

Senators Debate Voting Rights, Ultimately Passing Stronger Voting Registration Requirements

By Kallarin Richards

CHAMBER (March 3, 2009) - The Senate opened the week by passing a bill to fight voter fraud, which requires proof of U.S. citizenship when registering to vote in Georgia. Registrants can offer a number of forms of identification, including a Georgia driver's license, birth certificate, U.S. passport, or naturalization or tribal documents. Under Senate Bill 86, authored by Sen. Cecil Staton (R-Macon), proof of voter registration from another state does not constitute an acceptable form of identification. The bill applies only to

those registering to vote after Dec. 31, 2009.

Debate first centered on how the bill affects illegal immigration, and then moved to a unified opposition by Democrats to the undue hardships the bill places on elderly, disabled and low income citizens who struggle to obtain the required identification. Quite a few senators shared stories of



Sen. Staton emphasizes importance of integrity in the voting process.

constituents who have been turned away from their voter registration office because they were incapable of meeting what they argued are increasingly burdensome voting requirements. The bill eventually passed with a final vote of 34 to

20. Sexual offender registry laws that have been declared Continued on pg 2

Key Bills and Resolutions Introduced in the Senate

- **House Bill 169** requires the Department of Natural Resources to notify affected property owners and local governments whenever the Federal Emergency Management Agency provides legal notice under the federal National Flood Insurance Program of any new or revised flood elevations that are proposed for any property located in this state.

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- **Senate Bill 215** provides for an independent review of certain health insurance decisions.
- **Senate Bill 216** relates to leaves of absence, so as to define a certain term; to provide that the spouse of any member of the armed forces who was wounded in combat and who returns to this state shall be entitled to 90 days of personal leave with pay and an additional 30 days of leave without pay.
- **Senate Bill 217** establish the "Brittany Sharnay Wells Act"; relating to the "Quality Basic Education Act," so as to provide for a curriculum relating to dating violence.
- **Senate Bill 218** provides for the assessment of points for a violation, relating to the use of radios and mobile telephones while driving; provides that a driver who is involved in an accident while using a wireless electronic device to write, send, or read text based communications while operating a motor vehicle shall be in violation; and provides a penalty.
- **Senate Bill 219** relates to salary schedules for certificated personnel under the "Quality Basic Education Act," so as to provide for placement on the state salary schedule for an educator who has a leadership degree but is not in a leadership position.



Upper Chamber Report

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Raegan Weber, Press Director
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TOP STORY, cont'd

unconstitutional have been rectified under Senate Bill 157. Sen. Seth Harp (R-Midland) introduced his measure that will ensure law enforcement is better concentrated on dangerous predators. The bill creates a number of revisions to the sexual offender registration code in Georgia, including a new statute for conducting risk assessments of convicted sexual offenders at the sentencing stage. Sentencing courts would be required to assign a risk category to each convicted offender based on the likelihood of them committing another crime. Other areas would involve rephrasing the definitions throughout the code and expanding several sexual offender registry requirements for law enforcement officers. The bill provides conditions for released or paroled sex offenders to help them in their rehabilitation process outside of prison. The bill passed

with an overwhelming majority of votes.

Sen. John Douglas (R-Social Circle) saw passage of his bill to protect innocent motorists from the danger of high speed chases. Senate Bill 2 adds two extenuating circumstances that make a high speed chase punishable as a felony. These include driving under the influence or driving in excess of 20 miles per hour over the speed limit during a high speed chase.

Family members of crime victims will have greater options to present a victim impact statement to the court under Senate Bill 151, authored by Sen. John Wiles (R-Kennesaw). The bill passed the Senate with no opposing votes, underlining the need for family members to have other options to present their testimony other than a written statement, the only option available now under current law.

Under the legislation, victim impact statements can be delivered by an audio or visual recording, teleconference, or other by electronic means.

Other bills that passed out of the Senate today include the following:

- House Bill 117 updates Georgia code to reflect any Senate and House committee names that have changed. Passed 50-0.
- Senate Resolution 294 is the annual conveyance bill passed by the General Assembly each year. Passed 50-1.
- Senate Bill 159 establishes a Hemophilia Advisory Board to help coordinate efforts throughout the state to treat the bleeding and clotting disorder. Passed 48-0.
- Senate Bill 65 seeks to ensure that probation detention centers are used for appropriate sentences. Passed 52-0.

Other Key Bills, cont'd

- **Senate Bill 220** relates to military scholarships, so as to provide for scholarships for the children of persons killed or disabled as a result of combat wounds; provides for a scholarship equal to the tuition charges; and provides that the grant of such scholarships shall be contingent on funding.
- **Senate Bill 221** provides that certain students who apply for admission to member institutions of the University System of Georgia as freshmen and who graduate from certain public or private high schools in this state with a grade point average in the top 10 percent of such student's graduating class shall be automatically admitted and authorizes the Board of Regents to promulgate rules and regulations regarding such admissions.
- **Senate Bill 222** reorganizes and reestablishes various state health and human services agencies; establishes the Department of Health, the Department of Human Services, and the Department of Behavioral Health; reassigns various functions of the Department of Community Health and the Department of Human Resources to the new agencies; provides for transition to the new agencies; provides for a board for each agency; reconstitutes the Board of Community Health; abolishes the Board of Human Resources; and establishes the position of State Health Officer.
- **Senate Bill 223** creates the Women's Reproductive Health Legislative Oversight Committee; provides for its membership, terms, and meetings; provides for its duties; provides for cooperation with other agencies; provides for an annual report; and provides for an audit.
- **Senate Bill 224** is the Psychiatric Advance Directive Act which provides a means for a competent adult to control either directly through instructions written in advance or indirectly through appointing an agent to make mental health care decisions on behalf of such person according to a written psychiatric advance directive; provides a short title; provides definitions; provides for standards and limitations with respect to psychiatric advance directives; and provides for the responsibilities and duties of physicians and other mental health care providers and agents under psychiatric advance directives.
- **Senate Bill 225** relates to the organization of the executive branch generally, so as to require state agencies to develop a privatization plan before privatizing any state program; to establish the Privatization Review Committee; and to provide for review by the committee of privatization plans.

- **Senate Bill 226** relates to deceptive or unfair practices, so as to provide for the prohibition against the advertising and conducting of certain live musical performances and productions.
- **Senate Resolution 431** designates the Georgia Civil War Heritage Trails.
- **Senate Resolution 433** requests that the Congress of the United States oppose legislative efforts to expand the reach and scope of the Clean Water Act.
- **Senate Resolution 452** amends the Rules of the Senate.
- **Senate Resolution 453** creates the Georgia Tax Reform Commission of 2009 and provides for access by the commission and its staff to certain otherwise confidential Department of Revenue information.

Sen. Johnson to Introduce Income Tax Compliance Rules

By Raegan Weber



ATLANTA (March 2, 2009) – Sen. Eric Johnson (R-Savannah), chairman of the Senate Ethics Committee, announced he will propose a

change to the Senate Rules on Tuesday that will require all Senators to be current on their state income taxes. Failure to pay their taxes

could subject them to disciplinary action, which could include removal from the Senate.

"Serving in the Senate requires an oath to uphold the Constitution of this State and the United States, which includes abiding by State and Federal laws. Every Senator should pay their taxes just like we expect of every Georgian. However, there is no method to determine compliance. This rule will create an investigative tool as well as an enforcement incentive," said Johnson.

Recent news stories have reported that 19 legislators, including three

senators, are delinquent in State and Federal income taxes. The Georgia Department of Revenue is currently conducting an investigation. Preliminary results show that some legislators have failed to pay income taxes since 2002. Currently there is no provision in state law to keep the Legislature from seating members who are behind on their taxes.

The resolution was filed today. For a more complete version of the resolution go to www.legis.ga.gov and do a legislative search for SR 452.

□

In Committee News...

Senate Appropriations Passes Amended FY 2009 Budget Bill

By Raegan Weber

CAP 341 (Mar. 3, 2009) - The full Senate Appropriations Committee met today and passed the amended Fiscal Year 2009 state budget (HB 118), living up to the Georgia Constitutional requirement to balance the budget. Appropriations Chairman Jack Hill (R-Reidsville) credits quick passage of the appropriations bill to the great collaboration between House and Senate leadership, but says there are still a number of issues to work through in conference.

difficult journey over the past year and a half. Since last January, the Governor has lowered revenue estimates five times," said Hill. "It's most sobering to realize the nearly \$3 billion reduction in state funds. I want to thank my colleagues in the Senate and our counterparts in the House for their hard work, dedication and collaboration for getting this budget balanced for the people of Georgia."

Hill also noted that maintaining the state's triple-A bond rating is vital to stabilizing the state's economy because it helps maintain low interest rates. The triple-A ratings reflect the

"This budget is a result of a long and

highest rating available to government issuers and demonstrate what a great value Georgia municipal bonds are to investors.

The budget passed unanimously out of committee and will make its way to the Senate Floor quickly in order for the House and Senate to work out any differences in conference.

Sen. Greg Goggans (R-Douglas) presented two bills before Senate Appropriations – the Post Employment Benefits Bill (Senate Bill 122) and the Tax Expenditure Bill (Senate Bill 206).

Continued on pg 4

Appropriations Committee, cont'd

SB 122 splits the existing Georgia Retiree Health Benefit Fund into two funds, one for state employees and one for school personnel. The measure is designed to ensure that contributions made on behalf of a particular employee group are only used to cover the health care expenditures for that group's retirees. The bill does not change any plan options offered to members of the State Health Benefits Plan.

Additional Items Included in the FY09 Budget

- Reducing the footprint of state government by approximately \$1 billion
- Restoring the mental health fund
- Addressing consumer protection by providing for 4 new food safety inspectors
- Restoring Meals on Wheels

SB 206 requires that the Governor's budget include a report that details the value of all tax exemptions be calculated and publicly reported, giving the public and lawmakers a better understanding of the cost and effectiveness of current state tax policy. The tax expenditure report proposed in SB 206 is recommended by the Georgia Budget and Policy Institute (GBPI), Georgia Department of Audits and Accounts, and Pew Center of the States, which measures states' performance and management. Georgia is one of 11 states not utilizing tax expenditure reports with state budgets.

Bill cosponsors include Senate President Pro Tem Tommie Williams (R-Lyons), Senate Majority Leader Chip Rogers (R-Woodstock), Senate Minority Caucus Chair Tim Golden (D-Valdosta), Senator Bill Cowser (R-Athens), the Governor's floor leader and Sen. Jack Hill. SB 206 passed unanimously out of committee.

Sen. Judson Hill (R-Marietta) proposed Senate Bill 158 which delineates that bills affecting revenue or expenditures by state have to be filed by the 20th day of session and the sponsor has to request a fiscal note. The bill passed with only five members of the committee voting against the measure. □

Public Safety Passes Bills to Help and Protect People on Georgia's Roads

By Ravae Graham

CLOB 307 (March 3, 2009) – The Senate Public Safety Committee convened yesterday to consider four bills.

Chairman Jack Murphy (R-Cumming) presented Senate Bill 67, which requires all written and oral driver's license exams to be conducted only in English. The legislation further provides that no person will be issued a temporary license or permit by examination in foreign language for a total combined period of six years. SB 67 favorably passed by a vote of 6 to 1.

In an effort to reduce collisions caused by right of way violations,

the committee unanimously passed Sen. Bill Jackson's (R-Applying) Senate Bill 196. This legislation provides for a 30-day driver's license suspension for anyone convicted two or more times, within a five-year period, of causing serious injury to another person due to a right of way violation resulting in a collision with a motorcyclist, bicyclist, pedestrian, or farmer operating any vehicle used to transport agricultural products. In addition to the suspension, the driver will be fined from \$500 up to \$1,000 and imprisoned from 10 days up to 12 months.

Sen. Steve Henson (D-Tucker) presented Senate Bill 153, allowing

people with disabilities to park in one or more non-disability parking spaces when no disability parking spaces are available. The bill was unanimously passed.



The Committee closed by passing House Bill 343 by Rep. Doug Collins (R-Gainesville), which designates members of the Motor Carrier Compliance Division (MCCD) as law enforcement officers. It also authorizes the Department of Public Safety (DPS) to establish a 'weight inspector' position within MCCD. Collins noted the measure will generate more money for the state because weigh stations will have the manpower to stay open later. □

Special Judiciary Votes to Reform Georgia's Child Welfare System

By Kallarin Richards

MEZZ 1 (March 3, 2009) – The Senate Special Judiciary Committee today voted to open juvenile court hearings to bring transparency to the juvenile court system, allow the public to see how cases involving foster children are handled. There has been a large outcry from the public to open juvenile court hearings amid recent cases of foster children being taken from their foster homes and returned to their biological parents, only to be subjected to further abuse and mistreatment. Proponents of the bill argue that increased transparency in the court system will improve the lives of

Georgia's foster children. The foster mother of one such child implored the committee to pass the bill, saying that it would encourage others to consider being foster parents, as many are now losing hope with the corruption that occurs behind closed doors of the court. The committee made several amendments to the bill before its final passage, including specifying that the bill does not apply to delinquency hearings.

The committee also passed four other bills dealing with a range of judicial issues, including one that gives judges the option of suspending annual training requirements for probate and magistrate judges if they do not have the funds. After much discussion on Sen-

ate Bill 199, the committee voted to change the suspension to calendar year 2010, instead of 2009 as many judges have already committed to holding trainings this year. Senate Bills 108, 127 and 213 also passed out of committee.

A hearing was also held on Senate Bill 7, authored by Sen. Ed Tarver (D-Augusta) to give General Assembly committee chairpersons the discretion to require a witness to take an oath or affirmation before presenting evidence. Fulton County District Attorney Paul Howard presented the bill and answered questions of committee members. The committee plans to take a vote on the bill later in the week. □

Health Committee Considers Right to Life and Role of Nonprofits in Public Service

By Joy Fethe

CAP 450 (Feb. 26, 2009) – The Senate Health and Human Services Committee on Thursday passed resolutions affirming the sanctity of life and establishing a study committee on nonprofits. The committee also conducted a hearing on, but narrowly voted not to pass, a resolution on contraception and sex education.

The committee unanimously passed Senate Resolution 399, introduced by Sen. Don Thomas (R-Dalton), to create a study committee on the interaction of government and nonprofit organizations. Since colonial times, noted Ann Mintz of the United Way, public services have been provided by both government and charitable organizations in conjunction together, an interaction which deserves further study. The current economic climate has placed a particular burden on nonprofits, which often provide vital health and human service, emergency response, and economic development. Karen Beaver, CEO of the Georgia Center for Nonprofits which repre-

sents 1400 nonprofits throughout Georgia, told the committee that service demands are up 30 percent because of the recession, while revenues are down 30 percent. Mintz agreed. "There's just not enough resources to be able to meet people's basic needs at this critical time," she said, adding that a study committee would be extremely helpful in addressing the issue.

The committee voted 8-1 to pass SR 328, acknowledging "a paramount right to life and the need for the protection of innocent human life at every stage of life." The resolution, sponsored by Sen. Jeff Mullis (R-Chickamauga) praises the human rights advances of the United States and affirms that those rights belong inalienably to the disabled, elderly, infirm, and unborn. It states that "medical and scientific evidence increasingly affirms that children before birth shall have all the basic attributes of human personality and are in fact persons with a right to life." Sen. Preston Smith (R-Rome) questioned whether certain lines in the resolution seemed to provide evidence that the unborn do not have legal personhood in Georgia. He noted that Georgia does have laws on the books asserting

that unborn humans are persons, and Mullis agreed to remove the language.

The committee also discussed but voted not to pass SR 281 sponsored by Sen. Nan Orrock (D-Atlanta). This resolution would urge the U.S. Congress to pass the Prevention First Act, a bill that would increase funding for comprehensive sex education and contraception, including emergency contraception. Orrock testified that Georgia has the 8th highest teen pregnancy rate in the country, and that for every public dollar invested in prevention of unintended pregnancies, the system saved ten in prenatal care, delivery services, and infant care. "The outcomes are astonishing when you invest up front in prevention," Orrock said.

Republicans questioned whether the Prevention First Act would directly or indirectly fund abortion. Addressing the concerns of Sen. David Shafer (R-Duluth), Leola Reis of Planned Parenthood testified that family planning centers, which receive Title X federal funding, mentioned in the resolution, do not perform abortions. The measure failed to pass, with vote split 4-5 along party lines. □

Legislative Process Dates

Important Dates in the Legislative Process

Introduction - Last day to file and/or 1st Read in Senate.

30th day - last day to introduce General Senate bills and resolutions (even year). [Rule 3-1.2 (b)]

30th day - last day to accept General House bills and resolutions. [Rule 3-1.2 (b)]

39th day - last day to introduce General Senate bills and resolutions (odd year). [Rule 3-1.2 (b)]

**Note: Senate bills and resolutions must be filed with the Secretary before 4:00 p.m. to be 1st read on the next legislative day.*

Deadlines for passage in current year

Committee Report Deadlines - Last day to read report. Report submitted to Secretary by convening.

28th day - General Senate bills and resolutions.

38th day - Local Senate bills and resolutions.

38th day - General House bills and resolutions.

40th day - Local House bills and resolutions.

Calendar Management

Calendar in numerical order after 2nd reading of legislation; days 1-5. [Rule 4-2.10 (a)]

Rules Committee sets the calendar for days 6 - 40. [Rule 4-2.10 (b)]

General Senate Bills and Resolutions

26th day - File with Secretary of the Senate. [Rule 3-1.2 (a)]

27th day - 1st Reading and referral to committee. [Rule 3-1.2 (b)]

28th day - Committee report read upon convening. (A recommitted bill already 2nd read - report day 29.)

29th day - 2nd Reading. [Rule 4-2.6]

30th day - Passage [Rule 4-2.10 (a)] and immediate transmittal to House. [Rule 4-2.14]

Local Senate Bills and Resolutions

35th day - File with Secretary of the Senate. [3-1.2 (a)]

36th day - 1st Reading and referral to committee. (Cannot pass for 2 days.) [Rule 4-2.4 (c)]

38th day - Favorable report by committee, passage and immediate transmittal to the House. [Rule 4-2.14]

39th day - 2nd Reading in House.

40th day - Favorable report and passage in House.

General House Bills and Resolutions

30th day - Transmitted from House and received by Secretary.

31st day - 1st Reading and referral to committee. [Rule 3-1.2 (b)]

38th day - Favorable report upon convening and 2nd reading. (Applies to days 36 - 38) [Rule 4-2.6]

39th day - Passage. [Rule 4-2.10 (a)]

40th day - Passage of bills or resolutions tabled day 39; removed from the table on day 40. [Rule 4-2.10 (a)]

Local House Bills and Resolutions

39th day - 1st Reading and referral to committee.

40th day - Favorable report by committee and passage.

** Note: On the 30th day and on the last three days of session, bills and resolutions needing action from the House are automatically immediately transmitted. [Rule 4-2.14]*