

22 January 2016

LWVAF, Report from the Capitol, Week 2

The General Assembly this week completed legislative Days 6-8, sharing those days with the appropriation subcommittees. Made for a very long day for legislators, but not much got done on the floor nor in any other committee.

Next week, they will meet Monday through Thursday, and be in recess on Friday.

This week the budgets have been front and center, and so a short review is in order. The entire budget documents can be found at www.opb.ga.gov and the tracking documents used in committee can be found at www.house.ga.gov under the Budget and Research tab on the top bar.

The amended budget, generally referred to as the AFY16 budget, takes a look at how much revenue has been received to date and is expected to be received by the end of the fiscal year. This year that number is more favorable than the state has seen since the beginning of the Great Recession. Much of it comes from the new and revised receipts from the transportation bill passed last year. But the lottery is doing better and many of the other sources are holding their own.

The principal reason for an amended budget is to true up funding for school enrollments. K12 received \$98 million for the 13,000 students who were not anticipated when the budget was passed in 2015. The graduation rate went up six percentage points last year and that helped students with HOPE eligibility get to college. HOPE received \$30 million and students who 'Move On When Ready' or dual enrolled in both high school and college got \$20 million. Broadband internet connectivity to local schools was given \$15 million.

Non educational grants were \$10 million to the governor's emergency fund, \$85 million to Human Services for Out of Home care. Transportation began work on that long list of projects with an appropriation request for \$759 million.

The budget for the year, known as the FY17 budget and begins July 1 of 2016, looks even better. At \$23.7 billion, it is the largest in state's history, chiefly because of the additional resources authorized in last year's transportation bill. Therefore, it follows that transportation projects receive the largest slice of the pie, \$824 million. Second, third, fourth, and fifth place are K-12 education at \$416 million, Community Health at \$160 million, the new Department of Community Supervision [overseeing probationers and parolees] at \$126 million, University System at \$100 million, and Student Finance [HOPE scholarships] \$90 million. The governor recommends a 3% salary increase for all state employees, but is sending the money for teacher raises to the local school systems which will have discretion on how it is used. He is not increasing the state teacher salary schedule. The state costs of reporting employee and retiree health insurance coverage to the federal government is over \$2 million, a requirement that did not amuse the governor.

CA = constitutional amendment. Requires a 2/3s vote in each chamber and a majority vote in the next general election, next scheduled for November 2016.

NNS = Needs No Signature

NEW LEGISLATION

CHILDREN

SR 723 James – 35 S.Education & Youth

Schools and public recreational facilities are urged to provide youth in competitive sports with:

- Coaches
- Comprehensive concussion management plans
- Safe and clean playing surfaces
- Safe and clean equipment and uniforms
- Safe and clean environment, including a hydration plan
- Safety plan, venue specific
- Privacy of health information and proper medical referral
- A right not to have to ‘play through pain’
- On site injury assessments by qualified sports medicine professionals
- Current information on benefits and risks of competitive sports including statistics on fatalities and catastrophic injuries to youth athletes.

HR 1091 Raffensperger – 50 H.Judiciary

CA to provide that GA shall recognize the paramount right to life of all human beings as persons at any stage of development. ***Prohibits abortion regardless of medical assessment. Does it also repeal the death penalty?***

DRIVERS LAWS, TRANSPORTATION

HB 767 Powell – 32 H.Motor Vehicles

Adds ‘utility service vehicle’ to the law requiring approaching vehicles to use caution, slow down, and move into another traffic lane to pass. ‘Utility service’ includes public and private firms providing electric, natural gas, water, waste water, sanitation, cable, phone, or telecommunications services.

HB 791 Kidd – 145 H.Regulated Industries

Ride share services and limousines shall provide wheelchair accessible vehicles. ***Sponsor uses a wheelchair.***

EDUCATION

HB 777 Dudgeon H.Public Safety & Homeland Security

School bus drivers may use a cell phone while driving as a 2-way radio to talk with school officials or public safety officials. ***An exception to the ban on cell phone use while driving.***

HR 961 Waites – 60 H.Education

CA to permit public schools to use dedicated funds to provide high school students drivers education courses.

HR 1017 Dudgeon – 25 H.Government Affairs

CA to authorize under general law for school districts to assess impact fees to help pay for capital projects. The school district must have experienced a 15% or more growth in the previous 5 years to be eligible and the fund must be spent in the same geographical area that the fees were imposed. ***These restrictions are not imposed on cities and counties which impose an impact fee.***

ELECTIONS/ETHICS

SR 715 Crane – 28 S.Rules

CA to prohibit the designation of ‘incumbent’ on any ballot of a gubernatorial appointee to an elected office until such person has been qualified, elected, and served a full term in office. Effective 1-1-18. ***Serving a partial term seems not to qualify even if elected.***

SB 717 Crane – 28 S.Rules

CA to require General Assembly members to wait at least 2 years before election or appointment by the governor to any paid office or position.

HB 772 Clark – 147 H.Government Affairs

When the required Saturday for voting during an advanced voting period falls on a legal holiday or holiday weekend, then the required voting shall be on the previous Saturday. *In 2014, voting was required on July 4. This proposal prevents that.*

GOVERNMENT - GENERAL

SR 725 Hill – 32 S.Retirement

CA to ban any public pension fund from investing public funds in a foreign state which sponsors terrorism or in a for-profit entity which does business with such a foreign state.

SB 276 Albers – 56 S.Science & Technology

Specifies what constitutes a data breach and how those affected are to be notified, the penalties for not notifying and actions the Attorney General may take to compel the offending entity to comply. *Aimed at the Secretary of State?*

HB 779 Tanner – 9 H.Judiciary Non Civil

Images captured by an unmanned drone are subject to privacy restrictions. Lawful photos may be taken with permission of the property owner and for use by military, utility company, law enforcement, or lawful governmental use, fire suppression, hazard materials spills, or rescuing a person.

HB 788 Kidd – 145 H.Retirement

Any member of a public or private retirement system may change the designated beneficiary at any time.

GOVERNMENT – COURTS AND CRIMES

HB 724 Petrea – 166 H.Judiciary Non Civil

Crime Victims' Bill of Rights is expanded. Victims shall be notified 30 days, currently 20 days, before the Board of Pardons and Paroles is to consider a final decision to grant parole, release, pardon or move an inmate to transitional housing. The date is to be printed in the legal organ at the same time.

HB 770 Efstoration – 104 H.Judiciary Non Civil

Adds 'developmental disability' as a criteria for a victim of trafficking of a person for labor or sexual servitude.

HB 790 Raffensperger – 50 H.Judiciary Non Civil

Sounding a false alarm for a public safety response shall be a felony. The penalty shall be enhanced if the peril is a false bomb threat, hostage threat, or any other incident eliciting an immediate heightened response by law enforcement or emergency services.

GOVERNMENT – COUNTIES AND CITIES

SB 275 Williams – 27 S.Ethics

Counties, cities and local boards of education shall not adopt any polity or rule preventing members of the governing authority from discussing freely the board's policies and actions.

HB 765 Powell – 171 H.Government Affairs

Vacancies on county DFACS boards shall be filled by appointment by the county and may include active or retired members of the groups specified.

HB 774 Atwood – 179 H.Public Safety & Homeland Security

Limits fireworks on Jan 1, Dec 31, July 3-4 to midnight. Cannot explode fireworks over government property without permission. Permits counties and cities to regulate hours for fireworks on other days.

HB 781 Raffensperger – 50 H.Government Affairs

Persons appointed to any position at the county or other political subdivision must be U.S. citizens and have resided in the jurisdiction for one year. State appointees must also be citizens and reside in the state for four years. *Elected members of the General Assembly and most local offices require only a one year residency.*

HB 785 Dudgeon – 25 H.Government Affairs

Townships may be created by the General Assembly through local law to provide for comprehensive township planning and zoning, provide subdivision regulation, code enforcement, and building permit issuance. Enabling legislation for HR 1051.

- Must be totally within a county
- 2000 acres minimum
- 500 homesteaded parcels
- 10%, 200 acres minimum, with non-residential zoning
- Requires a feasibility study
- Must be approved in a local referendum
- Cannot exercise eminent domain
- Cannot receive a distribution of a county LOST
- May levy property tax up to .5 mill
- Cannot be annexed by any city without approval of the board of supervisors and passed in a local referendum
- May be converted to a full city with local approval in a referendum.

HB 789 Kidd – 145 H.Energy, Utilities & Telecommunications

A county may grant a franchise for any utility service, except cable or video, and may charge a franchise fee to the utility. Only unincorporated areas can be served unless the city agrees to the service.

HR 1051 Dudgeon – 25 H.Government Affairs

CA to authorize townships. Enabling legislation is HB 785.

GOVERNMENT – CAPITOL AND GROUNDS

SR 716 Crane – 28 S.Rules

CA to require a conference committee report to be available to legislators and public on the website for 48 hours before consideration of the chamber.

GUNS

SB 270 Martin – 9 S.Public Safety

Retired POST certified law enforcement officers may carry a handgun anywhere within the state allowed for active law enforcement officers.

HB 778 Marin – 96 H.Public Safety & Homeland Security

Applicant for license to carry shall provide proof of training within three years prior to the application.

HEALTH

SB 271 Burke – 11 S.Health & Human Services

A patient who has been involuntarily admitted to a treatment facility for mental health and is not well enough to be released at the expiration of the current order, may continue to receive treatment if the chief medical officer files a petition for it along with an updated individualized service plan to the State Administrative Hearings office. The patient and his/her representatives shall also receive a copy of the filing and may request a hearing. The patient has a right to counsel.

SR 722 James – 35 NNS S.Health & Human Services

Creates the nine member Committee on Mental Illness Initiative, Reform, Public Health, and Safety. ***GA has 1.4 million adults with some form of mental illness.***

HB 775 Ehrhart – 36 H.Regulated Industries

Spectacles (contact lenses or eye glasses) which correct vision must be prescribed by a qualified licensed person who first performs an eye exam. ***Clarifies existing law and eliminates such eyewear as safety goggles.***

HB 780 Lott – 122 H.Health & Human Services and

SB 273 Burke – 11 S.Health & Human Services

Exempts from licensure any laboratory which is non-diagnostic or federally regulated and whose sole function is to examine human blood or its components intended as source material for manufacturing biological products.

HIGHER EDUCATION

HB 792 Barockway – 102 H.Public Safety & Homeland Security

Allows post secondary employees or students to carry tasers or stun guns and use them in defense of self or others.

REVENUE/TAXATION

HB 769 Hawkins – 27 H.Ways & Means

Watercraft held in inventory for sale is exempt from property taxes permanently. ***Currently, it is exempt until 2019. Sponsor is from Hall County where there are lots of boat sellers around Lake Lanier.***

HB 793 Ballinger – 23 H.Ways & Means

A property tax exemption shall be eligible to any fraternal organization which received its charter 125 years ago, currently prior to 1880. ***This will expand the number of organizations eligible as time goes by, without legislation.***

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