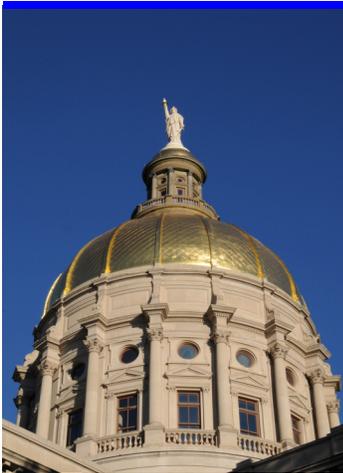


Natalie Strong, Deputy Press Director
Kallarin Richards, Editor in Chief



TOP STORY

Legislative Day 33: Senate Fills Medicaid Gap By Passing Provider Fee Bill



Sen. Tommie Williams urges Senate to pass provider fee bill to fill Medicaid budget gap

By Jennifer Kitt

CHAMBER (April 1, 2010) - The Senate worked diligently to pass the Hospital Processing Fee Bill (House Bill 307), which levies a 1.45 percent fee on hospital's net patient revenues. The fee will be used to fill Georgia's overwhelming Medicaid budget gap for the next three years. The measure is a key piece to balancing the Fiscal Year 2011 budget.

Senate sponsor President Pro Tempore Tommie Williams (R-Lyons) warned that if the bill was not passed, the governor would be forced to cut provider rates. Williams also presented an amendment that passed to allow the fee to count as a credit toward hospitals' payment to the Indigent Care Trust Fund, which provides Medicaid services to low income patients and supports rural health care providers. Sen. Greg Goggans (R-Douglas) noted that this bill is similar to one that created a fee for nursing homes, which he says has had successful results. Supporters of the bill also said the legislation would greatly improve the state of Grady Hospital. Sen. Dan Weber (R-Dunwoody) declared that a yes vote for the bill would help Fulton and DeKalb counties fund Grady, and that the bill was overwhelmingly supported by both Republicans and Democrats in the House.

Senate Majority Leader Chip Rogers (R-Woodstock) added an amendment to lower the cost of health insurance by eliminating the state premium tax. Unlike the provider fee that cuts off after three years, the elimination of the premium tax on Georgia insurance policies would become a permanent policy. Sen. Steve Henson (D-Tucker) countered that eliminating the premium tax is an extremely important issue that should be studied more thoroughly as

Continued on Page 2

** Follow the State Senate on Twitter at GASenatePress*

a stand-alone bill, rather than tacking it on to this piece of legislation. He also felt that the fee is not in the best interest of Grady and additional revenues could be obtained from other sources. The amendment eventually passed with a 35 to 11 vote.

Senate Minority Leader Robert Brown (D-Macon) called the bill a “sick tax” that is being forced on hospitals and their patients. He said Democratic lawmakers were not part of the bill’s planning process and would not be responsible for the fee. Sen. Vincent Fort (D-Atlanta) has Grady hospital in his district and said the General Assembly should create legislation that will assist the facility, and the tax would only put the hospital into a larger financial hole. He stated some of the General Assembly members are being contradictory because many of the bill supporters have produced some of the cuts Grady has seen in the recent past. Sen. Steve Thompson (D-Marietta) said the state should make hospital and the sick a priority and look to other agencies to meet budget needs.

After further debate, the bill passed with a 31 to 15 vote.

The Senate also passed the Jobs, Opportunity, and Business Success Act of 2010 (JOBS Act of 2010) by a 33 to 13 vote, which is designed to stimulate the state’s economy by providing tax credits, cuts and incentives to create, expand and attract new businesses in Georgia. The bill provides tax cuts to businesses that hire unemployed workers, reduces the capital gains tax rate and extends sales tax exemptions for hospitals and job training organizations. Rogers worked with the bill’s House sponsor, former Rep. Tom Graves (R-Ranger), to create legislation that gets Georgia on the road to economic recovery. The Senate Finance Committee added an amendment that contained language from the Hospital Processing Fee Bill, which was ultimately voted down.

The Senate voted in favor of giving school boards more flexibility in class size, furlough days and expenditure controls. HB 908, sponsored by Weber, allows local school boards to waive expenditure controls for direct instructional costs over the next three years. The bill also allows local boards to waive the maximum class size as long as the system average does not exceed the mandated class size.

Goggans urged the Senate to support HB 1106, which requires animal shelters to scan animals for microchips within 24 hours. If a shelter finds that the animal has a microchip, they will be responsible for contacting the pet’s owner. The Senate gave the legislation unanimous passage.

Other legislation that passed includes a bill that requires individuals to meet certain pre-licensure requirements before they can be employed as an armed detective agent. The bill’s author, Sen. Johnny Grant (R-Milledgeville), asked the Senate to vote to remove language added by the House that requires \$1,000 surety bonds to be obtained for these individuals. The legislation (Senate Bill 162) passed unanimously. HB 984, which prohibits local governments from levying or collecting income taxes, and HB 916 that requires retired state employees to wait two months before returning to a state position as a contractor also passed. □

Regulated Industries Committee Aims to Put End to Gas Chambers for Cats and Dogs

By Natalie Strong

CAP 450 (April 1, 2010) - The Senate Regulated Industries and Utilities Committee voted earlier today to approve House Bill 1099 by Rep. Tom Knox (R-Cumming), which will close gas chambers at animal shelters and will require injection to euthanize dogs and cats instead. Representatives from numerous animal control shelters and veterinarian offices testified to the horrors they had experience when using gas chambers to euthanize these animals. Many representatives from animal control agencies in rural Georgia communities and Rep. Gene Maddox (R-Cairo), who is also a veterinarian, strongly opposed the passage of the bill. They testified about the dangers that ethuanization by injection can cause for the administrator if the animal is wild and/or rabid. They concluded that gas chambers were not only a safe way to put down an animal, but that it is also a more humane way for wild and feral animals. The bill passed out of committee unanimously and will be carried by Sen. Renee Unterman (R-Buford) in the Senate.

□

JOBS Act Passes

By Raegan Weber

ATLANTA (April 2, 2010) – The Georgia Senate voted in favor of job growth and economic stability through free-market solutions by passing the Jobs, Opportunity, and Business Success Act of 2010 (JOBS Act of 2010) 33 - 13. The legislation, authored by former State Rep. Tom Graves (R-Ranger) and sponsored by Senate Majority Leader Chip Rogers (R-Woodstock), is designed to stimulate the state's economy by providing tax credits, cuts and incentives to create, expand and attract new businesses in Georgia.



Sen. Chip Rogers presents the JOBS Act to the Senate

“The only path to economic recovery is by cultivating an environment for growing the private sector. We must encourage opportunity, productivity and innovation, rather than stifle it with taxation and regulation,” said Rogers. “I’m honored to sponsor this legislation and applaud my colleagues for supporting true free-market solutions that have proven to work.”

In a letter to Georgia legislators dated March 8, 2010, Americans for Tax Reform (ATR) touted the JOBS Act of 2010 as “a tax cut package that will foster job creation and economic growth.” The letter from Grover Norquist, president of ATR, went on to say that the JOBS Act acknowledges the fact that states compete amongst each other for people, jobs, and capital. Through smart and principled tax reform, Georgia can gain a competitive edge.

The JOBS Act of 2010, as passed by the Senate, contains six initiatives that are designed to spur job creation in Georgia and to recognize the private sector, not government, as the driving economic force to recovery. These initiatives include:

- **“Angel Investor” Tax Credit:** An income tax credit for investment made in small or start up Georgia businesses with 20 or fewer employees. The income tax credits would be available after two years of investment. The total “Angel Investor” tax credit pool would be limited to \$3 million per year (adjusted for inflation).
- **Quarterly Credit Towards Unemployment Insurance Tax:** For each eligible employee hired who is receiving state unemployment benefits, a company will receive a quarterly credit towards their unemployment tax.
- **Elimination of the Net Worth Tax:** The net worth or intangible tax is a hold over from a 1930’s law that taxes wealth accumulation. The Tax Foundation advocates for the elimination of this tax as Georgia is one of a handful of states that still retain it.
- **A Triggered 25 & 50 Percent Reduction of the Capital Gains Tax for all Georgia Taxpayers:** Georgia currently has the second highest Capital Gains Tax in the southeast, with two of our neighboring states at zero percent. The corporate and individual capital gains tax rate will be reduced by 25 percent for the first year the revenue shortfall reserve reaches \$1 billion; the rate reduction will be 50 percent for the next year.

Because Georgia is facing a \$1.1 billion budget shortfall, it is important to note that a reduction in the capital gains tax is among the most likely tax cuts to produce more revenue to the state. The last five reductions in the federal capital gains tax—in 1978, 1981, 1997, and 2003—all increased government revenue.

The JOBS Act of 2010 now goes over to the governor’s office for final approval and signature. □

Goggans' Government Efficiency Measure Passes General Assembly



By Matt Colvin

ATLANTA (Apr. 1, 2010) – A bill authored by State Sen. Greg Goggans (R-Douglas) requiring tax expenditure reports to be included in Georgia's annual budget report was overwhelmingly approved by the Georgia House of Representatives Thursday. Senate Bill 206 has been endorsed by both Republicans and Democrats seeking increased efficiencies and cost savings for Georgia's state government operations.

"Lawmakers have an obligation, not a choice, to be good stewards of taxpayers' hard-earned money in both good and bad economic times," said Goggans. "This bill will give budget writers an invaluable resource to ensure we are protecting our families and small businesses from increased and unnecessary tax burdens. I am proud of this bipartisan plan that will allow greater fiscal responsibility with state revenues and help the General Assembly improve the way we appropriate taxpayer dollars."

"This bill is yet another opportunity to provide greater transparency in our budget process and prevent unnecessary tax burdens in this economy. Senator Goggans has shown exemplary leadership in this effort and we are proud of his efforts," said Lt. Governor Casey Cagle.

Under Goggans' measure every tax allowance, exemption, credit, and exclusion would be analyzed and scrutinized to project if it is still beneficial and having a positive impact for Georgia. These tax expenditure reports must include the tax revenue impact over a three-year period, how long the provision has existed, a description on the original objective, and whether or not the tax expenditure is achieving its goal.

SB 206 passed the Senate 52 to 0 during the 2009 General Assembly and gained bipartisan support as a common-sense policy measure designed to provide legislators a helpful tool to identify areas taxpayer dollars can be utilized more efficiently for the next fiscal year. SB 206 cleared the House by a unanimous 158 to 0 vote with several minor revisions, so it must be sent back to the Senate to approve the changes before landing on the governor's desk to be signed into law. □

Senate Judiciary Committee Simplifies, Passes Meredith Emerson Act

By Kallarin Richards

CLOB 307 (April 1, 2010) – After a Hustler Magazine writer placed an open records request last month for crime scene photos of the brutally murdered hiker Meredith Emerson, legislators reacted quickly by drafting legislation that puts protections in place for gruesome crime scene photos. House Bill 1322, authored by Rep. Jill Chambers (R-Dekalb), exempts crime scene photos and video recordings from open records requirements that depict a deceased person in a state of nudity, dismemberment, or decapitation. Chambers noted that protecting the dignity and privacy of victims is of the utmost importance and the impetus for the bill. She also noted that the House gave careful consideration to avoid impeding 1st Amendment rights and that the bill is carefully crafted to achieve that goal.

In order to simplify the measure and make the provision easier to find it within the code, Chairman Preston Smith (R-Rome) worked with the author and committee mem-

bers to place the measure within the open records section of the Georgia Code, rather than under the coroner's statute as it had been originally written. The committee was careful to ensure that 1st Amendment rights are still protected and carved out a section of the original language that outlines how lawyers can use such material in trial. The bill passed unanimously.

The committee also passed three other bills, the first of which includes businesses as potential identity fraud victims. Currently under Georgia law, only individuals can prosecute for identity fraud, but HB 1016 makes it possible to prosecute those who commit identity fraud against businesses.

HB 1085 creates new requirements for what must be contained in a family reunification plan, which is created when a child is removed from home under court order. Bill author Rep. Katie Dempsey (R-Rome) noted that this bill simply brings Georgia in line with federal code, and that not passing the

Continued on Page 5

measure could jeopardize \$80 million in federal funding. Finally, the committee passed House Resolution 178, a Constitutional Amendment that allows the General Assembly to amend contracts that restrict or regulate competitive activities between parties such as employers and employees or distributors and manufacturers. The legislature passed enabling legislation last year, and if the resolution receives final passage this year it will go on the November ballot for approval by voters. □

Drug Abuse is Target of Health and Human Services Committee Meeting

By Katie Wright

CAP 450 (April 1, 2010) – Rep. John Lunsford (R-McDonough) testified during Thursday’s Health and Human Services Committee meeting that teens are getting more creative each year with the drugs they find to abuse, whether it is synthetic marijuana or salvia divinorum. The latter is a common plant often used for landscaping and aesthetic purposes. Kids have found the means to use it as a hallucinogenic and that because it is not regulated, a 12-year-old could walk into a tobacco shop and purchase it. This is why Lunsford authored House Bill 1021, which regulates the sale of salvia divinorum. He explained that there is no medical purpose for salvia divinorum. This bill will stop the possession, planting, cultivating or growing of the plant, with the exception of landscaping purposes. HB 1021 also adds salvia divinorum to the list of dangerous drugs. It passed unanimously.



Rep. Jay Neal (R-LaFayette) presented another bill aimed at stopping certain drug abuses, particularly K2 or synthetic marijuana. He said that this drug, similar to salvia divinorum, is totally unregulated but it is addictive and dangerous. Additionally, it is not picked up by drug tests, which makes it even more appealing to teenagers. The bill passed unanimously and will be carried by Sen. Ed Harbison (D-Columbus), who introduced a similar measure in the Senate.

Finally, Rep. Sean Jerguson (R-Atlanta) presented his bill that simply revises and updates definitions relating to the influenza vaccine. The definition of the vaccine will now include the nasal spray version. Aligning with national standards, the bill will also prohibit the vaccine from being administered to those older than 49 years of age. Finally, it requires those receiving the vaccine to sign an informed consent in order to protect patients. The bill passed unanimously and Chairman Don Thomas (R-Dalton) will carry the bill in the Senate. □

Protecting the Rights of Victims and Court Officials Priority in Special Judiciary

By Katie Wright and Raegan Weber

CLOB 310 (April 1, 2010) – Victims rights will be enhanced and further protected under a bill passed by the Senate Special Judiciary Committee during Thursday’s meeting. House Bill 567, authored by Rep. Don Parsons (R-Marietta), expands the laws relating to a victim’s participation in the judicial process within juvenile and state courts. It will permit a victim to address a juvenile court and present information about the impact of the crime. They will also be afforded the right to be involved in scheduled court proceedings and be made aware of changes to the status of the accused. This bill enhances the rights of the victim and the family of the victim. It is a more beneficial way of obtaining restitution and sets clear boundaries that are often needed in emotionally charged circumstances. HB 567 passed out of committee unanimously and Chairman of the Special Judiciary Committee John Wiles (R-Marietta) will carry the bill in the Senate.

Rep. Wendell Willard (R-Sandy Springs) crafted legislation that will improve the penalties for someone who assaults an officer of the court while performing official duties or because of their official duties. Officers of the court are placed in precarious situations as a result of their job and they are often targets for threats and assault. House Bill 1002 enhances the punishments and brings them in line with those of police officers and law enforcement officials. The bill also expands certain definitions to ensure the umbrella of protection covers as many officials as possible. The accused will be sentenced to five to 20 years in prison for assaulting a court official because of their duties. Sen. Seth Harp (R-Midland) will carry HB 1002, which passed unanimously. □

Senate Votes to Protect Consumers from Medication Switching



By Katie Wright

ATLANTA (April 1, 2010) – Yesterday, the Senate passed landmark legislation that will protect consumers and improve access to quality health care for all Georgians.

Sen. Don Thomas (R-Dalton), a practicing physician for more than 50 years and chairman of the Senate Health and Human Services Committee commented, “I want Georgians to know that if there are

changes to their prescribed medication and they notice worsening side effects or health changes, they should immediately contact their health care professional. I supported this legislation which will ultimately allow patients to take a more active role in their health care.”

“This legislation will alert patients about changes to their medicines and empower patients to be their own health advocate,” said Rep. Fran Millar (R-Dunwoody). “I introduced this legislation after I was contacted by a constituent in my district who was a victim of medication switching. Since then, I have heard from other patients across Georgia that have faced this issue. I strongly believe consumers have the right to know exactly what they are getting at the pharmacy counter.”

HB194, sponsored by Millar, requires the pharmacy to label the medicine bottle if the prescription is switched from a brand to a generic. This label is a critical safety measure that will alert patients if there has been any change to their prescription. This alert enables the patient to ask important health questions at the pharmacy counter like “have you checked with my doctor to make sure this medicine is appropriate for me?”

“Today is a victory for patients like me and I’m thankful to Representative Millar and Senator Thomas for championing this important patient protection issue,” said Claudia Woodruff, a teacher and patient in Fayetteville, GA, who told Millar of her personal experience with a medication switch. “A change to my seizure medicine was made without my consent, without my physician's consent, and without any warning to me. As a result, I had three seizures within seven days after I had been seizure-free for several years. This change negatively affected my life in so many ways, and it left me feeling uneasy about when it might happen again.” □

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)]