

# Senate Sends Balanced Budget to Governor, Gears up for Day 30

By Ravae Graham, Hayley Howell and Jennifer Kitt

**CHAMBER** (March 10, 2009) - The Senate faced a long list of bills up for a vote on the floor today, several of which saw passionate debate. Notable topics included trauma care, public safety, and a lengthy discussion on reducing metal theft.

the Governor with agreed-upon changes from both chambers. Fulfilling the legislature's Constitutional requirement to balance the state budget before the end of the fiscal year, House Bill 118 passed out of the Senate easily with no opposing votes.

budgets by 8 percent. The budget also restores the mental health funds, addresses consumer protection by providing for four new food safety inspectors, and achieves \$10.5 million in savings from lower interest rates after selling state bonds.

## FY2009 Budget

Thanks to a cooperative spirit between both the Senate and House throughout session, the FY09 amended budget was sent to



Sen. Jack Hill (R-Reidsville) took the well to highlight several portions of the budget, including the reduction in state government by almost \$2 billion, the \$428 million protected for Homeowners' Tax Relief Grants, and cuts to state legislative office

## Trauma Care

Sen. Greg Goggans (R-Douglas) introduced Senate Resolution 277 to improve Georgia's trauma system. The resolution will use

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## Key Bills and Resolutions Introduced in the Senate

- House Bill 160** relates to drivers' licenses, so as to increase the fees paid to the Department of Driver Services for reinstatement or restoration of suspended or revoked drivers' licenses and specifies that instruments charging violations of speed regulations shall state whether the violation occurred on a two-lane road or highway.
- House Bill 195** provides that members of an electric membership corporation shall be qualified to serve as a juror or grand juror in cases in which the electric membership corporation is a party or is interested.
- House Bill 227** relates to primaries and elections generally, so as to provide for the confidentiality of the addresses of certain registered voters; to provide for the manner of invoking such confidentiality; and to provide for the terms and conditions of such confidentiality.
- House Bill 306** relates to bonds and recognizances, so as to provide legislative findings and intent; to provide for a program of electronic pretrial release and monitoring of criminal defendants; to provide the standards, terms, and conditions for such program; to provide for penalties for violating the terms of such program; to provide for fees for such monitoring; to provide for the payment of such fees by the sheriff under certain circumstances; and to provide for the revocation of participation in such program under certain circumstances.
- House Bill 318** relates to the place of return for tax purposes of motor vehicles and mobile homes, so as to change certain provisions regarding the return of motor vehicles.
- House Bill 333** relates to general provisions pertaining to the Georgia Building Authority, so as to exempt the authority from certain sales and use tax.

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# Upper Chamber Report

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Raegan Weber, Press Director  
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## TOP STORY, cont'd

funds from motor vehicle registrations to create the Georgia Trauma Trust Fund. A fee would be collected when Georgians get their yearly car decals and license plates. If the resolution passes in the House, voters will decide on the resolution during the next election.

“Out of 152 hospitals, only 15 are trauma care centers. We need to allow the people to vote if they want to improve trauma care in their area,” said Goggans.



Not all senators supported the legislation. Sens. Judson Hill (R- Marietta) and John Wiles (R- Kennesaw) did not want to create new taxes.

“More taxes are not the solution. If we want to fund trauma we should look at the budget. We are giving up the power to appropriate with this resolution,” Wiles said.

Sen. Preston Smith (R-Rome) introduced an amendment to the bill that would set the trauma funding fee at \$10. His amendment passed and was added to the resolution.

The resolution passed with a 48 to 8 vote.

### Public Safety

Driver’s license exams are currently given in 12 different languages in the state. Arguing that drivers should be able to read English in order to safely drive on Georgia roads, Sen. 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 legis-

lation 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.

Some Senate Democrats voiced concern that the bill sends an unfriendly message to those from other nationalities who do not speak fluent English but do contribute to Georgia’s economy. Senators also warned against unintended consequences of the legislation, saying the bill could cause more people to drive without a license because they are discouraged from taking the driver’s license test only in English. The bill passed 37 to 14.

Legislation by Sen. Steve Henson (D-Tucker) to allow those with disabilities to park in one or more non-disability parking spaces when no disability parking spaces are available (SB 153) passed unanimously from the Senate.

SB180 presented by Sen. Bill Cowsert (R-Athens) allows drivers with a second DUI conviction within a ten year period to receive a temporary driving permit if an ignition interlock system is installed and participates for a minimum of 120 days in a DHR-approved substance abuse treatment program. The bill passed 48-4.

### Metal Theft

Sen. Renee Unterman (R-Buford) presented Senate Bill 82, which adds requirements on metal recyclers concerning transaction records so as to reduce Georgia’s returning problem of metal theft. The bill also specifies that no recycler can pay cash for metal that is primarily copper and authorizes any county or city to license recyclers, define their powers and privileges by ordinance, impose

taxes, revoke licenses, and ensure fair dealing.

Unterman explained that the bill would help find those committing metal theft, because it keeps better records of metal dealings that are currently not very regulated. Investigators in metal theft will be able to crack down on this recurrent crime, because it is usually very hard to trace.

Concern for the bill came from Sen. Seth Harp (R-Midland), because he believes the bill punishes the wrong people. Harp believes it would criminalize the dealers and the recyclers who are operating legitimate businesses. Other senators also questioned whether this bill was too regulated and that it would restrict those dealing with legitimate metal recycling.



The bill passed with a majority 50-5 vote.

*Sen. Unterman describes how metal theft hurts Georgians*

### Foreclosures

Legislation aimed at addressing current and future foreclosure issues in Georgia was presented by Sen. Bill Hamrick (R-Carrollton). Senate Bill 57 revises certain Georgia Fair Lending Act policies on two mortgage loans that have caused massive amounts of foreclosures and decreasing home values: the option adjustable rate mortgage (ARM) and sub-prime credit loans. The bill places limitations on sub-prime loans and also prevents prepayment penalties. Hamrick noted that SB 57 will help strengthen Georgia’s already strict predatory lending laws.

Sen. Vincent Fort (D-Atlanta) took

the well to ardently speak in opposition to the legislation. He believes the measure should allow sub-prime mortgage holders the right to sue third parties that buy mortgages from the original lender. Although Sen. Steve Thompson (D-Marietta) supported the bill, he agreed with Sen. Fort that mortgage holders should be able to sue third parties to further protect Georgia homeowners. The bill passed by a vote of 43 to 9.



*Sen. Crosby answers questions while he presents his first bill*

Continuing the Senate’s tradition of “freshman hazing,” Sen. John Crosby (R-Tifton) presented his first bill, SB266, regulating advertisements by musical acts. The legislation mandates that cover bands cannot perpetuate themselves as the official musicians they are covering, and must state in the advertising that they are a cover band. After a round of very “interesting” questions, the bill passed with a 54-0 vote.

The Senate will reconvene Thursday, March 12 at 10:00 a.m. for Legislative Day 30, also known as Crossover Day. This is the final day for Senate bills to pass the Senate floor to be considered for a vote in the House before the end of the 2009 General Assembly.

**Other Key Bills**

- Senate Bill 44 requires state agencies to give preference to Georgia-owned companies when purchasing products. Passed 45 to 7.
- Senate Bill 25 allows taxpayers to contribute a portion of their income tax returns for multiple sclerosis programs. Passed 51 to

0

- Senate Bill 64 requires any person in custody of a penal institution for one year or longer and who has not previously tested positive for HIV to be tested for the disease 60 days prior to their release. Passed 41 to 7.
- Senate Bill 239 requires a parent to enroll their child in a school program within 10 days of becoming a resident of a new school system. Under the legislation, any parent that fails to enroll their child in school during the allotted time will be subject to a fine up to \$100 and/or imprisonment up to 30 days. Passed 36 to 18.
- Senate Bill 184 creates new notice requirements for payment bonds issued during construction. Passed 51-0.
- Senate Bill 188 makes it a crime to obstruct, hinder, willfully resist, threaten, or perpetrate acts of violence against code officials. Passed 51 to 0.
- Senate Bill 223 forms a Women's Reproductive Health Legislative Oversight Committee. Passed 41-11.
- Senate Bill 199 suspends annual training for probate and magistrate judges. Passed 37-9.
- Senate Bill 201 provides voluntary contributions through individual income tax returns for cancer research. Passed 47-0.
- Senate Bill 210 allows home school students to participate in the high school honors program. Passed 46-0.
- Senate Bill 233 requires that the board must administer examina-

tions for certifying emergency medical technicians, paramedics, and cardiac technicians. Passed 50-0.

- Senate Bill 238 authorizes the Board of Regents to grant service cancelable loans to medical and dental students at the Medical College of Georgia. Passed 52-0.
- Senate Resolution 257 creates the Alzheimer’s Disease Other Dementias Task Force. Passed 55-0.
- Senate Bill 99 places restrictions on use of motors and operation of houseboats on certain lakes to prohibit operation of certain vessels on Lake Sinclair. Passed 49-3.
- Senate Bill 108 provides for the recovery of attorney's fees and costs involving a motion to dismiss under certain circumstances under the “Georgia Civil Practice Act.” Passed 51-0.
- Senate Bill 149 disbands the Agent Regulatory Commission and gives the Georgia Secretary of State the power to regulate athlete agents. Passed 51-2.
- Senate Bill 158 requires that any bill having a significant fiscal impact on the anticipated revenue or expenditure levels of any state entity be filed by the twentieth day of session, and that the sponsor of such legislation shall request a fiscal note. Passed 47-5.
- Senate Bill 170 prohibits companies from doing certain business within Sudan from bidding on state contracts. Passed 53-1.
- Senate Resolution 453 creates the Georgia Tax Reform Commission of 2009 to conduct an extensive review of Georgia’s revenue structure in order to create a more flexible system that balances taxes based on fixed wealth, current expenditures, and current flow of income. Passed 44 to 8.

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## Key Bills, cont'd

- **House Bill 344** relates to probation hearings and determinations, referral of cases to probation supervisors, probation or suspension of a sentence, payment of a fine or costs, disposition of a defendant prior to a hearing, continuing jurisdiction, transfer of probation supervision, and probation fees, so as to authorize the Department of Corrections to establish and collect additional fees for services rendered to a felony defendant sentenced to a day reporting center.
- **House Bill 368** relates to controlled substances, so as to change certain provisions relating to Schedule II, III, and IV controlled substances and to change certain provisions relating to the definition of "dangerous drug."
- **House Bill 385** relates to State Commission on Family Violence, so as to repeal the date on which the commission shall cease to exist.
- **House Bill 400** relates to the "Quality Basic Education Act," so as to enact the "Building Resourceful Individuals to Develop Georgia's Economy Act" to develop programs to improve graduation rates and to improve the preparedness of students for postsecondary education and careers; to provide for the development of focused programs of study; to provide for model programs for students at risk of dropping out of high school; and to train school counselors and graduation coaches to provide for educational counseling and career awareness programs for students.
- **House Bill 452** relates to retirement and pensions, so as to provide a statement of legislative intent; and to provide that certain members of the Employees' Retirement System of Georgia, Public School Employees Retirement System, Georgia Legislative Retirement System, and Georgia Judicial Retirement System shall not be eligible to receive any postretirement benefit adjustment.
- **House Bill 487** relates to the Superior Court Clerks' Retirement Fund of Georgia, so as to increase the employee contribution to such fund and to increase certain fines and fees.
- **House Bill 488** relates to retirement benefits, disability benefits, and spouses' benefits under the Superior Court Clerks' Retirement Fund of Georgia, so as to provide eligibility criteria for creditable service.
- **House Bill 624** authorizes the governing authority of the City of Ashburn to levy an excise tax pursuant to subsection.
- **House Bill 626** authorizes the governing authority of Dawson County to levy an excise tax pursuant to subsection.
- **House Bill 628** provides for immunity for the commission and its officers, agents, and employees and to provide for ante litem notice for the Brunswick-Glynn County Joint Water and Sewer Commission.
- **House Bill 629** provides for four-year, staggered terms of office for the mayor and councilmembers for the City of Tybee Island.
- **House Bill 630** provides for a quorum; to provide that the mayor may be counted in the determination of a quorum; to provide for the vote of the mayor on matters before the city council; to provide for a veto by the mayor; and to provide procedures for a veto and for overriding such veto for the City of Harlem.
- **House Bill 632** authorizes the governing authority of White County to levy an excise tax.
- **House Bill 635** changes the provisions relating to the corporate limits for the City of Kennesaw.
- **House Bill 637** creates the Jefferson County Utilities Authority to authorize the authority to acquire, construct, equip, operate, maintain, own, and improve self-liquidating projects embracing sources of water supply, the treatment, distribution, and sale of water and related facilities; the collection, treatment and disposal of sewage waste and related facilities; the sale of sewage treatment services; the collection, treatment, distribution, and disposal of stormwater; and the purchase, distribution, and sale of natural gas, cable television services, public telecommunication services, wireless telecommunication services, and Internet services.
- **House Bill 638** authorizes the governing authority of the City of Helen to levy an excise tax pursuant to subsection.
- **House Bill 642** authorizes the governing authority of the City of Columbus, Georgia, to levy an excise tax pursuant to subsection.
- **House Bill 643** provides for certain meeting requirements for the Council of the county-wide government of Columbus, Georgia.
- **House Bill 652** changes the amount of the annual supplement paid to the superior court judges from funds of Douglas County to authorize the governing authority to increase such amount for the Douglas Judicial Circuit.

- **House Bill 653** changes the compensation of the coroner; sets the compensation of deputy coroners; provides for the board to increase the compensation of the coroner and any deputy coroners; and provides for approval of contracts for the coroner of Douglas County.
- **House Bill 654** temporarily delays the addition of a second judge for the State Court of Douglas County; provides for the appointment of the initial additional judge and the election of successors; provides for terms of office of said additional judge and successors to such judge; and provides for the compensation and expenses of said additional judge for the State Court of Douglas County.
- **House Bill 678** creates a board of elections and registration for Talbot County and to provide for its powers and duties; provides for the composition of the board and the selection and appointment of members; provides for the qualification, terms, and removal of members; provides for oaths and privileges; provides for meetings, procedures, and vacancies; relieves certain officers of powers and duties and to provide for the transfer of functions to the newly created board; provides for a registrar and the powers and duties thereof; and provides for certain expenditures of public funds.
- **Senate Bill 256** authorizes the governing authority of the City of Milledgeville to levy an excise tax pursuant to subsection.
- **Senate Bill 257** relates to retirement and pensions, so as to provide that an election to participate in the Regents Retirement Plan in lieu of the Teachers Retirement System of Georgia shall be revocable at will; to provide that persons who elected such participation may elect to participate in the Teachers Retirement System of Georgia; to provide for creditable service; and to provide for application and transfer of funds.
- **Senate Bill 258** changes provisions relating to voting powers of the mayor for the City of Snellville.
- **Senate Bill 259** relates to retirement allowances, disability benefits, and spouses' benefits under the Teachers Retirement System of Georgia, so as to provide that the University System of Georgia may employ a retired member of such retirement system as a full-time instructor at a nursing school and to provide that a retired member of such retirement system may return to full-time employment as a teacher at a nursing school and retain his or her retirement benefits.
- **Senate Bill 260** relates to retirement and pensions, so as to provide that any full-time public school employee may elect to become a member of the Teachers Retirement System of Georgia; to provide that a local school system may elect to participate; to provide for employee and employer contributions; and to provide for creditable service for certain prior service.
- **Senate Resolution 520** proposes an amendment to the Constitution so as to provide that all records and meetings of any governmental body, political subdivision of the state, authority, or private corporation performing a public purpose shall be open to the public; and to provide for the submission of this amendment for ratification or rejection.
- **Senate Resolution 522** creates the Senate Comprehensive Development Impact Fee Study Committee.
- **Senate Resolution 532** expresses cultural, economic, and educational cooperation with the State of Israel.
- **Senate Resolution 563** creates the Senate Study Committee on Drug Courts and Addictive Drugs.
- **Senate Resolution 566** urges the United States Congress to adopt the Fair Tax Act.
- **Senate Resolution 570** expresses support for comprehensive immigration reform and requests that the United States Congress reject any legislative efforts to enact unfair and ineffective immigration policies.

# 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]*