

28 March 2015

LWVAF, Report from the Capitol, Week 11

This week the General Assembly met for five days, completing Day 38. It returns next Tuesday for Day 39 and Thursday for Day 40 and adjournment SINE DIE!

Bills have been flying around the Capitol, ricocheting off walls, furniture, heads, anything of resistance. This report contains only bills which have passed both chambers. The first group has been agreed to by both chambers and off to the governor for his action. The second group still has work to be done to get final agreement. Study Committees are also in this group, as they may not need to go to the second chamber and do not need governor's signature. Something to remember about study committees. While the General Assembly may authorize, the appointing entities may not act to appoint members. Study Committees are expensive, and if the well runs dry, no appointments and no committees.

The budget, which must pass, will be considered next week. The transportation bill, maybe.

There will be a report for next week's activity. Join the LWVAF on April 25 for our annual Legislative Reception when a review of the entire session will be presented as well as the cumulative report of bills passed. The final report will be posted on the website after May 12 when the Governor has to sign or veto each bill or it becomes law anyway.

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, scheduled for November 2016.
DV = Differing Versions
NNS = Needs No Signature
TGFS = To Governor for Signature

In CHAMBERS – Sent To Governor

CHILDREN

HB 366 Strickland – 111 **TGFS** Minors age 16 and 17 no longer need work permits. Minors age 12 through 15 must have a work permit to be employed, which is evidenced by a written document or ID card provided by the issuing entity. Minor must produce proof of age with a birth certificate or birth registration card, and an employer provided job description. Information provided to qualify for the work permit is to remain confidential, unless the minor is an actor or performer. Schools are often the issuing entity. Home schools are added as issuing entities.

DRIVERS LAWS, TRANSPORTATION

HB 174 Jones – 62 **TGFS** Surface transportation is an allowable project in urban redevelopment areas. Projects may include streets, transit, facilities and improvements, sidewalks, streetscapes, trails, bicycle facilities, utilities, parks, playgrounds, and other facilities and improvements necessary for carrying out the urban development plan. Renames 'slum' to 'pockets of blight'.

HB 325 Hitchens – 161 **TGFS** Requires seat belts to be used by all passengers under age 18 in vans which carry 15 or more passengers effective 7-1-15. The seatbelt requirement shall not apply if vehicle designed to carry between 11 and 15 passengers was manufactured before 7-1-15. *Currently, vehicles which are required to be equipped with seat belts are those carrying up to 10 passengers. Most passengers of 15 passenger vans are children – private school vans, church vans, day care vans, etc. Public schools cannot use 15 passenger vans because of federal law.*

HB 393 Martin – 49 **TGFS** Tesla may sell unlimited number of vehicles directly to consumers from five locations in GA, as can any other manufacturer who sells electric cars and has never sold through dealerships.

HB 477 Jones – 47 **TGFS** 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. 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

SB 2 Tippins – 37 **TGFS** High school students who are dual enrolled in a HOPE eligible institution and who complete postsecondary work may be awarded a high school diploma by the local board of education if student has 2 units each of English-Language Arts, Math, Science, Social Studies, and one health and physical education course, earns an associate's degree or technical college diploma and complete all required prerequisites for an industry certification or license in a field of critical need. *This is probably a very self-motivated and accomplished student.*

HB 62 Tanner – 9 **TGFS** 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 91 Coleman – 97 **TGFS** Eliminates the GA High School Graduation test as a graduation requirement regardless of when the student entered high school in the ninth grade. It is replaced with the end of course tests designated by the state Board of Education. LBOE must advertise annually for three years that the diplomas are available. *Currently, the SBOE has phased out this test, but it remains a requirement for students who entered high school before July 2011 and who have not yet earned a diploma. Their only option is to get a SBOE waiver. This proposal would significantly reduce the waivers which number in the thousands per year. HOPE eligibility beyond the current 7 years will be addressed in an amendment. Date of graduation will be either the date scheduled for graduation or the current date, at LBOE option.* Governor to sign on Monday.

SB 133 Miller – 49 **TGFS** The Opportunity School District would be formed to oversee failing schools throughout the state. Effective in 2017-18. A superintendent will be appointed by and accountable to the governor and approved by the Senate. Schools with three consecutive years of an F rating by the Office of Student Achievement based on the Department of Education Accountability System would be eligible for takeover and chosen solely at the superintendent's discretion after a public hearing in the community. The superintendent could unilaterally waive State Board of Education rules. OSD could assume control of 20 schools per year. Intervention may take the form of direct OSD management, shared governance of OSD and the local board of education, reconstitution of the school as a state charter school, or closure. There will be a governing board in each school appointed by the superintendent, members must be US citizens and residents of GA, but need not have a child in the school or live in the community. OSD may take the facility from the local school district and require the local school district to pay for major repairs required by the superintendent. Each school shall be with OSD for 5 consecutive years, funded with the federal, state and local funds per student. However, a rating above F for three consecutive years will allow it to exit OSD. In no instance shall a school remain in OSD for longer than 10 years. OSD may use 3% of each student's state allotment funding for overhead and administration. Enabling legislation for SR 287. *Currently, there are 146 schools which meet the criteria for takeover. The governor's proposal. LWV has great concerns about this bill. It sets up one person [with the governor, two] with authority to take assets and funds from local taxpayers with no accountability back to them. There is no accountability for OSD if a school cannot be remediated; so it could go back to the school district in worse shape than when it went in. The local board of education loses use of their building for the duration of the school, and if it is closed by OSD, for three additional years. The local elected board of education MUST turn over funds to this school district and has NO ability to question, audit, or in any way dictate how those funds are spent. There is NO appeal for students, parents, local school board. There are no open meetings for input on the development of rules and regulations. There is no requirement for auditing. And this governor will be LONG gone by the time any concerns can be documented.*

HB 164 Martin – 49 **TGFS** 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 177 Wilkerson – 38 **TGFS** School personnel required to report suspected child abuse to DFCS must receive a receipt notice within 4 hours and another notice within 5 days of completion of the investigation indicating whether child abuse was or was not confirmed.

HB 198 Dempsey – 13 **TGFS** All K-12 certified staff members must have an annual training on suicide prevention. *Suicide is the second leading cause of death in GA among ages 12-18.*

SR 287 Miller – 49 **TO THE BALLOT** CA to allow the General Assembly to authorize the establishment of an Opportunity School District to provide for state intervention for failing school. The question on the ballot is more obtuse: “Shall the Constitution of Georgia be amended to allow the state to intervene in chronically failing public schools in order to improve student performance?” The enabling legislation is SB 133. *The governor’s proposal. The state already is authorized and does intervene in failing schools. The need for this amendment is that the intervention currently employed is not a state-wide school district with unlimited powers. The state currently uses a contract with the school district in which failing schools are located and should the school district balk, funds can be withheld.*

HB 551 Brockway – 102 **TGFS** 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 - GENERAL

HB 86 Benton – 31 **TGFS** Transfers the Division of Aging Services from the Department of Human Services to the GA Adult & Aging Services Agency. Creates a board for the Adult & Aging Services Agency who shall select an executive director. All functions and personnel remain the same.

SB 148 Kennedy – 18 **TGFS** The Attorney General will assume all the oversight and responsibility for the Office of Consumer Affairs. *Office of Consumer Affairs is being transferred from the governor’s office to the Attorney General, as do 47 other states. Since the Office does so many investigations which require notices and sometimes court time, it was thought it should be supervised by the legal eagles. This arrangement is used in 47 other states. Governor’s bill.*

HB 278 Clark – 98 **TGFS** The administration and oversight of the Public Employee Hazardous Chemical Protection and Right to Know Act of 1988 is transferred to the State Fire Commissioner, currently under the Department of Labor.

GOVERNMENT – COURTS AND CRIMES

SB 62 Harper - 7 **TGFS** Probate courts will have concurrent jurisdiction on hunting and game legislation with the superior courts.

HB 310 Powell – 32 **TGFS** Creates the Department of Community Supervision and its board and Governor’s Office of Transition, Support and Reentry. Transfers powers, duties, and functions for those on parole and probation from the Department of Corrections, State Board of Pardons and Paroles, Department of Juvenile Justice, County and Municipal Probation Advisory Council. *Governor’s proposal.*

GOVERNMENT - EMPLOYMENT

SB 69 Hill – 32 **TGFS** Removes restrictions regarding right of public officers and employees to be absent from service on the State Defense Force and protecting reemployment rights after service on the State Defense Force similar to the protections given U.S. military and GA National Guard.

HB 443 Dempsey – 13 **TGFS** Allows preferential hiring, promoting, or retention to veterans if such is in employer’s written policy.

GOVERNMENT – ENVIRONMENT

HB 57 Dudgeon – 25 **TGFS** Solar Power Free Market Financing Act of 2015. Solar technology on residences and businesses may be financed by private sources. Installation of solar technology on private property and the excess generated is sold to the power company are not to be treated as an electricity service provider. *This bill is extensive and should be consulted by those considering solar installations.*

SB 101 Watson – 1 **TGFS** A buffer of 25 feet shall be maintained in coastal marshlands while building, with no disturbance.

HB 160 Dunahoo – 30 **TGFS** 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 **TGFS** Marijuana, cannabis, use is permitted if medically prescribed for 8 diseases - cancer, seizures, Crohn's disease, 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. Patients must have a prescription from a doctor who has been treating them, register with the state and have an ID card. Includes a university study to determine dosages and effectiveness. Creates the GA Commission on Medical Cannabis of 17 members to study minors with medication-resistant epilepsies. Employers are held harmless if employees are prescribed medical cannabis.

SB 51 Burke – 11 **TGFS** Pharmacist may substitute therapeutically equivalent biological products, just as they can substitute generic for brand named drugs.

HB 183 Knight – 130 **TGFS** Private home care providers to include licensed independent contractors which must be supervised by an RN or doctor. *Currently, independent contractors are not required to be licensed.*

HIGHER EDUCATION

HB 320 Williams – 119 **TGFS** 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 owed to GA Student Finance Commission or Authority can be settled by garnishment of pay, loss of a professional license, lottery winnings, state tax refund for amounts without judicial action.

HB 353 Rogers – 29 **TGFS** 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

SB 82 Wilkinson - 50 **TGFS** The distribution of the alternative ad valorem motor vehicle tax on apportioned vehicles, trucks that travel through several states, have generated more revenue under this system than the previous one, but the formula for distribution of those revenues was based on a percent of each county's tax digest to the whole state. This caused the rural counties to receive less than they had gotten under the older system. This bill takes the total amount raised in 2013 (\$9 million) under the old tax system and distributes it back to the counties as under the old system, and takes the amount collected over that (\$6 million) and distributes it based on the number of vehicles in a county as a percent of the total in the state. This two tiered system will exist for 5 years reducing the dependence on the old formula by 20% each year. *These funds go to counties, cities, and school districts.*

HB 237 Williamson – 115 **TGFS** Extends the angel tax credit to 2018. Credit is 35% of the amount invested in a qualified company. State aggregate amount is \$5 million/year.

HB 277 Broadrick – 4 **TGFS** The value of carpet samples for tax purposes now inclusive of all flooring samples. *Department of Revenue had assessed carpet samples at one rate and hard flooring samples at another. This bill allows all samples at the same rate.*

LOCAL

HB 570 Jones – 47 **TGFS** 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 **TGFS** 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 **TGFS** 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.

In CHAMBERS – DIFFERING VERSIONS or OTHER

DRIVERS LAWS, TRANSPORTATION

HB 106 Roberts – 155 **DV** Accident reports submitted electronically are to be sent to DOT (or DDS) within seven days, formerly 15 days. Law enforcement agencies failing to meet the reporting requirement may result in ineligibility to receive grants through DOT. The process for DOT, counties, and cities selling property held less than 30 years are clarified. ***Senate:*** Allows counties to call a referendum for a TSPLOST for up to 1% for transportation projects for up to 10 years. Counties which are served by GRTA, GA Regional Transit Authority, may do so in 2015. Counties, particularly those with a current TSPLOST, must wait at least 2 years. Each county may agree with another county on a common project list and fund it with a TSPLOST. The referendum can be held on any date allowed for SPLOSTs, which are March and November. ***The Senate sponsor feels that counties are more likely to pass such a proposal when the money stays within their boundaries. Being able to do a partial 1% may be positive with short project lists. Counties can merge together for a regional project using intergovernmental agreements; or they could create another project list within the regions defined for the 2012 TSPLOST referenda which lost in 9 out of 12 regions.***

HB 225 Powell – 32 **DV** 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.

EDUCATION

HB 313 Dickey – 140 **DV** Every state employee could apply for 8 hours of paid leave to promote education in the state. ***This is not restricted to public education. Could it also mean that public employees would be allowed to advocate for the governor's Opportunity School District constitutional amendment?***

HB 362 Clark – 101 **DV** 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.***

GOVERNMENT - GENERAL

SB 63 Hill – 6 **DV** Licensed malt beverage manufacturers may sell malt beverages for either on or off-premise consumption. Quantities for off-premises consumption limited to 64 ounces. On-premise consumption limited to 32 ounces. Prices shall be consistent with those in the same county and purchases shall be taxable. *Currently, malt beverage brewers can only sell for off-premise consumption.*

GOVERNMENT – COURTS AND CRIMES

SB 72 Mullins – 53 **DV** Tanja’s Law. 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. **House adds:** Incest is broadened to include grandparent with grandchild of the whole or half blood, aunt or uncle with niece or nephew of the whole or half blood. Harassing phone calls are expanded to include any form of electronic communications. *While these two additions seem unrelated to the underlying bill, they fall in the same code section and therefore are probably germane.*

SB 94 Bethel – 54 **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.

HB 153 Weldon – 3 **DV** Any person damaged by the unlicensed practice of law is entitled to file a civil action to recover damages, reasonable attorney fees, and expenses of litigation.

GOVERNMENT – COUNTIES AND CITIES

SB 139 Harper – 7 **PASSED** Senate **FAILED** in House

Only state law can regulate auxiliary containers which are reusable bags, disposable bags, boxes, cups, and bottles made of cloth, paper, plastic, extruded polystyrene or similar materials designed for one-time use or for transporting merchandise or food from retail facilities. *Local county and city ordinances are thus not allowed. Many now outlaw plastic bags.*

HB 432 Raffensperger – 50 **DV** Local acts which deannex property from one city and annex it to another do not create a prohibited unincorporated island.

GOVERNMENT - EMPLOYMENT

SB 88 Jones – 25 **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.*

GOVERNMENT – ENVIRONMENT

HR 601 Smith—70 **NNS PASSED** Creates the 5 member House Study Committee on Saltwater Intrusion into Coastal Aquifers. Report due 12-1-15.

HEALTH

HB 504 Cooper – 43 **DV** Vaccinations of college students against meningococcal disease residing in campus housing are required within the last 5 years of admittance. The contract between physicians and pharmacies and licensed registered nurses to provide influence vaccinations is updated to include pneumococcal disease, shingles, and meningitis.

HR 612 Cooper – 43 **NNS PASSED** Creates the 7 member House Study Committee on Fibroids Education and Awareness. Report due 12-1-15.

REVENUE/TAXATION

HB 202 Battles – 15 **DV** An extensive revision of property tax processes.

- Local tax commissioners may permit taxpayers to receive property tax bills electronically.

- The property tax rate must be put on the website of the governmental entity in addition to putting a notice in the newspaper of general distribution.
- The tax digest submission deadline to DOE changed to Sep. 1, currently Aug 1.
- Fines increased for late filing.
- Two or more counties may combine tax assessors and commissioners offices. The agreement shall be in writing.
- Taxpayers may receive copies of documents used to set the value of their real property. A description of the methodology used in setting its fair market value and testing for uniformity shall be included.
- Superior courts given jurisdiction over actions against the Board of Assessors to enforce compliance with law.
- Clerk of Superior Court shall be the ‘appeals administrator’ and receive any complaint to forward to the grand jury which may find grounds for removal of a member of the Board of Equalization for failure to perform required duties.
- Members of the Board of Equalization must be property owners within the jurisdiction and complete 20 hours of training each year.

Bill is extensive and deals mostly with changes in process rather than policy.

HB 215 Jacobs – 80 **DV** Allows a second HOST tax in a county to pay for infrastructure throughout the county. The sales tax in the county rises to 8%. Modifies the existing HOST to be dedicated 100% to property tax relief. Each measure will need a local referendum and both must pass to become effective, else the existing HOST stays as it is, 80% property tax relief and 20% infrastructure. ***DeKalb County. The second HOST will act like a SPLOST, except that it will not sunset. Only Atlanta City and Clayton County currently have an 8% sales tax rate.***

HB 221 Powell – 171 **DV** Defines ‘current use value’ of bona fide conservation property.

HB 457 Hawkins – 27 **DV** Watercraft which is self propelled or capable of being self-propelled and held for sale in dealer inventory is exempt from property tax until December 2019.

LOCAL

HB 628 Raffensperger – 50 **FAILED** in House **RECONSIDERED TABLED**

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 630 Raffensperger – 50 **FAILED** in House **RECONSIDERED TABLED**

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 **FAILED** in House **RECONSIDERED TABLED**

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.

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