



MARCH 22, 2010 - DAY 28

Upper Chamber Report

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TOP STORY

Legislative Day 28: Wide Range of Legislation debated on the Senate Floor

By Kallarin Richards

CHAMBER (March 22, 2010) - Less than 24 hours following a historic vote by the U.S. House of Representatives to pass national health care reform, Georgia's state senators debated a measure aimed at investigating certain federal mandates before they are enforced in Georgia. Senate Bill 401, authored by Sen. Mitch Seabaugh (R-Sharpsburg), authorizes the governor to delay compliance with federal Cap and Trade programs until a cost analysis



Sen. Mitch Seabaugh presents bill aimed at federal Cap and Trade measures

has been completed to determine the program's fiscal and regulatory impact on the state budget, citizens and businesses. The bill also directs the Georgia attorney general to file suit against the federal government if Cap and Trade measures are forced on Georgia citizens. When questioned by Sen. Steve Thompson (D-Marietta) if passing such a measure is wise, considering that federal law supersedes state law, Seabaugh responded that it's important to assess what the state's responsibility will be under such a federal measure in order to protect the people of Georgia. The bill passed with a 33-16 vote.

Moving away from federal mandates, the Senate turned its attention to transportation, another major issue facing the state. Senators voted in favor of a Constitutional Amendment to allow for more flexible funding options on Department of Transportation (DOT) projects. Sen. David Shafer (R-Duluth) noted that Senate Resolution 821 will get road projects underway by allowing the DOT to enter into multiyear construction agreements without obligating present funds for the full amount of obligation the state may bear under the full term of the agreement. He said this will put Georgia's transportation dollars to work building roads and will put people back to work. He also noted that the bill establishes an accounting system that will solve the controversy surrounding the department's system of accounting that was discovered last year. Gaining the required two-thirds vote necessary to pass the Senate, the bill moves to the House of Representatives. If it receives final passage by the legislature, the measure will be put on the ballot to be approved by voters in November.

Sen. Shafer presented another bill that passed the chamber to clarify when a road can be abandoned by local governments. The bill does not change the procedure for abandoning a road. Once local governments abandon roads, they belong to the residents or businesses along that road. SB 354 allows local governments to go through the procedure of removing a road when it is "not in the public interest." Currently, local governments can only go through the process of removing

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a road if it has “no substantial public purpose.”

Another Constitutional Amendment was brought up for a vote, this time to protect Georgians’ right to a secret ballot. Sen. John Wiles (R-Marietta) carried the resolution on behalf of former Sen. Eric Johnson (R-Savannah), which Wiles said protects a fundamental American right to vote by secret ballot. After Sens. Vincent Fort (D-Atlanta) and Steven Henson (D-Tucker) raised concerns that the bill interferes in how private companies conduct elections, the bill failed to receive the necessary two-thirds vote for passage. However, after a motion to reconsider the measure was adopted, the resolution will be taken up again on the next legislative day.

In an effort to help teachers and local school systems save money, Sen. Lee Hawkins (R-Gainesville) authored a resolution that will cut in half the number of professional learning units (PLU) that a teacher needs to keep a teaching certificate. Sen. Hawkins emphasized the need to help teachers and schools save money in such hard economic times. For more information on Senate Resolution 1199, which passed the Senate unanimously, see Page 3.

Anyone convicted of falsely representing himself or herself as a firefighter, volunteer firefighter, public safety official, certified emergency medical technician, certified cardiac technician, or certified paramedic will be punished by a fine of up to \$1,000, and can be imprisoned from one to five years. SB 343, authored by Sen. Shafer, passed with a 44-1 vote.

The Senate also voted to increase oversight of Georgia’s Medicaid system under a bill authored by Sen. Preston Smith (R-Rome), which creates a legislative oversight committee to oversee service delivery of Medicaid Care Management Organizations (CMO), which manage the delivery of Medicaid and PeachCare for Kids services to patients. Sen. Smith noted that Georgia has three CMOs, none of which are subject to the same regulations as other health insurance providers. SB 443, which passed unanimously, will bring more transparency to the system and will give legislators more say in how those services are delivered to patients.

Sen. David Adelman (D-Decatur) resigned from the State Senate today after U.S. Senate voted last week to confirm him as U.S. ambassador to Singapore. He gave a heartfelt speech to the chamber after the lieutenant governor announced the news of his confirmation. Adelman thanked his colleagues for their support and inspiration over the years. He shared the story of the first time he entered the State Capitol, which was in 4th grade when he toured the building on a field trip. Growing up in a hardworking family that had no political ties, Adelman said he never imagined as a child that he’d later be welcomed into the Senate Chamber as a lawmaker. Adelman was first elected to the Georgia General Assembly in 2002, and was nominated as ambassador by President Barack Obama last November.



The Senate gives Sen. David Adelman a warm send-off upon his resignation

The Senate and House agreed to a new schedule for the week. The legislature will reach the Crossover Day on Friday, March 26. The deadline for bills to cross from chamber to another was pushed back a day to allow the House time to complete key legislation. □

Senate passes Financial Relief for Teachers and Schools

By Kallarin Richards

ATLANTA (March 22, 2010) – The Georgia State Senate today voted unanimously to give teachers and schools financial relief during the state’s worst economic crisis since the Great Depression. Under legislation authored by Sen. Lee Hawkins (R-Gainesville), the number of professional learning units (PLU) teachers are required to earn in order to keep their teaching certificate will be cut in half.



“When teachers are being furloughed and are watching their salaries continually being chipped away, it’s imperative that we find creative solutions to ease their financial burden,” said Hawkins. “Some school systems pay for these continuing education courses, while many teachers shoulder the cost by spending money out of their own pocket. Continuing education is important, but in light of budget cuts local school systems continue to face, we need teachers to be in the classroom instructing our students.”

Senate Resolution 1199 directs the Professional Standards Commission to cut the required number of professional learning units in half for the next five years. Currently, teachers must earn ten PLUs every five years, which is equal to 100 hours. Now they will have to earn only five PLUs, equal to 50 hours. This change will be enacted for the next five years, and will be re-examined at the end of the allotted time period.

The legislation also establishes a Certification and Professional Learning Task Force to review certificate renewal requirements and make recommendations on how to better cultivate an education system that improves teaching and student learning. The task force will consist of 16 members, including representatives from the state’s K-12 and higher education systems.

“This measure will save teachers the money they would have to spend on additional course hours plus other expenses, like paying for a babysitter to watch their kids while they’re in class or valuable time spent sitting in traffic while driving to attend classes,” added Hawkins.

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

Sen. Davis’ Legislation: A Hole in One!

By Katie Wright



CLOB 310 (March 22, 2010) - The Georgia Golf Hall of Fame was the topic of discussion during Monday’s State Institutions and Property Committee meeting. Sen. Hardie Davis (D-Gracewood) presented Senate Bill 449, which will transfer all property and assets of the hall of fame, along with its controlling board, to the Georgia Department of Economic Development. The Augusta tourist attraction closed in 2007 due to a lack of operating funds, and the land that the hall of fame sits on has been inert since its closure. This legislation will allow the land to be transferred to the Department of Economic Development for the state’s use. The committee voted to unanimously pass SB 449 out of committee.

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Finance Committee Approves Heath's Ad Valorem Tax Removal

By Matt Colvin

CAP 450 (Mar. 22, 2010) - Legislation that would remove the state ad valorem tax Georgia collects on real property passed the Senate Finance Committee Monday just in time to make it to the Senate floor before the Day 30 deadline. Sen. Bill Heath (R-Bremen) presented Senate Resolution 1287 and companion legislation Senate Bill 517 that 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. Heath explained Georgia currently levies an ad valorem tax on all property and SR 1287 is a major step to allow local governments more control over property taxation.



Both SR 1287 and SB 517 passed unanimously out of committee. 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.

Two House bills sponsored by Rep. Larry O'Neal (R-Bonaire) were also overwhelmingly approved by committee members. House Bill 1188 would authorize the State Revenue Commissioner to appoint up to eight special agents to help investigate and apprehend suspects involved in tax crimes. House Bill 963 clarifies two parts of current Georgia tax code. First, HB 963 allows for electronic filing of real property returns where currently parts of the law require submission by mail. Secondly, HB 963 would change the requirements for ad valorem tax exemption for educational purposes. If passed, the bill would allow the total net income from the property owner and their spouse to be counted towards the total of \$10,000 required for the tax exemption. □

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Sen. Vincent Fort (D-Atlanta) followed with Senate Bill 508, which affirms the right of judges to send an inmate to state prison after conviction during the appeals process. This same legislation was attempted in 2008 but was attached to another bill, which was vetoed by the governor.

A late arriving bill from the governor's office, Senate Bill 524, was presented by Sen. Bill Cowsert (R-Athens). SB 524 was an attempt to streamline the supervision of parolees and probationers. The majority of committee members felt they could not pass such a complex bill without further study. Due to the looming deadline for bills to pass out of committee for consideration by the full Senate, a vote was forced and the measure failed. □

Prohibition of Unsolicited Printed Material fails; Vehicle Safety Standards Pass

By Raegan Weber

CAP 450 (March 22, 2010) – The Senate Transportation Committee, chaired by Sen. Jeff Mullis (R-Chickamauga), worked on numerous bills today, but two stood out from the pack.

Some national vehicle safety standards that have not been updated since 1975, 35 years ago, do not reflect fire hazards of the modern automobile or the availability of technology that could slow fires from spreading in vehicles. This is precisely why Sen. Bill Heath (R-Bremen) brought Senate Resolution 1299 before the Transportation Committee. One of the most important ways in which the National Highway Traffic Safety Administration (NHTSA) carries out its mission is to issue Federal Motor Vehicle Safety Standards (FMVSS). The NHTSA has not updated Standard 302 of the FMVSS to reflect modern automobile content and available technology that would keep motorists safer from the rapid spread of fire in extreme accidents. Heath's resolution simply urges NHTSA to adopt modern standards for flame retardant materials. The resolution passed unanimously out of committee.



Heath also brought a bill before the committee that would prohibit unsolicited printed materials from being dumped onto private property, which unfortunately did not see the same support as SR 1299. While current law prohibits dumping, depositing, or leaving litter on public or private property, Senate Bill 516 says that any person who distributes any unsolicited newspaper, handbill, or other printed material by placing copies in driveways, walkways, or porches must, within four days from the date of distribution, retrieve any materials not picked up. Failure to comply would constitute a misdemeanor for each item of material under littering laws. The first distribution of the material would be excused.

Heath used language suggested by the courts when previous legislation of this kind failed under First Amendment rights. He also mentioned emails and phone calls from constituents complaining of litter in their yards because of receiving these materials that they don't want. Repeatedly, Heath mentioned that this only applies to unsolicited materials and the first offense is exempt. He suggested that small newspapers send a card with their publication asking if citizens want to receive their publication and that would take care of many issues. Sen. Chip Pearson (R-Dawsonville) spoke in favor of SB 516 saying that from a private property perspective, throwing these unwanted materials in somebody's yard shows disrespect for private property.

While the committee commended Heath's efforts, they did not support the bill due to unintended consequences. Many members were concerned of how this would affect the small papers that only get revenues from advertisers. They suggested that not only would the small papers get hurt, but businesses who advertise in those papers would see their business go down as well. Committee members mentioned that criminal penalties may be too much and wondered why there were no civil penalties. This bill could also have the unintended consequence of making political candidates criminals because of unsolicited materials. SB 516 failed by a vote of 3-7.

Other bills that passed the Transportation Committee are:

- SB 519 – Chairman Mullis' bill that provides fewer restrictions for motorized carts that may be operate on streets
- SB 520 – Chairman Mullis' bill that creates an Intermodal Division within the GDOT
- SR 1298 – Sen. Gail Buckner's (D-Morrow) resolution that urges the GDOT to place appropriate signs on the interstate highways close to Meadow Garden, the home of George Walton □

Sen. Curt Thompson's MARTA Rail Expansion Legislation Passes Senate

By Jennifer Kitt

ATLANTA (March 22, 2010) – The State Senate voted 37 to 9 Thursday to pass Sen. Curt Thompson's (D-Norcross) MARTA Rail Expansion Bill (SB 285), which will allow more metro Atlanta counties to utilize MARTA's rapid rail system.



this legislation will encourage metro counties to expand rapid transit lines and turn Atlanta into a more accessible city.

The bill was passed with a wider margin than it did two years ago, thanks to added Republican support. Thompson worked across party lines in the Senate and plans to do the same in the House. He proposed

“Our city has some of the worst traffic in the nation. We must work swiftly to create alternative transportation methods for our citizens before the situation is too far gone,” said Thompson. “Expanding existing MARTA lines can bring more economic development to the state, ease congestion and improve our environment.”

Thompson's bill removes provisions prohibiting MARTA from providing rapid transit contracts to areas beyond MARTA's existing rail system. While the bill will allow for the extension of existing rail lines into counties, it does not force any metro county to accept MARTA or other transit contracts. He hopes

similar legislation in 2008, which passed the Senate, but got held up in the House. Thompson hopes the House will see the economic benefits and will support passing SB 285.

“If we want to be a competitor for future business, we must address our traffic and transit issues,” said Thompson. “This bill will make it easier for counties to introduce rapid transit, and ease their traffic headaches.”

Thompson will continue working to develop more bipartisan support as the bill moves through the House.

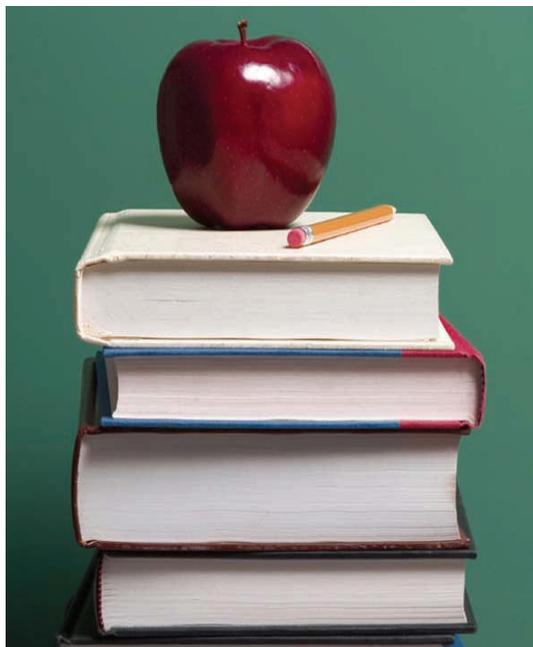
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Educators' Salary Protection Act Clears Hurdle in Education Committee

By Katie Wright

CLOB 310 (March 23, 2010) – A bill focused on protecting teachers salaries was met with considerable debate on Monday in the Senate Education and Youth Committee meeting. Sen. Preston Smith (R-Rome) presented Senate Bill 515 in an effort to prevent educators from being furloughed. He explained that provisions in the bill allowed for local school systems to have only 6 percent of unencumbered funds, or money not obligated to other expenses, in their reserves. If there is any more than 6 percent in their reserves, the school systems will lose their ability to furlough teachers. This is an attempt to stop the school systems with bloated reserves funds from furloughing educators.

Smith proclaimed this bill to be a simple and uncomplicated bill but the reaction heard in testimonies told a different story. Many argued that having large reserves is a good business practice because it helps protect against unforeseen budget cuts. A representative from the Georgia School Board Association said this would create an “adversarial environment” at the local level between teachers and the administration. She also said it would



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be giving teachers false expectations if they see money in a reserve fund and still get furloughed. This legislation only applies to those systems with more than 6 percent unencumbered funds in their reserves. Everyone was in favor of supporting teachers and preventing furloughs, but not everyone believed this was the best route.

Chairman Dan Weber (R-Dunwoody) voiced his concern that this legislation will affect the flexibility of local school systems, which is key during a budget crunch. While the bill passed unanimously, Weber was also worried about the mechanics of the bill and promised to work with Smith on the language while it awaits a place on the General Calendar.

Sen. Jeff Mullis (R-Chickamauga) presented SB 518 that will mandate the history of the Pledge of Allegiance and the Georgia Flag is included in the curriculum of primary and secondary education. With no debate, the bill passed unanimously.

For the second time, Sen. Freddie Powell Sims (D-Dawson) brought SB 451 before the committee, which establishes procedures to close or revoke the license of a family day-care home where the death of a minor has occurred. Sims mentioned the major change in the bill is that larger facilities and group homes will not be included under SB 451. The measure passed unanimously out of committee. □

Special Judiciary passes the Criminal Abortion Bill

By Raegan Weber

CAP Mezz (March 22, 2010) – Emotions always run high when abortion is taken up in a legislative committee. Now imagine if you're talking about criminal abortions, those in which a woman is forced to have one against her will due to some form of coercion. That's exactly what Sen. Chip Pearson (R-Dawsonville) set out to prevent when he brought Senate Bill 529 before the Special Judiciary Committee today.

While each member of the committee and every person who spoke for or against the bill agreed that no woman should have an abortion against her will, they did not agree on how to go about preventing it. Pearson's bill defines the offenses of a criminal abortion to be when a person performs an abortion with the knowledge that a pregnant woman is being coerced, with the intent to have an abortion based on race, color or gender, and with the knowledge that a pregnant woman is seeking an abortion based on race, color or gender.

Information provided by the Elliot Institute says that 64 percent of abortions involve coercion, which can become severe. The Institute cites situations in which a homeless woman was denied shelter until she had an abortion, a waitress was fired for refusing to have an abortion and cases where the mothers were severely beaten after refusing to have abor-

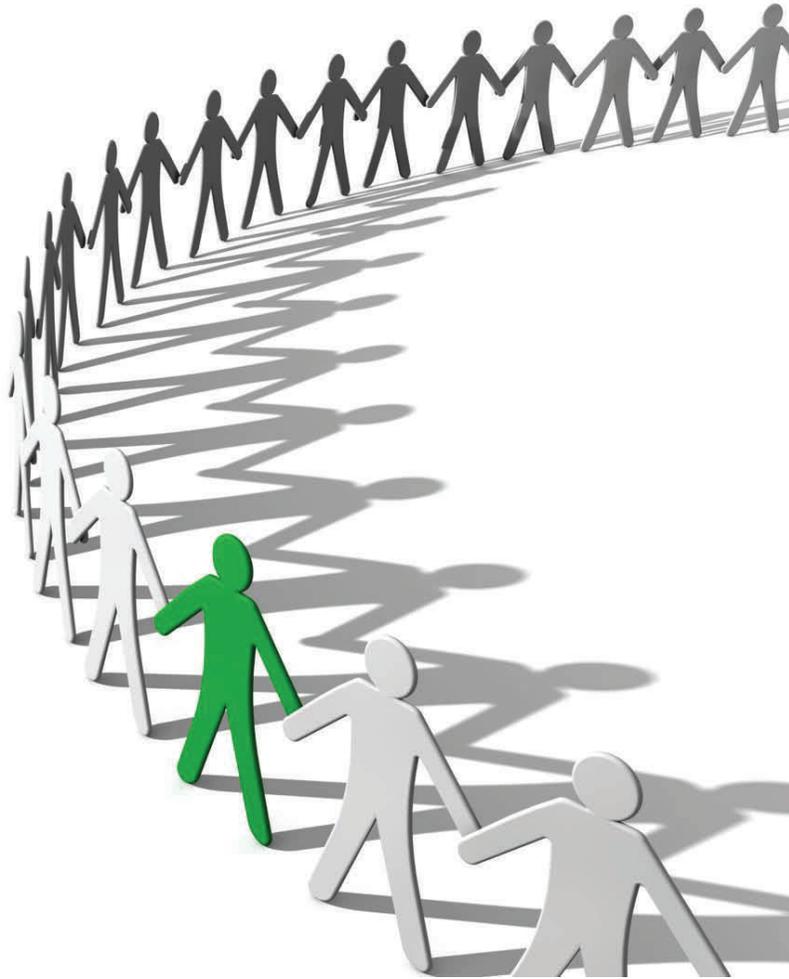
tions. Americans United for Life provided information stating that nine states currently have some form of coercive abuse prevention laws and three states have sex-selection abortion laws. Georgia Right to Life testified that the 2010 Census is anticipated to show an exponential rise in gender selection. Information from the Georgia Department of Community Health showed that 59 percent of Georgians who have abortions are African American, 27 percent are white and 14 percent are of other races.

Those who spoke against the bill stated concerns of holding physicians liable for something that they may not be responsible for, infringing on a woman's privacy in making the decision to have an abortion, and that the language in the bill was too broad. Some opponents stated that the law already provides protections and no new remedies or criminal sanctions were needed. A representative from Planned Parenthood stated that this legislation reflects an agenda to limit a woman's right to health care and that it was an attempt to mislead the public into changing the laws.

Pearson closed his testimony by stating that the numbers tell the story. He asked the committee to put into Georgia code proper protections for these women that may be in danger of coercion and to protect the unborn from gender and race selection. Pearson's Criminal Abortion Bill passed the Special Judiciary Committee with a vote of 4-1. □

High Risk Patients could have more Insurance Options

By Kallarin Richards



CAP 125 (March 22, 2010) – The Insurance and Labor Committee passed legislation today to give high risk patients more options for purchasing health insurance. Georgia is currently one of only five states without a high risk reinsurance pool, which insures those who do not qualify for group or individual health insurance and are denied coverage from Medicaid or Medicare. Senate Bill 453, authored by Sen. Judson Hill (R-Marietta), creates the Georgia Individual High Risk Reinsurance Pool to provide Georgians another mechanism to purchase health insurance. The pool's cost will be offset by 10 percent of the state's portion of the insurance premium taxes collected. The bill unanimously, along with a Constitutional Amendment under Senate Resolution 1225, which will put the measure before voters on the November ballot.

The committee also passed a measure to create a special advisory commission on mandated health insurance benefits. The 14-member commission will advise the governor and legislature on the social

and financial impact of current and proposed mandated health benefits and providers. Authored by Sen. Tim Golden (D-Valdosta), SB 509 requires that the advisory commission prepare a study that assesses the impact of any legislation that contains such a mandate.

Sen. Buddy Carter's (R-Pooler) bill to require health insurance companies to reimburse a patient for a prescription drug, no more than once a year, was again brought before the committee for a vote. The legislation was held over to allow the bill's author to work out disagreements with interested parties. Carter, a practicing pharmacist, expressed that the legislation's intent is to help patients get a necessary prescription immediately without having to wait for prior approval. He said patients who get sick and need an antibiotic often times can't wait for the insurance company to authorize the prescription. This would allow patients to be reimbursed once a year for a 10-day supply of the drug they need. Representatives from the insurance industry still had concerns that the bill would drive up health care costs, and SB 378 ultimately failed to pass out of committee. □

Halls of Fame Oversight brought under One Roof

By Kallarin Richards

CLOB 310 (March 22, 2010) – Amid deep cuts to the state’s spending plan, the fate of Georgia’s Music and Sports Halls of Fame have hung in the balance. Lawmakers are determined to see that these venues become self-sustaining. To better oversee the Halls and increase administrative efficiencies, the Economic Development Committee passed Senate Bill 523 to bring the Georgia Sports Hall of Fame under the same governance as the



Music Hall of Fame. The General Assembly Halls of Fame Authority Overview Committee will now oversee both venues, which are both located in Macon. The overview committee will encourage the venues to work together to achieve efficiencies and consolidate marketing, operational, property management and other activities. When asked when state funding is expected to be withdrawn from the Halls of Fame, the bill’s sponsor, Sen. Bill Cowser (R-Athens), said it would most likely be in the 2011 Fiscal Year. □

Public Safety Steers Toward Roadway Regulations

By Natalie Strong

CAP 125 (March 22, 2010) - The Committee on Public Safety sought to make Georgia roads safer for both drivers and pedestrians by passing important rules of the road legislation out of committee. Sen. Hardie Davis (D-Gracewood) joined with representatives from the Georgia Department of Transportation to detail the numerous facets in Senate Bill 526. One of the primary focuses of SB 526 is to move Georgia forward by promoting the use of pedestrian hybrid beacons. These devices are currently used in a handful of other states and have received high marks in test cases across Georgia. While Georgia law requires a car to stop in a crosswalk, empty or otherwise, this new technology will allow for better traffic flow as automobiles will be allowed to proceed without stopping when the beacon signals the crosswalk is pedestrian-free. Davis’ legislation included additional components that bring current Georgia law in line with federal regulation, including the mandated size of saddle mounts, warning flags, and weight limitations. The bill will also establish a certification program for escorts of overweight and oversized loads.

Sen. Ron Ramsey’s (D- Lithonia) SB 419 allows veteran’s suffering from Post Traumatic Stress Disorder to have the option to note their condition on their driver’s license. Ramsey felt that the conditions associated with this illness can be compounded by stressful conditions and the driver may be misunderstood to be hostile or uncooperative. The applicant will be required to present a sworn statement from a doctor or psychologist licensed in Georgia verifying his or her disorder.

The committee also passed House Bill 545, authored by Rep. Wendell Willard (R-Sandy Springs), which will create a certification program to become a certified process server. After receiving certification, a certified process server will be entitled to serve for any court of the state, anywhere within the state, provided that the sheriff has approved the role of certified process servers in their county. □

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)]