

Weekly Report

Week of March 22-25: Day 28-29

*Coverage of day 30 will appear in a special Upper Chamber Report that will be released on Monday, March 29.

In the Chamber...

Georgia's 400,000 lawfully carrying citizens and Georgia's law enforcement officials are another step closer to having clearer carrying laws. The Georgia Senate voted in favor of the Georgia Common Sense Lawful Carry Act (SB 308), which will remove confusing provisions from the current law. Senate Majority Whip Mitch Seabaugh (R-Sharpshurg) sponsored the Act. The Lawful Carry Act passed 41-12.

SB 401, also authored by Sen. Seabaugh, authorizes the governor to delay compliance with federal Cap and Trade programs until a cost analysis has been completed to determine the program's fiscal and regulatory impact on the state budget, citizens and businesses. The bill also directs the Georgia attorney general to file suit against the federal government if Cap and Trade measures are forced on Georgia citizens. When questioned by Sen. Steve Thompson (D-Marietta) if passing such a measure is wise, considering that federal law supersedes state law, Seabaugh responded that it's important to assess what the state's responsibility will be under such a federal measure in order to protect the people of Georgia. The bill passed with a 33-16 vote.

In response to the rash of high profile "smash and grab" burglaries across the state of Georgia, the Georgia State Senate unanimously voted in favor of Sen. Preston Smith's (R-Rome) legislation (SB 423) to create a new crime for these burglaries that are taking a financial toll on Georgia's retail industry. The Senate also unanimously passed Smith's SB 443, which creates a legislative oversight committee to oversee service delivery of Medicaid Care Management Organizations (CMO), which manages the delivery of Medicaid and PeachCare for Kids services to patients. Smith noted that Georgia has three CMOs, none of which are subject to the same regulations as other health insurance providers.

Senators voted in favor of a Constitutional Amendment to allow for more flexible funding options on Department of Transportation (DOT) projects. Sen. David Shafer (R-Duluth) noted that Senate Resolution 821 will get road projects underway by allowing the DOT to enter into multiyear construction agreements without obligating present funds for the full amount of obligation the state may bear under the full term of the agreement.

Sen. Ed Harbison's (D-Columbus) legislation (SB 498) ending the sales of synthetic marijuana in Georgia passed the Senate with a unanimous vote. Recently, sale of synthetic marijuana also known as K2 or spice, have ballooned across the state. This bill would make the sale of these substances illegal, and add them to Schedule 1 on Georgia's controlled substance list. Harbison was inspired to create the legislation after Atlanta area teens were hospitalized as a result of using the drug.

The Senate voted to pass the Patient Safety Act, which establishes a program that will create a database of controlled substances that are prescribed and dispensed in Georgia. Sen. Buddy Carter (R-Pooler) authored SB 418 to control and limit the abuse of prescription drugs.

Sen. Shafer's SB 354 allows local governments to go through the procedure of removing a road when it is "not in the public interest," passed in the Senate. Currently, local governments can only go through the process of removing a road if it has "no substantial public purpose."

Another Constitutional Amendment was brought up for a vote, this time to protect Georgians' right to a secret ballot. Sen. John Wiles (R-Marietta) carried the resolution (SR108) on behalf of former Sen. Eric Johnson (R-Savannah), which Wiles said protects a fundamental American right to vote by secret ballot. After Sens. Vincent Fort (D-Atlanta) and Steven Henson (D-Tucker) raised concerns that the bill interferes in how private companies conduct elections, the bill failed to receive the necessary two-thirds vote for passage. However, after a motion to reconsider the measure was adopted, the resolution will be taken up again on the next legislative day.

The Senate took action to provide monetary incentives for local governments to utilize U.S. Immigrations and Customs Enforcement (ICE) Section 287(g) and Secured Communities programs by passing SB 385. State Sen. John Wiles (R-Kennesaw) sponsored the legislation to help relieve monetary burdens from local governments and the state by quickly turning criminal illegal aliens over to the proper federal authorities. The bill passed 37-11.

The Senate voted to save Georgians' lives by passing SB 458, Sen. Don Thomas' (R-Dalton) seat belt legislation, which closes the pick-up truck loophole in current seat belt laws. SB 458 passed with a vote of 45-2.

The Georgia Senate voted in favor of a Constitutional Amendment that would allow multiyear performance contracts for energy efficient or conservation improvement projects. Sen. Ronnie Chance (R-Tyrone) sponsored SR 1231 allowing Energy Saving Performance Contracts (ESPC) if approved by Georgia citizens on the November 2010 ballot.

The Senate also voted to pass Sen. Chip Pearson's (R-Dawsonville) legislation to facilitate the expansion of existing reservoirs in Georgia. SB 380 is a key component of Pearson's efforts this year to ensure Georgia has access to an adequate water supply.

A bill that addresses the death certificate process for burn victims was overwhelmingly passed by the Georgia Senate Wednesday. Sen. Hardie Davis (D-Augusta) authored SB 493 which would require only the attending physician sign a death certificate for a burn victim who dies after being transported to the treatment facility.

The Georgia Senate voted in favor of law enforcement and emergency personnel families receiving payment from the Georgia State Indemnification Fund when their family member suffers from organic brain damage or death. State Sen. Jeff Mullis (R-Chickamauga) sponsored the Jarrett Little Act (SB 414). The Act passed unanimously out of the Senate.

Legislation authored by Sen. George Hooks (D-Americus) to recover dormant trust accounts overwhelmingly passed. SB 302 establishes state law to ensure trust accounts are used for their original purpose.

In an effort to help teachers and local school systems save money, Sen. Lee Hawkins (R-Gainesville) authored a resolution that will cut in half the number of professional learning units (PLU) that a teacher needs to keep a teaching certificate, which passed the Senate unanimously. Hawkins emphasized the need to help teachers and schools save money in such hard economic times.

Anyone convicted of falsely representing himself or herself as a firefighter, volunteer firefighter, public safety official, certified emergency medical technician, certified cardiac technician, or certified paramedic will be punished by a fine of up to \$1,000, and can be imprisoned from one to five years. SB 343, authored by Sen. Shafer, passed with a 44-1 vote.

Sen. David Adelman (D-Decatur) and Sen. Hawkins resigned from the State Senate this week. Both gave heartfelt speeches to the chamber, and said they would always cherish their time spent in the Senate.

Bills that passed in the Senate with opposition:

- SB 410 sponsored by Sen. John Douglas (R-Social Circle) exempts all ambulances, licensed by the State, from needing a permit to operate red emergency lights passed with 48 to 2.
- SB 436 sponsored by Sen. Heath amends provisions related to employees of county departments of family and children services (DFAC) and repeals certain obsolete and inoperative provisions from Title 47. This bill passed 45 to 1.
- SB 380 by Sen. Pearson grants the Water Supply Division the power to make loans and grants to a local government to pay all or any part of the cost of expanding and increasing the capacity of existing reservoirs passed 48 to 2.
- Sen. Douglas' SB 454 allowing veterans' organizations to sell pull tab games with winnings that are limited to \$500.00 per person per 24 hour time period passed 47 to 2.
- SB 457 sponsored by Sen. Weber allows a charter school to be established within a high school cluster if it is approved by a majority of the voters in the local school system attendance zone of the cluster. This bill passed 38 to 11.
- Sen. Bill Cowsert's (R-Athens) SB 488 passed 51 to 2. Under this bill, a foreign judgment in a defamation case will *not* be recognized in this state unless a Georgia court determines that the defamation law applied in the foreign nation's court provided at least as much freedom of speech and press protection as provided under the United States and Georgia Constitutions.
- SB 291 sponsored by Sen. Shafer This legislation makes several changes to various provisions related to concealed weapons permits including firearms in vehicles at airports. This bill passed with at 43 to 10 vote.

Bills that passed in the Senate unanimously:

- SB 375 sponsored by Sen. Rene Unterman (R-Buford) revises provision with theof Behavioral Health and Developmental Disabilities.

- Sen. Mullis' SB 415 establishes jurisdiction by the Georgia Public Service Commission (PSC) over emergency warning point to multipoint systems.
- SB 421 sponsored by Sen. Jack Hill (R- Reidsville) delineates that the Revenue Shortfall Reserve cannot exceed 15 percent of the previous fiscal year's net revenue. Current law sets the cap at 10 percent.
- Sen. John Bulloch's (R- Ochlocknee) SB 447 creates a requirement that whenever the state contracts for the doing of a public work, it will give preference in the purchase of materials and in letting contracts to materialmen, contractors, contractors, builders, architects, engineers and laborers who reside within this state whenever the materials or services from these individuals or entities can be purchased or employed at no greater expense than what the state would incur if the purchase was made from or the contract was awarded to a Georgia resident business.
- Sen. Harp's SB 461 changes code pertaining to wills and trusts of persons dying between 12/31/2009 & 1/1/2011.
- SB 470 sponsored by Sen. Staton amends code to include a definition of a "covered file-sharing program."
- SB 480 sponsored by Sen. Jack Hill creates the State Council of Economic Advisors composed of five members.
- SB 481 sponsored by Sen. Ralph Hudgens, (R-Hull) changes Extending Deadlines for Continuing Health Insurance Coverage from 31 to 90 days for a surviving or divorced spouse.
- SB 491 sponsored by Sen. Cowser addresses personal jurisdiction over nonresidents in domestic relations cases
- SB 409 sponsored by Sen. Chance expresses legislative intent that tax and other economic incentives for commercially using raw forest products are meant to be equitably extended to establish parity.

Committee News

Education and Youth

A bill focused on protecting teachers' salaries was met with considerable debate in the Senate Education and Youth Committee meeting. Sen. Preston Smith (R-Rome) presented SB 515 in an effort to prevent educators from being furloughed. He explained that provisions in the bill allowed for local school systems to have only 6 percent of unencumbered funds, or money not obligated to other expenses, in their reserves. If there is any more than 6 percent in their reserves, the school systems will lose their ability to furlough teachers. This is an attempt to stop the school systems with bloated reserves funds from furloughing educators.

Smith proclaimed this bill to be a simple and uncomplicated bill but the reaction heard in testimonies told a different story. Many argued that having large reserves is a good business practice because it helps protect against unforeseen budget cuts. A representative from the Georgia School Board Association said this would create an "adversarial environment" at the local level between teachers and the administration. She also said it would be giving teachers false expectations if they see money in a reserve fund and still get furloughed. This legislation only applies to those systems with more than 6 percent unencumbered funds in their reserves. Everyone was in favor of supporting teachers and preventing furloughs, but not everyone

believed this was the best route.

Chairman Dan Weber (R-Dunwoody) voiced his concern that this legislation will affect the flexibility of local school systems, which is key during a budget crunch. While the bill passed unanimously, Weber was also worried about the mechanics of the bill and promised to work with Smith on the language while it awaits a place on the General Calendar.

Sen. Jeff Mullis (R-Chickamauga) presented SB 518 that will mandate the history of the Pledge of Allegiance and the Georgia Flag is included in the curriculum of primary and secondary education. With no debate, the bill passed unanimously.

For the second time, Sen. Freddie Powell Sims (D-Dawson) brought SB 451 before the committee, which establishes procedures to close or revoke the license of a family day-care home where the death of a minor has occurred. Sims mentioned the major change in the bill is that larger facilities and group homes will not be included under SB 451. The measure passed unanimously out of committee.

Transportation

The Senate Transportation Committee, chaired by Sen. Jeff Mullis (R-Chickamauga), worked on numerous bills this week, but two stood out from the pack.

Some national vehicle safety standards that have not been updated since 1975, 35 years ago, do not reflect fire hazards of the modern automobile or the availability of technology that could slow fires from spreading in vehicles. This is precisely why Sen. Bill Heath (R-Bremen) brought Senate Resolution 1299 before the Transportation Committee. One of the most important ways in which the National Highway Traffic Safety Administration (NHTSA) carries out its mission is to issue Federal Motor Vehicle Safety Standards (FMVSS). The NHTSA has not updated Standard 302 of the FMVSS to reflect modern automobile content and available technology that would keep motorists safer from the rapid spread of fire in extreme accidents. Heath's resolution simply urges NHTSA to adopt modern standards for flame retardant materials. The resolution passed unanimously out of committee.

Heath also brought a bill before the committee that would prohibit unsolicited printed materials from being dumped onto private property, which unfortunately did not see the same support as SR 1299. While current law prohibits dumping, depositing, or leaving litter on public or private property, Senate Bill 516 says that any person who distributes any unsolicited newspaper, handbill, or other printed material by placing copies in driveways, walkways, or porches must, within four days from the date of distribution, retrieve any materials not picked up. Failure to comply would constitute a misdemeanor for each item of material under littering laws. The first distribution of the material would be excused.

Heath used language suggested by the courts when previous legislation of this kind failed under First Amendment rights. He also mentioned emails and phone calls from constituents complaining of litter in their yards because of receiving these materials that they don't want. Repeatedly, Heath mentioned that this only applies to unsolicited materials and the first offense is exempt. He suggested that small newspapers send a card with their publication asking if

citizens want to receive their publication and that would take care of many issues. Sen. Chip Pearson (R-Dawsonville) spoke in favor of SB 516 saying that from a private property perspective, throwing these unwanted materials in somebody's yard shows disrespect for private property.

While the committee commended Heath's efforts, they did not support the bill due to unintended consequences. Many members were concerned of how this would affect the small papers that only get revenues from advertisers. They suggested that not only would the small papers get hurt, but businesses who advertise in those papers would see their business go down as well. Committee members mentioned that criminal penalties may be too much and wondered why there were no civil penalties. This bill could also have the unintended consequence of making political candidates criminals because of unsolicited materials. SB 516 failed by a vote of 3-7.

Other bills that passed the Transportation Committee are:

SB 519 – Chairman Mullis' bill that provides fewer restrictions for motorized carts.

SB 520 – Chairman Mullis' bill that creates an Intermodal Division within the GDOT

SR 1298 – Sen. Gail Buckner's (D-Morrow) resolution that urges the GDOT to place appropriate signs on the interstate highways close to Meadow Garden, the home of George Walton

Public Safety

The Committee on Public Safety sought to make Georgia roads safer for both drivers and pedestrians by passing important rules of the road legislation out of committee. Sen. Hardie Davis (D-Gracewood) joined with representatives from the Georgia Department of Transportation to detail the numerous facets in SB 526. One of the primary focuses of SB 526 is to move Georgia forward by promoting the use of pedestrian hybrid beacons. These devices are currently used in a handful of other states and have received high marks in test cases across Georgia. While Georgia law requires a car to stop in a crosswalk, empty or otherwise, this new technology will allow for better traffic flow as automobiles will be allowed to proceed without stopping when the beacon signals the crosswalk is pedestrian-free. Davis' legislation included additional components that bring current Georgia law in line with federal regulation, including the mandated size of saddle mounts, warning flags, and weight limitations. The bill will also establish a certification program for escorts of overweight and oversized loads.

Sen. Ron Ramsey's (D- Lithonia) SB 419 allows veteran's suffering from Post Traumatic Stress Disorder to have the option to note their condition on their driver's license. Ramsey felt that the conditions associated with this illness can be compounded by stressful conditions and the driver may be misunderstood to be hostile or uncooperative. The applicant will be required to present a sworn statement from a doctor or psychologist licensed in Georgia verifying his or her disorder.

The committee also passed House Bill 545, authored by Rep. Wendell Willard (R-Sandy Springs), which will create a certification program to become a certified process server. After receiving certification, a certified process server will be entitled to serve for any court of the state, anywhere within the state, provided that the sheriff has approved the role of certified process servers in their county.

Economic Development

Amid deep cuts to the state's spending plan, the fate of Georgia's Music and Sports Halls of Fame have hung in the balance. Lawmakers are determined to see that these venues become self-sustaining. To better oversee the Halls and increase administrative efficiencies, the Economic Development Committee passed SB 523 to bring the Georgia Sports Hall of Fame under the same governance as the Music Hall of Fame. The General Assembly Halls of Fame Authority Overview Committee will now oversee both venues, which are both located in Macon. The overview committee will encourage the venues to work together to achieve efficiencies and consolidate marketing, operational, property management and other activities. When asked when state funding is expected to be withdrawn from the Halls of Fame, the bill's sponsor, Sen. Bill Cowsert (R-Athens), said it would most likely be in the 2011 Fiscal Year.

Insurance and Labor

The Insurance and Labor Committee passed legislation to give high risk patients more options for purchasing health insurance. Georgia is currently one of only five states without a high risk reinsurance pool, which insures those who do not qualify for group or individual health insurance and are denied coverage from Medicaid or Medicare. SB 453, authored by Sen. Judson Hill (R-Marietta), creates the Georgia Individual High Risk Reinsurance Pool to provide Georgians another mechanism to purchase health insurance. The pool's cost will be offset by 10 percent of the state's portion of the insurance premium taxes collected. The bill unanimously, along with a Constitutional Amendment under Senate Resolution 1225, which will put the measure before voters on the November ballot.

The committee also passed a measure to create a special advisory commission on mandated health insurance benefits. The 14-member commission will advise the governor and legislature on the social and financial impact of current and proposed mandated health benefits and providers. Authored by Sen. Tim Golden (D-Valdosta), SB 509 requires that the advisory commission prepare a study that assesses the impact of any legislation that contains such a mandate.

Sen. Buddy Carter's (R-Pooler) bill to require health insurance companies to reimburse a patient for a prescription drug, no more than once a year, was again brought before the committee for a vote. The legislation was held over to allow the bill's author to work out disagreements with interested parties. Carter, a practicing pharmacist, expressed that the legislation's intent is to help patients get a necessary prescription immediately without having to wait for prior approval. He said patients who get sick and need an antibiotic often times can't wait for the insurance company to authorize the prescription. This would allow patients to be reimbursed once a year for a 10-day supply of the drug they need. Representatives from the insurance industry still had concerns that the bill would drive up health care costs, and SB 378 ultimately failed to pass out of committee.

State Institutions and Properties

The Georgia Golf Hall of Fame was the topic of discussion during the State Institutions and Property Committee meeting. Sen. Hardie Davis (D-Gracewood) presented SB 449, which will transfer all property and assets of the hall of fame, along with its controlling board, to the Georgia Department of Economic Development. The Augusta tourist attraction closed in 2007

due to a lack of operating funds, and the land that the hall of fame sits on has been inert since its closure. This legislation will allow the land to be transferred to the Department of Economic Development for the state's use. The committee voted to unanimously pass SB 449 out of committee. Sen. Vincent Fort (D-Atlanta) followed with Senate Bill 508, which affirms the right of judges to send an inmate to state prison after conviction during the appeals process. This same legislation was attempted in 2008 but was attached to another bill, which was vetoed by the governor.

A late arriving bill from the governor's office, SB 524, was presented by Sen. Bill Cowsert (R-Athens). SB 524 was an attempt to streamline the supervision of parolees and probationers. The majority of committee members felt they could not pass such a complex bill without further study. Due to the looming deadline for bills to pass out of committee for consideration by the full Senate, a vote was forced and the measure failed.

Special Judiciary

Emotions always run high when abortion is taken up in a legislative committee. Now imagine if you're talking about criminal abortions, those in which a woman is forced to have one against her will due to some form of coercion. That's exactly what Sen. Chip Pearson (R-Dawsonville) set out to prevent when he brought SB 529 before the Special Judiciary Committee.

While each member of the committee and every person who spoke for or against the bill agreed that no woman should have an abortion against her will, they did not agree on how to go about preventing it. Pearson's bill defines the offenses of a criminal abortion to be when a person performs an abortion with the knowledge that a pregnant woman is being coerced, with the intent to have an abortion based on race, color or gender, and with the knowledge that a pregnant woman is seeking an abortion based on race, color or gender.

Information provided by the Elliot Institute says that 64 percent of abortions involve coercion, which can become severe. The Institute cites situations in which a homeless woman was denied shelter until she had an abortion, a waitress was fired for refusing to have an abortion and cases where the mothers were severely beaten after refusing to have abortions. Americans United for Life provided information stating that nine states currently have some form of coercive abuse prevention laws and three states have sex-selection abortion laws. Georgia Right to Life testified that the 2010 Census is anticipated to show an exponential rise in gender selection. Information from the Georgia Department of Community Health showed that 59 percent of Georgians who have abortions are African American, 27 percent are white and 14 percent are of other races.

Those who spoke against the bill stated concerns of holding physicians liable for something that they may not be responsible for, infringing on a woman's privacy in making the decision to have an abortion, and that the language in the bill was too broad. Some opponents stated that the law already provides protections and no new remedies or criminal sanctions were needed. A representative from Planned Parenthood stated that this legislation reflects an agenda to limit a woman's right to health care and that it was an attempt to mislead the public into changing the laws.

Pearson closed his testimony by stating that the numbers tell the story. He asked the committee

to put into Georgia code proper protections for these women that may be in danger of coercion and to protect the unborn from gender and race selection. Pearson's Criminal Abortion Bill passed the Special Judiciary Committee with a vote of 4-1.

Urban Affairs

The Urban Affairs committee met this week and unanimously passed two resolutions presented by Sen. Donzella James (D-College Park). SR 1241 urges all cities in Fulton County to join the Fulton County Multi-Jurisdictional Burglary Task Force. The task force will work together to decrease the amount of burglaries occurring in the county. James also presented SR 1198 which will create a study committee to examine the preservation of unincorporated South Fulton County.

Finance

Legislation that would remove the state ad valorem tax Georgia collects on real property passed the Senate Finance Committee just in time to make it to the Senate floor before the Day 30 deadline. Sen. Bill Heath (R-Bremen) presented SR 1287 and companion legislation SB 517 that would remove the state quarter mil ad valorem tax on each dollar of assessed property values. The prohibition of the tax begins once state reserve funds reach \$500 million. Heath explained Georgia currently levies an ad valorem tax on all property and SR 1287 is a major step to allow local governments more control over property taxation.

Both SR 1287 and SB 517 passed unanimously out of committee. Because this measure is a Constitutional Amendment, it will require a two-thirds vote in the Senate and the House before going to the voters for approval on the November 2010 ballot.

Two House bills sponsored by Rep. Larry O'Neal (R-Bonaire) were also overwhelmingly approved by committee members. House Bill 1188 would authorize the State Revenue Commissioner to appoint up to eight special agents to help investigate and apprehend suspects involved in tax crimes. House Bill 963 clarifies two parts of current Georgia tax code. First, HB 963 allows for electronic filing of real property returns where currently parts of the law require submission by mail. Secondly, HB 963 would change the requirements for ad valorem tax exemption for educational purposes. If passed, the bill would allow the total net income from the property owner and their spouse to be counted towards the total of \$10,000 required for the tax exemption.