

SENATE ETHICS COMMITTEE

2007-2008 Term

**Senator Renee Unterman, 45th, Chairman
P.O. Box 508
Buford, GA 30518**

**Senator Doug Stoner, 6th
P.O. Box 1781
Smyrna, GA 30081**

**Senator George Hooks, 14th, Vice-Chairman
P.O. Box 928
Americus, GA 31709**

**Senator Don Thomas, 54th
184 Haig Mill Road
Dalton, GA 30721**

**Senator Nancy Schaefer, 50th, Secretary
P.O. Box 294
Turnerville, GA 30580**

**Senator Gloria Butler, 55th
6241 Southland Trace
Stone Mountain, GA 30087**

**Senator Bill Hamrick, 30th
P.O. Box 368
Carrollton, GA 30112**

**Senator Jack Hill, 4th
P.O. Box 486
Reidsville, GA 30453**

**Senator Eric Johnson, 1st
128 Baymeadow Point
Savannah, GA 31405**

**Senator Michael Meyer von Bremen, 12th
P.O. Box 72065
Albany, GA 31708-2065**

**Senator Jack Murphy, 27th
3830 Adams Road
Cumming, GA 30041**

**Senator Kasim Reed, 35th
1755 Loch Lomond Trail
Atlanta, GA 30331**

SENATE ETHICS COMMITTEE

RULES

2007-2008 Term

1. Quorum of the Committee shall be seven (7) members.
2. The chairperson shall determine which bills and resolutions are to be considered and the order in which said measures are considered.
3. The chairperson shall have the authority to refer bills and resolutions to subcommittees for study. Such subcommittees in turn shall have the authority to make recommendations on such measures to the full Committee at such time as shall be designated by the chairperson.
4. The Committee shall convene, recess, and adjourn upon the order of the chairperson.
5. A bill or resolution will be considered only after presentation by its principal author or other legislator whom he or she may designate. The principal author shall be the legislator whose name appears first on the list of authors.
6. Any member or members of the Committee who disagree with the majority report of the Committee shall be privileged to file a minority report if they so desire.
7. (a) There shall be an Executive Subcommittee of the Senate Committee on Ethics. The Executive Subcommittee shall consist of the three officers of the Senate Committee on Ethics (i.e., the chairperson, the vice-chairperson, and the secretary of the Senate Committee on Ethics), except that if there is no Senator from the minority party among the three officers of the Senate Committee on Ethics, then the Executive Subcommittee shall consist of the chairperson and vice-chairperson of the Senate Committee on Ethics and a Senator from the minority party appointed to the Executive Subcommittee by the chairperson.
(b) The Executive Subcommittee shall act as a screening panel for communication received by the Committee that:
 - (1) Allege violations of Section 1, Part 4 of the Rules of the Senate or otherwise indicate that an investigation by the Senate Committee on Ethics may be warranted; and
 - (2) Are not formal complaints by a Senator or staff member.
(c) The screening function of the Executive Subcommittee is established in view of the facts that:

- (1) The Senate Committee on Ethics is not required to take any action with respect to such a communication that is not a formal complaint; but
 - (2) The Senate Committee on Ethics is authorized to initiate an investigation on its own initiative and such a communication may be of such a nature as to indicate a need for such an investigation.
- (d) Upon receipt of a communication described in subsection (b) of this rule, if the communication is in writing and signed, the chairperson may, but shall not be required to, convene the Executive Subcommittee to consider the matter.
- (e) All matters determined by the Subcommittee to be complaints within the meaning of Senate Rule 1-4.11 shall remain confidential until the Committee has determined that substantial cause exists that a violation occurred. If the Committee determines that substantial cause does not exist that a violation occurred, the complaint shall remain confidential.
- (f) If the Executive Subcommittee determines that the communication described in subsection (b) of this rule does not meet the standards for a complaint under Senate Rule 1-4.11, the Executive Subcommittee shall treat the communication as confidential. The Executive Subcommittee may refer the communication to the Committee for the Committee to take action under Rule 7 (c) (2) of the Senate Ethics Committee Rules. Such referral shall be confidential until and unless disclosure is required by these Rules or the Rules of the Senate.
- (g) If the Executive Subcommittee determines that there is a substantial probability that the matter merits the opening of an investigation by the full Committee, that determination shall be communicated to the full Committee. Such communication from the Executive Subcommittee to the Committee shall be confidential. If the Executive Subcommittee determines that there is no substantial probability that the matter merits the opening of an investigation by the full Committee, then no report of such determination to the full Committee shall be required and the matter shall stand disposed of and the matter shall remain confidential subject to the Rules of the Senate.
- (h) Nothing in this Rule shall operate to preclude or bar any subsequent formal complaint or any subsequent Committee investigation in any case; and no determination by the Executive Subcommittee shall be binding on the full Committee.

- (i) Subject to Senate Rule 1-4.11(c), matters referred to the Subcommittee shall be considered confidential unless the Subcommittee finds that valid public policy reasons require the Subcommittee to not treat the matter as confidential.
 - (j) Any Senate staff or counsel selected by the Ethics Committee, the Executive Subcommittee, or the Chairman of the Ethics Committee to investigate complaints alleging violation of Senate Rules or investigating or responding to any matters deemed confidential by Senate Rules or the Senate Ethics Committee Rules shall maintain at all times the confidentiality of the matter.
8. Requests made pursuant to Senate Rule 1-4.10 for the opinion or advice of the Ethics Committee and any opinions or advice of the Ethics Committee and any opinions or advice given shall be confidential.
 9. These Rules may be amended upon a motion duly made and subsequently approved by two-thirds of the members of the Committee.
 10. Where these Rules are silent on a specific issue, the Rules of the Senate in effect at the time shall govern.

**Minutes of the
Senate Ethics Committee**

January 24, 2007

A meeting of the Senate Ethics Committee was held on January 24, 2007 in Room 123 of the Capitol. Chairman Unterman called the meeting to order at 3:05 p.m. Members present included Senators Hooks of the 14th, Schaefer of the 50th, Butler of the 55th, Hamrick of the 30th, Hill of the 4th, Johnson of the 1st, Meyer von Bremen of the 12th, Murphy of the 27th, Reed of the 35th, Stoner of the 6th, and Thomas of the 54th.

Chairman Unterman welcomed everyone to the first meeting of the 2007 legislative session. The adoption of the Committee Rules was the first order of business. The Chairman asked everyone to review the rules and after review, if there were no objections, she'd ask for someone to entertain a motion to adopt the Rules.

Senator Thomas moved that the Committee adopt the Rules, and with a second from Senator Schaefer, the motion carried unanimously.

The Chairman asked if anyone had any suggestions for changes in Ethics laws, opinions, or thoughts. There were none.

The Chairman introduced Rick Thompson of the State Ethics Commission and asked him to present the committee with a review of what the commission was currently working on. Mr. Thompson spoke on several projects which included budget issues relating to collection of fines and having everyone file directly to the SEC rather than keeping all files at the County level.

The Chairman asked if any of the committee members had questions.

Senator Hooks asked Mr. Thompson if they had any idea how much they had taken in fines. Mr. Thompson said out of \$113,000 they had collected \$48,000. The local enforcement offices do not file reports so it is difficult to assess late fees.

The Chairman explained that there had been a question regarding where complaints are turned in, and what method is used to determine whether a complaint is sent to the Joint Committee or Senate Committee. She requested that Senate Research create a diagram to explain the process to be handed out at the next meeting.

Senator Johnson said that the County Commissioners and School Board Members needed a way to submit their complaints. The Committee needs to be looking for ideas on how to create a method with little abuse.

The Chairman said it is prudent to create a local government level mechanism and asked for any further suggestions from the other members.

Senator Reed suggested directing local government to form an Ethics Board to handle county issues, using Forsyth as a model first.

The Chairman asked Senator Reed to create legislation to request that local government have a board. Senator Reed agreed to work on the legislation.

There being no further business, the meeting was adjourned by the Chairman at 3:25 p.m.

Respectfully submitted,

/s/ Senator Nancy Schaefer 50th, Secretary

/s/ Debra Charnote, Recording Secretary

**Minutes of the
Senate Ethics Committee**

February 1, 2007

A meeting of the Senate Ethics Committee was held on February 1, 2007 in Room 450 of the Capitol. Chairman Unterman called the meeting to order at 2:00 p.m. Members present included Senators Hooks of the 14th, Hamrick of the 30th, Hill of the 4th, Johnson of the 1st, Meyer von Bremen of the 12th, Murphy of the 27th, Stoner of the 6th, and Thomas of the 54th.

The Chairman asked the Committee to review the Ethics Complaint Chart submitted by Senate Research. Senator Johnson asked for further clarification of Section IV with a more detailed definition of what constitutes sexual harassment. He also stated that all Campaign complaints go to the State Ethics Commission.

The Chairman asked Senate Research to revise and bring to the next committee meeting.

SB 40 (Staton, 18th) *Elections; fraudulent acts; increase penalties*

Senator Staton presented the bill. This bill would increase the penalties for several election-related crimes and would change the classification of certain election-related offenses from misdemeanors to felonies. He explained that one particular goal of the bill is to provide tougher penalties for absentee voter fraud, which is currently treated as a misdemeanor offense. It hasn't been taken seriously in the past.

Jennifer Owens of the League of Women Voters of Georgia spoke in support of the bill. Senator Hooks asked what other states have similar approaches to absentee voter fraud. Ms. Owens stated that Florida and Washington provide for the most stringent penalties for this crime.

Senator Meyer von Bremen expressed concern that the bill provided for harsher penalties for election crimes than were provided for many felony crimes against the person.

Senator Johnson also expressed some concern with the bill's provided penalties, stating that he was concerned that these strong penalties might discourage prosecution of election-related crimes.

Cam Kirbo of the Secretary of State's Office expressed their support of the bill.

Senator Hooks offered an amendment to strike the language providing for a penalty of one to 25 years of imprisonment or a fine of \$100,000 or both for several offenses. With this amendment, all of the bill's newly created felonies would be subject to the penalty that is currently provided for felony offenses under this chapter: one to ten years of imprisonment or a fine of up to \$10,000 or both.

The Chairman asked if anyone would like to entertain a motion.

Senator Hooks made the motion that **SB 40 Do Pass By Substitute**. Senator Johnson seconded the motion. The bill passed unanimously.

SB 40 DO PASS BY SUBSTITUTE

SB 71 (Williams, 19th) *special elections; held on certain dates*

Senator Williams presented the bill. He explained that the bill was being introduced out of concern for taxpayer money being spent on special elections that usually have very low voter turnout. This bill would reduce the number of days on which a special election may be held.

Kem Kimbrough of the Association of County Commissioners of Georgia did note that there are already many requirements for local governments holding SPLOST elections, but that his organization did not necessarily oppose the bill.

Tom Gehl of the Georgia Municipal Association also said that his organization would not oppose this legislation, provided that a later effective date is included in the bill.

Two amendments were offered: (1) language was added to the bill so that special elections would be allowed to be held on the third Tuesday in March on odd-numbered years; and (2) language was added to provide that the bill's changes to the law would not go into effect until January of 2008.

Senator Don Thomas made the motion that **SB 71 Do Pass As Amended**. Senator Murphy seconded the motion. The bill passed unanimously.

SB 71 DO PASS AS AMENDED

There being no further business, the meeting was adjourned by the Chairman at 2:55 p.m.

Respectfully submitted,

/s/ Senator Renee Unterman 45th, Chairman

/s/ Debra Charnote, Recording Secretary

**Minutes of the
Senate Ethics Committee**

February 22, 2007

A meeting of the Senate Ethics Committee was held on February 22, 2007 in Room 125 of the Capitol. Chairman Unterman called the meeting to order at 2:07 p.m. Members present included Schaefer of the 50th, Butler of the 55th, Hamrick 30th, Johnson of the 1st, Reed of the 35th, and Thomas of the 54th.

The Chairman asked the Committee to review the Ethics Complaint Chart submitted by Senate Research. She asked if there were any questions, and there were none.

The Chairman asked Senator Reed where he was on developing legislation for local governments to form an ethics board. Senator Reed indicated he hoped to have it ready by Monday of the next week.

SR 279 (Douglas, 17th) **Senate; four-year terms for members**

Senator Douglas presented the bill. This resolution proposes an amendment to the Georgia Constitution that would change the terms of state senators to staggered, four-year terms. During the 2010 general election, members of the Senate from odd-numbered districts would be elected to two-year terms, while senators from even-numbered districts would be elected to four-year terms. In all subsequent elections, all members of the Senate would be elected to four-year terms.

Senator Butler asked why the terms were to be staggered. Senator Douglas explained that the staggered terms were modeled on the United States Senate. Staggered terms would help preserve institutional knowledge within the body of the Senate.

Senator Don Thomas made the motion that **SR 279 Do Pass**. Senator Schaefer seconded the motion. The vote was **6 Yeas** and **1 Nay** by Johnson 1st.

SR 279 DO PASS

The Chairman called the meeting to recess at 2:17 p.m. while waiting on a Substitute for SB 179.

The Chairman called the meeting back to order at 2:20 p.m. without a Substitute for SB 179.

SB 179 (Staton, 18th) *Campaign Contributions*

Senator Staton presented the bill. He explained that this bill would correct an inequity in Georgia law (as other industries are not prohibited from having employee PACs) and that he believed allowing regulated utilities to have employee PACs would make the source of campaign contributions more transparent. He also explained that the substitute that he was offering provided that corporate contributions from a regulated utility would not be recoverable costs in any rate making or rate setting proceedings before the Georgia Public Service Commission. The substitute also provided that violation of this law would be a felony.

In support of the bill were Bill Verner of Georgia Electric Membership Corporation; Joe Fleming of the Georgia Chamber of Commerce; and Chris Jones of Verizon Wireless. Bill Verner noted that most other states do not have such prohibitions on employee PACs.

In opposition of the bill were Neil Herring of the Georgia Sierra Club; Will Philips of AARP of Georgia; Jennifer Owens of the Georgia League of Women Voters; and Bill Bozarth of Common Cause Georgia. Neil Herring of the Sierra Club and others argued that because of EMCs' unique position as monopolies, the current law's restrictions are appropriate. Jennifer Owens of the Georgia League of Women Voters said that she believed that Georgia's unique position is something to be proud of, not something that needs to be corrected.

Substitute arrived at 2:26 p.m. Senator Staton noted that there were two changes addressed in the Substitute.

NOTE: Senator Murphy arrived at 2:28 p.m.

Senator Murphy made the motion that **SB 179 Do Pass By Substitute**. Senator Don Thomas seconded the motion. The vote was **5 Yeas** and **2 Nays** by Johnson, 1st and Reed, 35th.

SB 179 DO PASS BY SUBSTITUTE

Senator Reed requested that a minority report be filed.

There being no further business, the meeting was adjourned by the Chairman at 2:35 p.m.

Respectfully submitted,

/s/ Senator Nancy Schaefer 50th, Secretary

/s/ Debra Charnote, Recording Secretary

**Minutes of the
Senate Ethics Committee**

February 28, 2007

A meeting of the Senate Ethics Committee was held on February 28, 2007 in Room 450 of the Capitol. Chairman Unterman called the meeting to order at 8:10 a.m. Members present included Senators Hooks of the 14th, Schaefer of the 50th, Butler of the 55th, Hamrick of the 30th, Hill of the 4th, Johnson of the 1st, Meyer von Bremen of the 12th, Murphy of the 27th, and Thomas of the 54th.

SB 212 (Balfour, 9th) *Public records; disclosure to news media*

Senator Balfour explained that this bill was intended to protect against identity theft.

Senator Johnson asked if the Senator met with the Georgia Press Association.

Senator Balfour said yes, that the Georgia Press Association decided to remain neutral. The concern is that the SSN is the only ID that will confirm that a person is who he says he is. My concern is how to keep this information secure.

The Chairman asked if teachers brought this request to him.

Senator Balfour said it was in relation to State Employee's records.

Mr. Clyde, an attorney who represents several media organizations such as the Atlanta Journal Constitution, (in opposition of the bill) testified that he believed that the law already contains sufficient safeguards: under the Open Records Act, social security numbers (SSNs) may be disclosed to the media only after the media entity signs a sworn notarized statement. If a media entity improperly discloses a SSN, it would be subject to a civil invasion of privacy lawsuit. Mr. Clyde stressed that SSNs are often vital for ensuring accuracy in reporting.

Senator Jack Hill questioned the necessity of using SSNs in investigative journalism, noting that while it may make identity verification easier, SSNs are not essential to doing this work.

Senator Johnson asked if using Date of Birth only, does that allow you to compare some data.

Mr. Clyde said Date of Birth is not as helpful as the SSN. It is far less specific and far less used.

The Chairman asked what news writers did before they had the internet to do research on a subject. Mr. Clyde simply stated that they had always had access to SSN's. It has become more critical as the years have passed.

The Chairman stated that it was ironic that every week there is a story of identity theft, and yet he was advocating more access to the SSN. Mr. Clyde responded that they had never been opposed to setting limits, with the exception of the news media.

Senator Johnson asked what penalties applied to the news media if they used the SSN incorrectly and if we as legislators could go to the AJC and request SSN's of all reporters like they do for State Employees. Mr. Clyde said no. Public officials are taking on special duties. Access is important to news media as a watch dog over government.

The Chairman then asked for others to speak on the bill.

Mr. Drummond of the Georgia County Welfare Assoc. and Ms. Grant of Department of Community Health General Counsel (both in favor of the bill) testified that they believed this bill was important for the morale and privacy protection of the public employees they represent. Ms. Grant noted the distress amongst DCH employees when they learned of an open records request for SSNs of employees in the Medicaid division.

Senator Johnson asked about the definition of "news media."

Mr. Clyde stated that the Open Records Act does not define this term, although generally editorial control is considered a key component of what constitutes "news media."

February 28, 2007

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Senator Hooks moved that **SB 212 Do Pass**. Senator Don Thomas seconded. The bill passed unanimously.

SB 212 DO PASS

SB 194 (Staton, 18th) Elections; absentee ballots

Senator Staton explained that this bill could be considered housekeeping legislation, intended to clarify the law on absentee ballots.

NOTE: Senator Jack Hill left at 8:45 a.m.

Chairman Unterman asked who is to enforce the sequestering provisions. Senator Staton said that county election superintendents would be charged with enforcement and that they receive training on proper procedure.

Senator Hooks noted that a signature on a voter registration card may be too old to be useful for identification verification purposes.

Senator Johnson moved that **SB 194 Do Pass**. Senator Butler seconded. The bill passed unanimously.

SB 194 DO PASS

There being no further business, the meeting was adjourned by the Chairman at 9:00 a.m.

Respectfully submitted,

/s/ Senator Nancy Schaefer 50th, Secretary

/s/ Debra Charnote, Recording Secretary

**Minutes of the
Senate Ethics Committee**

March 13, 2007

A meeting of the Senate Ethics Committee was held on March 13, 2007 in the Senate Mezzanine of the Capitol. Chairman Unterman called the meeting to order at 3:10 p.m. Members present included Schaefer of the 50th, Butler of the 55th, Hill of the 4th, Meyer von Bremen of the 12th, Murphy of the 27th, Reed of the 35th, and Stoner of the 6th.

SB 264 (Wiles, 37th) **Elections/Primaries; qualifications**

Senator Wiles explained that this would clarify the effects of an adverse military discharge on eligibility for public office. A Substitute is presented to define adverse military discharge.

Senator Jack Hill moved that **SB 264 Do Pass By Substitute**. Senator Stoner seconded. The bill passed unanimously.

SB 264 DO PASS BY SUBSTITUTE

SB 243 (Unterman, 45th) **Ethics in Government Act**

Mr. Rick Thompson of the State Ethics Commission presented the bill. This bill would make several changes to the Ethics in Government Act. Among its provisions, it would place all definitions in one section of the Act; provide that Fulton County is the venue for civil actions initiated by the State Ethics Commission; name the commission as the sole filing officer for candidates and public officials; provide for a system of continuing education for public officials in Georgia; require electronic filing of all reports required under the Act; require additional reporting for investments by campaigns and for interest rates and repayment periods for loans to campaigns; increase fees and fines for late filings of campaign contribution disclosure reports (CCDRs); provide for fees and fines for late filings of Personal Financial Disclosure Statements; provide for registration and renewal fees for lobbyists and for fines and fees of late filings of these statements; institute an appeal process for assessments for late fees and fines; and eliminate the requirement to report a minor child's name on a personal financial disclosure statement.

Some committee members, such as Chairman Unterman and Senator Butler, expressed concern over late fees as a consequence of an illness or other personal circumstance that prevented a timely filing. Mr. Thompson pointed out that this bill introduces an appeals process for late fees.

Doug Denton of DeKalb County Soil & Water District, Jennifer Owens of League of Women Voters, Neill Herring of Sierra Club, and Marcia Rubensohn of Georgia Municipal Association all spoke in favor of the bill. Ms. Marcia Rubensohn of the Georgia Municipal Association shared her organization's concern over mandatory electronic filings, as some small rural cities do not use the internet in their governmental affairs; a substitute was offered to address this concern to give such municipalities time to comply with mandatory electronic filing.

NOTE: Senator Murphy left at 3:56 p.m.

Senator Jack Hill moved that **SB 243 Do Pass By Substitute**. Senator Stoner seconded. The bill passed unanimously.

SB 243 DO PASS BY SUBSTITUTE

There being no further business, the meeting was adjourned by the Chairman at 4:00 p.m.

Respectfully submitted,

/s/ Senator Nancy Schaefer 50th, Secretary

/s/ Debra Charnote, Recording Secretary

**Minutes of the
Senate Ethics Committee**

April 16, 2007

A meeting of the Senate Ethics Committee was held on April 16, 2007 in Room 125 of the Capitol. Chairman Unterman called the meeting to order at 5:35 p.m. Members present included Schaefer of the 50th, Butler of the 55th, Hamrick of the 30th, Johnson of the 1st, Murphy of the 27th, Reed of the 35th, Thomas of the 54th, and Douglas of the 17th Ex-Officio.

HB 16 (Golick, 34th) *Public employees*

Representative Golick presented the bill. This bill would extend the Ethics in Government Act's whistleblower protections to the local government level. Ms. Jocelyn Whitfield for the Georgia Association of Educators spoke in favor of the bill.

Senator Johnson moved that **HB 16 Do Pass**. Senator Don Thomas seconded. The bill passed unanimously.

HB 16 DO PASS

HB 487 (Scott, 153rd) *Elections; primaries; voting; provisions*

The bill was presented by Representative Scott (on presidential primary provisions), Senator Williams (on the substitute), and Senator Johnson (on the election by plurality provisions).

Senator Johnson moved that **HB 487 Do Pass By Substitute**. Senator Murphy seconded. The bill passed unanimously.

HB 487 DO PASS BY SUBSTITUTE

There being no further business, the meeting was adjourned by the Chairman at 5:50 p.m.

Respectfully submitted,

/s/ Senator Nancy Schaefer 50th, Secretary

/s/ Debra Charnote, Recording Secretary

June 11, 2007

Honorable Bob Ewing
Secretary of the Senate
State Capitol
Room 353
Atlanta, GA 30334

Dear Mr. Ewing:

I am submitting the **Senate Ethics Committee** minutes. There are no Bills or Resolutions left in committee.

Respectfully submitted,

/s/ Debra Charnote
Recording Secretary
Senate Health and Human Services Committee