

Weekly Report

Recess Edition

Senate and House members came together in unprecedented joint budget hearings to work through the FY 2011 budget and find over \$1 billion in cuts. Senate and House members are hopeful that these joint hearings will equate to a more efficient budget process and they will be able to work out negotiation early. Over the past two weeks, senators have attempted to portray the gravity of the situation and the extremely tough decisions they will have to make.

Georgia's population has grown by 600,000 since 2005, and yet the legislature must reduce spending levels to the 2005 budget levels. The revenue decrease Georgia has experienced over the last 18 months is the largest in state history.

The Senate Appropriations Committee joined with the House last week meeting with *every* state agency and going line-by-line over their 2011 budgets. Agency heads were asked to come prepared with budget cut solutions. Legislators asked agencies to consider consolidation of services, reductions in printing, and ultimately what services were not essential to the citizens of Georgia. With over 60 percent of revenues going toward our schools (K-12 and the University System of Georgia), the Senate budget team, alongside Lt. Gov. Casey Cagle's Budget Task Force, are working toward identifying wasteful government spending while protecting vital areas such as education and public safety.

The Joint Appropriations Committee ended the first week of recess by asking the University System of Georgia to work over the weekend in finding \$300 million additional cuts. Chancellor Erroll Davis this week presented those suggestions of nearly \$600 million in total cuts. Some have suggested this could result in increases to college tuition. Others fear the reduction of course offerings, programs and research services that some universities offer the community.

Senate lawmakers have stressed throughout these hearings that they may not utilize all the options brought before them. Recently, Sen. Jack Hill (R-Reidsville), chairman of the Senate Appropriations Committee, said in a newspaper interview that the cuts university officials have proposed may be over exaggerated.

"I don't believe cuts to the university system will be as dramatic as what's being portrayed by the regents and their PR machine," Hill said. "It's unfortunate that by putting those numbers out there, they have really upped the ante by undermining our furor over administrator salaries. But cooler heads will prevail."

Some lawmakers have said that all options are on the table. They have encouraged every legislator and agency to present ideas for solutions to Georgia's budget gaps. With this came a strong warning from Senate Majority Leader Chip Rogers (R-Woodstock). In his weekly press conference, he noted on Monday, "I'm not going to sugarcoat the situation we're in. Yeah, there will be massive layoffs." He continued to note that there would be a dramatic change in the way state government was run. Rogers continued, "We're not looking at any tax increases at all. We're looking at cuts, cuts, cuts."

However, the governor's plan includes the so called "hospital tax", which has received mixed reviews. In addition, some say the cigarette tax is on the table. In a recent poll released by the coalition of non-smoking groups, 71 percent of Georgians questioned (only likely voters) supported a \$1 increase in the tax on a pack of cigarettes. The Cancer Society estimates that even with a 15 percent decline in sales due to smokers who quit, shop online or drive to neighboring states, increasing the tobacco tax by \$1 per pack could generate as much as \$355 million. About four out of five people said they oppose a tax on groceries, hospital revenues, or increasing the income tax.

Also during the recess period, the Senate conducted limited committee hearings to keep the most essential legislative actions moving forward. Senate committees that conducted hearings were Finance, Judiciary, Education and Youth, Regulated Industries and Utilities, Transportation and Public Safety (committee stories continued through the UCR).

Next week the Senate and House return from recess. Be on the lookout for budget proposals that will be a dramatic lifestyle change for state government rather than a crash diet.

Committee News

Transportation

With the Georgia General Assembly in its second week of recess, the Senate resumed a limited schedule of committee meetings. The Senate Transportation Committee, chaired by Sen. Jeff Mullis (R-Chickamauga), met to vote on several key bills that could have lasting effects throughout the state.

Sen. Curt Thompson (D-Norcross) presented his bill before the committee that would allow counties to extend existing rail lines. Senate Bill 285 updates the Metropolitan Atlanta Rapid Transit Authority (MARTA) Act of 1965 by removing the provisions which prohibit MARTA from executing a transportation services contract that is a rapid transit contract or one which authorizes the construction of any extension of, or addition to, MARTA's existing rapid rail system. Under the current law, some districts can only utilize bus services. Thompson stated that while his bill allows for the extension of existing rail into counties, it does not force any counties to accept MARTA or transit contracts. Representatives from MARTA were present to express their support of the legislation which would provide another tool to expand service to citizens in the metro area. One constituent from Rockdale County noted that this would allow for rail service down the I-20 Corridor, helping the county with economic development opportunities. SB 285 received unanimous support from the committee. In 2008, the bill sailed through the Senate with bi-partisan support, passed through the House Transportation Committee, but never reached the House Floor for a full vote. Thompson is hopeful that the Senate will once again support this legislation and the House will give it a fair vote.

Only months after a group of Morehouse College students were injured in a serious bus crash on a school sanctioned trip, Sen. Jack Murphy (R-Cumming) has sponsored SB 392 to protect Georgia's students and drivers from future tragedies. The legislation would ensure that public

educational institutions that receive state funds only enter into agreements with motor or contract carriers only after verifying that the carrier is certified by the Public Service Commission (PSC). As a result of the tight budgets throughout the state, some fear that institutions would utilize cheap motor carriers without proper certifications and insurance in an effort to cut costs. Murphy feels strongly that we can no longer put Georgia's students under this risk.

Sen. Cecil Staton (R-Macon) stated his concerns of leaving out private institutions that also contract with motor carriers. Murphy noted that he broached this subject with Legislative Council and was advised it would be difficult to impose such restrictions on private companies and institutions. Sen. John Douglas (R-Social Circle) noted that while these bus companies may be private, they utilize public roads and as a result are part of the public domain. The bill was passed unanimously out of committee. Murphy committed to continuing the exploration of options regarding private institutions.

The Transportation Committee also discussed the traffic gridlock that occurs as a result of the two races each year at the Atlanta Motor Speedway. With each event, millions of dollars of revenue are brought to Georgia and thousands of fans travel to the racetrack from all over the south east. The traffic gridlock that engulfs fans is a major obstacle that seriously threatens continued enjoyment of racing events.

Senate Resolution 1066, sponsored by Sen. Mullis, would direct the Department of Transportation (DOT) to synchronize the traffic signals on Tara Boulevard between I-75 and the Atlanta Motor Speedway in order to mitigate the traffic gridlock on race days. Additionally, it allows the DOT and the Department of Public Safety to use any available resource to further alleviate the traffic that results from these events at the race track. SR 1066 was passed by a unanimous vote.

Several additional matters were on the schedule but did not receive a vote during the committee meeting. SB 51, which revises membership and expands powers of the Georgia Rail Passenger Authority, will be heard next week. SB 354, which would allow counties the option to condemn a road if it's not in the public interest, was tabled during the meeting and will be voted on at a later date.

Public Safety

The Committee on Public Safety reconvened with issues concerning the rights and protection of law enforcement officers and the safety of young drivers at the top of their priority list. The committee affirmed their dedication to protecting public safety offers by passing two bills unanimously out of committee which highlight the role of public safety officers, Senate Bills 318 and 397. SB 318 was quickly brought to a vote because it had received ample testimony from all interested parties in two prior meetings. The bill would make it a requirement that a plaintiff must file an affidavit of an expert who is competent to testify when bringing a formal complaint against public safety officer. The committee also showed support for Sen. Jeff Mullis' (R-Chickamauga) "Blue Alert" Bill, SB 397. This bill will require the state to issue an alert using highway boards and media outlets, if a law enforcement officer is injured in the line of duty and the suspect is not apprehended. Sen. Mullis felt strongly that criminals who seek to harm public safety officials are one of the greatest threats to Georgians and every effort should be made to

quickly apprehend them. Finally, the committee heard from a young student who had lost a friend in a car accident that had occurred when the young driver was texting. Proponents of SB 360, sponsored by Chairman Jack Murphy (R-Cumming), spoke about the importance of saving children and inexperienced young drivers who dangerously text behind the wheel. The bill prohibits anyone under the age of 18 from texting while driving. Members of the committee applauded the effort to protect children and other drivers by making Georgia's roadways safer. The three bills passed unanimously and will move to the Rules Committee and await their turn on the Senate floor.

Education and Youth

The Senate Education Committee met to vote on Senate Bill 299, Sen. Emmanuel Jones' (D-Decatur) Zero Tolerance Legislation. The committee unanimously approved this measure to limit the abuse of zero tolerance discipline policies and bring more common sense to how Georgia schools discipline students.

Jones presented SB 332, a companion bill to SB 299, which directs schools to file an annual report with the Department of Education (DOE) if a student was disciplined for bringing a weapon to school the prior year. Sen. Tommie Williams (R-Lyons) asked if this report would add to the list of what a school system is already required to submit at the end of each school year. Jones answered that the school already collects the data and this report is just another way to assemble it for the DOE. SB 332 also received unanimous consent from the committee.

Sen. Gail Buckner (D-Jonesboro) presented two pieces of legislation to the committee addressing school board governance. Senate Resolution 1085 urges the Georgia School Boards Association to be an active participant by recommending legislation to address local school board governance issues. Buckner explained that she authored this legislation as a result of numerous board members feeling they are left out of the process to address governance issues. SR 1085 passed unanimously.

Buckner's other bill, SB 426, states that if a member of a local school board has been named in a report by an accrediting agency as having violated policies resulting in a school system failing, then that member will lose their eligibility to receive salary or a per diem reimbursement. Questions were raised regarding the definition of a school system failing and when this bill would take effect. The vote was held until a later date to allow Buckner to work on the bill language.

Finance

The Senate Finance Committee, chaired by Sen. Ronnie Chance (R-Tyrone), empowered Georgia property owners by passing Senate Majority Leader Chip Rogers' (R-Woodstock) property tax assessment and appeals reform bill. Senate Bill 346 overhauls Georgia's property valuation system in order to relieve unfair burdens from property owners.

The bill, which was introduced on Feb. 1, has gone through several updates along its journey through three committee hearings. In one hearing, Rogers noted his principle of passing "perfected bills" out of committee. While SB 346 still maintains the same changes to the assessment and appeals system including year-round assessment appeals, all comparable sales to

include foreclosures and banks sales, and requiring uniform notice of appeals forms, there were updates along the way.

A significant change to the proposed legislation is to the appeals process for non-homestead real property with a fair market value in excess of \$1 million or greater. This mainly addresses dispute for commercial real estate and is modeled after the system in our neighboring state of Tennessee. If one of these property owners wishes to appeal their assessment, they may utilize the option of a hearing officer rather than going to the Board of Equalization. A hearing officer is randomly chosen from a pool of experienced, certified appraisers. Those who wish to apply for the pool must complete and submit an application to be approved by the commissioner. By allowing the option for a hearing officer, disputes should get settled more efficiently.

Updates were made to provide taxpayers access to tax assessor training materials online in addition to permitting taxpayers to take tax assessor courses. This will help reach more people who may not be able to attend the meetings for various reasons like the cost of the class, accessibility to the class or the class being full.

In addition, tax assessors will have the authority to correct factual errors in the tax digest when mistakes are discovered within three years; however, if the correction does not benefit the taxpayer, for example if the correction results in higher taxes, then the taxpayer will not be penalized for the error. If the result of the correction benefits the taxpayer, then the taxpayer will be notified and receive any excess taxes that were paid.

A significant update to the current system that has been maintained since the bill's introduction is the creation of Regional Boards of Equalization. Counties will be authorized to create regional boards of equalization via inter-governmental agreement. These regional boards will operate the same as local boards; however, taxpayers will not be required to travel outside their respective county for hearings. Board of equalization members will be required to execute in writing a specific oath which states the members will make decisions without favor or prejudice. If a local grand jury fails to appoint members to a board of equalization, a taxpayer or tax assessor may request in writing that the grand jury complete the appointments within 30 days after the start of the next term.

Sen. Steve Thompson (D-Marietta) complemented Rogers' comprehensive work on the bill, his willingness to work across the political aisle and to work with any groups that may be affected by the legislation. He also made the motion to pass the bill out of committee. SB 346 passed out of committee unanimously and now awaits approval in the Rules Committee before going to the Senate Floor. The property tax assessment and appeals reform bill still contains more than 40 changes to the property tax system and is the biggest overhaul to the system in Georgia history.

The Property Tax Assessment and Appeals reform bill was a result of a 2009 study committee on property taxes. A report of the study committee hearings can be found at http://www.legis.ga.gov/legis/2009_10/senate/committeereports.htm

Judiciary

During the General Assembly's budget recess, members of the Senate Judiciary Committee continued deliberating legislation and passing bills out of committee. Chairman Preston Smith (R-Rome) held a hearing to discuss the details of his Senate Bill 423 to increase penalties for smash and grab burglaries. From the "Blue jean bandits" to the "30 Deep" gang, Metro Atlanta has recently seen a rash of these high profile crimes, where burglars smash a vehicle into a retail store to gather as much merchandise as possible. Law enforcement officials agree that these crimes are difficult to investigate, as the perpetrators can carry out the crime within a matter of minutes and make a quick getaway.

In many cases, adults recruit juveniles to carry out these crimes, and the legislation must handle their prosecution carefully. Smith noted that other parts of the bill need to be clarified before it goes to a vote, particularly in how to designate the crime.

At the committee's previous meeting, members voted to protect legally carrying citizens' gun rights during a state of emergency. Currently, state law grants extraordinary powers to a Georgia governor to suspend or limit the sale, dispensing or transportation of firearms during an emergency. Authored by Smith, SB 342 repeals that existing statute to remove a governor's power to limit gun rights during an emergency. Smith made it clear that the legislation is in no way directed at the current governor, and amended the bill so that it won't go into effect until 2011 when a new governor takes office.

Sen. Bill Hamrick (R-Carrollton) presented legislation that simply makes technical and legal corrections to the Criminal Justice Coordinating Council statute. The Council's purpose is to enhance the effectiveness of Georgia's criminal justice system and serves as the state administrative agency for numerous federal grant programs and manages state grant programs funded by the Georgia General Assembly. SB 173 passed unanimously.

Sen. Hamrick also addressed SB 103, which allows condominium owners to form their own association if the developer is not meeting the required tasks, such as collecting dues, setting a budget and handling maintenance. With a slumping economy and developers losing money quickly, they often neglect such details in their rush to work on other projects. The bill was heard by the committee a few weeks ago, and was again held over to allow for further comment and revisions.

Higher Education

Sen. Mitch Seabaugh's (R-Sharpsburg) Georgia Lottery Legislative Oversight Committee Bill passed unanimously out of committee with little discussion. Senate Bill 293 will require members of the Georgia Lottery Corporation to submit proposed bonuses or incentives for the upcoming year to a newly formed legislative oversight committee before the start of the fiscal year. The bill will now go to the Rules Committee where it will await its turn on the floor calendar.

Regulated Industries

During this weeks meeting of the Regulated Industries and Utilities Committee, members took up the Advanced Broadband Collocation Act, Senate Bill 432. SB 432, presented by Sen. Lee

Hawkins (R- Gainesville), will allow for collocation of new wireless facilities on existing and permitted towers. Hawkins noted that the current bill does not limit local government control over towers in their jurisdiction and furthermore would not affect current contracts. He emphasized that this bill will not compromise public safety by interfering with 911 frequencies or jeopardize building code standards. SB 432 only allows for new antennas to be collocated on existing towers or for antiqued equipment to be replaced in its current location. The focus of this bill is to provide a streamlined, consistent process for the installation or upgrade of facilities necessary to increase the availability of advanced wireless communication services throughout Georgia. Members of the Georgia Municipal Association, the Association County Commissioners of Georgia and representatives from the wireless industry all spoke in support on the bill's substitute, which had been in the works since the bill failed in committee last session. The bill passed unanimously and will now move to the Rules Committee.