

20 March 2015

LWVAF, Report from the Capitol, Week 10

This week the General Assembly met for three days, completing Day 33. It will return on Monday for a five-day week.

It's coming down to the wire. This next week will be like drinking from two firehoses. All bills to have a chance of getting on a chamber calendar for debate and vote will have to be into Rules sometime on Friday which is Day 38. The Senate proposes a calendar for Day 39 but not for Day 40. The House will propose a calendar for both days, perhaps two or three calendars each day.

You may well have read in these reports about the bills that will finally get out in one form or another. Each of us can only speculate which ones those are. And the bill number may pass, but the content could well have changed by the time the final determination is made. Just a tip. General bills, those that affect the entire state, were subject to the CrossOver Rule, that is they had to pass their house of origin and cross over to the other chamber by Day 30 to be considered this year. But local legislation, affecting just one county, city, or school district is not subject to crossover, and neither is legislation creating study committees. So those may pop up out of nowhere and go on to pass.

This week, the Senate passed its version of the FY16 budget. It will now go to conference to work out the differences. You may read through it at www.senate.ga.gov. It is filed under the Budget Office, top bar. On the same day it also tackled its version of the transportation bill. There are many differences and without a doubt a conference committee will have to be formed. It's a lot of work to find \$1 billion and it may not get done this year. To hold the transportation folks over, the FY16 budget, which MUST pass in some form, has \$200 million in bonds for transportation. So they can get some projects started in any case.

Just as an aside, the K-12 education budget has been shorted as much as \$1 billion annually for the last few years, particularly since FY10. One didn't hear any sense of urgency to fix that hole. Points out that kids are less important than bridges under the gold dome. Sad!

BOLD Bill Number indicates final passage

CA = constitutional amendment. Requires a 2/3s vote in each chamber and a majority vote in the next general election, next scheduled for November 2016.

DV = Differing Versions

NNS = Needs No Signature

TGFS = To Governor for Signature

In CHAMBERS

BUDGET

HB 76 Ralston – 7 **PASSED** House **PASSED** Senate **DV**

The FY 16 budget. *Local boards of education to pay the additional health benefit premium costs of \$156 per month per non-certificated employee. This will eat up a large chunk, \$103 million, of the \$280 million appropriated to reduce the austerity cut. Most local boards of education share the costs of the health premium with the employee in a proportion decided by each local board. There is \$200 million in transportation bonds in the general budget. These are now paid for from the Motor Fuel Fund. A good reference for budget analysis is www.gbpi.org, the GA Budget & Policy Institute.*

CHILDREN

HR 474 Abrams – 89 **NNS PASSED** Creates the 5-member House Study Committee on Grandparents Raising Grandchildren and Kinship Care to review government policies and services and programs from relevant interest groups and advocacy organizations and best practices from other states. *This is a state-wide condition, not just urban. There*

are over 100,000 grandparents in GA raising their grandchildren and more kids being raised by other relatives. State needs to align service delivery for these caregivers and expand oversight.

DRIVERS LAWS, TRANSPORTATION

HB 170 Roberts – 155 **PASSED** House **PASSED** Senate **DV**

Transportation Funding Act of 2015. Besides roads and bridges, motor fuel taxes may be used for public transit, rail, buses, airports, seaports and all associated infrastructure and services to access these transportation facilities. Removes the sales tax on motor fuel, which removes \$180 million from the general fund. Raises excise tax to 29.2 cents/gallon on gasoline, up from 7.5 cents, and 33 cents/gallon on diesel fuel, both to be adjusted for inflation annually. Alternative fuel vehicles, fueled by electricity, natural gas, or propane, but no hybrids, are assessed an annual fee of \$200 or, if for commercial use, \$300. Proceeds must be dedicated to public transit. Fees are to be indexed to the Consumer Price Index effective 1-1-16. Tax credits for electric vehicles and alternative fuel and hybrid vehicles are repealed as is the jet fuel sales tax exemption for airlines flying out of Atlanta. The governor may suspend or modify the state sales tax on motor fuel but it must be ratified by the General Assembly with a 2/3 vote. No LOST, HOST, MOST, or SPLOST further authorized may levy a sales tax on diesel fuel. ESPLOST will continue to tax diesel fuel. Effective 7-1-15, LOST, ELOST in 8 county and 2 city school districts, HOST, and MOST will have sales tax increased to 1.25% effective 7-1-15, the increase to be used for transportation. Any renewal of SPLOST will have an increase in the sales tax to 1.25%, the increase must be dedicated to transportation. The ESPLOST will continue to be taxed at 1% because it is defined in the constitution. ESPLOST may fund transportation expenses such as bus driver salaries and insurance. The MARTA tax is not mentioned in this legislation. **Senate:** Excise tax is 24 cents/gallon. \$5 fee on all rental car contracts. \$25 user fee paid with annual motor vehicle license renewal. No more sales tax holidays. \$250 million to be paid from general budget to pay off debt owed by DOT which must be appropriated annually. All local taxes are left the same as far as percent charged, the taxing of motor fuel will continue to be permitted, and there is no requirement to spend revenue on transportation projects. Transit projects are not mentioned in the Senate version. **LOST, ELOST, and HOST revenues reduce property tax; SPLOST revenues, both county and education, fund capital projects; and MOST is the municipal option sales tax in Atlanta for sewer projects. To raise \$1 billion for transportation, taxes must be raised.**

EDUCATION

HR 103 Setzler – 35 **PASSED** House **PASSED** Senate **TGFS**

Georgia's Day of Coding is December 10, part of the Week of Coding. Encourages schools, students, parents, and community to participate in Coding Week to expose students to information technology and careers in computer programming. Coding teaches computational skills and critical thinking. **GA has 3000 job openings for informational technology professionals and jobs are growing three times faster than students entering the field.**

HR 303 Buckner – 137 **NNS PASSED** Urges the SBOE to develop and implement comprehensive civics education curricula.

GOVERNMENT – COUNTIES AND CITIES

HB 535 Harrell - 106 **PASSED** House **S.Regulated Industries & Utilities**

Alcoholic beverages may be sold on Sundays as early as 10:30 a.m. in counties which have approved alcohol by the drink. **The Brunch Bill.**

HEALTH

SB 51 Burke – 11 **PASSED** Senate **PASSED** House **DV**

Pharmacist may substitute therapeutically equivalent biological products, just as they can substitute generic for brand named drugs.

HB 211 Broadrick – 4 **PASSED** House **PASSED** Senate **TGFS**

The annual update of controlled substances. Most drugs added are various compounds of synthetic marijuana.

REVENUE/TAXATION

HR 397 O’Neal – 146 **NNS PASSED** Encourages Congress to adopt the streamlined sales and use tax for collection of sales tax on sales to GA residents by internet and other remote sellers. *US Supreme Court decisions have ruled that if a company has no physical presence in a state, it cannot be made to follow its laws. Thus, sellers such as Amazon and LLBean do not collect and remit GA sales tax because they have no stores or warehouses in this state. The streamlined plan also encourages states to simplify their sales tax laws so that companies can more easily voluntarily comply with collection and remittance of the tax. Currently, bricks and mortar stores are at a price disadvantage when they sell items that internet sellers also sell.*

LOCAL

HB 570 Jones – 47 **PASSED** House S.SLGO

The City of Milton council residency districts are redrawn. Milton has 3 city council members who each must live in a residency district but are elected city-wide.

HB 571 Willard – 51 **PASSED** House S.SLGO

City of Sandy Springs may levy a hotel-motel tax of 5% on hotel rooms in the city. Half the revenue will go to promote tourism, conventions, and trade shows. The rest will be spent for tourism product development. Effective 7-1-15.

HB 595 Jones – 47 **PASSED** House S.SLGO

Fulton County Library System shall be the official name, but within the city of Atlanta, the name Atlanta-Fulton Library System may be used. Effective 7-1-15 the library board shall have 8 members – one appointee by each Fulton County Commissioner and one appointee by the Mayor of Atlanta, the latter to be a non-voting member. The commissioner appointees serve at the pleasure of the commissioner and for a term concurrent with that of the commissioner. Board members may not hold any elective office, may be removed for cause or for failure to attend 4 or more meetings during the year and become ineligible for reappointment during the appointing authority’s present term of office. Members may receive a per diem allowance for each board meeting attended at an amount determined by the Fulton County Commission. The Executive Director is appointed by the board, serves at the pleasure of the board, and is confirmed by the Commission.

HB 602 Willard – 51 **PASSED** House S.SLGO

Fulton County Board of Education pension plan whose members are teachers and employees of the school district is funded by contributions therefrom. These contributions are considered employer contributions for tax purposes.

HB 603 Willard – 51 **PASSED** House S.SLGO

A participant in the Fulton County Board of Education Pension Plan who becomes disabled while working for the school system after 10 years of creditable service and prior to attaining normal retirement age is eligible for a disability benefit.

In COMMITTEE

BUDGET

SR 155 Hill – 32 **PASSED** Senate DO PASS in H.Appropriations

A joint resolution to encourage Congress to adopt and submit for ratification a constitutional amendment to balance the current budget and those that come thereafter. Exceptions to spending only the revenue that is received is declared war or a national emergency. *The Senate vote was strictly along party lines.*

DRIVERS LAWS, TRANSPORTATION

HB 172 Lumsden – 12 **PASSED** House DO PASS in S.Natural Resources & Environment

Personal watercraft will not include homemade or inflatable rafts, including intertubes, propelled only by human limbs when BUI is involved. *Canoes, kayaks, and long boats may also be included. Language may be added to exclude those from this exemption.*

HB 206 Harrell – 106 **PASSED** House DO PASS in S.Public Safety **DV**

To pass sanitation vehicles, one must move over one lane, or if that is not feasible, slow to 10 mph under the posted speed limit or 5 mph whichever is less, until passed. Fine can be up to \$300. ***Sanitation workers are injured more than most other public employees.***

HB 210 Rogers – 10 **PASSED** House DO PASS in S.Public Safety

Those receiving Department of Driver Service issued identification cards may participate in the organ donor program. The personal data collected by DDS will be provided to organ registries for those age 18 and older.

HB 225 Powell – 32 **PASSED** House DO PASS in S.Science & Technology

Drivers of taxis and all other for-hire vehicles must have for-hire license endorsements. Cities and counties cannot impose further licensing requirements. May get a master license or pay sales taxes on fares which are distributed to local governing authorities as a LOST or SPLOST.

HB 477 Jones – 47 **PASSED** House DO PASS in S.SLGO **DV**

Property formerly acquired for public road purposes which is to be abandoned and is now within a subdivision may allow for notification to the subdivision property owners' association rather than the individual adjoining property owners. HB477: any city formed after April 2005 shall assume ownership of county rights of way located therein unless otherwise agreed to by a joint resolution between the county and the new city.

EDUCATION

HB 62 Tanner – 9 **PASSED** House DO PASS in S.Education & Youth

The special education voucher requirement for students to be enrolled for 1 year in a public school is waived for those whose parent is in the military on active duty stationed in Georgia within the previous year.

HB 65 Caldwell – 20 **PASSED** House DO PASS in S.Education & Youth **DV**

Local boards of education and some charter schools shall hold at least two public hearings on the proposed budget before adoption. Charter schools with a state-wide attendance zone will have one meeting in the county where its primary business office is located and the other in the Metro Atlanta area. Budgets shall be posted on the website of the school or system. Shall not apply to conversion charters or career academies. ***Senate:*** Meetings must be held on different weeks.

HB 164 Martin – 49 **PASSED** House DO PASS in S.Education & Youth

Extends until July 1, 2017, currently July 1, 2015, the suspension of the requirement for certificated employees to get professional learning to renew their certification. ***Professional Standards Commission has asked for this. The new date lines up with changes in the certification processes.***

HB 198 Dempsey – 13 **PASSED** House DO PASS in S.Health & Human Services

All K-12 certified staff members must have an annual training on suicide prevention.

HB 362 Clark – 101 **PASSED** House DO PASS in S.Education & Youth

Albuterol sulfate, which is used in a nebulizer or compressor device or inhaler for respiratory distress, asthma, may be prescribed for a school by a doctor or other authorized licensed health practitioner, and pharmacists may fill the prescription. School personnel shall be trained to recognize respiratory distress and can provide the albuterol sulfate to the student without a prescription. The drug may be stockpiled at the school. SBOE and DPH to adopt regulations and LBOEs to adopt a policy for use and provide training. ***In Georgia, 298,000 children have asthma and 10 die each year.***

SR 447 Black – 8 DO PASS in S.Education & Youth

Creates the 8 member Joint Study Committee on School Construction to look at the options for financing, costs in various school systems on a per square foot basis and on an FTE basis. Will also look at architect fees. Report due 12-1-15. ***Several studies on this subject have been done in the recent past. If the committee focuses on state costs, the variances are quite narrow. The choices made by local school systems cause wider variances and land costs in different places can alone make the same building far more expensive here than there.***

HB 551 Brockway – 102 **PASSED** House DO PASS in S.SLGO

Local boards of education may provide for payroll deductions for purchases of consumer products and offerings through an employee purchase program facilitated by and through the Department of Administrative Services. ***The purchase of computers through DOAS already in law. This bill allows the payment from future earnings.***

GOVERNMENT – COURTS AND CRIMES

SB 72 Mullins – 53 **PASSED** Senate DO PASS in H.Judiciary Non Civil **DV**

Harming a police dog, horse, or any other animal trained to support police, fire, or state fire marshal will be a misdemeanor of a high and aggravated nature with penalty of up to 12 months in jail and/or \$5000 penalty. If death occurs, fine could be up to \$20,000 plus cost of replacement of the trained animal. GBI labs will perform forensic services.

SB 94 Bethel – 54 **PASSED** Senate DO PASS in H.Judiciary Non Civil **DV**

Police entities must have a written policy for identifying suspects in a line-up, show-up, or other witness identification methods. The policy must be available to the public. Effective 7-1-16.

GOVERNMENT – COUNTIES AND CITIES

HB 261 Harrell – 106 **PASSED** House DO PASS in S.Regulated Industries & Utilities

Local governments which own or operate, or both, a commercial service airports may, by ordinance, serve alcohol on Sundays between 5 a.m. and midnight in restaurants and bars beyond the security check-in, known as the ‘sterile area’.

GOVERNMENT - EMPLOYMENT

SB 88 Jones – 25 **PASSED** Senate DO PASS in H.Industry & Labor **DV**

Wages can be paid with a debit card if the employee accepts that option. If not, wages will be paid by check or direct deposit. ***Another option for employees who do not have a checking account.***

HB 117 Hamilton – 24 **PASSED** House DO PASS in S.Insurance & Labor **DV**

Employer experience to be used to receive unemployment and reconcile overpayments by Department of Labor is further defined. DOL may require electronic application for benefits.

GOVERNMENT – ENVIRONMENT

HB 160 Dunahoo – 30 **PASSED** House DO PASS in S.Natural Resources & Environment

Allows trapping of raccoons, currently banned in Carroll, Fulton, DeKalb, Gwinnett, Barrow, Jackson, Madison, & Elbert counties and areas north. ***And should a person, child or adult, get caught in one of these traps, who pays the medical bills? The proponents say this will arrest the spread of rabies. Squirrels, fox, and other animals get rabies, too.***

HEALTH

HB 1 Peake – 141 **PASSED** House DO PASS in S.Health & Human Services **DV**

Marijuana, cannabis, use is permitted if medically prescribed for 9 diseases - cancer, seizures, Crohn’s disease, fibromyalgia, Lou Gehrig’s disease, mitochondrial disease, multiple sclerosis, Parkinson’s, and sickle cell. Allowable forms shall include liquid, pills, injections or other delivery systems but not smoking. Citizens who possess 20 ounces or less which contains 5% or less of THC and have a doctor’s prescription shall be protected from prosecution in GA. Establishes a commission to study and recommend changes to the law to allow growing marijuana within the state. ***Senate:*** Removes fibromyalgia from the diseases allowed to use marijuana. Includes the university study in SB 185 to determine dosages and effectiveness.

HB 85 Harrell – 106 **PASSED** House DO PASS in S.Regulated Industries & Utilities

Removes the ban on selling alcohol within 200 yards of the Central State Hospital. It also repeals the ban on selling alcohol within 200 yards of any school, one of which is nearby. ***The Central State Hospital is closed and has 2600 acres of land, much of it containing buildings that are unused. It wants to sell them for redevelopment. Removing the restrictions makes it more desirable. The removal of the sale of alcohol near a school puts every school at risk.***

HR 304 Cooper – 43 **PASSED** House DO PASS in S.Higher Education
Encourages GAs colleges, universities, and technical colleges to expand gerontology and dementia education and training. *GA population has 1.5 million over age 60 and expects to increase that 66% by 2030. Alzheimers affects 130,000 over age 65.*

HB 320 Williams – 119 **PASSED** House DO PASS in S.Higher Education
Student records held by the Georgia Student Finance Commission, the Georgia Student Finance Authority, or the Georgia Higher Education Assistance Corporation are exempt from open records requests if individual student can be identified. Debt settlement can be done by garnishment of pay, loss of a professional license, lottery winnings, state tax refund for amounts owed to GA Student Finance Commission or Authority without judicial action.

HB 353 Rogers – 29 **PASSED** House DO PASS in S.Higher Education
Updates the law for non-public postsecondary institutions bringing the law into line with practice. *An agency bill. Code for this agency has not been updated since 1991. There are some 350 schools in GA that this agency oversees.*

REVENUE/TAXATION

HB 234 Rutledge – 109 **PASSED** House DO PASS in S.Finance
Tax return deadline for vehicle licensing will be extended a day if the Federal Reserve Bank is closed in addition to legal holidays and Saturdays and Sundays.

LOCAL

HB 213 Jacobs – 80 **PASSED** House DO PASS in S.Transportation **DV**
MARTA's use of sales tax revenues permanently relieved of any statutory spending requirements. *Currently, 50% must be spent on operating expenses and the rest for capital projects. The provision is temporarily lifted in legislation passed last year. This proposal makes it permanent.*

NEW LEGISLATION

LOCAL

HB 628 Raffensperger – 50 H.Local Legislation
A property tax exemption for Fulton County taxes to increase to \$45,000 for tax year 2017 and \$60,000 for tax year 2018. Local referendum required which shall be held concurrent with the Presidential Preferential Primary in 2016. *Currently, the tax exemption is \$30,000.*

HB 629 Gardner – 57 H.Local Legislation
Atlanta annexation of Druid Hills in DeKalb County. Local referendum required.

HB 630 Raffensperger – 50 H.Local Legislation
Fulton County, not city or school district, homestead exemption for property taxes on owner occupied dwellings for age 70 or older who have lived in a home for the previous 10 years to increase to \$30,000 in a two-year phase in. Tax year 2017, the exemption will be \$15,000; in 2018 it will be \$30,000. This exemption is **in addition** to any other applicable exemption. Local referendum required. *Current exemption is \$30,000.*

HB 633 Beskin – 54 H.Local Legislation
A property tax exemption for Atlanta City school taxes for those age 70 and over for the full value of their home. Includes both annual budget and bonded indebtedness millage. Local referendum required to be held concurrently with the Presidential Preferential Primary in 2016.

HB 638 Gardner – 57 H.Local Legislation
Atlanta annexation of the Fulton County Industrial Park by repealing the local constitutional amendment which prevents such annexation. Fulton County Schools would lose this tax base as it would be transferred to Atlanta Public Schools.

Local referendum to be held in November 2015. *The proposed city of South Fulton would no longer be able to include this area in their city limits.*

#####

Sally FitzGerald, Capitol Observer

sallyfitz@bellsouth.net

League of Women Voters – Atlanta/Fulton

www.lwvaf.org

Know the issues. Join the conversation. Make a difference.