



# This Week in the Senate

February 25 – March 1, 2013

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## A Message from Senate President Pro Tempore David Shafer

"This week we began conference negotiations on the FY 2013 Amended Budget. We also passed tax relief legislation which the federal and state revenue codes and made our new title fee system more equitable.

"Along with many of my Republican colleagues, I introduced constitutional amendments that would put limits on the state income tax and create an orderly pathway for Georgia to move from the income tax to the sales tax. I look forward to the discussion on these important issues.

"Congratulations to Senator Hunter Hill on presenting his first bill, an important piece of drivers license legislation that will help Georgia become competitive."

– Senate President Pro Tem David Shafer

## Senate Bills

### **Georgia Self-Storage Facility Act Passes Senate**

On Monday, February 25, the Senate passed SB 61 by a vote of 47-3. Currently there are approximately 1500 small businesses in Georgia which are engaged in the self-storage industry. SB 61, sponsored by Sen. Jesse Stone (R-Waynesboro), would allow procedural standardization within this industry. Specifically, SB 61 would change the due date for monthly rental payments and standardize the placement of notifications of sale. –**SB 61**

### **'Design Build' Bill Passes Senate**

SB 70 passed the Senate by a vote of 51-0 on Monday, February 25. This bill, sponsored by Sen. Steve Gooch (R-Dahlonega), would change the types of projects eligible for design build contracts and procurement processes by allowing bids from the private sector. Additionally, the design bill would allow Georgia to choose bids which are of the best value, not just the lowest priced. For example, the state of Georgia would be able to choose a bid which was more costly up front—but less expensive overall—rather than being required to choose the bid that was less expensive up front. –**SB 70**

### **Tax Bill Passes Senate**

The State Senate passed SB 72 to standardize the interest rate for tax refunds and past due taxes by a vote of 52-0 on Monday, February 25. This bill, sponsored by Sen. Jesse Stone (R-Waynesboro), would help establish a standard rate on taxes owed from the local to the federal level. This legislation sets the annual interest rate due on unpaid refunds and interest owed on delinquent taxes at 7 percent annual. Currently, interest owed on taxes due to the state or any local taxing jurisdiction is set at 1 percent per month from the date the tax is due until it is paid. –**SB 72**

### **Bill to Rename North Georgia College Passes Senate**

SB 82 passed the Senate by a vote of 52-0 on Monday, February 25. This bill, sponsored by Sen. Steve Gooch (R-Dahlonega), would change all references of North Georgia College to University of North Georgia and would designate the University of North Georgia as the senior military college of Georgia. –**SB 82**

### **Bill to Provide Prosecuting Attorneys Passes Senate**

A bill to allow for a probate court judge in a county with no state court to request the district attorney to prosecute criminal cases passed the Senate on Monday, February 25, by a vote of 51-0. SB 120, sponsored by Sen. John Crosby (R-Tifton), would also authorize a county with no state court to create the office of and hire a prosecuting attorney of the probate court if the district attorney cannot assist the probate court. **—SB 120**

### **Property Ownership Bill Passes Senate**

SB 125, sponsored by Sen. Jesse Stone (R-Waynesboro), passed the Senate by a vote of 51-0 on Monday, February 25. This bill addresses liability issues facing property owners who have tenants, visitors, or trespassers on their property and merely clarifies—not changes—existing law. **—SB 125**

### **Celebrate Freedom Week Bill Passes Senate**

SB 68, sponsored by Sen. William Ligon (R-Brunswick), passed the Senate on Tuesday, February 26 by a vote of 42-8. SB 68 would establish the week of September 17 as Celebrate Freedom Week in Georgia Public Schools. During this week, students would be required to receive at least three hours of instruction regarding our nation's founding principles as well as recitation of important historical writings from materials provided by the Department of Education. **—SB 68**

### **Community College Request Bill Passes Senate**

Sen. Tim Golden (R-Valdosta) sponsored SB 103 to allow the Technical College System of Georgia to approve requests for community colleges. In order to be named a community or technical college by the Board, an institution must grant associate's degrees. SB 103 passed the Senate by a vote of 50-0 on Tuesday, February 26. **—SB 103**

### **'Uniform Fraudulent Transfers Act' Passes Senate**

Sen. Hardie Davis (D-Augusta) sponsored SB 105, which passed the Senate on Tuesday, February 26, by a vote of 50-1. Under current law, fraudulent transfers—which are transfers made to avoid creditors—are generally subject to recapture or other relief for the creditors. SB 105 would allow most charitable organizations to keep property received so long as the charity was not aware that the transfer was made fraudulently. **—SB 105**

### **DNA Sample Collection Bill Passes Senate**

SB 135, sponsored by Sen. Josh McKoon (R-Columbus), passed the Senate on Tuesday, February 26, by a vote of 32-16. This bill—which would only be effective if funds are specifically appropriated for its purpose—would require that law enforcement agencies collect DNA samples from those both arrested for and convicted of a felony within 30 days of finding that probable cause for the arrest was established. If a DNA sample is required, the court will ensure the DNA sample is provided as a condition of bail. **—SB 135**

### **Public Retirement System Trustee Duties Bill Passes Senate**

A bill to clarify the duties of the boards of trustees of public retirement systems passed the Senate by a vote of 49-0 on Tuesday, February 26. SB 143, sponsored by Sen. Fran Millar (R-Atlanta), reestablishes the link between Title 47 and Title 53 of the Georgia Code relating to wills, trusts, and the administration of estates. This link was severed a few years ago as an unintended consequence with the passage of another piece of legislation. **—SB 143**

### **Bill to Include Residential Treatment Center Student Performance Data Passes Senate**

SB 115, which passed the Senate by a vote of 54-0 on Wednesday, February 27, would change the way performance data of juvenile justice detainees is counted. Under current law, minors who are within the custody of the Department of Juvenile Justice have their performance data included within the school system where the facility in which they are housed is physically located. SB 115, sponsored by Sen. Lindsey Tippins (R-Marietta), would treat all such facilities as a single entity for the purpose of accountability programs. **—SB 115**

### **Bill to Expand the Definition of 'Prescriber' Passes Senate**

On Wednesday, February 27, SB 134, sponsored by Sen. Buddy Carter (R-Pooler), passed the Senate by a vote of 51-0. This bill would change the definition of a controlled substance 'prescriber' to include anyone authorized to prescribe a controlled substance under the laws of any state or territory of the United States. **—SB 134**

### **Opportunity Zones Bill Passes Senate**

On Wednesday, February 27, SB 137, sponsored by Sen. Rick Jeffares (R-Locust Grove), passed the Senate by a vote of 55-0. Opportunity Zones, or areas designated for redevelopment efforts that would qualify for tax incentives, already

exist in law but can only be authorized by the Commissioner of Community Affairs. This legislation would give authorization instead to the Commissioner of Economic Development. **–SB 137**

#### **Bill to Change Closing Fees on Money Advances of Credit Extensions Passes Senate**

Sen. Butch Miller (R-Gainesville) sponsored SB 139 to allow lenders and sellers to charge closing fees on money advances or credit extensions up to 4% of the loan or contract but not more than \$50.00. Additionally, closing fees could be added to the principal or paid from the amount borrowed. This legislation only applies to certain industrial loans, retail installment and home solicitation sales contracts, motor vehicle financing contracts, and insurance premium finance agreements. SB 139 passed the Senate by a vote of 34-18 on Wednesday, February 27. **–SB 139**

#### **Bill Requiring Continued Competency Requirements for Nurses Passes Senate**

Under SB 10, sponsored by Sen. Buddy Carter (R-Pooler), registered professional nurses would be required to meet continuing competency requirements as a condition of license renewal, beginning with the 2016 license renewal cycle. This legislation would also allow for a registered professional nurse to request that his or her license be placed on inactive status. SB 10 passed the Senate on Thursday, February 28, by a vote of 51-1. **–SB 10**

#### **Bill Adding to the Definition of Professional Counselors, Social Workers, and Family and Marriage Therapists Passes Senate**

A bill to include the diagnoses of emotional and mental problems to the definition of marriage and family therapy passed the Senate by a vote of 44-8 on Thursday, February 28. SB 128, sponsored by Sen. Fran Millar (R-Atlanta), would allow licensed professional counselors, social workers, and family and marriage therapists to diagnose emotional and mental problems for insurance purposes. **–SB 128**

#### **Bill to Offer Extended Warranties Passes Senate**

Sen. Jack Murphy (R-Cumming) sponsored SB 140 to allow certain auto services and repairs to be offered as an extended warranty and, therefore, as a form of property insurance. Specific services involved include certain repairs to interior fabric or carpet, the cosmetic repair of exterior plastic surfaces, the cosmetic repair to aluminum or painted wheels, and exterior recondition of headlights to restore clarity and luster. SB 140 passed the Senate on Thursday, February 28, by a vote of 53-0. **–SB 140**

#### **Judicial Retirement System Bill Passes Senate**

A bill authorizing the board of trustees of the Georgia Judicial Retirement System (JRS) to determine the time and circumstances of paying member benefits passed the Senate on Thursday, February 28, by a vote of 49-0. This bill would provide for the payment of retirement benefits to cease if a JRS member who has not yet reached the normal retirement age returns to the service of the state in any position other than that as a member of the General Assembly. SB 142 was sponsored by Sen. Fran Millar (R-Atlanta). **–SB 142**

#### **Bill to Provide for Drivers' Licenses Extensions for Legal Noncitizens Passes Senate**

SB 122, sponsored by Sen. Hunter Hill (R-Atlanta) passed the Senate on Friday, March 1, by a vote of 51-0. SB 122 would authorize the issuance of a temporary 120 day driving permit or identification card to authorized noncitizens whose driver's license or ID card has expired or is about to expire. The applicant must present evidence of his or her request for an extension to stay in the U.S. SB 122 is Sen. Hill's first bill to be presented for a vote to the State Senate. **–SB 122**

#### **“Kile Glover Boat Education Law” and “Jake and Griffin Prince BUI Law” Pass Senate**

Sen. Butch Miller (R-Gainesville) sponsored SB 136, known as the ‘Kile Glover Boat Education Law’ and ‘Jake and Griffin Prince BUI Law,’ which passed the Senate by a vote of 50-0 on Friday, March 1. This legislation would reduce the legal blood alcohol limit from 0.10 to 0.08 for hunting or boating while under the influence, increase the penalties for boating while under the influence, and require certain individuals to complete a boating education course prior to operation of a vessel. **–SB 136**

# House Bills

## **Revisions to Banned Synthetic Marijuana Substance List Pass Senate**

The Senate passed HB 57 on Monday, February 25, by a vote of 43-0. This bill revises Georgia code to expand the definition of Schedule I controlled substances. The revisions specifically target compounds used to manufacture synthetic marijuana. HB 57 was sponsored by Sen. Buddy Carter (R-Pooler) and is a swift response to manufacturers who changed the chemical make-up of the drug after SB 370 was signed into law in 2012. **—HB 57**

## **Updates to the Georgia Revenue Code Pass Senate**

House Bill 266, which would update Georgia's IRS code and clarify measures from 2012's tax reform overhaul, passed the Senate today by a vote of 41 to 7. The bill was amended from its original version to reconcile any unintended financial repercussions from last year's comprehensive tax reform package. As passed by the Senate, HB 266 will offer a \$179 million tax cut over a four-year period and prevent a considerable tax hike on Georgia taxpayers. The bill will now transfer back to the House for further consideration. **—HB 266**

# Senate Resolutions

## **Emanuel County Institute High School Football Team Honored**

Sen. Jack Hill (R-Reidsville) and Sen. Jesse Stone (R-Waynesboro) honored members of the Emanuel County Institute high school football team on Monday, February 25. The Emanuel County Institute High School football team won the 2012 Georgia High School Association Class A State Championship. **—SR 212**

## **Clergy Day Recognized**

On Monday, February 25, Sen. Hardie Davis (D-Augusta) welcomed members of the clergy to the Senate Chamber for the 12<sup>th</sup> annual Clergy Day at the State Capitol. Members of the clergy have inspired spiritual understanding and peace to people from all walks of life and have ministered to Georgia's communities by actively promoting improved community relations among citizens and personally demonstrating their steadfast commitment to social justice for all Georgians. Clergy members representing many walks of faith from across the state were present for a day of activities. **—SR 327**

## **Parachute Packers Welcomed**

Sens. Butch Miller (R-Gainesville), Frank Ginn (R-Danielsville), Renee Unterman (R-Buford), John Wilkinson (R-Toccoa) and Steve Gooch (R-Dahlonega) welcomed members of the Parachute Packers Club of Flowery Branch High School to the Senate Chamber on Tuesday, February 26. The Parachute Packers club adopted the Army Reserve's 802<sup>nd</sup> during its deployment for a full year beginning in December of 2009 by sending multiple packages that contained treats, notes of appreciation and encouragement banners. Members of the club also assist at school function and volunteer at community events. **—SR 176**

## **Jefferson High School Dragons Football Team Recognized**

Sen. John Wilkinson (R-Toccoa) and Sen. Frank Ginn (R-Danielsville) welcomed members of the Jefferson High School Dragons football team to the Senate Chamber on Tuesday, February 26. The Jefferson High School Dragons gained their first ever championship title in the school's history with their Class AA Football State Championship win last year. **—SR 241**

## **Children's Day Recognized**

Sens. Fran Millar (R-Atlanta), Charlie Bethel (R-Dalton), Renee Unterman (R-Buford) and Steve Henson (D-Tucker) recognized Tuesday, February 26 as the first ever Children's Day at the Georgia State Capitol. Children's Day is an opportunity for elected officials, decision makers and the public to learn more about the issues that affect Georgia's children as well as for child advocates to unite as one voice for Georgia's children. 25 organizations participated in the day's events. **—SR 335**

### **Valdosta State University Blazers Football Team Honored**

On Wednesday, February 27, Sen. Tim Golden (R-Valdosta) welcomed members of the Valdosta State University Blazers football team to the Senate Chamber. The Blazers were the 2012 NCAA Division II Football National Champions. –**SR 103**

### **Valdosta State University Blazers Softball Team Honored**

Members of the Valdosta State University Blazers softball team visited the Senate Chamber as guests of Sen. Tim Golden (R-Valdosta) on Wednesday, February 27. The Blazers were the 2012 National Softball Champions. Valdosta State University President William J. McKinney addressed the Senate and spoke to the efforts of both the softball and football teams. –**SR 105**

### **Dade County High School Girls Softball Team**

Members of the Lady Wolverines softball team were the special guests of Sen. Jeff Mullis (R-Chickamauga) on Wednesday, February 27. The Dade County High School Lady Wolverines won the 2012 AA State Softball Championship. –**SR 249**

### **Fulton County Marshals Honored**

Sen. Donzella James (D-Atlanta) hosted members of the Fulton County Marshals—including Chief Marshal Antonio Johnson—on Wednesday, February 27. The Fulton County Marshals Department was created as part of a larger effort to reform and improve the administration of justice in Georgia's urban centers. The Fulton County Marshal's Department serves the State Court of Fulton County and celebrates its 100th anniversary this year. –**SR 279**

### **Georgia Council of Deliberation Group Welcomed**

On Wednesday, February 27, Sens. Gail Davenport (D-Jonesboro), Freddie Powell Sims (D-Dawson), Vincent Fort (D-Atlanta), David Lucas (D-Macon), Lester Jackson (D-Savannah) and Burt Jones (D-Jackson) welcomed members of the Georgia Council of Deliberation to the State Capitol. This charitable organization provides scholarships for students and also provides humanitarian services within local communities. –**SR 381**

### **Miss Georgia Peach Queens Visit State Senate**

Sen. Cecil Staton (R-Macon) welcomed five Miss Georgia Peach Queens to the State Capitol on Thursday, February 28. The Georgia Peach Festival originated in 1987 in Peach County, Georgia, for the purpose of promoting Peach County and the peach industry. This annual festival celebrates Peach County's status as one of the largest producers of peaches in the state. Georgia's peach industry has played a significant role in the economic growth and prosperity of the state, and Georgia ranks second in the nation in the annual production of peaches. –**SR 66**

### **Banks County High School Wrestling Team Welcomed**

Sen. John Wilkinson (R-Toccoa) hosted members of the Banks County Leopards Wrestling on Thursday, February 28. In 2012, the Banks County Leopards Wrestling Team accomplished their goal of winning the first ever state championship in Banks County High School history. –**SR 239**

### **2013 Georgia Superintendent of the Year Christopher B. Erwin Honored**

Sen. John Wilkinson (R-Toccoa) welcomed 2013 Georgia Superintendent of the Year Christopher B. Erwin to the Senate Chamber on Thursday, February 28. Superintendent Erwin is the highly respected superintendent of the Banks County School System, a position he has held for ten years. He was selected as Superintendent of the Year for his demonstrated exemplary leadership through involvement in his community as well as in state and national professional and civic organizations. –**SR 240**

### **Georgia Power Linemen Recognized**

Sens. Steve Henson (D-Tucker), Vincent Fort (D-Atlanta), Donzella James (D-Atlanta), Valencia Seay (D-Riverdale) and David Lucas (D-Macon) welcomed linemen from Georgia Power to the Senate Chambers on Thursday, February 28. SR 346 commended linemen from Georgia Power and the International Brotherhood of Electrical Workers Local 84, as well as members of the Georgia AFL-CIO, for their diligence in responding to the needs of citizens in the aftermath of Hurricane Sandy. –**SR 346**

### **Gordon Lee Memorial High School Lady Trojan Softball Team Acknowledged**

Sen. Jeff Mullis (R-Chickamauga) welcomed members of the Gordon Lee Memorial High School Lady Trojan softball team to the Senate Chamber on Thursday, February 28. In 2012, the Gordon Lee Memorial High School Lady Trojans were the 2012 Class A State Champions for the third consecutive year. **–SR 364**

### **Peanut Butter and Jelly Day at the State Capitol**

Georgia's peanut industry was celebrated with much fanfare—and peanut butter and jelly sandwiches—on Friday, March 1. Georgia leads the United States in peanut production, producing nearly 50 percent of the nation's total supply. Peanut production is the largest single cash food row crop in Georgia with gross farm receipts totaling hundreds of millions of dollars. John Wilkinson (R-Toccoa), Frank Ginn (R-Danielsville), Bill Heath (R-Bremen), Mike Dugan (R-Carrollton) and Nan Orrock (D-Atlanta) recognized Georgia's peanut industry with SR 242. **–SR 242**

### **Sen. Emanuel Jones Welcomes Reverend Ulysses Ponder**

Rev. Ulysses Ponder was the special guest of Sen. Emanuel Jones (D-Decatur) on Friday, March 1. Rev. Ponder served as Chaplain of the Day, and Sen. Jones honored him with SR 246 to celebrate his 25<sup>th</sup> anniversary as pastor of Poplar Springs Baptist Church. **–SR 246**

### **Sen. Jeff Mullis Honors John Bankhead**

Sen. Jeff Mullis (R-Chickamauga) welcomed John Bankhead, the GBI's Director of Public Affairs, to the State Capitol on Friday, March 1. John Bankhead has worked for the GBI since December of 1987 and was the first full-time and longest-serving public affairs officer in the history of the agency. Mr. Bankhead is well known for his professionalism and knowledge of the media and of GBI law enforcement procedures. **–SR 347**

### **Tax Limitation Amendments Introduced**

Senate President Pro Tem David Shafer (R – Duluth) has introduced two constitutional amendments that would limit the power of the General Assembly to raise the income tax and reserve future sales tax increases for income tax relief. SR 415 prohibits the General Assembly from increasing the state income tax above the current rate of 6 percent and is co-sponsored by Senate Majority Leader Ronnie Chance (R-Tyrone), along with every member of the Senate Republican Caucus. SR 412 prohibits the General Assembly from authorizing any additional sales tax unless used for specific infrastructure approved by referendum or income tax relief. SR 412 is also cosponsored by Sen.Chance.

## **House Resolutions**

### **Crossover Day Set for March 7**

HR 548 has been approved by the Senate and will set Day 30—Crossover Day—on Thursday, March 7. The General Assembly will reconvene for Days 31 – 34 on March 11 – 14, and for Day 35 on March 20. **–HR 548**

## **Guests and Events**

### **Johnnie M. Hammond Honored**

On Monday, February 25, Sen. Freddie Powell Sims (D-Dawson) welcomed Mrs. Johnnie M. Hammond to the Senate Chamber to be honored for her work within the greater Albany community. "Where there's a need, she takes the lead," said Sen. Sims. "She is special, and the difference that she's made in so many lives will be noted for years to come."

### **New Americans Welcomed**

New American citizens Jose Garcia and his wife Ceclia Garcia visited the State Senate on Monday, February 25 as the special guests of Sen. Butch Miller (R-Gainesville). Jose earned his citizenship last year and Cecilia earned hers on February 25, 2013.

### **Clayton County Chamber of Commerce Recognized**

Sen. Gail Davenport (D-Jonesboro) welcomed members of the Clayton County Chamber of Commerce to the State Capitol on Tuesday, February 26. Yolanda Buford, Chair of the Clayton County Chamber of Commerce, thanked those who work diligently to make Clayton County a great place to live.

**John Frederick Angel Honored**

Sen. Fran Millar (R-Atlanta) hosted special guest John Frederick Angel, Sr. in the Senate Chamber on Thursday, February 28. Mr. Angel was named the Distinguished Older Georgian for 2013. He served his country through service during World War II and, at 85 years of age, is still actively contributing to his state and to the community of DeKalb County.

**Georgia Asian American and Pacific Islander Day**

Thursday, February 28, marked the Georgia Asian American and Pacific Islander Legislative Day at the Georgia State Capitol. Representatives from the Asian American Peace Officers of Georgia were in attendance, as were local business and community leaders. Joji Miyamori, Acting Consul General of Japan, was also present. Sen. Hunter Hill (R-Atlanta) welcomed his special guests to the Senate Chamber and a reception was held at the Depot.

**Telehealth Day at the State Capitol**

Sen. Tyler Harper (R-Ocilla) welcomed members of the Georgia Partnership for Telehealth to the State Senate on Friday, March 1. The Georgia Partnership for Telehealth was formed to promote improvements in healthcare and healthcare facilities in rural and underserved communities throughout the state. Georgia's network includes over 200 specialists who represent over 40 specialties. Providing access to healthcare via telemedicine has proven to cut costs on travel and work time and provides quick access to care. Sen. Harper introduced Dr. Rhonda Williams, a physician in Waycross, who served the Senate as Doctor of the Day—but she did so from Waresboro Elementary School in Waycross. Dr. Williams was able to serve the Senate through the use of telemedicine, a new medical initiative which allows physicians to examine patients through a type of videoconferencing technology.

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