

15 February 2008

LWVAF, Report from the Capitol, Week 4

Things are moving quite nicely as we near the midpoint of the legislative session. The General Assembly has completed Day 18 of a possible 40 day session. The budgets seem to be progressing without impediment – the amended budget has passed the House and almost ready for the Senate floor, and the House is well into the FY09 budget.

City and county legislation seem to have a heavier impact, after tax legislation. Enjoy this rather lengthy report. Selected statewide issues are reported herein, but more is reported in the **LWVGA** Legislative Newsletter.

LWV Day at the CAP is February 27. Please reserve your attendance at www.lwvga.org

CA = constitutional amendment. Requires a 2/3s vote in each chamber and passage in a statewide referendum, next scheduled for November 2008.

NNS = Needs No Signature

DV = Differing Versions

TGFS = To Governor for Signature

Bill Number in **BOLD** indicates final passage.

In CHAMBERS

SB 372, Reed – 35 **PASSED** Senate

Requires counties, cities, and local school systems to create and operate an ethics commission to investigate citizen complaints of alleged unethical conduct of the elected officials and may, if the ordinance or resolution permits, investigate complaints against other officers, agents, and employees of the elected governing body. These ethics commissions will have subpoena power, can issue public reprimands, impose penalties up to \$1000, report any violations to the state ethics commission and to those entities which have power to fill vacancies of the office. This bill prompted by the actions of the Clayton County School Board members acting in a manner which threatens the accreditation of the school system.

HB 387, Loudermilk – 14 **PASSED** House & Senate **TGFS**

February 12 shall be Georgia Day, the anniversary of the landing of the first colonists in Georgia under Oglethorpe in 1733. This holiday was inadvertently removed from the law when statutes were revised several years ago. As a state holiday, state agencies will not operate that day, but federal entities will.

SR 781, Mullis – 53 **PASSED** Senate

Urges DOT to develop a statewide strategic transportation plan which must include public-private initiatives, high occupancy toll [HOT] lanes, attract private capital in

exchange perhaps for toll revenues. The state cannot build roads fast enough. Public transit by express bus, light or heavy rail, or mag-lev trains must be considered.

SR 796, Rogers – 21 PASSED Senate

CA to freeze property tax assessment as of 2007 allowing residential property to rise in tax value at 2% per year thereafter and non-residential property to rise at 3% per year. All values are reset to fair market value when the property is sold. Non-residential property includes commercial, industrial, and agriculture property. Local jurisdictions may further increase or decrease tax values if: adopted by resolution, authorized by legislation; approved in a local referendum. The Lt. Governor's proposal.

SR 819, Seabaugh – 28 PASSED Senate NNS

Creates the 5 member Senate Comprehensive Firearms Law Study Committee to study Georgia's firearms laws and how those laws affect citizens to ensure constitutional rights are protected, as well as the right of self-defense and public safety, and that firearms licensing is a fair and equitable process. Report due January 2009.

SR 859, Rogers – 21 PASSED Senate

CA to remove the state portion of the property tax, one-fourth mill, unless there is a declared emergency and the funds are needed. The state retains its authority to regulate the administration of the property tax. The governor's proposal. For a property with a fair market value of \$200,000, this tax relief amounts to about \$30/year. Don't spend it all in one place.

HB 953, Hill – 180 PASSED House

Creates the War of 1812 Bicentennial Commission. During that war 39 counties in Georgia contributed troops, some had fortifications and militia training grounds. The commission is empowered to ensure a suitable state-wide observation of the war through programs, observances, display of archeological assets in cooperation with the various counties and the federal government.

HB 961, Sims – 169 PASSED House

Disability Parking permits will be laminated to prevent changes to the information contained thereon, especially the expiration date, shall be in a color other than blue, and that color shall be changed periodically.

HB 1105, Sheldon – 105 PASSED House

Between Oct and March each winter a hospital shall offer to inpatients age 65 or older who are ready to be discharged the opportunity to get a flu and pneumococcal shot.

HB 1111, Floyd – 147 PASSED House

Some drivers license fees will not be refunded if the applicant does not score high enough on the knowledge test. Driving permits can be reissued, if lost or expired, for a \$5 fee. Current law does not allow permits to be reissued at all.

In COMMITTEE

SB 410, Stoner – 6 DO PASS in S.Transportation

Creates a state congestion relief fund administered by the State Road and Tollway Authority. Community Improvement Districts, CIDs, may be eligible recipients of state congestion relief loans for traffic relief projects. Requires a matching grant from the CID. State Road and Tollway Authority runs GA400.

SB 418, Balfour – 9 DO PASS in S.Agriculture & Consumer Affairs

Cigarettes may not be sold in GA unless the brand has been tested and meets standards by the American Society of Testing and Materials using the ‘Standard Test method for Measuring the Ignition Strength of Cigarettes’. Effective on inventory after 7-1-10. If the paper holding the tobacco is more resistant to fire, they are not likely to smolder and start building fires. Wouldn’t it be easier to just quit smoking?

SB 440, Douglas – 17 S.Economic Development & Tourism

Non profit organizations as determined by the IRS may use ‘pull tab games’ which offer a chance for a cash payout as a fund raiser. Will not be considered gambling. **LWV** would be eligible for this fund raising technique.

HB 558, Dickson – 6 DO PASS in H.Ways & Means

Annexations by a city which has a city school district shall phase in the property tax revenues accruing to the city school district from the county over a 10 year period.

SR 687, Seabuagh – 28 DO PASS in S.Finance

CA to permit local governments which rely on the property tax to adopt a 1% sales tax instead. Currently, 10 school systems have a sales tax to apply credits to property tax bills. **LWV** does not object to local option taxes. The taxing authorities must establish a millage rate limit over which they cannot go without a public referendum. School districts already have a constitutional cap of 20 mills, unless the cap is set higher by a prior referendum. Counties and cities have no millage caps. **LWV** has concerns about a series of caps. The taxing authorities must be able to raise enough money to provide the services required. Referenda can only be held in even numbered years and must be renewed every four years.

SR 845, Mullis – 53 DO PASS in S.Finance

CA to allow counties to impose a 1% special purpose sales tax for transportation for a limited period of time. Like other SPLOSTs, a project list is required. Revenues are to be returned to the county, at least 80% of what is collected, with 10% remaining with the state for transportation projects. The other 10% is not mentioned. Multicounty or regional SPLOSTs are an alternative, but each county therein must approve the referendum. The time period is established by each referendum.

HB 926, O’Neal – 146 PASSED House DO PASS in S.Finance

Aligns the GA tax code reference with those of the latest IRS statutes. This is particularly important for those subject to Alternative Minimum Tax. The feds changed

the law in late 2007 to change the AMT eligibility limits. This revision permits the state taxes to be based on the changed federal amounts for 2007 tax returns.

HB 938, Ehrhart – 36 DO PASS in H.Ways & Means subcommittee
Franchise fees are redefined as franchise taxes. Public utilities collect franchise fees from citizens both within and without the city limits and remit them to cities for use of public rights of way. This bill restricts collection to customers within the city limits only and requires the ‘tax’ to be itemized on the utility bill. Cities relying on this fee/tax must hold public hearings to receive input on whether voters wish to continue paying them. Full committee may require remittance of the tax collected be made monthly to the cities.

HB 954, Smith – 70 DO PASS in H.Government Affairs
If federal law applies to the Environmental Protection Division of Department of Natural Resources, and the division has empowered rules, the legislature cannot override. Think water.

HB 1015, Jones – 46 DO PASS in H.Government Affairs
When cities are formed and there has been a county special services district previously providing city services to that newly incorporated area, any money remaining in the county special services district for that area are required to be remitted to the new city governing authority. This is a general bill, but affects the new cities in Fulton County, specifically Milton and Johns Creek. The county had no authority in law to disburse the funds after the area was no longer served by a county special services district.

HB 1065, Royal – 171 DO PASS in H.Ways & Means subcommittee
Local school boards are authorized to include charter schools and state chartered special schools in a SPLOST capital outlay projects lists. Local boards of education which agree to fund state schools have more money than sense.

HR 1206, Geisinger – 48 DO PASS in H.Judiciary
Creates a 6 member Georgia-North Carolina and Georgia-Tennessee Boundary Line Commission. The northern Georgia boundary was defined as at the 35th parallel, but a flawed survey in 1818 set the boundary 1.1 miles south of that. In so doing, no part of the Tennessee River falls within Georgia. The commission is to resurvey and establish the correct boundary.

NEW Legislation

HB 1134, Heckstall – 62 H.Regulated Industries
All taxis are to be equipped with a bulletproof shield between passenger and driver compartments, a global positional system, an auto locking mechanism so driver could lock all doors, and optionally a monitoring camera. Passengers would have to display a photo ID before entering taxi.

HB 1135, Jackson – 161 H.Regulated Industries

Authorizes the General Assembly through local legislation to regulate taxis in any county. May include limiting the number which can operate, licensing requirements, markings on vehicles, fees for licensing.

HB 1145, Willard – 49 H.Government Affairs

Allows two or more counties or two or more cities to create joint water authorities.

HB 1175, Williams – 4 H.Government Affairs

Requires proof of citizenship when registering to vote. Does not apply to those registered in Georgia on July 1, 2009 unless the person changes voter registration from one county to another. Georgia will not accept as citizenship the registration of the person in another state.

HB 1179, Ralston – 7 H.Judiciary Non Civil

If one has been convicted of a felony of moral turpitude, one cannot become a registered lobbyist. **LWV** has a registered lobbyist.

HB 1185, Fludd – 66 H.Local Legislation

A Union City property tax exemption on owner occupied property for those age 65 and older. Referendum is required.

HB 1190, Kaiser – 59 H.Local Legislation

A Fulton County property tax exemption for county taxes on owner occupied property for \$50,000 of assessed value, fair market value of \$200,000. To be phased in over five years. Year one, exemption is \$22,000; year 2, \$29,000; year 3, \$36,000; year 4, \$43,000; year 5, 2013, \$50,000. Referendum required. Current exemption is \$15,000.

HB 1192, Kaiser – 59 H.Local Legislation

A City of Atlanta property tax exemption for city taxes on owner occupied property for \$50,000 of assessed value, fair market value of \$200,000. To be phased in over five years. Year one, exemption is \$22,000; year 2, \$29,000; year 3, \$36,000; year 4, \$43,000; year 5, 2013, \$50,000. Referendum required. Current exemption is \$15,000.

HB 1193, Burkhalter – 50 H.Ways & Means

A sales tax exemption for materials used in construction at the GA Aquarium until June 30, 2011.

HR 1247, Chambers – 81 H.Budget and Fiscal Affairs Oversight

Urges Department Of Revenue to closely review the use of state-issued purchase cards.
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