

Bill That Protects Georgia's School System Passes Senate

By Hayley Howell

CHAMBER (Feb. 25, 2009) - A bill that will help regulate Georgia's local school boards passed through the Senate Floor today. Sen. Bill Heath's (R-Bremen) School Board Governance Act (Senate Bill 84) creates specific standards and regulations for local school board members.

Under this legislation, the State Board of Education will create a code of ethics and a training program for all school board members.

A new standardized ethics policy by state school boards will be included in the ethics policy adopted by local boards as a minimum, laws relating to board and superintendent roles and responsibilities will be clarified, and qualifications for candidates will be put into force.

If a school board is in danger of losing accreditation, the Governor or the remaining board members can suspend school board members and replace them. Heath reminded the Senate that this bill was the result of a school board failing to fully represent and protect Georgia's children.



Sen. Heath explains school board reform measure

A main concern raised by the Senate was

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Key Bills and Resolutions Introduced in the Senate

- **Senate Bill 199** suspends for one year the otherwise required annual training for magistrates and probate judges.

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- **Senate Bill 201** provides for voluntary contributions through individual income tax returns and other mechanisms for cancer research.
- **Senate Bill 202** revises the definition of business enterprise to include businesses engaged in services for the elderly and persons with disabilities.
- **Senate Bill 203** changes certain provisions relating to taking of non-game species by regulating the taking, possession, transportation, farming, and selling of fresh-water turtles.
- **Senate Bill 204** provides an exclusive means of adopting embryos, provides for the relinquishment of rights to such embryos, and provides for the status of prior agreements regarding such embryos.
- **Senate Bill 205** provides for utilization of digital based cigarette stamp processes.
- **Senate Bill 206** relates to management of budgetary and financial affairs by the Office of Planning and Budget so as to require expenditure reviews as a part of the budget report.
- **Senate Bill 207** admits the general public to hearings in juvenile court with certain exceptions; authorizes a juvenile court to close a hearing under exceptional circumstances upon its own motion or by a motion of a party;

prohibits the media from publicizing the name, identity, or likeness of any child involved in a juvenile court proceeding; prohibits the inspection of files and records by the general public of a proceeding in juvenile court without an order of the court; and permits certain persons and the Division of Family and Children Services to inspect files and records without an order of the court.



Upper Chamber Report

FEBRUARY 26, 2009

Raegan Weber, Press Director
Kallarin Richards, Editor in Chief

TOP STORY, cont'd

the allocation of the governor to remove and replace school board members when troubles arise, because they believe a local issue should be handled by local governance. A few senators also questioned whether a school board member would be able to have a public hearing in order to present the full case, because those members have a right to be heard. Heath reassured everyone that he was aware of the issues and that there is a long process before this bill becomes a law in which work can be done on the bill.

Sen. Vincent Fort (D- Atlanta) stepped up to the well to vehemently oppose certain proponents of the bill. Fort believes it is a monumental issue when there is interference on who should represent a voter. To Fort, allowing the governor the power to remove and replace school board members seems to expand Executive power when it should be in control of local governance. Fort also expressed opposition to the bill restricting the size of school boards, because he has failed to see any true evidence which states that a constricted school board would better help educate Georgia's children. He also believes that local school board size should be up to local voters.

Sen. Dan Weber (R- Dunwoody) took the well as a proponent of the bill, and to answer some of the concerns and questions raised. He reminded that a governor has nothing to gain in this effort to help local school board members, and the failure to pass the bill would send a bad message.

Heath reassured that the bill was not a "power grab" on behalf of the governor, but rather a last step solution to handle a problem with school boards when they are in danger. He finished by stating that the bill is not perfect and won't solve every problem, but it is certainly a first step in the right direction. The bill passed with a majority vote of 35-15.

Sen. Cecil Staton's (R-Macon) bill to reprimand spam email (Senate Bill 59) passed unanimously out of the Senate. The bill places stronger restrictions on Internet and electronic mail fraud. It prohibits a person from using computers to send commercial e-mail messages with the intent to deceive or mislead recipients with fraudulent claims in the header message or email body and would give prosecutors the right to enforce criminal or civil charges against the violators. Questions arose from the Senate on how this would exactly be monitored, and Staton admitted it could be difficult, and the bill wasn't a panacea. He finished by informing his audience that this is only the first step and that the bill will give Georgia's authorities some teeth in going after the problem. It passed with 51-0 votes.

Many bills flew out of the Senate with no opposition including Sen. John Wiles' (R- Kennesaw) Senate Bill 104, which changes provisions relating to the licensing of cosmetic laser practitioners. It passed with a unanimous 47-0 vote. Sen. Johnny Grant (R-Milledgeville) passed two bills including his Senate Bill 97 (47-0 votes) and Senate Bill 98 (49-0 votes). SB 97 changes the designation of the State Merit System of Personnel Administration to State Personnel in Georgia Code and SB

98 changes the references of the State Merit System to State Personnel Administration.

On behalf of Sen. Renee Unterman (R-Buford), Sen. Ralph Hudgens (R-Hull) took the well for Senate Bill 95, which establishes that it is an unfair trade practice to fail to consider the suitability of insurance for a person 65 years of age or older. Hudgens offered an amendment that passed which made the bill universal for all ages. It passed with a unanimous vote of 48-0.

Sen. Lee Hawkins (R-Gainesville) proposed a whopping three bills which all passed with a majority vote. His Senate Bill 23 states that the failure to use safety belts may be considered evidence of causation and negligence. Questions from the Senate arose about whether or not legislation like this had already passed the Senate in which Sen. Seth Harp (R- Midland) informed that this would give the previous bill legs when it passes through the House. The bill passed with 39-12 votes.

Hawkins' Senate Bill 133 amends "Health Share' Volunteers in Medicine Act" so as to provide for certain compensation that may be received by a health care provider for purposes of sovereign immunity protection, and it passed with a 49-1 vote. His Senate Bill 123 provides for regulation and licensure of pharmacy benefits managers by the Commissioner of Insurance and it passed unanimously 51-0.

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In Committee News...

TRANSPORTATION COMMITTEE PASSES SB 200, BUT NOT WITHOUT OPPOSITION

By Raegan Weber

CAP 450 (Feb. 25, 2009) – The Senate Transportation Committee chaired by Sen. Jeff Mullis (R-Chickamauga) passed the Transforming Transportation Investment Act (Senate Bill 200) out of the Transportation Committee today with an 8-3 vote. President Pro Tempore Tommie Williams (R-Lyons) introduced the bill on Tuesday, with two days of deliberation.

“Sixteen years is too long to wait for transportation projects. I don’t think there’s a single legislator that has not had problems getting transportation projects completed or even started.”

- Sen. Williams

Under SB 200, the State Road and Tollway Authority (SRTA) and the Georgia Regional Transportation Authority (GRTA) will be merged and all functions, duties, responsibilities, and obligations of the authorities will be transferred to a newly created State Transportation Authority (STA). STA will have three areas in which to distribute project funds – State Asset Management, State Asset Improvement, and Local Grants. GDOT will be charged with the management of the state highway network, under internal direction of the GDOT Commissioner. (More on this story on pg 6)

While the bill passed with a majority vote, strong concerns were

expressed from a few of the members. Sen. Doug Stoner (D-Smyrna) warned committee members of the danger of a speedy passage and rushing through such a change in the system. He suggested a Constitutional Amendment may have been a more appropriate alternative.

Other concerns from Sens. Kasim Reed (D-Atlanta), Valencia Seay (D-Riverdale), and Steve Thompson (D-Marietta) were stripping the Department of Transportation Commissioner’s power, a possibly flawed bidding process, and removing certain standards that they believe work.

Williams argued that the current state transportation system has utterly failed, and the resulting



traffic congestion has cost jobs and increased costs exponentially. He cited two specific projects that took nearly 16 years to even begin

and then two more years before the roads were usable. One of these projects was a simple road widening, which went 160 percent over budget.

“Sixteen years is too long to wait for transportation projects. I don’t think there’s a single legislator that has not had problems getting transportation projects completed or even started,” said Williams.

Williams urged committee members to bring amendments to the table stating that this was not a partisan issue and that he’s willing to work with suggestions to the bill. He also noted there is plenty of time to work with the bill as it moves through the committee process.

Representatives from the Community Improvement District Board, Sierra Club, and the Association of County Commissioners of Georgia also spoke to the merits of the bill, expressing both concerns and praise. Each were willing to work with the bill’s

author as it moves through the legislative process.

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Education and Youth Committee Passes Voucher Bill to Improve Georgia Schools

By Ravae Graham and Hayley Howell

CLOB 307 (Feb. 25, 2009)—The Education and Youth Committee, chaired by Sen. Dan Weber (R-Dunwoody), met over a two day period this week. Wednesday the committee passed Sen. Eric Johnson's (R-Savannah) voucher bill that provides parents with public and private school choice.

Georgia taxpayers already provide school choice to special needs students, prekindergarten students and college students through the HOPE scholarship. Johnson's bill would now provide that same choice to all of Georgia's students. Three basic conditions will apply. First, the receiving school must agree to accept students under this universal voucher program. The parents must make all transportation arrangements, and the parents and students must sign a contract with the receiving school agreeing that if the child does not follow school rules, he or she may be returned back to their assigned public school. (More on this story on pg. 6)

Supporters of the bill came from all over the U.S. to offer their approval and gratitude for school vouchers. Many mothers were present in the committee meeting to testify that only parents know what is best for the child, and that it is arbitrary to be placed in schools just because of districts and zip codes. Because of Georgia's poor academic rankings across the U.S., many said that a vote against this bill which offers change to the current system was a vote for continued failure. One mother already using vouchers for her special needs child offered her heartfelt testimony on the incredible help and improvement school choice gave her child.

Robert Enlow, CEO and president of the Friedman Foundation for Educational Choice, brought statistics from studies performed on states with exist-

ing school voucher policies. Enlow passionately presented a broad overview of all school voucher studies in which there were never any negative repercussions, but all students benefited whether they were recipients of vouchers or not. Enlow covered the most controversial issues with vouchers, assuring that they only improve and provide tolerance for racial integration. He also covered the fate of public schools which is another of the most important issues to opposition. Sixteen out of seventeen studies found universal vouchers to improve public schools because of increased competition, while the one outlier only found no impact.

Because most of the opposition was heard at a previous committee meeting, only a few spoke on Wednesday. Opposition arose in questions regarding the movement of funds with vouchers. A representative from the Georgia School Superintendents Association asked where taxpayer money will go, because private schools are not required to report on how their money is spent. The American Civil Liberties Union also had concerns, because a Cleveland study found that funds were not spread evenly when a child transferred schools. They also said there was discrimination because nothing is stopping a school in choosing voucher students based on race, sex, and religious preferences.

The bill passed with a majority of 6-4 votes.

Chairman Weber passed his Senate Resolution 153 which will provide local law for the creation and comprehensive regulation of education improvement districts for the provision of facilities for one or more public schools.

An education improvement district will serve the purpose of creating or improving facilities that are used for educational purposes and will be governed by an administrative body from one or

more local boards of education whose public schools would benefit, including any special schools.

After some discussion in which Sen. Dan Moody (R- Alpharetta) stated that this was a great bill that could be a hurdle to accomplish, the bill passed unanimously amongst the committee.



On Thursday, the committee convened to unanimously pass three bills.

Sen. Moody presented Senate Bill 178 which extends the current sunset date of capital outlay funds to June 30, 2011. Local school systems may receive capital outlay funds for one construction project each year to meet educational facility needs such as extending capacity limits and building repairs due to fire, natural disasters and health hazards.

The committee wrapped up by passing two pieces of legislation by Sen. Ed Harbison (D-Columbus), which allow the uniform treatment of military children who transfer between school districts and states. Senate Bill 114 removes barriers to educational success imposed on children of military families because of frequent moves and the deployment of their parents. The bill addresses key issues of military families such as eligibility, educational records and enrollment, placement, attendance and graduation.

Also receiving favorable support from the committee was Senate Bill 137. The legislation creates the Interstate Compact on Educational Opportunity for Military Children. While states may already support military children, individual states can only control what happens inside their state borders. This compact allows for the cooperation and uniform treatment of military children in all member states.

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Banking Committee Passes Fair Lending Act

By Kallarin Richards

CAP 125 (Feb. 25, 2009) – The Senate Banking and Financial Institutions Committee today passed a highly debated bill that revises the Georgia Fair Lending Act (Senate Bill 57) to regulate subprime loans, which have been responsible for the widespread foreclosures and decreasing home values across the state. The legislation defines a mortgage broker's duties as the representative of the borrower, while providing a definition for subprime loans and placing limitations on those loans. The bill also

prevents prepayment penalties for subprime loans.

In a continued effort to control the dire foreclosure situation in Georgia, the committee passed Senate Bill 141 that will help identify the owner of a foreclosed property. Chairman Bill Hamrick (R-Carrollton) noted that cities and mayors both support the bill, citing the need to identify the owner after a property has been foreclosed. The bill requires a deed to be filed after a foreclosure and a notice to be sent to the owner or resident, while also providing strong penalties for late filing.

The committee also revisited Senate Bill 131, which they heard testimony on last week. Under SB 131, the Georgia Trust Code is revised to bring it into alignment with trust laws in other states. Mary Radford, a Georgia State law professor, explained that one of the most interesting changes in the law is the ability to create a trust for a pet, a provision that is becoming increasingly popular in other states. All three bills passed out of the committee unanimously and now head to the Senate Rules Committee to be scheduled for a □ floor vote.

Health and Human Services Committee Responds to Chronic Disorders Plaguing Georgia Patients

By Joy Fethe

MEZZ 1 (Feb. 26, 2009) — The Senate Committee for Health and Human Services had a remarkably unified meeting Tuesday, with members unanimously approving five pieces of legislation in a half hour.

Two bills attempt to revitalize and focus Georgia's response to two chronic disorders.

Senate Bill 159, sponsored by Sen. Johnny Grant (R-Milledgeville), would create a Hemophilia Advisory Board for hemophilia and other bleeding disorders. Hemophilia, a

disorder that is expressed almost solely in males, affects the blood's ability to clot. Trish Dominic of Hemophilia Georgia explained to committee members that the disease is treatable; however, such a disorder locks sufferers out of individual insurance plans, forcing them to seek state aid. In addition, public misinformation on the disorder often leads to improper treatment of those with it. The board would have nine members with two designated non-voting members. Because members would serve on a volunteer basis, the legislation would place no additional financial burden on the state.

Authored by Sen. Don Balfour (R-Snellville), Senate Bill 163 would appoint a diabetes coordinator at the Department of Human Services (DHS) and put the department in

charge of spearheading the governmental effort to combat the disorder. Balfour noted that in 10 years, 1.6 million or more Georgians will suffer from diabetes, and currently 200,000 likely have it and do not realize they do. Balfour said it was not necessary to hire someone new, but he wants someone at DHS to specifically focus on the issue. Balfour and Sen. Preston Smith (R-Rome) discussed language in the bill requiring the department to be the "central repository" for information regarding diabetes. Smith suggested that this language might dampen private efforts to research the disease but was reassured that the intent was to make the department the lead amongst state government agencies. The bill was passed with the understanding that the language will be changed to reflect this intent on the floor of the Senate. □

Other Key Bills and Resolutions, cont'd

- **Senate Bill 208** provides for parameters regarding the use of confidential informants, requires a law enforcement agency to notify a confidential informant of his or her right to legal counsel before executing an assistance agreement, requires certain record keeping, and provides requirements for the proper use of confidential informants.
- **Senate Resolution 392** proposes an amendment to the Constitution of the State of Georgia so as to provide that the re-creation of a previously existing county which was merged into another county may be accomplished by law.
- **Senate Resolution 399** creates the Senate Study Committee on Georgia Nonprofit Organizations and Their Government Partnerships.
- **Senate Resolution 402** creates the Joint Telecommunications Comprehensive Reform Study Committee.

Sen. Johnson's Universal Voucher Bill to Improve Education Passes Committee

By Hayley Howell

ATLANTA (Feb. 25, 2009)—Sen. Eric Johnson's (R-Savannah) voucher bill that provides parents with public and private school choice passed through the Education and Youth Committee meeting this afternoon. The legislation will improve education in Georgia and will prepare our workforce for the global economy.

"This bill gives parents the freedom to choose the best school for their child and not have the government do it for them," Johnson explained. "Academic studies of

vouchers indicate that student test scores improve, taxpayers save money, and parents are more satisfied."

Georgia taxpayers already provide school choice to special needs students, prekindergarten students and college students through the HOPE scholarship. Johnson's bill would now provide that same choice to all of Georgia's students. Three basic conditions will apply. First, the receiving school must agree to accept students under this universal voucher program. The parents must make all transportation arrangements, and the parents and students must sign a contract with the receiving school agreeing that if the child does not follow school rules, he or

she may be returned back to their assigned public school.

Supporters of the bill explained to the committee the positive statistics every study on universal vouchers has produced, especially to the fate of public schools which is one of the most important issues to opposition. Sixteen out of seventeen studies found universal vouchers to improve public schools, while the one outlier only found no impact.

Many parents came from all over Georgia to offer their support and heartfelt thanks for the bill they say will change their children's lives for the better. After discussion amongst the committee, the bill passed with a majority of 6-4 votes. □

Transforming Transportation Investment Act Passes in Committee

By Raegan Weber

ATLANTA (Feb. 25, 2009) – The Transforming Transportation Investment Act passed out of the Transportation Committee today with an 8-3 vote. President Pro Tempore Tommie Williams (R-Lyons) is leading the effort in the Senate for a new transportation governance structure that is responsive to the needs of Georgia's citizens.

"Transportation is not a Republican or Democrat issue. It's a Georgia issue. Ten years is too long to wait for a road when all the funding is there. This new agency will be more streamlined and more adept to getting things done," said Williams. "The legislature will have a say in mapping the future of transportation for Georgia."

Under Senate Bill 200, the State Road and Tollway Authority (SRTA) and the Georgia Regional Transportation Authority (GRTA) will be merged

and all functions, duties, responsibilities, and obligations of the authorities will be transferred to a newly created State Transportation Authority (STA).

Williams added, "This bill provides a framework with clearly defined roles and responsibilities, clear directives on establishing a statewide transportation strategy, and an understandable and equitable funding process that will ensure transportation dollars are spent in an efficient and strategic manner."

STA will have three areas in which to distribute project funds – State Asset Management, State Asset Improvement, and Local Grants. A minimum of 25 percent of the State Motor Fuel Funds collected annually will be allocated to the Local Grants program area. The State Asset Management funds will be designated for operations, maintenance and rehabilitation of existing transportation infrastructure. The State Asset Improvement funds will be designated for new road and transit capacity and safety im-

provements. STA will be able to contract with both public and private entities. Contracts will still go through the bidding process and certain current rules and regulations will apply.

The STA will be comprised of 11 members – five appointed by the Governor, three appointed by the Lt. Governor and three appointed by the Speaker of the House. All appointments to STA will be ratified within five legislative days. Appointed members serve terms concurrent with the elected official who selected them, up to four years.

GDOT will be charged with the management of the state highway network, under internal direction of the GDOT Commissioner. This legislation maintains compliance with Federal laws and regulations that govern the use of Federal funds, planning, environmental reviews, system-wide safety, procurement and other factors.

For more information on SB 200, go to the Georgia General Assembly web site at www.legis.ga.gov. □

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]*