

Weekly Report

Week of February 1-5: Day 9-13

In the Chamber...

The Georgia State Senate met for five consecutive days this week and worked diligently for the citizens of Georgia at the Capitol. SB 319 sponsored by Sen. Cecil Staton (R-Macon), gives local school boards more flexibility in allocating funds for digital text books.

“Our children are learning differently than they did just five or ten years ago,” said Sen. Staton. “If the limitations on funding are maintained, the schools will be slower to adopt new technologies.”



Sen. Cecil Staton presents his bill on funding digital textbooks

Sen. Steve Thompson (D-Marietta) voiced concerns about the constitutionality of the bill’s language. He felt that changing the definition of a text book to include digital technologies could lead to the misuse of lottery funds intended for Pre-K and the Hope Scholarship.

“A computer or a digital reader would be along the lines of something I’m not opposed to, but there’s a reason why you limit the definition,” said Sen. Thompson. The bill passed with a 45 to five vote.

Georgians will have greater protection from being implanted with a microchip against their will under legislation passed overwhelmingly by the Senate. Author Sen. Chip Pearson (R-Dawsonville) noted that this is largely a preventative measure to protect Georgians’ constitutional rights of person and property. The Microchip Consent Act of 2010 (SB 235), prohibits the involuntary implantation of microchips in humans, provides for penalties and lays out guidelines for voluntary implantation.

Sen. Vincent Fort (D-Atlanta) expressed his concern that the bill is a solution in search of a problem. However, the final vote revealed a strong majority of support, passing 47 to 2.

Sen. Preston Smith’s (R-Rome) emergency volunteer assistance bill (SB 315), which allows out-

of-state, licensed emergency personnel to assist the state in the event of a disaster passed unanimously. The bill will ensure organization and rapid medical attention during an emergency. When the governor declares a state of emergency, registered health practitioners can enter the state and begin treating Georgians under a temporary license.

Another bill that moved through the Senate authorizes the Georgia Peace Officer Standards and Training Council to impose administrative fees for any authorized services that it provides. These fees are not new or additional. The legislature is simply codifying fees that are already in place. Authored by Sen. Johnny Grant (R-Milledgeville), SB 324 passed unanimously and now moves to the House along with SB 235 for consideration.

SB 296, sponsored by Sen. Mitch Seabaugh (R-Sharpsburg), which changes the name of the “Office of Treasury and Fiscal Services” to the “Office of the State Treasurer.” It also renames the “Director of the Office of Treasury and Fiscal Services” to “State Treasurer.” The legislation passed unanimously.

SB 283 sponsored by Sen. Bill Heath (R-Bremen) will prohibit newly elected county tax commissioners from becoming members of the Employees' Retirement System.

Sen. Judson Hill’s (R-Marietta) legislation (SB 287) requiring the Department of Driver Services to change the drivers license number when issuing a new license if the old license is lost or stolen. This bill passed unanimously.

Sen. Valencia Seay (D-Riverdale) honored National Go Red for Women, a National Heart Association event, Friday in the Capitol. She encouraged everyone to wear red and show support of the fight against heart disease in women.



From Left to Right:: Sen. Gloria Butler (D-Stone Mountain), Sen. Donzella James (D-College Park) Sen. Valencia Seay (D-Riverdale), Sen. Renee Unterman (R-Buford) and Sen. Freddie Powell Sims (D-Albany) speak about Go Red for Women Day.

MLB baseball player Gordon Beckham was recognized in the chamber for his outstanding career in baseball at the University of Georgia and as a professional player. Sen. Ralph Hudgens (R-Hull) presented Beckman with a resolution honoring his achievements of being named SEC All-American and Rookie of the Year in 2009. He is now playing for the Chicago White Sox.

Committee News

Public Safety

Members of the Georgia Senate Public Safety Committee unanimously voted to further protect Georgians' identities after their driver's license is reported lost or stolen. State Sen. Judson Hill (R-Marietta) sponsored and presented (SB 287), which requires the Department of Driver's Services (DDS) to issue a replacement driver's license or permit with a new number for any person whose current license or permit was lost or stolen. DDS must also either remove the previous license number from the data base of valid licenses or indicate in the data base that the license associated with the number has been reported as stolen or forged and is no longer active or valid.

Hill testified before the committee that many times citizens will report their license lost or stolen and they are reissued identification with the same ID number. Too many times the lost or stolen cards are not properly noted in the state data base. This situation could result in identity theft. SB 287 now goes to the Rules Committee before going to a vote on the Senate Floor.

The Public Safety Committee also took up Sen. Johnny Grant's (R-Milledgeville) SB 324, authorizing the Georgia Peace Officer Standards and Training Council to impose administrative fees for any authorized services that it provides. These fees are new or additional. The legislature is simply

The Joint House Motor Vehicle and Senate Public Safety Committee also met this week to hear testimony regarding the sale of motor vehicle records to third parties. RL Polk and Experian Automotive, two of the leading nationwide businesses who had contracts with the Department of Revenue (DOR), sent individuals from their companies to testify before the committee members.

According to the latest statistics available, Georgians account for approximately 3 percent of the nation's driving population. As of August 2009, the state has not been able to sell the motor vehicle records to third parties due to a disagreement in the cost of the information. These records consist of crucial information that includes safety recalls for manufacturers, vehicle history reports and statistical reports pertaining to each vehicle. The lack of access Georgia's drivers have to this information signals the potential risks citizens face.

Representatives from both RL Polk and Experian Automotive were present to dispute the increase in price per record. Previously, the state was selling records for four cents a piece. The new price increase would now have the state selling them at eight cents per record. Both companies supported the current legislation that requires the sale of the information to be at a "reasonable" price. They claimed that the new price was in fact not reasonable, especially when compared to other states in the Southeast.

North Carolina charges third parties \$1,000 annually for unlimited record procurement. South Carolina charges a flat annual fee of approximately \$200,000 for unlimited annual access. Last year, Georgia charged over \$430,000 to third parties for the sale of motor vehicle information. If the current legislation were to be enacted, the state would double that fee in the first year alone.

Both Chairman Jack Murphy (R-Cumming) and Chairman Tom Rice (R-Norcross), along with the other committee members, were curious to find out the exact cost of obtaining the motor vehicle information so that they could better assess what a reasonable price would be. After hearing additional testimony from DOR, they concluded that the department would come back to the committee with concise information regarding the actual cost the state incurs when compiling the information. Once these figures are obtained, the committee will be better suited to decide what a reasonable price is for the motor vehicle records. The bill will be held in committee until that time.

Ethics

In continuation from a previous meeting involving both the House and Senate Ethics committees, Doug Chalmers, a noted ethics attorney, testified before both legislative bodies in an effort to aid the General Assembly in ethics reform. Michael Jablonski, general counsel to the Democratic Party of Georgia, was also on hand to further assist state lawmakers as they gear up for debate over the vital issue.

Chalmers appeared before the committee to testify about campaign finance disclosure, lobbying, and personal finance disclosure. He suggested that the law currently lacks a coherent definition of the term non-profit. His concern over this definition stems from the fact that excess funds from campaigns can be donated to non-profit organizations, which includes political action committees.

Both Chalmers and Jablonski agreed that there needs to be a better clarification over what to do with excess campaign funds that remain after an election. Currently, there is no regulation over what those monies can be used for, which allows for the funds to be spent at the discretion of the candidate. However, Jablonski believed that campaign transfers should be prohibited, while Chalmers feels that those who contributed to one candidate's campaign would not be offended if the money was transferred to a candidate with similar ideals.

The definition of lobbying also was brought to the committee's attention, which is currently very unclear in its current form. Chalmers discussed the possibility of a gift ban while also talking about requiring them to report bundle donations, as well as requiring lobbyists to disclose the names of their clients.

All these ideas were brought before the committee to help increase transparency of l donations to Georgia lawmakers. It is believed that these measures will help build a level of trust between those that govern and the general public which has waned in recent years.

Natural Resources

The Natural Resources and the Environment Committee met this week to discuss SB 303, the Wild Animals Permits Bill focusing on pythons and anacondas. SB 303 was authored bill Sen. John Douglas (R- Social Circle) as a proactive response to a growing problem with non-native injurious reptiles currently in Florida, which is expected to spread north to Georgia. The bill would require owners to purchase a permit for their pet as well as have their pet micro-chipped in order to better monitor the snake population in Georgia. Sen. Douglas noted how dangerous this problem could become citing a specific case in Florida where a three-year-old girl was killed

by her family's pet python.

Jason Clark, of the Southeast Reptile Rescue Center, showed his support for the bill, but asked members of the committee to change the \$236 per year licensing fee to an every other year fee. Clark voiced concern over the chipping requirement, stating that this would be another added expense to the snake owner which might become a burden that lead to more snake owners releasing their snakes in to the wild.

Christina Smith, a private citizen, spoke about her hobby, raising smaller snakes, and voiced her concern of the negative impact the legislation would have on the business owners. She felt that they will need to be heavily reviewed by those within the industry to determine the long-term effect on commerce.

Dan Forrester, with the Department of Natural Resources, spoke in support of the bill. He was confident that even with the new licensing requirement, DNR would be able to facilitate the change without a burden of need for extra funding. He felt the bill would be a positive change, without negatively affecting commerce. Forrester noted that the licensing would require casual pet owners to reassess their responsibility as a pet owner and create more conscientious, better educated snake owners in Georgia.

Glen Allen of the Georgia Wildlife Federation. Allen commended the bill and noted that it would be no different than being permitted in falconry. He noted that the overall tone of the bill would connect ownership with responsibility.

After hearing the testimony from these witnesses Sen. Douglas returned later in the week to present a newer draft of SB 303. The senator worked with members of the committee and wildlife experts in order to strengthen the language and stipulations in his legislation. Changes included a permit that lasts two years, not one, and a grace period for current snake owners to be grandfathered in.

B.W. Smith, a representative from Animal South, and Jason Clark with the Southeast Reptile Association returned to voice their strong objection to the mandatory micro chipping stipulation. Both cited that many snake owners would not have the funds to pay for the permit as well as the micro chipping. This would have reverse consequences and cause many owners to release their snakes into the wild. Clark noted that the Georgia Department of Natural Resources currently has a method to register wild animals in order to track without the expense of micro chipping. Smith noted that it would be nearly impossible for the type of problem that exists in Florida to spread to Georgia, as these animals don't survive well around people and are only prevalent in Florida because they are protected as a wild animal in the Everglades.

He suggested that we treat Georgia as a state that doesn't have a problem, like North Carolina, and not compare the state to that with a larger problem, such as Florida.

Aaron Colson, a representative for lobbyists for Life and Liberty, took the microphone to speak against the bill. He stressed that this bill was a direct violation of property rights and a blatant attempt to tax consumers with a 200 percent tax. He cited that no incident has ever been recorded

of a snake of this size in the wild causing a death in the United States.

The committee asked Sen. Douglas to review the current legislation in North Carolina and make necessary changes to his bill to reflect stricter caging and securing requirements. The committee will vote on the bill at their next meeting.

Economic Development

The Georgia Public Service Commission (PSC) will have the authority to resolve disputes concerning rates charged to cable companies for attaching lines to Municipal and Electrical Membership Cooperative (EMC)-owned utility poles and pole attachment disputes, under legislation passed by the Economic Development Committee today. Rates from investor-owned utility companies, such as Georgia Power, are regulated by the Federal Communications Commission. Chairman Chip Pearson (R-Dawsonville) authored SB 328 and explained that the bill's primary objective is to facilitate fair attachment practices throughout Georgia. Implementing a dispute resolution process ensures that rates, terms and conditions are fair and reasonable. The current pole attachment rate charged by Georgia Power is \$5.72, while some EMCs and cable operators charge pole attachment fees in excess of \$20. He noted that more than 20 states have assumed jurisdiction over monopoly poles and decided that the PSC or a similar government entity is the appropriate organization to oversee such issues.

Representatives from the cable industry testified in support of the bill, noting that the bill does not set rates, but allows both parties to take disputes to a neutral third party, the PSC. Opposition was brought from the EMCs, the Georgia Municipal Association and the Electric Cities of Georgia, who stated that a model statewide agreement has already been created between the EMCs and the Cable Television Association of Georgia, and that this bill overturns many of those agreements and imposes new regulations. However, because not all EMCs and cable operators use the model agreement, SB 328 seeks to bring all stakeholders under the same regulation.

After questions from members, the committee ultimately voted in favor of the bill. They also passed a resolution that urges Georgia's congressional delegation to oppose Cap and Trade legislation. According to Senate Resolution 801 and its author, Chairman Pearson, the Cap and Trade bill is essentially an energy tax that hurts all Americans by increasing household utility costs and will result in job loss. The resolution also notes that excessively taxing energy consumption will cause significant harm to the state's agricultural industries. The Georgia Chapter of the Sierra Club opposed the resolution, noting that the money spent overseas for oil poses a greater risk to national security and the economy.

Insurance and Labor

In an effort to create transparency with provider network contracts, Chairman Ralph Hudgens (R-Hull) brought his SB 50 before the Insurance and Labor Committee. This legislation would require all contracts that a health insurance provider might enter into with a third party be available to all relevant parties. The contract must also align with all original stipulations in the contract between the provider and the consumer.

The committee heard from numerous experts, including Dr. Robert Howell, an orthopedic

surgeon who testified on behalf of physicians. He discussed the confusion and frustration that medical professionals get when dealing with the complex web providers create in “renting” out their networks.

Graham Thompson represented the Georgia Association of Health Plans and testified that this legislation is another unnecessary layer of regulation placed on health insurance providers. Graham suggested narrowing the focus of the bill so that providers acting within legal rights are not adversely affected. Not one of the providers he represents enter into these confusing contracts with third parties.

The Medical Association of Georgia was represented by Donald Palmisano, who testified on behalf of the physicians.

Sen. Preston Smith (R-Rome) testified that part of the problem with the system is the relationship between the physicians and the insurance providers. According to Smith, they should be working together for the better of the patient or consumer, rather than finding a place to lay blame for issues related to compensation of services.

SB 50 passed 7-0 out of committee.

Health and Human Services

The Health and Human Service Committee rejected the United States Preventative Services Task Forces’ (USPSTF) breast cancer screening guidelines with the passage of SR 915. The USPSTF recently revised their guidelines for breast cancer screenings and recommended that women ages 40 to 50 not receive yearly mammograms, and women 50 and older get them on a biennial basis. The resolution, sponsored by Sen. Judson Hill (R-Marietta), was signed by every member of the committee. Sen. Nan Orrock (D-Atlanta) thanked Sen. Hill for presenting the legislation.

The committee heard testimony from breast cancer survivor and Komen Foundation representative Ellen Reynolds . She said she discovered her breast cancer at the age of 34, and will encourage her daughters to be screened for the disease in their 40’s.

The committee also passed SB 344, which creates sovereign immunity protection to physician assistants working in safety net clinics. Sen. Lee Hawkins (R-Gainesville) sponsored the bill, and believes the legislation will increase the number of physician assistants that participate in the program.

Regulated Industries

After having a week to confer with interested parties and telecomm experts, Chairman David Shafer (R-Duluth) presented a substitute to House Bill 168, the Telecom Jobs and Investment Act, along with a proposed amendment to his committee. The substitute contained necessary changes and compromises that strengthened the bill and created a better product for consumers. Sen. Shafer reminded the committee that the intention of deregulating the telecomm industry in Georgia was to improve the quality of product and service by increasing consumer choice. He reminded those present that companies whose revenue is lowered would be temporarily compensated from the Universal Access Fund (UAF), while those benefiting would pay into the

UAF. Competitive Local Exchange Carriers would be given 10 years to gradually lower their costs, and would not receive compensation from the fund, whereas regional carriers would have five years to reach parity and would receive compensation from the fund.

Representatives from the Georgia Telephone Association, Mercer University's Economic Department, Communication Workers of America, Verizon, Sprint, AT&T and Americans for Tax Reform all commended the bill. They noted Chairman Shafer's "Herculean efforts" to create a piece of legislation that is a compromise between so many vested individuals. They were confident that competition in the industry would serve as a necessary substitute for regulation. They lauded the bill as fair and balanced and concluded that the bill was not a breach of taxpayer rights and that updating current regulations in order to create a level playing field would bring Georgia's telecomm industry into the future.

Finally, Gene Watkins with Cbeyond spoke on the potential amendment to the legislation which would give preference to companies whose headquarters are located in Georgia and that they have actively invested in the state's economy through jobs and expanded infrastructure.

After all parties had testified, only Comcast remained in opposition to a bill.

Committee members including Sens. Renee Unterman (R- Buford), Ross Tolleson (R – Perry), and Gloria Butler (D- Stone Mountain) voiced concern about the amendment, citing that a carve-out would create an unfair precedent. Sen. Moody (R- Johns Creek) reminded members of the committee that Georgia has a long standing tradition of aiding companies and showing preference to industries that have chosen to build their business in Georgia, subsequently creating jobs and improving the economy.

The amendment passed with only two dissenting votes from Sens. Tolleson and Butler.

The committee then moved to a vote regarding the newly amended substitute, which passed unanimously. The bill will be moved to the Rules Committee where it will await approval to be placed on the floor calendar.

Judiciary

The Senate Judiciary Committee passed several resolutions aimed at federal health care reform efforts. Sen. Seth Harp's (R-Midland) SR 795 would amend the Georgia Constitution to prohibit any law that restricts citizens from choosing private health insurance, interferes with a citizen's right to pay directly for lawful medical services or penalizes those who choose not to purchase health care coverage. Sen. Harp noted that the resolution comes in direct response to health care reform efforts in Washington, and aims to protect Georgia citizens against federally mandated health care programs and penalties.

The committee then voted to pass a measure from Sen. Judson Hill (R-Marietta) that urges the Georgia attorney general to investigate the constitutionality of the U.S. Senate's health care bill. Two matters are called into question, beginning with the methods in which the Senate obtained the 60th vote needed to pass the bill. Senate leaders included an exemption called the Nebraska Compromise, which guarantees Nebraskans that they will not have to pay for expanded access to

Medicaid benefits under the bill, thereby obtaining Nebraska Sen. Ben Nelson's vote. Sen. Hill's resolution states that such a compromise violates the principle that federal legislation must have a legitimate national interest and cannot benefit any one state over another. The attorney general is also encouraged to investigate the constitutionality of a federal mandate that requires all Americans to participate in a national health insurance program. Sen. Hill presented the measure in the form of two resolutions, one on behalf of the Georgia State Senate (SR 829) and another on behalf of the entire Georgia General Assembly (SR 830).

Sen. Ron Ramsey (D-Decatur) commented that while Georgia faces over a billion dollar deficit, he is concerned with the attorney general spending state resources investigating what is only proposed legislation. Sen. Vincent Fort (D-Atlanta) echoed his sentiments, and both senators voted against the legislation.

Legislators in both the Senate and House are introducing bills this year that would prevent those charged with sexual assault from using the victim's consent as a defense. This movement comes as a result of numerous student-teacher sex cases in Georgia that call into question the ability of a teacher to use such a defense. In Georgia, the age of consent is 16. Sen. Ron Ramsey (D-Decatur) presented a bill to the Judiciary Committee that seeks to prohibit such a defense and targets teachers who have influence over their students, despite their age. Because similar legislation has been proposed in the House, members voted to form a subcommittee to further study the bill's differences and determine if language from the House version should be included in Ramsey's SB 300.

Members also voted in favor of a House bill that clarifies emergency powers of the courts during public health emergencies. House Bill 185 authorizes the superior court to handle all challenges to quarantine or vaccine programs that might be instituted during a public health emergency. Current law stipulates that such challenges can be taken to a wide array of courts, and this bill seeks to streamline the process under one entity. The committee also changed certain language to provide guidance should a justice be unavailable by adding that such challenges will then be handled by the Court of Appeals.

Transportation

Senate Transportation Committee Chairman Jeff Mullis (R-Chickamauga) discussed legislation that would increase transportation jobs and contracts for state and local businesses this week.

Sen. Chip Pearson (R-Dawsonville) presented his private financing projects bill, SB 323 (SB 323), for discussion with the committee members and the Georgia Department of Transportation (GDOT). Pearson's objective behind the legislation is to ensure that when local transportation contracts occur, Georgia businesses are utilized. This would help the state's economy and get more Georgians back to work.

Specifically, SB 323 says that any final contract with private funding sources must designate local contractors as recipients of at least 30 percent of the total value of the contract and small businesses as recipients of at least 30 percent of the contract.

GDOT Commissioner Vance Smith testified to GDOT's exploration of the bill today. Smith

stated, “We’re certainly looking to put people to work, not out of work.” However, upon exploring the effects of this legislation with GDOT legal council, there may be complications with federal law since the majority of transportation contracts have matching federal funds. According to GDOT, stipulating transportation projects for local contracts may be determined as anti-competitive by the Federal Highway Administration.

Members of the committee certainly do not want to restrict any businesses from competition, but would rather Georgia contractors be a first choice. The committee asked the General Assembly legislative council and GDOT to explore the possibility of adjusting the language to stipulate only if state and local dollars are utilized or if they can stipulate that only residents of Georgia can be utilized for a project. Pearson committed to working with legislative council and GDOT to perfect the language before bringing the bill to the committee for a vote.

Higher Ed

Sen. Mitch Seabaugh (R-Sharpsburg) presented SB 293, The Georgia Lottery Corporation Board of Directors Bill. The purpose of the bill is to increase accountability and transparency in the Georgia Lottery Corporation (GLC) and to repurpose the oversight committee in order to evaluate the qualifications for salary and bonuses. Seabaugh noted that students and parents in Georgia are the true shareholders of this corporation and they deserve a stronger voice in the salary and bonus structure of lottery officials. As the percentage of funds allocated to the HOPE scholarship and Pre-K programs has declined, Lottery leadership has been awarded record bonuses. Georgia Code says that net proceeds contributed to education shall equal at least 35 percent of the lottery proceeds, but that has not happened since 1995. Though Georgia Lottery profits have increased each year, the percentage allocated to education had gradually declined.

Margaret DeFrancisco, president and CEO of the Georgia Lottery Corporation, was on hand to defend the current structure of the GLC. She noted that that the GLC takes every necessary step to maximize revenue for education, and attested that no other lottery system in the U.S. has had as many years of straight growth as that in Georgia. She detailed the method in which the board of directors are active in approving salary and bonus structure based on lottery proceeds and merit. She assured the committee that the GLC will continue to do everything in their power to promote and uphold transparency.

The bill will remain in committee and Sen. Seabaugh will present the bill for a vote after a meeting with Gov. Sonny Perdue to better assess the current climate of the Georgia Lottery System.

The Higher Education Committee gathered to vote on two important bills that will impact Georgia students who plan to attend college in-state and receive funds from the HOPE Scholarship or HOPE GED Grant Program. Senate Higher Education Committee Chairman Seth Harp (R-Midland) proposed an electronic reporting system for determining HOPE eligibility for freshman, sophomore, and junior high school students (SB 340). The Georgia Student Finance Commission will be in charge of prescribing the reporting system to the schools, giving the parent and student the opportunity to follow the student’s progress and eligibility toward the HOPE scholarship. This help students track their progression through high school and know where he or she stands for eligibility at any given point in time. SB 340 passed out of committee

4-1.

Next on the committee agenda was a bill that sets a requirement for residency within the HOPE GED Grant (SB 341). Previously, the HOPE GED Grant Program had no residency requirement with an exemption for military families. This bill will change the program by requiring at least one year of residency in order to be eligible for a HOPE GED Grant. A main difference between the HOPE Scholarship and HOPE GED Grant is that the scholarship requires a two year residency. SB 341 passed through committee unanimously.