

27 February 2015

## LWVAF, Report from the Capitol, Week 7

This week the General Assembly met for four days, completing Day 23. It will return on Monday for another four days.

The weather did have an effect on the movement of legislation. All committee meetings were cancelled Wednesday afternoon so people could get home before the snow. Thursday, the budget was passed in the House and the Senate calendar was short. Few committee meetings are held on the last day of the week so people can get out of town.

The legislative flood is getting wound up to its highest level as sponsors want their bills out of the chamber of origin before CrossOver Day, Day 30, currently scheduled for Friday, March 13. Bills crossing over have a chance of passage this session. Those that do not must wait for next year to get some traction.

Besides the budget, the biggest victory went to the proponents of medical marijuana which passed the House on Wednesday. It had gone through several versions and may see more changes in the Senate. But it's on its way. The transportation bill, on the other hand, was sent back to committee for more 'fixes' and may emerge next week for House consideration.

-----  
**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.  
**TGFS** = To Governor for Signature

-----

### **In CHAMBERS**

#### **BUDGET**

**HB 75** Ralston – 7 **SIGNED** The amended FY 15 budget. *Most of the available money went to increase in school enrollments, both K-12 and post-secondary.*

**HB 76** Ralston – 7 **PASSED** House  
The FY 16 budget. *It now goes to the Senate. One change was to require local boards of education to pay the additional health benefit premium costs of \$156 per month per part time employee. This will eat up a large chunk 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.*

#### **CHILDREN**

**SB 34** Kirk – 13 **PASSED** Senate  
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 206** Harrell – 106 **PASSED** House  
To pass sanitation vehicles, one must move over one lane, or if that is not feasible, to slow to 10 mph under the posted speed limit until passed. *Sanitation workers are injured more than most other public employees.*

#### **EDUCATION**

**HB 177** Wilkerson – 38 **PASSED** House

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.

## **ELECTIONS/ETHICS**

HB 73 Turner – 21 **PASSED** House

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. *Currently, counties and cities may provide by local ordinance for the period of residency up to 12 months for all local offices except judicial ones. If no local law passed by the General Assembly, they still can.*

HB 121 Hamilton – 24 **PASSED** House

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

## **GOVERNMENT - GENERAL**

HB 70 Hugely – 136 **PASSED** House in S.Government Oversight

Designates the white tailed deer as Georgia's official state mammal. *The gray fox which was originally proposed.*

## **GOVERNMENT – COURTS AND CRIMES**

HB 59 Willard – 51 **PASSED** House

Persons aggrieved cannot get governments to pay for damages caused by their employees, equipment, buildings, and other assets due to the defense of sovereign immunity, which dates back to early English Law which ruled that the 'king cannot be sued'. The Supreme Court has said that it can be waived if the legislature is willing to enact law to allow that. This bill provides for such a waiver.

SB 72 Mullins – 53 **PASSED** Senate

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.

## **GOVERNMENT – COUNTIES AND CITIES**

HB 261 Harrell – 106 **PASSED** House

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**

HB 117 Hamilton – 24 **PASSED** House

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

Allows trapping of raccoons, currently banned in Carroll, Fulton, DeKalb, Gwinnett, Barrow, Jackson, Madison, & Elbert counties and areas north. *These traps are a danger to persons who step into them. Proponents say this will arrest the spread of rabies. Squirrels, fox, and other animals get rabies, too.*

## HEALTH

HB 1 Peake – 141 **PASSED** House

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.

**SB 53** Kirk – 13 **PASSED** Senate **PASSED** House **TGFS**

Until June 30, 2018, a licensed professional counselor may transport a person to a hospital for mental health evaluation. *This authority currently sunsets in March of 2015.*

HB 85 Harrell – 106 **PASSED** House

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 a school, which is nearby. *The Central State Hospital 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.*

HB 211 Broadrick – 4 **PASSED** House

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

**SR 346** Unterman – 45 **PASSED**

Skin Cancer Awareness Day at the Capitol is March 2, 2015. More than 50% of all cancers are skin cancers.

## HIGHER EDUCATION

HR 304 Cooper – 43 **PASSED** House 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 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.

## REVENUE/TAXATION

HB 49 Harrell – 106 **PASSED** House in S.Finance

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

HB 63 Tanner – 9 **PASSED** House in S.Finance

Georgia Employer GED Tax Credit Act of 2015. Employers who pay for employees to take the GED test through the Technical College System are granted an income tax credit of \$400/employee and \$1200/employee who passes the test paid for by the employer.

HB 202 Battles – 15 **PASSED** House in S.Finance

An extensive revision of property tax processes.

- Department of Revenue commissioner 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.
- Extends the opportunity of two or more counties to combine tax assessors & commissioners offices to all counties in the state, not necessarily ‘contiguous class 1’ counties. The agreement shall be in writing.
- Taxpayers shall receive copies of documents used to set the value of their real property, upon request. 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 very extensive and deals mostly with changes in process rather than policy.*

-----

## **In COMMITTEE**

### **CHILDREN**

HB 103 Belton – 112 DO PASS in H.Judiciary Non Civil

Prohibits identifying a minor in a nude picture or other obscene depiction by name, address, phone number, or e-mail address. Exceptions are for law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses.

### **DRIVERS LAWS, TRANSPORTATION**

HB 69 Spencer – 180 DO PASS in H.Motor Vehicles

Motor vehicle event data that may be captured on an event data recorder, the land vehicle ‘black box’, is vehicle air bag deployment, speed, steering performance, brake performance or use, and seatbelt status or use. It does not include audio or video data. The data is private and the guidelines as to who can access it under what rules and for what reasons are defined.

SB 125 Beach – 21 DO PASS in S.Transportation

Authorizes tolls for road projects and improvements to manage traffic. Includes managed lanes, signage, barriers or gates.

HB 147 Powell – 32 DO PASS in H.Motor Vehicles

Purchasers of new passenger motor vehicles within the 16 counties that require federal emissions inspection may initially register the car for 2 years and thereafter annually. The fee for the first registration will be \$40. *Saves a blank check and the cost of one emissions inspection.*

HB 338 Lumsden – 12 DO PASS in H.Public Safety & Homeland Security

Authorizes the collection of an additional fee of \$5 for those ticketed for traffic offenses to be deposited into the Electronic Citation Fund, the proceeds to be used to implement the use of electronic citations. Repealed at end of FY24.

## **EDUCATION**

SB 2 Tippins – 37 **PASSED** Senate DO PASS in H.Education subcommittee

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 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 16 Prince – 127 DO PASS in H.Education subcommittee

Each local high school shall decide, by policy, if students enrolled in magnet schools may try out to participate on their home high school teams. Students may play for only one school.

HR 303 Buckner – 137 DO PASS in H.Education subcommittee

Urges the SBOE to develop and implement comprehensive civics education curricula.

HB 362 Clark – 101 DO PASS in H.Health & Human Services

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.

## **GOVERNMENT - GENERAL**

HB 218 Teasley – 37 DO PASS in H.Judiciary and

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.*

HB 86 Benton – 31 **PASSED** House DO PASS in S.Health & 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 who shall select an executive director. All functions and personnel remain the same.

## **GOVERNMENT – COURTS AND CRIMES**

SB 94 Bethel – 54 DO PASS in S.Judiciary Non Civil

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.

## **HEALTH**

HB 183 Knight – 130 DO PASS in H.Health & Human Services

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.*

HR 304 Parrish – 158 DO PASS in H.Health & Human Services

Urges Congress to provide more funds to train doctors in residency. *GA needs more doctors. Half of the doctors stay in the states where they do their residency.*

HB 436 Clark – 101 DO PASS in H.Health & Human Services

Pregnant women shall be offered an HIV test in the third trimester. She may refuse. *Testing before birth can enable treatment before delivery and possibly prevent HIV from infecting the baby.*

## REVENUE/TAXATION

HB 122 Martin – 49 DO PASS in H.Ways & Means

Repeals the income tax credit for low emissions vehicles.

HB 215 Jacobs – 80 DO PASS in H.Ways & Means

Equalized HOST. Allows a second HOST tax in a county to pay for fees imposed on unincorporated areas but not incorporated areas, and vice versa. *DeKalb County.*

-----

## NEW LEGISLATION

### ELECTIONS/ETHICS

HR 399 Brockway – 102 H.Government Affairs

Creates a 5 member House Study Committee on Alternatives to Runoffs. Recommendations by Dec. 1 2015. *Georgia is one of 11 states requiring runoff elections if no candidate receives 50% + 1 vote. Our elections calendar was changed significantly in 2014 to comply with a federal judicial order to provide more time between a primary or election and a subsequent runoff so that military and overseas voters could get their ballots returned in time. The earlier candidate filing caused a legislative session to be compressed even further. The runoff for federal candidates was on a different date than the runoff for state offices. Candidates had long periods between filing for office and learning if they were elected or not. And voters were bombarded with phone calls, commercials, events, press releases, and other contacts from candidates until the election was finally settled in November. An alternative may well be needed.*

HB 438 Raffensberger – 50 H.Government Affairs

Candidates may not use a government supplied e-mail address in any way during their campaign for elected office.

### LOCAL

HB 476 Fludd – 64 H.Government Affairs

Repeals the constitutional amendment which created the Fulton County Industrial District. Requires a state wide vote. *This would remove the current restriction that the area cannot be annexed by any city. The proposed City of South Fulton will include this area if the bill passes and a local referendum passes. Local constitutional amendments were permitted prior to the adoption of the 1983 Constitution. Any in force at that time were continued.*

#####

Sally FitzGerald, Capitol Observer [sallyfitz@bellsouth.net](mailto:sallyfitz@bellsouth.net)

League of Women Voters – Atlanta/Fulton [www.lwvaf.org](http://www.lwvaf.org)

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