

20 February 2015

## **LWVAF, Report from the Capitol, Week 6**

This week the General Assembly met for 4 days, completing Day 19. It is just a tad shy of 50%. They will return Monday and meet through Thursday, weather permitting.

The legislative flood gates are fully open, as this report shows. Committees are pushing out bills for consideration of the full chamber. As is typical, the less controversial bills emerge sooner. There will be fewer newly introduced bills reported from here on out because time is against them for passage this session. Any bill not passed this year is eligible for consideration next year as this is the first session of a two session term.

The transportation bill is out of committee awaiting placement on the chamber calendar. As the write-up shows, it is most difficult to raise \$1 billion and not have a tax increase. Now, can we see speed limits reduced for heavy vehicles to protect all that pavement that the billion can pay for? Included in the list of transportation projects eligible for these funds are seaports and airports, big ticket items indeed. So don't hold your breath for a bike trail or repairing that bridge in your neighborhood.

The governor's plan to create a state-wide school district to intervene in failing schools has been introduced and written up here. Some initial observations. This school district has a superintendent who is a one-person czar, there are no checks and balances on the power of this person, and the capacity given the school district is far short of the number of schools that can be addressed by this school district.

The League of Women Voters Day at the Capitol has most leagues represented on one of the coldest days of the year. Read the report on the LWVGA's Under the Gold Dome for this week.

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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

**TGFS** = To Governor for Signature

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**In CHAMBERS**

### **BUDGET**

**HB 75** Ralston – 7 **PASSED** House & Senate **TGFS**

The amended FY 15 budget. *The disagreements were few and a conference committee was not needed. Most of the available money went to increases in school enrollments, both K-12 and post-secondary.*

### **DRIVERS LAWS, TRANSPORTATION**

**HB 172** Lumsden – 12 **PASSED** House

Personal watercraft will not include homemade or inflatable rafts propelled only by human limbs when BUI is involved. *Includes intertubes, which was intended but it also may include canoes, kayaks, and long boats. Language is to be added to exclude those from this exemption.*

### **EDUCATION**

**HB 100** Dickson – 6 **PASSED** House

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 of 2015 will be able to enter kindergarten as scheduled.*

HB 164 Martin – 49 **PASSED** House

Extends until July 1, 2017 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

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

## **GOVERNMENT - GENERAL**

HB 86 Benton – 31 **PASSED** House in S.Heath & Human Services

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 which shall select an executive director. All functions and personnel remain the same.

## **GOVERNMENT – COURTS AND CRIMES**

SB 62 Harper - 7 **PASSED** Senate in H.Game, Fish & Parks

Probate courts will have concurrent jurisdiction on hunting and game legislation with the superior courts.

## **HEALTH**

HB 119 Reeves – 34 **PASSED** House

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 **PASSED** Senate in H.Higher Education

Technical College 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. *Currently, TCSG is providing earned academic credit, but has no policy.*

SB 58 Hill – 6 **PASSED** Senate

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 selector will provide a written recommendation for use in the administrative process for admission of the selectee, similar to how military academy candidates are handled by congress members.

## **REVENUE/TAXATION**

HB 227 Duncan – 26 **PASSED** House

Programmable thermostats are no longer eligible for sales tax exemption during sales tax holidays.

HB 292 Knight = 130 **PASSED** House

Incorporate changes in federal tax law into GA law.

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## **In COMMITTEE**

### **CHILDREN**

SB 34 Kirk – 13 DO PASS in S.Judiciary

Under the Good Samaritan law, rendering ‘emergency care’ includes rescue or attempts to rescue an endangered individual from a locked motor vehicle. ***This provides immunity from civil lawsuit for damages for such actions by the good Samaritan.***

### **DRIVERS LAWS, TRANSPORTATION**

HB 170 Roberts – 155 DO PASS in H.Transportation

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. Tax credit of \$5000 for electric vehicles is repealed. 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. No LOST, HOST, MOST, ESPLOST or SPLOST further authorized may levy a sales tax on motor fuel. Effective 7-1-15, LOST, HOST, and MOST will have sales tax increased to 1.25% effective 7-1-15. Any renewal of SPLOST or ESPLOST will have an increase in the sales tax to 1.25%. The additional proceeds must be dedicated to transportation. ***LOST and MOST 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. When fiscal impact on this substitute proposal is available, it will be reported. The 6% local excise tax for counties and cities is no longer in this proposal.***

### **EDUCATION**

SB 89 Albers – 56 DO PASS in S.Science & Technology

All instructional materials purchased by a local board of education must be in electronic format. Local boards are to provide electronic devices to each student for use in accessing such materials by 2020. ***Costs and security of devices are major issues for those who have already tried providing devices for students. Also, some authors of instructional materials will not give permission for electronic reproduction.***

### **GOVERNMENT - GENERAL**

SB 95 Williams – 27 DO PASS in S.Banking & Financial Institutions

Real estate brokers may deposit funds into any type of account that is FDIC insured. ***Current law requires it to be a checking account.***

HB 95 Tanner – 9 DO PASS in H.Government Affairs

Expands options for investing local government funds in the local government investment pool. The state treasurer may place the funds in a separate trust fund administered by the treasurer under policies developed by the State Depository Board.

HB 99 Lumsden – 12 DO PASS in H.Judiciary

When joint tenants with right of survivorship divorce or have their marriage annulled, they become tenants in common unless joint tenancy with right of survivorship is otherwise disposed of in the final order of divorce or annulment.

HB 115 Mitchell – 88 DO PASS in H.Judiciary

An owner-occupied home facing foreclosure can within 5 days of the sale of the property, pay all fees and expenses plus any deficit of the loan and the process shall be aborted.

SB 129 McKoon – 29 **TABLED** in S.Judiciary

Preventing Government Overreach on Religious Expression Act. Government cannot enact any law designed to prevent the practice of religion. *This proposal seems short on protecting rights of others who may be affected by such practice. And this basic right is guaranteed by both the U.S. and Georgia Constitutions.*

HB 217 Maxwell – 17 DO PASS in H.Retirement

Public retirement systems may invest in mutual funds and other collective funds and trusts. *They are already doing it, especially the smaller retirement funds because they do not have the investment personnel of the larger funds. This makes it legal.*

## GOVERNMENT – COURTS AND CRIMES

SB 72 Mullins – 53 DO PASS in S.Public Safety

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.

HB 207 Beskin – 54 DO PASS in H.Judiciary

Judges, judicial officers, grand jurors or trial jurors will be disqualified if related to any party in a case by consanguinity or affinity within the third degree. *Currently, the restriction is a relationship within the sixth degree.*

## GOVERNMENT – COUNTIES AND CITIES

HB 89 Bruce – 61 DO PASS in H.Judiciary

Extends until 7-1-15 for city or county ordinances to be adopted and reported to Department of Community Affairs relating to manufacturing, distributing, dispensing, or possessing with intent to distribute controlled substances or marijuana in, on, or within drug-free commercial zones.

HB 192 Powell – 32 DO PASS in H.Government Affairs

Local governments including school districts must have a policy if purchase cards are to be used for expenses. *However expenses are paid, oversight and approval before payment is good practice.*

HB 261 Harrell – 106 DO PASS in H.Regulated Industries

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.

HB 340 Petrea – 166 DO PASS in H.Regulated Industries

Sale of alcohol during the St. Patrick's Day celebration shall be available 4 days, instead of 3, as long as March 17 is included by local authority.

## GOVERNMENT - EMPLOYMENT

SB 88 Jones – 25 DO PASS in S.Insurance & Labor

Wages can be paid with credit to a payroll card if the employee accepts that option. If not, wages will be paid by check or direct deposit.

## **HEALTH**

HB 212 Weldon – 3 DO PASS in H.Health & Human Services

No controlled substance may be prescribed or dispensed in a pain management clinic unless a doctor, physician assistance, or advanced practice registered nurse is on-site. Administration of anesthesia under doctor's orders shall not be 'dispensing'.

## **HIGHER EDUCATION**

HR 304 Cooper – 43 DO PASS in H.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 DO PASS in H.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.

## **REVENUE/TAXATION**

HB 49 Harrell – 106 DO PASS in H.Ways & Means

At the discretion of the county tax commissioner, a taxpayer may request receipt of tax bills or subsequent delinquent notices by electronic transmission rather than by snail mail.

HB 51 Benton – 31 DO PASS in H.Judiciary

Owners of property sold to satisfy taxes may redeem such property by repaying the buyer all costs incurred in the transaction including any amounts owed to a homeowners or a condo association.

HB 63 Tanner – 9 DO PASS in H.Ways & Means

Georgia Employer GED Tax Credit Act of 2015. Employers who offer the GED preparation course on their premises and under the supervision of the Technical College System of GA are granted an income tax credit of \$400/employee who passes the Basic Skills Test paid for by the employer and \$1200/employee who completes the 40 hour course and passes the test paid for by the employer.

HB 120 Rutledge – 109 DO PASS in H.Ways & Means

The projects on which SPLOST funds may be proposed and spent may be state owned, operated, or administered.

HB 231 Kelley – 16 DO PASS in H.Ways & Means

Department of Revenue Commissioner is to publish notices of unclaimed property on website. Must retain in a separate fund sufficient funds to make prompt payment of claims for such things as costs of the sale of abandoned property, costs of mail and publication re abandoned property, any amount required to be paid to other state under reciprocity agreements, and other operating expenses.

HB 234 Rutledge – 109 DO PASS in H.Ways & Means

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 DO PASS in 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. The provision is temporarily lifted in legislation passed last year. This proposal makes it permanent.***

HB 214 Jacobs – 80 DO PASS in H.Transportation

The Commissioner of Department of Transportation shall be a voting board member of MARTA until 1-1-17. Provides authority for MARTA to enforce its rules for patrons who violate them by suspending the use of its services to them or imposing a civil fine or both. ***Currently, this person and the Executive Director of GRTA are non-voting members.***

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## NEW LEGISLATION

### EDUCATION

SB 133 Millar – 49 S.Education & Youth

The Opportunity School District would be formed by the General Assembly to oversee failing schools throughout the state. It would have a superintendent appointed by and accountable to the governor. 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 this takeover and chosen solely at the superintendent's discretion. The superintendent could unilaterally waive State Board of Education rules. Local boards of education from which the schools were taken must cooperate fully with the superintendent. The OSD could assume control of 20 schools per year. Intervention may take the form of direct management by the OSD, shared governance of OSD and the local board of education, reconstitution of the school as a state charter school, or closure. There will be 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. The 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 the OSD for 5 consecutive years, funded with the state funding formula per student. OSD may use 3% of each student's state allotment funding for overhead and administration. Enabling legislation for SR 287. ***Currently, there are 146 school which meet the criteria for takeover. The governor's proposal.***

SR 287 Miller – 49 S.Education & Youth

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.***

### ELECTIONS/ETHICS

SB 127 Jeffares – 17 S.Ethics

Local candidates who received notice of fines from the GA Government Transparency & Campaign Finance Commission, previously State Ethics Commission, for failure to file reports or late submission of reports required between 1-1-10 and 1-10-14 who had in fact filed on time, the commission is authorized to waive late fees, fines, and civil penalties for such late, incomplete or non-filing of campaign disclosure reports and personal finance disclosure reports. Such fines will be refunded if application is made by the candidates.

*Department of Audits and Accounts found software problems caused the incorrect fines to be assessed. This may be a blank check for fine forgiveness.*

## **HEALTH**

HB 354 Fleming – 121 H.Judiciary

Insurers which provide health benefits to the state health benefit plan must also include all Level 1 trauma centers located within its defined service area. Failure to agree between a hospital and the state health benefit plan shall cause a 5-member arbitration panel to be formed. The decision of the arbitration panel is binding on all parties for up to 3 years. Appeal may be filed in Superior Court of Fulton County. ***Another attempt to resolve the dispute between Blue Cross, which administers the state health benefit plan, and Grady Hospital.***

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