

5 February 2010

LWVAF, Report from the Capitol, Week 4

The General Assembly met for five legislative days this week, Day 9 through Day 13. It also adopted a new schedule.

Week beginning Monday, Feb. 8 through Thursday, Feb. 11, Day 14 through Day 17.
Tuesday, Feb. 16 through Thursday, Feb. 18, Day 18 through Day 20.
Tuesday, Feb. 23 through Thursday, Feb. 25, Day 21 through Day 23.
Tuesday, Mar. 2, Day 24.

Generally, these frequent recess days allow the budget framers to work, and it will take a LOT of work to get these budgets passed. Every agency is hurting, asking for some relief, and there is none, and will be none, because consideration of revenue enhancements seems to be anathema to the current body.

A few bills have moved, and even fewer have passed. Much of this report is devoted to newly introduced legislation, which makes it somewhat long.

LWV DAY at the CAP is Tuesday, Feb. 23. Please register with LWVGA.org

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 2010.

NNS = Needs No Signature

In CHAMBERS

SB 287, Hill - 32 **PASSED** Senate

Replacement of a drivers license or instructional permit reported as stolen or forged may get a new number, if the citizen requests it. The old number will be flagged as no longer valid. *This has implications for any record which uses the drivers license number as an ID, such as voter registration records.*

SB 296, Seabaugh – 28 **PASSED** Senate now in H.Banks & Banking

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

HB 651, Carter – 175 **PASSED** House now in S.Education & Youth

The sexual offenders information sent to the Department of Education for dissemination to all the schools in the state may be done electronically or other ways, not just a 'list'.

This will permit an electronic file or internet access to satisfy the requirement and a savings in postage costs. Files are updated twice daily on the internet.

HB 910, Maxwell – 17 **PASSED** House

Annual school year reporting requirements for expenditures and participation rates for each gender in extracurricular activities is simplified. ***LWV SUPPORTS gender equity in extracurricular opportunities as is required by Title IX of the federal education code. Asked for by DOE.***

SR 914, Hill – 32 NNS PASSED

Georgia Census Week is the week of March 8 through March 14, 2010. On March 11, the Georgia Complete Count Committee will have an official kick-off to promote the Census and encourage all residents to mail back their completed census form.

In COMMITTEE

EDUCATION

HB 908, Casas – 103 DO PASS in H.Education

Local school systems will be exempted from meeting the QBE expense controls (OCGA 20-2-167) and allowed options to use 20 Additional Days of Instruction (OCGA 20-2-212) during the school year for extra instruction to students who need it through June 30, 2013.

HB 927, Jacobs – 80 DO PASS in H.Judiciary Non Civil subcommittee

Expands the definition of ‘bullying’ to include electronic bullying that physically harms a person or damages the property of another, has the effect of substantially interfering with a student’s education, creates an intimidating or threatening education environment, or substantially disrupts the orderly operation of the school. DOE is required to develop a model policy and make it available on the department’s web site for use by local school systems. Local schools must immediately notify law enforcement when a student has allegedly committed a physical assault or battery on another student or a school employee. ***Does not require police notification of assault on anyone else, including volunteers or legislators, who might be in the school at the time. Let us support requirements to reduce and eliminate bullying.***

HEALTH

SR 795, Harp – 29 DO PASS in S.Judiciary

CA to allow personal health care choices to be free from any restrictions of law. ***So citizens can ignore any federal requirement for health insurance.***

HIGHER EDUCATION

SB 341, Harp – 29 DO PASS in S.Higher Education

Students must be legal residents of Georgia to get a HOPE GED scholarship-voucher, which is funded by the lottery.

REVENUE/TAXATION

HB 963, O'Neal – 146 DO PASS in H.Ways & Means

A property tax return shall be filed in the county where the real property is located without reference to how the return shall be delivered thereto. Homestead exemptions for school taxes for those over age 62 shall be no more than \$10,000 net income from all sources for taxpayer and spouse. ***Currently, the income limitation applies to all income from all persons in the household.***

HB 991, Willard – 49 DO PASS in 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. ***All LOST distribution agreements will have to be renegotiated after this next census.***

NEW LEGISLATION

CHILDREN

SB 337, Jackson – 2 S.Judiciary

A person who drives drunk or under the influence of alcohol or drugs and has a child under age 16 in the vehicle is guilty of endangering a child. The offender is guilty of a felony and can be fined between \$1000 and \$5000 and or imprisoned for one to three years. ***Currently, the age of the child is 14 or under and the consequence for the driver is a misdemeanor.***

DRIVERS LAWS

HB 1047, Butler – 18 H.Transportation

Adds penalties for driving at a slow speed and impeding traffic or staying in the left-hand hand lane at a speed that impedes other traffic. Fine is \$75 in addition to any other applicable penalties.

EDUCATION

SB 352, Williams – 19 S.Education & Youth and

HB 1100, Casas – 103 H.Education

Requires the state Board of Education to include a growth model in the calculation of Adequate Yearly Progress, and for grades to be given to schools of A, B, C, D, and F. The grades of the students on the tests must be scaled so that no more than 60% get an A or B. Obsoletes the High School Graduation Test and replaces it with End of Course Tests beginning in the 2013-14 year. ***Currently, AYP is calculated on a cohort model. The uses of the state tests defined in this bill are for purposes not part of their design and content.***

SB 361, Rogers – 21 **OPPOSE** S.Education & Youth

Adds 504 students, foster care students and students from a military family on active duty or in the national guard or reserves to those who can participate in the special needs voucher, renamed the Georgia Early HOPE Scholarship Act. The 504 students must have a 504 plan (named after the federal code section in the 1973 bill which authorized it), and all the students must be enrolled in public school for the immediately prior year. As with special needs scholarships, the student is entitled to the voucher until graduation or a return to public school. ***The required formula stipulates that the voucher student will get a share of all of these grants even if the student was not eligible to receive any benefit if enrollment in the public school were continued. LWV OPPOSES any voucher, tax credit, or tax deduction that siphons public money to private schools.***

HB 1086, Austin – 10 H.Judiciary

Extends to nonpublic school teachers and employees the same protections given public school teachers regarding security of information that is protected from open records requests to the Professional Standards Commission, i.e. home address, home phone number, home e-mail address, social security number or insurance or medical information.

HB 1097, Dollar – 45 H.Education

Local boards of education shall adopt a calendar that begins the fall semester for students no later than the third week of August. ***A local board currently has complete authority to set their own school calendar. Whatever is done to limit school attendance in August must be made up in late May or June when student attention spans are infected with spring fever.***

ELECTIONS/ETHICS

SB 359, Shafer – 48 S.Ethics

A ‘political party’ in GA is one which has had 20% or more of the votes cast for the highest office on the ballot, either the governor or the president. This bill allows a nominee of a political party to be also a nominee of a political body, but not of another political party, for the same office. In such cases, the votes cast for the political party nominee shall not count to qualify the political body as a party, but will be aggregated for the total vote count for candidates for that office.

HB 1027, Teilhet – 40 H.Judiciary

Restructures the State Ethics Commission. Appointments shall be made by the Supreme Court of GA rather than the governor, with three members from one political party and two from another, four year terms staggered. The Commission is given the authority to investigate allegations of an appointed public official or employee, and hold a hearing where findings suggest there are reasonable grounds for a violation. If charges are found to be true, the Governor may remove such person from their position. The Commission authority currently to investigate charges against elected officials is not changed.

HB 1032, Oliver – 83 H.Government Affairs

Requires the voting machines to be programmed to rearrange the order of the names of candidates for elected office during an election. *Currently, the required order is alphabetical by candidate surname. To insure that the vote counts for the candidate were accumulated correctly from various locations on the screen would be an programming nightmare [sayeth the former computer programmer].*

HB 1073, Meadows – 5 H.Government Affairs

GA citizens and spouses and dependents who are in the military and overseas may request a write-in ballot by official post card. A request for a voter registration application is current allowed. Should the ballot application be timely but the ballot not be received, such citizen may vote a federal write-in absentee ballot form which may designate by the citizen any federal or non federal office for which the voter desires to cast a ballot. Any citizen may request an absentee ballot by electronic transmission, in addition to the mail or facsimile requests.

HB 1083, Wilkinson – 52 H.Judiciary

General Assembly members who have outstanding state income tax liabilities that have been finally determined to be due shall cooperate in the investigation by the relevant Ethics Committee and enable the state revenue commissioner to release to the committee the tax years for which personal income tax returns have not yet be filed and the years and amounts of outstanding tax liabilities not yet satisfied. Should the General Assembly member not provide such permission, the presiding officer of the relevant chamber may issue to the revenue commissioner a subpoena for the requested information, and it shall be provided within 10 days. *Author is chair of House Ethics committee.*

GOVERNMENT

SB 335, Murphy – 27 S.Regulated Industries & Utilities

No alcohol may be sold within 100 yards of a housing authority property, but the housing authority may approve of a county or city desire to opt out of this restriction.

SB 343, Shafer – 48 S.Public Safety

The offense of impersonating a police officer would now include impersonating a firefighter including a volunteer firefighter or a public safety official.

SB 372, Fort – 39 S.Transportation

DOT shall not enter into any contract for a tunnel to aid in mitigation of traffic congestion in GA.

HB 896, Collins – 27 DO PASS in H.Judiciary Non Civil

A speedy trial can be postponed if a witness is an active member of the armed forces or National Guard on duty outside of the U.S.

SR 964, Shafer - 48 S.Finance

CA to prohibit any county from levying a property tax within a city for services that are provided by that city.

HB 1033, Teilhet – 40 H.Public Safety & Homeland Security

A DNA sample must be provided by anyone arrested for a felony. The results will be added to the DNA data bank. ***Currently, the person must be convicted of a felony.***

HB 1078, Baker – 78 H.Judiciary

A retired juvenile judge with at least 8 years of service is vested with the same authority as an active judge for the purpose of performing marriage ceremonies. ***In case one needs a judge for marrying.***

GUNS

SB 342, Smith – 52 S.Judiciary

In an emergency, the governor will not be able to suspend or limit the sale, dispensing, or transportation of firearms.

HEALTH

SB 367, Balfour – 9 S.Health & Human Services

Redefines the ‘influenza vaccine’ in law to include an inactivated virus administered by injection or a live attenuated virus administered by nasal spray.

LOCAL

HB 1046, Willard – 49 H.Judiciary

Removes the sunset date on the existence of the Family Court Division of the Superior Court of Fulton County. The duration of the Family Court Division shall be determined by a majority vote of the judges of the Superior Court of Fulton County.

REVENUE/TAXATION

SR 972, Stoner – 6 and SB 366, Stoner – 6 S.Finance

HR 1300, Porter – 143 and HB 1099, Porter – 143 H.Ways & Means

CA and enabling legislation for the sales tax on motor fuels to be placed in a trust fund managed by the DOT for local transportation projects within special transportation districts. Allows the imposition of a 1% regional local option transportation tax within these transportation districts for projects itemized in the referenda to be imposed until the amount needed specified in the referendum is collected. ***Twin bills, apparently from the Democratic caucus.***

HB 1024, Scott – 2 H.Ways & Means

A sales tax return for estimated taxes will not be required in 2010 if the liability is under \$5000; in 2011 if tax liability is under \$10,000; in 2012 if tax liability is under \$20,000; in 2013 if tax liability is under \$40,000; in 2014 and beyond, no estimated tax return needs to be filed. ***Sales taxes collected by the seller are the property of the state until paid. Estimated taxes are a mechanism of getting some of the tax proceeds before the***

end of the monthly accounting and reporting period; the money is not in any way the property of the seller.

HB 1029, Scott – 153 H.Ways & Means
Repeals the corporate income tax as of 1-1-11.

HB 1041, Epps – 140 H.Ways & Means
Property tax digest approvals by the Revenue Department can no longer be withheld because 3% are on appeal or in arbitration, 5% in a year of a complete revaluation.

HB 1049, Stephens – 164 H.Ways & Means
A sales tax of up to 1% may be levied in a special district to fund qualified local cultural organizations and local initiatives and local cultural organizations and artists providing benefits to the citizens of the district and state. Referendum required.

HB 1077, Fludd – 66 H.Ways & Means
An increase in the per gallon motor fuel tax to 10.5 cents, from 7.5 cents. An income tax credit for resident purchaser for motor fuel purchases of 1 cent/gallon.

HB 1082, Powell – 171 H.Ways & Means
Freeport exemptions from property taxes are classified into two types; level 1 and level 2. Level 1 exemption is defined as what is currently in law. Level 2 is goods, wares, and merchandise of every character and kind constituting a business's inventory which would not otherwise qualify for a level 1 freeport exemption. The exemption given is for all property taxes, *including those for education*, but may be exempted at 20%, 40%, 60% or 80% of 100% of the value. Referendum required. Exemption must be renewed annually. Level 2 freeport exemption may be granted either in lieu of or in addition to those of Level 1.

HB 1088, Black – 174 H.Ways & Means
A sales tax exemption for fuel used in a building used to raise swine is extended for two more years.

HB 1093, Knight – 126 H.Ways & Means
Those paying an occupational tax must provide information to the county or city levying the tax – name of business, mailing address or actual physical location, sales tax ID number. The county or city must assign any applicable Industry Classification code and submit all information to the Revenue department annually. *The use of this collected information is not specified in this proposal.*

HB 1096, Austin – 10 H.Ways & Means
Sales tax proceeds which are unidentified and therefore undistributed shall be distributed as soon as feasible. *These are local sales taxes, such as LOSTs and SPLOSTs which somehow were remitted without sufficient identification as to which counties or school districts are to receive the money.*

HB 1102, Smith – 113 H.Ways & Means

A sales tax exemption for nonprofit health centers is extended to 2012.

HB 1105, Channell – 116 H.Ways & Means

A property tax exemption for watercraft held in inventory for resale is extended for two more years.

HR 1238, Butler – 18 and HB 1051, Butler – 18 H.Ways & Means

CA and enabling legislation to permit local school districts to levy a homestead sales and use tax, HOST, of 1% for providing a homestead exemption from property taxes in an amount that does not exceed the tax collected. As with the educational SPLOST, food would be taxed. Referendum required.

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