

SENATE STATE INSTITUTIONS AND PROPERTY COMMITTEE ROSTER

2011-2012 Legislative Sessions

Senator Buddy Carter
Chairman
District 1
406 Purple Finch Drive
Pooler, GA 31322

Senator Frank Ginn
Vice Chairman
District 47
P.O. Box 1136
Danielsville, GA 30633

Senator Gloria Butler
Secretary
District 55
6241 Southland Trace
Stone Mountain, GA 30087

Senator Gail Davenport
District 44
P.O. Box 1074
Jonesboro, GA 30236

Senator Steve Gooch
District 51
P.O. Box 600
Dahlonega, GA 30533

Senator Donzella James
District 35
3800 Pittman Road
College Park, GA 30349

Senator Valencia Seay
District 34
P.O. Box 960008
Riverdale, GA 30274

Senator Johnny Grant
Ex-Officio
District 25
P.O. Box 1458
Milledgeville, GA 31059

RULES

SENATE STATE INSTITUTIONS AND PROPERTY 2011

1. A quorum for the Committee shall be four (4) members.
2. A bill or resolution will be considered only after notification of the principal author or others who he/she may designate. The Principal author shall be the legislator whose name appears first on the list of authors.
3. The Committee shall convene, recess, and adjourn upon the order of the Chair.
4. The Committee will not consider for the first time any measure originating in the Senate the final five (5) days of the session, except upon written petition signed by not less than five (5) members of the Committee.
5. The rules of the Senate shall prevail in all matters not covered by Committee rules.
6. These rules may be amended upon motion duly made and subsequently approved by three-fourths of the members of the Committee provided that written notice has been given 48 hours prior to the Committee meeting.
7. Any member(s) of the Committee who disagrees with the majority report of the Committee shall have the privilege to file a minority report.
8. Subcommittees shall have the authority to consider measures assigned to them and to make recommendations thereon to the full Committee, but no measure will be returned to the full Senate except after consideration by full Committee.

Minutes
Senate State Institutions & Property Committee
Wednesday, January 26, 2011
Room 310 – CLOB

Chairman Buddy Carter called the meeting to order at 3:07 p.m., announcing that a quorum was present. The following members were in attendance:

Senator Buddy Carter, 1st, Chairman
Senator Frank Ginn, 47th, Vice-Chairman
Senator Gloria Butler, 55th, Secretary

Senator Gail Davenport, 44th
Senator Steve Gooch, 51st
Senator Donzella James, 35th
Senator Valencia Seay, 34th
Senator Johnny Grant, 25th, Ex-Officio

This was the first meeting of the Senate State Institutions and Property Committee of the 2011 Session. Chairman Carter welcomed guests, invited speakers, and commended committee members for having 100 percent attendance at the meeting.

Chairman Carter introduced himself and recognized Senator Johnny Grant as former Chairman of the State Institutions and Property Committee. Chairman Carter then asked the committee members to introduce themselves, recognizing Senator Gloria Butler as being the senior senator on the committee. Chairman Carter introduced committee staff members and representatives from the Offices of Legislative Counsel, Senate Research, Senate Press and others.

Chairman Carter asked Deputy Executive Director Frank Smith of the State Properties Commission to address the committee.

Smith briefed committee members on the constitutional barriers that currently prevent some state agencies from entering into multiyear contracts. Smith explained that multiyear contracts are currently unconstitutional because they bind subsequent legislatures to future funding of those contracts. Smith discussed the advantages of removing those barriers as a way to save the state money. Chairman Carter concurred with Smith's support.

Committee members discussed the proposed Committee Rules for the 2011-2012 Legislative term. A motion to adopt the committee rules was made by Senator Frank Ginn, seconded by Senator Valencia Seay. **Motion passed unanimously.**

There being no further business, Chairman Carter adjourned the meeting at 3:22 p.m.

Respectfully Submitted,

/s/ Senator Gloria S. Butler, 55th
Secretary
State Institutions and Property Committee

/s/ Lauren Claire McDonald
Recording Secretary

Minutes
Senate State Institutions & Property Committee
Monday, February 7, 2011
Room 310 – CLOB

Chairman Buddy Carter called the meeting to order at 3:04 p.m., announcing that a quorum was present. The following members were in attendance:

Senator Buddy Carter, 1st, Chairman
Senator Frank Ginn, 47th, Vice-Chairman
Senator Gloria Butler, 55th, Secretary

Senator Steve Gooch, 51st
Senator Valencia Seay, 34th
Senator Johnny Grant, 25th, Ex-Officio

Chairman Carter welcomed guests and invited audience members to sign up to speak on agenda items. Chairman Carter asked Vice-Chairman Ginn to open the meeting with prayer. The following legislation was discussed:

SR 84 (Carter, 1st) (LC 35 2016) – Authorize state entities to enter into multiyear rental agreements – CA – presented by Chairman Carter and Deputy Executive Director Frank Smith of the State Properties Commission. Smith explained that SR 84 is a Constitutional Amendment that would allow the Board of Regents and the State Properties Commission to enter into multiyear rental agreements. Smith called attention to line 23 containing the ballot question for November 2012 that would be posed to voters for approval. Senator Grant asked if SR 84 would also cover the Department of Transportation and Smith clarified that this legislation only applies to the State Properties Commission and Board of Regents and that it only applies to rentals where the state is the tenant. Senator Gooch asked if the Georgia Building Authority already had this authority and Smith confirmed that it does. Senator Seay asked Smith to walk through the lease process and explain how the state would benefit from multiyear rental agreements. Smith explained that if the state wants to sell a building to receive the influx of cash but also wants to continue using it, the state needs multiyear leasing in order to make 20 year financing work (lines 15-17). Senator Gooch asked if there were any downsides to which Smith concluded that they lose some flexibility, but that the state tends to stay put for an average of 10.7 years anyway, despite the current flexibility. Senator Seay addressed the concern that many investors see state agencies as cash cows and asked if there was any thought given to ‘stop gaps,’ in recognition of the current market. Smith answered that the legislation does have ‘subject to appropriations’ clauses, but acknowledged that if a state agency pulls that clause, it shoots itself in the foot because tenants won’t trust us anymore.

[SB 37](#) (Carter, 1st) (LC 35 2033) – State Properties Commission; multiyear lease agreements; provide for termination of certain rental/lease agreements – presented by Chairman Carter and Deputy Executive Director Frank Smith of the State Properties Commission. Smith explained that this legislation allows the State Properties Commission to hire its own real estate broker, outlines term agreements, and describes the public competitive process (lines 33-35). Smith pointed out that in Section 3, the change of the word “shall” to “may” from a previous version is a softening of the language. Senator Seay asked Smith who the members of the State Properties Commission are and Smith responded with the commissions’ membership.

At the end of the discussion, Chairman Carter gave members of the audience another opportunity to speak before entertaining motions on the two pieces of legislation.

A motion to “**do pass**” [Senate Bill 37](#) was made by Senator Frank Ginn, seconded by Senator Steve Gooch. **Motion passed unanimously.**

A motion to “**do pass**” [Senate Resolution 84](#) was made by Senator Frank Ginn, seconded by Senator Steve Gooch. **Motion passed unanimously.**

There being no further business, Chairman Carter adjourned the meeting at 3:31 p.m.

Respectfully Submitted,

/s/ Senator Gloria S. Butler, 55th
Secretary
State Institutions and Property Committee

/s/ Lauren Claire McDonald
Recording Secretary

Minutes
Senate State Institutions & Property Committee
Wednesday, February 16, 2011
Room 310 – CLOB

Chairman Carter called the meeting to order at 3:06 p.m., announcing that a quorum was present. The following members were in attendance:

Senator Buddy Carter, 1st, Chairman
Senator Frank Ginn, 47th, Vice-Chairman

Senator Gail Davenport, 44th
Senator Steve Gooch, 51st
Senator Donzella James, 35th
Senator Valencia Seay, 34th

Chairman Carter welcomed members and guests and asked Senator Gooch to lead the committee in prayer. The following legislation was discussed:

SR 114 (Balfour, 9th) (LC 34 2919S) – Property; conveyance of real property located in Gwinnett County – presented by Senate Aide Caroline Howard on the author’s behalf. Howard explained that the substitute version changes language on lines 39 and 40 to indicate “Board of Regents” and adds a clause to revert ownership back to the Department of Transportation at no cost if the property is no longer utilized for public use. Howard also stated that likely the ultimate use of this land will be for a technology lab. Stephanie Carter, who was present as a representative of the Department of Transportation, clarified that GDOT acquired the land from a Ford dealership and that Georgia Gwinnett had approached them about it. Senator Ginn asked for clarification from legal counsel of the term “public good” as used in Section 3, but none was present in the meeting. Senator Butch Miller was present and offered to give legal counsel, stating that although he is not an attorney, he had stayed at a Holiday Inn Express last night. Chairman Carter declined and apologized that he was surrounded by freshmen. Senator Seay inquired as to whether there was enough right-of-way for use of the land to be safe. Stephanie Carter confirmed that there was. A motion of “**do pass by substitute**” was made by Senator Steve Gooch, seconded by Senator Valencia Seay. **Motion passed unanimously.**

SR 103 (Carter, 1st) (LC 18 9619) – Public Property; conveyance; granting of easements for facilities, utilities 10 counties – presented by Deputy Executive Director Frank Smith of the State Properties Commission. Smith explained that this legislation is an omnibus easement bill, encompassing several pieces of property and confirmed that all Senators from affected counties had been contacted. A motion of “do pass” was made by Senator Valencia Seay, seconded by Senator Steve Gooch. **Motion passed unanimously.**

SB 48 (James, 35th) – Penal Institutions; place of residence for incarcerated persons; last established residence prior to arrest – presented by Senator Donzella James. Chairman Carter prefaced presentation of the bill by saying that the committee would hear discussion but, upon receipt of the author’s written request to have the bill heard in a different committee, no vote would be taken today. Senator James explained that the letter the Chairman had received regarding SB 48 was in error and that although she had not intended to have the bill reassigned, respected the chairman’s decision. Senator James stated that this legislation had been requested by several prison boards to address the issue of inmates receiving absentee ballots for the district in which they are imprisoned rather than the district encompassing their previous residence. Senator James noted the example of military personnel and college students whose permanent address is not their residence at college and so are permitted to vote in a different district. Oliver Hunter of the Georgia Sheriff’s Association added that he had spoken with Senator James and out of an abundance of caution, had amended the bill to be sure that laws relating to sexual offenders’ residencies were not affected. Vice-Chairman Ginn asked if the intent of the legislation was to allow prisoners to vote, noting that non-incarcerated people are often registered to vote at an address that does not match their current driver’s license. Senator James asked if the bill could be amended to allow inmates to choose to vote for officials in the district they are incarcerated in or at their previous address since some people are not registered to vote until they are incarcerated. Chairman Carter ended debate on the bill and appointed a subcommittee to study the legislation, appointing Senator James along with Vice-Chairman Ginn, Senator Davenport and Senator Seay as members of the subcommittee. Chairman Carter appointed Vice-Chairman Ginn to act as subcommittee chair.

There being no further business, Chairman Carter adjourned the meeting at 3:27 p.m.

Respectfully Submitted,

/s/ Senator Buddy Carter, 1st
Chairman
State Institutions and Property Committee

/s/ Lauren Claire McDonald
Recording Secretary

Minutes
Senate State Institutions & Property Committee
Wednesday, March 2, 2011
Room 310 – CLOB

Chairman Carter called the meeting to order at 3:11 p.m., announcing that a quorum was present. The following members were in attendance:

Senator Buddy Carter, 1st, Chairman
Senator Frank Ginn, 47th, Vice-Chairman

Senator Gail Davenport, 44th
Senator Steve Gooch, 51st
Senator Donzella James, 35th
Senator Valencia Seay, 34th

Chairman Carter invited guests to sign up if they would like to speak on agenda items and asked Senator Gooch to lead the committee in prayer. The following legislation was discussed:

SB 80 (McKoon, 29th) (LC 29 4647S) – Evidence; provide for DNA analysis of persons arrested for felony offenses – presented by Senator Josh McKoon. This legislation expands current provisions to require the DNA sampling of all persons arrested for felony crimes. The author asserted that the chief responsibility of government is to provide for public safety and stated that laws such as SB 80, called “Katie’s Law,” have been implemented in 24 other states, including all states bordering Georgia. Senator McKoon further stated that DNA sampling of convicted persons is an investigation tool that has been around for a long time and has helped solve cold case crimes. Senator McKoon referenced a study of serial rapists’ criminal histories to demonstrate that DNA testing of felons for other arrests would prevent future violent crimes.

[Senator Donzella James joined the meeting at this point in the discussion]

Senator McKoon further stated that he had spoken with a representative from ACCG and may entertain the suggestion of moving the legislation forward with a provision to ensure that local authorities are compensated for the costs associated with expanding DNA sampling. The author noted lines 28-32, relating to the point at which authorities would be authorized to take a DNA sample, highlighting provisions of the bill to ensure that judicial review and the determination of probable cause are present before sampling. Senator McKoon also stated that the genetic markers used in DNA sampling are not a full genetic profile, meaning they cannot indicate physical features such as height, etc. The author also noted line 41, which provides that a person may request that a DNA sample be expunged from the record on a number of grounds. Senator McKoon concluded by pointing out that, as per Section 3 of the bill, the program would not begin until the General Assembly can make specific appropriations of the necessary funds. Senator

Seay commented that although she supports a DNA database, what gives her pause is the sampling of persons upon arrest being a slippery slope and eroding the right of innocent until proven guilty. Senator James inquired about a fiscal note and the author responded that the bill's initial capital cost is around \$1.2 million and, going forward, would cost local authorities about \$35 for lab work and \$5 for the kit per sample taken. Senator James responded that she works with second chance offenders and at their last meeting, 213 people filled out forms saying that they were wrongly arrested in Douglas County. Under the provisions of SB 80, all of those people would have been sampled. Senator McKoon responded that the requirements of the bill are not solely upon arrest but also upon judicial review by a judge or grand jury and that there are numerous grounds under which records can be expunged. Senator Davenport commented to reiterate that she believes in innocent until proven guilty. Senator McKoon responded that he views taking a DNA sample from someone who was falsely arrested as the same as fingerprinting, which already stays on a person's record until expunged and therefore the bill creates no extra burden. Senator McKoon also reiterated that he appreciates the concern for innocent people and believes the legislation has taken measures to balance that concern and to protect individual rights.

Chairman Carter opened the floor to members of the audience who had signed up to address the committee. The following guests were recognized to comment on the legislation:

Clint Mueller of ACCG stated that the only provision ACCG would like to see changed is to make sure costs are not put on local authorities and to be sure we don't have to hold people because they cannot pay the \$100 fine that the bill allows for to cover DNA sampling.

Sara Totonchi of the Southern Center for Human Rights spoke against the bill. Totonchi raised the issue of indigents' inability to pay the \$100 fine and noted that 80 percent of people arrested in Georgia are poor and probably could not afford this fee. Totonchi also stated that there is a pretty big difference between fingerprints and DNA and addressed concerns with provisions of the bill that would eliminate the current requirement of obtaining a search warrant to collect a DNA sample in a pre-trial investigation. Totonchi also cited concern that testing every single felony arrest would not be cost efficient.

Rebecca DeHart of the Georgia Network to End Sexual Assault spoke in support of the bill. DeHart stated that she was present on lieu of the center's director, who is a survivor of sexual assault and whose case, despite having DNA evidence of the attacker, remains unsolved today. Senator James asked DeHart if her organization supported DNA sampling upon arrest or conviction and Dehart responded that they support DNA sampling under the conditions it would be permitted by SB 80. DeHart cited a case in Chicago wherein a person was committing sexual assaults while awaiting judgment and stated that her organization sees this bill as a way of preventing that situation from occurring.

Michael and Joan Berry addressed the committee in support of the bill. Joan Berry explained that she and her husband attended the meeting in support of SB 80 to explain how DNA evidence has affected their lives. Berry stated that their daughter, Johnia Berry, was murdered in Knoxville, TN in 2004 when a stranger broke into her apartment at 4 a.m. while she was asleep in her bedroom and stabbed her 23 times. Because Johnia fought hard for her life, there was DNA evidence of the perpetrator but it took 2.5 years to make an arrest. Michael Berry added that police found a partial fingerprint on the murder weapon but that it was not enough to identify the criminal and stated concern that without passing SB 80, you were safer as a felon in Georgia right now than any surrounding state. Mr. Berry also added that the bill's provisions pay to implement, explaining that their daughter's case had two full time detectives working on it for 2.5 years at a cost of about \$500,000 but that the criminal was ultimately convicted by a \$40 DNA swab.

Vice-Chairman Ginn inquired of Chairman Carter as to whether the committee intended to act on the legislation at this meeting. Chairman Carter proposed that the committee take up the legislation again on Monday in order to give members time for prayerful consideration.

Dr. George Herrin, Deputy Director of the Georgia Bureau of Investigation Crime Lab, briefly answered members' questions on the cost of enacting the legislation, citing a first year cost of about \$4.5 million in order to purchase the new instrumentation needed to handle up to 135,000 additional tests each year. Herrin also addressed privacy concerns, clarifying that the DNA testing conducted in GBI labs produces a series of numbers akin to lottery numbers and that these samples may only be used for law enforcement purposes under state and federal law. Vice-Chairman Ginn asked Herrin if the state could outsource testing to save money. Herrin explained that it would actually cost more to outsource. Herrin stated that the GBI has no position on SB 80 and he is only present to provide facts on what it would take to implement the legislation.

Chairman Carter recognized Jennifer Bivins of the Georgia Network to End Sexual Assault, who reiterated her organization's support for the DNA sampling of anyone arrested for a felony. Bivins stated her organization's concern that waiting until after conviction to take a sample takes too long. Bivins added that if a person is acquitted, etc. their DNA information would be expunged under SB 80. Senator Seay asked Bivins if her organization could help with the associated costs and Bivins responded that they would be happy to train local authorities to conduct this testing.

Senator Seay voiced concern that in her experience, it takes more than an Act of Congress to get something expunged. Senator James concurred.

Chairman Carter closed discussion on the legislation and appealed to the committee to carefully consider the legislation before taking it up again for a vote the following Monday, March 7th.

There being no further business, Chairman Carter adjourned the meeting at 4:33 p.m.

Respectfully Submitted,

/s/ Senator Buddy Carter, 1st
Chairman
State Institutions and Property Committee

/s/ Lauren Claire McDonald
Recording Secretary

Minutes
Senate State Institutions & Property Committee
Monday, March 7, 2011
Room 310 – CLOB

Chairman Carter called the meeting to order at 5:10 p.m., announcing that a quorum was present. The following members were in attendance:

Senator Buddy Carter, 1st, Chairman
Senator Frank Ginn, 47th, Vice-Chairman
Senator Gloria Butler, 55th, Secretary

Senator Gail Davenport, 44th
Senator Steve Gooch, 51st
Senator Donzella James, 35th
Senator Valencia Seay, 34th
Senator Johnny Grant, 25th, Ex-Officio

Out of concern for time, Chairman Carter asked the committee to dispense with formalities. The following legislation was discussed:

SB 80 (McKoon, 29th) (LC 29 4708S) – Evidence; provide for DNA analysis of persons arrested for felony offenses – presented by Senator Josh McKoon. Senator McKoon explained that this was a substitute to the version of SB 80 discussed at the committee’s last meeting and that changes to the bill included the deletion of Section 1 to address the question of DNA sampling for all felony arrests. Senator McKoon cited research to support that DNA testing of persons arrested for non-violent felonies was even more valuable than solely looking for matches among those arrested for violent crimes. Senator McKoon also reiterated his respect for the right to privacy and clarified that the 15 markers used in this kind of DNA sampling cannot indicate a person’s height, weight, ethnicity, etc. Senator McKoon also noted the legislation’s requirement of judicial review to maintain balance. Vice-Chairman Ginn inquired as to whether a person could just stay in jail until acquitted to avoid DNA sampling and asked if SB 80 could help free innocent people. Senator McKoon responded, yes, to both questions. Senator James asked if there is currently a federal law to require DNA sampling upon arrest and Senator McKoon confirmed that there is already a federal law in place for certain qualifying federal felonies. A motion of “**do pass by substitute**” was made by Senator Frank Ginn, seconded by Senator Steve Gooch. **Motion passed 4-3.**

There being no further business, Chairman Carter adjourned the meeting at 5:25 p.m.

Respectfully Submitted,

/s/ Senator Gloria S. Butler, 55th
Secretary
State Institutions and Property Committee

/s/ Lauren Claire McDonald
Recording Secretary

Minutes
Senate State Institutions & Property Committee
Wednesday, March 9, 2011
Room 310 – CLOB

Chairman Carter called the meeting to order at 11:36 a.m., announcing that a quorum was present. The following members were in attendance:

Senator Buddy Carter, 1st, Chairman
Senator Frank Ginn, 47th, Vice-Chairman

Senator Steve Gooch, 51st
Senator Valencia Seay, 34th

Chairman Carter welcomed members and guests. The following legislation was discussed:

[SB 220](#) (Carter, 1st) (LC 33 4122) – **Board of Regents; provide multiyear lease agreements** – presented by Chairman Carter. Amanda Seals and Associate Vice-Chancellor for Facilities Peter Hickey were present on behalf of the University System of Georgia. This legislation enables the Board of Regents to enter into annual and multi-year lease or rental agreements. Senator Gooch asked Seals and Hickey what this legislation would be used for. Hickey explained that the legislation would allow USG to get better rates on leasing terms. A motion of “do pass” was made by Senator Valencia Seay, seconded by Senator Frank Ginn. **Motion passed unanimously.**

Chairman Carter asked the committee to briefly review the other agenda item, [SB 214](#), although the author of the legislation was not present. There being no further business, Chairman Carter adjourned the meeting at 11:46 a.m.

Respectfully Submitted,

/s/ Senator Buddy Carter, 1st
Chairman
State Institutions and Property Committee

/s/ Lauren Claire McDonald
Recording Secretary

Minutes
Senate State Institutions & Property Committee
Friday, March 11, 2011
Room 310 – CLOB

Chairman Carter called the meeting to order at 10:00 a.m., announcing that a quorum was present. The following members were in attendance:

Senator Buddy Carter, 1st, Chairman
Senator Frank Ginn, 47th, Vice-Chairman

Senator Gail Davenport, 44th
Senator Steve Gooch, 51st
Senator Valencia Seay, 34th

The following legislation was discussed:

SB 214 (Hill, 32nd) (LC 35 2220S) – **Inmate Policies; definitions; it is illegal to provide an inmate with wireless handset** – presented by Senator Judson Hill along with Corrections Division Deputy Director Michael Nail of the Department of Corrections and Board Member Bob Keller of the State Board of Pardons and Paroles. Senator Judson Hill explained that the bill was originally introduced out of concern with prisoners using cell phones while incarcerated but that he was pleased to find out that the laws currently in place were actually stronger than the provisions of SB 214. Rather than pursue his original language, Senator Judson Hill stated that he is happy to use the bill as a vehicle. Michael Nail explained that the substitute version of this bill relates to the supervision of parolees to allow for parole supervision records to be transferred to probation officers. The substitute also prevents probation officers from transferring parole records in order to protect privacy. Nail stated that the substitute increases efficiency and saves money, giving the example of unnecessary drug test duplication of a person who is on probation and parole simultaneously. Vice-Chairman Ginn asked how this legislation would come into play in the case of a civil action subpoena and Nail responded that, currently, probation records are subject to public record but not parole records. Keller added that the Parole Board sometimes gets subpoenas when a person is being charged with another crime and that a lot of sentences are split, involving incarceration, parole and probation and that there is a lot of disconnect in those cases. Keller added that under current law, Corrections and Pardons and Paroles are required to maintain separate information databases and that IT department issues actually brought this legislation to the forefront. A motion of “**do pass by substitute**” was made by Senator Frank Ginn, seconded by Senator Valencia Seay. **Motion passed unanimously.**

There being no further business, Chairman Carter adjourned the meeting at 10:30 a.m.

Respectfully Submitted,

/s/ Senator Buddy Carter, 1st
Chairman
State Institutions and Property Committee

/s/ Lauren Claire McDonald
Recording Secretary

Minutes
Senate State Institutions & Property Committee
Wednesday, March 23, 2011
Room 125 – CAP

Chairman Carter called the meeting to order at 8:08 a.m., announcing that a quorum was present. The following members were in attendance:

Senator Buddy Carter, 1st, Chairman
Senator Frank Ginn, 47th, Vice-Chairman

Senator Gail Davenport, 44th
Senator Steve Gooch, 51st
Senator Donzella James, 35th
Senator Johnny Grant, 25th, Ex-Officio

Chairman Carter asked Senator Grant to open the meeting with prayer. The following legislation was discussed:

HB 90 (Bearden, 68th) (LC 35 2122S) – Heritage Trust Program; transfer State properties to local government; authorize – presented by Representative Tim Bearden with Lauren Curry of the Department of Natural Resources and Frank Smith of the State Properties Commission available to answer questions. This bill allows a county or local government to purchase property designated as a heritage preserve from the state and specifies requirements and procedures for such conservation easement. Representative Bearden asked the committee to strike lines 54-57 and add language for a reversion clause to clarify that a local government in receipt of such property may decide for themselves that it is in their best interest to return that property to the state. Following brief clarifications and no further questions, Chairman Carter asked if DNR was in agreement with the legislation and Curry confirmed that yes, they are, adding that DNR definitely wants to go through the process with each individual heritage preserve property. Smith confirmed that SPC is also okay with the bill. A motion to adopt the substitute as amended was made by Senator Johnny Grant, seconded by Senator Steve Gooch. A motion to adopt as amended passed unanimously. A motion to “**do pass by substitute**” was made by Senator Johnny Grant, seconded by Senator Steve Gooch. **Motion passed unanimously.**

Senator Gooch of the 51st will carry the legislation in the Senate.

[Senator Gail Davenport joined the meeting at 8:23 a.m., prior to discussion of HR 71]

HR 71 (Maddox, 172nd) – **Grady County; remaining state interest in a certain property; authorize conveyance** – presented by Representative Gene Maddox. Representative Maddox gave a brief history of the affected property in Grady County, which was abandoned by the state in the 1970s and which the state would now like to release from its current restrictions and interest via a new Quit Claim Deed. Representative Maddox stated that the affected city and county are in complete agreement with the resolution. A motion of “**do pass**” was made by Senator Steve Gooch, seconded by Senator Johnny Grant. **Motion passed unanimously.**

Senator Bulloch of the 11th will carry the legislation in the Senate.

HB 197 (Sims, 119th) – **Jails; certain inmate emergency medical care service charges; provide limitations** – presented by Representative Barbara Sims. With the agreement of the bill’s author and consent of the committee, Chairman Carter assigned the legislation to a subcommittee chaired by Vice-Chairman Ginn and to include Senator Gooch and Senator Davenport.

[Senator Johnny Grant departed the meeting before discussion of HR 95]

HR 95 (Neal, 1st) – **Conveyance of certain property; Appling, Burke, Toombs, Upson, and other counties** – presented by Representative Jay Neal with Deputy Executive Director Frank Smith of the State Properties Commission. Smith distributed a synopsis of the properties and provisions contained in the legislation along with a proposed substitute version, LC 18 9928TS, which included 9 additional property conveyances that were not included in the As Passed House version of HR 95 (LC 18 9763S). Smith also noted that the substitute includes language requested by Senator Bill Heath, amending the new Section 93 pertaining to the conveyance of the Cedartown Corrections Facility to Polk County by striking the House Committee Substitute’s value of “\$1.3 million” and instead inserting the phrase “for good and valuable consideration.” Motion to adopt the substitute as amended was made by Senator Frank Ginn, seconded by Senator Steve Gooch. Motion to adopt as amended passed unanimously. A motion to “**do pass by substitute**” was made by Senator Frank Ginn, seconded by Senator Steve Gooch. **Motion passed unanimously.**

Senator Carter of the 1st will carry the legislation in the Senate.

There being no further business, Chairman Carter adjourned the meeting at 9:05 a.m.

Respectfully Submitted,

/s/ Senator Buddy Carter, 1st
Chairman
State Institutions and Property Committee

/s/ Lauren Claire McDonald
Recording Secretary

Minutes
Senate State Institutions & Property Committee
Wednesday, March 30, 2011
Room 310 – CLOB

Chairman Carter called the meeting to order at 3:08 p.m., announcing that a quorum was present. The following members were in attendance:

Senator Buddy Carter, 1st, Chairman
Senator Frank Ginn, 47th, Vice-Chairman
Senator Gloria Butler, 55th, Secretary

Senator Gail Davenport, 44th
Senator Steve Gooch, 51st
Senator Valencia Seay, 34th

Chairman Carter welcomed committee members and guests and asked Senator Gooch to open the meeting with prayer. The following legislation was discussed:

HB 197 (Sims, 119th) – Jails; certain inmate emergency medical care service charges; provide limitations – presented by Representative Barbara Sims. Chairman Carter recognized Vice-Chairman Ginn to report on the substitute version (LC 35 2264) agreed upon by the subcommittee on HB 197. Representative Sims also introduced her own substitute version of the bill (LC 35 2275S) and distributed copies to committee members. Sims explained that her substitute allows detainees to receive life threatening medical care at Medicaid expense and disclosed that the legislation was introduced at the request of the Sheriff's Department in her district. Chairman Carter recognized Oliver Hunter of the Georgia Sheriff's Association who explained that, currently, some municipalities have contracts with hospitals for detainee health care and that this legislation would not interfere with such contracts by only applying to jurisdictions where a contract does not exist.

[Senator Davenport joined the committee meeting during debate of HB 197 before any motion on the bill]

Chairman Carter raised concerns with how the legislation would impact hospitals that currently have contracts with municipalities, who would be unlikely to renew those contracts if the Medicaid rates were cheaper than the prices hospitals would agree to under contract. Chairman Carter recognized Terry Long of the Office of Legislative Counsel to clarify the intent of the bill. Long explained that the subcommittee's language intended to require municipalities who currently have contracts with hospitals to renegotiate those contracts when they expire. Chairman Carter recognized Jet Toney, a representative of the Gwinnett County Government, who commended the bill. Lewis Massey of PHS also spoke on the legislation and stated that initially, PHS had not thought language was clear enough to specify that hospital stays associated with emergency care would be covered at Medicaid rates under the provisions of bill, but they

are now comfortable with it. Holly Snow and Ethan James of the American Hospital Association voiced concerns with the bill, specifically citing line 25. James explained that follow-up care is the most expensive care and that if the bill requires that follow-up to emergency care must take place in a hospital setting, it creates a problem for AHA.

[Chairman Carter left the meeting at 3:48 p.m. to present a bill in another committee and called upon Vice-Chairman Ginn to act as chair in his absence]

Vice-Chairman Ginn recognized Senator Gooch, who apologized to guests for Chairman Carter's absence and that it made Senator Ginn the acting chairman. Vice-Chairman Ginn recognized Terry Norris of the Georgia Sheriff's Association, who spoke in support of the bill as a means of saving local tax dollars. Vice-Chairman Ginn asked committee members to consider amendments to clarify that the bill's intent was to require that in lieu of an existing contract, the Medicaid rate be charged for "emergency healthcare treatment" (lines 25-26) and that Medicaid rates also apply to follow-up care, but not to require that follow-up care take place in an emergency room (line 30). Motion to adopt substitute as amended was made by Senator Valencia Seay, seconded by Senator Gail Davenport. Motion to adopt substitute as amended passed unanimously. A motion to "**do pass by substitute**" was made by Senator Gail Davenport, seconded by Senator Steve Gooch. **Motion passed unanimously.**

Senator Ginn of the 47th will carry the legislation in the Senate.

There being no further business, Vice-Chairman Ginn adjourned the meeting at 4:13 p.m.

Respectfully Submitted,

/s/ Senator Gloria S. Butler, 55th
Secretary
State Institutions and Property Committee

/s/ Lauren Claire McDonald
Recording Secretary



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The State Senate
Atlanta, Georgia 30334

COMMITTEES:

Health and Human Services, Vice Chairman

Appropriations

Ethics

Regulated Industries and Utilities

**CHAIRMAN, STATE INSTITUTIONS AND
PROPERTY**

Office of the Secretary of the Senate
353 State Capitol
Atlanta, Georgia 30334

I am returning the following bills assigned to the Senate State Institutions & Property Committee for the 2011 session of the Georgia General Assembly.

No action was taken on the following legislation:

[SB 48](#)
[SR 359](#)

Respectfully Submitted,

/s/ Lauren Claire McDonald
Recording Secretary
Senate State Institutions & Property Committee