



APRIL 20, 2010 - DAY 37

Upper Chamber Report

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

TOP STORY

Legislative Day 37: Senate Passes FY2010 Amended Budget, Tax Reform Council

By Matt Colvin

CHAMBER (April 20, 2010) – With the 2010 General Assembly nearing its final days, the Senate fulfilled its Constitutional responsibility to balance the Fiscal Year 2010 budget while also passing major legislation designed to re-shape and modernize Georgia's tax system.

Senate Appropriations Chairman Jack Hill (R-Reidsville) presented House Bill 947, the amended FY2010 budget, which included final agreements made between the Senate and House. Hill mentioned that there is not a lot to brag about on this budget besides meeting the legislature's obligation to pass a balanced spending plan. With the 2010 fiscal year falling in between a historic drop in state revenue, Hill said that lawmakers had very tough decisions to make to reduce the 2010 budget back to somewhere between 2004 and 2005 levels, as revenues have fallen over \$1.6 billion since the original FY10 budget passed last April.



Sen. Jack Hill presents chart depicting Georgia's spending decline in recent years

The FY10 amended budget totals \$17.7 billion, including the governor's revised revenue adjustment that took another \$342 million out of the current fiscal year's budget, which ends June 30. He said the cuts to agencies were deep in some areas, while less severe in others. With an average agency cut of 18 percent, Hill described vital services like the Department of Community Health (DCH) and the State Board of Regents only receiving 9 percent cuts.

Hill noted the state was able to shift around dollars to help out with education equalization funds, mental health departments, new domestic violence centers, and increased county jail subsidies. He also mentioned the state was able to generate tens of millions of dollars in bond savings due to the state's Triple-A bond rating.

The Senate adopted the budget by a 45 to 4 vote and the FY10 amended budget now heads to the governor's desk for final approval.

House Bill 1405, sponsored by Senate Majority Leader Chip Rogers (R-

Continued on Page 2

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Woodstock), would create the 2010 Special Council on Tax Reform and Fairness for Georgians aimed at identifying and recommending major initiatives to reform and improve the state's tax system. HB 1405 would also charter the Special Joint Committee on Georgia Revenue Structure (SJC), which would take the Council's findings and recommendations to create legislation. Rogers praised the bill as "the first major step toward reforming the antiquated tax system in Georgia."



Sen. Chip Rogers presents HB 1405, which creates the Special Joint Committee on Georgia Revenue Structure

Rogers stated any legislation stemming from the Council will be introduced in the House and referred to the SJC, where any legislation crafted in the committee will be sent directly to the House for an up-or-down vote with no amendments. Rogers noted this measure will sunset on July 1, 2012.

Several opponents to the bill, including Sens. Doug Stoner (D-Smyrna) and Nan Orrock (D-Atlanta), raised concerns that any recommended legislation produced by the SJC would be subject to only an up or down vote with no formal vetting process on the chamber floor.

HB 1405 was ultimately passed by the Senate with a 34 to 14 vote and now heads to the governor.

An additional eight bills were approved by the Senate and will either be sent to Governor Perdue for his signature or back to the House for final agreement:

- House Bill 451 - Revises parts of the Uniform Commercial Code (UCC), relating to Georgia title documents.
- House Bill 486 - Amends provisions relating to creditable service under the Superior Court Clerks' Retirement Fund.
- House Bill 651 - Requires the Georgia Department of Education to provide schools a list of all registered sex offenders in the state.
- House Bill 1016 - Changes the definition of identity fraud to relate to apply to businesses, as well as individuals.
- House Bill 1085 - Updates rules for foster care by noting that when a child is removed from home under court order, the required report may contain a plan for family reunification. This bill creates new requirements for what must be contained in such a reunification plan.
- House Bill 1364 - Makes significant changes to the state Insurers Insolvency Pool allowing worker's comp benefits that ended to be covered by the state insolvency pool, which protects the insured from liability as a result of their insurer becoming insolvent.

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Reservoirs at Center of Debate on Georgia's Future Water Supply

By Kallarin Richards

CAP 450 (April 20, 2010) – Discussion on a bill aimed at a reservoir project in South Fulton County devolved into serious debate over how to ensure that Georgia has access to adequate water supplies in the future. Access to drinking water was put in jeopardy when a federal judge ruled last July that metro Atlanta has no legal right to use Lake Lanier as its primary source of water. Many believe that the best way to ensure Georgia has enough water is to increase storage by building reservoirs. To that end, House Bill 406 is narrowly tailored to apply to the proposed Bear Creek reservoir in South Fulton by clarifying discrepancies related to the reservoir's service delivery area.

As the reservoir is located in South Fulton County, it cuts into the city of Atlanta's service delivery area. Allowing certain residents in South Fulton County to draw water from the Bear Creek reservoir will take away a portion of Atlanta's potential customer base. Atlanta Mayor Kasim Reed and the city's commissioner of water explained that allowing residents to draw their water from this new reservoir takes potential customers away from Atlanta. The city has already factored in potential population growth to their bond program, which will have to be realigned.



The city is also under a federal consent order to upgrade its water and sewer system. Atlanta has completed only half of the improvements, and the loss of customers will affect their ability to comply with the order. Mayor Reed noted that the city is still working toward a compromise with the South Fulton Water Authority.

Representatives of the South Fulton Water Authority made it clear that the bill does not allow for inter-basin transfers. Rather, by building the reservoir it allows North Georgia counties to grow and expand without harming downstream users. Chairman Ross Tolleson (R-Perry) encouraged passage of the bill and noted that it is narrowly written so as not to open the floodgates in expanding or changing other service delivery boundaries and agreements across the state. He noted that responsible policies are key to managing the state's water resources, and that increasing storage in appropriate areas is the best way to increase our water supply.

A representative with the Upper Chattahoochee River Keeper raised environmental concerns with the bill and that it also sends the wrong signal to neighboring states Florida and Alabama, who have submitted proposals against the Bear Creek reservoir and are embroiled in a water-sharing dispute with Georgia. □

Georgia's Evidence Code to Get First Update Since its Creation

By Kallarin Richards

CAP 450 (April 19, 2010) – Following additional debate on a bill to overhaul Georgia's evidence code, the Judiciary Committee voted six to five to replace the state's evidence code with the Federal Rules of Evidence, the code's first update since its creation in 1863. Author Rep. Wendell Willard (R-Sandy Springs) gave a brief overview of the bill, similar to his testimony at the committee's last meeting in which a hearing on House Bill 24 was held. In addition to ensuring fairness in the courtroom, the evidence code makes it clear what evidence is admissible in court and levels the playing field for attorneys. Sen. John Wiles (R-Marietta) again raised concerns that the bill makes changes to current law beyond the evidence code, and that the committee needs more time to review such a lengthy piece of legislation. Chairman Seth Harp (R-Midland) expressed his support for the bill, noting that the federal rules of law are much easier for lawyers to learn and practice.



The committee also passed three other bills that were held over from the last meeting, including what has been dubbed the “omnibus sex offenders bill.” HB 571 allows Level 1 sex offenders to petition a sentencing court to be removed from the Sexual Offender Registry. The bill clarifies that consent cannot be used as a defense in student-teacher sex assault cases and revises the definition of incest to include gender neutrality.

Legislation that provides new program alternatives for juvenile probation violators (HB 1104) was amended to include language that creates a new crime for smash and grab burglaries. It passed unanimously. The committee also passed HB 889 that allows a superior court judge to decide if an offender should be released on bail to enter a pretrial release program. The bill aims to address criminals who are released on their own recognizance with no oversight or guarantee they will appear in court. Concern was brought by representatives of the Fulton County Superior Court testifying that delaying a decision on who is to be released until the case reaches a superior court judge will further back up already overcrowded jails. The bill passed by a six to four vote.

Other legislation that passed includes:

- HB 956 allows an appeal to be dismissed if it is filed as a direct appeal when it should have been filed as an application for an appeal.
- HB 303 permits solicitors-general and assistant solicitors-general to access child abuse records.
- House Resolution 136 is a constitutional amendment that removes the requirement that property must be located on an island when the owner seeks to remove their property from an industrial area.

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Educators' Salaries Once Again Topic of Discussion in Committee

By Katie Wright

CAP 310 (April 20, 2010) – A bill that will limit the pay raises of local superintendents and administrators during a year when teachers are furloughed was heard by the Senate Education Committee. Chairman Dan Weber (R-Dunwoody) had concerns about a stipulation in the bill that if a local school board does decide to increase the salary of those in administrative positions, then a hearing must take place on the rationale of the increase in salary. He felt this might be logistically complicated. Several advocacy groups, including the Georgia Association of Educators and the Professional Association of Georgia Educators, voiced their support and the committee voted to pass House Bill 977 unanimously.



purchase of new buses. The Governor's Office included language that will allow smaller school systems to join together for bonding packages. The language strongly encourages school systems to apply for federal funding when refurbishing school buses. The Georgia School Superintendents Association

testified that they supported the measure. A representative from Blue Bird, a school bus manufacturer, voiced their concerns that the buses might not meet certain criteria to pass certification. Battles responded that the bill leaves criteria and certification decisions with the Department of Education. HB 936 passed unanimously.

Rep. Paul Battles (R-Cartersville) presented a bill that will allow school systems greater flexibility when maintaining school buses. A certain amount of state funds are allocated specifically for the purchase of new school buses. This bill allows that money to go to refurbishing older buses rather than mandating the

Lastly, the committee unanimously passed Senate Resolution 886 by Sen. Ronnie Chance (R-Tyrone), which urges school systems to provide meals with increased nutritional quality. The bill encourages healthier options to be available to students. □

Sen. Thomas Chairs Last Health and Human Services Meeting

By Adam Sweat

CAP 450 (April 20, 2010) – Today, the Health and Human Services Committee held one of its last meetings of the 2010 Legislative Session. For the members of the committee, it was a bittersweet moment as they all acknowledged Chairman Don Thomas's (R-Dalton) retirement. After 14 years of public service, Thomas will conclude his legislative career and not seek reelection in the fall. Sen. Renee Unterman (R-Buford) began the heartfelt comments for Thomas and noted his dedication to his constituency as well as his kind and gentle nature that is seen by all who encounter him. Sen. Gloria Butler (D-Stone Mountain) also spoke of her long-lasting relationship with Thomas, as well as wife Emma Jean, for whom she has a deep amount of respect.

Sen. Preston Smith (R-Rome) recalled a story that took place on Thomas's front porch in Dalton. Smith, who had recently decided to enter the race for the State Senate, went to speak with Dr. Thomas to see what his secret was to winning all of his elections. After discovering that he did not use direct mail or radio or television ads, Smith jokingly commented that his success must have been a result of his large family of children, grandchildren, and extended family.

The committee also voted to pass House Bill 325, which authorizes the Department of Human Resources to require fingerprinting and criminal background investigations for all applicants for licensure or license renewal as Emergency Medical Service (EMS) personnel. □

Sen. Orrock Honors Pulitzer Prize Author Douglas Blackmon in the Senate

By Kallarin Richards

ATLANTA (April 20, 2010) – Sen. Nan Orrock (D-Atlanta) today presented Pulitzer Prize-winning author and Atlanta journalist Douglas Blackmon with a Senate Resolution commending his achievements in journalism. Author of “Slavery by Another Name,” Blackmon is *The Wall Street Journal’s* bureau chief in Atlanta and a celebrated writer on race in America.

“Doug’s body of work exemplifies his bravery as a writer. He tackles the issues that make us uncomfortable and uncovers the truth that many would prefer to hide, forcing his readers to face the realities of our nation’s history,” said Orrock. “He is to be commended for his passion for writing about past and present race relations in America, and for his commitment to journalistic integrity that is evident throughout his work.”

Over the past 20 years, Blackmon has written extensively about the American quandary of race, exploring the integration of schools that took place during his childhood in a Mississippi Delta farm town, lost episodes of the Civil Rights Movement, and how contemporary society should handle its troubled past. He revealed how the U.S. Steel Corporation relied on forced black laborers in Alabama coal mines in the early 20th century, which led to his first book, “Slavery by Another Name,” examining how a form of neoslavery survived in the United States long after it was legally abolished. Before winning a Pulitzer Prize for General Notification in 2009, he won critical acclaim and recognition from the National Association of Black Journalists for his stories revealing the secret role of J.P. Morgan and Company during the 1960’s in funneling funds between a wealthy northern white supremacist and segregationists fighting the Civil Rights Movement in the South.

As bureau chief, he manages the paper’s coverage of airlines and other major transportation companies and publicly traded companies and institutions based in the southeastern United States. Stories written by Blackmon and his team at *The Wall Street Journal* have garnered worldwide acclaim for in-depth coverage of the subprime meltdown, Hurricane Katrina, and the Florida hurricanes of 2004.

Before joining *The Wall Street Journal* in 1995, he served as a reporter for the *Atlanta Journal-Constitution* where he covered race and politics and special assignments, including the fall of the Berlin Wall and the civil war in the former Yugoslavia. Blackmon showed promising talent for journalism at an early age, writing his first newspaper story at age 12 for the *Progress* newspaper in his hometown of Leland, Mississippi.

A Grant Park resident, Blackmon is also one of Orrock’s constituents. This is the second year the senator has recognized a Georgian who has won a Pulitzer Prize, a tradition she hopes to continue. She recognized Emory University instructor Natasha Trethewey during the 2009 Session, who won a Pulitzer Prize for poetry.

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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)]