

29 January 2010

### **Report from the Capitol for Week 3**

This week the General Assembly met for Days 5, 6, 7, and 8 of a possible 40 day session.

As promised, the new speaker introduced a proposal to change the House Rules, very much like bylaws, which was adopted. The Hawks, introduced by Speaker Richardson who had authority to go into any committee ex officio and vote as instructed by the Speaker, were repealed. And the power of the Rules Committee to change legislation as it was recommended by the standing committee was curtailed. It returns to the primary function of setting the chamber floor debate calendar. It may recommend changes to a bill to the full House or send the bill back to the standing committee with recommendations for amendments, but the Rules Committee is now out of the business of changing bills except for spelling and punctuation.

One bill was passed in the Senate this week. A few got out of committee. A lot were introduced.

NOTE: The LWVGA Day at the Capitol has been changed to February 23.

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#### **In CHAMBERS**

SB 306, Heath – 31 **PASSED** Senate

Headsets for hands-free mobile devices are not included in the prohibition against devices impairing hearing or vision while driving.

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#### **In COMMITTEE**

SB 296, Seabaugh – 28 DO PASS in S.Finance

The office of Treasury and Fiscal Services is renamed Office of the State Treasury. The director becomes the state treasurer.

HB 665, Hamilton – 23 DO PASS in H.Government Affairs

Secretary of State shall implement a pilot program, subject to funding, of electronic submission of overseas ballots in 2010. At minimum, the pilot shall include: encryption, authentication, verification of ID and eligibility of the voter, privacy protection, prevention of multiple votes per voter.

HB 905, Dickson – 6 DO PASS in H.Education

Capital outlay programs are extended through FY15. This includes the fast growth, low wealth, and advanced funding programs. *In 2009, the governor vetoed an extension of the capital outlay programs because of significant costs attached to a curriculum requirement amended to the bill.*

HB 906, Neal – 1 DO PASS in H.Education

Through 2013, contracts for educators can be offered as late as May 15 of the previous spring. ***Currently, contracts must be issued by April 15. School systems will have the additional month to better estimate the students to be enrolled the following fall and thus how many teachers may be needed.***

HB 907, Casas – 103 DO PASS in H.Education

Schools containing any combination of grades 6, 7, or 8 may be eligible to earn the middle school grant. All other middle school criteria must be met. ***Currently, a middle school must contain grades 8 and 7 with or without grade 6. Middle school programs earn 13% more than middle grades programs.***

HB 923, Neal – 1 DO PASS in H.Education

Teachers will not be paid for a leadership certificate if they are not in a leadership role. Those who have earned a leadership degree or enrolled in a leadership degree program as of 4-1-09 will be grandfathered into the pay system as it is currently defined. Extends the deadline to finish earning a leadership certificate to 6-30-13. Governor's Office states that \$68 million is spent on teacher salaries for leadership certificates that are not in leadership jobs. Others refute that amount.

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## **NEW LEGISLATION**

### ***DRIVING***

SB 327, Thompson – 33 S.Public Safety & Homeland Security

Offenses of driving using a cell phone and driving while texting are established with point penalties on the drivers license. ***Bipartisan support.***

HB 988, Willard – 49 H.Motor Vehicles

Requires that motor vehicles give bicycles at least three feet clearance when following, overtaking, or passing a bicycle.

HB 1035, Rice – 51 H.Motor Vehicles

Adds public post secondary schools to those entities that may offer driver training courses or drivers education programs.

HB 1036, Rice – 51 H.Motor Vehicles

Authorizes the Department of Driver Services to establish a six-month pilot program to determine the effectiveness of online defensive driver courses and the best way to ensure identity and data base security.

### ***EDUCATION – preparing our children for productive adulthood***

HB 977, Rynders – 152 H.Education

In years where local boards of education must furlough teachers and other staff, raises cannot be given to superintendents using state funds [which are not used now]. If local funds are used in such years to provide a raise to the superintendent, there must be 30

days notice to the public and a hearing. ***Here we go again, the state telling the locals how to spend their own local money.***

HB 980, Lane – 167 H.State Planning & Community Affairs

Local school board members may engage in the bail bond business, from which they are currently prohibited.

HB 995, May – 111 H.Education

School years cannot begin before September 1 or Labor Day. ***Currently, a local board sets its own school calendar. Whatever is done to prevent school attendance in August must be made up in June, when student attention spans are infected with spring fever.***

SR 886, Chance – 18 **SUPPORT** S.Education & Youth

Urges Congress and state agencies to increase nutritional quality and options to students through school meals.

HR 1203, Parrish – 156 H. Ways & Means and

HB 1020, Parrish – 156 H.Ways & Means

CA, and the enabling legislation, to expand the Educational Special Purpose Local Option Sales Tax to be used for educational annual budgets. All other elements of the ESPLOST would remain.

HR 1219, Benfield – 85

Urges the GA Department of Education and all school systems to cease military recruitment of students under age 17; and for older students such recruitment can be done with parental permission only; and to actively provide forms for parental permission to exclude schools disclosing student records to military recruiters. ***Federal NCLB legislation allows military recruiters to have access to a student's record if other post secondary institutions have access. The parent may opt out, but how to do that is not well publicized.***

***GOVERNANCE – our lives are governed thereby***

SB 318, Murphy – 27 S.Public Safety

Charges brought against a law enforcement professional must be accompanied by an affidavit.

SB 325, Butler – 55 S.Public Safety

HB 1009, Marin – 96 H.Judiciary

Prohibit law enforcement officers from using race or ethnicity in determining whether to stop a motorist or pedestrian. Requires annual training of police officers and supervisors and documentation of every stop of a motor vehicle or pedestrian. Reports to be filed with the Attorney General monthly.

SB 326, Fort – 39 S.Agriculture & Consumer Affairs

Any food sales establishment open to the general public make any toilet or washroom facilities on the premises available to purchasing customers.

SR 882, Buckner – 44 S.Rules

Urges the Governor to issue an Executive Order that office and building décor shall not be expensed unless needed for maintaining structural soundness, extending the life of a structure or similar nonaesthetic purposes during the times of unprecedented budgetary pressures.

HB 1003, Chambers – 81 H.Judiciary Non Civil

Bingo can be offered without requiring a state issued license. *LWV has used bingo as a fundraiser.*

HB 1004, Holt – 112 H.Government Affairs

State agencies and all political subdivisions would be banned from using an individual's social security number or any portion thereof or date of birth or any portion thereof as a username or user identification or component of same for electronic accesses. Violation would be a misdemeanor. *This does not prohibit the collection of this data, but it cannot be used to access the record. A protection from identity thief for citizens.*

HB 1019, Morgan – 39 H.State Institution and Planning

Permits, licenses, certificates, drivers licenses, or identification cards issued to citizens of GA shall be replaced free within 60 days following a federal declaration of disaster if citizen is resident of the affected area.

HB 1039, Buckner – 130 H.Natural Resources & Environment

Outdoor watering shall not be permitted between 10 a.m. and 6 p.m. with exceptions. Counties and cities must adopt ordinances with these guidelines.

### ***REVENUE/TAXATION***

HB 984, O'Neal – 146 H.Ways & Means

Repeals the option to impose a local option income tax. *This option is rarely used because the law as written permits a local income tax only if there is not local sales tax. However, removing it from the law seems to cut off options which may be needed in this very onerous budget situation.*

HB 991, Willard – 49 H.Ways & Means

Clarifies the process for distribution of the LOST sales tax revenues between county and all cities therein after each census. If the parties fail to reach an agreement within 60 days, a petition to the superior court may be made. The county and cities representing collectively 50% of the citizenry in the county shall submit their proposals and the court shall decide the distribution of the proceeds.

HB 992, Taylor – 55 H.Ways & Means

A 100% property tax exemption for six years on new residential construction. ***This shifts the local revenue needs to older houses and corporate taxpayers.***

HB 996, May – 111 H.Ways & Means

A property tax credit is provided up to \$100,000 to owners of heavy duty self propelled equipment weighing 5000 pounds or more. ***Currently, taxpayers are given an exemption for that amount.***

HB 998, Martin – 47 H.Ways & Means

Repeals the corporate net worth tax. Estimated loss of state revenues is unknown at this time.

HB 1001, Martin – 47 H.Ways & Means

An income tax credit for a venture capital investment in a company headquartered in this state that does not engage primarily in retail, real estate, construction, professional services, gambling, natural resource extraction, insurance, brokerage or investment activities, financial, entertainment, amusement, recreation, or athletic or fitness activity for which a fee is charged. The credit will be 35% of the amount invested in 2011, 2012, and 2013 except for the year the investment is made.

HB 1006, England – 108 H.Ways & Means

The sales tax exemption for various farm supplies, such as seed, fertilizers, feed, chemicals, shall be available only to those who have an exemption determination letter from the Revenue Department.

HB 1008, Peake – 137 H.Ways & Means

A sales tax partial exemption for fuels used in manufacturing or processing is extended for two more years. Estimated loss of state revenue is unknown at this time.

HB 1014, Peake – 137 H.Ways & Means

Extends the sales tax exemption for nonprofit volunteer health clinics which primarily treat indigent persons with incomes below 200% of the federal poverty level until 2013.

HB 1037, Scott – 153 H.Ways & Means

A income tax of 50% on all capital gains for both individuals and corporations. Estimated loss of state revenue is unknown at this time.

HB 1038, Lunsford – 110 H.Ways & Means

An income tax credit for physicians providing indigent care services for which there is no Medicaid reimbursement. Per patient, it shall be limited to \$1,000 in year 1, \$2000 in year 2, \$3000 in year 3, and \$4000 in year 4 and after or the amount of Medicaid reimbursement should it have been given. Estimated loss of state revenue is unknown at this time.

HR 1177, Geisinger – 48 H.Judiciary Non Civil

CA to permit pari-mutuel wagering on horse racing. Proceeds to go into the general fund.

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