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Readers Rank Georgia’s Top Lobbyists

The art of lobbying—seeking to influence governmental public policies—has come a long way since, as legend has it, President Ulysses Grant would hold court at the Willard Hotel in Washington, D.C., to enjoy brandy and a cigar while listening to petitioners asking for legislative favors. Those 19th century “lobbyists” portrayed on our James cover have now evolved into a professional, diverse and growing corps. Consider Georgia’s lobbying trade: It ranges from corporate or law firm government relations managers, government representatives and non-profit advocates to free-lance contractors who may work on just one issue or others who represent a large array of clients.

Georgia law states that anyone compensated to promote or oppose the passage of legislation is required to register as a lobbyist. Legislators have rightly said that lobbyists are valuable “translators”—that is, they sort through all kinds of information and then turn it into plain English for lawmakers or regulators so they can hopefully make informed decisions. Indeed, especially on controversial issues, lobbyists on both sides provide a valuable service to public officials—particularly since part-time legislators or executive branch officials often don’t have adequate staff to research issues. Savvy lobbyists also know they have to work with the media (and, in recent years, utilize social media) to get their messaging into the court of public opinion.

Lobbyists provide the grease that helps turn the wheels of governance on policy issues. That’s why James readers to rank Georgia’s 1,053 registered lobbyists. Some lobbyists even took pictures of themselves and/or the James ballot and utilized Facebook and Twitter to garner votes! Many fine lobbyists, of course, didn’t make the top listings because, well, the votes simply weren’t there. But that can always change! So best wishes to them next year for our “Top Lobbyists Issue.”

A Special Note

In recent years the James staff—aided by advice from prominent lobbyists and public officials—has compiled a “Lobbyist Hall of Fame” to salute veterans who have attained distinction. Their hard work is honored—whether it is for helping a client get legislation passed, for derailing or reshaping legislation or for simply just being effective and persistent at representing a client’s interests and concerns. Since this popular issue salutes top lobbyists, it is only fitting that we publish our “Hall of Fame.” It includes four new honorees this year: Chandler Haydon, Wendi Clifton, Louie Hunter and Jerry Griffin (who is now retired).

Finally, congratulations to this year’s top Georgia lobbyists, and to the “rising stars” listed who have only worked three years or less.
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A fiscal 2016 year-end report shows the state’s preliminary shortfall reserves at a record $2.05 billion—up about 43 percent from the end of 2015. This state savings account, of course, is important—when there is a recession, for example, such money is needed to fund basic services. This is a milestone for Gov. Nathan Deal, who pledged to leave the state in far better financial shape when he leaves office in 2019. Georgia’s financial ship is obviously… RISING

On October 20th Cobb County officials, Atlanta Braves President of Development Mike Plant, MARTA Assistant General Manager Ben Limmer, and Cumberland CID Chairman Tad Leithead will host a meeting to discuss county transit options—specifically for the area around the new Suntrust Park. Critics have bristled at the lack of transparency so far, but an open dialogue on transportation is exactly what voters have been asking for. For now, as Cobb Countians await new transportation/traffic congestion plans, the situation is… Drifting

Gov. Nathan Deal proposes a 20 percent pay increase for state law enforcement officers and an overhaul and expansion of police training regarding the use of force and community policing. It hikes the median salary of about 3,300 state law officers by an average of $8,000—obviously a great retention and recruiting tool. Since this big pay hike legislation is also supported by the lieutenant governor and state House speaker, the state law enforcement boat (and morale) is… RISING

U.S. Rep. David Scott, D-Ga., sought out U.S. Rep. Mia Love, R-Utah, to give a $1,000 check from his campaign committee in order to help the only female black congresswoman win re-election. Love initially thought it was a joke. Yet Scott, a black member of the centrist Blue Dog Coalition, was sincere. He told a Utah newspaper that “it is important for us to have people of color on both sides of the aisle.” For again displaying an independent streak by bucking his party’s leaders who are supporting Love’s opponent, the Georgia congressman’s boat is… RISING

Atlanta’s world-renowned spinal care facility, the Shepherd Center, will have a new CEO in 2017. With current chief Gary Ulicny set to retire after 22 years at the helm, Vice President of Clinical Services Sarah Morrison will take the reins next spring. Sad to lose Ulicny, who oversaw a period of great growth. But with a young incoming CEO in Morrison, Shepherd’s ship keeps… RISING

Atlanta Mayor Kasim Reed is known for temper flare-ups in recent years. One of the latest involved harsh words—including a few racially-tinged ones—against two prominent builder/developer advocates over a permitting fee ordinance the mayor wanted City Council to pass. Even though the mayor always touts a pro-business record, it isn’t productive to good business by publicly berating and humiliating Scott Selig of the prominent Selig Enterprises development firm and Michael Paris of the Council for Quality Growth. The African-American mayor further stirred the pot against the white businessmen by repeatedly and unnecessarily rejecting a “master-servant relationship.” When Reed displays such rudeness his boat will always be… SINKING

The Alabama Legislature recently decided against allowing a vote on legalizing a state lottery—the latest twist in an ongoing fight. After passing the state House, both Republicans and Democrats in the state Senate voted to kill the bill for a variety of politically-motivated reasons. Bad news for Alabama, which desperately needed the revenue to cover up a cash shortfall, but good news for Georgia—which will continue to see lottery sales from Alabama residents near the border who purchase tickets. The head-scratching decision from our neighbor to the west has Georgia’s ship (with a record $1 billion in lottery revenues posted for last fiscal year)… RISING

A House of Representatives special committee presided over by Rep. Wendell Willard, R-Sandy Springs, held dramatic hearings exposing failings of the state Judicial Qualifications Committee (JQC) and provided reasons for voters to approve a constitutional amendment in November to reconstitute the JQC with more legislative oversight. The committee addressed allegations that former JQC Chairman Lester Tate and his allies played favorites according to his own agenda when it came to the watchdog panel investigating and punishing judges accused of wrongdoing. The JQC ship, which enjoyed a fine reputation until two years ago and now doesn’t even have an investigator, is… Drifting
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Our rankings are mainly based on the results of an online survey sent to lobbyists and government affairs specialists in Georgia. In addition, some top lawyers and lobbyists were consulted to ensure the rankings are as comprehensive and accurate as possible.
1. METRO ATLANTA CHAMBER OF COMMERCE
2. GEORGIA CHAMBER OF COMMERCE
3. GEORGIA POULTRY FEDERATION
4. GEORGIA HOSPITAL ASSOCIATION
5. ASSOCIATION COUNTY COMMISSIONERS OF GEORGIA
6. GEORGIA BEVERAGE ASSOCIATION
7. GEORGIA ASSOCIATION OF REALTORS
8. GEORGIA CREDIT UNION AFFILIATES
9. HOME BUILDERS ASSOCIATION OF GEORGIA
10. GEORGIA BANKERS ASSOCIATION
11. MEDICAL ASSOCIATION OF GEORGIA
12. GEORGIA FARM BUREAU
13. GEORGIA HEALTH CARE ASSOCIATION
14. ALZHEIMER’S ASSOCIATION, GEORGIA CHAPTER
15. GEORGIA AUTOMOBILE DEALERS ASSOCIATION
16. GEORGIA HIGHWAY CONTRACTORS ASSOCIATION
17. AMERICAN COUNCIL OF ENGINEERING COMPANIES OF GEORGIA
18. GEORGIA PRESS ASSOCIATION
19. GEORGIA BEER WHOLESALERS ASSOCIATION
20. GEORGIA MUNICIPAL ASSOCIATION
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1. McGuireWoods, LLP
2. Dentons
3. Troutman Sanders, LLP
4. Nelson Mullins Riley & Scarborough, LLP
5. Hall Booth Smith, P.C.
6. Greenberg Traurig, LLP
7. Alston & Bird, LLP
8. King & Spalding, LLP
9. Chalmers Pak Burch & Adams, LLC
10. Miller & Martin, PLLC

### Top Governmental Affairs Firms: Non-Law Firm Affiliated (Larger)

1. GeorgiaLink Public Affairs Group
2. Massey, Watson & Hembree, LLC
3. Peachtree Government Relations, LLC
4. Southern Strategy Group
5. Capitol Partners Public Affairs Group, Inc.
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### Top Male Lobbyists

1. **Abit Massey**
2. **Trip Martin**
3. **Jay Morgan**
4. **Boyd Pettit**
5. **Pete Robinson**
6. **Lewis Massie**
7. **Skin Edge**
8. **Don Bolia**
9. **Ben Vinson**
10. **Chris Clark**
11. **Brad Alexander**
12. **Marshall Guest**
13. **Mike Giles**
14. **Josh Mackey**
15. **Ethan James**
16. **David Raynor**
17. **Tharon Johnson**
18. **Dave Pratt**
19. **Dave Williams**
20. **Harold Bevis**
21. **Blake Ashbee**
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LOUIE HUNTER
STAN JONES
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TERRY MATHEWS
SCOTT MAXWELL
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In the autumn of 2013 a story literally blindsided the press and public. The Atlanta Braves were moving to Cobb County. More specifically they were locating at the epicenter of Northside Atlanta traffic— the critical juncture where I-75 and I-285 “meet and greet” motorists commuting to and from work and intermingling with travelers desperately trying to weave through the massive jams and delays that are routine.

This is not an anti-Braves commentary. Having been to enough Braves games over five-plus decades I am a long-time fan of the team. I have very personal reasons for supporting major league baseball. They made a move that is not only prudent but financially a huge win for the team.

As for the taxpayers in Cobb and the adjacent Sandy Springs, the verdict is still out. Cobb will take on the greatest brunt of the costs and fuzzy math suggests that a day of reckoning may come to pass for its residents. Sandy Springs has far less skin in the game but its footsy games with Cobb concerning traffic routes will place more burden on its police force and could damage home values in what were posh areas of the still-relatively new city. Again, the stuff of speculation.

What is not speculation is the clear fact that the area will not be prepared for the traffic onslaught that will hit much of Northside Atlanta next April on opening day. The “coincidental” widening of some roads and I-75 and I-285 improvements, all moving at a rapid pace, simply will not solve the traffic disaster that residents in a radius that goes well beyond Vinings and Sandy Springs will endure.

So consider this nightmare. The trip up Paces Ferry into Vinings or using popular cut-through streets is already one that can turn what would be an eight-minute ride into a 45-minute “New York state of mind.” One major culprit is the nation’s busiest railroad crossing which, when in use, cuts off the flow of vehicles trying to move from Vinings in the direction that leads to the new Braves stadium.

Adding just a few hundred cars, not thousands as could be the case, to those roads could create a gridlock stretching for miles in every direction.

And that’s just the start. The same scenario can be painted for East Cobb residents dependent on Lower Roswell Road-to-Dunwoody commuters who must navigate from an already nightmarish Ashford Dunwoody to head west on what will be a more congested I-285.

The scenarios stretch from Gwinnett to Douglas counties. Regardless of how it happened, the area is now headed towards a potential gridlock that will make past “Snow Jams” and “Snowmageddons” seem relatively tame.

Georgia Republican voters seemingly embraced “Trumpism” by turning out Cobb Commission Chairman Tim Lee. He championed the Braves move and in the process gave the impression that decisions related to it were for a select “members only” club. The result has been a stall in the momentum to fund the pedestrian bridges and people movers that were essential to even hoping that the traffic impact of the new park could be mitigated.

With less than a year remaining Cobb’s soon-to-be new Commission chairman— straight arrow, no-nonsense man, Mike Boyce— has the daunting task of preparing for a potentially crippling event that could, if the team does well, repeat itself dozens of times next year. To say the least, Boyce is the innocent in this entire story.
Sandy Springs Mayor Rusty Paul and its City Council, neighbors to the stadium, are mired in a “passion play” of apparently agreeing to and then publicly denouncing plans to make parts of their city an official route to Braves games. Add to that sweeping proposed land use plans that would clog Sandy Springs traffic even more with new townhomes, multifamily housing, and retail right at the intersection of baseball chaos and Sandy Springs affluence—Powers Ferry Road and New Northside Drive. Wow!

At least Sandy Springs is a city which can arguably fight for itself and its residents. The “Village of Vinings” where I grew up, later represented in the Georgia House of Representatives and where I still own property today, is unincorporated and powerless. I hate to think of the irreparable damage it might suffer from added Braves-related traffic, as well as from ongoing future development with no legal entity to protect it.

What is the upshot of this message of woe? Officials from the federal and state levels down to mayors and commissioners had better get moving. And by moving, I don’t mean producing convoluted 10-year plans that mix pie-in-the-sky entities like MARTA expansion with hard-to-follow graphs of new sources of congestion or more reconfiguration of intersections that lead to, well, roads filled with cars. Those are dreams of the future.

What is needed is a transparent, easy-to-follow public plan that explains how officials will keep traffic flowing on game day— from Buckhead to East Cobb to Dunwoody and all parts within and beyond. You know, how everyone will get from point A to point B. That, by the way, doesn’t just mean from a ballpark to home. It means from a home to an afterhours school event or a gathering with friends, or sadly to an emergency room or hospital at, say, 6:45 on a given game night.

The Braves are not the villains in this story. And it is neither the legal duty nor the right of team officials to decide the traffic flow for residents. That is the sole job of elected officials. And these politicians, those who are left standing, could be the heroes in the end. But as developments pop up by the day near the new stadium and dreams of mass transit and magical human transporters drift away, it’s time the public gets a solid handle in what they face and how their leaders plan to make things right.

If you don’t think those local TV news helicopters are already planning to air the chaos of opening day 2017 and beyond, think again.

Matt Towery is an attorney, former Georgia state legislator and author of Newsvesting: Use News and Opinion to Grow Your Personal Wealth.

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Chairman, North Fulton CID

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IT BEGAN WITH THE CUMBERLAND CID
After 20 years serving as executive director of the Cumberland Community Improvement District (CID), Malaika Rivers has become known across the country as an expert in CIDs and public/private partnerships.

And why not? She oversees one of the largest-ever public/private partnerships— and it includes the burgeoning Cobb County development surrounding SunTrust Park. In 2017 the Atlanta Braves will relocate from downtown Atlanta to a brand-new, $1-billion ballpark and mixed-use facility on 60 acres of undeveloped land right in the heart of the Cumberland CID. In a show of support, the CID board and its investors made an upfront commitment of $10 million toward public infrastructure related to the Braves project.

“The value of public/private partnerships cannot be understated. The eyes of the world are looking at Georgia and its public/private partnerships through CIDs,” says Rivers.

The Cumberland CID was the first established in the Peach State in 1988, after state lawmakers approved legislation creating the community improvement districts. Then-lawmakers Johnny Isakson and Roy Barnes played a key role in creating the enabling legislation, working alongside developer John Williams, a visionary who knew traffic would be the key factor influencing growth in the state.

At the time, commercial real estate assets in the Cumberland area totaled $1.2 billion. Today, this number has more than doubled to $2.7 billion. The Cumberland CID has raised over $130 million, and has constructed more than a half-billion dollars of capital projects in their 6.5-mile district.

Rivers says the Cumberland CID has played a large role in this growth by helping encourage private-sector investment in public infrastructure in order to protect and grow property values.

Indeed, Community Improvement Districts (CIDs) are an increasingly popular method of promoting economic growth. CIDs have influenced the development of the metro Atlanta region significantly— one was just established two years ago in the Hartsfield-Jackson Airport area— and have expanded to other parts of the state. They grew out of a business improvement district (BID)— which emerged in the United States as an organizational mechanism for property owners to address problems such as economic decline, by levying an additional property tax (or other fees). Both BIDs and CIDs provide supplemental services such as landscaping, street cleaning, public safety and transportation improvements.

However, Georgia CIDs are more autonomous than the other types of BIDs. CIDs have a wider scope of eligible services that they can provide. They are a geographically defined, self-taxing district where commercial property owners voluntarily pay additional taxes to fund projects. The Cumberland CID collects about $6 million a year.

CIDs were developed as a mechanism for funding certain projects and services like street and road construction, bridges, landscaping, new parks, water and sewage systems, signage, and public transportation systems.

“Our role is to provide the prep work to bring projects to fruition,” said Rivers. “We are not meant to take the place of governing authorities, but to work with them to advance critical projects. We work hand-in-hand with the state and local governments.” continued on page 20
THE BUCKHEAD CID

Another major CID—this one located in the city of Atlanta’s Buckhead area—has also achieved tremendous success since its inception in 1999, according to Executive Director Jim Durrett.

“We have been transforming Peachtree Road into an attractive complete street that accommodates all people regardless of mode of transportation,” says Durrett, who has been at the helm for the past seven years.

In 17 years of existence, the Buckhead CID has spent $13 million on the project, and has leveraged an additional $48 million. The CID is responsible for rebuilding Charlie Loudermilk Park and improving the streetscapes in the area, spending $2.5 million in CID funds, and leveraging another $3.4 million from other sources. They have also partnered with Livable Buckhead and the PATH foundation to design and construct PATH400, a 5-mile multi-use greenway that is currently under construction. The CID has contributed over $2 million to this effort, with additional funding coming from the PATH Foundation, the Georgia Transportation Infrastructure Bank and other donors.

“We also partnered with MARTA, SRTA, the FTA and the City of Atlanta to design and construct the new northern entrance into the Buckhead MARTA station, creating a pedestrian bridge over GA 400. We spent $1.2 million, with the rest of the funding coming from the other partners,” Durrett said.

The Buckhead CID is ready to begin a number of new projects, he says, including additional improvements to streets, eliminating bottlenecks, and better accommodating traffic, while making Buckhead a more walkable urban place.

“The Buckhead Loop is a major focus of ours, as are East Paces Ferry and Lenox Road,” said Durrett. “We are examining the concept of constructing a park over GA 400 and the Buckhead MARTA station that could become the significant gathering place that the Buckhead business district has been missing.”

THE NORTH FULTON CID

Fulton County is Georgia’s most populous county, with over one million inhabitants, and north Fulton has a dynamic CID working on a number of major projects under the direction of Executive Director Ann Hanlon. All projects are in different phases of study, concept, engineering, and construction.

Its largest currently under construction is the Encore Parkway Bridge Replacement and Streetscape Improvements. This $17 million development will transform the North Point community into a better connected, pedestrian-friendly area. This project also includes the first east/west connection to Alpharetta’s Big Creek Greenway. “It is a true partnership between the North Fulton CID, City of Alpharetta, Georgia Department of Transportation, Atlanta Regional Commission, and State Road and Tollway Authority,” said Hanlon, who has served as Executive Director since 2014.

“The bridge is on schedule and expected to open to traffic in November of this year, and will be fully completed next spring.”

Another project in the construction phase is Northwinds Parkway Extension. This new roadway will connect Kimball Bridge Road to Old Milton Parkway, and run adjacent to Gwinnett Tech’s Alpharetta Campus. The project was initially identified in the North Fulton CID’s master plan, Blueprint North Fulton back in 2008. The North Fulton CID, partnering with the City of Alpharetta and Georgia Department of Transportation, is completing the northern half of the connection, while the southern half will be completed by private developers. The entire connection will be open to traffic next year, according to Hanlon.

Currently in design stage is Phase 2 of Windward Parkway. The North Fulton CID completed Phase 1 in 2012, which included adding a right turn lane and receiving lane at the GA 400 northbound Windward Parkway exit.

Phase 2 will also occur at the Ga 400 northbound Windward Parkway exit and will turn the current double left turn into a triple left turn. A receiving lane will be added headed westbound and will turn into a right turn lane at Deerfield Parkway. Right of way acquisition is expected to begin later this year and construction will start late next year.

Priorities for the future: “delivering our projects slated for completion on time and continuing our expansion efforts,” said Hanlon. “While the CID does not directly participate in development, we help build the infrastructure in the community that makes good development possible.”
MAXIMIZE CUMBERLAND’S POTENTIAL

Offering both exceptional natural and business assets, Cumberland has established itself as an economic hub – and bustling community – of the Atlanta area. Cumberland is poised to accelerate its already explosive growth with continued investments and developments. In 2018, Cumberland will maximize a pipeline of $4 billion in private and public investments.

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Citizens, communities and healthcare providers throughout Georgia are suffering, and when hospitals close their doors that pain migrates to taxpayers.

Our provider network, critical to our families and also to our economy, is absorbing multiple blows at once. For one, Georgia is 48th in the nation in the number of residents who have healthcare coverage. That translates into a lot of nonpaying customers clogging our emergency rooms and clinics. Two, the federal healthcare law is cutting billions in payments to local doctors and hospitals through Medicare and Medicaid. Three, millions of our hard-earned tax dollars are now going to other states to cover their working families while Georgians struggle.

Waiting on Washington to fix this growing problem isn’t an option. Ignoring the issue will only cause further harm to the economies of rural Georgia, which is why business leaders across the state want to start a conversation about how to stabilize our healthcare network.

It can happen none too soon. In the past three years, seven rural hospitals in Georgia have closed their doors. Some have reopened with greatly reduced services, while others simply collect cobwebs. And it’s not just hospitals. All healthcare providers right down to your small business family practitioner are feeling the squeeze.

When providers close their doors, communities lose quick access to emergency care but they also sacrifice a huge portion of their tax base, high-paying jobs and any hopes of attracting new industry.

Urban areas face their own challenges. Our safety net hospitals, such as Grady in Atlanta and Memorial in Savannah, rely heavily on federal subsidies that the Affordable Care Act eliminates. If put into effect without increasing healthcare access, those cuts would cause catastrophic harm to these hospitals that provide care to our most economically vulnerable citizens.

The damage could hit state taxpayers, who might have to step in to backfill the budget hole. And private providers would see a crush of patients with nowhere left to turn after safety net hospitals reduce or eliminate services and specialties.

This deepening crisis led to the creation of the Georgia Chamber of Commerce’s Quality Healthcare Access Task Force. After a year of study, the task force developed three plans to serve as a starting point for our state’s elected officials.

Georgia’s top officials have resisted expanding coverage, saying it’s too expensive in the long run for a state that already sees large year-to-year increases in costs for its current Medicaid population. At the same time, they understand the dire straits we face. Gov. Nathan Deal has said he’d consider any plan that’s “fiscally responsible and sustainable.”

We took that as our mandate as we pieced together these three plans, each of which differs from regular Medicaid expansion in most other states. The blueprints that we released in late August offer conservative reforms that will allow the state to save money while still drawing down our federal match. 

continued on page 24
Some have wrongly compared our alternatives—each of which would require approval from the state and federal government to take effect—to that in Arkansas, which saw its costs skyrocket beyond original estimates. To the contrary, our plans are unique in that they require important cost-containment measures that would prevent failed efforts from repeating here and clawbacks in case the federal government changes the rules again.

Option One would provide Medicaid coverage to childless adults who make less than $11,770 annually. This plan would cost the state less while covering those in the most urgent need. Options Two and Three would extend coverage through Medicaid to childless adults who make up to $16,242.

These plans are set apart from others across the country with calls for delivery system reform for all of Medicaid, transitioning individuals from Medicaid to commercial insurance, personal responsibility such as premiums and copays, an emphasis on job training for able-bodied adults, and requirements that those who have access to employer-provided coverage stay on those plans, when cost effective. We will judge the success of this program not by how many people it covers but by how many Georgians it helps get back on their feet and into private insurance.

Across the political spectrum, Georgians agree that we have to take action to stop the bleeding and ensure access to care in every corner of our large state. If we can all agree the state must bear some burden for this crisis, it only makes sense to go with a conservative plan that uses the state dollars as matching funds to draw down billions of our own money for the benefit of our citizens, our health providers and our economy. After all, those are our tax dollars, too, and we don’t get a refund if we don’t use them.

Chris Clark is president and CEO of the Georgia Chamber of Commerce.
The Department of Revenue is responsible for administering the tax laws of Georgia fairly and efficiently in order to promote public confidence and compliance, while providing excellent customer service. Now that electronic communication and transactions are commonplace, we face new challenges in service delivery as incidents of identity theft and fraudulent tax return filings are on the rise.

Criminals have found that computer keyboards are an effective weapon in committing acts of theft and fraud, and tax agencies have deployed defensive strategies accordingly. Whether it be one of the many data breaches that have been reported, or a spoofing or phishing scam, every incident requires agencies to modify their systems to protect the affected taxpayers. As criminals become more sophisticated in their attempts to violate taxpayers’ identities and steal precious tax dollars, the department must continually update fraud defense strategies to thwart their efforts. To do this, the department recently implemented a new, state-of-the-art fraud management system. This program reviews each income tax return filed, and employs analytical tools to verify the identity of the filer and the accuracy of the financial data presented on the tax return. Utilizing this technology, the department has already successfully blocked over $40 million in fraudulently filed returns in 2016.

But our efforts do not stop there. In 2015, the department signed a Memorandum of Understanding with the Internal Revenue Service, other state revenue departments, and companies and trade associations in the tax and financial services industries. The public-private partnership formed through the MOU stems from a security summit where tax administrators and industry leaders met to discuss threats to tax administration. The communication and information sharing agreed to in the MOU will help protect taxpayers from new threats as they are identified, and allow us to implement best practices that have been developed by peer agencies.

As you can see, the efforts to fight fraud are multifaceted. The department has advanced fraud management systems in place, but we also rely on individuals and businesses to assist in the fight. When processing an income tax return, the department looks to match information reported on the return with data provided from other sources. Employers are now required to transmit annual payroll and withholding data to the IRS and the Department of Revenue by January 31st. The department is encouraging employers to begin preparations soon to comply with these filing deadlines. The lack of this or other corroborating data will subject an individual’s return to processing delays.

Any error on a return will require additional work effort, leading to a delay in the issuance of a refund. The department advocates electronic filing not only because it speeds the processing of a return, but also because it helps taxpayers spot and correct such return errors. Before issuing the refund, though, the surge in fraudulent filings means that the department must first validate key return information. The efficient issuance of refunds is therefore greatly improved by the timely submission of items such as the payroll and withholding data filed by employers.

The department encourages taxpayers to adjust their payroll withholdings with their employers by completing and submitting IRS Form W-4 and GA DOR Form G-4 to receive the full benefit of their earnings throughout the year. The department also encourages Georgia taxpayers to register with the agency’s Georgia Tax Center (GTC) to better monitor the status of their refunds at gtc.dor.ga.gov. In GTC, taxpayers can also activate an alert that will send them an email when a return has been filed on their account. These actions will help to reduce the chance of becoming victims of identity theft.

The Internal Revenue Service has admitted to allowing $8.9 billion dollars to be paid out to criminals who have filed fraudulent returns in recent years, requiring taxpayers to underwrite these losses. In order to prevent this from ever happening in Georgia, the Department of Revenue will continue to work diligently to process and release tax refunds as efficiently as possible, while taking the extra precautions required to verify that funds are released to the rightful recipient.

Lynne Riley is commissioner of the Georgia Department of Revenue
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Providing strategic advice at all levels of government, our Georgia government relations team uses an extensive network of contacts and a unique depth and breadth of subject-matter experience to assist clients in government affairs, national/multistate strategies, grassroots mobilization and strategic communications.

McGuireWoods Consulting welcomes Lauren Greer, Danica Key and Russ Pennington to the team.
State Vendor and Procurement Lobbying: A Growing Regulatory Focus

When Supreme Court Justice Louis Brandeis penned the phrase “sunlight is ... the best of disinfectants” back in 1913, little did he know that it would live on for generations as a rallying cry for government regulators across the country. But here we are over a century later watching as the call for increased transparency has become the driving motivation behind government’s approach to regulating the ever-expanding interaction between the private and public sectors in American society. The effect, unfortunately, has been an increasingly complex compliance structure that has snared far too many who have the will, but lack the sophistication or resources, to comply with a well-intentioned set of new laws.

This trend toward transparency has been felt more acutely in the world of lobbying than perhaps any other arena, and for good reason. Bad actors like Jack Abramoff and numerous state officials who got their hands caught in the cookie jar have made increased regulation mandatory of the interactions between the private government sectors.

Over the past few years, however, the transparency spotlight has begun to shift away from traditional lobbying and toward a much more prevalent form of interaction between the private and public sectors: government sales. Specifically, regulators have increasingly begun to scrutinize individuals and entities that seek to influence the purchase of goods and services by state and local government.

The spotlight on these activities is well deserved. The public clearly has a right to know what favors and contributions are lavished on those with political power to award public contracts by those who seek to win them. So as a result of this trend, activities that once fell under the umbrella of standard sales or marketing conduct—talking up the relative merits of goods or services to government purchasers; assisting with the formulation of public RFPs, RFQs and purchasing standards; and building good will with procurement officials—now qualify as “lobbying” behavior subject to regulation. In turn, businesses across the country are quickly coming to realize that states and localities are viewing many of their sales, marketing and community-relations personnel as a new category of lobbyists—so-called vendor or procurement lobbyists.
In Georgia the regulation of procurement lobbying activity began nearly a decade ago with the creation of a new category of lobbyist: the “Vendor Lobbyist.” In an effort to instill greater transparency within the state procurement process, the definition of “lobbyist” under the Ethics in Government Act (now known as the Government Transparency and Campaign Finance Act) was expanded to apply to those persons seeking to influence the purchase of goods or services by “state agencies.” That includes all executive branch departments of state government, counties, cities, school districts, and other local political subdivisions of the state. Individuals fitting this definition were (and still are) required to register as Vendor Lobbyists with the state and, as a result, disclose all contacts with, and expenditures made on, state and local public officers.

The impact of Georgia’s vendor lobbying framework on state and local procurement is substantial. Businesses that sell to Georgia state and local government entities have had to register their sales and marketing personnel as Vendor Lobbyists and implement internal compliance programs to help track and publicly disclose sales interactions with government officials and employees. In addition, due to Georgia’s ban on contingency fee compensation arrangements in the lobbying context, those same companies have also had to reevaluate and amend their compensation structures for employees and contractors who potentially qualify as Vendor Lobbyists.

Under Georgia law, a “lobbyist” is now defined as anyone “hired specifically to undertake influencing a public officer or state agency in the selection of a vendor to supply any goods or services to any state agency . . .” The definition only exempts those who participate in soliciting bids or in responding to a formal Request for Proposal.

Despite these important changes to state lobbying law, many Georgia businesses continue to approach government sales without any regard for the relevant compliance obligations or the consequences of being “caught” violating those laws. Some companies and sales professionals may simply be relying on a traditional “misunderstanding” of their commercial activities as distinct from the messy business of lobbying. Other businesses may instead be relying on the ambiguously-crafted exceptions to the definition of a Vendor Lobbyist under Georgia law — exceptions that exempt employees or independent contractors from lobbyist registration when they are participating in the solicitation or preparation of a formal bid or written proposal.
for the state, or if they meet the wholly undefined standard of being a “bona fide salesperson.”

There is no safety, however, in hiding behind these vague safe harbors or in failing to confront the issue.

In an environment where lobbyist regulation is becoming a regulatory focal point of the Georgia Government Transparency and Campaign Finance Commission and where non-compliance with Vendor Lobbying laws is increasingly being utilized in the marketplace as a basis for bid protest actions, the potential legal and business risks associated with ignoring public procurement compliance are growing larger. For those companies doing business with Georgia, the time is now to evaluate your internal compliance protocols and implement frameworks for following applicable legal and regulatory obligations.

The reputational and monetary risks to government vendors of being publicly identified as a “lawbreaker” are simply too great to be ignored. After all, government regulators aren’t apt to fall out of love with Justice Brandeis or his mantra any time soon. Remember, without the proper precautions, too much sunlight can also cause cancer.

Stefan Passantino and Ben Keane are attorneys with Dentons in Atlanta.
Augusta University is rooted in one of the oldest medical schools in the nation. And from those roots, we have developed an enduring mission to improve the health and well-being of all Georgians. Whether it is in our state-of-the-art classrooms, where you will find the next generation of health care professionals, or in our laboratories, where our groundbreaking scientists are developing new treatments for diseases like cancer and sickle cell, or in one of our more than 135 clinical sites across the state, we are advancing that mission every day. And every day at the Children's Hospital of Georgia or at the Roosevelt Warm Springs Hospital, you can see how our work changes lives. Augusta University is a destination of choice for education, health care, discovery, creativity and innovation.
When 9-year-old Colin Hayward Toland travels from his home in Ithaca, New York, to see his doctor in Augusta, Georgia, the 850-mile flight lasts about three hours.

But the journey has been years in the making.

Colin periodically travels to Augusta so Dr. Theodore Johnson, assistant professor of pediatrics at Augusta University’s Medical College of Georgia, can evaluate his response to an experimental treatment for his malignant brain tumor.

Colin’s cancer, ependymoma, has defied conventional treatments since his diagnosis at age 2. Running out of options, his parents last year enrolled him as the first pediatric patient in Johnson’s study of a new drug.

It was during Johnson’s education at MCG that he began studying an enzyme called indoleamine 2,3-dioxygenase (IDO) with Dr. Andrew Mellor, director of the university’s Cancer Research Center. In the 1990s, Mellor and his colleague, Dr. David Munn, discovered how IDO protects a fetus from his mother’s immune system.

The finding illuminated IDO’s role in helping cancer cells signal the immune system to ignore their presence. Once Mellor and Munn realized this role, they developed drugs that inhibit IDO.

Augusta University patented the findings, enabling researchers to partner with NewLink Genetics to expedite the drug development. One such drug, which targets brain tumors, was based on Johnson’s work with mice combining the IDO-inhibiting drug, indoximod, with standard chemotherapy. Augusta University is now conducting clinical trials with drugs such as indoximod on patients who have run out of other options. The clinical trial began accepting adult patients in 2015, and shortly thereafter, Colin became the first child to receive indoximod therapy.

“Colin loves coming,” says his mother, Tamiko Toland. “Dr. Johnson is completely engaged and very active in all aspects of his treatment, including the parts we receive closer to home.”

Even patients with the most intractable diseases—patients like Colin—find new hope at Augusta University, thanks to a thriving research enterprise. In addition to findings such as the role of IDO, the university has added voluminously to the body of biomedical science since MCG’s inception in 1828. It was at MCG, for instance, that the groundwork was laid for fertility treatments, sequential birth control and beta-blocking drugs.

But never has the university’s research environment been as dynamic as it is today, says President Brooks Keel. “I want Augusta to be a top-50 research institution,” he says. “It won’t happen overnight, but we’ll be on track to get there.”

Dr. Michael Diamond, senior vice president for research, concurs. “We are expanding research activity encompassing both [our Health Science Campus and Summerville] campuses as well as our campuses throughout the state,” he says. “We have over $100 million in external research funding and are making great strides in numerous areas.”

His goal to propel Augusta University to a top-50 National Institutes of Health-funded university has incredible momentum, he says, noting that the university moved from 74th to 70th in the past year.

“We’re providing support for all of our investigators, establishing the infrastructure, managing clinical trials, providing core laboratory services, maintaining databases and registries and doing much more to optimize their efforts,” Diamond says. “We’re also increasing our efforts in multi-site and interdisciplinary research.”

Since beginning his presidency at Augusta University last July, Keel has fast-tracked efforts to invest in scientists, facilities and translational research. “We have real strengths in areas including neurology, cardiology, cancer and pediatric care. Then we have emerging strengths in areas like preventive medicine, public health, personalized medicine/genomics and regenerative medicine. We’re also moving toward National Cancer Institute designation.”

Keel, a reproductive endocrinologist, says his inner scientist will always be appreciative of the research he now oversees. “I now live vicariously through the success of others,” he says. And he never loses sight of the fact that the Colins of the world are the biggest beneficiaries of that commitment. Says Colin’s mom, “We’re very thankful for this option, because even if it doesn’t cure Colin, it may help extend his life and enhance his quality of life. That is our goal.”

Christine Hurley Deriso is a freelance writer living in North Augusta.
Nope. All it takes is a scratch or two. Because every time you play the Lottery, Georgia kids are the real winners. That’s because for over 20 years the Georgia Lottery has contributed more than $17.6 billion to education. On top of that, more than 1.7 million HOPE scholars have gone to college and more than 1.4 million four-year-olds have attended a Lottery-funded Pre-K Program. That qualifies as a rocket booster in our book.
n terms of economic well-being, the ingredients of a healthy lifecycle for an individual, family, community and state are the same. A healthy birth supports preparation for strong early learning and K-12 experiences, which in turn support successful transitions to post-secondary education and a career. With the ability to earn proper wages, successful adults build strong families and make investments in their communities, thereby providing more opportunities and the probability the next generation will be even more successful.

Before the recession that ended around 2010, over half of all Georgians worked in either sales, office support or blue-collar occupations. Those jobs are not forecasted to rebound to pre-recession levels. Therefore, to compensate for the decline in low-skill blue-collar jobs, Georgia is investing in an economic development plan based on a diversified economy that includes trade and transportation, a growing high-tech sector, and natural resources.

This diversified economy is predicted to add 1.5 million new jobs by 2020. Of those, nearly 60 percent will require some sort of education beyond high school. Currently only about 42 percent of Georgia’s adult population has education beyond that level. The skill level of Georgia’s workforce does not now meet the growing needs of a successful economic development plan.

When students and individuals do not successfully complete the K-12 system and move on to post-secondary education, their own economic trajectory is compromised. When enough people within a concentrated area fall out of the economic lifecycle, the prosperity of their neighborhood, community and state are also at risk. Thus, it is less likely the next generation of children will realize success, creating intergenerational poverty.

The key to breaking out of the poverty cycle and moving into the productive economic life cycle— what many would call social mobility— is education. The lack of social mobility is especially prominent in the South. When examining the opportunity of a child born into poverty to work their way out of poverty, metropolitan Atlanta ranks dead last among America’s 50 largest cities.

Moreover, the longer one lives in poverty, the harder it is to escape. Results for children living in persistent poverty are markedly worse than those who move in and out over their lifetime.

In terms of an academic achievement gap, research shows— when measured as a group— poor students are approximately two grades behind their more affluent peers in math by the 8th grade. The gap for children living multiple years in poverty increases to nearly three grades of learning. Moreover, those gaps seem to be in place well before the 8th grade. Children who live in poverty before kindergarten are significantly less likely to escape than those who become poor later in life.

As Georgia implements ambitious plans to increase the skill level of its workforce (e.g. more rigorous learning standards, dual enrollment, Move On When Ready programs) to support its economic development strategies, it is also being hit with a growing number of students and communities trapped in the poverty cycle. More than one-quarter of children in Georgia currently live below the poverty line, ranking Georgia the ninth highest in the nation for child poverty rates. More distressing, Georgia ranks 10th highest in the country for the number of children living in extreme poverty at 12 percent. These children tend to live in communities of continued on page 34
concentrated poverty. Of Georgia’s 159 counties, 51 have more than a quarter of their population living in poverty. Seventeen counties have more than one-third of their citizens living below that line.

These communities generally lack equitable access to high quality schools, health care, community supports and the economic opportunities that come with them. To break the poverty cycle, Georgia must aggressively work to close the opportunity gaps that exist across the state. Availability of Pre-K opportunities are still lacking for many students. Studies show this access is crucial in alleviating the achievement gap that exists for minority and low-income students. Using achievement gains made by students who completed the Georgia Pre-K program, researchers estimate adult earnings for these children will increase by 1.3-3.5 percent. This shows a strong return on investment.

While there are no simple answers to solving the problem of persistent poverty, investments in high quality early programs, especially in high-poverty areas, provide the foundation for further growth. Without the basic foundation of a quality education, the economic life cycle in Georgia will not be realized.

Dr. Dana Rickman is the Policy and Research Director for the Georgia Partnership for Excellence in Education.
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Did you know that Georgia’s governor now has statutorily-delegated oversight of all Georgia professional licensing boards? This authority was established by O.C.G.A. § 43-1C-3 (House Bill 952), which was passed by the General Assembly and signed by Gov. Nathan Deal to be effective on July 1.

The law vests three principal supervisory powers in the governor’s office:

1. Review of all rules proposed by professional licensing boards before their filing in the Georgia Secretary of State’s Office.

2. Review of existing professional licensing board rules upon submission or challenge after denial of a petition challenging the respective rule to the appropriate licensing board.

3. Review of specific licensing board action upon challenge through an appeal to the Governor or submission by a professional licensing board.

The path for the legislation was paved by a recent U.S. States Supreme Court case—N.C. State Bd. of Dental Exam’rs v. FTC, 135 S. Ct. 1101 (2015). N.C. State Bd. arose from the issuance of 47 cease-and-desist letters from the North Carolina State Board of Dental Examiners to non-dentists charging lower prices for teeth whitening services, a service not specified as the “practice of dentistry.”

The Federal Trade Commission filed an administrative complaint alleging that this action constituted an anti-competitive and unfair method of competition under the Federal Trade Commission Act. In response, the Board argued it was protected by state-action immunity, which immunizes state decisions as sovereigns from antitrust scrutiny.

In a predecessor case, the Court established that private entities (i.e. state professional licensing boards) can be protected by state-action immunity only if their conduct is (1) taken pursuant to a “clearly articulated and affirmatively expressed . . . state policy” and (2) is “actively supervised” by the State itself.” California Retail Liquor Dealers Ass’n v. Midcal Aluminum, Inc., 445 U.S. 97 (1980).

Interestingly, whether the actions of state agencies—like professional licensing boards—were subject to active state supervision was uncertain. Indeed, professional licensing boards are predominantly composed of active practitioners in the market they regulate, not elected government officials.

N.C. State Bd. clarified this uncertainty by holding that the Board was not “actively supervised” by North Carolina and, therefore, was not protected by state-action immunity. The holding was rooted in established legal...

The Court further recognized that “[s]tate agencies controlled by active market participants, who possess singularly strong private interest, pose the very risk of self-dealing Midcal’s supervision was created to address.” N.C. State Bd., 135 S. Ct. at 1114. Given these visceral concerns, the Court ultimately held “[i]f a state wants to rely on active market participants as regulators, it must provide active supervision if state-action immunity . . . is to be invoked.” Id. at 1117.

Our Georgia’s bill’s passage logically followed the N.C. State Bd. holding. O.C.G.A. § 43-1C-3 seeks to ensure all Georgia professional licensing boards will be protected by state-action immunity. Equally important, the bill seeks to increase economic opportunities by promoting competition and thereby encouraging job growth in Georgia.

Any protectionist, competition-stifling action taken by Georgia professional licensing boards will have an avenue for review. This reality enhances accountability and maximizes the governor’s goal of making Georgia a business-friendly state.

Despite its legal support and worthy economic aims, O.C.G.A. § 43-1C-3 has elicited criticism. Some argue it strips power from professional licensing boards and vests excessive power in the governor. In the end, N.C. State Bd. effectively mandated the Georgia Assembly to take action. And O.C.G.A. § 43-1C-3 was the reasoned response to this mandate.

For years, professionals licensed by licensing boards have expressed increasing concern regarding the inconsistency among, or politicization of, professional licensing boards. The membership of these boards varied greatly, but consisted of political appointments. Gubernatorial oversight answers this problem.

O.C.G.A. § 43-1C-3 is but one more example of the Deal legacy— bring Georgia in line with other states while assuring a level of oversight that both delivers immunity from federal intervention and consistency for professionals practicing in Georgia. It is one more plank in the governor’s effort to make Georgia the number one place in America to do business.

Of course, with such oversight comes enormous responsibility. It does make gubernatorial elections all the more important as future governors will have a power that no governor has had before.

Randy Evans is an attorney with Dentons and Jake Evans is an attorney with Thompson Hine in Atlanta.
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Russell McMurry always had an affinity for building things and being outdoors, but it wasn’t until he visited the campus of Georgia Southern University that he discovered his lifelong career in engineering.

Now, as commissioner of the Georgia Department of Transportation, McMurry oversees more than $2 billion in funding and more than 4,100 employees tasked with one mission: providing mobility for the state of Georgia— whether by road or bridge, by airport or seaport, by train or by plane. His career in the GDOT spans more than 25 years, during which time he has served as a trainee, a project manager and a director before being appointed to commissioner in 2015.

Long before he helmed the department, however, McMurry was a high school student with a simple interest in math and science, and a love of building things and being outdoors. On a campus visit to Georgia Southern, he was directed to the science and technology booth, where students and professors introduced him to civil engineering. He was immediately hooked. “I said, ‘That’s very interesting! That sounds like what I like to do,’ and that was it,” he said. “I feel very blessed to have been able to figure it out and never look back.”

As a student, McMurry received hands-on training from professors who took a personal interest in his success. In the summer after his junior year, he took that training to his first summer internship with the GDOT as an engineering trainee, which gave him his first glimpse of the department and its mission, and drew him into his lifelong career. “I really enjoyed that as the first part of my career,” he said. “Obviously, the real enjoyment is making improvements for Georgia. I think that’s the essence of civil engineering— providing for the greater good. That’s what really drew me to transportation.”

While he doesn’t get to experience the actual building of things as much as before, McMurry is constantly working on projects that affect all Georgians. A “typical week” is anything but typical for the commissioner, who meets with federal, state, city and county elected officials, consultants, contractors and environmental groups, and coordinates and communicates with all of them in order to deliver a transportation project. “You know, you’re part of things that get planned and designed, and you work through all the environmental processes and you try to minimize impact, but ultimately there’s some kind of infrastructure that gets built or developed, and then you get to use it,” he said. “And that’s a really rewarding part of the job.”

Though he is now 25 years removed from his degree, McMurry says he is still proud of the education he received at Georgia Southern, which he says would “stack up against any of the much larger schools.” Today, he serves on the Civil Engineering Advisory Board, a part of the Allen E. Paulson College of Engineering and Information Technology at the University which is continuing a legacy of engineering graduates ready to enter the workforce. “It’s got a strong reputation for people that are really doers, and that are able to hit the ground running and get things done,” he said. “They can make decisions and have a really good broad-based understanding of what they need to do and how to do it, and are very practical in what they do.”

Gary Reese is associate editor for James magazine.
IS ‘LOYBYIST’ A DIRTY WORD?

by Larry Walker

I’ve been around politics all of my life. At age 23, I was Perry’s Municipal Court judge and then city attorney. I was elected to the state legislature as a young 30-year-old and left 32 years later in 2004 as a seasoned (that’s a good word!) 62-year-old.

After the legislature I ran for and was elected by legislators—Republicans and Democrats— as a member of the Department of Transportation Board from the 8th Congressional District. Being on the DOT Board was kind of like being a statewide county commissioner. Then I was rescued from the DOT Board by Gov. Sonny Perdue when he appointed me to the Board of Regents where I served for six years until Gov. Nathan Deal re-appointed me for another term.

So I’ve pretty much seen it all. By “all,” I mean what goes on during the General Assembly session, after the session, in the open meetings, in executive sessions, when two friends and supporters are running for the same office at the same time, when an elected colleague gets in trouble, in-house politics, etc.

I’ve seen elected officials vilified. I’ve seen elected officials “cut lots of slack.” I’ve seen elected officials, sometimes icons, stay too long, and not ending up well. I’ve seen friends, generally good folks, go to prison because of something inappropriate they did while in office. I’ve seen good people lose their families and businesses over politics.

My view is that those in and around the governing process that get the worst rap are the lobbyists. It’s the way that some folks say the word “lobbyists” with a little hiss, and with their face all screwed up. They say “lobbyist” like they have hemorrhoids or an upset stomach. Nothing good about it.

So, knowing lots of lobbyists, and having dealt with many lobbyists, and actually considering some as good friends, I decided to do something in my old fashioned way and look up the word “lobbyist” in my dictionary.

I went to my Merriam Webster’s Collegiate Dictionary on page 683 and there it was: “Lobbyist: one who conducts activities aimed at influencing public officials and especially members of a legislative body on legislation.”

Well, that could have been the finest man I ever knew— and that was my Daddy. He was in the farm equipment business and he talked to me lots about what was good for the farmers (if they did well, he did well) and about taking the tax off farm equipment. The less it costs, the more he sold. You get the picture.

Teachers talked to me every year about pay raises. Doctors wanted to make it harder for them to get sued (I don’t blame ’em). Dentists didn’t want denturists making false teeth. Local gas distributors didn’t want the big boys (Shell, Texaco, etc.) to be able to sell gas in their stores cheaper than they sold it to the distributors. Farmers wanted the tax off equipment. Car dealers, too. Large property owners wanted changes in the ad valorem tax laws.

Let’s see: “Trying to influence legislators.” Well, it looks like Daddy— it’s hard for me to write this— might have been a lobbyist. Surely not. Then, again, isn’t most everyone? Preachers, back in the day, didn’t want alcohol sales on Sunday and back even further didn’t want most stores to be open on Sunday. They lobbied. Every major agency of state government has lobbyists. The NRA lobbies. So does NOW, GAE, PAGE, and most every other interest group in Georgia.

Our newspaper folks, those guardians of right and wrong, wanted the costs of legal ads raised and lobbied accordingly. The media (television, radio, papers, etc.) fought against four-year terms for legislators. Surely, those revenues for political ads every two years other than four had nothing to do with it. Lobbyists?

Let’s see. Daddy, school teachers, dentists, doctors, gasoline jobbers, car dealers, farmers, preachers and media folks. Bedrocks of most communities. How can it be that they were lobbyists?

Mr. Wilton Hill was one of my favorite lobbyists when I was in the legislature. He didn’t have a credit card, or if he did he never let me see it. But he did pay a few legislators that he really liked. At the end of the session, at the same time he asked you to come over to the FFA and FHA camp at Lake Jackson to eat in the lunch room with some of the school bus drivers, he would give you a silver dollar. One silver dollar to eight or ten people and lunch for the same eight or ten in the lunch room.

Wilton Hill was State Senator Jack Hill’s dad. Cohen Walker was Larry Walker, III’s granddad. Two lobbyists and two of the finest folks I ever knew. No, “lobbyist” is not a dirty word.

Thank you, Georgia lawmakers!

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