

10 February 2017

LWVAF, Report from the Capitol, Week 5

This week the legislature will meet for four days, completing Days 13 through Day 16. It will return next Tuesday for Day 17, meeting again for four days.

Bills are beginning to emerge from committee and a few have passed the chamber. Additionally, gobs of legislation have been introduced. To keep this report at a reasonable length, I have reported movements of bills, but have been selective in reporting newly introduced bills.

The much anticipated educational Plan B, the governor's recommendation in lieu of the amendment not passing last November is slated to be introduced on Friday, too late for this week's newsletter. More on it next week.

The budgets, the only item that is required constitutionally to be passed each year, have been moving at a fairly rapid pace. The amended FY17 budget has now passed both chambers and will go into reconciliation mode. The FY18 budget is being worked on in the House and expected to pass next week. While the FY17 didn't vary much from the governor's proposal, mostly truing up formula based amounts, it is too early to know if the FY18 budget will adhere as closely to the governor's wishes.

February 21 is the LWV Day at the Capitol, in Room 606 CLOB. Please make your reservation and come on down.

BOLD Bill Number = final passage

CA = constitutional amendment. Requires a 2/3s vote in each chamber and a majority vote in the next general election scheduled for November 2018.

DV = Differing Versions

In CHAMBERS

BUDGET

HB 43 Ralston – 7 **PASSED** House **PASSED** Senate **DV**

AFY17. **House:** Very few changes were made. The governor's emergency fund received an appropriation for victims of the storms in So. GA. Equipment grants for technical education in high schools was included for \$3.5 million. **Senate:** minimal changes were made. *The Senate Appropriations chair indicated that he wants this budget settled before the House passes out the FY18 budget, which he expects to be next week.*

CHILDREN

HB 75 Willard – 51 **PASSED** House

Child abuse records that contain information provided by law enforcement or prosecutors related to criminal prosecution of a case are closed to the public.

EDUCATION

SR 175 Hill – 6 **PASSED** Senate

Recognizing that dyslexia has a profound impact on education and all aspects of life and establishes March 1, 2017 as Dyslexia Day at the capitol.

SR 178 Tippins – 37 **PASSED** Senate

Honors and recognizes Marietta City Schools for being named Georgia Charter System Innovator of the Year.

GOVERNMENT – COURTS AND CRIMES

HB 88 Fleming – 121 **PASSED** House S.Judiciary

A superior court judge shall vacate the office immediately if disbarred or suspended from the practice of law whether voluntary or involuntary.

HB 126 Willard – 51 **PASSED** House

Expands the Judicial Qualifications Commission to 10 members to be confirmed by the Senate. Seven shall be the Investigative panel and three shall be the hearing panel. The Investigative Panel shall have an attorney appointed by the governor, two judges appointed by the Supreme Court, one attorney and one citizen each appointed by the Lt. Governor and the Speaker of the House. The hearing panel shall be one citizen appointed by the governor, and one judge and one attorney appointed by the Supreme Court. ***Another change to the JQC approved by the citizens on the Nov 16 ballot.***

SR 140 Kirk – 13 **PASSED** Senate

Encourages district attorneys to seek the death penalty against defendants accused of murder of a law enforcement officer.

GOVERNMENT – COUNTIES AND CITIES

HB 14 Jones – 167 **PASSED** House S.Judiciary

Sheriffs paid a salary only shall remit any fees collected to the county treasurer or fiscal officer within 30 days of receipt. ***No consequences are itemized in this proposal. In other areas of commerce, cash deposits have to be done within much shorter periods of time, such as one or two days.***

HEALTH

SB 4 Unterman – 45 **PASSED** Senate H.Health & Human Services

Establishes the GA Mental Health Treatment Task Force to develop applications for a Medicaid Waiver and block grant funding. Legislative approval required before submission. There are 306,000 adults with serious mental illnesses in GA and less than one third are being served by the state. Examine the mental health treatments and resources currently in GA, what works best, and what changes are needed. Effective treatment may also necessitate substance abuse treatment. The task force is 17 members, 3 Senators, 3 House members, and 11 appointed by the governor from specified state departments. Report due 12-1-17.

SB 70 Miller – 49 **PASSED** Senate DO PASS in H.Appropriations

The hospital Medicaid financing program sunset is extended to 2020. ***This is the bed tax which is also the state match to federal Medicaid funding. It raises about \$300 million and pulls down \$600 million in federal funds which are sent to hospitals to help cover the cost of uninsured patients.***

HB 146 Gravely – 67 **PASSED** House S.State & Local Government

Firefighters who get specific cancers receive \$25,000 at the time of the diagnosis and after an evaluation at 6 months, if the firefighter cannot return to work, 60% of salary for an additional 36 months. ***2/3 of firefighters get cancer compared to 22% of the general population.***

SR 181 James – 35 **PASSED** Senate

Lupus Awareness Day at the state capitol is March 9, 2017.

REVENUE/TAXATION

SB 14 Burke – 11 **PASSED** Senate H.Ways & Means

An income tax credit for donations to health institutions for members of LLCs, shareholders of subchapter 'S' corporations or partners in a partnership of 70% up to \$10,000 per year may be taken only against income from those sources.

LOCAL

HB 131 Bruce – 61 **PASSED** House S.SLGO

Expands the borders of the City of South Fulton to include the Fulton County Industrial District if the local constitutional amendment which created the Industrial District is repealed, see HB 132.

HB 132 Bruce – 61 **PASSED** House S.SLGO

Repeals the local constitutional amendment to keep Fulton County Industrial Park as unincorporated, effective 1-1-18. Requires a vote of the citizens. If HB 131 also passes, the City of South Fulton will absorb the industrial park.

In COMMITTEE

EDUCATION

HB 139 Belton – 112 DO PASS in H.Education

Requires all financial information to be disclosed publicly by school and school district and dictates how schools can be compared, i.e. by per pupil or per square foot expenditure. DOE will collect and develop the website. Individual districts and schools which have a web site must include a link to the DOE site. *Currently, the chart of accounts required to be used by school districts makes such per school expenditures problematic, except for direct salaries which constitute 80% or more per school expenses while central office salaries are not generally distributed between schools served. Distributing much of the non-salaried expenses ordered by the school district but used by multiple schools requires cost accounting techniques which do not exist in school districts and for which the state has provided no resources to effect.*

HB 198 Dempsey – 13 DO PASS in H.Education

In grades 6 – 12 when the required information about the meningitis vaccine is distributed by the school, information about influenza and its vaccine is also to be distributed.

HB 246 Cantrell – 22 DO PASS in H.Education

Repeals the sunset on the annual fitness assessment program in schools.

ELECTIONS/ETHICS

HB 42 Lumsden – 12 DO PASS in H.Government Affairs

Ballot mistakes may be corrected, if feasible, by the local election superintendent on the DREs as well as the printed ballot. Local entities may align special election dates to fall on the same dates as federal elections, to save money. *Currently, to correct ballot errors, a citizen must file a court case to get a court order get a change in the ballot language. This proposal allows the election superintendent to call the Secretary of State directly to make the correction.*

GOVERNMENT - GENERAL

SB 46 Ligon – 3 DO PASS in S.Science & Technology

Establishes the parameters for space flight in GA. Defines the liability for any injuries or property damage for space activities.

GOVERNMENT – COURTS AND CRIMES

SB 18 Harper – 7 DO PASS in S.Public Safety

Retired security police officers of the GA Public Safety Training Centers may retain their badges and weapons if they leave under honorable conditions. *This is a perk of most other state and many local law enforcement agencies.*

GOVERNMENT – ENVIRONMENT

SB 65 Ginn – 47 DO PASS in S.Natural Resources & Environment

The fee for collection or disposal of scrap tires is to be collected even if the old tires are not turned over to the tire seller.

HEALTH

SB 16 Watson – 1 DO PASS in S.Health & Human Services

Adds ‘autism’ to the conditions that can be treated by medical marijuana and reduces to 3%, from 5%, the amount of active ingredients in it.

HB 36 Ehrhart – 36 DO NOT PASS in H.Health & Human Services

Permits optometrists to administer certain drugs by injection.

SB 41 Unterman – 45 DO PASS in S.Health & Human Services

Those who rent or sell durable medical equipment directly to customers are to be licensed for a 3 year term, except hospitals, ambulatory surgical centers, pharmacies and pharmacists, government owned health care facilities, skilled nursing facilities, assistant living facilities, licensed health care professionals who provide durable medical equipment within their scope of practice, suppliers of insulin and infusion pumps and related services, and manufacturers and wholesale distributors that do not provide equipment directly to customers.

REVENUE/TAXATION

SB 44 Burke – 11 DO PASS in S.Health & Human Services

Donors who make or apply to make a donation to a rural hospital organization shall not be publicly disclosed.

HB 61 Powell – 171 DO PASS in H.Ways & Means

Retailers who do not now collect sales tax (e-tail and catalog sales) are to either begin collecting and remitting it to the state or notifying each buyer that taxes are due, and filing with the state annually in January of the next year an itemized statement of every buyer in GA and the amount of purchases each has made the previous tax year. A retailer is defined as one with annual sales of \$250,000 in the state or 200 transactions. ***This only requires the collection of the state sales tax of 4%; local taxes are not required to be collected. Think Amazon and other on line retailers. The state lost \$274 million in sales tax revenue due to internet sales; the local entities collectively lost \$205 million.***

HB 117 Watson – 172 DO PASS in H.Ways & Means

Voluntary contributions in addition to the price of a ticket to amusement, sports, or entertainment shall not be sales taxable. ***Ticket price is \$50, but the check is for \$75. Only the \$50 is sales taxable.***

HB 125 Stephens – 164 DO PASS in H.Ways & Means

Personal property used to maintain, refit, or repair a boat during a single event is not sales taxable over \$500,000. The items must be securely attached to the boat, such as an engine, parts, equipment. ***Anything that floats is eligible.***

HB 142 Frye – 118 DO PASS in H.Ways & Means

Imposes fees on employers for late delivery of required W-2 and 1099 forms to employees. Effective for tax year 2017.

HB 195 Harrell – 106 DO PASS in H.Ways & Means

For profit corporations may participate in indirect ownership of a home for mentally disabled without the loss of an exemption for property taxes. Statewide referendum required in November 2018.

TRANSPORTATION/DRIVING

SB 89 Shafer – 48 DO PASS in S.Transportation

Authorizes the commissioner of DOT to take over the GA Freight Railroad Program to enhance the state’s investment in freight rail projects for public benefit and to support a safe and balanced transportation system for GA.

HB 136 Carter – 175 DO PASS in H.Motor Vehicles

When applying for a drivers license or permit, one must surrender any drivers licenses or permits in the applicant’s possession which will be returned marked to make it apparent it is no longer valid. A receipt from Department of Drivers Services will be proof of eligibility to drive until the drivers license or permit is received. Foreign jurisdictional licenses or permits must be declared but not surrendered. Temporary licenses or permits of non-citizens issued by DDS will be so marked ‘non-citizen’. Physically impaired parents or guardians who are driven by a licensed drive age 14 or 15 no longer have to prove they previously held a drivers license.

NEW LEGISLATION

CHILDREN

HB 250 Ballinger – 23 H.Juvenile Justice

An employee of early care and learning who received a satisfactory fingerprint records check within the previous 24 months is exempt from an additional background check for providing care to children placed in a foster home.

HB 259 Powell – 32 H.Juvenile Justice

Superior courts shall have original jurisdiction for a child age 13 to 17 accused of aggravated assault or aggravated battery of any nature. The case can be transferred to a juvenile court under conditions already in the law for such transfers.

EDUCATION

SR 192 Wilkinson – 50 S.Education & Youth

CA to allow by local legislation the election of the school superintendent. If such superintendent is elected, the members of the board of education shall be appointed by the county grand jury. ***LWV OPPOSES. This structure was in place prior to 1992 and was repealed. LWV believes that administrators should be appointed and policy makers should be elected.***

HB 211 Beskin – 54 H.Ways & Means

An ad valorem exemption of \$2500 per year for 5 years to an owner buying and living in a home located in an elementary school attendance zone that is in the lowest 5% of student achievement. Effective 1-1-17. ***No wording of what happens if the school moves out of the lowest 5% during the 5 year period.***

HB 217 Carson – 46 H.Ways & Means

Income tax credits for expenses of attending a private school are increased to \$150 million for 2018, \$157.5 million for 2019, \$160 million for 2020, \$172.5 million for 2021, and \$180 million for subsequent years. Any state credits not used can be carried forward.

HB 223 Waites – 60 H.Education

Requires a drivers education course in high school in 2018 and beyond. Students must be 16 to get a drivers permit and enroll in any drivers education course. Persons must age 17 to get a drivers license, and the requirement to have 40 hours of supervised driving before getting a drivers license is repealed. If the applicant is under age 17 and is adjudicated for DUI, a drivers license cannot be obtained until age 18. ***Drivers education courses are frightfully expensive; insurance for teen drivers, autos, additional teachers certified. And there is no program offered in GA for teachers to get that certification.***

HB 224 Belton – 112 H.Education

Students who live in military housing on or off base may attend any school within the school system. Parent provides transportation. ***If parent leaves the military, does the student have to transfer to the school in which the residence is located? There is some thought that this proposal and others for students in military families might be an asset when the next BRAC commission is looking at closing military bases.***

HB 236 Teasley – 37 H.Ways & Means

The income tax credit for private school expenses is increased \$7.5 million annually until it has reached \$150 million. A second window for applications is created on July 1. ***Current state cap is \$58 million.***

HB 237 Coleman – 97 H.Ways & Means

The Public Education Innovation Fund Foundation under the Office of Student Achievement is authorized to receive private donations to provide competitive grants to public schools to implement academic and organizational innovations to improve student achievement and to disseminate information about successful innovations in other public schools. Criteria for grant awards include the potential for improvement in achievement, potential for adoption by other schools, quality of the proposal design, costs and other characteristics. The foundation shall report annually to the Department of

Revenue a number and amount of grants and other data as requested. DOR shall post the report on its web site. Donors and the amount donated shall be public information. An income tax credit to donors of up to \$1000 for single taxpayers and \$2500 for married taxpayers shall be available. Members of an LLC, subchapter S corporation or a partner in a partnership may claim up to \$10,000 per year credit against income from those sources. Unused tax credits can be carried forward. The total state cap for the credits is \$15 million, first come first served. Effective 1-1-18.

ELECTIONS/ETHICS

HB 20 Scott –76 H.Government Affairs

Persons shall be automatically registered to vote when they obtain, renew, change name or address on a drivers license or ID card issued by Department of Driver Services. The applicant shall attest to being a citizen, not having been convicted of a felony, or not being found mentally incompetent.

HB 268 Fleming – 121 H.Government Affairs

Election officials requiring certification must complete the process within six months following their appointment. Repeals provision for municipal registrars. Eliminates as an acceptable photo ID the Bureau of Indian Affairs card number, the tribal card number, or the tribal enrollment number. Polling places outside the boundaries of the precinct shall be determined 90 or more days before an election. Gives precinct workers authority to manage the number of people within a polling place to prevent confusion, congestion, and inconvenience to voters. *May be a proposal asked for by the Secretary of State.*

GOVERNMENT – COUNTIES AND CITIES

HB 244 Oliver – 82 H.Government Affairs

Pension obligations for the area of a county which are unfunded at the time a new city is formed shall be retired over 30 years with a special county ad valorem tax from taxpayers within the new city. *DeKalb County.*

HB 257 Tankersley – 160 H.Government Affairs

Requires local government entities to register with the Department of Community Affairs to receive state funds, nor shall it incur debt or credit obligations before registering.

GOVERNMENT - EMPLOYMENT

HB 267 Alexander – 66 H.Industry & Labor

Requires all employers to allow employees to earn and accrue up to 56 hours of paid sick leave per year at the rate of 1 hour for 30 hours worked. If both agree, the employee can be paid at the end of the year for any unused leave. Leave may be used by the employee or a member of the employee's family which requires the employee to be absent. The employer shall keep all the records and share with each employee individually each quarter at a minimum.

GOVERNMENT – FEDERAL ISSUES

HR 217 Barr – 103 H.Rules

Requests Congress call a constitutional convention to term limit members of Congress. *Commonly referred to as an Article V convention. The concern is that once a constitutional convention is convened, it can address any area of the document. Our current constitution was created by a convention called to 'fix' the Articles of Confederation.*

GUNS

SB 135 Jones – 10 S.Judiciary

Prohibits carrying of a weapon in government buildings. *Would include public colleges.*

HB 280 Ballinger – 23 H.Public Safety & Homeland Security

Allows concealed weapons on post secondary public campuses by licensed holders, excluding buildings and property used for sporting events and student housing including fraternity and sorority houses.

HB 286 Clark – 147 H.Public Safety & Homeland Security

Persons eligible to carry a weapon can lawfully carry it without a license. Declares that a license to carry is merely an administrative confirmation of the right to carry. ***Can that same logic be used for motor vehicle licenses? Licenses to practice medicine, surgery, fly an airplane, teach school, and others?***

HEALTH

SR 188 Unterman – 45 S.Health & Human Services

Creates the 9 member Senate Committee on Barriers to Georgians' Access to Adequate Healthcare. Members include physicians, one Advanced Practiced Registered Nurse, and others by virtue of office in the health care field. ***Sponsor wishes to provide authority to APRNs to serve residents of GA in lieu of physicians, finding that they are licensed for family medicine, pediatrics, geriatrics, mental health, women's health, midwifery. There are 11,300 APRNs in GA now.***

HB 228 Raffensperger – 50 H.Insurance

Requires health insurance policies to cover hearing aids for children 18 years and under.

HB 262 Lumsden – 12 H.Insurance

Exempts stand alone dental plans from the requirement to provide a printed directory.

REVENUE/TAXATION

SB 5 Cowsert – 46 S.Higher Education

Establishes the percentage of lottery proceeds which must be transferred to the state Lottery for Education Account. In 2018, it shall be 26% of gross receipts; in 2019, 28%; and in 2020 and beyond, 30%. ***The original lottery legislation required 30% of proceeds to be transferred to the lottery fund. It was never enforced, and in fact there have been only one or two years since its inception in 1993 when 30% was transferred.***

HB 265 Efstrotation - 104 H.Ways & Means

An income tax credit and sales tax exemption for a project for a facility that contains an art museum, symphonic hall, and theater owned by a charitable organization. ***Woodruff Arts Center?***

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