

29 January 2016

LWVAF, Report from the Capitol, Week 3

The General Assembly completed Legislative Day 12 this week. It also got the amended budget out of the House and set its schedule for the rest of the session, with scheduled adjournment sine die on March 24. Stranger things have never occurred before in January, at least in recent memory.

Legislation is still being introduced at a rapid pace, some of it reported here. Committees are also getting cranked up and a few proposals are ready for the floor.

A couple of things are becoming clear. There are several proposals to require conference committee reports to be available a longer time before they are brought to the floor, where they cannot be amended. This stems from the transportation bill of last year which contained in the conference committee report a \$5/night excise tax on hotel rooms previously absent from all prior versions of the bill. The fact that these are proposals to change law, and not change chamber rules, indicates the level of discontent. Also there are several proposals to require an interlude between the end of legislative service and the beginning of state employment. While it has happened many times before, it is significant that the sponsor of that transportation bill resigned from the legislature to immediately take a paid position with the Department of Transportation. Another proposal would require a former legislator or state employee to wait a year before becoming a lobbyist or state consultant. This can be traced to the governor's education advisor who pushed through the Opportunity School District proposal then resigned the full time position to take a consulting position with the governor regarding education issues. Many legislators reflect the view of some citizens that this is reaping personal gain for doing the people's business.

The General Assembly returns next Monday for Day 13.

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 scheduled for November 2016.

NNS = Needs No Signature

In CHAMBERS

BUDGET

HB 750 Ralston – 7 **PASSED** House

Amended budget for FY16. Almost no changes were made from that proposed by the governor.

EDUCATION

SR 743 Hill – 6 **NNS PASSED**

Urges schools and agencies to recognize and address dyslexia because the condition has a significant educational implication on student achievement and worker performance.

REVENUE/TAXATION

HB 742 Knight – 130 **PASSED** House

Aligns state income tax code with federal law with particular attention to Georgia subchapter "S" corporations and Form 1099's when taxes are withheld.

LOCAL

SR 816 Beach – 21 NNS PASSED

Fulton County Schools was awarded the Charter System of the Year by the Charter System Foundation. Fulton has 8 high schools in the top 25 in the state on the SAT; a graduation rate of 85.3% for 2015; is the largest charter school system in GA; and strives for excellence within all of the Fulton County Schools.

In COMMITTEE

DRIVERS LAWS, TRANSPORTATION

HB 127 Stover – 71 DO PASS in H.Transportation

Local governments may help DOT to maintain vegetation along the state highway system located within its corporate limits. The local entity is to notify DOT 24 hours prior to doing any work.

GOVERNMENT - GENERAL

HB 483 Buckner – 137 DO PASS in H.Game, Fish & Parks

The shoal bass shall be designated the GA state native riverine sports fish.

HEALTH

HB 780 Lott – 122 DO PASS H.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 801 Jones – 47 DO PASS in H.Higher Education

The science requirement for high school graduation can be partially satisfied with computer science courses. STEM (science, technology, engineering, and math) college classes shall be weighted by .5. *Jobs requiring STEM skills are in very high demand. There are over 10,000 openings in STEM field now, and average salary is about \$73,000. The sponsor hopes to encourage students to take the harder STEM courses if the weighting will help maintain the average necessary to retain their HOPE scholarship.*

REVENUE/TAXATION

HB 51 Benton – 31 PASSED House DO PASS in S.Judiciary

Owners of property sold to satisfy taxes may redeem such property by repaying the buyer all costs incurred in the transaction including any amounts + 20% owed to a homeowners or a condo association.

NEW LEGISLATION

DRIVERS LAWS, TRANSPORTATION

SB 285 Jones – 10 S.Judiciary Non Civil

Bail for the offense of homicide by vehicle shall include a prohibition on operation of a vehicle and such prohibition shall be filed with the GA Crime Information Center to help insure compliance.

HB 797 Kirby – 114 H.Motor Vehicles

Headgear for motorcycles or mopeds is limited to those under the age of 18. *Currently, all riders must wear helmets just as all drivers of autos must be strapped in.*

HB 806 Tanner – 9 H.Motor Vehicles

Driver's licenses, commercial driver's licenses, and identification cards shall expire in 8 years, currently 5.

EDUCATION

SB 281 Ligon – 3 S.Education & Youth

Parents of a student who is to take a course using a digital platform are to be provided information relative to the platform to include the principal purpose of the platform, how it works, the school official who coordinates its use, the information collected from the student and purpose of its collection, platform privacy policy, the school policy regarding storage and use of the data collected. Parents must have access to all content available to the student. Any personal data collected is to be destroyed at the end of course. Unless the school declares the platform essential to its required mission, student may opt out of using any digital platform and be provided traditional instruction of the class material.

HB 659 Belton - 112 H.Education

Local school systems and schools shall publish financial data of all kinds that are not already required to be confidential and put it on their web sites or links thereto. SBOE is to establish template and to aggregate for all school systems. The annual audit is also to be made available. Includes general operating budget, any SPLOST funds, federal funds, and privately received funds. *Most schools get federal funds for special education students, English language learners, and school meals.*

HB 820 Kendrick – 93 H.Education

Students in K through 3 who have been suspended out of school for three times in a year or two times in four weeks or are in an alternative education program shall have developed by school personnel a behavior corrective action plan. The plan shall include specific, measureable attainable and timely goals and strategies.

SR 828 Fort – 39 S.Education & Youth

CA to revise the ballot question passed in 2015 to authorize the Opportunity School District to read: “Shall the constitution of Georgia be amended to allow an appointee of the Governor to take over local school operations, buildings, and control of all federal, state, and local funding if a school has low scores on standardized tests or for any other reason a future legislature may allow?” *The current proposed language reads: “Shall the Constitution of Georgia be amended to allow the state to intervene in chronically failing public schools in order to improve student performance?” On the ballot in November 2016.*

HB 848 Clark – 98 H.Education

Blue Star Family Scholarship Program is for children of military parents enrolled in **private** schools. The amount that such student would have earned if enrolled in a public school shall be deposited into a Blue Family Scholarship account less the amount of the local 5 mill share and administrative costs and the money can be used to pay for allowable expenses including tuition. The number of students is capped at ½ of 1% for two years. In fall of 2018, there is no cap. *This is a voucher by yet another name. League of Women Voters OPPOSES vouchers.*

ELECTIONS/ETHICS

SB 256 McKoon - 29 S.Rules

CA to provide that no member of the General Assembly who serves on a conference committee can be eligible for state employment for 24 months after the conference committee service.

SB 289 Fort – 39 S.Ethics

A person retired or resigned from the state executive branch must wait one year before being registered and employed as a lobbyist and from being hired as a consultant by any agency or entity of the state executive branch.

HB 850 Mayo – 84 H.Government Affairs

One may register to vote on Election Day at the precinct which serves one's residence on Election Day and cast a provisional ballot. If the registrar can approve the voter registration within 3 days, the ballot shall be counted with the other provisional ballots. Or one may register with the permanent registrar during the advanced voting and cast a provisional ballot at that time.

HR 1136 Efstration – 104 H.Judiciary

Urges Congress to call a constitutional convention to propose a constitution amendment under Article V of the U.S. Constitution solely to set term limits on members of congress. ***None of the existing amendments to the U.S. Constitution have been proposed by a constitutional convention. All have used the other method allowed of Congress passing such a proposal by a super majority and then three-fourths of the state legislatures approving. Once convened, constitutional conventions may not be able to limit what is proposed and passed. So care must be taken in the use thereof.***

HR 1159 Jones – 62 H.Judiciary

CA to have General Assembly members each serve 4 year staggered terms beginning in 2018 and be term limited to three consecutive terms. Must be out of office for one year before again being eligible to serve another term.

HR 1160 Gardner – 57 H.Legislative & Congressional Reapportionment

CA to have legislative and congressional reapportionment be done by an independent commission of 14 members – 5 from each political party and 4 not identified by political party as evidenced by not voting consistently in the same primary for the last 3 cycles. The members would be vetted by the state Supreme Court. The General Assembly would vote up or down on the recommendation, no amendments.

GOVERNMENT - GENERAL

SB 284 Kirk – 13 S.Rules

The First Amendment Defense Act. Individuals and other entities which sincerely believe that marriage is between a man and a woman, and that sexual relations should be within such a marriage, cannot be discriminated against by any government action. This does not protect those who refuse to perform their defined duties in their jobs.

SB 294 Fort – 39 S.State & Local Government

Bans the recognition of public and legal holidays honoring the Confederate States of America, its history, or the military or political leaders or the Civil War. Includes January 19, April 26 (Confederate Memorial Day) and June 3. Confederate History and Heritage Month would no longer be observed.

SB 295 Fort – 39 S.Insurance & Labor

Creates the Division of Supplier Diversity with the Department of Administrative Services to oversee laws and policies of minority and women owned business enterprises. State agencies shall be required to award contracts to such businesses in an appropriate proportion of total contracts awarded.

SR 675 McKoon – 29 S.Rules

CA to make English the official language of GA. Translators or translation would not be required in any government document, meetings, procedures, publications. Private use of other languages still permitted. Federal requirements for translation exempted.

HB 837 Setzler – 25 H.Judiciary

Persons seeking relief from the state or any political subdivision for any religious practices shall be able to sue the government which will have sovereign immunity waived. Relief shall include declaratory judgement, injunctive relief, or reasonable attorney's fees. Sovereign immunity is not waived for any claim for monetary damages or litigation expense.

HB 842 Taylor – 79 H.Regulated Industries

Fireworks can be sold from a temporary facility such as a tent, canopy, or membrane structure within 1000 feet of a public fire hydrant. License fee shall be \$500 per location payable to the local governing authority and issued by the fire department. License valid only from June 18 through July 6 and December 20 through January 1. Fees to be spent by the local governmental entity on public safety. ***Other provisions of this bill are so detailed and minor they perhaps should be left to the local government to determine by ordinance.***

GOVERNMENT – COURTS AND CRIMES

HB 796 Kirby – 114 H.Judiciary Non Civil

A disabled person who uses a service animal to provide services to that person, or a trainer of such animals, shall be entitled to take the service animal wherever the disabled person goes. The disabled person or trainer shall be liable for any damage caused by the animal. Anyone who causes or encourages others to cause damage to the animal is guilty of a felony. ***Current law does not include all disabilities and only speaks to guide dogs. Neither does it include trainers.***

HB 808 Willard – 51 H.Judiciary

Creates a new Judicial Qualifications Commission of seven members – 2 judges from any court selected by the Supreme Court, 5 members of the state bar active for 10 years, three to be selected by the governor, and one each by the Speaker and Lt. Governor. The Commission shall not be subject to open records/open meetings. Enabling legislation for HR 1113. ***The current commission has no appointed members by the speaker or Lt. Governor.***

HR 1113 Willard – 51 H.Judiciary

CA to create a new Judicial Qualifications Commission with the power to discipline, remove, cause involuntary retirement of judges. Enabling legislation is HB 808.

GOVERNMENT – COUNTIES AND CITIES

SB 288 Fort – 39 S.State & Local Government Operations

Public funds may not be used by counties and cities for construction of a pedestrian bridge over a state or county road to provide a path between a multipurpose domed stadium and a public transit station. ***Probably relates to an Atlanta proposal to build such a bridge from the new Dome to the nearby MARTA train station. But this bill is a general bill.***

SR 809 Fort – 39 S.State & Local Government Operations

CA to prohibit county and city governments from entering into contracts with private entities for parking enforcement. ***Another Atlanta focused bill, probably designed to deliver a message rather than be passed.***

GOVERNMENT - EMPLOYMENT

SB 293 Fort – 39 S.Insurance & Labor

Increases the minimum wage to \$15/hr., effective 1-1-18 and it shall be indexed to inflation.

SB 296 Jackson – 2 S.SLGO

State employees shall be provided paid leave upon the death of an immediate family member.

HB 831 Smyre – 135 H.Defense & Veterans Affairs

Extends rights and privileges of reemployment with an employer after deployment, currently extended to the National Guard, to include those in any military reserve.

HB 849 Golick – 40 H.Judiciary

GA Civil Rights in Public Accommodations Act. All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation without discrimination or segregation on the grounds of race, color, religion or national origin. The Commissioner on Equal Opportunity shall have an administrator to assist in overseeing these requirements. An aggrieved person must file a complaint within one year from the date of the alleged incident. ***This is new language being proposed. Apparently, more general language on discrimination has been used in the past for such complaints.***

GUNS

SB 282 Stone – 23 S.Banking & Financial Institutions

Persons or trade associations engaged in the lawful commerce of firearms or ammunition products cannot be denied credit based solely on the services and products sold. If such discrimination is determined, a civil suit can be brought and attorney fees can be recouped.

HB 841 Sharper – 177 H.Public Safety & Homeland Security

Applicants for a weapons carry license or renewal and gun show buyers shall be given a printed document with information on firearm safety and offenses. A website on firearms safety, storage, and a list of instructions shall be created and maintained by the Commissioner of Public Safety.

HB 843 Gardner – 57 H.Public Safety & Homeland Security

Gun show vendors must do a background check on all buyers.

HEALTH

HB 826 Price – 48 H.Health & Human Services

Physicians who advertise or hold themselves out as being certified in any specialty shall insure that the full name of the board is stated and the board is a member of the American Board of Medical Specialties or the American Osteopathic Association or the physician has successfully completed a post graduate training program approved by either of those two organizations. ***The sponsor is a physician.***

HR 1093 Alexander – 66 H.Special Rules

Creates the nine member Joint Study Committee on Mental Illness Initiative Reform, Public Health, and Safety.

HIGHER EDUCATION

HB 798 Chandler – 105 H.Higher Education

Home schooled students may earn the Zell Miller HOPE scholarship, which pays 100% of tuition costs, if they score a 29 on the ACT or a combined score of 1350 on the SAT. Reduces the requirement for the regular HOPE scholarship to an ACT or SAT score in the 75th percentile, currently 80th percentile. ***Home schools are unaccredited, so a student achievement rating is measured with the ACT/SAT scores, not GPA.***

HB 835 Rogers – 29 H.Ways & Means

GA income tax forms shall be designed to allow taxpayers to contribute all or part of their refund to a GA Higher Education Savings Plan, a 529 plan.

HR 1112 Stover – 71 H.Governmental Affairs

CA to provide for the election of members of the Board of Regents. Each congressional seat shall be represented by a member and there shall be five members at-large, elected to staggered 4 year terms. *These are unsalaried positions. If they can win in a congressional seat or in a state at-large seat, they may be encouraged to try for congressional or state constitutional seats, which provide salaries. Unless otherwise indicated in the enabling legislation, candidates for election need only be citizens and registered to vote, which is age 18 or older. University leadership might feel most uncomfortable with a board so constituted.*

REVENUE/TAXATION

SB252 McKoon – 29 S.Finance

An excise tax exemption for hotel/motel room rentals is repealed. *Currently, the tax was imposed as part of the motor fuel tax revisions made in 2015, HB 170. Revenues go to the motor fuel tax fund for use in transportation projects.*

SB253 McKoon – 29 S.Finance

A motor fuel tax exemption for school buses, counties, and cities. Effective 7-1-16.

SB 280 Hill – 32 Special Joint Committee on Revenue Structure

Effective 1-1-17, revisions to the income tax which reduce the rate for all to 5.4%. Increases the personal exemption to \$5700/person, \$11,400 per joint return; increases the dependent exemption to \$4700 each.

Repeals the corporate new worth tax.

HB 802 Teasley – 37 H.Ways & Means

Contributions to a 529 account for college savings allows the annual limit to be \$4000 for a joint return. *Currently, \$2000 is allowed whether filing singly or jointly.*

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