

6 March 2015

LWVAF, Report from the Capitol, Week 8

The week the General Assembly met for four days, completing Day 27. It will return on Monday for a three day week, Monday, Wednesday, and Friday. All three days will be long in the chambers as sponsors push to have their bills considered to meet the CrossOver Day rule when bills must clear their house of origin by the end of that day to be considered for passage this year. The Rules Committees will be the biggest barrier for most legislation. Each day is finite and the number of proposals seems not to be.

Three major bills have cleared that hurdle this week – the transportation bill, the governor’s proposal for a state-wide school district to govern failing schools, and the freedom of religion measure. All are included in this report.

The transportation bill is really a tax bill. The objective is to raise an estimated \$1 billion annually for transportation projects to be paid for out of the motor fuel fund. First, the list of projects which may be so funded has been expanded to include airports and seaports, which are almost always big ticket items. Secondly, it removes the sales tax from motor fuel, which removes about \$180 million from the general fund which funds all other state needs. Thirdly, it attempts to replace the lost revenues to the local counties, cities, and school districts by raising the sales tax in each case from 1% to 1.25%, and then it requires that the increase be spent on transportation. So the hole that was created in those budgets is still not filled and may result in cuts to local services or property tax increases.

The Opportunity School District which the governor proposes is a state wide entity to take over persistently underachieving schools. It includes a constitutional amendment and enabling legislation which outlines how it will work. It provides for a czar of this school district, in the office of the appointed superintendent, who has to report to just one person, the governor. Powers and authority which this administrator has are without any other checks or balances and include being able to take resources from local boards of education, remove employees from local schools, and waive state board of education requirements and local board policies. It epitomizes taxation without representation for all citizens. Information brought forth during the debate indicated that other states which have utilized this structure have found that costs significantly increased per student which will have to come from somewhere. And if locals don’t like it, tough! There is no right of appeal for any decision of this Opportunity School Superintendent.

The freedom of religion bill finally gained passage. It was sold as replicating what is in the federal bill. So why do we need it if we already have it? Others are concerned that one person’s religious freedom may result in discrimination of another and the bill has no language which protects individuals and groups from such discrimination.

Included herein are other bills on their way to final passage.

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

In CHAMBERS

BUDGET

CHILDREN

DRIVERS LAWS, TRANSPORTATION

HB 118 Tanner – 9 **PASSED** House in S.Public Safety

Applicants for commercial driver's license or driving permit are committing an unlawful act for making false statements or concealing a material fact or committing a fraud during the examination. Third party providers of the Department of Drivers Services testing must have and maintain a surety bond in an amount set by the department. Certification of examiners must include a national criminal history background check and pass a training course. Persons who train examiners cannot administer the tests. Commercial drivers licenses are issued to those who first have a driving permit after which they have 180 days to get their license. Conviction of traffic offenses will require no driving commercially for either 60 days or 1 year depending on the severity of the offense. Use of wireless phones banned except for calling 911, or if a public utility employee or contractor or public safety personnel. ***School bus drivers could not call the school or the district if any passenger needed assistance or there was a problem with the bus.***

SB 125 Beach – 21 **PASSED** Senate in H.Transportation

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

HB 147 Powell – 32 **PASSED** House in S.Public Safety

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 170 Roberts – 155 **PASSED** House

Transportation Funding Act of 2015. Besides roads and bridges, motor fuel taxes may be used for public transit, rail, buses, airports, seaports and all associated infrastructure and services to access these transportation facilities. Removes the sales tax on motor fuel, which removes \$180 million from the general fund. Raises excise tax to 29.2 cents/gallon on gasoline, 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 credits for electric vehicles and alternative fuel and hybrid vehicles are repealed as is the jet fuel sales tax exemption for airlines flying out of Atlanta. The governor may suspend or modify the state sales tax on motor fuel but it must be ratified by the General Assembly with a 2/3 vote. No LOST, HOST, MOST, or SPLOST further authorized may levy a sales tax on diesel fuel. ESPLOST will continue to tax diesel fuel. Effective 7-1-15, LOST, HOST, and MOST will have sales tax increased to 1.25% effective 7-1-15, the increase to be used for transportation. Any renewal of SPLOST will have an increase in the sales tax to 1.25%, the increase must be dedicated to transportation. The ESPLOST will continue to be taxed at 1% because it is defined in the constitution. ESPLOST may fund transportation expenses such as bus driver salaries and insurance. ***LOST and HOST 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. To raise \$1 billion for transportation, taxes must be raised.***

HB 190 Golick – 40 **PASSED** House in S.Insurance & Labor

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

HB 210 Rogers – 10 **PASSED** House in S.Public Safety

Those receiving Department of Driver Service issued identification cards may participate in the organ donor program. The personal data collected by DDS will be provided to organ registries for those age 18 and older.

HB 325 Hitchens – 161 **PASSED** House in S.Public Safety

Requires seat belts to be used by all passengers under age 18 in vans which carry 15 or more passengers effective 7-1-15. Raises fine for failure to wear a seat belt to \$50, currently \$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 schools vans, church vans, day care vans, etc. Public schools cannot use 15 passenger vans because of federal law.

EDUCATION

SB 89 Albers – 56 **PASSED** Senate in H.Education

All instructional materials purchased or licensed 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.

SB 133 Millar – 49 **PASSED** Senate

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. There is no requirement for auditing, reporting back to the General Assembly, or communicating with the community from whence the students come. And this governor will be LONG gone by the time any concerns could be raised.*

SR 287 Miller – 49 **PASSED** Senate

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.*

HB 362 Clark – 101 **PASSED** House in S.Education & Youth

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.*

HB 372 Coomer – 14 **PASSED** House in S.Education & Youth H.Education

Local governments cannot require charter schools to get any additional licenses to open, such as a business license, professional license, or occupational tax certificate, if the school has passed state facility inspections and received a certificate of occupancy.

GOVERNMENT - GENERAL

SB 129 McKoon – 29 **PASSED** Senate

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 99 Lumsden – 12 **PASSED** House in S.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.

GOVERNMENT – COURTS AND CRIMES

SB 94 Bethel – 54 **PASSED** Senate in H.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.

HB 207 Beskin – 54 **PASSED** House in S.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

SB 139 Harper – 7 **PASSED** Senate DO PASS in H.Agriculture & Consumer Affairs

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 192 Powell – 32 **PASSED** House

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 340 Petrea – 166 **PASSED** House

Sale of alcohol, by local authority in counties or cities which have approved alcohol consumption on premises, during the St. Patrick's Day celebration shall be available 5 days, instead of 3, from 12:30 p.m. until midnight, as long as March 17 is included.

GOVERNMENT - EMPLOYMENT

SB 88 Jones – 25 **PASSED** Senate in H.Industry & Labor

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

SB 101 Watson – 1 **PASSED** Senate in H.Natural Resources & Environment

A buffer of 25 feet shall be maintained in coastal marshlands while building, with no disturbance.

HEALTH

HB 183 Knight – 130 **PASSED** House in S.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.*

HIGHER EDUCATION

HB 315 Nimmer – 178 **PASSED** House in S.Higher Education
Changes the name of the Technical College System of GA and its board to Georgia Career College System and board.

REVENUE/TAXATION

HB 51 Benton – 31 **PASSED** House
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 homeowner's or a condo association + 20%.

HB 200 Parsons – 44 **PASSED** House
An income tax credit to businesses engaged in ownership or operation of commercial office, residential, retail or industrial real property for each installed electric vehicle charger or compressed natural gas fueling appliance of 20% of the costs through FY18 then 10% of the costs through FY20. Single tax returns are capped at \$150,000 while the state aggregate is \$750,000 per year.

HB 234 Rutledge – 109 **PASSED** House
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.

HB 292 Knight -- 130 **PASSED** House **PASSED** Senate **TGFS**
Incorporate changes in federal tax law into GA law.

LOCAL

HB 213 Jacobs – 80 **PASSED** House
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 **PASSED** House
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, the commissioner and the Executive Director of GRTA are non-voting members.*

In COMMITTEE

GOVERNMENT - GENERAL

SB 168 Jones – 25 **DO PASS** in S.Higher Education
The Old Governor's Mansion is to be designated the official state historic house. *It is located on the campus of GA Georgia College and State University in Milledgeville.*

LOCAL

HB 476 Fludd – 64 DO PASS in H.Government Affairs

CA to repeal 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.*

HB 514 Bruce – 61 DO PASS in 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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