

# Senate Works Quickly as Crossover Day Approaches

By Kallarin Richards

CHAMBER (March 9, 2009) - The legislature faces its Crossover Day deadline this week, and in order to ensure all Senate bills are passed out to the House by the 30<sup>th</sup> legislative day, the Senate immediately got to work Monday passing 17 measures.

Georgia's military children were on the minds of senators as they considered a bill to create a smoother transition for those who change schools frequently. Because military families remove often, children are sometimes faced with educational barriers when they

change schools and issues can arise that impede their ability to move forward in their coursework, such as waiting to enroll until official student records are sent to the new school, having to repeat coursework or not being allowed to continue at their current grade level. The bill

also allows for excused absences when a student visits a parent or guardian who is on active duty. When Sen. Ed Harbison (D-Columbus) presented Senate Bill 114, he noted that 40,000 students will be affected by this legislative change. The bill passed with entirely favorable votes.

Legislation encouraging the growth of Georgia's agritourism industry also passed with overwhelming votes. Authored by Sen. Bill Heath (R-Bremen), Senate Bill 75 limits civil liability for landowners that open their property for agritourism recreation and

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*Sen. Harbison urges passage of bill helping military children*

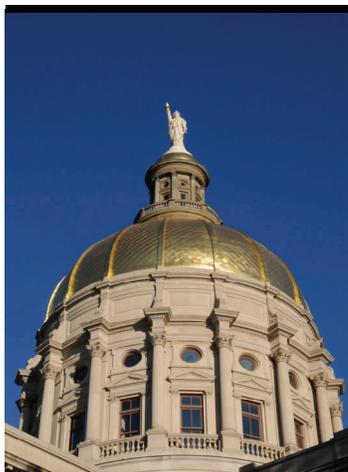
## Key Bills and Resolutions Introduced in the Senate

- **House Bill 56** relates to the joint county and municipal sales and use tax, so as to revise and change procedures and requirements regarding the renegotiation of distribution certificates; to change certain provisions regarding failure to file a new certificate; and to change certain provisions regarding discontinuation of the tax.

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- **House Bill 63** relates to local government, so as to provide for additional requirements and limitations regarding redevelopment and the issuance of certain bonds and obligations; to change the qualifications of redevelopment areas; to change certain provisions regarding loans for financing redevelopment costs; to change certain provisions regarding contracts for exercising redevelopment powers; to provide for the allocation of negative tax allocation increments; to require payment of negative tax allocation increments by developers; and to change certain provisions regarding computation of tax allocation increments of districts and authorize expressly the use of school tax funds.

- **House Bill 68** relates to the operation of funeral establishments and crematories, so as to provide for a procedure for the disposition of remains after a certain time period.
- **House Bill 147** relates to proceedings for forfeiture of bonds or recognizances, so as to relieve a surety from liability under certain circumstances.
- **House Bill 171** relates to exemptions to requirements for disclosure of public records, so as to provide that public disclosure shall not be required for certain personal contact information of individuals obtained by a local government.
- **House Bill 184** relates to marriage license and ceremony, so as to provide for the public dissemination of information relating to sickle cell disease.
- **House Bill 207** relates to off-road vehicles, so as to change certain provisions relating to operating restrictions.



# Upper Chamber Report

MARCH 10, 2009

Raegan Weber, Press Director  
Kallarin Richards, Editor in Chief

allow people to hunt and fish on their land. Agritourism is a profitable industry in Georgia, and the bill encourages more landowners to allow hunters and fishers on their property without the fear of being sued for accidents. Under SB 75, landowners are required to post warning signs on their property, and participants must sign a waiver.

A couple of bills passed today targeting public safety, the first of which expands the eligibility of inmates to participate in a transitional center or work release program upon their final year of incarceration. This bill (Senate Bill 193) is designed to carefully reintroduce them into society and help get them back on their feet. Sen. Johnny Grant (R-Milledgeville) pointed out that 95 percent of the state's inmates will eventually be released, and it is better that they first go through a transitional program to help ensure they will not fall back into a life of crime. Under SB 193, the Department of Corrections is authorized to decide who should be eligible for such a program based on their behavior. Sen. Bill Jackson (R-Applying) saw his bill pass that significantly increases fines for accidents that cause serious injury, particularly on a second offense. Anyone convicted two or more times, within a five-year period, of causing serious injury to another due to a right of way violation resulting in a collision will be subject to a 30-day driver's license suspension, a fine from \$500 to \$1,000, and jail time from 10 days to 12 months. Both Senate Bill 196 and Sen. Grant's SB 193 passed easily.

Looking to boost natural resources in Georgia, Sen. Chip Pearson (R-Dawsonville) proposed a Constitutional Amendment that will award \$250,000 to the person or firm who develops the first commercial oil or natural gas well in the state. Sen. Pearson emphasized that Senate Resolution 12 provides the incentive for the development of substantial and commercially viable energy production. The language has already existed in Georgia code but over the years was removed. This bill seeks to reinstate the language in code, which must be done by Constitutional Amend-

ment. The bill passed by a vote of 39 to 12.

Sen. Dan Weber (R-Dunwoody), chairman of the Senate Education and Youth Committee, brought two measures to the floor today that seek to provide more options in Georgia's education system. The first, Senate Resolution 152, urges the Governor to appoint a working group to further examine the use of "Governor's Academies." These academies utilize best practices that have been developed over the course of several studies done by the Governor's office on education, which include demonstrating the effectiveness of school level governance and efficiency and serves as a teacher and leadership lab school in conjunction with a university. Next, Senate Resolution 153 would allow local communities to band together to create an Education Improvement District to levy a tax to meet the community's educational needs. Such a district would work much the same way a Community Improvement District, where local businesses band together to levy a tax on themselves to fund improvements where the community needs them. Both of Sen. Heath's bills passed with little objection.

Ending a day of efficient business, senators had some fun with Sen. Lester Jackson (D-Savannah) upon his first time at the well, continuing the Senate's long standing tradition of eagerly questioning a first-term senator as they present their first bill. Sen. Jackson's

Senate Resolution 173 urges the Board of Regents to establish a teacher education program at each of its universities that offer a four-year degree program. The resolution passed overwhelmingly.

Other bills that passed the Senate include:

- Senate Bill 112 expands the list of drug offenses for which courts can impose additional fines, and allows those fines to be used to fund local drug courts. Passed 53 to 0.
- Senate Bill 122 divides the Georgia Retiree Health Benefit Funds into two funds, one for state employees another for school personnel. Passed 52 to 0.
- Senate Bill 155 codifies the Department of Natural Resources' practice to not require buffers along ephemeral streams, which are runoffs that temporarily collect water, such as a ditch. Passed 35 to 17.
- Senate Bill 168 allows members of the General Assembly to file their campaign disclosure reports electronically with the State Ethics Commission. Passed 50 to 1.
- Senate Bill 176 ensures that the state retirement systems stays funded by requiring that any unfunded liability passed in legislation is covered in the appropriate fiscal year budget. Passed 41 to 9.
- Senate Bill 177 states that anyone who becomes a member of the Employees', Legislative and Judicial retirement systems after July 1, 2009, will not be eligible for certain group term life insurance. Passed 49 to 3.
- Senate Bill 213 requires manufacturers cannot be held liable for the manufacture of an allegedly defective product based upon theories of market share, enterprise or other types of industry-wide liability.
- Senate Resolution 109 creates a joint study committee to examine the retrofitting of diesel engines. Passed 50 to 1.
- Senate Resolution 333 dedicates a barn located on the Di-Lane Plantation Wildlife Management Area near Waynesboro to Lamar Mobley, who is credited with bringing fields trials to Georgia. Passed 51 to 0.



Sen. Jackson presents his first bill

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# Sen. Reed's Legislation to Fund More Police Officers and Firefighters in Atlanta Passes Committee

By Ravae Graham

ATLANTA (March 9, 2009) – State Sen. Kasim Reed's (D-Atlanta) legislation proposing an initiative to fund public safety recently passed in the Senate Finance Committee. The bill will create a referendum, giving the citizens of Atlanta and other cities which employ more than 1,500 police officers and firefighters, a choice to levy a 1 mill property tax dedicated solely to funding police and fire officer salaries.

"This legislation will allow the citizens of Georgia's cities a change to ensure they have sufficient police



and fire protection," said Reed. "By conservative estimates, this legislation will fund 150-200 police and fire officers and eliminate current furloughs."

A special fund will be dedicated only to paying salaries for police and fire officers would be established and would not be mingled with a city's general fund. This mill increase would be subject to sunset, unless continued by the voters in subsequent referendum, similar to the Water and Sewer legislation previously co-authored by Sen. Reed. For the city of Atlanta, an owner of a \$250,000 home this

would mean an impact of approximately \$6 per month. Conservative projections indicate that a 1 mill increase will generate an estimated \$20-\$24 million.

"This legislation will help Atlanta fund their police and fire fighters without fear of more furloughs and layoffs," Sen. Reed continued. "We need to invest in our public safety if we want to create better homes, schools and communities in Georgia."

For additional information on the referendum, contact Senator Reed or go to [www.legis.ga.gov](http://www.legis.ga.gov). □

## In Committee News...

### Health and Human Services Passes Landmark Legislation on Embryos

By Ravae Graham and Raegan Weber

450 CAP (March 9, 2009) – The Senate Health and Human Services Committee convened to pass six pieces of legislation, with the main focus on Sen. Ralph Hudgens' (R-Hull) bill regarding the ethical treatment of human embryos (Senate Bill 169).

Sen. Hudgens presented a revised bill after it was deliberated in a special sub-committee chaired by Sen. Preston Smith (R-Rome). The sub-committee worked diligently over the weekend to remove the most controversial parts of the bill for further study. Provisions limiting the number of embryos and age limits of the mother were removed. The bill does define embryos as human life, which

is unprecedented in any state. In addition, the bill specifies that embryos in Georgia will only be created for the treatment of infertility and cannot be destroyed.

Sen. David Adelman (D-Decatur) stated his strong objections to passing this bill so quickly without enough careful consideration. His main concern focused on the implications for limiting stem cell research. "We should not limit science for the sake of politics," said Adelman. He also noted that passage of this bill, even the revised bill by the sub-committee, was ironic on a day when President Obama proposed to remove restrictions on stem cell research.

Smith noted that while the legislation does not specifically focus on stem cell research, it does not restrict testing from an already created embryonic line or from embryos brought in

from other states. Other supporters of the bill noted that it protects and respects life. They noted that the bill does not restrict research; rather it prohibits the destruction of human embryos in Georgia.

Senate Bill 169 was first introduced as a bill that would prohibit another "octuplet mom" like the recent case of a California woman who gave birth to eight babies through in-vitro fertilization. The amended version of SB 169 passed out of the full Health and Human Services Committee with a 7-6 vote.

Sen. Renee Unterman (R-Buford) presented Senate Bill 244, which allows designated caregivers to perform health maintenance activities

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## DHR Restructuring Bill Clears Senate Government Oversight Committee

By Matt Colvin

CAP MEZZ 1 (March 9, 2009) – The Senate Government Oversight Committee has sent a bill to the Senate Rules Committee that would completely restructure the Department of Human Resources (DHR) if passed. Senate Bill 222, the legislation that would reorganize DHR into three new departments, went before committee members for a second time Monday after several meetings filled with public testimony and consideration of amendments were held last week. Several amended areas to the bill were addressed including changes to certain definitions and roles of commissioners before it was passed unanimously out of committee.

SB 222 would create the new Department of Human Services, the Department of Health, which would assume

the duties of the current Department of Community Health and add the Public Health division to its duties, and the Department of Behavioral Health that would take over the responsibilities of the current Mental Health, Developmental Disabilities, and Addictive Diseases. The restructuring efforts were part of a lengthy study committee in conjunction with the executive and legislative branches with the goal of more streamlined, efficient organization which would not cost the state any additional funds.

Senate Bill 225 was also favorably reported out of committee this morning. This legislation would require agencies entering agreements to privatize one of its programs at a cost in excess of \$10 million must provide a privatization plan detailing cost savings analysis and budget information.

Both bills now head to the Senate Rules Committee before consideration on the Senate floor. □

## Georgia Lottery Regulations Pass Economic Development Committee

By Hayley Howell

CLOB 310 (March 9, 2009)—The Economic Development Committee, chaired by Sen. Chip Pearson (R-Dawsonville), met Monday morning to discuss the chairman's Georgia Lottery Corporation bill (Senate Bill 243). Pearson's legislation provides that if the lottery's net proceeds do not exceed 35 percent, then any bonuses or any other consideration in addition to an employee's salary will not be paid.



practical percentage requirement for educational funds from the corporation's total proceeds. Pearson established the 35 percent figure according to previous law which allotted the figure as a minimum percentage and after the Georgia Lottery would not cooperate with him.

Statistics show lottery proceeds are increasing while the percentage of proceeds put towards education benefits is decreasing. Pearson also pointed out that employee benefits and bonuses are also increasing. His bill would halt employee bonuses only if the 35 percent requirement for education programs such as pre-K the HOPE scholarship had not been met that year.

Concern was raised amongst the

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## Embryo Legislation, cont'd

for disabled individuals. Several disabled citizens of Georgia spoke in support of the bill stating the legislation would allow them to live independently in their home and help alleviate expenses used for nurses to provide daily living activities. The bill was unanimously passed.

Other bills and resolutions unanimously passed include:

- Senate Bill 252 presented by Chairman Don Thomas (R-Dalton) creates the Polysomnograph Practice Act. The purpose of the Act is to establish qualifications and oversight of people who practice the treatment of sleep and wake disorders.
- Senate Resolution 331 presented by Sen. Judson Hill (R-Marietta) creates the Joint Study Committee on Health Care Transformation which will study issues regarding the availability and affordability of health insurance and access to health care services.
- Sen. Jeff Mullis' (R-Chickamauga) Senate Resolution 456 creates the Senate Study Committee on a Blood Pressure Down Shift Program to examine and develop a program to identify health risks from hypertension and high blood pressure in commercially-certified drivers.
- Sen. Unterman also presented Senate Resolution 506, which creates the Senate Study Committee on Mental Health continuum Care. The Committee will investigate and examine the availability and services to treat minors with mental health issues, particularly those who have been sexually exploited.

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## Lottery Regulations Bill, cont'd

committee in reference to the 35 percent requirement being too high and that it might decrease work incentive for lottery employees. Pearson admitted that all he wanted was a reasonable, practical percentage for educa-

tion proceeds and that he came up with the 35 percent figure according to current law and after the Georgia Lottery Corporation failed to give him a number. He was open to suggestions, and Sen. Ed Tarver (D-Augusta) offered an amendment to

change the 35 percent to 30 as a more reasonable requirement.

The amendment and the amended bill passed unanimously from the committee.

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## Consumer Protection Measure Passes Senate Sci-Tech Committee

By Matt Colvin

CLOB 310 (March 9, 2009) – A bill that would help protect electronic consumer information cleared the Senate Science & Technology Committee Monday at the Capitol. The

committee also recommended House Bill 436, which would require the Georgia Technology Authority (GTA) to publish an annual state information technology report which would report in the states current and planned technology expenditures.

Senate Bill 130 would regulate electronic commerce in any lease-

purchase transaction and would require certain security measures to protect private consumer information, including their identity and any financial information.

Both bills passed unanimously out of committee and will go before the Senate Rules Committee before being considered in front of the Senate. □

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## Senate Public Safety Committee Addresses School Disturbances, Indoor Firework Use

By Matt Colvin

CLOB 310 (March 9, 2009) – The Senate Public Safety Committee favorably recommended two bills today that would provide improved language in the current Georgia code relating to disturbances at public schools and the use of indoor fireworks.

Senate Bill 250 revises language in Georgia code that currently states it is unlawful to “knowingly, intentionally, or recklessly” interfere with the operation of any public school, public school bus, or public school bus stop to allow for infractions to be considered on a case-by-case basis.

Senate Bill 253 clarifies existing law relating to the regulation of fireworks

and pyrotechnics by establishing a definition for “Indoors,” as in indoor usage. “Indoors” is now defined as “within a building or an enclosed structure or beneath any structure used for sheltering any use or occupancy.”

Both bills passed unanimously out of committee and will go before the Senate Rules Committee before being considered in front of the Senate. □

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- **House Bill 244** changes the name of the Georgia Environmental Facilities Authority to the Georgia Environmental Finance Authority.
  - **House Bill 278** relates to the "Quality Basic Education Act," so as to temporarily waive certain expenditure controls relating to funds earned for direct instructional costs, media center costs, staff and professional development costs, and additional days of instruction.
  - **House Bill 304** relates to county taxation, so as to change certain provisions regarding appraisers and assessors going upon property in the performance of their duties.
  - **House Bill 308** relates to limited liability companies, so as to amend the "Georgia Limited Liability Company Act"; to provide certain technical corrections to previously enacted legislation; to clarify certain provisions in the existing statute; to make certain provisions consistent with parallel provisions in the Georgia Business Corporations Code; to clarify the provisions governing the operating agreement of a limited liability company and its binding effect; to provide for automatic resignation of a registered agent following the dissolution of a limited liability company; and to provide that statutory liability for wrongful distributions is based solely on violations of the statutory limitations on distributions.
  - **House Bill 329** relates to revocation of probated and suspended sentences, so as to change provisions relating to the maximum period of revocation after commission of a crime.
  - **House Bill 464** relates to conditions of detention generally, so as to modify provisions relating to deductions from an inmate account to provide for the payment of certain medication costs; to provide for definitions; and to provide for exceptions for payment of medication costs.
  - **House Bill 465** relates to revenues collected from fines and fees relative to the Peace Officers' Annuity and Benefit Fund, so as to provide for a certain employer contribution to such fund.
  - **House bill 476** relates to retirement benefits options under the Peace Officers' Annuity and Benefit Fund, payment to surviving spouse,

requirements, effect of reemployment, effect of changes in retirement benefits, and payment on the death of a member, so as to provide that certain provisions relating to continued employment or reemployment shall not apply to certain members.

- **House Bill 477** relates to procedure for establishment of creditable service, computations, employer contributions, and system or fund unable to provide creditable service, so as to remove a requirement that an application for certain creditable service be made within a certain period.
- **House Bill 514** relates to general provisions regarding the judicial system, so as to provide for provisions regarding the assignment of senior judges; to provide for certain provisions regarding a senior judge's status; and to change certain provisions relating to certain courts requesting assistance of a senior judge.
- **House Bill 528** relates to regulation of specialized land transactions, so as to require developers to provide audits to homeowners in certain circumstances.
- **House Bill 564** provides a new charter for the City of Nicholson so as to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; and to provide for ordinances and codes.
- **House Bill 577** provides for the election of the members of the Board of Education of Bryan County so as to provide for compensation of members of the board.
- **House Bill 583** provides a new charter for the City of Valdosta so as to revise the corporate limits of said municipality.
- **House Bill 584** provides for a nonstaggered four-month vehicle registration period for Mitchell County to specify the vehicle registration period for Mitchell County.
- **House Bill 588** revises the method of filling vacancies for the City of Broxton, Georgia, located in the County of Coffee.
- **House Bill 589** revises the method of filling vacancies the City of Pearson in the County of Atkinson.
- **House Bill 590** revises the method of filling vacancies; to provide for election dates; to provide for terms of office; to provide for an oath of office; and to provide for meetings in the City of Ambrose in Coffee County.
- **House Bill 591** revises the provisions for the filling of vacancies in the office of mayor or commission member in the City of Douglas.
- **House Bill 592** revises the manner of filling vacancies for the Town of Nicholls, in the County of Coffee.
- **House Bill 593** revises the manner of filling vacancies in the County of Jeff Davis.
- **House Bill 594** revises the method of filling vacancies for the City of Willacochee.
- **House Bill 596** authorizes the governing authority of the City of Woodstock to levy an excise tax pursuant to subsection.
- **House Bill 598** provides a new charter for the City of Lumpkin; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; and to provide for ordinances and codes.
- **House Bill 618** provides for continuation in office of current members and to provide for the staggered election and terms of office of subsequent members for the Board of Commissioners of Wilcox County.
- **Senate Bill 254** relates to the "State Properties Code," so as to provide the State Properties Commission the authority to enter into multiyear lease agreements; to remove the authority of the Department of Labor to manage its own space; to provide for the termination of certain rental and lease agreements; and to provide for direct appropriations to the commission.
- **Senate Bill 255** requires that persons convicted of certain crimes shall be required to wear a global positioning system monitor capable of tracking and recording their location; to provide for the offenses subject to such requirement; to provide for enforcement through probation or parole requirements; to provide for fees to be paid by offenders and their disposition; to provide for the award of contracts to providers of monitoring equipment and services; to provide for waivers of privacy rights and other rights; to redefine the crime of unlawfully interfering with monitoring equipment and provide for punishment; and to provide for construction.
- **Senate Resolution 510** proposes an amendment to the Constitution so as to authorize the General Assembly to allow the State Properties Commission, the Board of Regents of the University System of Georgia, or both to enter into multiyear rental agreements without obligating present funds for the full obligation to the state under the full term of such agreements.
- **Senate Resolution 513** creates the Joint Georgia State Fire Services Study Committee.

# Legislative Process Dates

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## Important Dates in the Legislative Process

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

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

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

**39<sup>th</sup> 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.

**28<sup>th</sup> day** - General Senate bills and resolutions.

**38<sup>th</sup> day** - Local Senate bills and resolutions.

**38<sup>th</sup> day** - General House bills and resolutions.

**40<sup>th</sup> 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

**26<sup>th</sup> day** - File with Secretary of the Senate. [Rule 3-1.2 (a)]

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

**28<sup>th</sup> day** - Committee report read upon convening. (A recommitted bill already 2nd read - report day 29.)

**29<sup>th</sup> day** - 2nd Reading. [Rule 4-2.6]

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

### Local Senate Bills and Resolutions

**35<sup>th</sup> day** - File with Secretary of the Senate. [3-1.2 (a)]

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

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

**39<sup>th</sup> day** - 2nd Reading in House.

**40<sup>th</sup> day** - Favorable report and passage in House.

### General House Bills and Resolutions

**30<sup>th</sup> day** - Transmitted from House and received by Secretary.

**31<sup>st</sup> day** - 1st Reading and referral to committee. [Rule 3-1.2 (b)]

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

**39<sup>th</sup> day** - Passage. [Rule 4-2.10 (a)]

**40<sup>th</sup> 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

**39<sup>th</sup> day** - 1<sup>st</sup> Reading and referral to committee.

**40<sup>th</sup> 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]*