



FEBRUARY 17, 2010 - DAY 19

Upper Chamber Report

Raegan Weber, Press Director
Kallarin Richards, Editor in Chief

TOP STORY

Legislative Day 19: Senate Passes Bill to End Unethical Health Insurance Practices

By Adam Sweat

CHAMBER (Feb 17, 2010) – After much debate on the Senate Floor, a bill that increases transparency when health insurance companies utilize rental networks passed by a wide margin of 51-1. Throughout the state there are many companies that accumulate a network of medical providers and contract their services to health insurance companies. Insurers that use these rental networks can reimburse doctors for less than the rate agreed upon by the doctor and the original insurance company. Senate Bill 50, authored by Sen. Ralph Hudgens (R-Hull), chairman of the Insurance and Labor Committee, requires that health insurance companies disclose when they use a rental network. Two amendments were attached to the bill that increases penalties for companies that violate the terms of the bill, and another that gives doctors the right to a civil cause of action should such practices continue.

Sen. Steve Thompson (D-Marietta) took the well in support of the legislation, citing the need to hold health insurance companies accountable for their actions. He reiterated that the bill aims to encourage transparency, and that as lawmakers it is their responsibility to provide Georgia citizens with laws that are transparent.

Sen. Seth Harp (R-Midland) spoke in favor of SB 50, agreeing that the larger issue of the bill is transparency. He noted the health insurance industry has literally been taking money out of the pockets of hard working physicians for profit by reimbursing less. Furthermore, the discounted rates have perpetuated the cycle of good doctors going out of business.

Freshman Sen. Buddy Carter (R-Pooler) was treated to the Senate's traditional initiation of a steady stream of light-heartedly tough questions for new senators when they introduce a bill on the floor for the first time. Senate Bill 353 is an annual update on dangerous medicinal drugs, which received a unanimous vote of 50-0 but not before several senators took their shot at Carter by asking him to pronounce several of the drugs listed in the bill.



Sen. Buddy Carter presents his first bill in Chamber

Senate Bill 341 also received a unanimous vote of 51-0, which was sponsored by Sen. Harp and requires that an individual be a legal resident of Georgia to be eligible to receive a HOPE GED voucher.

Sen. John Wiles' (R-Kennesaw) bill (SB 138) that requires legislation to specifi-

Continued on Page 3

** Follow the State Senate on Twitter at GASenatePress*

Cost-Savings and Transparency in State Government move through Committee

By Kallarin Richards

CLOB 310 (Feb. 17, 2010) – Bills aimed at achieving cost-savings and transparency throughout Georgia’s state government were overwhelmingly approved by the State and Local Governmental Operations Committee on Wednesday. Sen. Jim Butterworth (R-Clarksville) noted that the simple printing costs for six state agencies, including the Departments of Driver Services and Revenue, total \$6.7 million. The Paper Reduction Act (Senate Bill 388) mandates electronic distribution and publication in state government, unless printing is necessary by a legal standard, such as driver’s licenses. Sen. Butterworth is also carrying the Transparency in Government Act (SB 389), which will expand the public information website www.open.georgia.gov to include all three branches of government, any regional education service agency, all local boards of education, federal pass through dollars and contracts and expenditures made by the General Assembly.



Chairman Lee Hawkins (R-Gainesville) introduced his resolution that urges Congress to prohibit multiple-subject bills and including earmarks in non-budget legislation. Senate Resolution 992 urges Congress to adopt a single-subject rule, similar to how Georgia’s General Assembly operates. Sen. Hawkins said this will reduce confusion in Congress and prevent congressmen from voting for something they don’t believe in.

In addition to voting in favor of SR 992, the committee also voted to pass Sen. Buddy Carter’s (R-Pooler) bill that allows municipalities to determine when it is appropriate to establish a conservation easement. SB 390 also makes it easier to lease property or use a city facility on a short-term basis by allowing municipalities to enter into short-term lease agreements for less than 30 days. □

Amateur Boxing Events get Boost in Oversight Committee

By Meredith Rich

CAP 125 (Feb. 17, 2010) – The Government Oversight Committee voted in favor of recognizing the Georgia Boxing Association as a governing body for amateur boxing, wrestling and martial arts (Senate Bill 336). Sen. Gloria Butler (D-Stone Mountain) drafted the bill to allow the association to legally host more amateur events. The bill also adds the Georgia Boxing Association to the list of recognized governing bodies called the Georgia Athletic and Entertainment Commission. Speaking on behalf of the bill was Alexander Beadle of the Georgia Boxing Association, who said that the association is currently withheld from certain events because they are not listed under the Georgia Athletic and Entertain-

ment Commission. If the bill is signed by the governor, the association will join 16 other associations under the commission.



Also in committee was Sen. Mitch Seabaugh’s (R-Sharpsburg) bill, which reduces the number of hours of continuing education a Certified Public Accountant (CPA) must complete in order to renew a live permit (SB 351). Currently, the law requires CPA’s to complete at least 60 hours of continuing education, but this bill will reduce the requirement to 20 hours for state employees. He said that in a time of economic downturn, CPA’s should focus on their work, and not the amount of hours needed to renew their permit. Both bills passed unanimously out of committee. □

Public Safety Committee Bill aids Police Recruitment and Hiring Procedures

By Matt Colvin

307 CLOB (Feb. 17, 2010) – A bill to strengthen law enforcement agencies’ ability to hire and retain quality peace officers passed overwhelmingly out of the Senate Public Safety Committee Wednesday. Senate Bill 373, sponsored by Sen. Johnny Grant (R-Milledgeville), would require an employer to disclose employment-related information to an investigating law enforcement agency when a search is being conducted on hiring or certifying a police officer. Several police chiefs and sheriffs joined with Grant in support of the bill, and a top labor law expert testified that this bill would not violate any federal or state privacy rights granted to an employee. The committee unanimously passed a substitute to the bill which included several language rewrites.

Two additional bills were heard by the committee but were held for a full vote until a later date. Sen. Mitch Seabaugh (R-Sharpsburg) presented SB 295, which will crack down on police attempting to raise municipal and county revenue with excessive speeding fines for violations less than 17 miles per hour over the limit. The bill would require law enforcement agencies to annually submit reports to the Department of Community Affairs (DCA) detailing their collected fines from speeding violations from tickets less than 17 mph over the speed limit. The bill would allow DCA to withhold any state funds for one year to agencies who have had their speed

detection device permits revoked or suspended for running excessive radar on roads and highways in their jurisdiction.

If passed, the bill would lower the current 40 percent cap of speeding fines in any agency’s budget to 35 percent. Committee members heard from police and highway safety officials as they voiced their concerns about the bill’s negative affect on public safety with the lower percentage in budget totals and a possible increase in speeding violations. Chairman Jack Murphy (R-Cumming) decided to postpone voting to allow Seabaugh and public safety officials time to find common ground on the bill.

Finally, a resolution (SR 570) by Sen. Nan Orrock (D-Atlanta) urging the U.S. Congress to work on comprehensive immigration reform was ultimately held for a vote after a 3 to 3 stalemate. Concerns over specific language in the bill caused the vote split between members and it was decided that the resolution would be held until the next meeting for a full committee vote. □



Continued from Chamber on Page 1

cally state when a citizen has the right to a civil cause of action was passed by a vote of 45-3.

In other news, the Senate honored Gen. Larry Platt with a resolution from Sen. Vincent Fort (D-Atlanta). While he achieved notoriety on “American Idol” for his performance of “Pants on the Ground”, he has also been a dedicated member of the Civil Rights Movement since the 1950’s. Sen. Fort commented that Platt has been a “life long defender of equality on the front lines of social justice.” □



Senate Welcomes Civil Rights Activist General Larry Platt

State Employees to Receive Leave to Care for Disabled Military Spouses

By Adam Sweat

CLOB 310 – (Feb 17, 201) Today the Senate Veterans, Military and Homeland Security Committee passed Senate Bill 383 to allow state employees to take up to 30 days of paid leave to care for a spouse injured in current military conflicts. The bill also provides for an additional 30 days of unpaid leave.

Sponsored by Sen. Emanuel Jones (D-Decatur), SB 383 acknowledges the tough position families are in when a loved one returns from war with a permanent disability. The legislation is only intended for the current military conflicts and will not be valid once the United States has concluded their involvement. It passed by a unanimous vote and will now move on to the Senate Rules Committee.

The committee also passed Senate Resolution 1035,



sponsored by Sen. David Shafer (R-Duluth). Currently, there are three Navy SEALs who are facing court martial proceedings for allegedly punching terrorist Ahmed Hashim Abed in the stomach while capturing him. The resolution asks President Obama to pardon these individuals as Abed was the alleged planner of an ambush in Fallujah, Iraq in March 2004. Four Americans were brutally murdered and hung on a bridge before being burned and mutilated during this act of terror. Abed evaded justice for five years before being captured by the three Navy SEALs.

Again, the committee passed the resolution by a unanimous vote and the legislation will now be heard by the Senate Rules Committee.

□

Water Issues Make Waves in Natural Resources

By Natalie Strong

CAP 450 (Feb. 17, 2010) - The Committee on Natural Resources and the Environment started the meeting by successfully passing an amended substitute to Senate Bill 370, the Water Conservation and Water Supply Enhancement Bill. The bill, which has been the primary focus of the committee this session, passed unanimously along with three amendments. The three amendments included language from The Georgia Farm Bureau, the Apartment Association and the Georgia Municipal Association. The bill focuses on water conservation by requiring all state water systems to adopt best practices for monitoring and improving efficiency by January 1, 2011. Additionally, the bill will also require all new multitenant residential buildings permitted after July 1, 2012 to adopt vital sub metering practices, as well as requiring high efficiency plumbing fixtures in all new construction permitted after the same date. Finally, the bill calls for the formation of a new Joint Committee on Water Supply in order to monitor and evaluate future water needs in the state. Will Wingate from the Georgia Conservancy lauded the bill for being a great step in the future of conservation and water legislation.

Next, the committee heard Sen. Chip Pearson's (R-Dawsonville) Private Reservoir Bill, which encourages private/public partnerships in creating and maintaining reservoir systems throughout Georgia. Representatives from the Coosa River Basin Initiative and the Chattahoochee Conservancy spoke out against the bill. The focus of their concern was that a free expansion of reservoirs on public and private land throughout Georgia would be detrimental to natural habitats as well as water quality. Additionally, the ACCG and GMA both spoke out against the bill in its current state focusing on the unnecessary costs on local governments as well as loss of funds from water revenue. The ACCG implored the committee to ensure proper local input on all new and existing reservoirs is included and the GMA stressed the importance of private reservoirs not being exempt from the current environmental standards which all public reservoirs must meet. After this testimony, committee Chairman Sen. Ross Tolleson (R-Perry) proposed a change to the bill which took out the exemption status for new reservoirs. The bill passed with dissenting votes from Sen. Dan Weber (R-Dunwoody) and Sen. Jeff Chapman (R-Brunswick).

□

Ethics Committee Logs on to Online Voter Registration

By Natalie Strong

CAP Mezz (Feb. 17, 2010)-On Wednesday, the Ethics Committee unanimously passed the Online Voter Registration Bill (SB406). Sponsored by Sen. Cecil Staton (R- Macon), the bill paves the way for online voter registration in Georgia. Representatives from the Secretary of the State's Office were on hand to discuss their office's support of online voter registration and the many way it would save the state money and time. Representatives from the League of Women Voters spoke in support of any bill that encourages citizens to vote by making the proc-



ess easier, but cautioned the committee that security and accuracy were the main concerns. All groups present stressed the importance of a secure system where only citizen's eligible to vote would be able to register and no illegal voters would be able to slip though the cracks. If the bill passes the House and Senate, it must be approved by the Department of Justice before it can become state law. □

Senate Provides Clarity in citizens' Private Right to Sue

By Raegan Weber

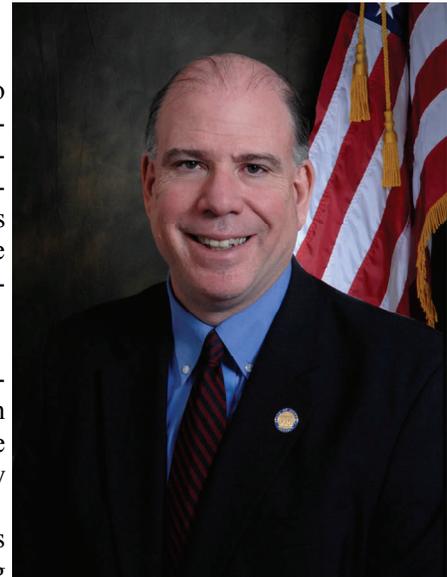
ATLANTA (Feb 17, 2010) – The Georgia State Senate today voted to provide greater clarity in citizens' private right to sue through the passage of the Transparency in Lawsuits Protection Act (SB 138). Sponsored by Sen. John Wiles (R-Kennesaw), SB 138 is based on American Legislative Exchange Council (ALEC) model legislation and calls for transparency in the legislative creation of new private rights to sue and would give the judiciary clear guidelines on statutes so that legislative decision-making authority is not side-stepped or misinterpreted.

“When we pass laws we need to be crystal clear. Consumers, businesses, and their lawyers deserve to know when and where they can sue or be sued. By enacting SB 138, Georgians will no longer be forced to seek the assistance of Georgia Courts to determine if they have a private cause of action,” said Wiles.

The uncertainty in Georgia law leaves interpretation up to the courts and this has resulted in over 30 Court of Appeals opinions determining that there is no private cause of action. The bill creates new Code Section 9-2-8, which makes it clear that a private right of action does not automatically arise when a legislative enactment occurs, unless expressly provided in the new statute.

Upon enactment of SB 138, if legislators would like to create a new right to sue, they would create the new right explicitly. If legislators want the statute to be enforced through other means, no new right would be created. Judges would then be able to understand the legislature's intent in passing a law because of SB138.

“When we're asking the courts to do more with less due to tight budgets, it is incumbent on the legislature to clarify the law whenever we can and reduce unneeded cases,” said Wiles. □



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)]