



FEBRUARY 5, 2010 - DAY 12

Upper Chamber Report

Raegan Weber, Press Director
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TOP STORY

Legislative Day 12: Ban on Microchip Implantation and Georgia Peace Officer Legislation Passes Senate

By Adam Sweat

CHAMBER (Feb. 4, 2010) - Georgians will have greater protection from being implanted with a microchip against their will under legislation passed overwhelmingly by the Senate today. 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 (Senate Bill 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.

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), Senate Bill 324 passed unanimously and now moves to the House along with SB 235 for consideration.

In other Senate news, Sen. Lester Jackson (D-Savannah) honored Dr.

Elridge W. Mcmillian for his 34 years of dedicated service to the University System of Georgia's Board of Regents. Dr. Mcmillian is the first African-American to hold the position of chairman on the Board of Regents.



Sen. Pearson answers questions from reporters after passage of his bill banning involuntary microchip implantations

Sen. Ralph Hudgens (R-Hull) took the well to recognize the Madison County High School softball team. This year they have had the highest grade point average for any softball team in the state, including both public and private schools. Additionally, they are regularly competitive in the state tournament, highlighting their success on and off the field.

The Doctor of the Day was Dr. Donald Gilner of Sandy Springs. He is a retired allergist and a retired colonel from the Air Force. He now spends his time volunteering for his favorite charitable causes. Among other notable guests, Sen. Valencia Seay (D-Riverdale) welcomed Pastor Mike Higgins, who served as Chaplain of the Day. He is the pastor at Redemption Fellowship Church in Fayetteville and is currently the state chairman of the 30th Episcopal District. □

Health and Human Services Committee Rejects U.S. Guidelines for Breast Cancer Screenings



By Jennifer Kitt

CAP 125 (Feb. 4, 2010) - The Health and Human Service Committee rejected the United States Preventative Services Task Forces' (USPSTF) breast cancer screening guidelines with the passage of Senate Resolution 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 Senate Bill 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.

Higher Education Committee Makes Changes to HOPE Eligibility

By Meredith Rich

CAP 125 (Feb. 4, 2010)- The Higher Education Committee gathered to vote on two important bills that will impact Georgia students who plan to attend col-

lege 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. □

HOUSE & SENATE DEMOCRATS ANNOUNCE TRANSPORTATION JOBS DEVELOPMENT ACT

By Raegan Weber

ATLANTA (Feb. 4, 2010) – Members of the Democratic House and Senate Caucuses today announced the Transportation Jobs Development Act. The proposal includes a Constitutional Amendment levying a one percent sales tax to fund transportation projects within newly defined special tax districts. In addition, the amendment will dedicate the fourth penny collected on motor fuel to any general transportation purpose.



Sen. Robert Brown (D-Macon) joins fellow Senate and House Democrats for Transportation announcement

“Georgia is losing jobs and transportation funding to other states because of a lack of leadership. Now is the time for us to step forward and lead,” said Senate Minority Leader Robert Brown (D-Macon).

This Constitutional Amendment creates a metropolitan transportation district concurrent with the 10 county ARC region. This region includes Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, and Rockdale Counties. Management and supervision of this district shall be vested in a district board consisting of those members of the metropolitan area planning and development commission holding elective public office, to serve during their service as members of the commission and until their successors are dually elected and qualified.

The Bill provides for at least 50 percent of the sales tax to be used for transit within said defined region, with the exception of Fulton and DeKalb counties. Fulton and DeKalb already collect a one cent MARTA tax. They shall not be required to use this tax for transit, but for any general transportation purposes. (i.e. roads, interchanges, multi-use paths, sidewalks, bicycle lanes and all other transportation projects that are not transit) The one penny MARTA tax currently being levied in Fulton and DeKalb counties will be exempt from the state mandated tax cap.

Counties beyond the metropolitan transportation district are exempt from the regional transportation tax, however, the bill does not prohibit counties outside the metropolitan transportation district from joining in inter-governmental agreements with other counties and do a maximum one penny T-SPLOST and spend that revenue according to their agreements.

Counties within metropolitan transportation districts may opt-out by a simple majority of that county’s commission within 45 days of the passing of the resolution. In which case, the remaining counties would reorganize based on the absence of those counties and divide transportation projects among them. In addition, the remaining counties will have 30 days from the expiration of the 45 day period to opt-out of that agreement.

In addition to levying a penny sales tax, the amendment will dedicate the fourth penny collected on motor fuel tax to any general transportation purpose. As of FY 2009, the fourth penny for motor fuel tax has generated over \$137 million. In addition, the amendment calls for a 25 percent phase in on the dedication of the fourth penny motor fuel beginning on July 1, 2012 and ending July 1, 2015. □

Sen. Staton Introduces Law to Aid Prosecution of Illegal Massage Parlors

By Matt Colvin

ATLANTA (Feb. 4, 2010) – A proposed law designed to help law enforcement officials stop suspected illegal activities at advertised massage parlors was introduced today at the State Capitol. State Sen. Cecil Staton (R-Macon) authored this legislation to give local police and prosecutors additional resources and provide for more severe penalties by clearing up several loopholes in Georgia law to allow more local control and regulation in addition to current state laws.

“After research and consultation with local governments and law enforcement, I am pleased to bring a common-sense piece of legislation to my colleagues in the Senate,” said Staton. “This bill will clean up several gaps in our law that allow illegal activity to take place under the guise of a massage therapy parlor and will increase penalties for doing so. This bill will give the local governments the ability to make sure massage therapy services in their area are licensed and engaged in ethical business operations.”

Staton’s bill (Senate Bill 364) would amend Georgia law by declaring it a violation for any person or busi-

ness to advertise massage therapy services without holding a valid license. It would also forbid businesses to promote massage therapy services combined with an escort or dating services and adult entertainment. The bill would also increase the penalties for violating these laws, with the third offense bringing a felony charge with the possibility of up to 5 years in prison and up to a \$25,000 fine.

The proposed legislation would allow local governments to become more involved with the regulation of massage therapy services in their



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Judiciary Committee Closely examines Bill that prohibits using Consent as a Defense to Sexual Assault

By Kallarin Richards

CLOB 307 (Feb. 4, 2010) – 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 Senate Bill 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. □

Regulated Industries and Utilities Committee Answers Call on Telecom Reform

By Natalie Strong

CAP 450 (Feb. 4, 2010) - 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. □



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area. Staton noted that he has been working with local government and law enforcement officials in his district and in other parts of the state on this legislation. They believe it will be a valuable tool to help them crack down on these types of violations in their communities which this bill would address.

"Local officials need to have all the resources they can have to improve and strengthen their communities. My bill will give local cities and counties the ability to administer the law in the most effective way possible that best suits the needs of their citizens," said Staton.

If passed by the General Assembly and signed by Governor Sonny Perdue, SB 364 would go into effect either July 1 or immediately following the governor's signature. □

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]*

40th day - Passage of bills or resolutions tabled day 39; removed from the table on day 40. [Rule 4-2.10 (a)]