

## Senate Passes Public Defender Reform Package as General Assembly enters Second Half

By Matt Colvin

A bill that would radically reshape the public defender system in Georgia passed the Georgia State Senate Thursday during Legislative Day 21. Senate Bill 42 would significantly revise the Georgia Public Standards Act of 2003 by changing the role of the current Georgia Public Defenders Standards Council (GPDSC) to an advisory role under a new director that would oversee the new Georgia Public Defender Agency (GPDA). The bill drew lively debate from supporters and opponents

to the measure as the General Assembly began the second half of their allotted 40-day legislative session.

State Sen. Preston Smith (R-Rome) took the well as SB 42's author and chief sponsor to address the merit of the revisions he sought to impose on the GPDSC. Under his proposal, the current Public

Defenders Council would be renamed as the Georgia Public Standards Agency and name a new director to have full control and management of the agency. Currently, the council makes policy and financial decisions, but will relinquish all control and become an

Continued on page 2



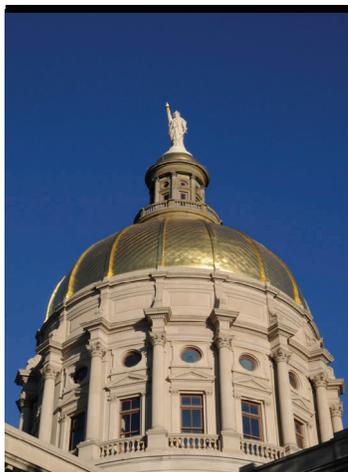
### Other Key Bills and Resolutions Introduced in the Senate

- **Senate Bill 176** provides that on and after July 1, 2010, any increase in the actuarial accrued unfunded liability to a public retirement system which occurs as a result of the enactment of legislation shall be fully funded in the year in which such legislation becomes effective.

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- **Senate Bill 178** relates to capital outlay funds under the "Quality Basic Education Act," so as to embed and extend a sunset date of June 30, 2011, for provisions relating to advance funding, exceptional growth, and low-wealth capital outlay grants.
- **Senate Bill 179** relates to the Georgia Trauma Care Network Commission, so as to add a definition and to revise certain provisions relating to funding priorities of the commission.
- **Senate Bill 180** relates to the issuance of limited driving permits for certain offenders, so as to allow the issuance of a limited driving permit to a person convicted of driving under the influence subject to certain conditions.
- **Senate Bill 181** changes the Board of Trustees to the Georgia Judicial Retirement System as appropriate.
- **Senate Bill 182** revises the time periods and eligibility for continuation coverage under certain group accident and sickness insurance plans, provides for additional continuation plan options, changes the age for continuation coverage under certain group accident and sickness insurance plans from 60 to 55, and provides for the coverage of dependents under group and individual accident and sickness policies up to and including 25 years of age if such dependent is a dependent for state income tax purposes for such policyholder or group member.



# Upper Chamber Report

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Raegan Weber, Press Director  
Kallarin Richards, Editor in Chief

**TOP STORY, cont'd**

advisory body under the director, who will be responsible for setting policy and accountable for the council's actions. The council board members would be chosen by the Governor, Lt. Governor, and the Speaker of the House under Smith's bill, and remove the State Supreme Court and the Georgia Court of Appeals as current bodies who nominate board members.

Smith was joined by Sens. John Wiles (R-Kennesaw) and Seth Harp (R-Midland) in voicing frustration with the current GPDSC in how the council handled budgetary issues and ultimately has become a hindrance in properly running an effective state indigent defense system. Smith has noted while presiding over Senate Judiciary Committee hearings that he is concerned that

the current structure does not provide an adequate voice of representation for the council's interests and often leads to conflicting agendas between the council and director.

Opponents to the bill, including Senate Democratic Leader Robert Brown (D-Macon) and Sen. Kasim Reed (D-Atlanta) were concerned that the measure is stripping power from the council and the judicial branch and placing it under the executive and legislative branches. They urged Senate members to consider the impact of placing control of the public defender system in a political environment and take influence away from those in the legal system.

A floor amendment authored by Smith was adopted before the bill passed out of chamber by a vote of

32 to 21.

Senate Bill 100, also sponsored by Smith and pertaining to the Public Defense system was passed by an overwhelming 50 to 2 vote. SB 100 is a non-fiscal retirement bill that changes the GPDSC to the GPSA, where current members of the retirement system will be easily worked into the new agency administration.

A number of Senators began the day by acknowledging several events going on at the Capitol such as Veterans Advocacy Day and Georgia Rural Health Day.

The Senate will be adjourned until Tuesday, Feb. 24 at 10:00 a.m. for Legislative Day 22. □

**Senator Reed Speaks During 8<sup>th</sup> Annual Regional McDonald's Black History Luncheon**

By Jennifer Kitt

**ATLANTA** (Feb. 19, 2009) – Sen. Kasim Reed (D-Atlanta) spoke to approximately 120 McDonald's owners, managers and regional employees during the 8<sup>th</sup> annual Black History Luncheon on Wednesday, Feb. 18, 2009. Sen. Reed encouraged listeners to do their part in improving the African American community.

“Sen. Reed talked about the work Civil Rights pioneers did to knock down walls during the Civil Rights movement; however, our generation is dealing with the debris from those walls.

It is up to our generation to clean up that debris, and create more opportunities for African Americans,” said A. L. Farmer, a Field Consultant for the McDonald's Corporation. “After hearing this speech I felt like now is the time for African Americans to create better opportunities for themselves in this county. Although we have an African American in the White House, we can't wait on Washington to bring change to our communities.”



Sen. Reed has improved the Atlanta Metro area with his work on the Senate Judiciary, Special Judiciary, Ethics, Urban Affairs, Transportation, and the State and Local Government Operations committees. He was recently honored by the Atlanta Metropolitan Black Chamber of Commerce, and has been featured in Georgia Trend magazine's “40 under 40 Rising Stars.” □

## Other Key Bills and Resolutions, cont'd

- **Senate Resolution 327** affirms states' rights based on Jeffersonian principles.
- **Senate Resolution 328** urges the Georgia Senate to acknowledge a paramount right to life and the need for the protection of innocent human life at every stage of life.
- **Senate Resolution 331** creates the Joint Study Committee on Health Care Transformation.

### The General Assembly Welcomes Alpha Kappa Alpha Sorority Inc. to the Capitol

By Jennifer Kitt

ATLANTA (Feb. 19, 2009) – Sen. Horacena Tate (D-Atlanta) joined fellow legislators Reps. Carolyn Hugley (D-Columbus), Nikki Randall (D-Macon) and Alicia Thomas Morgan (D-Austell) to welcome approximately 260 fellow Alpha Kappa Alpha Sorority Inc. (AKA) members to AKA day at the Capitol on Monday, Feb. 16, 2009. Sorority members spent the day discussing legislation, meeting members of the General Assembly and honoring community leaders during an awards luncheon held at the Twin Towers.

“AKA day was a huge success. Our members were able to meet their legislators and see how my colleagues and I handle day-to-day business at the Capitol,” said Sen. Tate. “I was also pleased to welcome Ms. Ella Springs Jones, South Atlantic Regional Director to the Capitol. She is a wonderful asset to our organization.”

Attendees listened to a legislative update from House Minority Leader DuBose Porter (D-Dublin), and Senate Minority Leader Robert Brown (D-Macon). Department of Human Resources Commissioner B.J. Walker and Georgia Department of Labor Commissioner Michael



Thurmond gave overviews of their respective agencies to the ladies.

Members then attended a luncheon with presentations from Georgia Legislative Black Caucus Chairman Sen. Emanuel Jones (D-Decatur) and CEO of DeKalb County Burrell Ellis. During the luncheon the following honors were presented:

#### Lifetime Achievement Award

Mayor Shirley Franklin  
City of Atlanta

#### Pacesetter Award

Lisa Borders, Atlanta City Council

#### Trailblazer Award

Chief Judge Yvette Miller, Georgia  
Court of Appeals

AKA DAY

## In Committee News...

### Senate Judiciary Committee Passes Tough Legislation Combating Sexual Offenders, Prostitution of Children, High Speed Chases

By Matt Colvin

ATLANTA (February 19, 2009) – The Senate Judiciary Committee favorably recommended two bills out of their meeting today at the State Capitol that will impose tougher restrictions on sexual predators and give law enforcement the ability to arrest and prosecute anyone who commits the sexual exploitation of a child. The committee also passed a bill that will strengthen the laws against persons involved in high-speed chases.

Senate Bill 157, sponsored by Judiciary Committee member Sen. Seth

Harp (R-Midland) would create 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 will provide released or paroled sex offenders conditions to help them in their rehabilitation process outside of prison.

Senate Bill 69, sponsored by Sen. Renee Unterman (R-Buford) would change the Georgia code to allow any person found responsible for the sexual exploitation of a minor in

prostitution to be charged. Currently the law only allows for a parent or primary caretaker to be charged with a crime. This measure is part of a legislative package aimed at combating the increasingly widespread prostitution of young boys and girls in Atlanta and all over Georgia that was written from findings from Sen. Unterman's study committee on the issue last year.

Senate Bill 2, sponsored by Sen. John Douglas (R-Social Circle) would alter the current law to strengthen the current penalties against people found guilty of fleeing from police.

All bills received a favorable recommendation by the committee and will now head to the Senate Rules Committee before consideration on the Senate floor. □

### Senate Finance Committee Passes Trauma Care Funding Resolution, Tax Exemption for Jet Fuel

By Matt Colvin

ATLANTA (February 19, 2009) – A possible source for funding a statewide trauma care network has passed favorably out of the Senate Finance Committee. Senators also recommended a continuation of the state sales tax exemption for airlines buying jet fuel in Georgia. The committee delayed a vote on a House measure that would cap property tax ad valorem tax rate increases at three percent to work on some of the bill's language.

Sen. Greg Goggans (R-Douglas), member of the Finance committee, presented Senate Resolution 277 as its sponsor. The resolution is pro-

posing an amendment to the state constitution that transfers motor vehicle registrations to the state treasury for the purpose of funding a Georgia Trauma Trust Fund. The amendment would allow for a \$10 annual charge to be placed on every licensed passenger vehicle in the state that would go towards funding



a network that Sen. Goggans made clear is an urgent need that requires action as soon as possible, as he mentioned the current system is sorely lacking the resources to be a benefit to many across the state.

House Bill 212 would provide for companies such as Delta Airlines to receive a sales tax exemption when purchasing jet fuel. This is an extension of the current exemption

that would now lengthen the statute to end in 2011.

Both bills received a favorable recommendation from the committee and will now head to the Senate Rules Committee before being taken up on the Senate floor for a vote.

The committee heard testimony on House Bill 233, which would add a real property value assessment cap to the ad valorem taxes on property. The bill would provide for any increase not to exceed three percent from one year to the next. Discussion concerning several parts of the bill's intent led to the committee deciding it would delay a vote until a future meeting to address any concerns and questions with the language in the legislation. □

## Natural Resources Cracks Down on Environmental Clean Up and Meth Labs

By Raegan Weber

ATLANTA (Feb. 19, 2009) – Today the Natural Resources and Environment Committee took up the Georgia Voluntary Remediation Program Act (Senate Bill 78) and the Clean-Up of Methamphetamine Lab Sites bill (Senate Bill 15). The Voluntary Remediation Program expands the Hazardous Site Response Act and implements a voluntary clean-up program for hazardous wastes, constituents or substances from the environment. This encourages a cost-effective and faster clean-up of the envi-

ronment. In order to enroll in the voluntary program, an applicant must submit a plan and an application fee of \$5,000 to the Environmental Protection Division. Certain requirements and restrictions will apply and for further information, go to [www.legis.ga.gov](http://www.legis.ga.gov) to do a legislative search on SB 78. The bill passed unanimously out of the committee.



The Clean-up of Meth Labs bill brought more discussion from committee members. While applauding Sen. John Douglas' (R-Social Circle) efforts to greatly reduce the production and use of Methamphetamines, senators also expressed their concern for the delicate balance of the rights of the property owner and public safety. The bill was ultimately held over for the next committee meeting in order to work through these concerns.

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## Senate Health and Human Services Committee Pass Measures to Strengthen Healthcare in Georgia

By Ravae Graham

The Senate Health and Human Services Committee convened under the leadership of Sen. Don Thomas (R- Dalton) Thursday to consider four bills.

In an effort to strengthen trauma care in Georgia, Sen. Cecil Staton (R-Macon) presented Senate Bill 156. The legislation revises the duties of the Georgia Trauma Care Network Commission and the State Office of EMS/Trauma; clarifies the definitions of readiness, uncompensated care, and trauma network; specifies priorities for distributing funds and abolishes the Trauma Trust Fund. The bill clearly specifies how the Commission can allocate funds, and it will be required to report everything to the Governor and the General Assembly. SB 156

was unanimously passed.

Sen. Greg Goggans (R-Douglas) presented SB 165 which authorizes the Department of Community Health (DCH) to obtain income eligibility for Medicaid and PeachCare applicants. To achieve the task, the state revenue commissioner will notify DCH as to whether an applicant's income exceeds the relevant income threshold. The Medicaid program has experienced unsustainable growth over the years. Sen. Goggans noted the importance of being fiscally responsible with taxpayer dollars and Georgians who need help the most are accommodated. SB 165 was unanimously passed.

Services provided by Medicaid were once again the focus of the committee through Senate Bill 146. The legislation presented by Sen. Judson Hill (R-Marietta) requires DCH to contract with a single ad-

ministrators for Medicaid dental services by September 1, 2009. Sen. Hill noted the measure will save taxpayers money and will better serve Medicaid patients who desperately need dental care. The new single administration program must be in effect and contracted with all dental providers by January 1, 2010. SB 146 passed by a majority vote.

The Committee closed by passing Senate Resolution 156 by Sen. David Shafer (R-Duluth), which opposes the Freedom of Choice Act. The Act was a federal law introduced last year that declares that it is the policy of the United States that every woman has the fundamental right to choose to bear a child, terminate a pregnancy prior to fetal viability, or terminate a pregnancy after viability when necessary to protect her life or her health. SR 156 passed by a majority vote.

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# 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]*