

Down to the Wire, the Senate Pushes through a Long List of Bills

By SPO Team

CHAMBER (March 30, 2009) - While the NCAA Tournament heads to the Final Four, the Georgia State Senate is off to the semi-finals with the last two legislative days approaching. On Day 38, the Senate score board showed 37 bills passed, 3 bills tabled, and 1 bill failed (37-3-1). The Senate's leading topics today were tax, education, judicial and health care issues. Heading into the final days, the Senate has a close eye on stimulating Georgia's economy and fixing transportation issues.

the governor exempted from sales taxes last summer in response to the sharp rise in fuel prices. The bill (HB 46) extends the sales tax exemption until May 21 of this year.

A bill that provides for civil penalties and injunctive relief regarding certain tax return preparers passed 52-2. House Bill 444 authorizes civil penalties and injunctive relief against tax preparers

An extension for the sales tax exemption on prepared food and beverages donated to non-profit relief programs came in the form of House Bill



for understatement of liability. Penalties may not exceed \$500 for each return or refund claim. Willful attempt to understate or reckless or intentional

disregard will result in a penalty of \$5,000, or 50 percent of the income derived or to be derived—whichever is greater. Failure to sign a return will result in a \$50 penalty, and fraudulent endorsement or negotiation of a check made for taxes will pay a \$500 penalty for each check.

358. According to the fiscal note, donations of prepared food to any eight food banks throughout Georgia from local restaurants and grocery stores are collected by the Atlanta Community Food Bank (ACFB), and an estimated 40,000 pounds of food is distributed every month—480,000 pounds annually. The ACFB expenses were slightly over \$29 million for 2008 and 20 million pounds of food was served and distributed. The estimated state fiscal impact through FY 2011 is over \$220,000 and the local impact is more than \$160,000.

A sales tax exemption for zoos passed that will exempt such taxes on goods used in a renovation or expansion (HB 129).

House Bill 74 brings Georgia code on par with the federal tax code for the year beginning on, or after, January 1, 2009.

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Education

A bill that would provide public school systems more

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Taxes

The Senate began its work on a long list of finance bills by first passing a measure that ratifies the Governor's directive from May 2008 to suspend sales taxes on off-road, dyed fuel. This type of fuel is typically used for agricultural purposes, which



Upper Chamber Report

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Raegan Weber, Press Director
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flexibility to meet the 180 day scheduling requirement was overwhelmingly passed by the Senate and will now head back over to the House for final approval. House Bill 193 would allow the State Board of Education to define the length of the school year as 180 days or the equivalent number of hours. Sen. Jim Butterworth (R-Cornelia) carried the bill as an important tool for local systems to adapt their scheduling structure to meet the needs of the students and the community. Butterworth noted that options such as longer school days will help districts to save on fuel and energy costs.

Several amendments were added to the Senate committee substitute. Sen. Bill Hamrick (R-Carrollton) added a measure that would make it unlawful for a person to knowingly disrupt a public school. An additional clause would provide that public schools may consider Veteran's Day an official school holiday.

Sen. Judson Hill (R-Marietta) introduced an amendment that would have required public schools to start no later than the third Monday in August to provide safer summer practice conditions for student athletes and greater fuel and energy savings for schools. The amendment was defeated by a floor vote.

The Georgia Registered Professional Nurse Practice Act (HB 475) revises requirements for nursing education programs for licensure as an advanced practice registered nurse, registered professional nurse, or licensed practical nurse.

Sen. Dan Weber (R-Dunwoody) presented House Bill 251 which allows a student in a local school system to transfer to another public school within their district, or another district

that accepts the child, at the discretion of the local school board. The Department of Education will pay to the receiving school any Quality Basic Education (QBE) formula earnings, QBE grants, and federal grants earned by the student. The Department will also pay an amount determined for each student in a proportional share of local revenue from the student's original home system.



Opposition came from Sen. Vincent Fort (D-Atlanta) who stated that the bill is now different from when it came out of the House. He said the original language only called for inter-district transfer and that there was an issue of funding. Most importantly to Fort, the bill leaves transportation to the schools as the parents' responsibility. Because the bill had been labeled as a tool mostly for lower-income families, parents from these families would have a difficult, if not impossible time, transporting their children.

Requirements for HOPE Scholarships are more coordinated for all of Georgia's schools with HB 313. The bill allows all students with a G.P.A. of at least 3.0 to meet achievement standards for the HOPE scholarship.

Judiciary

Several bills relating to judicial issues also passed Monday, including one measure that allows service of pleadings by e-mail, with consent



(HB 29).

A uniform statute that has been adopted in several other states passed in the Senate which validates and considers electronic documents and signatures to be the same as signatures on official paper documents (HB 127).

Changes to how courts determine child support payments received favorable passage, which mandates that the minimum low income payment cannot be less than \$100 per month, with a \$50 increase for each additional child (HB 145).

The maximum time a juvenile can be sentenced to a youth development center has been reduced from 60 to 30 days with House Bill 245. It passed 33-16.

Legislation that eliminates the current statutory cap of \$90 on the application fee for taking the state bar examination came with House Bill 283. The bill also changes certain provisions relating to filing fees for appeals to the Supreme Court and the Court of Appeals.

Appellate procedures are made the same for both superior and state courts under House Bill 324.

House Bill 167 adds a new judge to the Cherokee County State Court.

House Bill 216 changes terms of court in the Cordele circuit.

House Bill 667 requires that, within 30 days after notice from

the Attorney General, those trying to acquire a hospital must pay the costs and expenses of experts and consultants.

Health Care

Under House Bill 49, The Georgia Board for Physician Workforce is allowed to apply for grants and to solicit donations and contributions for studies geared toward enhancing the medical education infrastructure in Georgia. The bill also allows the Workforce to use those funds for improving the physician workforce needs of Georgia communities.

Protection for disabled adults comes with House Bill 457. The bill first revises the definition of 'disabled adult' to include a person with dementia or a related cognitive impairment. It further provides that anyone who acts with specific intent to abuse, neglect, or exploit any disabled adult who is a resident of a long-term care facility will be guilty of a felony punishable by imprisonment of one to five years.

Georgia's inmates will soon have to pay for their medication under House Bill 464, should the governor sign it into law. The bill designates a reasonable price for prescription medication used by inmates, something usually paid for by the taxpayer. It excludes medication prescribed for conditions related to pregnancy, chronic illnesses, or severe mental health designations as determined by the Department of Corrections.

Lost and Tabled Bills

Several bills blocked out of play on Monday were forced back to the

bench after intense debate.



House Bill 115 (tabled) A bill originally designed to make changes to

restrictions and requirements of alcohol licenses quickly became a debate over Sunday sales of alcohol after Sen. Seth Harp (R-Midland) offered an amendment that included his original Sunday sales measure. Earlier this session, Harp withdrew the bill from the Regulated Industries and Utilities Committee. The amendment



allowed cities and counties to hold a referendum for the citizens to approve Sunday sales. Harp introduced the amendment saying, "It's time we listen to the voters of our state."

Sen. Dan Moody (R-Alpharetta) then countered with another amendment that removed the Sunday sales language and replaced it with a proposal to suspend a businesses' license for two years upon the first conviction of selling alcohol to a minor. The amendment passed, soon followed by a motion to table the bill.

The original bill included a provision to allow the Sunday sale of alcohol at the new Gwinnett Stadium.

House Bill 243 (tabled) A bill that would make any teacher salary raises subject to appropriations by the General Assembly has been tabled and may be taken up at a future date. House Bill 243 states that any

teacher who receives a salary increase for holding a national board certification will not receive the increase if they leave a teaching position after March 1, 2009. The eligible increase for those teachers who receive the 10 percent salary increase would be decided on by the General Assembly. Bill sponsors stated that current teachers eligible for the national board certification increase would be grandfathered into the program, but any teacher who has enrolled in the process would only receive the salary increases if the state can fund the program. Opponents to the measure argued that removing the salary increase could discourage teachers from seeking national board certification, and several Senators stated those teachers have been known to have better classroom performance than those without.

House Bill 396 (tabled) Sen. Jeff Mullis (R-Chickamauga) presented House Bill 396, which expands the Department of Driver's Services Commissioner's rule making authority. The bill increases the maximum term that noncitizens may retain a temporary driver's license from three years to five years. Under this legislation, the fee for issuance or renewal of a temporary driver's license or identification card will be the same as the fees imposed on residents. This is unless the applicant's period of authorized stay is less than five years, in which case, the fee will be \$5 for each year, and additional fees for ID cards will increase by \$5. The legislation also repeals a provision that requires a notice of suspension to be sent by certified mail for failure to appear in court for a traffic citation.

Opposition for the bill came from those against additional and increased fees, and many amendments were proposed. Sen. John Wiles (R-Kennesaw) presented an amendment that took on the increased fees and the elimination of certified mail. Sen.

Chip Rogers (R-Woodstock) also rose against the bill stating that it was simply a tax increase tagged to driver's licenses. He questioned how it would save money, and informed the Senate that they should not be building the budget by raising fees in driver's licenses. Rogers believes that a 25 percent increase for Georgians to get a drivers license is unreasonable. Because of the opposition and debate, the bill was tabled for a later date.

House Bill 614 (failed) The Senate voted down a measure aimed at improving health care quality and effectiveness concerning controlled substances. Sen. David Shafer (R-Duluth) presented House Bill 614, which allows the Georgia Drugs and Narcotics Agency to establish and maintain a program for monitoring the prescribing and dispensing of controlled substances. Dispensers must electronically submit information regarding each prescription distributed.

Sen. Preston Smith (R-Rome) rose in strong opposition to the measure objecting to the bureaucratic oversight of personal prescription information. He believes that patient medical records have a fundamental right to privacy. The American Cancer Society has stated that the monitoring of prescriptions has the ability to hinder physicians from subscribing much needed pain medication. The bill failed by a vote of 25 to 29.



Other bills that passed include:

- **House Bill 57** The Department of

Revenue (DOR) is designated as the state agency responsible for the administration of the federal Unified Carrier Registration Act of 2005, which requires that interstate motor carriers pay an annual fee.

- **House Bill 156** provides that elected magistrate judges and public officers performing ordered military duty may continue in office and qualify for reelection while serving duty.

- **House Bill 326** A bill for Georgia's fishers and hunters provides for the addition of two-year or other multi-year fishing and hunting licenses and makes changes to the fees and types of game and fish licenses and permits.

- **House Bill 440** Exempts rideshare programs that are not considered private carriers. This legislation further clarifies that an exempt rideshare will not be deemed to involve any element of transportation for compensation or for hire and that the Georgia Regional Transportation Authority is exempt from regulation as a carrier under its enabling legislation.

- **House Bill 476** A bill amending provisions relating to reemployment under the Peace Officers Annuity and Benefit Fund passed the Senate. People who first or again become a member of the Fund on or after July 1, 2009 would no longer be eligible to retain their benefits if they become

reemployed.

- **House Bill 529** Sen. John Bulloch (R-Ochlocknee) presented HB 529 preventing any county, Municipal Corporation, consolidated government, or other political subdivision in Georgia from regulat-



ing crop management or animal husbandry practices involved in the production of agricultural or farm products on any property where agricultural is in compliance with zoning.

- **House Bill 581** The Georgia Works Job Creation and Protection Act makes several changes to the unemployment insurance program by extending benefits and taking into account stimulus money. Under the act, Georgia receives a Federal Stimulus for Unemployment Insurance in an amount around \$226 million.

- **House Bill 662** Requires the Georgia Building Authority to reimburse the Department of Public Safety for the cost of performing police and security duties within Capitol Square.

- **House Resolution 339** Supports the development of Georgia's energy resources on land and offshore.

Transportation: What Others are Saying Around the State

LOCAL
CONTROL
FAVORED

Here's what papers around the state are saying about the Senate's regional transportation funding proposal:

"While open to alternatives, our preference — and the preference of Georgia voters, their local elected officials and business leaders across our state — is for a regional solution to this pressing problem that can be implemented throughout the state.

"This approach — which gives local and regional communities a voice in when, where and how projects should be built and how much sales tax they should pay — has been successful in many other states, and we believe it presents the best opportunity for securing needed funding in Georgia."

- George Israel, president & CEO of the Georgia Chamber of Commerce and Sam Williams, president of the Metro Atlanta Chamber.

"You've got to pick the Senate's regional approach, which gives local voters and officials infinitely more control over their transportation futures.

"This is by far the best plan we've seen for addressing the state's long-term transportation needs, while respecting the all-American principle and undeniable practicality of local control.

"Pass the Senate's regional T-SPLOST, lawmakers. Do it today."

- Augusta Chronicle

"...the House should just take the Senate's hint, and the General Assembly should put a regional approach to funding transportation in front of the state's voters.

"If Georgia is to address its pressing transportation needs, a regional ap-

proach is the best way to ensure those needs are met effectively and efficiently."

- Athens Banner-Herald

"But any compromise between the House and Senate versions of the plan needs to satisfy taxpayers in the "other" Georgia that the lion's share of their sales tax money won't be sucked into the metro area in an ultimately futile attempt to pave Atlanta out of gridlock, while important projects closer to home get shoved aside."

- Columbus Ledger-Enquirer

"We encourage approval.

"This bill is preferable to a competing plan that would impose an additional statewide sales tax, with the revenue going to Atlanta.."

-Savannah Morning News

"It would be very easy over the 10-year period the tax would be levied to come to the end and have no money left for projects in more rural areas.

"All the House has to do Monday to put this issue to rest is agree with HB 277, the Senate's preferred transportation bill. No need to extend this debate. There are other issues to get to with so little time remaining."

-The Macon Telegraph

"Of the two plans floated in the legislature, we think the Senate version makes more sense by leaving control in the hands of local governments.

"Communities would pay for their own needs but not be asked to fix roads across the state they may never lay eyes on."

-Gainesville Times

"Now, with the state Senate having

long since passed legislation calling for such a regional approach, and with the state House last week passing a competing bill calling for a statewide 1 percent transportation sales tax, the newspaper can unequivocally state that the regional approach remains the best option for Georgians."

-Athens Banner-Herald

"...it makes more sense to keep locally raised road money in the hands of locals."

-Savannah Morning News

"The House bill caters to Atlanta-area voters. That may be slick politics, but Georgia is bigger than Atlanta. That's why a competing version of the House bill, which is over in the Senate, is a better fit."

-Savannah Morning News

"The Senate approach is more locally oriented, allowing voters in metro Atlanta and other areas to levy that 1-percent sales tax on a regional basis, with revenue to be controlled and spent regionally as well."

-Atlanta Journal-Constitution

"A regional funding mechanism, for example, would allow residents of a given area the most complete control over how, or even whether, they wanted to address transportation issues."

-Athens Banner-Herald

"By the way, the statewide penny already has a project list attached to it that contains basically nothing for Northwest Georgia. Should Greater Romans thus be outvoted by the metro Atlanta interests, which would receive the lion's share, their main reward would be much the same as in the past: Getting to pay for Atlanta's roads and big ego."

-Rome News-Tribune □

In Committee News...

Education Passes Bill to Encourage Youth Development and Energy Efficiency

By Ravae Graham

310 CLOB (March 30, 2009) – The Senate Education and Youth Committee, chaired by Sen. Dan Weber (R-Dunwoody), convened today to consider a bill aimed at encouraging youth development while meeting national and state energy goals.

Sponsored by Rep. Tyrone Brooks (D-Atlanta), House Bill 493 allows

the Georgia Youth Conservation Corps to assist in home weatherization projects that reduce energy consumption for home heating and cooling. An estimated \$125 million in stimulus funds available under the American Recovery and Reinvestment Act of 2009 will go toward energy efficient home improvements. The bill does not au-



thorize or require the use of any state funds.

During the meeting, the bill was amended to allow the Commissioner of the Department of Natural Resources to contract with the Georgia Environmental Facilities Authority (GEFA) and the Georgia Department of Labor (GDOL) for management and installation purposes of energy saving material or devices. GDOL Commissioner Michael Thurmond noted that the measure will offer employment, skilled training and income for unemployed younger individuals. The bill was unanimously passed. □

Natural Resources Committee Keeps Homeowners Informed

By Hayley Howell

450 CAP (March 30, 2009)—A bill to keep Georgia homeowners more informed about their property has passed the Senate Natural Resources and Environment Committee. Under Rep. Buddy Carter's (R-Pooler) House Bill 169, whenever the Federal Emergency Management Agency (FEMA) provides legal notice under the Federal National Flood Insurance Program



of any new flood elevation for this state, the Department of Natural Resources (DNR) must inform the local government affected by the revised flood map. The local government must then inform DNR of the names and addresses of the homeowners affected, and DNR will contact them to inform that their property has been designated as a location in the regulatory floodway and the potential implications of the designation.

Concern for the bill was raised by the Georgia Association of Realtors, who

questioned the quality of the data and how the data would be sent to local governments. Others had similar concerns with the transference of data and about the financial aspects the bill could bring. The Georgia Municipal Association was concerned about allocating the city government as the middle man in the transfer of information.

Georgia Watch approved of the legislation's attempt to increase knowledge for Georgia's homeowners in changes of flood plains, and others also supported the bill and its attempt to keep Georgia consumers informed. The bill passed 7-0.

Other bills passed unanimously including Rep. David Knight's (R-Griffin) House Bill 367 which authorizes the Department of Natural Resources to issue revocable permits for the construction, maintenance, and use of boat docks on High Falls Lake. The bill also changes the Georgia Golf Hall of Fame from being governed by the General Assembly to its local governance. Rep. Chuck Sims (R-Ambrose) also unanimously passed his House Bill 207 which expands the current law definition of an "off-road vehicle" to include govern-

ment vehicles used for official and agricultural purposes. It also adds additional restrictions to off-road vehicles from operating within any perennial stream.

A bill which would prohibit the enforcement of a covenant that requires the use of certain grasses, shrubs, trees, or bushes by a property owner failed to pass the committee. Rep. Calvin Hill's (R-Canton) House Bill 262 would make a state-wide law in which these contracts would be overridden so homeowners could use plants that are drought-resistant, even if the agreement with the developer did not allow it. Hill argued this would greatly reduce water consumption in a time Georgia needed to conserve water.

This concerned many committee members and agencies, because a covenant is placed by a developer to only allow certain plants on the land to maintain a specific property value. Sen. John Bulloch (R-Ochlocknee) informed the committee that covenants can be repelled by homeowners if desired, and a state-wide law to prohibit covenants is unnecessary. The bill failed to pass with a 2-5 vote. □

Key Bills and Resolutions Introduced in the Senate

- **House Bill 793** creates the City of Pearson Public Facilities Authority.
- **House Bill 794** creates an amended charter for the Town of Willacoochee, in the County of Atkinson, and to reincorporate said town as a city, and define its territorial limits.
- **House Bill 795** amends an Act creating the office of commissioner of roads and revenues in the County of Atkinson.
- **House Bill 796** creates the Byron Convention and Visitors Bureau Authority.
- **House Bill 797** amends an Act creating the board of commissioners of Brantley County.
- **House Bill 798** creates a board of elections and registration for Long County and to provide for its powers and duties.
- **House Bill 799** provides a new charter for the City of Carnesville so as to exchange the corporate boundaries of the city.
- **House Bill 800** provides for the consolidation and unification of the existing governments of the City of Albany and Dougherty County, Georgia.
- **House Bill 801** modifies the composition and organization of the Gainesville Redevelopment Authority.
- **House Bill 802** provides for a nonbinding, advisory referendum for the purpose of ascertaining whether the General Assembly should enact legislation authorizing the City of Gainesville to select its mayor by city-wide election.
- **House Bill 803** provides for a nonbinding, advisory referendum for the purpose of ascertaining whether the General Assembly should enact legislation authorizing the City of Gainesville to elect its chairperson of the board of education by city-wide election.
- **House Bill 804** authorizes the governing authority of Bibb County to levy an excise tax.
- **House Bill 805** authorizes the governing authority of the City of Macon to levy an excise tax.
- **House Bill 806** changes the number and composition of the membership of the Gilmer County Kids Kottage Commission.
- **House Bill 807** authorizes the governing authority of the City of Macon to levy an excise tax.
- **House Bill 808** revises the manner of selection of the members of the Satilla Regional Water and Sewer Authority.
- **House Bill 809** creates the Warner Robins Public Facilities Authority.
- **House Bill 810** authorizes the governing authority of the City of Covington to levy an excise tax.
- **House Bill 811** provides an additional judge for the State Court of Clayton County.
- **House Bill 812** changes certain provisions relating to the compensation of the sheriff for DeKalb County.
- **House bill 816** provides for a new charter for the City of Ringgold.
- **Senate Bill 283** provides that no person who first or again becomes a tax commissioner, tax collector, tax receiver, or an employee of any such officer on or after July 1, 2010, shall be eligible for membership in the Employees' Retirement System of Georgia.
- **Senate Bill 284** provides for the award of attorney's fees under certain circumstances.
- **Senate Bill 285** allows a transportation services contract to authorize the extension of or addition to the Authority's existing rapid rail system.
- **Senate Bill 286** requires insurers who issue high deductible health plans sold or maintained under the applicable provisions of the Internal Revenue Code in this state to offer in connection with such plans wellness and health promotion programs, disease and condition management programs, and health risk appraisal programs.
- **Senate Resolution 695** recognizes the Georgia 2012 Committee for the Republican National Convention and requests that the Republican Party select the State of Georgia as the site for its 2012 national convention.
- **Senate Resolution 702** recognizes the difficult economic times facing this nation and pledging that the recovery efforts begin now and in Georgia.
- **Senate Resolution 705** creates the Senate Study Committee on the Certification of Building Inspectors and Code Enforcement Officials.

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]*