



MARCH 10, 2010 - DAY 23

Upper Chamber Report

Raegan Weber, Press Director
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TOP STORY

Legislative Day 23: Senate Supports Governor's Water Conservation Bill

By Jennifer Kitt

CHAMBER (March 10, 2010) - The Senate unanimously passed the governor's legislation to improve water conservation and drought preparation in Georgia. Sen. Ross Tolleson (R-Perry) guided senators through the 12 sections of the bill, which outlines new guidelines for plumbing fixtures, programs for voluntary water conservation and partnerships state agencies. Tolleson thanked the Governor's Water Task Force and the Natural Resources Committee for their diligent work on the legislation. For more information on Senate Bill 370, see page 3.



Sen. Ross Tolleson discusses water conservation bill

determine the number of staff that can be hired for the next school year. The bill only extends the deadline over the next three years. Sen. Vincent Fort (D-Atlanta) spoke in opposition to the bill, stating that teachers should not be forced into employment limbo.

Georgia is one step closer to expanding broadband cell phone service thanks to Sen. Lee Hawkins' (R-Gainesville) Advanced Broadband Colocation Act (SB 432). This legislation will give local governments the authority to modify existing wireless structures to add 4-G broadband. Hawkins said broadband access is one of the keys to encouraging economic development in Georgia. The legislation passed by a 45-4 vote.

Senators revisited Sen. Jack Murphy's (R-Cumming) bill that allows restaurants near a housing authority to sell alcohol. The Senate passed similar legislation last year, and again voted in support of the bill today with a 33-18 vote. Murphy said liquor stores are already allowed to operate near a housing authority, while restaurants are currently prohibited from serving alcohol.

information on Senate Bill 370, see page 3.

Sen. Dan Weber's (R-Dunwoody) bill (House Bill 906) expanding the deadline school boards have to offer employee contracts from April 15 to May 15 passed with a 35-11 vote. Weber said school boards are dealing with declining budgets and need additional time to

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The Senate was flooded with a sea of green today as Sen. Buddy Carter (R-Pooler) recognized the Savannah St. Patrick's Day Parade Committee, including Chairman Harry C. "Copie" Burnett IV and Grand Marshal Dennis Michael Herb, Sr. The St. Patrick's Day Parade Committee was formed in 1926, and produces one of the largest celebrations in the nation.

Other distinguished guests included the Link organization, which was recognized by Sen. Freddie Sims (D-Albany). Links is a non-profit organization comprised of more than 12,000 African-American women who participate in community service and enrichment programs. Representatives discussed the organization's childhood obesity initiative and their goal to make Georgia a healthier and happier state. Sen. David Shafer (R-Duluth) welcomed representatives from the Red Cross and thanked them for their dedication to the state. He also recognized the Red Cross volunteers that traveled from 37 states to help during the devastating 2009 flood.



The Senate welcomes the Savannah St. Patrick's Day Parade Committee

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Senate Committee Passes Sen. Judson Hill's Free-Market Answer to Health Care Reform

By Matt Colvin

MARIETTA (March 10, 2010) – A bill that would allow Georgia health care customers to buy approved out-of-state health care insurance plans was endorsed by the Senate Insurance & Labor Committee Tuesday at the Capitol. State Sen. Judson Hill (R-Marietta) authored Senate Bill 407, designed to increase competition among insurance providers to help drive down costs and expand access for many uninsured or underinsured Georgians.

“During my time as a state Senator, I have led the way to seek free-market based solutions to improve and enhance Georgia’s health care system,” said Hill. “Senate Bill 407 allows the market to dictate the price and ultimately puts the power in the people’s hands, providing a wide array of health insurance choices for Georgians and their families. Increasing Georgia’s health insurance options through market competition is a proven method to reduce premiums, expand access to health care, and increase the quality of health care in our state.”

Hill’s legislation will give the Georgia state insurance commissioner authority to identify at least five states with health insurance laws and regulations substantially consistent with Georgia law. The state could then approve individual health insurance policies for sale in

Georgia that have been approved in those states and as long as the insurer is an authorized insurer in Georgia.

SB 407 also directs the insurance commissioner to form a group of like-minded states for establishing rules of reciprocity for the approval of comprehensive individual medical and surgical health insurance policies among the participating states. Hill mentioned this policy will ensure consumer protection with the states coming together to approve quality, highly-respected insurance providers as part of this legislation. Out-of-state companies offering health benefit plans under SB 407 will be subject to regulation by the commissioner regarding the enforcement of the contractual benefits under the health benefit plan, including the prompt payment of insurance claims.

Hill first introduced legislation allowing cross-state purchasing of health insurance in 2007. The initiative has gained momentum nationwide and is now considered a necessary part of any market-based health care reform package designed to increase access and make health insurance more affordable.

SB 407 now heads to the Senate Rules Committee before being taken up on the Senate Floor for a full vote. □

Sen. Tolleson Leads Important Water Bill through Senate

By Natalie Strong

ATLANTA (March 10, 2010) - Today, the Senate unanimously passed a substitute of the Governor's Water Bill (SB 370). SB 370 will create a culture of water conservation throughout Georgia and takes proactive steps in planning for water enhancement during future extreme drought conditions and additional water emergencies. The bill was crafted with the support of representatives from agricultural, environmental, development, business and municipal interests.

"This bill proves that Georgia is taking substantial steps toward dealing with the looming water crisis," said Tolleson. "We have taken every opportunity to move in the right direction as far as our state's future and water are concerned. By passing this bill unanimously, the Senate is showing how we can stand together for the value of our state's precious natural resources."

The bill will require the Department of Natural Resources (DNR), the Georgia Environmental Facilities Authority (GEFA), the Georgia Department of Community Affairs (DCA), the Georgia Forestry Commission, the Georgia Department of Community Health, the Georgia Department of Agriculture, and the Georgia Soil and Water Conservation Commission to review practices, policies, programs, and rules/regulations to identify opportunities to provide programs and incentives for voluntary water conservation and enhancement of the state's water supply. In addition, DNR's Environmental Protection Division (EPD) must determine the minimum standards and best practices for monitoring and improving the efficiency and effectiveness of water use by public water systems in order to improve water conservation.

The bill also touches on water conservation through many specific areas including residential and retail communities. All new multitenant residential buildings and multiunit retail areas permitted on or after July 1, 2012, must be constructed in a manner which will allow for submetering in an effort to make the most efficient use of our water supply. In addition, water conservation opportunities include encouraging residential and commercial retrofits for water-efficient fixtures and requiring water conservation measures in local government comprehensive plans.

SB 370 gives local governments the right to impose more stringent outdoor watering restrictions during non-

drought periods whereas current law only allows them during drought periods. New outdoor watering restrictions allow Georgians to irrigate outdoors daily for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants only between the hours of 4:00 P.M. and 10:00 A.M. This restriction does not apply to certain water uses such as commercial agricultural operations, reuse of gray water, irrigation of personal food gardens, and hand-watering with a hose with automatic cutoff, handheld container, etc. Local governments must adopt this new restriction, as well as the exemptions by ordinance by January 1, 2011.

The legislation acknowledges the role of water as a vital lifeline for the agricultural community. SB 370 establishes three categories of farm use surface and ground water withdrawal permits including active, inactive and unused permits. An active permit has been acted upon and used for allowable purposes as opposed to an inactive permit where the permit holder has requested inactive status in order to retain ownership of the permit for possible future use or reuse. Inactive permits may be reclassified to an active permit when the permit holder has given the Director 60 days written notice. An unused permit is classified as one that has never been used for allowable purposes. Unused permits will expire after two years unless changed to inactive or active status by notification to the director of EPD and may not be transferred to subsequent owners of the land.

Finally, the bill will call for the creation of a Joint Committee on Water Supply. The committee will undertake a study and analysis of the current status of the state's reservoir system and will conduct a comprehensive analysis of the state's strategic needs for additional water supply, including the identification of creative financing options for water reservoirs and other opportunities for water supply enhancement. □



Seabaugh Announces Superior Court Reductions

By Raegan Weber

ATLANTA (March 10, 2010) – Senate Majority Whip Mitch Seabaugh (R-Sharpsburg) dropped legislation today that would reduce the number of Superior Court judges in an effort to find budget savings. Currently Georgia has 205 Superior Court judges. Seabaugh’s bill would reduce that number to 186.

“Due to declining revenues for over 20 months and significant budget cuts over the past few years, we are now forced to find efficiencies and savings everywhere possible. In some cases, this requires legislative action to reduce the size and scope of government. By eliminating 19 Superior Court judge positions, we’ll achieve approximately \$13- \$14 million in savings to the state budget,” said Seabaugh. “We looked at the

overall cases filed per judge and found a more efficient balance of cases filed. Projected budget revenues return us to 2004-2005 levels. This is an area the legislature could find savings by reducing the number of judges to near 2004-2005 levels.”

The determination of judgeships to be eliminated in the 16 circuits was made after evaluating the number of cases filed per judge. Those areas which only have two judges will not be reduced. In many areas, the average workload of Superior Court judges is 3,200 cases. The judgeships to be eliminated averaged approximately 1,200 cases per judge. Those cases will be disbursed among the remaining judges in that circuit. Seabaugh suggests decreasing the number of judges in those areas that have a much lighter number of cases filed.

“In this budget atmosphere, nobody is exempt from cuts. If we can find significant savings in areas where we can consolidate, those are cuts we won’t have to make to education. This is an initial proposal. I’m asking for input from the courts to ensure that the right judgeships are eliminated,” said Seabaugh.

The Fiscal Year 2010 budget is over 7 percent lower than the 2009 budget and it is 8.5 percent lower than the governor’s original 2010 budget estimate. In these previous year budgets, the Senate has cut spending to state golf courses, set forth a plan to make the hall of fames self-sustaining, and consolidated services in certain departments.

Superior Court Caseload Calendar Year 2008

Circuit	# of Judges	Total		Proposal		Circuit
		Dockets	Avg Per Judge	# of Judges	New Avg	
Alcovy	5	15,510	3,102	5	3,102	Alcovy
Piedmont	3	10,436	3,479	3	3,479	Piedmont
Coweta	6	19,487	3,248	6	3,248	Coweta
Paulding	3	9,142	3,047	3	3,047	Paulding
Houston	3	8,770	2,923	3	2,923	Houston
Tallapoosa	2	5,650	2,825	2	2,825	Tallapoosa
Cherokee	4	10,894	2,724	4	2,724	Cherokee
Rome	4	10,842	2,711	4	2,711	Rome
Lookout Mountain	4	10,748	2,687	4	2,687	Lookout Mountain
Douglas	3	7,959	2,653	3	2,653	Douglas
Brunswick	5	10,484	2,097	5	2,097	Brunswick
Alapaha	2	5,189	2,595	2	2,595	Alapaha
Northern	3	7,734	2,578	3	2,578	Northern
Flint	3	7,486	2,495	3	2,495	Flint
Mountain	2	4,910	2,455	2	2,455	Mountain
Griffin	4	9,703	2,426	4	2,426	Griffin
Towaliga	2	4,753	2,377	2	2,377	Towaliga
Western	3	7,122	2,374	3	2,374	Western
Oconee	2	4,676	2,338	2	2,338	Oconee
Ocmulgee	5	11,466	2,293	5	2,293	Ocmulgee
Pataula	2	4,440	2,220	2	2,220	Pataula
Northeastern	4	8,850	2,213	4	2,213	Northeastern
Blue Ridge	3	6,622	2,207	3	2,207	Blue Ridge
Bell-Forsyth	2	4,414	2,207	2	2,207	Bell-Forsyth
Waycross	3	6,615	2,205	3	2,205	Waycross
Macon	5	10,808	2,162	5	2,162	Macon
Clayton	4	8,602	2,151	4	2,151	Clayton
Conasauga	4	8,578	2,145	4	2,145	Conasauga
Chattahoochee	6	12,569	2,095	5	2,514	Chattahoochee
Ogeechee	3	6,214	2,071	2	3,107	Ogeechee
Southern	5	10,355	2,071	4	2,589	Southern
Stone Mountain	10	20,570	2,057	9	2,286	Stone Mountain
Appalachian	3	6,135	2,045	2	3,068	Appalachian
Gwinnett	10	20,212	2,021	9	2,246	Gwinnett
Tifton	2	4,024	2,012	2	2,012	Tifton
Dougherty	3	5,910	1,970	2	2,955	Dougherty
Middle	2	3,915	1,958	2	1,958	Middle
Toombs	2	3,900	1,950	2	1,950	Toombs
Cobb	10	19,407	1,941	9	2,156	Cobb
Augusta	8	15,410	1,926	7	2,201	Augusta
Cordele	3	5,657	1,886	2	2,829	Cordele
Dublin	3	5,553	1,851	2	2,777	Dublin
Enotah	3	5,537	1,846	2	2,769	Enotah
South Georgia	2	3,663	1,832	2	1,832	South Georgia
Atlantic	4	6,712	1,678	3	2,237	Atlantic
Atlanta	20	30,951	1,548	16	1,934	Atlanta
Rockdale	2	3,177	1,589	2	1,589	Rockdale
Southwestern	3	4,225	1,408	2	2,113	Southwestern
Eastern	6	7,612	1,269	5	1,522	Eastern
Total	205	443,598	2,164	186	2,385	Total

* Based on 202 judges.
2,164

2,162 2,374

* Source: Administrative Office of the Courts.

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Sen. Rogers Elected to National Board of Directors for Legislative Leaders Foundation

By Raegan Weber and Adam Sweat

ATLANTA – (March 9, 2010) Last week State Senate Majority Leader Chip Rogers (R-Woodstock) was elected to the Board of the Directors for the State Legislative Leaders Foundation. He will serve a three year term which can be renewed if he remains in a leadership position when his term expires.

“The State Legislative Leaders Foundation is the nation’s premier organization for helping states implement best practices and innovative legislation,” said Rogers. “I am honored to join this board and look forward to a long-lasting relationship with the foundation. Throughout the duration of my term, I will work to facilitate educational workshops and discussions in finding solutions to state and national issues. Cultivating relationships and exploring new, viable solutions will help advance Georgia’s top priorities – the economy, education and transportation.”

The State Legislative Leaders Foundation (SLLF) is a nonprofit, nonpartisan, independent national organization committed to providing specialized educational and

enrichment programs for the leaders of state legislatures — an elite group of approximately 350 House Speakers, Senate Presidents, Majority Leaders, Minority Leaders and Pro Tempores. SLLF communicates regularly with these men and women through attendance at our university-based educational programs, newsletters, research, and a variety of other activities. To further ensure the focus on leadership, the Foundation’s Board of Directors, SLLF’s governing body, is made up exclusively of currently serving legislative leaders.

Rogers was first elected to the Georgia House of Representatives in 2002 and to the Georgia Senate in 2004. He has been applauded for his tireless work on cutting taxes, reducing spending, promoting pro-business legislation, and bringing transparency and efficiency to government and has received both State and National recognition for his legislative efforts. In November of 2008, Rogers was unanimously elected Majority Leader of the Georgia Senate. He also serves on the following committees: Finance, Banking and Financial Institutions, Economic Development, Insurance and Labor, Redistricting, Rules, Appropriations, and Assignments. □

Continued from Superior Court Reductions on Page 4

Every department’s budget has been affected by budget cuts, including Natural Resources, the Forestry Commission, the State Accounting Office and Administrative Services. The number Superior Court judges has increased each year for the past several budget cycles. This legislation proposes to scale back in circuits where the number of cases has gone down.

To balance the Fiscal Year 2011 budget, the Senate is looking for an additional \$1.1 billion in cuts from the governor’s recommended FY 2011 budget. The majority of cuts to the FY 2011 budget will come through the appropriations process. This is one of the few items that require statutory action. The Senate only has 7 days left to work legislation through the committee process and over to the House by Legislative Day 30 on March 25.

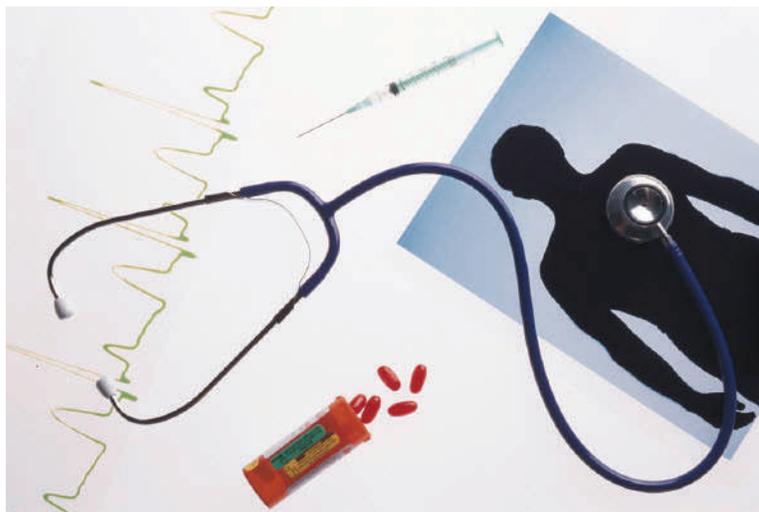


Sen. Seabaugh announces legislation to reduce superior court judges at a press conference

Important Health Care Legislation Tabled for Further Discussion

By Adam Sweat

CAP 125 (March 10, 2010) – Sen. Judson Hill (R-Marietta) presented two bills, Senate Bills 399 and 398, to the Government Oversight Committee that concern heavily contested health care issues at both the state and national level. SB 399 will halt any measure from the federal government that would impose health care reform on citizens of this state. SB 398, which also deals with health care, would require that Medicaid payment information be made available to the public through a state run website.



SB 399 will prohibit state departments or agencies from implementing any part of federal health care reform unless they first give a report to the General Assembly detailing the cost and scope of such measures. The State Legislature would then have to pass legislation that specifically authorizes the implementation of the federal reform provision. Hill reiterated that if the federal government handed down an unfunded mandate, he wanted the legislature to be prepared to prevent such measures from crippling Georgia's already weakened economy. Sen. Seth Harp (R-Midland) probed Hill to clarify how this bill would stop a federal mandate from being enacted. Hill responded that the core issue of health care reform requires Medicaid expansion which would call for legislative action by the General Assembly.

SB 398 requires the commissioner of public health to implement a program to make nonaggregated information collected under the federal Medicaid Statistical Information System available through the Department of Community Health (DCH) website. Moreover, this information must be de-identified in accordance with federal HIPAA rules and regulations. It will be the commissioner's responsibility to ensure that the information on the website is easily accessible to the public and up to date, with the information updated at least once per calendar quarter. SB 398 seeks to limit Medicaid fraud that costs the state millions of dollars each year. However, members from DCH expressed their opposition to the bill in its current form, stating they have significant safeguards in place to protect Georgia's citizens from fraud and SB 398 will not substantially aid in recovering monies lost in Medicaid fraud. They cited the de-identification process as the most expensive aspect of this piece of legislation. While there is an agreement from committee members that preventative measures must be in place to prevent fraud, Chairman Renee Unterman (R-Buford) applauded DCH for complying with her requests for Medicaid information. Both of Hill's sponsored bills will have to wait until further committee meetings to find out their fate. There will continue to be discussion surrounding these sensitive topics that have long-reaching effects throughout the entire state of Georgia.

Although the majority of the scheduled legislation will wait for a vote in the coming weeks, the committee heard two bills that received unanimous support. Senate Minority Leader Robert Brown (D-Macon) presented two pieces of legislation. SB 118 prohibits anyone who is serving or who has served on a county board of tax assessors within the last twelve months from serving as an employee of that board. These types of occurrences have plagued multiple counties throughout Georgia and the bill seeks to rectify the current situation. Brown spoke candidly about this type of practice in his own district, Bibb County.

SB 143 alters the Open Meetings Act. Currently, agency meetings in which an agency is discussing the future acquisition of real estate may be closed to the public. Under this bill, this exclusion would not apply to taking final official action to approve or disapprove such an acquisition. Additionally, this bill provides that the disclosure of meeting minutes may receive a delayed release until the parties have entered into a binding agreement as to the material terms of the acquisition. The bill, in its current form, passed through the committee with a substitute. □

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)]