

12 February 2010

LWVAF, Report from the Capitol, Week 5

This week, the General Assembly met for four days, legislative days 14, 15, 16, and 17.

The season is still upon us when legislation of all varieties is thrown up against the wall. Some of it will stick, but it is too early to tell which ones. So large quantities are still being reported.

The legislature is in recess until Tuesday, when it will meet for Day 18.

Register for LWVGA Day at the Capitol on February 23. www.lwvga.org

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.

In CHAMBERS

HB 896, Collins – 27 **PASSED** House now in S.Special Judiciary

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.

HB 908, Casas – 103 **PASSED** House now in S.Education & Youth

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 947, Ralston – 7 **PASSED** House now in S.Appropriations

The mid year FY10 budget, which cuts about \$1.2 billion from the original budget passed in 2009.

The Senate Appropriations Committee has this budget on its agenda for Tuesday, so it should be on the Senate floor next week. There is urgency to get this amended budget out, especially for school systems, so they will have time before the end of the fiscal year to plan for how to manage the cuts.

HB 963, O'Neal – 146 **PASSED** House now in S.Finance

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.***

In COMMITTEE

EDUCATION

SB 84, Heath – 31 **PASSED Senate** DO PASS in H.Education **Differing Versions**

Local board of education candidates may serve simultaneously on the board of a private school.

School boards may have only seven members unless grandfathered by a local act. Each school board member shall subscribe to an ethics policy, shall have minimal interest in a business which transacts with the school system, shall accept no gifts or favors, loans, contributions or other thing of value, except campaign contributions. Any board member may be removed from the board with a 2/3s vote

of the other board members. The governor may remove board members if a local school system is placed on probation by any accrediting agency. The board member may appeal to the governor for reinstatement after a hearing. Disallows a relative of a superintendent to be on the school board. State board shall design and deliver all school board member training. **House amends:** Prohibits members of a board from removing one of its own. Governor can remove a board member and appoint a replacement until the next election. Local board members cannot serve on a board of a private elementary or secondary school at the same time as a local public board of education. Nepotism restricts board member eligibility and superintendents qualifications. Qualifications for elections may be waived by the state board of education prior to the date for filing for election. **Recommendations of a study requested by the state board of education and recommended by the Metro Chamber of Commerce on changes to local school board governance. Removal of duly elected public servants for loss of accreditation is heavy handed as there is NO legal requirement for accreditation.**

SB 132, Fort – 39 DO PASS in S.Education & Youth

Increases the age a student can drop out of school to age 17 from the current age 16. A parent may sign a waiver to opt out of traditional public school between ages 16 and 17 as long as the student enrolls in and attends a community college or technical school. **Perhaps students should stay in school until age 18 or completion of a high school diploma. This bill is moving the school attendance age in that direction. It may cost the state \$23 million/year additional to keep these students in school, less than what it might cost if the student dropped out, was unemployed, without health insurance, and perhaps even in trouble with the law.**

SB 298, Seay – 34 DO PASS in S.Education & Youth

A first aid component of the health and physical education courses in any grade 8-12 must include a unit on basic first aid. **Perhaps the Department of Education should develop curriculum, not the legislature. Author has tried very hard to remove offensive language, but still insists on requiring this curriculum.**

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

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.**

HB 936, Battles – 15 DO PASS in H.Education

Funds appropriated for school bus replacement may be used to refurbish existing buses. Refurbished buses are not eligible for any further state funds for replacement or refurbishing and shall be subject to all safety and maintenance inspections required by law. Refurbishing shall be done by the original manufacturer or dealer of same.

HB 977, Rynders – 152 DO PASS in H.Education

In years where local boards of education must furlough teachers and other staff, raises cannot be given to superintendents using state funds, however step increases on the state salary scale may be awarded. 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.*

GOVERNMENT

SR 274, Thomas - 54 **PASSED** Senate in 2009 DO PASS in H.Special Rules

The Liberty Tree of GA shall be the tulip popular on the grounds of the Dalton City Hall. Liberty trees were popular in colonial America as gathering spots for discussion and debate when English law banned peaceful public assembly. The last surviving Liberty Tree was in Maryland at St. John's College. Hurricane Floyd damaged it in 1999 and after 400 years it had to be removed. Fourteen saplings were salvaged. One was given to each of the 13 colonies and one to Mt. Vernon to honor George Washington. Georgia's tree was planted in Dalton in October 2006.

SB 313, Harbison – 31 DO PASS in S.Judiciary

All grand jury witnesses shall be sworn. *Currently, some witnesses may not be sworn such as law enforcement officers. Swearing may be dependent upon the prosecutor.*

HB 867, Stephens – 164 DO PASS in H.Economic Development & Tourism

A Commission on Regional Planning is created to coordinate state contract terms, identify appropriate state and federal funding for commissions in the pursuit of shared service delivery goals, coordinate planning of state and federal resource allocation and state service delivery, and identify issues and opportunities requiring state, regional, or local action. Does not include aging programs and service. Commission shall initially consist of the governor, chair of each council governing each commission, ACCG, GMA, commissioners of Community Affairs, Economic Development, Human Services, Natural Resources, Transportation, EPD, Environmental Facilities Authority, designees of the Lt. Governor, Speaker, and State School Superintendent. Serving ex-officio without vote are the legislative chairs of the appropriate committees.

HB 901, Levitas – 82 DO PASS in H.Judiciary Non Civil

Persons convicted of a fourth felony in GA or anywhere in the US which would have been a felony in GA shall serve the maximum sentence without out possibility of parole.

HEALTH

HB 194, Millar – 79 **PASSED House** in 2009 DO PASS in S.Health & Human Services

Generic drugs must also carry the brand name for which it is substituted on the label unless the prescribing doctor specifies otherwise.

SB 334, Hill – 32 DO PASS in S.Judiciary

Medical identity fraud is defined when a person uses the identification of another for medical care, prescription drugs or other health care services or money or other financial gain without the owner of that information's consent. The crime is a felony with a fine of up to \$100,000 and/or two to ten years of imprisonment for first offense; second offense fine can be up to \$250,000 and/or three to 15 years.

SB 367, Balfour – 9 DO PASS in 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. *The regulations are different for each type of virus.*

REVENUE/TAXATION

SB 206, Goggans – 7 **SUPPORT PASSED Senate** in 2009 DO PASS in H.Appropriations Office of Planning and Budget to include tax expenditure reviews as part of the budget document. Three year history to be included – last year, this year to date, and next year. Also to include an analysis if the tax expenditure is meeting its objective. *If education for children has to take a \$938 million annual cut in a formula not updated in 20 years, then citizens need to know who is not paying taxes because of credits, deductions, and exemptions.*

HB 903, Burkhalter – 50 DO PASS in H.Ways & Means
The sales tax of 7% levied as the hotel-motel tax is extended until 12-31-2050 to fund a new Dome. *The state priorities are displayed in the way it spends its money, such as education, transportation, and water - or a new stadium for a profit making sports team.*

HB 984, O’Neal – 146 DO PASS in 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.*

NEW Legislation

EDUCATION

SB 386, Balfour – 9 S.Education & Youth
Teacher and administrator salaries shall be revised. Instead of paying on the basis of training and experience, i.e. degrees earned and years worked, educators will be evaluated on instruments that have not yet been devised and scores of their students shall comprise half of their total evaluation. The State Board of Education shall devise a salary plan based on evaluation scores and on which educators will be paid. Beginning in 2011-12 the compensation plan will apply to those school systems which signed a memo of understanding with the state prior to its Jan. 2010 application for the federal Race To The Top, RTTT, competitive grant. In 2012-13, local school systems identified by the SBOE as being willing to participate, stakeholder support, and other issues will be phased in. In 2013-2014, the rest of the school systems will be brought on board. Initially, the new pay scale will apply only to new teachers until the employer school system is required to participate. Individual educators can opt into this pay for performance at any time, the decision being irrevocable. *Georgia has had pay for performance before. It ceased when it began to cost too much, about 8-10 years ago.*

ELECTIONS/ETHICS

SB 348, Buckner – 44 S.Ethics
Requires the Board of Registrars, absentee ballot clerk’s office, and any satellite office of either to be open one Saturday for at least 8 hours during early voting.

SB 349, Buckner – 44 S.Ethics
State Elections Board is increased by two members appointed by the GA Supreme Court for two year terms. Each must have experience in setting policy for or administering elections. *Currently, the SEB is a 5-member board, one appointed by each political party, one appointed by the Lt. Governor, one appointed by the Speaker. The Secretary of State serves as chair.*

SB 382, Buckner – 44 S.Ethics

When technical or electronic equipment failure prevents a campaign contribution disclosure from being filed timely, no fine or punishment shall be imposed if the problem is reported as soon as it is discovered. The web site for campaign contributions shall indicate technical problems prevented timely disclosure.

SR 1013, Heath – 31 and SB 393, Heath – 31 S.Government Oversight
CA and enabling legislation to remove the following offices from being elected statewide to being appointed by the governor: State School Superintendent, Commissioners of Agriculture, Labor and Insurance.

HB 1114, Smith – 113 H.Government Affairs

Local boards of education and local election superintendents shall be authorized to develop and implement a Student Teen Election Participant, STEP, program to permit full-time high school student to volunteer to work as poll officers. The student shall be trained, must have written permission of the parent, shall work at least four but not more than six hours on any single election day, and shall be counted as present at school. Only two days per school year are allowed for each student to serve. ***Currently, a student age 16 or older may serve as a poll officer, but there is no recognition by the schools that the service to the community is an excused absence or curriculum related work. There have been previous attempts to enact similar language, but none has succeeded.***

GOVERNMENT

SB 354, Shafer – 48 S.Transportation

Counties and cities are further authorized to remove roads from their systems. Currently, roads may be removed to the extent that no substantial public purpose is served by it. This bill adds ‘or its removal from the road system is otherwise in the best public interest’.

SR 761, Hill – 32 DO PASS in S.Reapportionment & Redistricting

Urges Congress to require the Census Bureau to provide a fair, accurate, and unbiased actual count of the population of the U.S. in 2010. Rejects anything other than actual count, such as sampling or estimates. ***Among other things, the decennial census redistributes members of the House of Representatives and is the basis for all state and local elected electoral district rebalancing. It also serves as the basis for distribution of \$300 million in federal funds.***

HB 1056, Holt – 112 H.Health & Human Services

A legislative oversight panel, consisting of the local legislative delegation, may be convened by a member of the local delegation upon a complaint made by a resident regarding the county board of health. The panel shall exist until the next general election and make written recommendations to the Governor regarding any sanctions against the county board of health which the governor shall approve or disapprove within 30 days of receipt.

HB 1057, Amerson – 9 H.Judiciary

Gives the local legislative delegation authority to set the compensation for clerk of Magistrate Court.

HB 1137, Porter – 143 H.Ways & Means

When occupational taxes or regulatory fees are paid to a county or city, the business shall provide certain identifying information and submit it to the Department of Revenue. Quarterly, the department shall update and furnish a list of businesses within the county or city at no charge to counties or cities.

HEALTH

SB 399, Hill – 32 S.Government Oversight

State departments and agencies may not implement any provision of federal health care reform legislation unless there is authority of the General Assembly for each provision. *An 'opt out' provision of federal law generally is not allowed or has very severe negative consequences.*

SR 794, Hill – 32 and SB 317, Hill – 32 DO PASS in S.Insurance & Labor

CA and enabling legislation to prohibit compelling any person, employer, or health care provider from participating in any health care system. Authorizes persons and employers to pay directly for lawful health care services without penalties. *It would appear that the state is trying to avoid any federal requirement to be insured.*

LOCAL

HB 900, Levitas – 82 H.Transportation

MARTA board is reconstituted. The number of board members is reduced from 18 to 7; two members from Atlanta, three from DeKalb, one from Fulton County not part of Atlanta, and one member from the Department of Transportation who is ex-officio. Board members may succeed themselves for one additional term. Clayton, Cobb, or Gwinnett may gain representation, two from each county, if each holds a referendum to join MARTA.

REVENUE/TAXATION

SB 377, Buckner – 44 S.Finance

Establishes a County Property Tax Evaluation Committee in each county, consisting of county commissioners, tax assessors board members, tax commissioner, and state legislators in the local delegation. The committee shall meet annually to exchange ideas and make equitable and efficient property tax decisions for the county. Actual costs to be paid by the county; members get no additional salary or per diem.

SR 939, Goggans – 7 S.Finance

CA to impose state and local sales taxes on lottery tickets.

SR 1014, Station – 18 S.Finance

Urges Congress to pass legislation extending the Bush tax cuts for small businesses.

HB 1069, Wilkinson – 52 H.Ways & Means

An income tax credit for equipment that reduces business or domestic energy or water usage, such as dishwasher, clothes washer, air conditioner, ceiling fan, fluorescent light bulb, dehumidifier, programmable thermostat, refrigerator, door or window. Credit to be set by the Revenue Department and shall not exceed the lesser of 25% of the cost or \$2500.

HB 1112, Glanton – 76 H.Ways & Means

An income tax exemption for military retirement income up to \$50,000/year/person if taxpayer is 62 or older or permanently or totally disabled.

HB 1129, Parsons – 42 H.Ways & Means

A motor fuel tax exemption for public mass transit vehicles owned by public transportation systems for which fares are routinely charged is extended through June 30 2012. ***It is of interest that a motor fuel exemption is NOT provided for school buses.***

HB 1138, O'Neal – 146 H.Ways & Means

GA's revenue code is brought into compliance with the federal IRS code. Also requires tax returns to be filed electronically if prepared by a tax preparer if the feds require electronic filing.

HB 1145, Stephens – 164 H.Ways & Means

An income tax credit for new qualified freight rail infrastructure or locomotive infrastructure of 50% of the costs of the property. Unused credits in any year may be carried forward for 20 years.

HB 1148, Knight – 126 H.Ways & Means

Property subject to assessment freeze under HB 233 shall not apply to a county in 2010 which was under contract for a county wide revaluation prior to Feb. 28, 2009 to be completed in 2010.

HB 1149, Taylor – 55 H.Ways & Means

A sales tax exemption for reusable shopping bags of \$5 purchase price or less.

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Sally FitzGerald, Observer

sallyfitz@bellsouth.net

League of Women Voters – Atlanta/Fulton

www.lwvaf.org

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