

26 February 2016

LWVAF, Report from the Capitol, Week 7

The General Assembly met for five days this week, completing Day 29. Next week they return on Monday and Wednesday.

This week has seen much committee work, as sponsors of bills ask for hearings and committee passage so their bills can make a floor calendar this week or next. Monday is Day 30, CrossOver Day, when bills that exit the chamber of origin have a chance to pass, and those that don't have to find other options, like being amended to another bill that is moving.

Two bills have been signed – the amended budget, **HB 750**, and the tax bill, **HB 742**, which syncs the state law to the federal changes made in 2015. A significant majority of bills that pass are not sent to the governor until after adjournment sine die (final). There is a 40 calendar day window for him to sign when the legislature is not in session.

To keep this report shorter, only bills that have passed through Day 28, Thursday, are reported this week. Next week's report will include Day 30, and it, too, will be filled with bills that have passed one chamber or the other.

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 in November 2016.
NNS = Needs No Signature

In CHAMBERS

BUDGET

HB 751 Ralston – 7 **PASSED** House S.Appropriations
Budget for FY17. Is the largest in state history at \$23.7 Billion. Contains a 3% raise for all state employees except teachers, and \$300,000 to reduce the K-12 austerity cut but for which the governor suggests should include teacher raises. There still will exist \$167,000 in austerity cuts. If fully restored, the state will fund education as it was in 2003, before the first austerity cuts, with 200,000 more students.

CHILDREN

SB 331 Thompson – 14 **PASSED** Senate
If a child is conceived as a result of rape or human trafficking, a male may lose parental rights.

DRIVERS LAWS, TRANSPORTATION

HB 93 Pezold – 133 **PASSED** House S.Public Safety
Prohibits law enforcement agencies from retaining license plate data obtained from automatic license plate readers for more than one year. Data is not subject to public disclosure. If data is used for other than law enforcement purposes, the fine could be up to \$5000 and/or two years in jail.

HB 166 Yates - 73 **PASSED** House S.Public Safety
Motorcycle Mobility Act. Handlebars on motorcycles shall be no more than 25" high, currently 15".

HB 806 Tanner – 9 **PASSED** House S.Public Safety
Drivers licenses, commercial drivers licenses, and identification cards for U.S. citizens shall expire in 8 years, currently 5. Infractions not reported to the DDS for two years will not result in suspension of license. **Currently, infractions are to be reported within 10 days. Many jurisdictions are extremely lax.**

EDUCATION

SB 348 Tippins – 37 **PASSED** Senate H.Higher Education

College and career academies can be established in school districts which are chartered or strategic waiver. *Currently, only two school districts do not fall into one of these two organizational categories, Webster County and Buford City. Now, school districts cannot sponsor a college and career academy – a nonprofit organization must be the sponsor.*

HB 614 Stovall – 74 **PASSED** House S.Education & Youth

DOE may authorize video cameras be placed in self-contained classrooms providing special education services at local school district option. Parents to receive prior notice. Recorded video to be retained for at least three months. Cameras are to record as many areas of the classroom as possible. Local board of education may accept gifts to facilitate camera procurement and placement. DOE shall develop guidelines and criteria for camera use in classrooms.

ELECTIONS/ETHICS

HB 980 Powell - 32 **PASSED** House S.Ethics

Municipal qualification moved to the third Monday in August from last Monday in August. If no one qualifies for a municipal office, the governing authority may reopen qualifications on the next Monday for two days.

GOVERNMENT - GENERAL

SB 316 Gooch – 51 **PASSED** Senate H.Regulated Industries

Bingo games would no longer have a \$1500/day limit on prizes awarded. The \$3000 weekly limit remains.

SB 323 Dugan – 30 **PASSED** Senate H.Government Affairs

Public disclosure is not required for any document regarding an economic development project. *Currently, this restriction applies only to the Department of Economic Development.*

HB 757 Tanner – 9 **PASSED** House **PASSED** Senate **DV**

Religious officials when acting in their religious capacities are not required to perform marriage ceremonies or any other rite or administer sacraments if they violate the official's religious principles. Refusal to do so shall not give rise to a civil claim or cause of action. No business shall be required by ordinance or regulation to operate on either of the two rest days (Saturday or Sunday). No religious organization, which includes a church, religious school, auxiliary, is required to grant permission for their property to be used for a purpose which is objectionable to them. **Senate added:** 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. *Party line vote.*

HB 949 Powell – 32 **PASSED** House

Adds clerks of the Superior Court, Probate Court judges, sheriffs, tax receivers, tax collectors, or tax commissioners to those who may use purchase cards or credit cards issued by the local government. There must be specific policies for use of such cards, and those getting the cards must affirm that they are aware of such policies.

GOVERNMENT – COURTS AND CRIMES

HB 770 Efstrotation – 104 **PASSED** House

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

HB 808 Willard – 51 **PASSED** House S.Ethics

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 is not subject to open meetings. Enabling legislation for HR 1113. *The current commission has no appointed members by the speaker or Lt. Governor.*

HB 827 Holcomb – 81 **PASSED** House S.Health & Human Services

Requires evidence collected from rape victims to be turned over to law enforcement within 96 hours which must submit it for testing within 30 days. Law enforcement agencies shall keep records of all evidence per individual obtained from a forensic medical exam. Provisions are outlined for evidence taken before 7-1-16 but not yet submitted to GBI for testing.

HB 856 Flemming – 121 **PASSED** House S.State & Local Government
Probate Court judges shall provide a bond of \$100,000, currently \$25,000, to the county in which they serve.

HB 874 Reeves – 34 **PASSED** House S.Judiciary Non Civil
More clearly defines street gang terroristic threats and acts and provide mandatory sentences which include confinement of 5-20 years and fines between \$10,000 and \$250,000.

HB 927 Coomer - 14 **PASSED** House S.Judiciary Non Civil
Appellate Jurisdiction Reform Act of 2016. The Supreme Court is allowed nine justices, currently seven. Each of the three terms per year starts earlier by two or four weeks. Supreme Court transfers to the Court of Appeals several types of cases as the final appellant court – title to land, wills, divorce and alimony, equity cases and extraordinary remedies except those involving death sentences, and all other cases not reserved to the Supreme Court. Law assistants for the Supreme Court and Court of Appeals shall be members of the bar within one year of appointment.

HB 941 Golick – 40 **PASSED** House S.Judiciary Non Civil
If the grand jury conducts a review of any incident involving a peace officer's use of deadly force that results in death or serious bodily injury, the officer is to receive prior notice of such review. If the officer testifies, s/he may be cross examined and have counsel present.

HR 1113 Willard – 51 **PASSED** House S.Ethics
CA to create a new Judicial Qualifications Commission with the power to discipline, remove, cause involuntary retirement of judges. The current Judicial Qualifications Commission is abolished on 12-31-16. The Supreme Court may review the procedures of the commission. Enabling legislation is HB 808.

HR 1363 Willard – 51 **NNS PASSED**
Creates the 7 member House Special Study Committee on Judicial Qualifications Reform to investigate the operations of the Judicial Qualifications Commission. Members appointed by the Speaker. Committee has subpoena powers for persons and papers.

GOVERNMENT – COUNTIES AND CITIES

SB 275 Williams – 27 **PASSED** Senate H.Judiciary
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. *The Ethics Code requires that when a board has voted on an issue, all members of the board shall stand behind that vote. This prevents those on the other side of the issue from undermining what the majority has agreed to do. This proposal overturns that portion of the Ethics Code.*

SB 277 Ligon – 3 **PASSED** Senate
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 SR 724.

- 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.

GOVERNMENT – CAPITOL AND GROUNDS

SR 842 Ligon – 3 NNS PASSED Senate

Creates the 7 member Senate Study Committee on the Legislative Process to improve efficiency and transparency in review legislation. Members include the President Pro Temp, Majority Leader, Minority Leader, and 4 senators appointed by the President of the Senate.

GOVERNMENT - EMPLOYMENT

HB 831 Smyre – 135 PASSED House S.Veterans, Military & Homeland Security

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

HEALTH

HB 216 Gravely – 67 PASSED House

Firefighter occupational diseases shall include cancer if contracted three or more years after a person becomes a firefighter and whose duties involve suppressing fires. This health diagnosis shall be a rebuttable presumption and will be treated as if the firefighter were injured on the job. If death occurs, it will be treated as killed in the line of duty.

HB 897 Price – 48 PASSED House S.Health & Human Services

Creates a drug program to accept and share unused prescription drugs which must be unopened. *Annually, 125,000 deaths for not taking prescriptions while \$5 billion of drugs go to waste. Forty states have such a program.*

HB 900 Cooper – 43 PASSED House S.Health & Human Services

The electronic records of prescription information are to be held for two years, currently one.

HB 902 Dempsey – 13 PASSED House S.Health & Human Services

Assisted living communities are to provide to residents, by Sept. 1 each year, information on the flu and its complications and the accessibility of a vaccine. *Nursing homes and hospitals already required to do so.*

HB 910 Frye – 118 PASSED House S.Health & Human Services

Psychiatric, psychological, and other mental health records are subject to the same costs of copying and mailing patient records as other medical records.

HB 916 Hightower – 68 PASSED House S.Health & Human Services

If an audit of a pharmacy indicates there has been a violation and there is no evidence of fraud, the pharmacy will have 30 days to correct the violation. *Currently, a minor error such as a lack of a signature is treated in the same way as a major violation involving fraud.*

HB 944 Gilligan - 24 PASSED House S.Health & Human Services

A physician assistant or a registered professional nurse may pronounce death of a patient who is an organ donor in a nursing home. *Currently, they may do so for non-organ donor patients. At this age, about the only item that can be donated are corneas.*

HB 965 Cheokas – 138 PASSED House S.Insurance & Labor

The Honorable Jimmy Carter Cancer Treatment Access Act. Insurance companies cannot require that a patient diagnosed with stage four metastatic cancer first try drugs and methods and have them fail before a patient could try a new, much higher priced treatment.

HIGHER EDUCATION

SB 312 Bethel – 54 PASSED Senate H.Higher Education

HOPE scholarship defined at a minimum of \$2000/semester and \$134/credit hour. No award can exceed the student's tuition fee.

HB 745 Ehrhart – 36 **PASSED** House S.Appropriations

The authority for various state agencies to write off low amounts of money due, particularly higher education tuition, fees, and loans, is due to sunset June 30, 2016. This bill extends that authority to June 2021.

HB 792 Brockway – 102 **PASSED** House S.Judiciary

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

HB 859 Jasperse – 11 **PASSED** House S.Judiciary

Those licensed to carry weapons may do so if concealed in any building of a public postsecondary institution except for any athletic sporting facility or student housing. *A campus carry bill.*

REVENUE/TAXATION

SB 258 Millar – 40 **PASSED** Senate

Assessed values on real property cannot rise during the year when a taxpayer appeals.

SB 350 Mullis – 53 **PASSED** Senate H.Ways & Means

The 5% excise tax on consumer fireworks is to be split 55% to GA Trauma Care Network Commission, 40% to GA Firefighter Standards and Training Council, and 5% to the local government where the fireworks were sold to be used for public safety purposes. Enabling legislation for SR 558.

SR 558 Mullis – 53 **PASSED** Senate H.Ways & Means

CA to authorize the excise tax on fireworks be spent on trauma care (55%), fire services (40%), and local public safety purposes (5%). Enabling legislation is SB 350.

SR 604 Heath – 31 **LOST** in Senate **TO BE RECONSIDERED**

CA to repeal the state property (ad valorem) tax of .25 mill after 1-1-17. Does not include the property tax on which the state assesses on public utilities, railroads, and airlines for local entities nor any administration function the state offers to locals regarding the property tax. *Tax is not collected now, so passage of the CA will make no changes. Concerns were expressed that the state should not close the door on raising new revenues should they be needed.*

HB 768 Hawkins – 27 **PASSED** House

A tax exempt fund can be created for a disabled person, the beneficiary, from which eligible disability expenses can be paid, known as an ABLE account, Achieving a Better Life Experience. Annual contributions of up to \$2000 per beneficiary are tax exempt. The fund shall be operated under IRS Section 529A which shall determine what type of expenses are eligible for payment. A board shall govern the fund in the state and shall include the governor, state treasurer, state auditor, OPB director, state revenue commissioner, commissioner of behavioral health and developmental disabilities, and three directors appointed by the governor.

HB 763 Houston – 170 **PASSED** House S.Finance

A sales tax exemption for donations to food banks and donations of food and food ingredients to feed the hungry shall be made permanent.

HB 802 Teasley – 37 **PASSED** House

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.*

HB 911 Duncan – 26 **PASSED** House

A sales tax exemption for agriculture equipment and machinery is raised to \$10,000, currently \$2500.

HB 923 Quick – 117 **PASSED** House

A sales tax exemption for purchases by fire districts which have elected governing bodies and are supported by property taxes.

HB 939 Price – 48 **PASSED** House

Debts owed to the courts can be settled with income tax refunds.

HB 987 McCall – 33 **PASSED** House

Hosting a for profit rodeo event on covenanted property does not cause a breach in the covenant. *Covenanted property has the assessed value for tax purposes frozen for 10 years if the use of the property does not change.*

In COMMITTEE

GOVERNMENT – COUNTIES AND CITIES

HB 738 Caldwell – 131 **PASSED** House DO PASS in S.Special Judiciary

Any excess funds from county law libraries can be used to provide civil legal protection for low income people and to buy software, equipment, fixtures or furnishing for the DA office, solicitor general office or for any county judicial facilities such as courtrooms and jury rooms. Expenditures must be reported to the county commission.

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Sally FitzGerald, Capitol Observer

sallyfitz@bellsouth.net

League of Women Voters – Atlanta/Fulton

www.lwvaf.org

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