



LEGISLATIVE UPDATE

A Briefing for Faculty & Staff of the University System of Georgia No. 14, May 28, 2009

“Creating a More Educated Georgia”

2009 Legislative Session Wrap-Up

Earlier this month, Gov. Sonny Perdue wrapped up weeks of signing into law bills produced during the 2009 Legislative Session of the Georgia General Assembly. The final piece of legislation he considered was House Bill 119, the state’s Fiscal Year 2010 budget, totaling \$18.6 billion. One of three budget items the Governor vetoed was \$1.6 million in bonds for the acquisition and renovation of a building for *Darton College* that is no longer for sale. A summary of the disposition of other key pieces of legislation of interest to the University System of Georgia (USG) follows.

Study Committees

The House did not pass any study committees but a committee chair may always authorize a meeting on relevant issues during the interim. The Senate passed the following study committees during the 2009 session that are of interest to the USG. The Lieutenant Governor has the final decision to activate a study committee by appointing the members outlined in the resolution:

- **Senate Resolution 140 by Senator Emmanuel Jones, Decatur** – this bill establishes a Senate Study Committee on Consolidation of Institutions of Higher Education, which is tasked with examining proposals calling for the Board of Regents of the University System of Georgia to merge *Savannah State University* with *Armstrong Atlantic State University* and *Albany State University* with *Darton College*;
- **Senate Resolution 595 by Senator Jack Hill, Reidsville** – this bill establishes a Senate Study Committee on Regional Education Services Agencies; and
- **Senate Resolution 627 by Senator John Douglas, Social Circle** – this bill establishes a Senate Study Committee on the Merger of Georgia Technical Colleges and Two-Year Colleges.

USG Sponsored Legislation

House Bill 266 by Rep. Jimmy Pruett, Eastman

This legislation will protect years of service for a group of employees of the former Technical College System of Georgia Aviation Technical College that were transferred to *Middle Georgia College* (MGC) as part of the merger of the aviation program with MGC. Retirement bills must be introduced in the first year of a term so that, during the interim, the legislation may be given an actuarial study. The legislation will then be acted upon in the 2010 legislative session.

On April 28, both the House Retirement Committee and the Senate Retirement Committee met. At the House meeting, House Bill 266 was under consideration for an actuarial study over the interim. The committee did not vote in favor of this action. Officials from the University System Office, the Teachers Retirement System, the Employees Retirement System and the Technical College System of Georgia are working together to find a solution for the MGC employees who were impacted by this legislation.

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Other bills of interest



The following pieces of legislation passed:

Senate Bill 85 by Sen. Bill Heath, Bremen – this bill will create the Georgia Aviation Authority;

Senate Resolution 173 by Sen. Lester Jackson, Savannah – a resolution urging the Board of Regents of the University System of Georgia to establish and offer a teacher education program at each of its universities offering four-year degree programs;

House Bill 149 by Rep. Jan Jones, Alpharetta – named “Move on When Ready,” this legislation creates a program for 11th and 12th grade students to attend postsecondary colleges and schools for high-school credit and allows the K-12 full-time equivalent (FTE) money that result to follow the child if the postsecondary institution accepts them. (Please direct questions and comments about the implementation of this law, to student-affairs@usg.edu, and in the subject line, enter “Move on When Ready Act”);

House Bill 157 by Rep. Ben Harbin, Martinez – this legislation sets new limits on what the HOPE scholarship may fund if lottery reserves dip. If, during a fiscal year, the lottery fund receives less than 92 percent of the “highest” year-end balance, then book purchases will not exceed \$150. If the amount is less than 84 percent, then all book purchase allotments will be eliminated. Finally, if the lottery fund receives less than 75 percent, then all mandatory fees allotted by benefit program will be eliminated (effective July 1, 2009);

House Bill 313 by Rep. Bill Hembree, Winston – this legislation changes the HOPE eligibility calculation to be based on the single high-school diploma, instead of the college prep or career/technical diploma type. This bill would clarify in statute, the eligibility requirements and allow the Georgia Student Finance Commission to award the HOPE scholarship accordingly (effective July 1, 2009);

House Bill 475 by Rep. Sharon Cooper, Marietta – Also known as the Georgia Registered Professional Nurse Practice Act, this bill revises requirements

for nursing-education programs for licensure as an advanced practice registered nurse, registered professional nurse, or licensed practical nurse.

For a nursing-education program to be approved by the Georgia Board of Nursing or the Georgia Board of Examiners of Licensed Practical Nurses for licensing purposes, the program must either be a member of the University System of Georgia or the Technical College System of Georgia that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or be a non-profit or proprietary institution accredited by a federally recognized regional accrediting agency.

Additionally, the bill allows a graduate of a nontraditional nursing education program to be licensed as a registered professional nurse (RN), provided that the program meets certain specified conditions, including but not limited to requiring program applicants to be a licensed practical/vocational nurse, military service corpsman, or paramedic; the program is approved by the Georgia Board of Nursing; and the graduate completes a postgraduate preceptorship of a duration based on the graduate’s background. Conditions under which a graduate of a nontraditional nursing education program may be licensed as an RN by endorsement are outlined in the legislation.

The bill also allows for a graduate of a nontraditional nursing education program to receive a temporary permit for purposes of completing his or her preceptorship;

House Resolution 165 by Rep. Bob Smith, Watkinsville – a resolution urging four-year colleges and universities of the University System of Georgia to help make Georgia the # 1 DESTINATION FOR ENTREPRENEURS in the United States by developing, and expanding, education for the support of science, innovation, technology, energy, and new Georgia entrepreneurs;

House Bill 455 by Rep. Jay Neal, Lafayette – extended the teacher contract deadline date to May 15, 2009, for the 2009-2010 school year. Amendments to the bill eliminate the sunset provision

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for the Master Teacher program and the pay increase for leadership degrees beginning in 2010 for educators not serving in leadership positions; and

House Bill 740 by Rep. Bob Smith, Watkinsville – the House committee did not approve an actuarial study for this bill, which would permit USG faculty members who participate in the Regents’ Optional Retirement Plan (ORP) to purchase service in the Teachers Retirement System of Georgia (TRS). The companion bill, Senate Bill 257, which would have the same effect as House Bill 740, was not moved by the Senate Retirement Committee for actuarial study.



The following pieces of legislation are eligible for consideration in 2010:

Senate Bill 101 by Sen. Bill Cowsert, Athens – this bill limiting liability for certain drug and medical device manufacturers and sellers did not pass during the 2009 session. The legislation rests in the Senate

Committee on Economic Development;

Senate Bill 169 by Sen. Ralph Hudgens, Hull – this legislation would make it unlawful to create or attempt to create an in-vitro human embryo by any means other than fertilization of a human egg by a human sperm. It also provides standards for physicians and facilities performing in-vitro fertilizations. The bill passed the Senate but did not move in the House. The legislation rests in the House Science and Technology Committee;

House Bill 294 by Rep. Butch Parrish, Swainsboro – the legislation states that no creation, consolidation, suspension, or discontinuation of a technical college or institution under the State Board of Technical and Adult Education or any relinquishment of control or transfer of such technical college or institution to the University System of Georgia or any other state entity shall be effective or have any force and effect unless approved by the General Assembly. The bill did not pass during the 2009 session and rests in the Senate Higher Education Committee;

House Bill 391 by Rep. Bill Hembree, Winston – this bill would provide for an exemption for a limited period of time with respect to any required textbook for any accredited public or private post-secondary institution in Georgia. The legislation

did not pass during the 2009 session and rests in the House Higher Education Committee;

House Bill 400 by Rep. Fran Millar, Dunwoody – the Building Resourceful Individuals to Develop Georgia’s Economy (BRIDGE) Bill gives students a choice of focused programs of study and prepares them for postsecondary studies and careers. Guidance counselors and graduation coaches would be trained in the available opportunities for students in all areas, including going to a four-year college or tech school. Parents and guardians would be involved in their child’s graduation plan starting in the eighth grade. House Bill 400 was amended onto Senate Bill 178 on the last night of the legislative session along with several other education related legislative provisions. The Governor vetoed Senate Bill 178. However, House Bill 400 rests in the Senate Education Committee;

House Resolution 166 by Rep. Bob Smith, Watkinsville – creates the Joint SITE TO GROW GEORGIA, Alternative Financing, and Entrepreneurship Study Committee. The author states that science, innovation, technology, and energy (SITE) as well as alternative forms of investing public funds and greater support for the growth of entrepreneurship are essential elements for making Georgia the #1 DESTINATION FOR ENTREPRENEURS in the United States of America. The legislation did not pass during the 2009 session and rests in the House Rules Committee;



The following legislation was vetoed:

THE GOVERNOR’S VETO MESSAGE FOR SENATE BILL 178

“Senate Bill 178, in its original form, extended the sunset on Georgia’s capital-outlay program from June 30, 2010, to June 30, 2011. Late in the legislative session, three unrelated education provisions were added in a conference committee report. Those provisions included (1) language from House Bill 278, which granted local school systems temporary waivers from various expenditure controls; (2) House Bill 400, also known as the BRIDGE bill, which substantially reconfigures our K-12 education system; and (3) lan-

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guage not previously introduced as legislation which would require the State to provide additional funding for dual enrollment programs in career academies and charter schools.

“I strongly support the extension of the capital outlay program and the temporary waiver of expenditure controls, but have serious concerns about the remainder of Senate Bill 178.

“I have long supported funding dual enrollment in a manner that covers the costs of the program at both the high school and higher education levels without using taxpayer funds to pay twice for the same student enrolled in the same class. I am working closely with policymakers and persons interested in this issue, the ongoing process has been data-driven, and I am confident that the solution we will reach will be the right one for all parties involved. The solution offered

in Senate Bill 178, however, imposes a funding requirement that is arbitrary and singles out charter schools and career academies for special treatment while ignoring dual enrollment programs in all other public high schools.

“When Members of the General Assembly introduced the BRIDGE legislation last year, a fiscal note by the Department of Audits in conjunction with the Department of Education estimated the cost at \$1.2 billion. The General Assembly did not request a fiscal note this year, but the Governor’s Office of Planning and Budget estimated that the current bill will impose an immediate one-time cost of \$417 million and an ongoing annual cost of \$146 million. Notwithstanding my substantive policy concerns about this bill, the State simply cannot afford it at this time. For these reasons, I veto Senate Bill 178.” 