



APRIL 13, 2010 - DAY 35

Upper Chamber Report

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TOP STORY

Legislative Day 35: Senate Votes to Enact Meredith Emerson Privacy Protection Act



Sen. Bill Hamrick urges the Senate to pass the Meredith Emerson Act (HB 1322)

By Adam Sweat

CHAMBER (April 13, 2010) - More than two years have passed since the brutal murder of hiker Meredith Emerson in the North Georgia Mountains. The horrendous crime gained national attention last month after Hustler Magazine requested to publish crime scene photos taken of Emerson's corpse. Today, the Senate unanimously passed the Meredith Emerson Memorial Privacy Act (House Bill 1322), which exempts crime scene photos and video recordings from open records requirements that depict a deceased person in a state of nudity, dismemberment, or decapitation. Sen. Bill Hamrick (R-Carrollton) noted that there is a sense of urgency to pass this bill as the current restraining order against Hustler Magazine will expire soon. The bill, which already received passage in the House, will now go to Governor Sonny Purdue before being signed into law.

Sen. John Wiles (R-Kennesaw) sponsored a bill to make changes to the Georgia Environmental Facilities Authority (GEFA), which was met with a significant amount of debate. HB 244 would change the Georgia Environmental Facilities Authority to the Georgia Environmental Finance Authority. The bill also allows GEFA to transfer any funds that they deem to be in excess of those needed for corporate purposes to the state. Wiles noted that these excess funds could be used to help cover the severe budget shortfall that counties throughout the state are currently facing. Sen. Emanuel Jones (D-Decatur) expressed concern that the legislation would allow Georgia to sell valuable assets at discounted prices. Furthermore, he believes that the bill is

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more beneficial for potential investors than for Georgians themselves. HB 244 received a 30–20 vote, the most narrow passage of the day.

The rest of the scheduled legislation was met with little, if any, opposition. Sen. Don Balfour (R-Snellville) carried the Hotel/Motel Tax Bill (HB 903), which authorizes the extension of the local motel and hotel tax on public accommodations to be used for the successor facility of the Georgia Dome. The Senate voted for this bill by a margin of 42–4. The Safe Medications Practice Act (HB 361), carried by Sen. Buddy Carter (R-Pooler), received a unanimous vote and authorizes hospital pharmacists to collaborate with members of the medical staff on drug therapy management.

Hamrick also sponsored HB 1279, which eliminates the requirement that the Legislative Counsel Office publish softbound volumes and pamphlets of Georgia Laws. With a vote of 50–1, the bill was touted as a cost-cutting measure that will aid the state in the current budgetary crisis.

Two pieces of legislation passed that would affect various retirement funds throughout Georgia. Sen. John Crosby (R-Tifton) carried HB 1150, which amends provisions relating to retirement and pensions under the Georgia Firefighters’ Pension Fund. The bill clarifies the definitions within the code section and makes some editorial corrections and received a 50-0 vote. The other bill makes changes to the Workers’ Compensation Program and the Self-Insurers Guaranty Trust Fund. Most significantly, the bill would require each active participant to purchase excess insurance for statutory limits with a self-insured retention specified by the board.

Several other bills were passed unanimously out of the Senate and will join the others on the Governor’s desk in hope of being signed into law. HB 1154 expands the definition of the “influenza vaccine” to include the nasal spray version. Sen. Ronnie Chance (R-Tyrone) sponsored HB 1138, which incorporates the 2009 changes to the federal IRS Code. HB 540 will make minor definition changes to Georgia election law and seeks to clarify language. Sen. Gail Buckner (D-Jonesboro) tried to attach an amendment to the bill that would prohibit profanity at the polls but it ultimately failed to receive enough support on the floor. Lastly, HB 1028 amends the Georgia Forest Land Protection Act of 2008. This bill is simply a clean-up measure to clarify existing law. □

Sen. Seay Released from Emory ICU, Making Full Recovery



By Kallarin Richards

ATLANTA (April 13, 2010) – State Sen. Valencia Seay (D-Riverdale) has been released from the intensive care unit at Emory University Hospital after receiving treatment for acute inflammatory demyelinating polyneuropathy. Her doctor expects that she will be discharged from the hospital in the coming days and that she will make a full recovery.

“I truly appreciate everyone’s kind thoughts and prayers for my recovery,” said Seay. “The support that I’ve received means a great deal to me. I look forward to returning home and making a full recovery so that I can continue my work representing the 34th Senate District and the great State of Georgia.”

Seay was hospitalized on Sunday, March 28. Her doctor says that she is making a “rapid and remarkable recovery.” Once she returns home, Seay will continue to rest in order to make a full recovery. She asks that visitors wait until she has had a chance to rest at home before visiting. □

Rural Physicians get Support from Health and Human Services Committee

By Jennifer Kitt

CAP 125 (April 13, 2010)-The Health and Human Services Committee unanimously passed the Physicians for Rural Areas Assistance Act (House Bill 866) to increase the amount of physicians in underserved rural areas. Under the legislation, presented by Rep. Stephen Allison (R-Blairsville), hospitals will receive a grant that will be used to encourage physicians to practice in these areas. Medical education loan repayment, salary supplements and funding for support staff are a few of the recruitment tools that can be purchased. Currently, only 9 percent of physicians service rural areas in the United States.

The topic of tattooing around the eye to replace lost hair lost due illness or medical treatment was also debated in the committee. Rep. Melvin Everson's (R-Snellville) bill (HB 180) would allow a technician, under the supervision of a physician, to perform tattoos around the eye. He said currently Georgia is one of the only states that do not provide the service and



physicians must refer patients to other states. Sen. Nan Orrock (D-Atlanta) showed concern about allowing physicians to refer patients to tattoo artist in medical spas. The committee will work with Everson to reach an agreement for next weeks meeting.

The committee also unanimously passed two house bills. Rep. Donna Sheldon's (R-Dacula) bill (HB 1314) will allow disabled individuals with low incomes to open an individual development account.

This account can be used for job training, home improvements or toward the purchase of technological devices aimed at improve the functions of a disabled individual. Rep. Jimmy Pruett (R-Eastman) presented a bill (HB 1040) allowing unlicensed caregivers to perform health maintenance activities such as changing feeding tubes. The Home Health Association and Trial lawyers association both showed support for the bill. The committee also unanimously passed a Senate Resolution by Sen. Ronald Ramsey (D-Lithonia) which will create a vulnerable study committee. □

Insurance & Labor Committee Approves Cross-State Purchasing of Health Insurance

By Matt Colvin

CAP 450 (Apr. 13, 2010) – A bill that would allow Georgia residents to purchase approved health insurance plans from other states headlined seven measures that passed the Senate Insurance and Labor Committee Tuesday. This will likely be the final time the committee will meet for the 2010 session, said chairman Sen. Ralph Hudgens (R-Hull).

House Bill 1184, authored by Rep. Matt Ramsey (R-Peachtree City), would give the Georgia state insurance commissioner authority to identify other 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.

Critics of the bill cited concerns over possible uncovered mandates and cost increases for older men and women who currently have health insurance. This led to a motion to table the bill, which was ultimately defeated 7 to 4. The bill was able to clear the committee by substitute with a final 9 to 2 vote.



HB 1364, creating significant changes to the state Insurers Insolvency Pool, was passed out of committee after

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making several alterations to the original bill heard at an earlier meeting. Rep. Carl Rogers (R-Gainesville) authored HB 1364, which would allow worker's comp benefits that have ended as result of an insurer becoming insolvent to be covered by the state insolvency pool. The committee increased the buy-in amount for companies to help ease concerns over any unfairness the measure may present to companies that bought into the pool originally.

HB 1268, authored by Rep. Tom Knox (R-Cumming), also passed the committee and provides extended group policy coverage under Stimulus Act guidelines.

The committee passed a consent agenda with four additional bills that had unanimous support:

- HB 305 would ease restrictions on group life insurance coverage to be extended to employee dependents.
- HB 412 requires insurers to provide accurate and transparent information to doctors when a provider network contract is accessed by a third party.
- HB 656 allows religious groups to self-insure their registered vehicles.
- HB 1195 creates the Georgia Workforce Investment Board and Governor's Office of Workforce Development.

All approved legislation is now headed to the Senate Rules Committee for consideration to be heard on the Senate Floor. □

Energy Efficiency and Tourism Hot Topics in Economic Development Committee

By Kallarin Richards

CLOB 307 (April 13, 2010) – Property owners could get assistance from their local governing authority to enhance water and energy efficiencies in their home under House Bill 1388, authored by Rep. Tim Bearden (R-Villa Rica). The Senate Economic Development Committee passed the bill unanimously, which allows property owners to get a loan from the local governing authority to update water and energy appliances that are more efficient. Rep. Bearden pointed out that no state money is involved in the loans, and the bill does not place mandates on local governments or property owners. Rather, it will be left to the discretion of the local governing authority as to how they advertise the loans to property owners and how they are financed. He also noted that jobs are expected to be generated in plumbing, HVAC and electrical markets from those installing efficient appliances in homes.



The committee then turned its attention to the Georgia Tourism Development Act (HB 1251), which is geared toward incentivizing development of large tourism developments and attractions throughout the state. The bill allows tourism projects over \$100 million to receive a refund in incremental sales taxes over a ten year period. In order to be eligible for the refund, projects first have to be approved by the Georgia Department of Economic Development.

A substitute bill was also brought forth by author Rep. Cecily Hill (R-Kingsland), which includes a much narrower geographic provision aimed at development in Camden County. She explained that the county and surrounding areas are losing revenue and jobs to Florida, which shares Camden's border. The substitute version also allows municipalities to levy a tourism attraction tax and includes a ballot initiative that would let voters decide to levy an additional tourism project tax. Chairman Chip Pearson (R-Dawsonville) raised concerns that passing the substitute out of committee could send the wrong message, but joined committee members in discussing ways to amend the bill on the Senate Floor to include the substitute language and reach a compromise. The original version of HB 1251 passed unanimously. □

Senate Education Committee Deliberates Individualized Graduation Plans

By Katie Wright

CLOB 307 (April 13, 2010) – Rep. Fran Millar (R-Dunwoody) has worked for almost five years on a bill that will aid students in graduating and becoming successful, contributing members of Georgia’s society and economy. The Building Resourceful Individuals to Develop Georgia’s Economy Act, which passed unanimously out of the Senate Education Committee, will be enacted as part of the Quality Basic Education Act. It will mandate the Department of Education to develop focused study programs in high demand, high skill, and high wage fields. This program offers flexibility to students to pursue a focused study at their school, a technical school, a college or university or under an apprenticeship cooperative education program.



Millar testified that House Bill 400 allows each student to have an “individualized graduation plan,” rather than a one-size-fits-all approach. He mentioned that this legislation is supported by U.S. Sen. Johnny Isakson (R-GA). It particularly targets those schools that are chronically low-performing, giving them preference in competitive grant programs to fund the focused study programs. Students who pass an employer or industry certification examination or state license examination will be exempt from the high school graduation test and the end-of-course assessments. These students will, however, have to pass the reading, writing and mathematics portion for graduation.

Another bill heard will allow the Georgia Youth Conservation Corps, a non-profit organization that expands access to the environment for youth in urban communities, to assist with home weatherization projects. These projects seek to reduce energy consumption for home heating and cooling. Rep. Tyrone Brooks (D-Atlanta), author of HB 493, testified that this bill has no fiscal impact. It passed with overwhelming support in the House and passed unanimously out of the committee.

A bill that continues the trend of granting school systems and their employees more flexibility during these hard economic times also passed unanimously. Rep. Tom Dickson (R-Cohutta) crafted HB 1307 that suspends the professional learning requirements for certificate renewal. The bill also eliminates a computer course that was previously required for educators. Dickson testified that the bill has no impact on professional development.

In an effort to streamline government and improve efficiency, Rep. Howard Maxwell (R-Dallas) authored a measure dealing with background checks for educators in Georgia school systems. The Professional Standards Council worked with Maxwell to ensure educators and other school personnel have background checks when they first enter the system, earning a Clearance Certificate. However, in the event that a teacher moves to another system, they will not have to complete another background check, eliminating burdening checkpoints. HB 1103 passed the committee with unanimous support. □

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)]