

Senate Votes to Increase Alternative Fuels

Bills to limit illegal immigration and improve MARTA also pass

By Kallarin Richards

CHAMBER (Feb. 24, 2009)

- Upon reconvening for the week, the Senate quickly got to work today by voting on a measure that will increase production of alternative fuels across the state. Senate Bill 30 allows gasoline distributors or dealers to blend their fuel with ethanol, putting more of an emphasis on alternative fuel use in the state. The bill's author, Sen. Ross Tolleson (R-Perry), noted that the bill aims to

keep more money in Georgia, create more jobs, increase competition in the marketplace, and lessen the



Sen. Tolleson presents bill to increase alternative fuel use

dependence on foreign oil. After three proposed amendments failed, SB 30 passed with a 35 to 13 vote.

The Senate passed another controversial bill that prohibits local govern-

ments from enacting, adopting, implementing, or enforcing sanctuary policies. A "sanctuary policy" is defined as any regulation, rule, policy, or practice that prevents local officials or employees from reporting a person's immigration status or otherwise providing immigration status information. Under Sen. Chip Pearson's (R-Dawsonville) Senate Bill 20, local governments (sanctuary cities) that violate this legislation or fail to cooperate with the federal government in reporting a person's immigration status will be subject to the with

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Other Key Bills and Resolutions Introduced in the Senate

- **Senate Bill 183** authorizes the governing authority of the City of Locust Grove to levy an excise tax pursuant to subsection.
- **Senate Bill 184** provides certain requirements regarding service of a notice of commencement to a contractor.
- **Senate Bill 185** provides that the election superintendent may establish polling places outside the boundaries of precincts.
- **Senate Bill 186** provides that when a tax allocation district is created within the area of operation of a community improvement district established in accordance with current legislation, all or part of the ad valorem property taxes levied by such community improvement district may be included in the computation of tax allocation increments of a municipal tax allocation district or county tax allocation district of the administration body of such community improvement district consents to such inclusion by resolution duly adopted.
- **Senate Bill 187** changes certain provisions regarding collections, expenditures, and exemptions with respect to certain revenue regarding roads; changes certain provisions regarding priority of expenditures from the State Public Transportation Fund; and changes certain provisions regarding allocation of state and federal road funds.
- **Senate Bill 188** provides for the protection and training of code officials, the offense of obstructing or hindering code officials whose duty it is to assure code compliance, and the training of code officials through the creation of the Georgia Code Enforcement Training Board.

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Upper Chamber Report

FEBRUARY 25, 2009

Raegan Weber, Press Director
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TOP STORY, cont'd

holding of state funding or state administered federal funding.

Concerns were raised by several senators that the bill sends a message to the international community that Georgia is hostile to immigration, and that because Georgia has no registered sanctuary cities, the bill seeks to solve a problem that has not been identified in the state. Sen. Pearson has stated previously in committee that while Georgia has no official sanctuary cities, it is evident that many are not cooperating with current law. With a clarifying amendment on federal exemptions, the bill passed with an overwhelming vote of 37 to 9.

The Metropolitan Atlanta Rapid Transit Authority (MARTA) saw passage of two bills today that will significantly benefit the public transit

system. The first, Senate Bill 120 authored by Sen. Doug Stoner (D-Smyrna), allows MARTA to utilize its capital funds to offset the operation and maintenance deficit. The transit



Sen. Stoner discusses MARTA bill

agency has a large capital account it could tap into by eliminating a requirement that MARTA split its tax revenues 50-50 between operations and capital costs. Facing a deficit of approximately \$67 million for Fiscal Year 2009, and a possible \$94 million deficit in FY 2010, the agency can use the capital funds to offset the downturn revenue. SB 120 passed 39 to 9.

A second measure aimed at public transit systems will legalize the consumption of food and beverages for Georgia's rapid rail stations or intermodal bus stations at the discretion of each transit. Authored by Sen. Gloria Butler (D-Stone Mountain), Senate Bill 89 will strengthen revenues by allowing the transit agencies to utilize additional revenue streams, such as selling concessions. The bill passed 43 to 4.

Finally, in an effort to help agencies better train their police dogs, Senate Bill 38 passed to allow them to maintain any unclaimed human cadavers for training purposes. Sen. Seth Harp (R-Midland) explained in his presentation of the bill that SB 38 would give power to the Board for the Distribution of Cadavers to pro-



vide for dead bodies to be used in the training and handling of police canine, as currently the training agencies do not have permission to possess and maintain any cadavers.

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

- Senate Bill 76, which removes the requirement for workers' compensation insurers to submit an annual report to the Department of Insurance, passed 45 to 0.
- Senate Bill 79 seeks to grant greater access to child abuse records within the Department of Human Resources, and passed 45 to 0.
- Senate Bill 105 authorizes health reimbursement arrangement (HRA)-only plans to be approved for sale with individual health insurance policies, encouraging employer financial support of health insurances expenses. The bill passed 48 to 0. □

Adelman Introduces Darfur Divestment Legislation

By Elena Parent

ATLANTA (Feb. 24, 2009) – State Sen. David Adelman (D-Decatur) has introduced legislation requiring the state of Georgia to divest pension assets from businesses that financially support the ongoing genocide in the Darfur region of Sudan. The legislation enjoys broad bi-partisan co-sponsorship.

“Georgia must do its part to end the genocide raging in Darfur,” says Adelman.

Since 2003, more than four hundred thousand civilians have been killed in Darfur, and 2.7 million more have been forced from their homes into refugee camps.

“Most Georgians are unaware they may be contributing to the crisis through investments made in companies that fund the genocide,” Adelman adds.

The Darfur atrocities have been committed primarily by militias who are directly funded by the Sudanese government, which is, in turn, financially sustained by the investments of foreign companies that work principally in Sudan's oil, power, mining, and military

sectors. Therefore, investing in or doing business with companies operating in those sectors subsidizes the genocide.

There is no prohibition against Georgia government entities investing in these companies, and as a result, Georgia dollars have funded the rampaging militias. Adelman's legislation requires divestment by any Georgia state government entities, including pension funds, from the specific companies that are underwriting the genocide and prohibits Georgia state government entities from entering into contracts with those same companies. □

Other Key Bills and Resolutions, cont'd

- **Senate Bill 189** provides the amount of a policy fee permitted to be charged by a managing general agent and that such policy fee can be part of the insurer's rate filing and be fully earned.
- **Senate Bill 190** provides that private residence clubs and private residence club developments are not time-share estates or time-share uses.
- **Senate Bill 191** provides a new charter for the City of Stone Mountain along with incorporation, boundaries, and powers of the city; a governing authority of such city with 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.
- **Senate Bill 192** provides for the planning for the construction of wireless facilities and wireless support structures along with the procedure and manner of permitting, the collocating of wireless communication antennas on existing structures where possible, and for certain limitations with regard to such structures.
- **Senate Bill 193** authorizes the Department of Corrections to consider certain offenders for participation in a transitional center or work release program during the offender's final year of incarceration.
- **Senate Bill 194** revises provisions relating to benefits based funding projects in which payments to vendors depend upon the realization of specified savings or revenue gains.
- **Senate Bill 195** clarifies that the application submitted for certain professions and businesses are to be made in the form prescribed and not necessarily as a written document, changes provisions relating to examinations to obtain license to engage in the practice of pharmacy, and changes certain provisions relating to the general powers of the division director.
- **Senate Bill 196** revises penalties for causing serious injury due to a right of way violation resulting in a collision with a motorcyclist, pedestrian, bicyclist, or farmer hauling agricultural products; provides a penalty for a second suspension; and provides for license suspension.
- **Senate Bill 197** changes provisions relating to issuance of search warrants by judicial officers and provides that no-knock warrants shall not be issued in this state except under limited circumstances.
- **Senate Bill 198** relates to the power of the Board of Natural Resources to regulate air quality in nonattainment areas in this state, so as to provide the costs to be covered by the fee charged by emission inspection stations shall include the activities of the director of the Environmental Protection Division necessary to achieve compliance with state and federal clean air laws.
- **Senate Bill 200** enacts the "Transforming Transportation Investment Act" to abolish the State Road and Tollway Authority and create the State Transportation Agency and the State Transportation Authority.
- **Senate Resolution 334** creates the Senate Study Committee on Health Care Transformation.
- **Senate Resolution 335** proposes an amendment to the Constitution to provide for the imposition of a state sales and use tax at the rate of one percent, the proceeds of which shall be used exclusively to build on the PeachCare for Kids program to provide health care coverage for all Georgia children and allows the creation and operation of the Penny for the Kids Trust Fund.
- **Senate Resolution 336** proposes an amendment to the Constitution so as to provide that funds derived from motor fuel taxes may be appropriated for and grants made for all activities incident to providing and maintaining an adequate system of public roads and bridges in this state and for any or all transportation purposes and to authorize the General Assembly to allocate and specify and direct the use of such funds by general law.

In Committee News...

Insurance and Labor Committee Passes Key Legislation to Protect Georgia Workers

By Hayley Howell

MEZZ 1 (Feb. 24, 2009)—The Insurance and Labor Committee, chaired by Sen. Ralph Hudgens (R-Hull), passed important legislation today to help protect Georgia's workers.

Sen. Eric Johnson's (R-Savannah) resolution to protect secret ballots (SR 108) passed through the committee. The legislation defends Georgia workers' ability to vote by secret ballot in legally required elections, and protects Georgians from a national attempt to end the use of the secret ballot called The Employee Free Choice Act (EFCA).

If EFCA becomes federal law it would forego secret ballot union votes and implement a practice commonly known as "card check." Card check is where workers are encouraged to sign a membership card which then serves as a favorable vote for unionizing. Once a union organizer has enough cards signed by the majority of workers, an employer is required to recognize all employees as a union. (For more on this story, see page 5)

Support for the bill reminded the committee that it can become very aggressive in the workforce during times of voting, and this bill would allow everyone privacy and freedom from that intimidation. The Save Our Secret Ballot agency informed the committee of a poll they recently conducted which

shows that approximately 86 percent of Georgia voters agree with secret ballots, and 82 percent of union households said they would also support it.

Concerns for the resolution included the question of whether the state resolution would be pre-empted if Congress passed the



EFCA. Johnson answered by informing that there has been debate on whether the federal law would pre-empt the state law, and that it would not be the case

Richard Ray, president of the Georgia AFL-CIO, which represents all unions in Georgia, stated that the EFCA does not do away with the secret ballot but allows an election with the secret ballot if 30 percent of the employees request it. Ray suggested that under the EFCA, if a union is formed and no conclusion can come with management after bargaining, then mediation would institute a contract so there would no longer be a necessity for a strike or work stoppage. He finished by stating that there would be a fine for either the management or union if either violated any of the present natural labor relations law.

The bill passed the committee with a 7-2 majority vote.

Sen. David Shafer's (R-Duluth) Senate Bill 144 breezed past the committee with a unanimous vote. The bill repeals a provision that allows an applicant for an insurance agent's license to be appointed as an agent by an authorized insurer prior to the actual issuance of the license.

Johnson's Senate Resolution 273 passed through the committee with little opposition and a majority vote of 4-2. The resolution urges Congress not to include a project labor agreement in any economic stimulus package affecting the state of Georgia. The resolution points out that when project labor agreements are required, work is almost always awarded to fully unionized companies.

Since there are no unionized "closed shops" companies in Georgia, and if a project labor agreement were attached to any extension of any economic stimulus package intended to enhance infrastructure spending in this state, most Georgia workers would be excluded from the created jobs. The resolution also urges President Barack Obama not to rescind Executive Order 13202, which prohibits project labor agreements as a condition of receiving federal funds.

Debate began for Sen. Judson Hill's (R-Marietta) Senate Bill 92, but it will continue to be discussed in the next committee meeting.

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In Committee News...

Special Judiciary Ensures Fairness of Driver's License Penalties, Gives Crime Victim Families a Stronger Voice

By Kallarín Richards

CAP 125 (Feb. 24, 2009) - Senate Special Judiciary Chairman John Wiles (R-Kennesaw) presented Senate Bill 115 last week in committee, explaining that it seeks to prevent a person from delaying their court date for a suspended license long enough to have their license reinstated, and thereby seeing the charges dropped. The bill was held in committee until today's meeting. SB 115 also outlines certain exemptions from the law that requires only those with valid Georgia

driver's licenses may drive here. The exemptions are for

those whose license is expired, those who are licensed in another state, and those who are validly licensed but did not have the license with them at the time of being stopped, provided these drivers can provide a valid Georgia license at the time of the court date.

The committee then heard stirring testimony from several crime victims' families on why Georgia should allow victim impact statements to be presented in an audio or visual format, instead of only being allowed to present written testimony. Several witnesses pointed to the fact that many people already have a fear of public speaking, and that doing so in a stressful environ-

ment such as a court case can disable a family member from presenting testimony. Allowing for a statement to be pre-recorded would give family members the chance to humanize the victim for the jury. Under Senate Bill 151, authored by Sen. Wiles, family members of the victim have greater options to present their testimony, while still giving the judge discretion over what testimony is offered.

A housekeeping bill was also passed that simply updates Georgia code with any Senate or House committee names that have changed. All three bills passed and now head to the Senate Rules Committee to be scheduled for a vote on the Senate Floor.

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Sen. Johnson Passes Measure to Secure Secret Ballot out of Committee

By Raegan Weber

ATLANTA (Feb. 24, 2009)—Sen. Eric Johnson's (R-Savannah) resolution to protect secret ballots passed through the Insurance and Labor Committee today. The legislation defends Georgia workers' ability to vote by secret ballot in legally required elections.



"I do not want this bill to be painted as anti-union and pro-management. It is pro-employee," reminded Johnson. "This bill simply allows every hard working Georgian, no matter which side they represent, to make their own decision without the potential of intimidation that is known to ac-

company card checks."

Johnson proposed a state constitutional amendment to protect Georgians from a national attempt to end the use of the secret ballot called

The Employee Free Choice Act (EFCA). Johnson's bill secures the right to a secret ballot for nearly all elections, including those for union representation.

If EFCA becomes federal law it would forego secret ballot union votes and implement a practice

commonly known as "card check." Card check is where workers are encouraged to sign a membership card which then serves as a favorable vote for unionizing. Once a union organizer has enough cards

signed by the majority of workers, an employer is required to recognize all employees as a union.

Georgia is a right to work state and this could have a dramatic affect on companies' decisions to come here, which would affect jobs and local economies. Recent studies have shown that 86 percent of Georgians and 82 percent of union households agree that EFCA would prevent secret ballots and no longer protect workers.

There was spirited discussion of the bill in the meeting, including some concerns in favor of card checks. The bill passed the committee with a 7-2 majority vote and is headed to the Senate Rules Committee for consideration for the floor vote.

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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]*