

5 February 2015

## LWVAF, Report from the Capitol, Week 4

This week the General Assembly met for three days, completing legislative day 11. It will reconvene on Monday and meet for 4 days next week.

The legislature has gotten into full swing. It is easy to get overwhelmed with the number of bills that are being introduced. A few have gotten out of committee and even fewer have gotten a chamber vote.

Over the years this reporter has noticed that each session takes on its own focus -- tax reform, education reform, tort reform, health reform. This year it seems to be transportation funding. There are several proposals, but the one for serious consideration is that from the House Transportation Committee, described herein. One thing stands out – the state will not raise taxes for its own priorities. It instead prefers to take the money from local governments and let them wrestle with the politics of raising the levy. This, too, is a pattern that has been repeated before, in education funding, for example. This may be a show with a lot of fireworks.

Please register for the League Day at the Capitol on Feb 18. [www.lwvga.org](http://www.lwvga.org). No fee.

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**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.  
**NNS** = Needs No Signature  
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### **In CHAMBERS**

#### **EDUCATION**

**SB 2** Tippins – 37 **PASSED** Senate now in H.Education

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: 16 years and older and 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 completes 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.*

**SR 69** Albers – 56 **NNS PASSED**

Science, Technology, Engineering, and Math, (STEM) Day at the Capitol will be May 8, 2015.

**SR 127** Tolleson – 20 **NNS PASSED**

Commending Amanda Miliner for being named the 2015 Georgia Teacher of the Year and her entry into the National Teacher of the Year competition. She teaches 4<sup>th</sup> grade math in Houston County. She is also a former beauty queen having been named the 2006 Miss Georgia and the 2008 Miss Georgia USA.

#### **ELECTIONS/ETHICS**

**SR 139** Orrock – 36 **NNS PASSED**

Recognizes the League of Women Voters of Georgia on their 95<sup>th</sup> anniversary and recognizes Wednesday, February 18, 2015 as League of Women Voters of Georgia Day at the Capitol.

#### **GOVERNMENT - GENERAL**

**SR 119 James – 35 NNS PASSED**

Encourages law enforcement agencies to equip peace officers who routinely conduct traffic stops or respond to emergency dispatch calls with body cameras.

**HEALTH**

**SR 115 Unterman – 45 NNS PASSED**

February 6, 2015 is designated as the American Heart Association’s Go Red for Women Day. Heart disease is the number one killer of women, of which 80% can be prevented.

**SR 116 Unterman – 45 NNS PASSED**

February 25, 2015 is Lupus Awareness Day. Approximately 55,000 Georgians are currently living with lupus which can affect any part of the body. African Americans, Hispanics-Latinos, Asians, and Native Americans are 2 to 3 times more likely than whites to develop lupus.

**SR 117 Cowsert – 46 NNS PASSED**

February 4, 2015 is Prostate Cancer Awareness Day at the Capitol.

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**In COMMITTEE**

**CHILDREN**

**HB 52 Quick – 117 DO PASS in H.Juvenile Justice**

Parenting plans shall be part of a final divorce decree when a child is involved unless otherwise ordered by the court. *Currently, there is no other option for either a parenting plan or a different timetable.*

**EDUCATION**

**HB 62 Tanner – 9 DO PASS in H.Education**

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

**HB 65 Caldwell – 20 DO PASS in H.Education**

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.

**HB 91 Coleman – 97 DO PASS in H.Education**

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. *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. 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.*

**GOVERNMENT - GENERAL**

**HB 57 Dudgeon – 25 DO PASS in H.Energy, Utilities, Telecommunications**

Solar Power Free Market Financing Act of 2015. Persons who install solar technology on their private property and sell the excess 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 such solar installations.***

## **HEALTH**

HB 47 Cooper – 43 DO PASS in H.Health & Human Services

Authorizes a pharmacist to refill ophthalmic prescriptions without physician consent up to 70 days of use.

***Some patients have wastage problems with eye meds, especially drops.***

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## **NEW LEGISLATION**

## **BUDGET**

HR 127 Allison – 8 H.Appropriations

CA to prioritize the use of any budget surplus as:

- K-12 enrollment increases
- Revenue Shortfall Reserve up to 8% (now 15%) about one month's expenses.
- Increase the personal income tax exemption

***Not everyone pays state income tax so they would not get any benefit from this surplus.***

## **DRIVERS LAWS, TRANSPORTATION**

SB 6 McKoon – 29 S.Public Safety

Restricts drivers licenses to non-citizens who are legal residents and does not include those who are in a 'deferred deportation' status. Department of Driver Services shall participate in the federal EVerify collection of drivers license data. DDS to require a biological characteristic, such as fingerprint or DNA, from non-citizens prior to issuing a license, permit, or special ID card and to put it on the document.

SB 54 Gooch – 51 S.Economic Development & Tourism and

HB 174 Jones – 62 H.Transportation

Allows surface transportation to be 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.

SB 57 James – 35 S.Public Safety

Motorized wheelchairs and scooters operated on public ways and sidewalks are to be equipped with reflectors approved by the Department of Public Safety for bicycles, visible for 200 feet, and attached to both front and back. Equipment of this type sold in GA after 1-1-16 must be so equipped.

SR 97 Thompson – 5 S.Transportation

CA that Motor Fuel Taxes may be appropriated for any public transportation purpose. ***Currently, it is limited to roads and bridges.***

HB 166 Yates – 73 H.Public Safety & Homeland Security and

SB 76 Jackson – 24 S.Public Safety

Motorcycle Mobility Safety Act. If a traffic control device or signal is inoperative because of the lightweight design of a motorcycle or other motor vehicle, and the driver has been stopped for at least one full minute, the signal may be treated as a stop sign. Repeals the requirement for handlebars to be less than 15 inches high and a backrest known as a 'sissy bar' is no longer required.

HB 170 Roberts – 155 H.Transportation

Transportation Funding Act of 2015. Raises excise tax to 29.2 cents/gallon, up from 7.2 cents. An excise tax of 33 cents/gallon is levied on diesel fuel. Both are 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. The governor may no longer suspend or modify the state sales tax on motor fuel. The purpose of the motor fuel tax shall include public transit, rails, airports, buses, seaports as well as roads and bridges, and all associated infrastructure and services to access these transportation facilities. Sales taxes on motor fuel, state and local, shall be discontinued with the expiration of the most recent authorization of a SPLOST. Such local entities may levy up to a 3 cent/gallon local excise tax, up to 6 cents total within a jurisdiction, with adoption of a local ordinance and approval in a local referendum. The tax must be dedicated to transportation. No SPLOST further authorized may levy a sales tax on motor fuel. Effective 7-1-15. ***Local governments and school districts are expected to lose over \$500 million with this proposal, with school district losing \$150 million of it. If a city and a county levied the 3% local excise tax, the school district would not recover any of that money, and if it did, it has few transportation expenses except school buses.***

HB 190 Golick – 40 H.Insurance

Specifies insurance coverage for vehicles and drivers in a transportation network such as Uber, up to \$1 million.

## **ELECTIONS/ETHICS**

HB 130 Bentley – 139 H.Government Affairs

The Timely Process Act. A voter registration application is to be processed by the local election superintendent and the Secretary of State within 45 days of initial receipt. Any person so aggrieved may seek relief in the Superior Court for local officials and in the Superior Court of Fulton County for the Secretary of State. ***There is no reference to ‘complete’ applications. Incomplete ones requiring additional information from the applicant may take longer.’***

HB 194 Hamilton – 24 H.Government Affairs

**To be heard in subcommittee on Monday, Feb 9.**

Reduces advanced voting to two weeks before an election. Sunday will be a required voting day, at least between 12 noon and 4 p.m. but could at local discretion be until 6 p.m. ***LWV OPPOSES shortening the advanced voting period for election days but remains open to defining a shorter period for advanced voting in runoffs not addressed in this proposal.***

SR 138 Wilkinson – 50 S.Education & Youth

CA to elect local school superintendents and have grand juries appoint local school board members. ***GA got rid of this selection method in 1992 and since then has not had the problem of school personnel being required to be active in any election campaign of their boss, the superintendent. LWV SUPPORTS election of policy making bodies and appointment by that body of the administrator.***

## **GOVERNMENT - GENERAL**

SB 63 Hill – 6 S.Regulated Industries and Utilities

Licensed brewpubs and licensed malt beverage manufacturers may sell malt beverages for either on or off-premise consumption. ***Currently, brewpubs can sell only on-premises and malt beverage brewers can only sell for off-premise consumption.***

HB 136 Smith – 125 H.Government Affairs

Taxpayer First Act. Any state entity, before entering into a contract with a private entity for services, must make public a cost comparison between the private contractor and the costs for public employees to do the work. The costs savings must be at least 10%.

HB 137 Marin – 96 H.Special Rules

Access to Public Services for Non-English Speakers Act. Every state entity and political subdivision must take responsible steps to provide equal access to public services for individuals with limited English proficiency. Such services include: staff interpreters, translation of written materials into any language spoken by 3% of the population in the area. Department of Human Services and Attorney General will provide coordination and technical assistance to state entities to ensure implementation. ***Ensuring implementation in the political subdivision is not mentioned.***

HB 140 Anderson – 92 H.Government Affairs

State contracts of \$50,000 or more for the purchase of goods or services shall be available for inspection.

HB 160 Dunahoo – 30 H.Game, Fish & Parks

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?***

## **GOVERNMENT – COURTS AND CRIMES**

SB 72 Mullins – 53 S.Public Safety

Crimes against police dogs on duty shall carry the same consequences as if committed against a human police officer. Autopsies on police dogs murdered while on duty to be done by the GBI. Harming a police dog or horse will be simple battery and a misdemeanor of a high and aggravated nature.

HB 154 Weldon – 3 H.Judiciary

Contempt of court fine in magistrate courts is increased to \$500, up from \$200.

HB 157 Cooke – 18 H.Judiciary Non Civil

No aircraft, manned or unmanned, shall operate over private property less than 100 feet above the ground without a warrant from a judge or permission of the owner.

HB 168 Thomas – 56 H.Judiciary

Trial jurors and grand jurors in superior courts, the state and special courts, shall receive stipends in a range from \$5/day to \$75/day. ***Currently, the stipend range is from \$5 to \$50/day.***

HB 171 Hightower – 68 H.Judiciary

No court or other tribunal shall enforce a foreign law if doing so would violate a right guaranteed by either the federal or state constitution. ***Sharia?***

## **GOVERNMENT – COUNTIES AND CITIES**

HB 11 Mayo – 84 H.Government Affairs

An original city charter is prohibited from creating new unincorporated islands. Requires annexation of all of an unincorporated island, not just a portion. ***DeKalb County focus, but a general bill.***

HB 124 Yates – 73 H.Government Affairs

Prohibits counties and cities from regulating dogs based on their breed. ***Pit bulls?***

HB 133 Holcomb – 81 H.Government Affairs

Contract Cancellation Act. Contracts entered into by counties, cities, or other political subdivisions must contain a termination clause and provide that poor performance or cost overruns may be cause for termination.

Such contracts may be cancelled for failure to abide by all applicable local, state, and federal laws and regulations.

HB 192 Powell – 32 H.Government Affairs

Elected officials of local governments including school districts are prohibited from using a purchase card for expense reimbursement. Reimbursement is to be done only by submitting an expense reimbursement request. ***Use of either a purchase card or an expense reimbursement request requires oversight and approval before payment.***

## **GOVERNMENT – EMPLOYEE ISSUES**

HB 138 Dawkins-Haigler – 91 H.Industry & Labor

Social Media Privacy Protection Act. Employers, public and private, may not request disclosure by employees or prospective employees of any username, password, or other means of accessing a personal account or services through an electronic device or to access a social media account in the presence of the employer. Does not apply to devices owned by the employer or during an investigation of the employee’s misconduct or violation of laws and regulations.

HB 163 Dukes – 154 H.Industry & Labor

Bans employers from requesting credit checks on employees or prospective employees except for managerial positions, those handling money or have an expense account, or have access to personal or financial data of customers, employer, or other employees.

## **GUNS**

SB 67 Jones – 10 S.Public Safety

Bans all guns in every government building. ***Currently, a licensed holder may carry a gun into government buildings if ingress is not restricted or screened by security personnel.***

SB 68 Jones – 10 S.Public Safety

Training is required before issuing a gun carry license.

SB 70 Hill – 32 S.Public Safety

Requires both a state and federal criminal background check for a security guard to get a license to carry a gun.

SB 73 Henson – 41 S.Public Safety

A person carrying a gun can be detained to investigate whether the person has a valid license to carry. ***Current law does not allow for checking for licenses. So why bother to get one?***

## **HEALTH**

HB 129 Stover – 71 H.Government Affairs

A city or county may impose or remove fluoridation by local referendum. ***Currently, a referendum may only impose.***

HB 179 Cooper – 43 H.Health & Human Services

Pain management clinics may also have a certified registered nurse anesthetist on site acting within his/her scope of practice providing medical treatment and services.

HB 183 Knight – 130 H.Health & Human Services

Private home care providers are further defined to include licensed independent contractors. ***Currently, independent contractors are not required to be licensed.***

## **HIGHER EDUCATION**

HB 105 Wilkinson – 52 H.Health & Human Services

Vaccinations of college students against meningococcal disease residing in campus housing are required within the last 5 years of admittance.

HB 107 Scott – 76 H.Higher Education

Foster children and homeless students under age 24 are to be classified as ‘in-state’ for tuition purposes and are to retain that status until completion of a baccalaureate degree or diploma or certificate. This assistance shall not be considered income.

## **REVENUE/TAXATION**

SB 52 Fort – 39 S.Finance

Records relating to tax credits or tax exemptions granted to individuals or business shall be subject to disclosure, including those tax credits or exemptions granted by the Department of Economic Development

SB 74 Hill – 32 S.Finance

Charity Health Care Organizations are non-profits charitable organizations which run 10 or more charity health clinics and provide health care to the uninsured. The Department of Public Health shall approve and maintain a ‘list’ of such organizations eligible for the charity health care tax credit. Contributions to such organizations are eligible for the tax credit up to a state aggregate total of \$2 million/year. Individuals may take a credit up to \$1000 and if married, \$2500/year. Corporations make get a credit up to 75% of their tax liability. Unused state aggregate amounts may be carried over through 2021. Effective 1-1-16.

SR 123 Tate – 38 S.Government Oversight

CA to provide casino gambling if General Assembly enacts a local law and a local referendum is passed. May be in cities but not in unincorporated areas of counties. ***Gambling is banned in Georgia except for the state run lottery.***

SR 135 Beach - 21 S.Regulated Industries

CA to allow pari-mutuel betting on horse races. Such bets would be sales tax exempt. General Assembly to regulate. Proceeds to voluntary pre-kindergarten and college scholarships but will be dispensed from a separate account from the lottery proceeds.

HB 143 Wilkerson – 38 H.Ways & Means

Legislation proposing tax exemptions, exclusions, or deductions from the tax base, a credit against the tax, a deferral of the tax, or a preferential tax rate must be introduced in the first year of a legislative session. If the committee to which the bill is assigned agrees to further consideration, the legislation will receive an actuarial investigation from the state auditor during the intersession and attached to the bill for consideration in the second year of a legislative term. ***Retirement bills are now handled in this way. Ensures consideration with full knowledge of estimated costs.***

HB 167 Yates – 73 H.Ways & Means

An income tax exemption for all retirement income from the military including any survivor benefit. Effective 1-1-15.

HB 175 Ehrhart – 36 H.Ways & Means

The jet fuel exemption from motor fuel taxes shall apply only to carriers who paid \$15 million or less in the previous year. *Exemption will remain with Southwest, but Delta would lose it. They made \$2.8 billion in 2014 and no longer need financial support from the state, and the state needs money for transportation facilities which Delta uses extensively.*

HB 176 Benton – 31 H.Ways & Means

The income tax credit for low emission vehicles, those with an EPA rating of 47 mpg or higher, is reduced to \$2500 each. Repeals the distinction of a zero emissions vehicle. Hydrogen cell vehicles available for the tax credit on 1-1-19.

## **LOCAL**

HB 165 Bruce – 61 H.Government Affairs

Creates the City of South Fulton which will include all unincorporated areas of Fulton County including the Fulton County Industrial Park if the local constitutional amendment which created it is repealed. Local referendum is required. *Local constitutional amendments were allowed before the 1983 constitution was adopted. Any local referendum in force at that time is still valid, but no more can be adopted. If this city is formed, Fulton County will be 100% incorporated, the first in the state.*

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League of Women Voters – Atlanta/Fulton

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