



MARCH 18, 2010 - DAY 27

Upper Chamber Report

Natalie Strong, Deputy Press Director
Kallarin Richards, Editor in Chief

TOP STORY

Legislative Day 27: Healthcare Legislation takes Center Stage

By Katie Wright

CHAMBER (March 18, 2010) - It was an exciting day under the Gold Dome as legislators worked to pass legislation for a better Georgia. The day began with Sen. Judson Hill (R-Marietta) asking the Senate to reconsider his Health Care Freedom of Choice Constitutional Amendment (Senate Resolution 794), which is aimed at protecting Georgians’ right to choose their health care. The Senate voted 31-19 to reconsider the measure,

which was placed back in the Rules Committee where it awaits a second turn on the Senate Floor.



Sen. Judson Hill presents his health care bills

With an extensive list of bills on the calendar, the Senate buckled down for a long day in chamber. Hill presented his second piece of legislation, Senate Bill 317, aimed at protecting a citizen’s right to purchase health care. Hill asked the Senate to take a stand for Georgians by voting in favor of the bill, which passed with a party-line vote of 31-16. For more information on SB 317, see Page 8.

The Senate unanimously supported Sen. Emanuel Jones’ (D-Decatur) zero-tolerance discipline legislation, SB 299. He said that “zero-tolerance equals zero intelligence”, and that he authored the legislation to target the abuse of zero tolerance policies in schools. Jones explained that these policies automatically impose harsh punishments without consideration of the circumstances. For more information on zero tolerance bill, see Page 7.

A student delegation from Morgan County was in the gallery to observe the debate over Sen. Jack Murphy’s (R-Cumming) texting legislation. Senate Bill 360, also known as Caleb’s Law, is an attempt to prevent needless wrecks and deaths that can occur when drivers text while behind the wheel. Caleb was 18-years-old when he lost his life in an accident that occurred while he was texting while driving. The Morgan County student delegation played an active role in lobbying for this bill, which the Senate unanimously passed. For more information on the texting legislation, see Page 3.

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The Senate also voted in favor of legislation to allow for the development of public private partnerships for reservoirs. Sen. Chip Pearson (R-Dawsonville) explained that meeting our state's future water demand is crucial to Georgia's economic development, and increasing water storage is the best way to do so. SB 321 authorizes the Georgia Environmental Facilities Authority Water Supply Division and local governments to enter into a water use agreement with the owner of any private reservoir. This bill will help expand water supply across the state at less expense to Georgia taxpayers.

Sen. Donzella James (D-College Park) questioned the mix of public and private dollars and expressed concern that the public would be shut out of the process of developing these partnerships. Pearson explained that this is not the case and that steps are being taken to ensure public involvement in all aspects of the relationship. Sen. Steve Thompson (D-Marietta) also voiced his concern that the bill could be a dangerous road to follow.

Sen. Curt Thompson's (D-Tucker) bill removes provisions prohibiting MARTA from providing rapid transit contracts to areas beyond MARTA's existing rail system. Under the current law, certain districts can only use bus services. The bill will allow for the extension of existing rail lines into counties but it does not force any metro county to accept MARTA or other transit contracts. While Thompson worked with both sides of the aisle to craft this legislation, Sen. John Wiles (R-Marietta) was concerned that the public would be left out of deciding where these new lines would run. Thompson assured him the public would be involved in the decisions. Thompson expressed his hope that this legislation will encourage metro counties to expand rapid transit lines and turn Atlanta into a more accessible city.



Sen. Curt Thompson urges the Senate to support his MARTA Rail Expansion Bill

Other legislation that passed unanimously was Sen. Ralph Hudgens' (R-Hull) Healthy Georgians Act of 2010, which allows individual and group health plans to include and operate wellness programs. 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.

Sen. Don Thomas (R-Dalton) authored Senate Bill 435, which met no opposition on the floor, to target developing, implementing and promoting a statewide effort to combat the spread of Type 2 and pre-diabetes. Diabetes is a leading cause of death in the United States and its prevalence is particularly high in Georgia. Without aggressive action, the number of Georgians with diabetes will more than double in the next 20 years to more than 1.6 million people, resulting in an economic burden of approximately \$11.9 billion. This bill creates the Georgia Diabetes Control Office, which will lead the state in the education and prevention of diabetes.

The day ended with Sen. Gail Buckner (D-Atlanta) introducing legislation that targets the insensitive release of gruesome crime scene photos. This legislation is a result of the now infamous open records request by Hustler Magazine for the release of crime scene photos.

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Life Saving Texting Bill Passes Senate

By Natalie Strong

ATLANTA (March 19, 2010) - Caleb's Law sponsored by Senator Jack Murphy (R-Cumming), chairman of the Public Safety Committee, passed the Senate on Thursday with unanimous approval. Caleb Law's (Senate Bill 360) will prohibit the use of a mobile phone for writing, sending, or reading a text-based message while operating a motor vehicle. The bill amends the current code section to make texting while driving illegal for all Georgia drivers: both teenagers and adults. The bill is named in honor Caleb Sorohan, an 18-year-old from Dahlonega, who died nine days before Christmas after his car crossed the centerline of a rural Morgan County road and ran into a truck carrying horses. It was determined that he had been texting while driving.

"As legislators we do our best everyday to make decisions that will positively impact the lives of Georgians for years to come," said Murphy. "This bill will not only make Georgia road's safer, it will save lives. It is time for us to join with the many states around the country that are taking proactive steps toward making sure that individuals, like Caleb Sorohan, live to see a bright future."

A conviction will result in a fine of up to \$150. Likewise, a teenager who is charged twice with texting while driving will be restricted to driving on a class D license for a period of one year.



Sen. Jack Murphy asks Senate to pass Texting Bill

Currently, 30 other states have some form of legislation regarding distracted driving when using cell phones. As of March 2010 the practice of texting with a cell phone while driving was banned in 20 states and the District of Columbia. Texting, specifically by teens, was the subject of an August 2006 Teens Today survey conducted by the Liberty Mutual Research Institute for Safety and Students Against Destructive Decisions. The survey showed that teens considered sending text messages via cell phones to be their biggest distraction. Of the teens surveyed, 37 percent said that text messaging was extremely or very distracting, while 20 percent said that they were distracted by their emotional states and 19 percent said that having friends in the car was distracting. □

Sen. Smith Introduces Educators Salary Protection Act

By Kallarin Richards

ATLANTA (March 19, 2010) – Sen. Preston Smith (R-Rome) is championing the cause to protect Georgia teachers from additional furlough days. He has introduced the Educators Salary Protection Act to prevent school systems with more than 6 percent funding in their reserve accounts from furloughing teachers, when funding is readily available to prevent the furloughs. The state has exhausted a reserve account of almost \$1.8 billion over the last two years. Most of the reserve funding went to education spending.

"Teachers should never be furloughed when local school systems have the funds available to pay their salaries. Across the state there is more than \$1.2 billion sitting in school system reserve funds, which, when possible, should be spent on supporting Georgia's teachers," said Smith. "During this economic downturn, some school systems decided to use their reserve fund to avoid teacher furloughs, but many did not. We must defend educators, who are one of our state's most vital resources. They can help shape our children into accomplished adults, creating a skilled workforce that gives our state a competitive advantage in the global marketplace."

Education spending in Georgia increased 34 percent between 2004 and 2010. The FY 2004 budget included \$8.59 billion for education spending. The FY 2010 General Budget contained \$11.47 billion for education spending.

Senate Bill 515, the Educators Salary Protection Act, has been assigned to the Senate Education Committee. □

Accrediting Reports will Impact School Board Members' Salary

By Adam Sweat

CLOB 310 (March 18, 2010) – The Senate Education and Youth Committee voted to prohibit school board members from receiving their salary or per diem reimbursement should they be named in a report by an accrediting agency. The report must specifically name a board member who violated policies or standards of the accrediting agency that resulted in the school system failing. The School Board Per Diem and Salary Bill (Senate Bill 426) received unanimous support from the committee members. Sen. Gail Buckner (D-Jonesboro) authored the bill and commended her fellow Senators for supporting a bill in agreement with existing state code.

Sen. Judson Hill (R-Marietta) presented legislation that also received a unanimous vote. The Teacher's Bill of Rights (SB 320) will provide certified teachers with rights when employed in a Georgia public school. Among those are the right to exercise independent thought and the right to express constructive criticism, the ability to use their professional judgment to remove a student from the classroom for disruptive behavior, file a grievance about an evaluation if the tenured teacher feels the evaluation was false,

and participate in an annual confidential evaluation of each administrator.

The last bill to receive a vote, SB 521, concerns the enrollment counts for students in dual enrollment programs. This legislation will allow a school operated by the local school board, charter school, or commission charter school to include students in their formula count who are dual enrolled, in order to receive the amount of state funding if the student is taking postsecondary courses at another educational body. The student will have to stay at the state-funded high school for the school to receive the money. Sponsored by Chairman Dan Weber (R-Dunwoody), the bill was presented in light of the alarming statistic that in the past three years, dual enrollment has declined from 12,000 students to 4,000 students.

Sen. Freddie Sims (D-Albany) sponsored the Early Childcare Program Provisions Bill (SB 451), which establishes procedures to close and revoke the license of a family day-care home where the death of a minor has occurred. After significant discussion from the committee members, Chairman Weber tabled the bill for further discussion until the next meeting on Monday, March 22. □

Controlled Substances Return to Health and Human Services

By Katie Wright

CAP 450 (March 18, 2010) – After much debate, Sen. Buddy Carter's (R-Pooler) legislation targeting substance abuse was put to a vote in Health and Human Services during Thursday's meeting. Senate Bill 418 will create an electronic database of controlled substance prescriptions dispensed in the state and a method to electronically review prescriptions. The most significant change made to the bill throughout the legislative process was to who will have access to the information stored on the database. In its most current form, SB 418 will allow only prescribers and dispensers access to the information. The committee granted passage to the bill.



Sen. Hardie Davis (D-Augusta) presented a bill that received unanimous passage, which addresses death certificates for burn victims. Under SB 493, when a burn victim dies following transportation to a treatment facility, only the attending physician is required to complete the death certificate. □

Committee Decides Landfill Legislation is Not Waste

By Katie Wright

CAP 125 (March 18, 2010) – Legislation aimed at improving Georgia’s recycling and reusing efforts was heard by the Senate Agriculture and Consumer Affairs Committee on Thursday. Sen. Chip Pearson (R-Dawsonville) authored Senate Bill 511 that will allow yard waste and trimmings to be moved from landfills where the waste is simply dumped to landfills with a gas collection system that can convert yard and vegetative waste to alternative energy sources. Currently, under a 1996 ban on yard trimmings in landfills, this is not allowed. While this restriction is not being lifted, there will now be a provision stating landfills with gas collection systems can accept yard waste and trimmings.

There was significant opposition to SB 511, mostly from small business owners working in the composting industry. They felt such legislation would hurt their already suffering businesses and funnel composting materials to landfills, rather than to their composting businesses. The waste management industry spoke in favor of the bill. They said this was not taking any business away from the composting industry. It is simply allowing waste management companies to take yard waste to landfills



that have the means to mix it with garbage to make more and better methane. Currently, they are dumping the waste at a site where it will sit in a hole, simply separated from regular waste. Pearson closed the debate adding that with the passage of SB 511, Georgia will take a giant step toward more green energy and composting. The committee passed the bill with a 3-1 vote.

Chairman John Bulloch (R-Ochlocknee) presented SB 447, which will give preference to Georgia companies when the state contracts for public work as long as by doing so, the state is not incurring any additional costs. This legislation was a result of Georgia businesses losing a bid on a state contract in South Georgia to Florida companies, paying an additional \$350,000. Those who testified supported the bill and said that they were in favor of fair practices, but that our neighboring states, excluding Alabama and Tennessee, have similar provisions in place that give them a competitive advantage. It also mandates that all entities of state government must adhere to the policies outlined in the State Construction Manual for project management. The committee unanimously approved SB 447. □

Heath proposes to eliminate State Ad Valorem Tax

By Raegan Weber

ATLANTA (March 18, 2010) – Georgia citizens continue to contact their legislators asking about tax relief, particularly property owners. Recently the Georgia Senate passed property tax assessment and appeal reform, but State Sen. Bill Heath (R-Bremen) has gone one step further.

Heath has proposed to eliminate Georgia’s state ad valorem tax. His bill, Senate Resolution 1287, 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.



“Owning your own home is an American Dream, but it is not a dream to be over-taxed. We should do everything we can to relieve taxpayer burdens,” said Heath. “We must get the state out of the ad valorem tax collection business. Local governments should have the ability to

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Sen. Ramsey Welcomes the DeKalb Section of the National Council of Negro Women to the Senate

By Katie Wright

ATLANTA (March 18, 2010) – State Sen. Ronald Ramsey (D-Lithonia) welcomed the DeKalb Section of the National Council of Negro Women (NCNW) to the Senate on Wednesday. He sponsored Senate Resolution 925 in their honor, to recognize their twenty years of service to our community.

“It is always an honor to recognize groups like the NCNW to the Capitol,” said Ramsey. “Their contributions to the community are unmatched. The citizens and families of DeKalb greatly value their services.”



Senate welcomes DeKalb National Council of Negro Women chapter

The National Council of Negro Women, Inc. is a council of national African American women’s organizations and community-based sections. Founded in 1935, the NCNW mission is to lead, develop, and advocate for women of African descent as they support their families and communities. NCNW fulfills this purpose through research, advocacy, and national and community-based services and programs on issues of health, education, and economic empowerment in the United States and Africa. With its 39 national affiliates and more than 240 sections, NCNW is a non-profit organization with an outreach to nearly four million women.

The southeastern region of NCNW coordinates national projects and supports the activities of ten Georgia sections, which include Spelman College; the cities of Atlanta, Augusta, Columbus, and Savannah; the Counties of Camden, Clayton, and DeKalb; and active youth sections in the City of Atlanta and DeKalb County. □

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manage their taxes at the local level.”

The State of Georgia currently levies an ad valorem tax on all property, and is a component of local property tax bills. The state millage rate is a quarter mil (.25/\$1,000 assessed value). Counties argue that the state requires them to do property assessments and to collect ad valorem tax. Heath’s resolution is a major step in allowing local governments to have more control over property taxation. Removing the state ad valorem tax will have no effect on counties, cities and school funding.

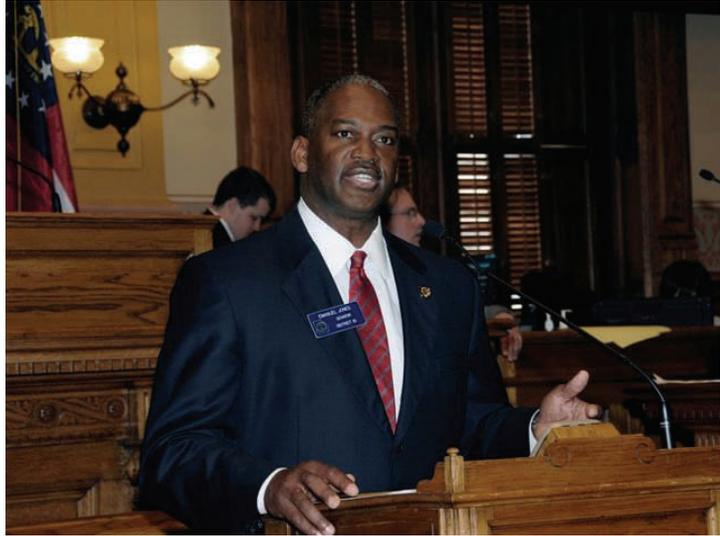
Because this measure is a Constitutional Amendment, it will require a two-thirds vote in the Senate and the House before going to the voters for approval on the November 2010 ballot. □

Senate approves Sen. Jones' Zero Tolerance Discipline Bill

By Kallarin Richards

ATLANTA (March 18, 2010) – The Georgia State Senate today unanimously voted in favor of Sen. Emanuel Jones' (D-Decatur) legislation to limit the abuse of zero-tolerance discipline policies in schools.

“This is about putting the decisions back in the hands of the educators,” said Jones. “Teachers and principals should have the flexibility to levy a punishment that appropriately fits the student. The one-size fits all approach to discipline that has pervaded our schools serves only to ensnare kids into a pipeline to prison.”



Sen. Emanuel Jones presents his zero tolerance bill to Senate

Hailed as common-sense legislation, Senate Bill 299 implements provisions aimed at educators, students and juvenile courts to foster a learning environment that prioritizes education over punishment. Zero-tolerance policies automatically impose harsh punishments without consideration of the circumstances. Under these policies, students have been expelled for bringing nail clippers or scissors to school.

Under Jones' legislation, teachers and principals are encouraged to use their discretion to report a student under the zero tolerance policy, whereas current law requires them to report every incident. The bill also changes the juvenile criminal code to treat a first offense as a delinquent act, rather than a designated felony act. This gives kids a second chance if they commit a minor infraction without the intent to harm anyone. Judges are also prohibited from establishing a standing court order that allows them to send a student directly to jail before receiving a hearing. This will prevent students from being sent to prison for committing a minor infraction that does not call for such harsh punishment.

Over the years, zero tolerance policies have contributed to rising suspension and expulsion rates. The number of children suspended from school has risen from 1.7 million in 1974 to 3.1 million in 2000. Many of these kids are expelled for committing only a minor infraction; kids who have no previous history of misconduct. Findings also indicate that there is great racial disparity in the students who are expelled. In 2000, African-American students represented only 17 percent of public school enrollment nationwide, but accounted for 34 percent of suspensions.

Jones also noted that Georgia spent an average of over \$74,000 to house just one youth in a detention center in 2008. With a 1,320 bed capacity, this cost the state almost \$98 million. “Creating a pathway from school to jail simply railroads these kids into a life of crime. This is a disservice to our children, but also to our state. Georgia taxpayers are financing the cost of these detention centers, and in such tough economic times this is not something for which citizens, the state or our children can afford to pay the price.”

Since its introduction, the bill has received support from a wide range of stakeholders, including the Georgia Association of Educators; the Georgia Association of School Superintendents; Judge Steven Teske, immediate past president of the Georgia Council of Juvenile Court Judges; and the Georgia State Conference NAACP, among others.

The bill now moves the House of Representatives for consideration. □

Sen. Judson Hill Committed to Protecting Health care Choice in Georgia

By Matt Colvin

ATLANTA (March 19, 2010) – State Sen. Judson Hill (R-Marietta) was joined by Senate Republicans Thursday passing legislation protecting Georgians’ rights to choose their own health care. Hill authored Senate Bill 317, which would prohibit any government, state or federal, from forcing its citizens to participate in any health care system.

“Each person should have the right to participate in private health care, government health care, or exercise their right not to participate any health care at all,” said Hill. This bill simply protects those basic rights of choice that we all enjoy today.”

Georgia’s citizens would be protected from being forced by the government to purchase health care under Hill’s measure. Existing private and government programs would not be affected by this legislation. Hill noted on the floor that this measure prohibits any government from punishing an individual or business that does not participate in health plans, as

well as protect health care providers from being forced to perform mandated medical procedures.

On Wednesday, Hill’s Senate Resolution on health care choice protection was blocked by Senate Democrats. Senate Resolution 794 would have allowed Georgia citizens to vote on adding a Constitutional Amendment to the state Constitution blocking any mandatory requirements for Georgians to buy health insurance. On Thursday, the Georgia Senate voted to keep SR 794 alive by voting to reconsider and sent it back to the Senate Rules Committee.

“While I would have preferred to let Georgians vote in November to change the State Constitution, this legislation passed by Senate Republicans will still protect Georgians’ right to choose the health care they want,” said Hill.

SB 317 now heads to the House of Representatives for consideration. □

“Smash and Grab” Burglaries get their own Classification

By Kallarin Richards

CLOB 307 (March 18, 2010) – In response to the rash of high profile “smash and grab” burglaries across Metro Atlanta recently, a separate crime will be created under Senate Bill 423 to help better prosecute these crimes that are taking a financial toll on Georgia’s retail industry. Michael Liberatore, regional vice president of loss prevention for Macy’s, emphasized the impact these crimes have on retailers and the economy. He also highlighted their affect on the young people who are recruited to break into stores after hours and steal thousands of dollars worth of valuable merchandise, leaving behind tens of thousands of dollars in property damage. According to the FBI, Organized Retail Crime is a national issue and is estimated to cost between \$15 billion to \$30 billion annually. Chairman Preston Smith (R-Rome), author of the bill, previously held a hearing on the legislation. After Liberatore’s testimony, the bill passed unanimously.

American news organizations are having trouble dealing with foreign defamation judgments that are obtained against them overseas, where the burden of proof is less stringent than in U.S. courts. Typically these are cases that involve libel or slander. Sen. Bill Cowsert’s (R-Athens) SB 488 states that before Georgia courts will



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enforce a defamation judgment obtained in a foreign country, the plaintiff must comply with the state's standard due process. David Vigilante, senior vice president and chief litigation for Turner Broadcasting, noted that using less favorable speech laws are typically efforts used by people outside the U.S. to silence speech within the U.S. He said often times people will use the threat of filing lawsuits in multiple countries to intimidate a news outlet to change their reporting or settle a case. The bill passed unanimously.

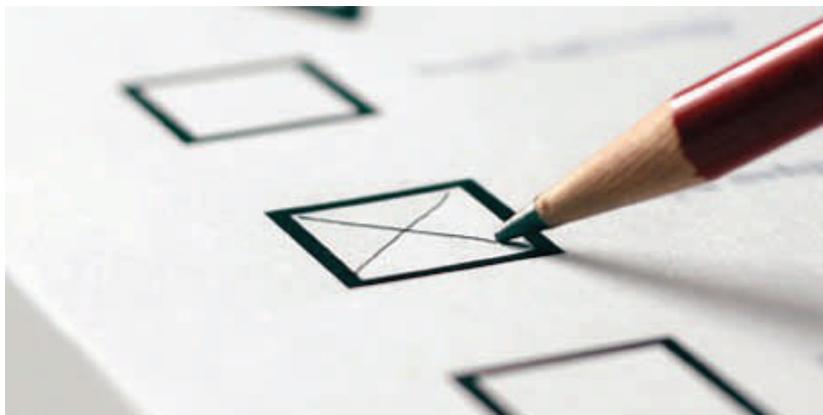
Other bills that passed the committee include:

- SB 302 outlines new requirements for the distribution of trust accounts that have been dormant for a specific period of time.
- SB 375 is a clean up bill for the newly-created Department of Behavioral Health and Developmental Disabilities.
- SB 461 outlines the effective date for federal estate and generation-skipping transfer taxes of wills or trusts.
- SB 491 clarifies Georgia courts' jurisdiction over nonresidents in domestic relations cases. □

Insurance Committee votes to Secure Secret Ballots

By Kallarin Richards

MEZZ (March 18, 2010) – The Senate Insurance and Labor Committee voted in favor of securing Georgia workers' ability to vote by secret ballot in union organizing elections. The Constitutional Amendment was proposed last year by former Sen. Eric Johnson (R-Savannah) to protect Georgians from a national attempt to



end the use of the secret ballot called The Employee Free Choice Act (EFCA), which would implement a practice commonly known as "card check." Card check is where workers are encouraged to sign a membership card which then serves as a favorable vote for unionizing. Senate Resolution 108 will be carried in the Senate by Majority Leader Chip Rogers (R-Woodstock), and if passed by the legislature will be put before voters on the November 2010 ballot.

The committee also voted to create an autism task force under SB 161, which would be charged with developing a plan to educate the public and health care professionals about the advantages and avenues available for early screening, early intervention, diagnosis and treatment of autism. Preliminary studies have found that early intervention and treatment did reduce associated costs. The task force will also examine implementing a cost-effective plan for early screening, diagnosis and treatment, as well as a disease management program. The bill's author, Sen. Johnny Grant (R-Milledgeville), noted that one in 150 kids is affected by this condition and each diagnosed child has a \$3.2 million lifetime per capita societal cost.

SB 482, authored by Chairman Ralph Hudgens (R-Hull) also passed, which clarifies current language by affirming that life settlements are not considered "stranger originated life insurance." Rep. Tommy Benton (R-Jefferson) also saw his House Bill 128 pass, which establishes a 10-year period in which someone can assert themselves as either blind or a disabled veteran to be eligible for tax and fee exemptions. □

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)]