

1 January 2010

PREFILED Legislation, Report #2

Legislators may prefile proposed legislation as early as November 15. It is assigned a number by either the House Clerk or the Secretary of the Senate, posted on the General Assembly web site, www.legis.ga.gov, and is in the form needed to be introduced. The bill must be introduced into the relevant chamber on a legislative day, but will retain the bill number. At introduction it will be assigned a committee for vetting, and will be reported on again in these legislative newsletters.

CHILDREN

SB 299, Jones – 10

Gives judges discretion about incarcerating a child with a weapon in school, on school grounds, or at a school function on the first offense unless the weapon is used with an assault or is a firearm or machine gun. ***Essentially, knives and other items used as weapons excluding firearms are removed from the zero tolerance law for children.***

DRIVERS LICENSE

HB 898, Collins – 27

Only the name of a person convicted of Driving Under the Influence, DUI, will be published in the county legal organ newspaper. ***Currently, both name and address are published.***

EDUCATION

SB 300, Ramsey – 43 and

HB 897, Collins – 27

A sexual assault against persons in custody will now be defined to include elementary and secondary students.

SB 301, Jackson – 2

Compulsory attendance age for school is raised to age 17. Technical colleges may not enroll a student in GED programs until age 17.

ETHICS

HB 890, Oliver – 83

Lowers campaign contribution limits from \$5,000 to \$2,000 for a primary, from \$3,000 to \$1,000 for a primary run-off, \$5,000 to \$3,000 for a general election, and \$3,000 to \$2,000 for a general election runoff. Also limit contributions to political parties to \$5,000, currently unlimited.

HB 891, Oliver - 83

Sets a ban on gifts over \$25 for state lawmakers so as to curb the influence of special interest money.

HB 892, Oliver - 83

Establishes public funding for judicial elections of the GA Supreme Court and Court of Appeals. These races have seen an influx of partisan activity in recent years, threatening an impartial bench in Georgia.

HB 893, Oliver – 83

Adds to the list of guidelines for ethical behavior of public officials or employees: never threaten the use of state resources for personal purposes of coercion, retaliation, or punishment; never engage in sexual harassment of another. Transfers the repository of formal charges from the governor to the State Ethics Commission who has the authority to make a preliminary investigation. If sufficient cause is found, the case may be referred to an Administrative Law Hearing. If the Administrative Law Judge upholds the charges, the governor may remove from office. The Attorney General may file civil charges and the district attorney may file criminal charges if warranted. ***It is unclear if this includes public officials at the local level. If so, it would include school board members.***

GOVERNMENT

SB 302, Hooks – 14

Allows a trustee to notify the district attorney when a trust has had no distribution within 10 years of its creation or there have been 5 years since the last distribution. The DA will review the terms of the trust to see if the intent of the trust is not being furthered or the intent of the trust is not being accomplished. If these are the findings of the investigation, the DA will ask the superior court to reform the trust. The trustee and all known beneficiaries shall be served with notice and may become parties to the action. The court may declare the trust dormant and issue an order reforming the trust to further the original intent as closely as possible which shall be binding on the trustee and all beneficiaries.

HB 869, Franklin – 43

Members of the General Assembly may have their salaries cut for one day per month upon a 2/3 vote of the Legislative Services Committee. Cuts can be made for six months at a time, and only 12 days per year can be cut. ***The Legislative Services Committee is not listed as a legislative committee of either chamber.***

HB 876, Franklin – 43

Makes it unlawful for cameras to be used by government without a search warrant. Security cameras may be used both inside and outside of government buildings or parking facilities if it has a fixed field of observation. Does not apply if the person gives consent for such photography or for routine booking images or images for ID badges, nor for cameras mounted on police vehicles used in traffic monitoring. ***So long, red light cameras, among others.***

HB 879, Franklin – 43

Products grown, produced, or manufactured in Georgia and consumed or used here shall not be subject to any federal law or regulations.

HB 881, Jacobs – 80

Requires a public referendum for any bonds issues by a public safety and judicial facilities authority. *Often authorities may issue bonds without referenda.*

HB 899, Mitchell – 88

Debtors shall be given 90 days, currently 30 days, notice prior to a foreclosure during which time the debtor may cure the debt by paying the creditor the amount past due with any late fees and charges to bring the debt current. The foreclosure shall not proceed.

HIGHER EDUCATION

HB 894, Buckner – 130

Revenue collected by the Technical College of GA for departmental sales or services, continuing education fees, technology fees, or indirect cost recovery stays with the colleges, i.e. does not lapse, until June 30, 2010. This bill removes the sunset date.

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League of Women Voters – Atlanta/Fulton

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