

19 February 2010

## **LWVAF, Report from the Capitol, Week 6**

This week, the General Assembly met for three days, Days 18, 19, and 20. The session is now half over, assuming it will go the allowable maximum of 40 days.

The House passed the supplemental FY10 budget last week and the Senate moved it through committee and onto the floor calendar on Thursday of this week. Unlike most years, they did not immediately establish a conference committee to look at the few differences.

The session is now in recess until March 8 to give itself time to thoroughly review the budget recommendations for next year, and to await the revenue figures for February which should be available next week. Should they be down, when the governor had reason to believe they would begin to stabilize after December, then additional cuts will have to be made to both the FY10 mid year budget and the FY11 full year. The joint appropriations committees are meeting beginning on Feb. 22 to review the FY11 budget and hear again from agency heads.

Legislation is beginning to clear committee to await its appearance on a floor debate calendar. This report is full of bills which have gotten out of committee. As promised, new legislation is going to be very sparsely reported after the mid point, as it has very little chance of passage this session, unless amended onto a bill which has better chances.

***LWV Georgia has its Legislative Day on Feb. 23***, even with the session in recess. The next legislative newsletter will be produced as of March 12.

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**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.

**DV** = Differing Versions

**NNS** = Needs No Signature

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### **In CHAMBERS**

HB 122, Lindsey – 54 **PASSED** House now in S.Government Oversight  
Counties and cities with budgets greater than \$1 million annually must maintain a searchable website. Budgets must be uploaded within days after being proposed and approved. Actual expenditures must be available if over \$1000.

SB 341, Harp – 29 **PASSED** Senate now in H.Higher Education  
Students must be legal residents of Georgia to get a HOPE GED scholarship-voucher, which is a \$500 stipend and funded by the lottery. ***Aligns this grant with other HOPE grants and scholarships. An audit discovered that about \$2.3 million had been lost to ineligible recipients.***

SB 367, Balfour – 9 **PASSED** Senate

Redefines the ‘influenza vaccine’ in law to include an inactivated virus administered by injection or a live attenuated virus administered by nasal spray. HB 1154 requires that the live virus be given only to those between 13 and 49 years old and that if the patient is a minor the parent has signed an informed consent. *The regulations are different for each type of virus.*

SR 605, Pearson – 51 **NNS PASSED**

Urges Congress to avoid wasteful, unnecessary, and unwise projects. *Some pork is bad, but others can be good, I guess.*

HB 665, Hamilton – 23 **PASSED** House now in S.Ethics

Secretary of State shall implement a pilot program, subject to funding, of electronic submission of overseas ballots for use in a general election and runoff. At minimum, the pilot shall include: encryption, authentication, verification of ID and eligibility of the voter, privacy protection, prevention of duplicate votes. *There is no year specified for which this pilot shall be developed.*

HB 867, Stephens – 164 **PASSED** House

A Commission on Regional Planning is created as a state level entity to provide oversight of the regional commissions 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 services. 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. Legislative chairs of the appropriate committees serve ex-officio without vote. Department of Community Affairs will provide support.

HB 901, Levitas – 82 **PASSED** House

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.

HB 947, Ralston – 9 **PASSED** House **PASSED** Senate **DV**

The mid year FY10 budget.

HB 977, Rynders – 152 **PASSED** House

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.*

HB 981, Chambers – 81 **PASSED** House

Local law enforcement may paint vehicles a solid color. *Costs of the second and third color can be saved.*

HB 1028, Roberts – 154 **PASSED** House now in S.Finance

Defines further the term ‘contiguous’ real property for property taxation of forest land conservation use to include land on the other side of the road.

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## **In COMMITTEE**

### **DRIVERS LAWS**

HB 965, McKillip – 115 DO PASS in H.Transportation

Vehicles shall yield the right of way to any pedestrian or bicycle on a sidewalk when emerging from an alley, building, private road, or driveway. *Currently, the bicycle must be ridden by those 12 years or younger. It is unknown as to how one is to determine the age of the bicyclist while driving a vehicle.*

HB 988, Willard – 49 DO PASS in H.Motor Vehicles

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

HB 1047, Butler – 18 DO PASS in 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 361, Rogers – 21 **OPPOSE** DO PASS in 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. Vouchers *must* include not only the amount within the QBE formula for that student but a proportional share of state categorical grants, non QBE state grants, equalization grants and the student’s share of transportation, food services, and building programs. *The required formula stipulates that the voucher student will get a share of all of these grants even if the student were 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 905, Dickson – 6 **PASSED** House DO PASS in S.Education & Youth

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 **PASSED** House DO PASS in S.Education & Youth  
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.*

## **ELECTIONS/ETHICS**

SB 406, Staton – 18 DO PASS in S.Ethics  
Voter Registration can be done on an Internet site maintained by the Secretary of State if the voter applicant has a Georgia drivers license or Georgia Identification Card and meets the other qualifications for voting. This is an additional option, not a replacement for the paper voter registration application form. *This will facilitate registering high school students in school, college students in the college library, and any other citizen.*

HB 540, Scott – 153 **PASSED** House in 2009 DO PASS in S.Ethics **DV**  
'Ballot card' removed from various parts of the law. Provisional electors to have 3 days to get an ID to the registrar, up from 2 days. Eliminates the requirement for a demo in the precinct. Removes all the reasons for voting absentee from the law. Multiple voter registrar locations do not have to be in government buildings. Reduces the distance from precinct for exit polling from 150 feet to 25 feet, but leaves campaigning banned within 150 feet. A Secretary of State bill.

## **GOVERNMENT**

HR 178, Levitas - 82 DO PASS in H. Judiciary  
CA to allow the General Assembly to enforce contracts or agreements restricting or regulating competitive activities between or among: employers and employees, distributors and manufacturerere, lessors and lessees, partnerships and partners, franchisors and franchisees, sellers and purchasers of a business or commercial enterprise, or two or more employers. The authority may include limiting the duration, geographic area, and scope of prohibited activities provided for in a contract, restricting or regulating competitive activities.

HB 199, Jerguson – 22 DO PASS in H.Judiciary Non Civil  
Frivolous and without merit requests for an arrest warrant may be denied by a judge or other officer, or if the applicant has no standing or rational relation to the alleged offense or for other reasons.

SB 335, Murphy – 27 DO PASS in 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.

**HB 382, Lunsford - 110 DO PASS in H.State Institutions and Property**

The Georgia Correctional Industries Administration shall report to the Department of Administrative Services the costs, specifications, delivery schedules and availability of all services provided or goods, wares, or merchandise produced wholly or in part which can be available to state departments, institutions and agencies, and political subdivisions.

**HB 1019, Morgan – 39 DO PASS in 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.

**HR 1400, Sellier – 136 NNS DO PASS in H.Defense and Veterans Affairs**

Urges Congress not to transfer Guantanamo Bay detainees to prisons within Georgia or any facility within the continental U.S. Rationale is our prisons are already overcrowded and staff is not trained to deal with issues of terrorist prisoner communications, to avoid the possibility of networking with current citizen prisoners, and to reduce the threat of infiltration to vital economic and military centers in GA.

## **GUNS**

**SB 291, Shafer - 48 DO PASS in S.Public Safety**

Revise the concealed weapons law to permit carrying a firearm in a vehicle while dropping off or picking up passengers at airports; removes the fingerprint requirement from license renewals, and forbids any state authority to confiscate any weapons for any reason including a state of emergency.

## **HEALTH**

**HB 1179, Dempsey – 13 DO PASS in H.Health & Human Services**

Hospitals shall offer flu shots to on-site to health care workers and other employees who have direct contact with patients at no cost. Other vaccinations may be offered.

## **HIGHER EDUCATION**

**SB 293, Seabaugh – 28 DO PASS in S.Higher Education**

Expands the Lottery Corporation Board from seven to nine members with three to be appointed by the governor, three by the Lt. Governor, and three by the speaker. The legislative oversight committee, co-chaired by the chairs of House Regulated Industries and Senate Economic Development, is expanded to include the chairs of Senate and House Appropriations, Senate Finance, House Ways & Means, Senate and House Higher Education, Senate Education and Youth and House Education, Senate Government Oversight and House Government Affairs. Two members of the Senate shall be appointed by the Lt. Governor and two members of the House by the Speaker. The

legislative committee shall approve the list of the Lottery Corporations proposed bonus or incentive packages annually. *Currently, the governor appoints all members of the Lottery Corporation and the legislative oversight committee does not rule on any lottery budget.*

## **REVENUE/TAXATION**

SB 381, Goggans – 7 DO PASS in S.Appropriations  
Office of Planning and Budget to include fee 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 fee is meeting its objective and if the money collected is to be deposited in the same fund as currently designated. *If education for children has to take a \$938 million annual cut in a formula not updated in 20 years, then citizens need to be paying the entire cost of the service for which a fee is charged.*

SR 1014, Staton – 18 NNS DO PASS in S.Finance  
Urges Congress to pass legislation extending the Bush tax cuts for small businesses.

HB 1041, Epps – 140 DO PASS in 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.

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## **NEW Legislation**

### **CHILDREN**

HB 1183, Neal – 1 H.Judiciary Non Civil  
Incest is broadened to be gender neutral such as father and child rather than father and daughter, etc.

### **ELECTIONS/ETHICS**

HR 1401, Powell – 171 H.Government Affairs  
CA to designate the coroner as a county officer, if the office has not been abolished per local legislation.

## **REVENUE/TAXATION**

HB 1167, Lucas – 139 H.Ways & Means  
A sales tax rate change to 5%, currently 4%, for three years, until June 30, 2013. *An attempt to increase revenues to the state so as to refrain from so many budget cuts.*

HR 1360, Harbin – 118 NNS H.Appropriations  
Urges the Georgia Lottery Corporation to review and reconsider policies and procedures related to the compensation of personnel as they relate to incentive payments and bonuses particularly in years when other state personnel, K-12 teachers, and University faculty are

experiencing furloughs, pay reductions, increased health benefit premiums and no salary increases.

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Sally FitzGerald, Observer

[sallyfitz@bellsouth.net](mailto:sallyfitz@bellsouth.net)

League of Women Voters – Atlanta/Fulton

[www.lwvaf.org](http://www.lwvaf.org)

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