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people.

Sen. Mitch Seabaugh (R-Sharpsburg) presented SB 351 that includes another solution to save the state money, this time by reducing the number of hours of continuing education required for state-employed certified public accountants. Seabaugh noted that when state employees are furloughed in an effort to help shore up the state's budget, it's most important that they're working and not sitting in classrooms.

Switching gears to another hot topic facing the legislature this year, senators passed a floor substitute to the governor's water conservation bill to mirror changes made in the House, so that a final bill can be brought before the Senate tomorrow.

The Senate also voted to pass Sen. Buddy Carter's (R-Pooler) SB 390 that exempts conservation easements from the process cities must follow when they dispose of property, while also clarifying how cities can lease property.

Before the Senate adjourned for the day, Majority Leader Chip Rogers (R-Woodstock) presented the schedule for the next two weeks. Under this schedule, the legislature will reach Crossover Day on Thursday, March 25, the deadline for bills to cross from one chamber to another. □

Senator Harbison's Grand Jury Testimony Legislation passes the Senate



By Jennifer Kitt

ATLANTA (March 9, 2010) – Yesterday, Sen. Ed Harbison's (D-Columbus) legislation (SB 313) requiring witnesses in criminal cases to give an oath before going in front of a grand jury passed in the Senate.

"All testimony given in Georgia courts should be truthful and accurate," said Harbison. "If a witness is not sworn in, the testimony will not be allowed as evidence in the trial."

Harbison created the legislation after the shooting death of Kenneth Walker by a police officer during a

drug stop in Columbus, Ga. There were many discrepancies regarding the accuracy of the testimony given by the police officer during a grand jury hearing. This resulted in major distrust by the citizens of Columbus toward the city's judiciary system and police force. Harbison's bill gives clarity to current law, and will ensure that all witnesses will follow the same requirements. □

Sen. Judson Hill's Medical ID Theft Protection Clears Senate

By Matt Colvin

MARIETTA (Mar. 9, 2010) – A bill aimed to protect Georgia families from the quickly-spreading crime of medical identification theft overwhelmingly passed the Georgia State Senate Monday. Sen. Judson Hill (R-Marietta) authored Senate Bill 334 which will bring felony charges against any person who willfully and fraudulently uses another person's identity for obtaining medical care.

“Medical ID theft has quickly become the fastest form of identity theft in the nation, costing Georgia's citizens alone hundreds of thousands of dollars every year,” said Hill. “It is time Georgia took a proactive step to protect our hard-working families from this illegal behavior which can devastate someone's financial life by placing strong, enforceable penalties on criminals violating and invading their privacy.”



SB 334 makes obtaining medical care, prescription drugs, or financial gain with any form of stolen medical ID a felony. The protecting law will include ID of deceased persons, fictitious persons, and children under 18 over whom the accused has custodial authority. Under Hill's legislation, this offense is punishable by imprisonment for two to 10 years and/or a fine not to exceed \$100,000. A second or subsequent offense is punishable by imprisonment for three to 15 years and/or a fine not to exceed \$250,000. Each violation will be a separate offense. The bill also includes a subsection specifically providing for a private cause of action for damages, attorney's fees and reasonable litigation fees.

Hill noted that medical ID theft has become a very lucrative crime in Georgia and the U.S., mainly because current laws make tracking and stopping this illegal activity very difficult. He mentioned a Federal Trade Commission article which detailed the main obstacles patients are dealing with, such as changing incorrect information on their medical records due to ID theft. Victims of ID theft also face problems in challenging false medical claims stemming from illegal medical care, surgery, or prescription drug purchases obtained by stolen medical identities.

SB 334 passed the Senate 50 to 2 and will now head to the House of Representatives for consideration.

For more information on medical ID theft, please visit www.ftc.gov/idtheft.

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DOT Board Reorganization Tabled in Transportation

By Raegan Weber

CAP 450 (Mar. 9, 2010) – The Senate Transportation Committee, chaired by Sen. Jeff Mullis (R-Chickamauga) convened today and began discussion on the reorganization of the Georgia Department of Transportation (DOT) Board of Directors. Mullis presented Senate Bill 448 and enabling Senate Resolution 1126, which would amend the State Constitution to limit DOT Board members to two-year term

limits to coincide with legislative term limits. Mullis believes that since the legislature elects the board, then DOT Board members should have the same term limits to make them more responsive to the legislature.

Sen. Steve Thompson (D-Marietta) strongly cautioned Chairman Mullis and the rest of the committee away from this legislation. He stated that this would put the state back 50 years and undo all the progress

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the legislature has made to fix the damage done by all the corruption from then. Thompson thought this was the “biggest power grab in 50 years” and would give the governor and legislature too much political power over transportation. He did understand the position of the chairman and committed to working with him to improve the bill.



Many committee members spoke in favor of some sort of change to the Board’s term limits, noting that some board members from their districts have little to no contact with them. Sen. John Douglas (R-Social Circle) spoke in favor of change, especially since his Senate District crosses over five Congressional Districts. Board members are elected by the State Legislature according to U.S. Congressional Districts.

Sen. Valencia Seay (D-Riverdale) applauded the good intentions of the chairman and noted the bill’s worthiness of further discussion. She motioned to table the bill. Chairman Mullis commended the committee’s valuable comments and willingness to work together. He noted that this is “the committee’s bill now” and agreed to table until Thursday, March 11. Because the bill is a Constitutional Amendment, it will require a 2/3 vote in the Senate and House to pass and get on the November 2010 ballot.

Sen. David Shafer (R-Duluth) returned to the Transportation Committee to have SB 354 voted out of committee. SB 354 simply clarifies the standard by which a road can be abandoned by local governments. It does not change the procedure for abandoning a road. Once local governments abandon roads, they belong to the residents or businesses along that road. Shafer’s bill allows local governments to go through the procedure of removing a road if the road system is “not in the public interest.” Currently, local governments can only go through the process of removing a road if it has “no substantial public purpose.” Shafer cleared up any questions as to procedures with committee members prior to the hearing and his bill passed unanimously. □

Pull Tabs: Another Source of Revenue for Veterans Organizations

By Adam Sweat

CLOB 310 (Mar 9, 2010) - Today, the Senate Veterans, Military and Homeland Security Committee unanimously passed Senate Bill 454, which would allow veterans organizations to sell pull tab games with winnings that are limited to \$500 per person per 24 hour time period.

A “pull tab game” is defined as a multilayered paper ticket containing symbols hidden behind perforated tabs with two sides. One side lists the winning combination of the symbols, the cash payout for each combination, the total number of tickets that contain each winning combination and the total number of tickets in the game. The other side contains the perforated tabs which, upon purchase, the player pulls to reveal his or her winnings, if any.

Bobby Boss, Commandant of American Legion Post 233 in Loganville, testified to the committee about the importance of this bill. He stated that the Georgia Lottery has severely inhibited his organization from making money that goes directly to the local community. Although his post uses Bingo as a way of raising funds, the American Legion has seen declining numbers and needs other outlets to raise money to continue assisting veterans and other citizens in need. The bill, which passed out of the Senate in 2008 but failed to receive passage in the House, will now move on to the Senate Rules Committee. □

Consumer-Focused Reform passes Insurance Committee

By Kallarin Richards

CAP MEZZ (March 9, 2010) – The Senate Insurance and Labor Committee passed three consumer-centered bills that aim to improve health care services for Georgians. The first, Senate Bill 411, allows individual and group health plans to include and operate wellness programs. A representative from Humana noted that wellness and lifestyle programs play a significant role in bringing down health care costs. These programs encourage people to exercise, quit smoking, and adopt other healthy lifestyle habits so that they'll have less medical problems in the future. Research shows that 90 percent of health care costs

are lifestyle related. He also mentioned that 72 percent of diseases are preventable and 50 percent of cancers are preventable. The bill, authored by Chairman Ralph Hudgens (R-Hull), passed unanimously without opposition.

Sen. Preston Smith (R-Rome) followed with a bill highly favored by patient and health care advocacy groups but has drawn opposition from insurance companies. The bill makes three changes to common health insurance practices, first by prohibiting insurance companies from canceling health insurance “rescissions” based upon their allegation that the



original application contained an error or omission. SB 330 also extends health insurance coverage benefits to dependents up to age 25, regardless of whether they are full-time students, and eliminates annual and lifetime caps on insurance policies. Despite a representative from the Georgia Association of Health Plans claiming that the bill will limit flexibility and the number of products offered, the committee passed the bill out unanimously.

To ignite competition and uniformity between states, Sen. Judson Hill (R-Marietta) presented SB 407, which directs the insurance commissioner to identify at least five neighboring states

with insurance laws and regulations that closely mirror Georgia's, and allow these out-of-state health plans to be offered here. This bill drew the most debate from insurance companies and health associations, who all shared concerns that health insurance companies and their products would not be subject to the same regulations and would make it difficult to enforce consumer protections. Some also argued that it could lead to higher costs for patients. Hill noted that this legislation aims to give customers more options for health care coverage in a consumer-friendly way. Hudgens represented the tie-breaking vote in favor of passing the bill. □

Health and Human Services pass Medicaid and CMO Oversight

By Jennifer Kitt

CAP 450 (March 9, 2010) - On Tuesday, the Health and Human Services Committee returned from recess ready to work. Sen. Preston Smith's (R-Rome) legislation that establishes legislative oversight of Medicaid and Care Management Organizations (CMO), which manage the delivery of Medicaid and PeachCare for Kids services, passed unanimously out of the committee. Both the House and Senate will select members for the committee, which will oversee consumer complaints dealing with eligibility and payment issues.

Sen Gloria Butler (D-Stone Mountain) presented her resolution (Senate Resolution 986) urging the Department of Community Health (DCH) to pass regulations requiring the collection of data about Chronic Obstructive Pulmonary Disease (COPD). COPD is a progressive disease that hinders lung function and makes it harder for individuals to breath. The disease is currently the fourth leading cause of death in the United States. The data collected by DCH would be used to assist in research and in creating disease management practices. The resolution passed without opposition.

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Sen. Buddy Carter (R-Pooler) created legislation to address the growing problem of prescription drug abuse. SB 418 will create an electronic database of controlled substance prescriptions dispensed in this state, and a method to electronically review prescriptions. Rick Allen, assistant director of the Georgia Drugs and Narcotics Agency, testified in favor of the bill stating that drug abusers are taking advantage of physicians to get prescriptions. Sen. John Wiles (R-Marietta) questioned if the bill would violate patients' privacy, and if their information would be distributed for research or marketing purposes. Carter thanked the committee for their suggestions and noted that he would take those questions into consideration as he works on revising the bill before it is taken up for a vote. □

Education Committee Learns about Granting Schools Flexibility

By Katie Wright

CLOB 307 (Mar. 9, 2010) – On Tuesday, a bill that gives schools greater flexibility to use their appropriated funds and allows class size adjustment was discussed by the Senate Education Committee. Reps. Brooks Coleman (R-Duluth), chairman of the House Education Committee, and Tom Dickson (R-Cohutta) presented House Bill 908 with a firm belief that this legislation would aid schools in handling the current budget gaps.

Coleman explained this bill is the result of several months of preparation. A small task force of House and Senate Appropriations members gathered last fall to tackle the budget crisis by meeting with superintendants from all over Georgia. HB 908 was created as a result of these meetings.

The ultimate goal of the bill is to give schools greater flexibility with their money and with class size. HB 908 will allow schools to circumvent several expenditure controls without penalty so they can redirect money to where it is most needed. These funds will not be funneled to salaries; it will be strictly used for instructional purposes and staff development. Schools are mandated to have 180 instructional days and ten planning days. This bill allows schools to waive up to ten days, with no more than five instructional days, if it appears revenues will not meet expenditure requirements.

The second part of HB 908 relates to class size. Scott Austensen with the Department of Education testified that if one or two more students are added to every classroom, the state could save \$500 million. With HB 908, elementary schools will be able to work under a system-averaging approach. Classes can have more than the required amount of students as long as the class sizes average out to the maximum number they are required by law to have in each classroom. This bill also allows the State Board of Education to provide a blank waiver to all local school boards to adjust the class size. This ability will only take effect if expected expenditures are greater than the expected income for that school year. This legislation will be in affect upon the governor's signature and expire after the 2012-2013 school year.

The long line of witnesses included several teachers that testified against the bill. They explained that they felt that additional students in the classroom would be detrimental to test scores and the safety of the children. Transparency in the process was also a major concern. It was felt that notices should be sent out if local school boards are going to consider adding children to the classroom so that a fair hearing could be held. They also suggested HB 908 expire after the 2011-2012 school year, instead of the following school year.

The committee passed HB 908 out of committee by a 6-5 vote. □

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)]