

UNDER THE GOLD DOME

Final 2008 Legislative Report

CONSTITUTIONAL AMENDMENTS – PASSED

To be voted on by YOU in November

SR 996 (Weber-40th) Authorizes counties, cities, and local school systems to use tax funds for redevelopment purposes, including the payment of debt service on tax allocation bonds. TADs, freeze the values of property therein for a fixed number of years while the taxes on the appreciated values go to the tax allocation district for redevelopment use. **SIGNED BY GOVERNOR**

HR 1276 (Royal-171st) Provide for a forest land in excess of 500 acres of a single owner, personal or corporate, to enter into a 15 year covenant to keep the land in forest use in exchange for a freeze on property tax assessments. **SIGNED BY GOVERNOR**

SR 309 (Grant-25th) To have the General Assembly create and regulate infrastructure development districts (IDD), the purpose of which is to create, provide, and expand such infrastructure services and facilities designated in law. An IDD must be approved by the county or city. Each IDD will have a governing body, fees, and assessments, and may issue bonds. **SIGNED BY GOVERNOR**

OTHER LEGISLATION

ELECTIONS/ETHICS/GOVERNMENT

SB 387 (Staton-18th) Allows electors to request and cast absentee ballots without stating a reason for doing so. Also allows the electronic submission of absentee ballot requests by military personnel and provides for the safekeeping of absentee ballots. **SIGNED BY GOVERNOR**

HB 1175 (Williams-4th) Persons applying to register to vote shall provide proof of United States citizenship prior to the acceptance of their registrations. **FAILED**

HB 993 (Hembree-67th) Each elector who is 75 years of age or older or who is disabled and requires assistance in casting an absentee ballot in person at the registrar's office, absentee ballot clerk's office, or other polling locations be allowed to vote without having to wait in line. **SIGNED BY GOVERNOR**

HB 1098 (Reese-98th) Requires election superintendents to provide notice to the Secretary of State regarding primaries and elections as well as those certified returns. **SIGNED BY GOVERNOR**

HB 1112 (Geisinger-48th) A housekeeping bill for the Secretary of States Office. Allow candidates for state office that have paid their qualifying fee and decide to remove themselves from consideration before the time for qualifying has expired, to get their fee refunded. Also allows the Secretary of States' office to work in conjunction with the Department of Corrections to purge convicted felons from the voter rolls. **SIGNED BY GOVERNOR**

SB 11 (Shafer-48th) Allows a judge's military service as the basis for requesting judicial assistance of a judge from outside the county. Also allows Superior and State Court judges engaged in military service to qualify for reelection in absentia, clarifies that military services does not give rise to a vacancy, and allows the judge to perform candidate related duties by mail or through an agent. **SIGNED BY GOVERNOR**

SB 445 (Seabaugh-28th) States that the effectiveness of a challenged agency rule shall be stayed until the General Assembly has the opportunity to take action on such rule at the next legislative session. It also brings the EPD under the Administrative Procedures Act. **FAILED**

SB 82 (Weber-40th) Allows for a referendum for the creation of the city of Dunwoody. **SIGNED BY GOVERNOR**

SB 372 (Reed-35th) Requires counties, cities, and local school systems are to create and operate ethics commissions to investigate citizen complaints of alleged unethical conduct of the officials. **PASSED SENATE, DIED IN HOUSE**

HB 1104 (Dempsey-13th) The initial fee for registering a charitable organization with the Secretary of State shall be increased to \$50, annual fees shall be increased \$20. Paid solicitors for charitable donations shall be registered with the state and shall be banned from soliciting in person unless so registered with the Secretary of State **SIGNED BY GOVERNOR**

SB 441 (Tarver-22nd) Requires an oath or affirmation for purposes of presenting certain testimony to a committee or subcommittee of the General Assembly **DEAD**

ENVIRONMENT/NATURAL RESOURCES

HR 1022 (Smith-70th) Ratifies a non-statutory statewide water management plan. Boundaries to create regional water districts are drawn along political boundaries rather than the natural lines of river basins. Appointments to regional water districts will be conducted by statewide, rather than local, office holders. **SIGNED BY GOVERNOR**

SB 426 (Chapman-3rd) Prohibits construction of new private residential housing on certain state-owned lands (certain parks, historic areas, memorials, and recreation areas) **DEAD**

SB 352 (Cowsert-46th) If federal law applies to the Environmental Protection Division of Department of Natural Resources, and the division has empowered rules, the legislature cannot override. **SIGNED BY GOVERNOR**

HB 1226 (Coan-101st) "The Reservoir Bill" and **SB 342** (Pearson-51st) HB 1226 was amended onto SB 342. HB 1226 creates a Water Supply Division in the Georgia Environmental Facilities

Authority and creates a Georgia Reservoir Fund to fund water supply efforts. It also adds EPA's WaterSense products to the list of those eligible for the sales tax holiday the first weekend in October. Language to provide that the Director of Georgia Environmental Protection Division utilize criteria in the statewide water plan before approving transfers of water from one basin to another passed the House, but was stripped out by the Senate Natural Resources and Environment Committee. **HB1226 WAS TABLED, BUT SB 342 WAS SIGNED BY GOVERNOR**

SB 463 (Pearson-51st) Allows the use of grey water so as to prevent water waste. Conditions: within the property boundary of the residence not used for food irrigation, contains no harmful chemicals or non grey water substances. **SIGNED BY GOVERNOR**

HB 1145 (Willard-49th) Multiple counties and municipalities can create a joint water authority. The authority participants must be contiguous and within the same water planning district. **FAILED**

HB 1281 (England-108th) A local government wishes to restrict water usage beyond the state's set levels, then they must apply to do so through the state. The EPD must turn the application around in 3 days. Bill also says that the water necessary for upkeep in swimming pool is exempt from water restrictions. **SIGNED BY GOVERNOR**

SB 466 (Bulloch-11th) Exempts car washes from outdoor watering restrictions if connected to a sanitary sewer system of government authority or recycles its used water. Car wash must also meet regulations set forth by the Department of Natural Resources **SIGNED BY GOVERNOR**

HB 1132 (Lindsey-54th) - Allows the owner of a contaminated property to voluntarily record an EPD-approved restrictive covenant which outlines the remediation requirements for the property. Allows sale of contaminated property with more certainty about which party is responsible for future environmental cleanup efforts. **SIGNED BY GOVERNOR**

HEALTHCARE

HB 977 (Knox-24th) Exempts High Deductible Health Care Plans from the state portion of the 2.25% state insurance premium tax. Allows for income tax deductibility of monthly premiums paid for HDHP's. It would eliminate the insurance premiums for HDHP's, allows for income tax deductibility of those premiums, and grants tax-breaks to small businesses whose employees enroll in such plans. Also gives a \$250 bonus for each employee who uses that plan. Urges people to buy Health Savings Accounts. **SIGNED BY GOVERNOR**

HR 1116 (Lucas-139th) To allow coin operated amusement machine betting and gambling. The state will collect a percentage of the gross proceeds and use them for subsidizing public trauma centers in Georgia. The percentage collected will be established by general law. **FAILED**

HB 535 (Butler-18th) Create a Patient Advocacy Board and Patient Advocate General (Mental Health Ombudsman). Board would be appointed by the Governor, Lt. Governor, and the Speaker of the House. The Ombudsman would be an independent state officer attached to the Governor's Office of Consumer Affairs, and would investigate claims of fraud, abuse, and neglect on behalf of families and patients. **SIGNED BY GOVERNOR**

SB 404 (Williams-19th) Creates "Georgia Health Marketplace" authorizes use of General Treasury dollars for web-based sale of certain traditional health insurance products as well as

non-insurance products. Some products could require consumers waive their rights to receive more comprehensive coverage (including health benefits required by law). Allows sale of Catastrophic-only. **FAILED**

SB 153 (Hill-32nd) Establishes consumer driven health insurance plans by the Commissioner of Insurance, which could include wellness and health promotion programs, but does not cover preventative care, contraceptives, newborns for 1st 10 days of life, well child services & other benefits mandated under state law. **FAILED**

HB 1158 (Stephens-164th) Imposes a \$10 additional fee on motor vehicle registrations to pay for trauma care. There are about 6 million vehicles in the state which use public highways and roads. **FAILED**

HB 1210 (Channell-116th) Allows for the income tax deductibility of premiums paid for HDHPs and creates a \$250 tax credit to small businesses for each employee they enroll in high deductible health plans. Allows sale of Catastrophic-only HDHPs. **FAILED**

SB 395 (Goggans-7th) Creates grants for “safety net clinics” for indigents and elderly patients. **FAILED**

TRANSPORTATION

SR 845 (Mullis-53rd) Allows counties to impose a 1% special purpose sales tax for transportation for a limited time. **FAILED**

HB 1139 (Mullins-53rd) Local governments could issue a 1% sales tax for transportation projects. 10% of proceeds would go to state, but 90% would go to projects in the region where it was collected. Final say on project selection would go to GA DOT. **FAILED**

SB 417 (Mullis-53rd) Requires the DOT Commissioner to develop and publish benchmarks that detail realistic timeframes for each project. Detailed annual progress reports and explanations are also to be given to the Governor, Lt. Governor, and Speaker of the House. **SIGNED BY GOVERNOR**

FINANCE

HB 130 (Hill-21st) Permits a consumer to freeze one’s credit report. When frozen, a credit reporting agency shall not share any information therein with creditors or change any information about the consumer without sending a written confirmation to the consumer. Places a cap at a maximum of \$3.00 for each replacement, temporary lift or removal of security freeze, and at a maximum of \$5.00 for each replacement of a personal ID number. **SIGNED BY GOVERNOR**

SB 531 (Hamrick-30th) Requires a public record naming the owner of a home loan, so that it can be easily determined who actually holds the debt of a home. **SIGNED BY GOVERNOR**

SB 519 (Hamrick-30th) Extends foreclosure period for troubled homeowners from 15 days to 60 days. **FAILED**

SB 465 (Jones-10th) Extends foreclosure period for troubled high-risk adjustable-rate mortgages to 90 days. **FAILED**

EDUCATION/CHILDREN

HB 157 (Coleman-97th) Teacher retirees (60 and older) could return to fill empty teaching positions (fulltime) and keep their retirement pay. Must be retired for at least one year. **FAILED**

SB 458 (Johnson-1st) Requires local school system and schools to be accredited and should a school system or school lose or fail to gain accreditation, a student may attend another public school or receive a scholarship to attend a private school. **FAILED**

HB 901 (Bruce-64th) Parent Protection Act—to allow employees to attend up to 24 hours per year of school conferences and medical appointments. It also requires day care, preschool, local school systems and private schools to provide written notice prior to school conferences. **FAILED**

HB 904 (Jerguson-22nd) Fingerprint checks (state and national) for all employees of daycare centers, group daycare homes, family daycare homes, or childcare learning centers. If the fingerprint checks indicate a prior criminal conviction, a criminal background check will be done. Those with a clean fingerprint check and criminal background check can be hired. **FAILED**

HB 1209 (Coleman-97th) Set up a system of performance contracts for school systems which levy flexibility for accountability. Local school system may voluntarily enter into a 3 year contract, agreeing to certain performance goals for its schools. If goals are not met, negotiated consequences will be enacted. In return, the school system will earn negotiated flexibility from state laws and regulations. **SIGNED BY GOVERNOR**

HB 641 (Coleman-97th) This bill establishes the Georgia Excellence Foundation to allow DOE to enter into public-private partnerships, so the Department can receive donations. This bill also would allow the State School Superintendent to enter into contracts for \$100,000 or less. The current amount is \$50,000. **FAILED**

HB 831 (Setzler-35th) Would encourage public-private partnerships for private donors to charter schools by providing that the Dept. of Education provide matching funds for charter schools. **SIGNED BY GOVERNOR**

HR 1 (Cox-102nd) A constitutional amendment to allow elections of school superintendents by a majority of voters in a school system, if provided by local law. Currently school superintendents are replaced by an appointee of the board of education. **FAILED**

CRIME AND PUNISHMENT/JUDICIAL

SB 145 (Smith-45th) Allows for the imposition of life without parole for a conviction of murder without requiring the prosecutor to seek the death penalty in order to impose the conviction of life without parole. **FAILED**

SB 350 (Wiles-37th) Persons caught driving without a license will be fingerprinted and perhaps serve 2 days minimum in jail. The fourth offense will be a felony with imprisonment of 1 to 5 years and/or a fine of \$2,500 to \$5,000. **SIGNED BY GOVERNOR**

HB 1245 (Ralston-7th) Increases by 4 the number of county commissioners on the board of Georgia Public Defender Standards Council; Prohibits senior judges from presiding over death penalty cases; Places responsibility on counties to share some of the cost of paying for the

defending of indigent capital cases when private attorneys must represent accused. Decreases the income threshold from 125% of the federal poverty guidelines to 100% for misdemeanor defendants to qualify as indigent. Chamber disagrees as to how long a defendant has to request public defender (72 hours vs. 5 business days) **SIGNED BY GOVERNOR**

HB 89 (Bearden-68th) Allows constables to carry weapons in public buildings and places. Has been amended to allow individuals to carry concealed firearms “in public transportation” and in a “restaurant or other eating establishment” as long as they do not drink alcohol. **SIGNED BY GOVERNOR**

HB 978 (Mills-25th) Allows law enforcement officers to seize vehicles of drivers who are not in the country legally and are involved in a traffic accident. **VETOED BY GOVERNOR**

HB 336 (Levitas-82nd) – A strong DUI bill which increases penalties for drivers over 18 years of age and makes the 4th offense a felony. **SIGNED BY GOVERNOR**

SB 25 (Douglas-17th) Requires proof of citizenship to obtain a motor vehicle tag or driver’s license. **FAILED**

TAXES

HR 1246 (Richardson-19th) CA to replace property taxes on motor vehicle taxed billed to the owner but to be paid by the state through a grant, about \$672 million. Real property assessments are frozen at the 2008 level with annual increases of 2% on residential property and 3% on all other types of property. The 1/4 mill of state property taxes is repealed, about \$88 million. Enabling legislation is HB 1158. **FAILED**

HB 1244 (Martin-47th) Extends existing tele-working credit for two more years, through 2012, to offset the costs of equipment and software at employees’ homes. There is a \$2 Million cap on all state credits. The Senate added a 10% reduction in income tax rates for all types of filers over a 5 year period. **FAILED**

SR 796 (Rogers-21st) (Constitutional Amendment) Freezes property tax assessments at 2% per year for residential and 3% per year for non-residential property. All values are reset to fair market values once the property is sold. **FAILED**

HB 1211 (Royal-17th) Allows businesses or individuals with tracks of at least 200 acres to enter into a 15 year covenant to receive conservation use valuation of their property for tax purposes. Bill also provides for a reimbursement to local taxing authorities for their loss in revenues due to this new class of property. **SIGNED BY GOVERNOR**

HB 925 (Jacobs-80th) Creates the limited purpose government of "Townships" to be created by local legislation, funded by a 1/4 mil property tax, and limited to planning and zoning, land use issues, and code enforcement. **FAILED**

HB 1273 (Fleming-117th) Eases requirements for receiving an income tax credit for certain businesses that create new jobs in less developed areas of pervasive poverty. **SIGNED BY GOVERNOR**

SR 796 (Rogers-21st) (Constitutional Amendment) The final version of the Speaker’s tax plan – basically, provided for a 2% annual increase for residential properties and a 3% increase for nonresidential properties. Eliminated ad valorem taxes on automobiles. **FAILED.**

CONSTITUTIONAL AMENDMENTS - FAILED

SR 20 (Rogers-21st) Limits State revenues and expenditures by setting a cap on the amount of tax revenue the state can budget each year. Known as TABOR, or Taxpayers Bill or Rights. Please click the link to get a more thorough explanation of this one. **FAILED**

SR 125 (Carter-13th) Protects lottery funds so that they may be reserved only for the HOPE Scholarship Program and other tuition grants, scholarships, loans, voluntary pre-kindergarten, and educational shortfall reserves. **FAILED**

SR 130 (Adelman-42nd) Allows General Assembly to provide for townships for the limited purposes of zoning and regulation of land use development within their boundaries. **FAILED**

SR 279 (Douglas-17th) Provides 4 year terms of office for Senate members. **FAILED**

SR 400 (Chapman-3rd) State income tax credits for charitable contributions to nonprofit organizations which provide health/social services that reduce the need for government services. **FAILED**

SR 515 (Reed-35th) Authorizes local taxing authorities to enact some local property tax exemptions with passage of a local referendum. Up to \$250,000 assessed value [\$625,000 fair market value] of a homestead owned solely or jointly by a firefighter, law enforcement officer, or teacher employed by the taxing authority or by a school system contiguous with the taxing authority. **FAILED**

SR 686 (Johnson-1st) Would stabilize property values of residential property as of the 2008 tax year for as long as the owner owns the building, except to reflect new construction, improvements or additions to the property requiring a building permit. Once sold, the value of the property is reassessed at fair market value. Assessments can be increased annually by an inflation factor established by the Department of Revenue. Applicable to all residential property. **FAILED**

SR 845 (Mullis-53rd) Allows counties to impose a 1% special purpose sales tax for transportation for a limited time. Revenues are to be returned to the county, at least 80% of what is collected, with 10% remaining with the state for transportation projects. The other 10% is for local transit. Multicounty or regional SPLOSTs are an alternative, if approved by each county. **FAILED**

SR 859 (Rogers -21st) The Governor's proposal to remove the state portion of the property tax, one-fourth mill, unless there is a declared emergency. The state retains its authority to regulate the administration of the property tax. FYI, for property with a fair market value of \$200,000, this tax relief amounts to about \$20/year, even less if there are local exemptions. **FAILED**

SR 1074 (Chance-16th) Provides for additional penalties for illegal parking in spaces reserved for disabled persons, occupying a passenger vehicle without using a safety belt, operating a motorcycle without protective headgear, operating watercraft while under the influence of alcohol or drugs, and reckless driving. Fees could go to the Brain and Spinal Injury Trust Fund. **FAILED**

HR 1025 (Harbin-118th) Makes legislative intent a part of the annual appropriations act. “When a statement of legislative intent declares that an appropriation is mandatory, that appropriation must be allotted, approved, and expended for the purpose stated and in the manner stated.” This will prevent a governor from instructing state agencies to ignore legislative intent and spend the money as he directed. If the governor wished to veto the appropriation, he has the authority to do that, but the money is to go back into the state treasury. **FAILED**

KEY

HB- House Bill (legislation that originates in the House) HR- House Resolution

SB- Senate Bill (legislation that originates in the Senate) SR- Senate Resolution

Next to each bill, the sponsor of the bill is named and their district number is indicated

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