bond package to replace election voting systems statewide.
- The FY 2020 budget provides \$134,171 to the Environmental Protection Division of the Department of Natural Resources for two environmental compliance specialists who will be tasked with responsibilities for drinking water systems and solid waste landfill inspections.
- The FY 2020 budget includes \$1.9 million for the Office of Planning and Budget to establish the Georgia Data Analytic Center (GDAC), per HB 197 (2019 Session). The budget also provides \$1.5 million for a targeted marketing campaign to increase Census participation in hard-to-count areas.
- The FY 2020 bond package includes \$5 million for the renovation of roadways at Stone Mountain Park and \$24.35 million for facility major repairs and renovations at parks statewide.

### Health

- The FY 2020 budget includes \$55.8 million in the Department of Community Health for Medicaid growth as well as an additional \$95.7 million to replace federal funds in the Medicaid programs due to a reduction in the Federal Medical Assistance Percentage (FMAP) and the enhanced FMAP.
- The Medicaid budget includes \$5.9 million for gene therapy drug coverage; \$6.8 million for Medicare Part B premiums; \$9.3 million for a revision to the Inpatient Prospective Payment System (IPPS); \$3.2 million to include seven additional long-term acute care hospitals (LTACs) and three additional intermediate rehabilitation facilities (IRFs) as Medicaid providers; \$575,455 for a \$150 per diem add-on payment for hospital-based swing bed units in rural hospitals; and \$205,155 for a 3% rate increase in select dental codes.
- HB 31 includes funding for two new Federally Qualified Health Centers (FQHCs), one for primary care in Screven County and one for behavioral health in Chatham County.
- The FY 2020 budget provides \$513,000 for the Champions for Children program, which is in addition to the \$128,250 provided for the program in the Amended FY 2019 budget.
- HB 31 includes \$250,000 for grants to rural hospitals to meet the federally-required upgrades to emergency rooms for behavioral health patients.
- To support Georgia’s nursing homes, the FY 2020 budget funds \$13.7 million for a 3% rate increase; \$716,614 for a 1% increase in the add-on rate for nursing homes with over 45% of their population with cognitive impairment; \$330,000 to support enhanced background checks; and \$109,342 for a 3% increase in the ventilator reimbursement rate. The budget also includes \$401,524 in the Department of Community Health to fund a \$5 increase in the personal needs allowance, which is the second installment of a two-year plan to increase the personal needs allowance by \$20 for nursing home residents.
- The House and Senate agree to provide \$828,042 to fund 54 OB/GYN residency slots, bringing the total number of slots to 104, with 36 slots at Emory University School of Medicine, 20 slots at Medical College of Georgia, 16 slots at Memorial University Medical Center, 16 slots at Morehouse School of Medicine, and 16 slots at Navicent Health Care Macon.
- HB 31 supports undergraduate and graduate medical education with \$1.9 million for new primary care residency slots; \$572,670 for student capitation rates at Philadelphia College of Osteopathic Medicine (PCOM) Georgia and PCOM South Georgia; \$500,000 for a three-year primary care residency track, \$381,470 for child and adolescent psychiatry residency slots, \$352,968 for the Rural Surgery Initiative, and \$115,500 for pediatric residency slots at Augusta University; \$300,000 for additional student housing for

## APPENDIX F

### FISCAL YEAR 2020 STATE BUDGET HOUSE BILL 31 – FINAL HIGHLIGHTS, cont.

community-based rotations; and \$180,000 for a start-up grant to begin a residency program at South Georgia Medical Center.

- The General Assembly supports Morehouse School of Medicine by providing \$5 million to offset a reduction in federal matching funds as well as \$500,000 for a Center of Excellence on Maternal Mortality in order to advance maternal health in Georgia.
- HB 31 includes additional support for maternal health by providing \$1.05 million to screen, refer, and treat maternal depression and related behavioral disorders in rural and underserved areas; \$200,000 for additional nurse abstractors for the Maternal Mortality Review Committee; and \$600,000 for three satellite perinatal support sites in Jenkins, Randolph, and Wilcox counties.
- Within the Department of Public Health, the FY 2020 budget includes \$150,000 for a nurse peer assistance program to support nurses recovering from substance abuse; \$300,000 for regional cancer coalitions to enhance screening, awareness, prevention education, care coordination, and navigation; \$150,000 for three additional sickle cell outreach offices; \$500,000 for county health departments to provide feminine hygiene products to low-income clients; \$275,000 for five ‘Coverdell-Murphy Act’ remote stroke readiness grants; and \$40,000 for five new Level IV trauma centers to support rural Georgia access to emergency trauma care.

### Higher Education

- The FY 2020 budget funds a number of positions and services within the University of Georgia’s agriculture and veterinary sciences programs, including \$641,580 for two precision agriculture faculty positions and one vegetable breeder position; \$656,640 to fund 12 4-H educator positions; and \$867,500 for the Veterinary Medicine Experiment Station for 20 poultry isolation units, an applications systems developer position, maintenance and operations, and the Athens and Tifton Veterinary Diagnostic Laboratories contract.
- HB 31 provides \$1.8 million to expand the Augusta University/University of Georgia Medical Partnership by increasing its annual class size from 40 to 60 students.
- In the FY 2020 budget, the Enterprise Innovation Institute at Georgia Tech receives \$250,000 for the Georgia Consortium for Advanced Technical Training (GA CATT) program, a German-style apprenticeship program that allows students to pursue careers in advanced manufacturing while they are finishing high school; the Georgia Cyber Center at Augusta receives \$100,000 to expand opportunities for traditionally underrepresented groups in the field of cybersecurity.
- Based on the recommendations of the 2018 House School Security Study Committee, HB 31 provides the state’s five 4-H Centers with \$150,000 in bonds for security improvements and \$747,600 to contract with local law enforcement to provide security when students are present; Georgia Military College receives \$213,810 for security camera and notification system improvements.
- The FY 2020 budget includes \$88 million for the University System of Georgia and \$3.5 million for the Technical College System of Georgia based on enrollment growth and increased square footage, as well as Teachers Retirement System obligations.
- The budget seeks to meet the growing demands of the aviation industry by providing the Technical College System of Georgia with \$348,534 for additional aviation maintenance technician program instructors around the state.
- HB 31 includes a bond package of \$376 million for University System of Georgia and Technical College System of Georgia institutions including \$60 million for facility major improvements and renovations as

## APPENDIX F

### FISCAL YEAR 2020 STATE BUDGET HOUSE BILL 31 – FINAL HIGHLIGHTS, cont.

- well as funding for new construction and renovation projects. In addition, \$5 million is provided to the Georgia Research Alliance (GRA) for equipment and technology infrastructure and \$1.2 million is provided to Georgia Military College for projects at Jenkins Hall and Boylan Hall.
- The FY 2020 budget provides the Georgia Public Libraries Service with \$544,761 in additional funds to bring the materials grant back to the pre-recession level of \$.35 per capita. This is in addition to \$197,745 in enhanced funding due to an increase in population. The General Assembly's bond package provides \$13.1 million to public libraries including \$3 million to fully fund the state match for major repair and renovation projects; \$2.6 million for technology improvements and upgrades to prepare for the Census; \$1.5 million for repurpose grants; and \$6 million for renovation and expansion projects at five libraries.
- Within the Student Finance Commission, the budget provides the HOPE and Zell Miller scholarships with \$73.7 million to meet the projected need of 21,700 additional awards and increase the award amount by 3%; an additional \$3 million is provided to increase the award amount for the Zell Miller Scholarship for Private Schools from \$2,308 to \$2,808.
- Participation in the REACH scholarship continues to grow statewide. The FY 2020 budget includes \$782,000 in additional funds to provide for 162 new REACH scholars; to date the program serves 690 scholars.

### Human Resources

- The FY 2020 budget includes \$4.9 million in the Department of Behavioral Health and Developmental Disabilities (DBHDD) for residential treatment of addictive diseases, which will add six new facilities across the regions in Georgia. The Senate adds, and the House agrees, to provide \$50,000 to expand comprehensive treatment, prevention, and recovery support services to pregnant and postpartum women living with substance use disorder. The budget also recognizes more than \$26 million in new funds for behavioral health services to increase bed capacity and outpatient services, as well as to annualize the cost of crisis centers around the state.
- The Senate and House agree to provide funding for the developmentally disabled population in Georgia, including \$120,417 to increase supported employment provider rates by 10% and \$50,000 in one-time funds for permanent supported housing in Forsyth County which will assist in creating a model plan for statewide utilization.
- HB 31 provides \$9.5 million to meet the funding needs of the Administrative Services Organization (ASO) to increase efficiency and support services delivered by DBHDD. The budget also includes \$1.8 million for an additional eight forensic community coordinators, five forensic evaluators, and one community integration home; \$7.9 million to annualize and add an additional 125 New Options Waiver (NOW) and Comprehensive Supports Waiver Program (COMP) slots for the intellectually and developmentally disabled; and \$1.5 million to annualize supported employment and education services for 500 young adults.
- The Senate agrees to the House addition of \$500,000 in state-matching funds for the HomeFirst public-private partnership to provide behavioral health services for permanent homeless supported housing in Fulton County. HB 31 also includes an increase of \$250,000 for Mercy Care Health Systems to provide mental and primary health care for indigent Georgians.
- The FY 2020 budget provides the Department of Human Services \$501,796 to meet the demands of the 4.2% growth in adoption services.
- HB 31 provides funding for some of the most vulnerable Georgians including: an increase of \$1.4 million to reduce the waitlist for home-delivered meals to serve an additional 665 Georgians; and \$1.3 million to fund

## APPENDIX F

### FISCAL YEAR 2020 STATE BUDGET HOUSE BILL 31 – FINAL HIGHLIGHTS, cont.

17 additional adult protective services caseworkers, bringing the total to 172. This addition will lower the caseload to 1:24; national standards are 1:15. The House and Senate agree to an increase of \$2 million for 1,053 additional slots for non-Medicaid home and community based services and an increase of \$157,000 for assistive technology to assist older Georgians in their homes and communities. The budget also includes \$849,951 for 50 additional Medicaid-Aged, Blind and Disabled eligibility caseworkers.

- With more than 13,000 children in the state’s care, providing adequate resources for children in foster care remains a priority of the House and Senate. The budget includes \$9.8 million for Out of Home Care to meet the growth in utilization as well as \$940,000 for a pilot program to follow-up on closed foster care cases.
- The House led the way two years ago on providing an increase in the per diem rate for foster care providers; in the FY 2020 budget, the House recommends, and the Senate agrees, to add \$2.6 million to raise the Division of Family and Children Services (DFCS) relative caregiver daily rate by \$1.
- Furthermore, the budget utilizes \$808,210 in existing funds to support retention initiatives for eligible relative and foster caregivers and an increase of \$867,058 to replace federal funds to continue child care placement for priority families. The budget also provides \$375,000 in the Judicial Council to provide grants for civil legal services for kinship care families.
- HB 31 includes \$366,752 for five additional public guardianship caseworkers; an increase of \$250,000 to the Court Appointed Special Advocates (CASA) to enhance the statewide capacity of volunteers; and \$427,550 for new quality assurance and ongoing monitoring of child welfare support service providers.
- The FY 2020 budget provides the Georgia Vocational Rehabilitation Agency with \$149,733 to expand the outreach of independent living for disabled citizens in underserved areas and \$106,500, matched with federal funds, for Academic Transition Teachers in Inclusive Post-Secondary Education (IPSE) programs.
- Within the Department of Veterans Service, the FY 2020 budget provides \$128,946 to establish an additional field service office in Clayton County. The bond package includes \$2.1 million for improvements at the Georgia War Veterans Nursing Homes in Milledgeville.

#### Public Safety

- HB 31 provides the Department of Community Supervision with \$552,359 for 10 new positions to expand the Georgia Prisoner Reentry Initiative (GA-PRI) to five new locations. The GA-PRI program has reduced reconviction rates by 14% among participants transitioning back into society.
- Within the Department of Corrections, \$14 million is provided for increased dental and mental healthcare; and \$3.6 million in new and existing funds is provided for a 10% increase in the daily rate for the 22 County Correctional Institutions which partner with the state to house the inmate population.
- HB 31 appropriates \$563,380 to the Georgia Bureau of Investigation for five additional scientists and one lab technician for the chemistry division to address the crime lab backlog. The Fiscal Year 2020 budget provides \$938,691 for eight positions for the GBI unit at the Cyber Crime Center and \$500,000 to implement a GBI Gang Task Force to help local governments prosecute gang activity. House Bill 31 provides \$709,721 for the increased operations for the expanded “See Something Send Something” app for use in schools and seven positions to staff the 24 hour watch desk to monitor incoming school safety related tips.
- Within the Criminal Justice Coordinating Council, \$80,472 is provided for one fidelity coordinator position to ensure accountability courts remain evidence-based.
- Funds in the amount of \$1.7 million are added to the Department of Juvenile Justice to annualize the Cadwell Regional Youth Detention Center which will house 56 youth in Laurens County.

## APPENDIX F

### FISCAL YEAR 2020 STATE BUDGET HOUSE BILL 31 – FINAL HIGHLIGHTS, cont.

- House Bill 31 appropriates \$171,060 to the Department of Law to create a unit to combat human trafficking in Georgia. The FY 2020 budget also includes \$200,000 in state funds to expand the Department of Law's ability to create consumer education publications and resources to educate citizens on fraud and exploitation in the consumer market.
- Within the Department of Public Safety, the budget provides \$495,177 to recognize salary increases for 20 officers to join the Criminal Interdiction Unit, including 10 K-9 handlers; \$2.1 million for one 50- person trooper school; and \$1.3 million for the creation of the Office of Public Safety Officer Support (HB 701, 2018 Session).
- The FY 2020 bond package for public safety agencies includes \$101.8 million for maintenance and repairs to state facilities, equipment, and new law enforcement vehicles.
- The FY 2020 budget includes \$558,963 within the Superior Courts, Prosecuting Attorneys and Public Defender Council to create two additional Superior Court judgeships, one in the Griffin Judicial Circuit and one in the Gwinnett Judicial Circuit.
- The budget includes \$328,288 for two central staff attorneys in the Court of Appeals; \$343,005 for five law clerk positions for the Superior Courts; and \$399,448 for four additional assistant district attorneys for the Tallapoosa, Ogeechee, Middle and Alcovy Circuits.
- The FY 2020 budget appropriates \$1.1 million for salary scale adjustments for assistant district attorneys and investigators for the Prosecuting Attorneys Council in addition to the 2% merit increase for recruitment and retention; \$672,745 is budgeted for salary scale adjustments in the Public Defender Council to maintain parity on the salary scale between assistant public defenders and assistant district attorneys.

### Transportation

- HB 31 includes \$2.48 million to establish the initial budget of the Atlanta-Region Transit Link (ATL) Authority; the authority was created in HB 930 (2018 Session) to plan and govern transit projects in the 13-county Atlanta region.
- The General Assembly instructs the Department of Transportation to utilize \$500,000 in existing funds in the Traffic Management and Control program to initiate a pilot demonstrating the latest technology to advance transportation improvements.
- The FY 2020 Intermodal budget includes an addition of \$1 million for the state airport aid program. This brings the total program budget to \$14.6 million for aid to airports across the state.
- The budget also includes \$221,882 in cash to fund bridge inspections of state-owned rail and \$35 million in bonds for seven projects on the Department of Transportation priority list as the first installment to bring currently used state-owned rail lines up to Class II Standards (25 mph speed/286,000 lbs car loadings) to help reduce truck traffic on state highways.



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