

12 February 2015

## LWVAF, Report from the Capitol, Week 5

This week the General Assembly met for four days, completing legislative day 15. We're over 1/3 of the way done. There is to be a 3 day weekend, and the legislature will return next week on Tuesday for a 4 day week.

It also adopted its calendar for the rest of the session. Day 30, Crossover Day, will be Friday, March 13 and Day 40 will be April 2.

Late yesterday, the governor introduced his constitutional amendment to create a state-wide school system to take over persistently failing schools, ala Louisiana and Tennessee. The details will be reported on here next week, but a quick read of the Atlanta newspaper for today will give you some details.

The mid-year budget passed the Senate with some changes, of course. It will now return to the House for further examination. Nearly all budgets end up in a conference committee. Last year, the mid-year budget also passed early in the session, but the conference committee was not formed until near the end, so the budget wasn't passed until then. Hopefully, this year they will be somewhat speedier. Local governments and state agencies need the funds from the bettering economy for state services and for schools sooner.

The transportation bill has had two hearings this week, one in the subcommittee which passed it out to the full committee and one in the full committee where no vote has been taken. This bill is trying to raise \$1 billion annually for transportation purposes without a constitutional amendment and without raising state revenues for the full amount. The current plan is to take half of the revenues from local governments by usurping their sources of revenues. Cities and counties have been given an option to get local excise taxes on fuel to replace the sales taxes that are currently taxed, but schools have been given no alternative. In schools, taking from the little guy is called 'bullying'. There are things that the state can do to help preserve our roads and bridges, like slowing down those big, heavy trucks whose speed tear up the roads and then patrolling the highways to see that in fact they do slow down. Stay tuned.

The new legislation herein is only a sampling. The number of new bill introductions is overwhelming. Most of them will be reported if they emerge from committee.

League Day at the Capitol is next week, Wednesday, February 18. Register at [www.lwvga.org](http://www.lwvga.org).

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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.

**DV** = Differing Versions

**NNS** = Needs No Signature

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**In CHAMBERS**

### **BUDGET**

HB 75 Ralston – 7 **PASSED** House **PASSED** Senate **DV**

The amended FY 15 budget. *The budget now returns to the House for agreement or disagreement. Typically, budgets end up in a conference committee to resolve differences.*

### **CHILDREN**

SB 3 Unterman – 45 **PASSED** Senate in H.Judiciary

Supporting and Strengthening of Family Act. Parent may appoint another to act as a legal guardian for a minor child. The appointee will have all the authority of a parent except the power to authorize an abortion, consent to

adoption or marriage, or termination of parental rights. The appointment may last up to a year at which time it may be renewed. If parent is deployed as a member of the military, the appointment may last for the length of the deployment plus 30 days. ***Such transfer of parental authority currently is available to grandparents only.***

SR 7 Unterman – 45 **PASSED** Senate

CA to create the Safe Harbor for Sexually Exploited Children Fund and to allow the General Assembly to impose additional penalties or fees for various sexual offences against minors.

SB 8 Unterman – 45 **PASSED** Senate

Itemizes childhood sexual abuse crimes. Extends age to 25 to file civil actions for damages of such crimes. If SR 7 CA passes, an 8 member commission is established to oversee creation and costs of care and rehabilitation and social services for minors who have been sexually exploited. It may recommend to Governor and General Assembly changes in state programs, laws, policies, budgets, and standards relating to the care and rehabilitation of such minors. Additional penalties of \$2500 to be imposed per conviction of anyone over 18 for such offenses which shall be put in the Sexually Exploited Children Fund within the state treasury. Those under 18 cannot be guilty of these same crimes.

HB 52 Quick – 117 **PASSED** Senate

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.***

## **DRIVERS LAWS, TRANSPORTATION**

### **EDUCATION**

HB 62 Tanner – 9 **PASSED** House

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 **PASSED** House

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 **PASSED** House

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 will significantly reduce the waivers which number in the thousands per year. Date of graduation will be either the date scheduled for graduation or the current date, at LBOE option.***

## **GOVERNMENT - GENERAL**

HB 57 Dudgeon – 25 **PASSED** House in S.Regulated Industries & Utilities

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 such solar installations.***

## HEALTH

HB 47 Cooper – 43 **PASSED** House

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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## In COMMITTEE

## DRIVERS LAWS, TRANSPORTATION

HB 126 Stover – 71 DO PASS in H.Transportation

Geographical Positional Systems, GPS, may be mounted on windshields to minimize obstruction of the driver's view except if prohibited for commercial vehicles by federal law.

HB 170 Roberts – 155 DO PASS in H.Transportation subcommittee

Transportation Funding Act of 2015. Raises excise tax to 29.2 cents/gallon, 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. 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 or reauthorization of a LOST. Counties may levy up to a 6 cent/gallon local excise tax, to be shared with cities within, with adoption of a local ordinance and approval in a local referendum. The tax must be dedicated to transportation. No LOST or 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 districts losing \$150 million of it. If a county levied the 6% local excise tax, the school district still would not recover any money, and if it did, it has few transportation expenses except school buses. LOST revenues reduce property tax and SPLOST revenues fund capital projects in local governments and schools. NOTE: this is a state proposal but over have the funds are coming from local governments and schools.*

## EDUCATION

HB 100 Dickson – 6 DO PASS in H.Education

The date a child must reach age 5 to enter kindergarten or age 6 to enter first grade is changed to August 1 in the 2017-18 school year and July 1 for school years thereafter, currently September 1. *This bill affects those 2 years old and younger. Children currently in preK and those registering for preK in the fall will be able to enter kindergarten as scheduled.*

HB 164 Martin – 49 DO PASS in H.Education

Extends until July 1, 2018, 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.*

HB 177 Wilkerson – 38 DO PASS in H.Juvenile Justice

School personnel required to report suspected child abuse to DFCS must receive a receipt notice and another notice upon completion of the investigation indicating whether child abuse was or was not confirmed.

HB 198 Dempsey – 13 DO PASS in H.Education

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

## **ELECTIONS/ETHICS**

HB 73 Turner – 21 DO PASS in H.Government Affairs

The General Assembly may provide by local law for a period of residency for candidates for county or municipal office or board of education of less than 12 months.

HB 121 Hamilton – 24 DO PASS in H.Government Affairs

Write-in candidates must provide a written authorization for others to file required reports for them.

HB 194 Hamilton – 24 DO PASS in H.Government Affairs

Reduces advanced voting to two weeks before an election. The Saturday between the two weeks would be required and, at local option, either the Sunday between 12 noon and 4 p.m. or the Saturday before the first Monday between 9 and 1. No extension of hours is permitted for either weekend day. ***LWV OPPOSES shortening the advanced voting period for election days but remains open to defining a shorter period for advanced voting in runoffs.***

## **GOVERNMENT - GENERAL**

HB 70 Hugely – 136 DO PASS in H.Special Rules

Designates the white tailed deer as Georgia's official state mammal. ***The committee decided it liked deer better than the gray fox which was originally proposed.***

HB 86 Benton – 31 DO PASS in H.Human Resources & Aging

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.

HB 160 Dunahoo – 30 DO PASS in 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? The proponents say this will arrest the spread of rabies, but there is no proposal to trap squirrels or fox or other animals without regard to their health.***

## **GOVERNMENT – COURTS AND CRIMES**

HB 154 Weldon – 3 DO PASS in H.Judiciary

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

## **GOVERNMENT – EMPLOYMENT**

HB 117 Hamilton – 24 DO PASS in H.Industry & Labor

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.

## **HEALTH**

HB 119 Reeves – 34 DO PASS in H.Judiciary

AIDS confidential information may be disclosed if the patient is suspected of being mentally ill and if allowed by a judge. The hearing records are sealed except for the disclosure needed.

## HIGHER EDUCATION

SB 18 Harbison – 15 DO PASS in S.Higher Education

Technical System of GA shall maintain a policy by which students may earn academic credit for college level learning acquired prior to enrollment, such as in the military, work experience, service in the community, or independent study.

SB 58 Hill – 6 DO PASS in S.Higher Education

Entering HOPE scholars who meet the GPA and entrance exam test scores median average of the entering class of the previous fall, who applied or intend to apply to an institution within the University System that offers ROTC programs and who commits to serve in the ROTC program for the entire enrollment may be eligible for selection by a members of the General Assembly, governor, or Lt. Governor as a GA Leadership and Service Scholar. The selection will provide a written recommendation for use in the administrative process for admission.

## REVENUE/TAXATION

SR 43 Albers – 56 NNS DO PASS in S.Finance and

SR 65 Jones II – 22 NNS DO PASS in S.Government Oversight

Creates the 6 member Senate Special Tax Exemption Study Committee to determine the effectiveness, costs and benefits of such exemptions. Recommendations for change to the Legislature by 12-1-15. [SR65] Members to be appointed equally by the President of the Senate and the Senate Minority Leaders.

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## NEW LEGISLATION

### EDUCATION

HR 4 Taylor -- 79 H.Education

CA to allow a municipality to establish a school district. ***Currently, no new independent school districts can be created. It is unclear if a local law first needs to be passed by the General Assembly to authorize such municipal action or whether a local referendum is required.***

HR 224 Stover – 71 H.Government Affairs

CA to provide that state board of education members be elected to 4 year terms. Those in office on 1-1-17 may serve until 1-1-19, after which those elected in the general election of 2018 will take office. ***If this passes, we would have an elected state-wide school superintendent and elected members of the state education board from congressional districts.***

### GOVERNMENT - GENERAL

HB 4 Geisinger – 48 H.Natural Resources & Environment

Water inter-basin transfers in the Metropolitan North Georgia Water Planning District are generally prohibited except from a river with an annual average flow of 15 Billion gallons per day at the withdrawal point and with approval by the county in which the withdrawal point is located. ***Would allow inter-basin transfers from the Tennessee River, if Tennessee would cede about one square mile of territory to GA.***

HB 261 Harrell – 106 H.Regulated Industries

Commercial service airports may serve alcohol on Sundays between 5 a.m. and midnight.

### GOVERNMENT – COURTS AND CRIMES

HB 5 Geisinger – 48 H.Judiciary Non Civil

Defines the unlawful use of drones and who may lawfully use them. Caps at 1000 feet the maximum altitude drones may operate and restricts use within 5 miles from the center of any airport unless approved by that airport's control tower. A report is to be filed by each user every two years to the governor, Lt. Governor and General Assembly as to the use of drones.

HB 12 Rogers – 10 H.Judiciary Non Civil

Fraudulent representation of military service or receipt of military awards is a misdemeanor.

## **GOVERNMENT – COUNTIES AND CITIES**

HB 228 Jones – 167 H.Judiciary

In counties where sheriffs are paid a salary, any fees the sheriff can charge and collects are to be turned over to county treasurers.

HB 241 Efstoration – 104 H.Energy, Utilities, & Telecommunications

Municipal owned gas distribution companies which provide services outside the boundaries of the city shall be subject to the Natural Gas Competition and Deregulation Act.

## **GOVERNMENT – CAPITOL AND GROUNDS**

SR 177 James – 35 S.Rules

Capitol Arts Standards Commission is encouraged to authorize a placement of a portrait of Coretta Scott King next to that of her husband in the Capitol. *Nearly all persons memorialized in the Capitol have been elected officials.*

## **HEALTH**

SB 7 Thompson – 5 S. Judiciary Non Civil

Department of Revenue shall issue certificates to patients with diagnosis of ailments such as cancer, glaucoma, HIV, AIDS and other conditions where marijuana has shown to provide relief for the use thereof in limited amounts. Certification also permitted for caregivers of such patients and nonprofit medical marijuana dispensaries and their agents. Use is banned while operating a motor vehicle, aircraft, etc., while undertaking any task that may result in negligence or professional malpractice, while in school or on a school bus, in any public place or on public transportation. This bill is extensive and includes requirements for criminal background checks, protections of users and dispensers from prosecution for mere possession if certificated, security of information given to DOR, and all other aspects for administering marijuana for medical purposes. *This is a medical only marijuana bill.*

## **REVENUE/TAXATION**

HR 1 Geisinger – 48 H.Regulated Industries

CA to permit pari-mutuel betting on horse racing. Proceeds to benefit college scholarships and loans, pre-kindergarten, and trauma care as specified annually in the state budget.

HB 238 Harbin – 122 H.Ways & Means

A sales tax exemption for materials and furnishings in the expansion of an aquarium owned or operated by a charitable organization until June 2017. *GA Aquarium in Atlanta?*

## **LOCAL**

SB 96 Tate – 38 S.State & Local Government

Proposes to annex to the City of Atlanta the unincorporated part of Cobb containing the new Braves stadium.

HB 213 Jacobs – 80 H.Transportation

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. This provision is temporarily lifted in legislation passed last year.***

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