

From: Representative Don Parsons

Legislation Passed by the Georgia House on Day 28 - February 25, 2016

**HB 205**, sponsored by Rep. Tom Rice, provides another path for DUI offenders and allows them to waive their right to an ALS (Administrative License Suspension) hearing. For reference an ALS hearing is one scheduled with the Georgia Office of Administrative Hearings where individuals accused of DUI can appeal the suspension of their license. Specifically, a DUI offender can opt to install an ignition interlock device (IID) in their vehicle within 30 days of arrest and apply for an ignition interlock limited driving permit rather than attend an ALS hearing. An IID is one that acts like a Breathalyzer to prevent a vehicle from being started should the driver deliver a breath sample over the pre-programmed limit. A DUI offender electing for this option must have an IID installed in their car for 4 months if he or she agreed to a field sobriety test upon arrest or 12 months should he or she have refused a field sobriety test. Offenders cannot apply for reinstatement until they provide proof that they have installed an ignition interlock device on their vehicle. It should be noted this bill does not affect the current administrative DUI processes available to offenders but merely adds another option.

Second time offenders may apply for an ignition interlock device limited driving permit only after serving 120 days of the suspension and fulfilling their enrollment requirement in a drug/alcohol treatment program. An ignition interlock device must be installed on any vehicle before an offender with an ignition interlock limited driving permit may operate the vehicle. A driver's ignition interlock device limited driving permit shall be revoked if the ignition interlock provider center notifies the court that the device was tampered with, the driver fails to report for monitoring, or the offender tries to drive after drinking.

**HB 216**, sponsored by Rep. Micah Gravley, establishes that cancer will be covered by a fire fighter's worker's compensation benefit if it is demonstrated by a preponderance of the evidence that the cancer was caused by the circumstances of his employment.

**HB 770**, sponsored by Rep. Chuck Efstrotation, revises terms and increases penalties relating to the trafficking of persons for sexual servitude or labor. Specifically, this bill adds the terms "Developmental disability" and "controlled substance" into the sexual servitude definitions. The definition of "sexual servitude" is expanded to include explicit conduct performed by an individual who is younger than 18 years of age or who has a developmental disability and was induced or obtained by deception or coercion - including the use of controlled substances. HB 770's language seeks to specify the definition of sexual servitude to ensure proper application.

Offenses perpetrated against victims with developmental disabilities will be sentenced consistent with offenses against minors. Finally, the bill specifically states that the involvement of an undercover operative or law enforcement officer in a trafficking investigation is not a defense to prosecution.

**HB 802**, sponsored by Rep. Sam Teasley, raises the deduction from taxable net income for contributions to a Georgia Higher Education Savings Plan (529 Plan) for married contributors filing joint returns from \$2,000 per beneficiary to \$4,000 per child.

**HB 897**, sponsored by Rep. Betty Price, establishes a drug repository program within the Department of Public Health (DPH) to accept and dispense over-the-counter and prescription drugs donated for the purpose of being dispensed to eligible patients - defined in the bill as an individual who is indigent, uninsured, underinsured, or enrolled in a public assistance health benefits program. Eligible donors include drug manufacturers, wholesalers, reverse distributor pharmacies, government entities, hospitals, or health care facilities. These donors can voluntarily donate drugs to an eligible recipient facility, defined in the bill to be a pharmacy, hospital, federally qualified health center or nonprofit clinic which elects to participate in this program. Drugs may only be donated to the program if they are not expired and in unopened tamper-evident packaging. DPH is responsible for promulgating standards and procedures for the storing and dispensing of these medications.

**HB 905**, sponsored by Rep. Mandi Ballinger, provides for criminal immunity for an individual who is in good faith possession of child pornography for the purpose of reporting such violation to law enforcement and/or mandatory reporters. The individual must do so within 72 hours.

This bill adds endangering a child to the mandatory reporting statute and also aligns age differentials across code sections relating to reporting requirements for relationships between adults and minors. 'Child Advocacy Center' is defined to include only entities operated for investigating reported child abuse and partnered with governmental entities such as a law enforcement agency, office of the district attorney or Attorney General, or mental health board. Further, the code section establishing county child abuse protocol committees is amended to require that representatives from certain local law enforcement agencies, health departments, and child welfare organizations be represented on the protocol committee. Child abuse protocol committees are tasked with drafting a written protocol for investigating and prosecuting alleged cases of child abuse. HB 905 provides flexibility to local jurisdictions with multi-county judicial circuits to determine whether each county in the circuit should establish a protocol committee or have one for the entire circuit.

Finally, the bill strikes provisions requiring county prosecutors offices to notify the division of convictions for child abuse offenses and removes the subsequent actions stemming from the notification. The information is available in the GCIC. HB 905 also provides a procedural recourse for removing a person's name from this list.

**HB 911**, sponsored by Rep. Geoff Duncan, makes changes to the Georgia Agricultural Tax Exemption (GATE) program. The GATE program provides a sales and use tax exemption on agriculture equipment and production inputs. Specifically, this bill raises the threshold for the GATE card from \$2,500 to \$10,000 - meaning that the agriculture producer must produce a crop generating \$10,000 in annual revenue - and requires retailers to separate

GATE purchases from other purchases and to validate those purchases. In order to validate a GATE card holder's eligibility, this bill requires the transfer of public tax information from the Department of Agriculture to the Department of Revenue so that the Department of Revenue can track GATE purchases and perform oversight over GATE participants. The transfer of such information is protected by confidentiality provisions contained within the bill. Lastly, this bill extends the program renewal time period to 3 years and stipulates that the Department of Agriculture cannot charge more than \$150 in fees for the three-year issuance or renewal.

**HB 919**, sponsored by Rep. Geoff Duncan, provides for tax credits to individuals who donate to rural "health care organizations," defined as health organizations located in rural counties, participating in both Medicaid and Medicare, providing health care to primarily indigent patients, and receiving at least 10 percent of their gross net revenues from the treatment of indigent patients.

In the case of a single individual or head of household, the credit shall be for 90 percent of the actual amount expended or \$2,500 per year, whichever is less. In the case of a married couple filing a joint return, the credit shall be for 90 percent of the actual amount expended or \$5,000 per year, whichever or less. In the case of a corporation, the credit shall not exceed 90 percent of the amount expended or 75 percent of the corporation's income tax liability, whichever is less. The tax credit cannot exceed a taxpayer's income tax liability. Credits can carry forward, but cannot be applied retroactively. Aggregate tax credits are capped at \$250 million per year. To apply for the credit, the donor must notify the Department of Public Health of the total amount of contributions, at which point the department will preapprove the donation within 30 days. The donation must then be made by the donor within 60 days of receiving preapproval from the department.

**HB 939**, sponsored by Rep. Betty Price, revises procedures for the Administrative Office of the Courts to intercept setoffs, which are fines and fees over \$25 used to repay debts owed to a court. A taxpayer will be notified of a setoff and may appeal the setoff.

**HB 981**, sponsored by Rep. Brett Harrell, provides a property tax exemption on homes for the mentally disabled indirectly owned by limited liability companies (LLCs) if the LLC's parent organization is a qualified 501(c)(3) organization under Internal Revenue Code.

**HB 987**, sponsored by Rep. Tom McCall, allows all or part of a property that is subject to conservation use restrictions to be used to host a non-profit rodeo event to which admission is charged in an amount that, on aggregate, does not exceed the cost of hosting the event.