



## 1996 SESSION HIGHLIGHTS

## FISCAL YEAR 1997 BUDGET

### *HOUSE BILL 1265*

### *GENERAL APPROPRIATIONS ACT*

Georgia's budget for FY 1997 totals more than \$11.3 billion, and funding for K-12 and post secondary education comprises approximately 54 percent of the total budget.

Funds were appropriated for state employees in the judicial, legislative, and executive branches to receive 4 percent pay raises to be awarded on October 1, 1996. School teachers will receive a 6 percent pay raise (on the teacher salary schedule) effective September 1, 1996, and bus drivers and lunchroom workers will receive a 4 percent pay raise effective July 1, 1996. Teachers with the Department of Technical and Adult Education will receive a 6 percent pay raise effective September 1, 1996. The Board of Regents faculty and support personnel will receive 6 percent merit pay raises effective July 1, 1996 for non-academic personnel, and on September 1, 1996 for academic personnel. The Correctional Officer job class will receive a 9 percent pay raise effective October 1, 1996.

The Governor required agencies to identify 5 percent of existing appropriations for redirection to higher priority programs and services. The redirect effort resulted in funding reductions to various programs totalling over \$600 million and corresponding funding increases to higher priority programs totalling over \$600 million.

### *K-12 EDUCATION*

The QBE funding formula was changed so that the formula no longer funds aides in grades K-3 and in remedial classes (savings of \$181.5 million), and no longer funds clerks in grades 4-8 (savings of \$10.2 million). The QBE funding formula was also changed as follows to adjust funding based on class size (cost of \$177.2 million):

- \* Kindergarten: 1 to 15 (instead of 1 to 20);
- \* Grades 1 through 3: 1 to 17.125 (instead of 1 to 23); and
- \* Remedial: 1 to 15 (instead of 1 to 20).

This change does not mandate class size reductions. Local systems may expend these funds as they determine appropriate for that system

including: class size reduction; hiring of aides; or other direct program related activities.

Reductions totalling over \$31.5 million were made in programs funded through the Department of Education (DOE). These changes include:

- \* As enacted in House Bill 1785, capping the funding of high school non-vocational labs at 30 percent of each system's total number of high school students to save \$5.8 million;
- \* Funding non-vocational and vocational labs at 20 students per class instead of 18 students per class to save \$18.1 million; and
- \* Eliminating 95 DOE positions to save \$3.5 million;

Increases totalling over \$73.8 million were made in programs funded through DOE. These increases include:

- \* \$39.5 million to provide for the remaining 1.45 percent of Medicare coverage not currently paid by the state for all certified faculty;
- \* \$31.9 million to provide funds to increase maintenance and operations by \$25 per Full Time Equivalent Student (FTE) from \$236 to \$261;
- \* \$850,000 to provide for public libraries to have access to PeachNET;
- \* \$850,000 for 11 new alternative school sites; and
- \* \$350,000 to expand the pilot elementary school foreign language program to the fourth grade.

Over \$283.2 million was appropriated for lottery funded programs. Funding includes:

- \* \$185.1 million to the Pre-Kindergarten program to serve 55,000 children. Every child who wishes to enroll will be accepted. If more than 55,000 children enroll, additional funds will be made available in the supplemental budget;
- \* \$64.7 million for capital outlay;
- \* \$27.1 million for classroom technology for 1,871 local schools, based on \$20 per student with a minimum grant of \$53,000 per school system;
- \* \$3.65 million for applied technology labs at high schools;

- \* \$1.1 million for 11 new alternative school sites; and
- ! \$500,000 for technology grants to public libraries and public schools.

The FY 1996 Supplemental Budget appropriated \$93 million in 20-year bonds for school construction throughout the state and \$11.8 million in 20-year bonds for the construction of nine libraries.

### ***POST-SECONDARY EDUCATION***

#### ***HOPE SCHOLARSHIP PROGRAM***

The HOPE Scholarship Program will include two significant changes starting in the 1996- 97 academic year. First, there will be a change in how the "B" average for high school students will be calculated. Freshmen entering high school this fall will have their grade point averages calculated for HOPE using only certain core curriculum courses (this includes English, math, science, social studies and foreign languages). This will affect students graduating from high school and entering college in the year 2000.

The second change to the HOPE Scholarship Program will affect 1996 high school graduates entering private colleges this fall. These students will be given a HOPE Scholarship, this year in the amount of \$3,000, only if they have a cumulative "B" average from high school. This requirement does not affect the \$1,000 tuition equalization grant (TEG) that all private college students receive. Students currently enrolled in private schools and receiving HOPE will not be affected by this change. They will continue to receive \$1,500 for HOPE without being required to achieve a "B" average and \$1,000 for TEG until 2000, when all private school students will be expected to maintain a "B" average to receive HOPE money.

Reductions totalling over \$10 million were made in programs funded through the Board of Regents. These changes include:

- \* Reduction of special initiative funding to save \$7.6 million; and
- \* Reduction in funding for the Agricultural Experiment Stations and the Cooperative Extension Service to save \$823,000.

Increases totalling over \$16.6 million were made in programs funded through the Board of Regents. These increases include:

- \* \$4.5 million for specialized education programs designed to meet economic development needs throughout the state;
- \* \$3.9 million for improvement of graduate education programs at seven colleges and universities;
- \* \$1.3 million for a Distinguished Teacher Program;

! \$816,000 to expand the Teachers and Technology Program, the Connecting Students and Services Program, and the Statewide Library (GALILEO); and

- \* \$300,000 for Pre-School - College (P-16) reform.

Reductions totalling over \$7.1 million were made in programs funded through the Department of Technical and Adult Education (DTAE). These changes include:

- \* The elimination of 72 instructional and 42 non-instructional positions at state technical institutes to save \$6.1 million; and
- \* The reduction of adult literacy grants to save \$1 million.

Increases totalling over \$9.4 million were made in programs funded through DTAE. These increases include:

- \* \$3.2 million for 234 new positions and operating costs for new facilities;
- \* \$3.5 million for the second year of DeKalb Tech's two-year conversion to state management;
- \* \$1.6 million for Quick Start; and
- \* \$1 million to add 25 additional full-time literacy teachers.

Over \$263 million was appropriated for lottery funded programs. Funding includes:

- \* \$159 million for the HOPE Scholarship Program;
- \* \$25 million to construct six technical institute satellite facilities;
- \* \$20 million for additional equipment for new technical institutes;
- \* \$20 million for lab facilities and equipment for the Georgia Research Alliance;
- \* \$16.4 million for the Equipment, Technology and Construction Trust Fund;
- \* \$7.1 million for the Teachers and Technology Program, the Connecting Students and Services Program, and the Statewide Library (GALILEO);

- \* \$3 million for model classrooms at 30 non-research institutions; and
- \* \$1.35 million to link all technical institutes to the University System's electronic library.

The FY 1996 Supplemental Budget appropriated \$91.4 million in 20-year bonds for Board of Regents construction projects throughout the state.

### ***HUMAN SERVICES***

Reductions totalling over \$66 million were made in programs funded through the Department of Human Resources (DHR). These changes include:

- \* Restructuring reimbursement for individual therapy with case management services and increasing the Medicaid reimbursement cap for outpatient mental health services to save \$14.1 million;
- \* The collection of foster care per diem (\$10.50 per day) from custodial parents through court ordered child support to save \$5 million;
- \* The elimination of various contracts to save \$5.4 million;
- \* Closing of the Northwest Georgia Regional Hospital Tuberculosis Unit and the elimination of the mobile X-ray labs to save \$2.2 million; and
- \* Reduction in funding for the Troubled Childrens Benefits Fund totalling \$1.6 million.

Increases totalling over \$31 million were made in programs funded through DHR. These increases include:

- \* \$5.8 million to provide day care for children of the working poor and for children of Work First participants;
- \* \$4.3 million to expand services for severely emotionally disturbed children and adolescents;
- \* \$3.5 million to expand the Work First initiative;
- \* \$1.6 million to add 461 slots under the Community Care for the Elderly Program;
- \* \$1.5 million to provide funding to counties for the purchase of inpatient and outpatient medical care for individuals with

tuberculosis;

- \* \$1.4 million to expand services for the chronically mentally ill;
- \* \$1.1 million for the cost of adoption supplements for 483 additional families;
- \* \$202,000 to add ten positions to conduct fraud and abuse investigations of AFDC applicants; and
- \* \$200,000 to operate the Suspected Child Abuse and Neglect Team at Egleston Hospital.

Reductions totalling over \$114 million were made in programs funded through the Department of Medical Assistance (DMA). These changes include:

- \* Reduction in Medicaid benefits due to changes in reimbursement methodologies to save \$70 million;
- \* The expansion of Georgia Better Health Care to 51 additional counties to save \$17.4 million.
- \* The implementation of a clinically-based, automated prospective drug utilization review program to save \$11.5 million;
- \* The implementation of program policy and reimbursement changes to control inappropriate utilization to save \$9.3 million; and
- \* Changes in pharmacy program policy and dispensing fees to save \$4.8 million.

In addition to \$50 million in anticipated Medicaid Benefit growth, increases totalling over \$19 million were in programs funded through DMA. These increases include:

- \* \$10 million to establish community based programs as an alternative to institutional placements; and
- \* \$8.7 million to increase reimbursement rates for nursing home facilities.

Increases totalling over \$11 million were made in programs funded through the Department of Children and Youth Services (DCYS). These increases include:

- \* \$2.3 million to expand the bed capacity at the Augusta Youth Development Campus;

- \* \$2.3 million for the contracting of the Pelham Youth Detention Facility;
- \* \$1.6 million for the Milledgeville, Augusta, and Lorenzo Ben Youth Development Campuses;
- ! \$1.4 million for an 80-bed boot camp at the Milledgeville Youth Development Campus; and
- \* \$1.3 million for the new Regional Youth Detention Centers located in Marietta and Savannah.

### ***PUBLIC SAFETY***

Reductions totalling over \$30 million were made in programs funded through the Department of Corrections. These changes include:

- \* Elimination of 126 administrative positions, 69 education positions, 34 chaplaincy contract positions, 101 counseling positions, and 89 recreation positions to save \$16 million;
- \* Elimination of 101 probation officers to save \$4 million;
- \* Closing the Stone Mountain Boot Camp to save \$2.5 million; and
- \* Requiring inmates to make co-payments for doctor visits to save \$2 million.

Increases totalling over \$12 million were made in programs funded through the Department of Corrections, increases over \$1.65 million were made in programs funded through the State Board of Pardons and Paroles, increases of over \$750,000 were made in programs funded through the Georgia Bureau of Investigation, and increases of over \$1.3 million were made in programs funded through the Department of Public Safety. These increases include:

- \* \$3.4 million for start-up funding at the Eastman Youth Development Facility (300 beds);
- \* \$3.4 million for facility expansion at Washington Correctional Institution, Hancock Correctional Institution, Autry Correctional Institution, and Coastal Correctional Institution (192 beds each);
- \* \$1.8 million for start-up costs for a fast-track unit at Lee Correctional Institution (192 beds);
- \* \$1 million to contract for substance abuse counseling services;
- \* \$1 million to increase the county jail subsidy from \$15 to \$20 per day;

- \* \$650,000 to expand the electronic monitoring program;
- \* \$431,000 to provide for eight additional special GBI agents to specialize in investigations of child abuse;
- \* \$142,500 for video cameras in state patrol vehicles.

### ***ECONOMIC DEVELOPMENT***

The FY 1996 and FY 1997 budgets include the following bond projects:

- \* \$75 million in 10-year bonds for the Governor's Road Improvement Program;
- \* \$20 million in 20-year bonds to complete construction of Container Berth Seven in Garden City;
- \* \$20 million in 20-year bonds for the four-lane program;
- \* \$4.8 million in 20-year bonds for spoilage area projects for the Savannah Harbor;
- \* \$1.43 million in 5-year bonds for equipment and lab renovations for the Governor's Traditional Industries Competitiveness Initiatives; and
- \* \$550,000 in 5-year bonds to conduct a feasibility study for modifying and deepening the Brunswick navigation channel.

### ***NATURAL RESOURCES AND ENVIRONMENT***

- \* \$2.9 million for water quality study grants and pollution damage reduction capital improvement grants in the Chattahoochee River Basin.
- \* \$50,000 to manage the flathead catfish population in the Altamaha River system.
- \* \$20 million in 20-year bonds to provide low interest loans to local governments for water, sewer and wastewater treatment projects (Supplemental Budget).
- \* \$5 million in 20-year bonds to acquire land under the River Care 2000 project (Supplemental Budget).

### **BANKING**



***SENATE BILL 165******INTRASTATE BANK BRANCHING***

This bill allows for unlimited state-wide branch banking. Under the bill's "phase-in" provisions, from July 1, 1996 to July 1, 1998, banks may establish up to three new or additional branch banks. Beginning July 1, 1998, all branching restrictions will be removed to allow for unlimited state-wide branching.

***SENATE BILL 492******INTERSTATE BANKING***

Under the federal Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, states can no longer preclude out-of-state bank holding companies from buying local banks to compete in their state. The Riegle-Neal Act gives the states three choices regarding interstate branching of its state-chartered banks. Each state can opt-in early to give immediate effect to interstate branching rules; they can opt-out and prohibit their state

banks from participating in interstate mergers; or, if they neither opt-in nor opt-out legislatively by June 1, 1997, they will be waived into interstate branching on June 1, 1997. Georgia chose to opt-in early.

Senate Bill 492, the "Opt-In Bill," provides for Georgia's participation in interstate bank branching by allowing Georgia banks to merge operations across state lines. This legislation maintains as much state regulatory control over out-of-state banks as is permissible under the federal Riegle-Neal Act. An existing bank must have operated for five years prior to its acquisition, and purchase of single branches is prohibited; whole banks must be acquired. The amount of deposits to be controlled by any one bank as a result of an acquisition or merger cannot exceed 30 percent of the state's total deposits. The bill maintains current Georgia law on intrastate bank mergers and intrastate branching.

***HOUSE BILL 656******FINANCIAL TRANSACTION CARD FRAUD***

Prior to the enactment of this bill, some courts required the use of an actual card when interpreting the existing law making financial card fraud illegal. House Bill 656 specifically prohibits the fraudulent use of a financial card number that: (1) the offender knows is unauthorized; (2) is one the offender knows has not been issued; (3) is obtained by forgery or other fraud; or (4) has expired or been revoked.

Financial card fraud often consists of acts that occur in more than one jurisdiction, even though the offender initiated the offense in a single jurisdiction. So, to help clarify jurisdiction, the bill provides that the crime is considered as having been committed in the county where the offender initiated the crime.

**CONSUMER AFFAIRS*****SENATE BILL 498******FORGED OR COUNTERFEIT TRADEMARKS AND  
SERVICE MARKS***

This bill prohibits the forgery or counterfeiting of trademarks, service marks, or copyrighted and registered design, such as clothing, jewelry, and automobile and airplane parts. The bill also prohibits the possession of any tool, machine, device, or other reproductive instrument or material with the intent to reproduce same. The legislation specifies the severity of the offense based on the retail value of the goods or services to which the trademarks or services are affixed. The measure strengthens trademark laws and stiffens the penalties for violations as provided in this Code Section. The bill exempts innocent consumers who buy merchandise unaware that it is counterfeit.

***SENATE BILL 597***                    ***TELECOMMUNICATION FRAUD***

This legislation updates the law on telecommunication fraud. It makes it illegal to obtain telecommunication services (cellular phones, electromagnetic, photoelectronic, or photo- optical systems) fraudulently or by use of any unlawful telecommunication device. The bill also makes it illegal to make or possess any unlawful telecommunication device that is capable of obtaining an electronic serial number, mobile identification number, or personal identification number without the consent of the telecommunication service provider.

***HOUSE BILL 1198***                    ***SOLICITATIONS BY CHARITABLE ORGANIZATIONS***

The bill enables local governments to adopt ordinances permitting charitable organizations to solicit contributions on streets and highways within the local government's geographic jurisdiction. Only those organizations which are properly registered in accordance with O.C.G.A. § 43-17-5, or exempt from such registration in accordance with O.C.G.A. § 43- 17-9, would be able to receive such permits.

***HOUSE BILL 1317***                    ***PESTICIDE USE AND APPLICATION ACT***

This bill requires the posting of notices in conspicuous places in most public buildings or locations to notify people of pesticide application. The notice must be posted by the building operator before the application takes place and remain for 24 hours following the application.

***HOUSE BILL 1388***                    ***UNIFORM COMMERCIAL CODE REVISIONS***

The Uniform Commercial Code (UCC) was first developed over 40 years ago to establish standard business and commercial transaction laws throughout the United States. All states have adopted the UCC, and most did so with only minor deviations to allow for established practices that were working well within their states. Georgia first adopted the UCC in 1962 with few variations from the uniform model. Georgia's enactment of the UCC is embodied in Title 11 of the Official Code of Georgia.

In 1985, after development of computerized transactions and growth of interstate and global business, a nationwide panel began to study the need for modernization of the UCC. The project resulted in several recommendations for revisions, the first set of which was to provide for wire-transfers. Georgia adopted these revisions in 1992. The panel also recommended another set of revisions to modernize the checking system and negotiable instrument laws. These recommended revisions, with only a few variations from the uniform model, were adopted by the Georgia General Assembly this year with the passage of House Bill 1388.

One non-uniform provision retained by Georgia concerns dishonor of negotiable instruments (which includes, but is not limited to, checks). This consumer-oriented provision requires that, upon request of any party to a negotiable instrument that has been denied for payment, the drawee (usually a financial institution) is to provide a written statement of reasons for dishonor of the instrument.

Another consumer-oriented non-uniform provision retained by Georgia provides that when a note is assigned to another party, the payments may be made to the prior owner of the note until the payor is notified by registered mail that the note has been assigned to a new owner. This will ensure credit for payments made to the old owner of the note after assignment of the note, but before the payor is notified of the assignment and how to send payments to the new owner. In this active economic period in which financial institutions are acquiring assets of other institutions at an unprecedented rate, retention of this provision will be helpful to Georgia consumers.

#### ***HOUSE BILL 1400***

#### ***TELEMARKETING FRAUD AND THEFT***

This bill provides judges with the means to double fines and prison time for those convicted of victimizing the elderly or disabled through telemarketing fraud. In addition, this bill makes it unlawful to commit any offense involving theft while engaging in telemarketing or any activity on the Internet.

#### ***HOUSE BILL 1525***

#### ***THE GEORGIA REAL ESTATE APPRAISERS BOARD AND***

#### ***THE GEORGIA REAL ESTATE COMMISSION***

This bill provides the Georgia Real Estate Appraisers Board with the authority to: (1) approve and set criteria for education course instructors; (2) establish electronic and courier services filing standards; and (3) to assess reasonable fees for returned unpaid checks. The bill further provides the Georgia Real Estate Commission with authority to: (1) regulate community association and property management services; (2) establish electronic and courier services filing standards; (3) enter into written agreements with similar licensing authorities in other states for certain purposes; (4) examine broker trust accounts; and (5) impose sanctions for violations.

The legislation also requires community association managers to be licensed. To obtain a license, a person must: (1) be 18 years old; (2) be a resident of Georgia, unless the commission enters into a reciprocal agreement with other states; (3) be a high school graduate or equivalent; (4) finish 25 class hours in a community association manager's course which is approved by the commission; and (5) pass a commission real

estate exam that covers matters confronting real estate brokers who provide community association management services. If an applicant for a broker's or associate broker's license is a community association manager, the applicant must take an additional 75 class hours (in addition to the already required 60 hours). The bill exempts from the licensing requirement: (1) anyone who is employed by a property owner to provide community association management services; (2) anyone employed on a full-time basis by a community association to provide community association management services; and (3) anyone who is a member of a community association who provides management services only to that association.

**HOUSE BILL 1630****FRAUD ON THE INTERNET**

This bill amends the "Georgia Computer Systems Protection Act" by making it a misdemeanor for anyone to falsely identify themselves by using any individual name, trade name, registered trademark, logo, legal or official seal, or copyrighted symbol when transmitting data through a computer network. However, a telecommunications company or Internet access provider is not liable as a result of transmitting data for its customers. The bill maintains an aggrieved party's right to civil action. And the bill does not prohibit a member of the General Assembly from using the state seal or Georgia flag on that member's Internet home page.

**HOUSE BILL 1632*****FAIR BUSINESS PRACTICES***

This bill amends "The Fair Business Practices Act of 1975" to include consumer protection from unfair and deceptive practices by consumer credit reporting agencies. With respect to any consumer reporting agency, the bill makes it a misdemeanor: (1) for any person to knowingly and willfully obtain information from a consumer credit reporting agency under false pretenses; and (2) for any officer or employee of a consumer credit reporting agency to knowingly and willfully provide information concerning an individual from the agency's files to a person not authorized to receive that information. The legislation requires each consumer credit reporting agency which compiles and maintains files on consumers on a nation-wide basis to furnish two complete consumer reports per calendar year to any consumer upon request and appropriate verification of his or her identity.

This bill also clarifies certain notice and disclosure requirements which must be provided to the consumer concerning promotions before any agreement or other arrangement is entered into which obligates the consumer in any manner.

**CORRECTIONS****HOUSE BILL 660*****ASSAULTS ON CORRECTIONAL OFFICERS***

This bill requires the Board of Corrections to adopt rules which: (1) provide for the transfer to a higher security facility any inmate who commits battery or aggravated assault against a correctional officer while in custody (except inmates in maximum security facilities); and (2) specify the procedures for offering department assistance to employees in filing criminal charges or civil actions against inmate assailants,

including procedures for posting notices that such assistance is available. Department assistance does not include legal representation.

***SENATE BILL 675***

***PRISON PRIVATIZATION***

The bill authorizes, subject to legislative appropriations, the Commissioner of the Department of Corrections to make and execute any contract for the land acquisition, design, construction, operation, maintenance, use, lease, or management of a state correctional institution, or for any services pertaining to the custody, care and control of inmates or other functions related to the discharge of these responsibilities. The commissioner also has the authority to designate any person or organization with whom the commissioner contracts as a law enforcement unit.

The bill also provides that the Board of Corrections shall adopt rules and regulations governing the negotiation and execution of such contracts.

***HOUSE BILL 1154***

***INMATE MEDICAL SERVICES***

This bill provides that municipal or county detention facility inmates who are not eligible for health care insurance benefits shall be liable for the costs of any medical care provided, and the inmate's assets and property may be subject to levy and sale under court order to satisfy such costs. An inmate who willfully refuses to cooperate will not receive or be eligible to receive any good-time allowance or other reduction of time to be served.

The reimbursements secured under the provisions of this bill will be credited to the general fund of the governing authority.

***HOUSE BILL 1284***

***'PRISON LITIGATION REFORM ACT OF 1996'***

This bill establishes procedures intended to reduce the number of frivolous lawsuits filed by prisoners.

When an indigent prisoner commences a legal action, the prisoner must pay the current balance of funds in his\her inmate account to the court. The superintendent must freeze the prisoner's inmate account and order that all moneys deposited into the prisoner's inmate account be forwarded to the clerk until all court costs and fees are satisfied.

If the prisoner's pauper status is denied, the court shall make a finding as to whether pauper status was sought fraudulently, frivolously, or maliciously. If the court makes such a finding, the action shall be dismissed with prejudice, and the court shall assess filing costs.

Upon the dismissal of a prisoner action or upon the entry of judgement in favor of the responding party, the court must make a finding as to

whether the prisoner's action was frivolous. The court may award reasonable costs and attorney's fees to defendants or respondents if the court finds that: (1) any material allegation in the prisoner's forma pauperis affidavit is false; or (2) any part of the action is malicious or frivolous as defined in Code Section 9-15-14.

Fifty percent of the average monthly balance of the prisoner's account for the preceding 12 months during which the prisoner's account had a positive balance shall be deducted from the prisoner's account and paid over to the clerk of the court for each instance that a court finds that the prisoner has done any of the following: (1) filed a false, frivolous, or malicious action or claim with the court; (2) brought an action or claim with the court solely or primarily for delay or harassment; (3) unreasonably expanded or delayed a judicial proceeding; (4) testified falsely or otherwise submitted false evidence or information to the court; (5) attempted to create or obtain a false affidavit, testimony, or evidence; or (6) abused the discovery process in any judicial action or proceeding.

Payment of any past due court costs and fees incurred by the prisoner may be used as a condition of parole.

### ***HOUSE BILL 1296***

### ***PHYSICALLY INJURED ARRESTEE***

The bill provides that any sheriff, constable, or other jailing officer who refuses to receive an arrested person shall be guilty of a misdemeanor and will be punished by a fine of not more than \$1,000. Currently, a person convicted of this offense is confined for not less than two years nor longer than seven years and dismissed from office.

A jailing officer may refuse to accept any person who has not received medical treatment for obvious physical injuries or conditions. Upon refusal, it shall be the responsibility of the arresting agency to take the individual to a health care facility or health care provider to secure a medical release. Upon medical release, the jailing officer must accept the individual. The jailing officer must also assume custody if there is no health care facility in the county in which the arrest occurred; however, the governing authority of the arresting agency must pay all costs related to the medical release.

## **CRIMINAL JUSTICE**

### ***SENATE BILL 53***

### ***SEX OFFENDER REGISTRATION***

The bill requires that any person convicted, released from prison, or placed on parole or probation on or after July 1, 1996 for a sexual offense or a criminal offense against a minor must register with the Georgia Bureau of Investigation (GBI).

When registration data is entered into the Criminal Justice Information System, the Georgia Crime Information Center will notify the sheriff of the county where the person plans to reside. The GBI must transmit the conviction data and fingerprints to the Federal Bureau of Investigation. If the offender moves to another county, the GBI must immediately report this to the sheriff of that county. If the offender

moves to another state that has a registration requirement, the GBI must notify the appropriate law enforcement agency in that state.

Any person convicted of a sexual offense or a criminal offense against a minor must comply with the provisions of this bill for ten years. A sexually violent predator must comply with the provisions of this bill until it is determined that the person no longer suffers from a mental abnormality or personality disorder.

Failure to comply with the provisions of this bill is a misdemeanor; however, the third or subsequent offense constitutes a felony and is punishable by imprisonment for not less than one nor more than three years.

***SENATE BILL 159***

***CONTRIBUTING TO THE DELINQUENCY OF A MINOR***

This bill redefines the offense of cruelty to children so as to provide for first and second degrees of the offense. Cruelty to children in the first degree is committed when a person in charge of and supervising the welfare of a child: (1) deprives the child of necessary sustenance so as to jeopardize the child's health or well-being, or (2) maliciously causes the child cruel or excessive physical or mental pain. Conviction of such first degree offense is punishable by imprisonment of 5 to 20 years. Cruelty in the second degree is committed when any person intentionally allows a minor to witness the commission of a forcible felony. Conviction of such second degree offense is punishable as a misdemeanor upon the first or second conviction. Upon conviction of a third or subsequent second degree offense, the person is guilty of a felony and is punishable by a fine of \$1000 to \$5000, by imprisonment of one to three years, or both.

***SENATE BILL 210***

***MARITAL RAPE***

This bill provides that a marital relationship between the defendant and the alleged victim is not a defense to a charge of rape or aggravated sodomy.

***SENATE BILL 396***

***DEPRIVATION OF A MINOR***

This bill adds the offense of serious injury to existing offenses contributing to the deprivation of a minor. A serious injury involves a broken bone, the loss of a member of the body, the loss of use of a member of the body, the substantial disfigurement of the body, or a life threatening injury. The bill provides penalties for a misdemeanor or for a felony conviction, conditioned upon whether a serious injury was inflicted, and upon a first or second and subsequent conviction of the offense. The legislation changes the lawful age for admission to certain premises exhibiting sexual or other matter harmful to minors from 18 to 21 years of age and makes it unlawful to knowingly make a false representation with respect to age to procure admission.

***SENATE BILL 494***

***STREAMLINED PROSECUTION IN DRUG CASES***

This bill is intended to expedite drug prosecutions and to reduce state expenditures for grand juries. This legislation eliminates the need for formal grand jury indictments in drug cases by authorizing district attorneys to prosecute drug charges by accusation, which is a more rapid and less burdensome method of establishing the charges to be prosecuted.

It is expected that Senate Bill 494 will reduce the typical case loads of grand juries by as much as 50 percent. Since the state pays the expenses associated with convening of grand juries, this reduction in grand jury case loads is expected to translate into significant savings for the state.

***SENATE BILL 539                      INCREASED ACCESS TO JUVENILE RECORDS***

Prior to enactment of this bill, juvenile court dispositions and evidence produced in juvenile court hearings could not be used against juveniles (whether or not they had reached the age of majority) in any proceeding in any court, other than for proceedings for delinquency or unruliness. The juvenile court records could be used only if the current proceedings had resulted in a conviction of a felony, and then the juvenile records could be used only for the purposes of a presentence investigation and report.

Senate Bill 539 makes it possible for prosecutors and judges to consider juvenile records in significantly earlier stages of felony prosecutions. Use of juvenile records is authorized in felony cases to establish bail, for plea negotiations, and for sentencing.

***SENATE BILL 610***

***FAMILY VIOLENCE BATTERY***

This bill creates a new offense of family violence battery, which is battery committed between past or present spouses, parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children who are living or formerly living in the same household. A first conviction of family violence battery is punishable as a misdemeanor. A second conviction of family violence battery involving the same or a different victim is a felony and is punishable by one to five years imprisonment. The bill also provides for membership and term of office related to the State Commission on Family Violence. One of the Governor's appointees must be someone with expertise regarding family violence involving persons who are 60 years of age or older, and another Governor's appointee must be someone with expertise in family violence involving children.

***SENATE BILL 678***

***CONCEALED WEAPONS/ BRADY RECORDS CHECK***

The bill allows a person, who has a valid firearm license, to carry a firearm in any holster, handgrip, or any other similar device, in which the weapon may be concealed by the person's clothing, handbag, purse, attaché case, briefcase, or other closed container. Any person in possession of a valid firearm permit may carry a handgun in any location in a motor vehicle.

Beginning October 1, 1996, a person licensed to carry a handgun in another state shall be authorized to carry a handgun in Georgia, if the



licensee is not a Georgia resident. The licenseholder must carry the handgun in compliance with the laws of this state.

The bill also authorizes the probate judge of each county to issue a license to carry a firearm to an active duty member of the United States armed forces who is not a legal resident of this state but who either resides in that county or on a military reservation located in that county.

The bill provides that in the event of an emergency which prevents or delays the instant background records check from being made, the Georgia Bureau of Investigation must immediately notify the gun dealer. After the notification, the Georgia Crime Information Center shall (no later than noon of the next business day after the request is made) inform the firearm dealer if the buyer is prohibited from possessing or transporting a firearm.

### ***HOUSE BILL 315***

#### ***SENTENCE CIRCUMVENTION***

This bill prohibits the modification, suspension, or alteration of a previously imposed sentence so as to reduce a jail or prison sentence or probation and require a financial payment which: (1) exceeds the maximum amount permitted as a fine for the particular crime; or (2) is to be made to an entity which is not authorized by law to receive fines. The prohibition applies even when the defendant consents to the modification or alteration. The legislation provides that the prohibition does not prevent a court from requiring that a defendant pay past-due child support to the custodial parent of the child in a child abandonment case.

### ***HOUSE BILL 1122***

#### ***CAMERAS IN THE COURTROOMS***

This bill does not prohibit or limit video cameras in Georgia courtrooms, but it grants the judges wide discretion to determine, case by case, whether televising, videotaping, or motion picture filming will be allowed. To encourage fair and uniform rulings on requests for filming, House Bill 1122 requires judges to consider certain specified factors, including: (1) the nature of the proceeding; (2) whether the parties and witnesses consent or object; (3) the impact on the integrity and dignity of the court; (4) the impact on the court's truth finding function; and (5) any special circumstances of the parties, victims, witnesses, or other participants, such as the need to protect children or preserve the safety of the participants. Judges may also consider "any other factor the court may determine to be important under the circumstances of the case."

Judges may respond to filming requests by granting authority to film all or only part of the proceedings in which the request is made, or judges may refuse to allow any filming. If a court order on a filming request is violated, the person(s) responsible for the violation can be held in contempt of court and punished accordingly.

### ***HOUSE BILL 1295***

#### ***BAD CHECKS***

This bill provides that in a bad check case, a court may require the defendant to pay interest on the amount of the bad check at the rate of 1

percent per month. If a person files a civil suit against the defendant to recover the amount of the bad check, the person may not recover interest in the civil case if interest was awarded and collected in the criminal case.

### ***HOUSE BILL 1316***

#### ***INCREASED PENALTY FOR STATUTORY RAPE***

The crime of statutory rape occurs when a person engages in sexual intercourse with a person under the age of 16 who is not the offender's spouse. The current penalty for statutory rape is from one to twenty years, except that if the victim is age 14 or 15 and the offender is not more than three years older, the court has discretion to sentence as a misdemeanor.

House Bill 1316 increases the minimum penalty to ten years if the offender is age 21 or over. This legislation is in response to research indicating that a significant percentage of unwed teen pregnancies in Georgia are the result of sexual encounters between female minors and males over the age of 21.

### ***HOUSE BILL 1322***

#### ***PROBATE COURTS/CONCURRENT JURISDICTION***

This bill gives probate courts which have jurisdiction over misdemeanor traffic offenses concurrent jurisdiction with other courts over cases charging possession of one ounce or less of marijuana. A probate court will not have the power to dispose of such a case unless the defendant has first waived, in writing, a trial by jury. If a trial by jury is not waived, the defendant will be bound over to a court in the county having jurisdiction and the power to impanel a jury to hear the offense.

### ***HOUSE BILL 1531***

#### ***PUBLIC INDECENCY***

This bill provides that criminal law concerning public indecency is cumulative to and does not prohibit any local ordinances which are more restrictive than state law.

### ***HOUSE BILL 1555***

#### ***CONTROLLED SUBSTANCES/TRAFFICKING***

This bill makes "butorphanol" a Schedule IV controlled substance. The legislation changes the penalty for a second conviction of manufacturing, delivering, distributing, dispensing, administering, selling, or possessing with intent to distribute controlled substances from mandatory life imprisonment to between 10 and 40 years, or life imprisonment. The bill provides that the recidivist statute, which requires the longest punishment prescribed under this law, does not apply to a second offense.

### ***HOUSE BILL 1569***

***DOMESTIC VIOLENCE***

This bill makes it less financially burdensome for domestic violence victims to seek protection from the courts or to seek prosecution of the offenders. The statutory authority for assessment of court filing fees and other court costs is eliminated for domestic violence cases.

Many courts in Georgia have not been exercising their statutory authority to assess fees and costs in these cases, and when fees or costs have been charged to victims, the fees or costs often have been paid or partially paid by victim assistance organizations. Even so, the statutory authority for charging the victims court fees and costs had to be repealed entirely to preserve the state's entitlement to substantial federal funding.

**DOMESTIC RELATIONS****SENATE BILL 227      ENFORCEMENT OF CHILD SUPPORT ORDERS**

This bill provides for the denial or suspension of business and driver's licenses for failure to comply with child support orders when support payments are 60 days in arrears without reasonable justification. The Department of Human Resources is to maintain a state-wide list of persons not in compliance with child support orders and the list is to be updated monthly. The list is to be submitted to each state licensing entity and on or before January 1, 1997, each licensing entity is to implement procedures to carry out the Act.

The delinquent payor must be given written notice of the licensing entity's intention to deny or suspend the license, and the delinquent payor then has 20 days to come into compliance or request an administrative hearing. If the delinquent payor fails to do either, the licensing entity may deny or suspend the license and the delinquent payor must be notified of the effective date of the action by certified mail. The decision of the licensing entity is appealable, and those who have driver's licenses denied or suspended pursuant to this legislation may request a restricted license.

***SENATE BILL 640******VISITATION RIGHTS FOR GRANDPARENTS***

This bill is in response to a 1995 Georgia Supreme Court opinion in which the existing grandparent visitation law was declared to be an unconstitutional infringement upon parental rights. The visitation statute, as revised by Senate Bill 640, allows grandparents to file an original action for visitation rights, unless the parents of the child are not separated and the child is living with both parents. Grandparents may intervene and seek visitation rights in any ongoing action concerning child custody or visitation, in an action concerning a divorce involving one or both of the child's parents, or in an action concerning termination of either parent's visitation rights. Grandparents may also file for visitation rights when the child has been adopted by a blood relative or step-parent.

The court may grant reasonable grandparent visitation rights if it finds that the health or welfare of the child would be harmed unless

grandparent visitation is granted, and if the best interests of the child would be served by grandparent visitation. The court is required to render specific written findings of fact in support of its rulings.

To reduce the possibility of harassment or excessive litigation, grandparents may file original visitation actions only once during any two-year period, and grandparents cannot file original actions during any year in which another custody action has been filed. After grandparents are granted visitation rights, the legal custodian, guardian, or parent of the child may petition the court for revocation or amendment of the rights granted, but such relief can be sought only once in any two-year period. Courts may award attorney fees and costs to a respondent if the court finds that the petition was brought for harassment or for any other improper purpose.

Senate Bill 640 encourages alternative dispute resolution in grandparent visitation cases if the court finds that the petitioning grandparent(s) can bear the cost of mediation without unreasonable financial hardship. If the court does not order mediation, or if mediation fails, the court must set a time for the hearing of the issue.

### ***HOUSE BILL 1030***

### ***WILLS AND ESTATES***

This bill represents an effort to modernize current provisions and the language of the Probate Code of Georgia. Specially, Title 29 Guardian and Ward, Title 44 Property, and Title 53 Wills, Trust, and Administration of Estates have been revised to make technical changes and to add new chapters. Among the significant changes made to the Code include: (1) the intestate (without a will) share of a surviving spouse has been increased from a guaranteed 1/4 of the decedent's estate to a guaranteed 1/3 no matter how many surviving children the decedent has; (2) the intestate decedent's surviving parents will take the entire estate ahead of siblings, rather than sharing the estate with them if there is no surviving spouse or descendant; (3) the adoption of a child by the testator (person who has made the will) has the same effect as the birth of a child and will not result in the revocation of the will; (4) a requirement that, for a child born out of wedlock to inherit from the father, a de facto parent-child relationship existed between said child and the father or would have existed if the father had survived the birth of the child; and (5) title to both real and personal property vests in the administrator rather than in the heirs, and that said title vests in the heirs if no administrator is appointed within five years or if an order that no administration is necessary is entered. The bill also makes changes as to filing petitions and time at which a will must be offered for probate.

### ***HOUSE BILL 1278***

### ***COMMON LAW MARRIAGE***

This bill abolishes common law marriages on or after January 1, 1997, but does not affect any common law marriage entered into before that date. The bill also directs the Department of Human Resources to implement a state-wide education program to inform the public of the elements of a valid common law marriage and of the passage of this bill.

### ***HOUSE BILL 1580***

### ***MARRIAGE DEFINED***

This bill provides that same-sex marriages will not be permitted and Georgia marriage licenses will not be issued to persons of the same sex in the State of Georgia. Any same- sex marriage recognized under the laws of another state will not be recognized in Georgia.

## **EDUCATION**

### ***SENATE BILL 11***

#### ***STUDENT TESTING/ALCOHOL AND DRUG TEACHERS***

This bill requires school systems to give a nationally norm-referenced test in grades three, five and eight. It also provides for the State Board of Education to review and revise the quality core curriculum (QCC) and then contract for the development of criterion- referenced tests that will be used to measure student attainment of the QCC. These tests will be given in three grades, but in no grade lower than the third grade. Matrix testing has been eliminated.

Subject to future appropriation, funds shall be provided to local systems for additional testing that is deemed appropriate by that system. Senate Bill 11 also requires teachers to attend staff development programs on the use of tests in improving academic achievement.

Senate Bill 11, which was amended to include House Bill 1362, permits the Commissioner of Public Safety to contract with retired state patrol officers as well as other officials and agents to teach the alcohol and drug course required in high school.

### ***SENATE BILL 46***

#### ***LOTTERY FUNDS FOR TEACHER TRAINING/***

#### ***CAPITAL OUTLAY/MIGRANT STUDENT GRANTS***

This bill allows lottery money to be used for teacher training in computer and advanced electronic instructional technology. It also allows lottery money to be used for repair and maintenance of advanced electronic instructional technology.

Senate Bill 46 adjusts the definition for "exceptional growth" for capital outlay (originally in House Bill 1202) to include those systems that experience a three year average growth of at least 1.5 percent and at least 65 average full-time equivalent (FTE) counts over that system's earlier average. Construction projects under "exceptional growth" must include three new instructional units.

This bill also adjusts the migrant student grant formula to allocate funds based only on the average number of migrant students enrolling in a system after the final FTE count.

### ***SENATE BILL 613***

#### ***LOCAL SUPERINTENDENT CONTRACTS***

This bill prohibits any school board contract with a local superintendent from including extensions of employment for more than three years. It also states that a local board may appoint and employ a successor superintendent, even if the terms for some or all of the board members expire before the employment of that superintendent begins. This bill also exempts a board from the notice and announcement provisions when extending a superintendent's contract.

### ***SENATE BILL 709***

### ***EDUCATION REFORM ACT OF 1996***

This bill does four things:

1. Creates the Office of School Readiness (OSR), effective April 15, 1996. This office will be attached to the Department of Education for administrative purposes only and will have the following powers and duties:
  - . Administering the Voluntary Pre-Kindergarten Program;
  - . Administering programs such as Even Start and child care regulation and food programs;
  - . Acting as an agent for any federal funds granted to the state to aid in the furtherance of functions for the office; and
  - . Assisting local units of administration so as to assure the proliferation of services.

The OSR will also carry out the functions formerly held by the Department of Human Resources for the operation and management of the child care regulation services.

2. The bill transfers all responsibilities for county and regional libraries, currently under the Department of Education, to the Department of Technical and Adult Education.
3. It provides that the state superintendent will have the power to hire and fire employees for the top five positions within the Department of Education.
4. And last, Senate Bill 709 gives the superintendent authority to enter into contracts for the amount of \$50,000 or less for the Department.

### ***HOUSE BILL 500***

### ***SPECIAL EDUCATION***

This bill creates in the QBE formula a Category V for special education. It allows for additional funding for students under special education Categories I through IV with Individualized Educational Programs that require instruction, supplementary aids or services in alternative

placements.

***HOUSE BILL 1211***

***PRE-KINDERGARTEN TOILET FACILITIES***

This bill requires both public and private voluntary four-year-old pre-kindergarten programs to provide gender separated toilet facilities which are suitably screened for privacy. Separately constructed toilet facilities are not required. The intent of this legislation is to provide privacy, injury control, and sanitation for children of this age group.

***HOUSE BILL 1754***

***RESA FUNDING FORMULA/FRAUDULENT CREDENTIALS***

This bill requires regional education service agencies (RESA) to provide assistance to local school systems in six areas: (1) research; (2) staff development; (3) curriculum and instruction; (4) assessment and evaluation; (5) technology; and (6) alcohol and drug abuse. After July 1, 1996, the school superintendent of each member school system or the superintendent's designee shall serve as a member of the RESA board of control. And it authorizes the State Board of Education to provide each RESA with a uniform state-wide needs program grant and a documented local needs program grant.

***HOUSE BILL 1785***

***QUALITY BASIC EDUCATION ACT (QBE)***

This bill caps, for funding purposes, the number of high school students that can be counted within a local system in non-vocational labs at 30 percent. It also adjusts the QBE program weights to take into consideration the funding redirection and the 6 percent salary increase for certified personnel.

House Bill 1785 also provides a 5 percent state salary increase for teachers who successfully complete the certification program of the National Board for Professional Teaching Standards (originally House Bill 678).

***HOUSE RESOLUTION 769***

***BLUE RIBBON STUDY COMMITTEE ON***

***FUNDING OF THE QBE***

This bill creates a joint House/Senate study committee to review the conditions, needs, issues, and problems related to the QBE formula. The 12-member committee will be co- chaired as appointed by the Speaker and Lieutenant Governor and shall meet starting three weeks from the

close of the 1996 General Assembly for not more than ten days, completing its work by December 31, 1997.

## **FINANCE**

### ***SENATE RESOLUTION 518 STUDY COMMITTEE ON DEREGULATION OF***

### ***NATURAL GAS INDUSTRY***

This resolution creates the Senate Competitive Natural Gas Study Committee to study the conditions, needs, issues, challenges and opportunities of deregulating the natural gas industry in Georgia. This study committee will be abolished on December 31, 1996.

### ***HOUSE BILL 6, HOUSE BILL 1101,***

### ***REPEAL OF THE PERSONAL***

### ***AND HOUSE RESOLUTION 734***

### ***PROPERTY INTANGIBLE TAX***

This package of bills establishes two different means of eliminating the personal property intangible tax. First, House Bill 6 repeals the current law requiring the intangible tax, effective for the 1996 tax year. Second, due to some uncertainty over the need for a constitutional amendment to repeal the tax, House Resolution 734 passed which proposes a constitutional amendment allowing the General Assembly to repeal the law without a referendum. House Bill 1101 is the companion legislation to this resolution, written to accomplish the exact same results as House Bill 6, but only upon ratification of the proposed constitutional amendment called for by House Resolution 734. If the public ratifies the constitutional amendment during the November elections, House Bill 1101 would supersede House Bill 6. House Bill 1101 becomes effective January 1, 1997, and applies to taxable years beginning on or after January 1, 1996.

### ***HOUSE BILL 265 SALES TAX EXEMPTION ON FOOD***

This bill provides for a total of \$500 million in tax relief over a three-year period by phasing in an exemption on the sales tax on food. The current 4 percent tax goes down to 2 percent after October 1, 1996; 1 percent after October 1, 1997; and will be eliminated after October 1, 1998. The exemption will not apply to food consumed in restaurants. The exemption will not apply to any special purpose local option sales taxes, or to any other local sales and use taxes imposed prior to October 1, 1996.

### ***HOUSE BILL 1319***

### ***RENTAL CAR TAX***

This bill authorizes a local 3 percent car rental tax on rentals under 31 days for the purpose of promoting industry, trade, commerce and tourism, and recreational facilities. Although this tax may be levied anywhere in the state, it is designed to pay for infrastructure



improvements near a proposed new arena in downtown Atlanta. There is a 40-year cap on tax collections, and the bill mandates that at least 75 percent of the tax proceeds be used for tourism and recreation projects. This law could be used by any city or county between now and the year 2038.

**HOUSE BILL 1501****GOVERNOR'S BUSINESS EXPANSION****SUPPORT ACT (BEST)**

This bill amends "The Business Expansion Support Act" to make it easier for businesses to claim the jobs tax credit. The bill lowers various tax credit thresholds and increases the amount of the tax credit to make the program more attractive.

The bill reduces the number of new jobs created that are needed to claim the credit: from 10 to 5 in Tier 1 counties; from 25 to 15 in Tier 2 counties; and, from 50 to 25 in Tier 3 counties). It also lowers the number of new jobs needed to qualify in low income census tracts from ten to five. It extends by two years (until the end of 1998) the time within which the jobs and investment tax credit can both be taken in Tier 1 counties, and the bill reduces the number of jobs which must be created from 500 to 250 to claim both credits. The bill also increases the job retraining tax credit from 25 percent to 50 percent of the costs of retraining.

This bill exempts from the sales and use tax sales of machinery used directly in the remanufacture of aircraft engines or aircraft engine parts or components in a remanufacture facility. It also phases-in an exemption from the sales and use tax sales of overhead materials to a government defense contractor pursuant to a contract with the U.S. Department of Defense or NASA. The bill phases-in an exemption from the sales tax for both new and existing industry for the purchase of electricity when the electricity makes up 50 percent or more of all materials used in making a product. And the bill lowers the current \$10 million threshold needed to qualify for the sales tax exemption for material handling equipment used in warehouse and distributions projects to \$5 million.

**HOUSE BILL 1130****TAX EXEMPTION FOR CERTAIN INSURERS**

This bill provides a state and local tax exemption for insurance companies that have federal tax exempt status and insure only places of worship. The exemption applies to county and municipal corporate taxes, and state taxes measured by premiums, income, or volume of transactions.

**HOUSE RESOLUTION 728****LOCAL OPTION SALES TAX FOR****EDUCATIONAL PURPOSES**

This resolution proposes a constitutional amendment to authorize boards of education to levy a 1 percent sales tax for certain educational purposes if approved by voter referendum in the school district. The proceeds may be used for capital outlay projects or to retire previously incurred General Obligation debt for capital outlay projects, or some combination of both. The sales tax exemption on food does not apply.

**GOVERNMENT****SENATE BILL 584 (VETOED)****STATE EMPLOYEE POLITICAL ACTIVITY**

This bill delineates both permitted and non-permitted political activity for state employees in the classified service. Permitted activity includes: (1) registering to vote; (2) voting; (3) assisting in voter registration drives; (4) holding elective or appointive office of a political subdivision or political party so long as the office is part time and does not conflict with the performance of work duties; (5) expressing opinions on candidates and issues; (6) contributing money to political organizations; (7) attending political fundraising functions; (8) attending and participating in political rallies; (9) joining and being an active member of a political party; (10) signing nominating petitions; (11) campaigning for or against referendum questions, constitutional amendments, or municipal ordinances; (12) campaigning for or against candidates in partisan elections; (13) making campaign speeches for candidates in partisan elections; and (14) distributing campaign literature in partisan elections. Prohibited activity includes: (1) using official authority to interfere with an election; (2) collecting contributions from state employees; (3) knowingly soliciting or discouraging the political activity of anyone who has business with the agency employing the employee; (4) engaging in political activity or wearing political buttons while on duty, (5) engaging in political activity in any government office; (6) engaging in political activity while wearing an official uniform; (7) engaging in political activity while using a state vehicle or when the state is paying for transportation mileage; (8) soliciting political contributions from the general public; (9) holding any elective state office or federal office;

or (10) supporting or opposing the election of candidates for an office which has general or specific supervisory authority over the employee. These provisions do not apply to employees of the Secretary of State whose duties relate to elections; to employees of the Georgia Bureau of Investigation; to employees of the Department of Public Safety and to administrative law judges. Political activity by these employees will be governed by rules and regulations adopted by the State Personnel Board.

**SENATE BILL 19****GIFTS TO STATE EMPLOYEES**

This legislation requires those who do business with state government to disclose to the Ethics Commission any gift or gifts in the aggregate of \$250 or more given to a state employee in any calendar year. Failure to disclose such gifts is a misdemeanor.

**SENATE BILL 550****STATE PURCHASING REFORM**

This legislation updates state government's purchasing law which had become outdated causing purchasing delays and increased administrative costs. A key provision providing more flexibility increases the dollar amount required for agencies to seek competitive bids on the purchase of supplies and materials from \$10,000 to \$100,000. The bill also gives state agencies more responsibility in regard to their purchasing of supplies and materials.

**SENATE BILL 519**

**ENGLISH AS OFFICIAL LANGUAGE OF GEORGIA**

This bill designates English as the official language of the State of Georgia. The measure is designed to save governments and taxpayers money and requires that all public records and public meetings be in English. It requires such documents filed with an official public clerk or agency to be in English or an English translation. The legislation does not inhibit the use of other languages, and it allows counties and other political subdivisions of the state to print official documents in other languages.

**SENATE BILL 635****MERIT SYSTEM REFORM**

This bill requires all positions filled on or after July 1, 1996, by new hires, to be in the unclassified service. Those in the unclassified service do not receive merit system protection. The classified service will contain all positions filled by agencies prior to July 1, 1996, except those included by law in the unclassified service.

**HOUSE BILL 1366 OPEN MEETINGS USING TELECONFERENCING**

This bill allows any state board, body, or committee to meet by teleconference or other similar means. The notice of the meeting must list each location where any member of the board, body or committee participates in the meeting and each meeting place shall be open to the public at each location.

**HOUSE BILL 1192 ANNEXATION BY LOCAL ACT**

This legislation requires a referendum to be held in an area proposed to be annexed prior to the approval of any annexation by local act if the proposed annexation of any area is comprised of more than 50 percent residential property by acreage, and includes 500 people or a population of more than 3 percent of a city's population, whichever is less.

**HEALTH & HUMAN SERVICES****SENATE BILL 395****ELDERLY NEED FOR PROTECTIVE SERVICES**

This bill requires any employee of a financial institution to report suspicions that an elderly or disabled customer is being exploited and is in need of protective intervention.

**SENATE BILL 446****WELFARE FRAUD**

This bill enables a prosecuting attorney to defer the prosecution of welfare fraud, including food stamp and Medicaid fraud, by entering into a

consent agreement with the individual in which such individual admits to any overpayment, consents to disqualification for a specified period of time provided by law, and agrees to repay the overpayment. Successful completion of the agreement will bar any criminal prosecution of said offense. Any person convicted of a first offense will be ineligible to receive any form of public assistance or food stamps for a period of one year. For a second such conviction, such person will be barred from receiving any form of public assistance or food stamps in this state for life.

***SENATE BILL 508***

***PARENT'S CONSENT FOR BODY PIERCING***

This bill makes piercing of the body of a minor, with the exception of any ear lobe, a misdemeanor unless the prior written consent of a custodial parent or guardian is obtained.

This prohibition does not apply: (1) if the person has proper identification showing they are at least 18 years of age; and (2) the person reasonably appears to be 18 years of age or older.

***SENATE BILL 510***

***TECHNOLOGY RELATED ASSISTANCE TRUST FUND***

This bill establishes a Technology Related Assistance Trust Fund from which people with disabilities may obtain special low-interest loans. A commission will administer the loans which will be available for the purchase of various equipment or assistive devices such as wheelchairs, specially-equipped vans or telecommunication systems.

***HOUSE BILL 844***

***VACCINATION REGISTRY FOR CHILDREN***

This bill establishes a childhood vaccination registry which will serve as a single repository of vaccination records to aid in childhood disease prevention and control efforts. Any person who administers a vaccine for use in children must provide data to the registry. The Department of Human Resources will utilize the registry to provide notices to parents or guardians regarding their children or wards who are due or overdue for a particular type of vaccination. All children will be enrolled and data will be provided to a local health department, the child's medical provider, or to the child's school or child care facility unless the parents request an exemption. Individually identifiable vaccination registry information will be confidential as to third parties without the consent of a child's parent or guardian.

***HOUSE BILL 1328***

***GEORGIA COUNCIL FOR WELFARE ADMINISTRATION***

This bill creates a Georgia Council for Welfare Administration and establishes its objectives as follows: (1) to promote improvements in public welfare and social services programs of the Division of Family and Children Services; (2) to provide a forum for information interchange; and (3) to promote a more efficient public welfare delivery system for citizens of Georgia.

**HOUSE BILL 1575****EMERGENCY MEDICAL SERVICES**

This bill creates the "Emergency Services Law," which requires emergency medical personnel to evaluate a person who has an emergency condition. This evaluation may include diagnostic testing to assess the extent of the condition, sickness, or injury if such testing is appropriate in stabilizing a patient's condition. The legislation provides that the attending physician may initiate appropriate intervention to stabilize the condition of a patient without seeking or receiving prospective authorization by an insurer, a health maintenance organization, or a private health benefit plan.

**HOUSE BILL 1655****NURSING HOMES/PRONOUNCEMENT OF DEATH**

This bill provides that, in the absence of a physician, a registered professional nurse or a physician's assistant may make the determination and pronouncement of the death of a patient in a state permitted nursing home facility. To make a pronouncement, such persons must be licensed to practice in the State of Georgia, and be employed by the nursing home. Also, the patient must appear to have died of natural causes, and the pronouncement must be made in writing on an approved form. The legislation stipulates that only a physician may make the determination or pronouncement of death when the patient is a registered organ donor and when it appears that the patient has died from other than natural causes.

**INSURANCE AND WORKERS' COMPENSATION****SENATE BILL 482****NEWBORN BABY AND MOTHER PROTECTION ACT**

This bill requires health benefit policies which offer maternity benefits to provide coverage for a minimum 48 hour hospital stay following a normal delivery and a minimum 96 hour inpatient hospital stay following a cesarean delivery. The legislation provides that the decision of post-delivery inpatient stays should be a clinical decision made by the attending physician, pediatrician or certified nurse midwife based on the individual patient and her needs, as well as those of the infant. If the stay is shortened, the health policy coverage must provide for a home visit within 48 hours of discharge. The policy must cover a second visit if determined appropriate and necessary. The bill prohibits health insurers from terminating services, reducing capitation payments or penalizing an attending physician or other health care provider who orders care consistent with this legislation.

**SENATE BILL 592****DIRECT ACCESS TO OB/GYN**

This bill, entitled "Women's Access to Health Care Act," prohibits health benefit policies from requiring, as a condition of coverage of the services of a gynecologist or obstetrician, that the patient first obtain a referral from a primary care or "gatekeeper" physician.

***HOUSE BILL 1270      UNEMPLOYMENT BENEFIT DISQUALIFICATION***

Last year in its war against drugs, the General Assembly passed House Bill 1505 to provide for denial of workers' compensation benefits for a work-related injury that resulted from alcohol or drug intoxication. This year, the General Assembly enacted House Bill 1270 to provide for disqualification for unemployment benefits for an employee discharged or suspended for violating an employer's drug-free workplace policy. The burden of proof is on the employer, and there is a presumption of the employee's eligibility for benefits. The employer is presumed to have met the burden of proof if the employee fails a drug test required by the employer as a condition of employment.

In the past, many employers have found it difficult or impossible to have drug lab results admitted in administrative hearings without the presence of the individual(s) who conducted and analyzed the results of the lab test. In response to this difficulty, House Bill 1270 provides that the lab results are admissible and self-authenticating in administrative hearings regarding unemployment benefits. In the interest of fairness, the bill also provides that lab results that the employee wishes to submit at the hearings are also admissible and self-authenticating.

***HOUSE BILL 1338      THE PATIENT PROTECTION ACT OF 1996***

The General Assembly enacted "The Patient Protection Act of 1996" to promote informed consumer choices and to protect patients from managed care practices that deny or limit appropriate care. The Act requires the Commissioner of Insurance to certify and regulate qualified managed care plans in Georgia.

This legislation requires managed care plans to disclose to prospective enrollees, and at least annually to each enrollee, the plan's rules and requirements regarding benefits, exclusions, prior authorization, the financial obligations of enrollees, grievance procedures, number and type of providers with covered services under the plan, circumstances under which there will be coverage for emergency care outside the plan, and exclusions and limitations on prescription drugs covered under the plan.

While the Act prohibits financial incentive programs that directly compensate a provider for providing less than medically necessary and appropriate care, it allows for pre-paid (capitated) arrangements that are not inconsistent with the purposes of the Act.

This legislation also prohibits plans from imposing "physician gag rules" that penalize health care providers who discuss medically necessary or appropriate care with, or on behalf of, their patients .

Under the bill, emergency health care providers may initiate appropriate intervention as necessary to stabilize a patient without prior authorization by the plan. A patient can be transported to another facility when the emergency health care provider certifies that a patient can be transported without suffering detrimental consequences or aggravating a patient's condition.

The Act also requires managed care plans to have an ongoing quality assurance program, including utilization review that stresses health outcomes, has mechanisms to detect underutilization and overutilization of services, and establishes a grievance procedure.

**HOUSE BILL 1404****POINT-OF-SERVICE OPTION**

"Point-of-service option" means the contractual option of an HMO enrollee to receive services outside the HMO's provider panel. House Bill 1404, Section 8, requires that if the only type of insurance offered to employees by an employer is through a health maintenance organization, the HMO must offer a point-of-service option, which is to be accepted or rejected by each of the covered individuals.

An individual who accepts the option is responsible for payment of the additional premium charge. Also, an employer may charge an employee or individual who accepts the point-of-service option a reasonable charge to administer the point-of-service option.

**HOUSE BILL 1494****WORKER'S COMPENSATION/ASSIGNED RISK**

The Workers' Compensation Assigned Risk Insurance Plan sells insurance to employers who have been denied coverage by insurance companies. Existing law requires the Plan to include premium credits for policyholders who have had no lost-time claims, and House Bill 1494 requires the Plan administrator to implement a merit rating plan to establish premium credits for policyholders who have had no lost-time claims, and to establish premium debits for a specified number of lost-time claims.

The bill provides for the following debits and credits:

- a) No lost-time claims for the most recent year: 12 1/2 percent credit;
- b) One lost-time claim for the most recent year: no credit or debit; and
- c) Two or more lost-time claims for the most recent year: 5 percent debit.

The insurer is to notify the policyholder of any credit or debit premium adjustment and the reason for the adjustment within 90 days of the effective date of the policy. The insurer, upon request, is to provide additional safety plan information to a policyholder who develops a debit merit rating adjustment. Debits and credits used in the merit rating plan do not apply to the Georgia minimum premium for a risk.

**NATURAL RESOURCES AND THE ENVIRONMENT****HOUSE BILL 148 (VETOED)****SOLID WASTE**

This legislation extends the deadline for meeting the state-wide 25 percent solid waste reduction goal from July 1, 1996 to July 1, 1998. While some progress has been made toward achieving the solid waste reduction goal, the current trend will not allow the state to achieve the goal by July 1, 1996. The bill requires the Department of Natural Resources and The Department of Community Affairs, in conjunction with the Georgia Environmental Facilities Authority, local government officials, private businesses, and the general public, to assess how we can achieve the goal by July 1, 1998. This group must also complete a comprehensive review and revision of the state solid waste management plan. This update must include an evaluation of the effectiveness of current waste reduction programs; assessment of successful programs in

other states; need for state assisted financing; strategy for providing assistance to implement the yard trimmings ban; and statewide market development needs for priority recovered materials. This bill also provides the Department of Community Affairs with 10 percent of the Solid Waste Trust Fund to enhance the department's solid waste reduction program.

This bill also has two landfill siting restrictions. A landfill may not be permitted: (1) in a municipality with a population under 1,500 where the municipality is not included in a regional or multijurisdictional solid waste plan without the permission of the county, and (2) prior to July 1, 1998, where a landfill would be in a municipality unless the municipality is included in a regional solid waste plan or multijurisdictional plan which also includes the county or counties in which the municipality is located.

### **SENATE BILL 500**

#### **WATER POLLUTION**

This bill increases the fines and penalties the City of Atlanta must pay to the state for failure to correct in a timely manner the combined sewer overflow problem and the phosphorus discharge problem. It also prohibits the interbasin transfer of water under certain conditions. The bill allows for an interbasin transfer by way of a new sewerage discharge permit only if: (1) the director of EPD has studied all waters involved to identify where effluent limitations are not sufficiently stringent to allow such water to meet water quality standards and has established total limitations for the pollutants which cause the water to fail to meet these standards; (2) the director has established standards for the nearest downstream lake; and (3) all other applicable water quality standards are met. The bill also establishes a new phosphorus limit of 0.03 milligrams per liter of waste water to be effective for all new discharge permits by January 1, 2001.

### **HOUSE BILL 1227**

#### **HAZARDOUS WASTE**

This bill corrects a provision in the law that has been a barrier to recycling. It exempts certain recyclers from liability under the "Georgia Hazardous Site Response Act" if all they do is arrange for the transportation of certain recovered materials to facilities that use the recovered material. Under the law prior to the amendment, the recycler could be held liable for clean-up if the user of the recovered material used the material in a way that contaminated the user's property.

This bill also enacts the "Georgia Hazardous Site Reuse and Redevelopment Act." This Act facilitates the purchase and clean-up of abandoned contaminated industrial property that is in a state of disuse. A prospective purchaser of the property will be exempt from the state superfund law if the purchaser files a clean-up plan that meets the Environmental Protection Division's criteria for such property and then cleans the property to meet these specifications. A prospective purchaser must also submit a redevelopment plan which describes the environmental, societal, or economic benefits expected to accrue to the community and the state from the intended productive use of the property.

### **HOUSE BILL 1290**



***AIR QUALITY***

This bill amends the "Georgia Motor Vehicle Emission Inspection and Maintenance Act." An important change to the current law authorizes the use of remote sensing technology to identify vehicles producing excessive exhaust emissions. The Board of Natural Resources may require such a vehicle owner to have the vehicle inspected even if the vehicle has a valid inspection certificate, and the board may require repairs to pass a re- inspection.

***HOUSE BILL 1442******ANTIFREEZE***

The bill exempts recycled, reclaimed, or reprocessed antifreeze processed in Georgia from the law regulating adulterated and misbranded antifreeze, so long as it meets standards of suitability for automobile or other vehicle engine cooling systems and which has conspicuous labeling or notice of its nature as "recycled" and is dispensed in an approved manner.

***HOUSE BILL 1589******WATER CONSERVATION***

This bill provides tax credits for businesses that make investments which result in the conservation of groundwater. This is intended to help conserve groundwater, especially in coastal Georgia, and stimulate economic development as the credit-induced release of groundwater would make room for extensive initiation of profitable developments which have been prohibited by prospects of over-consumption of groundwater.

***HOUSE BILL 1788******WATER QUALITY***

This bill authorizes the Board of Natural Resources to adopt rules and regulations under the state's "Water Quality Control Act." The primary purpose of the bill is to address a technical problem discovered in a recent Superior Court case. The Board of Natural Resources was created after the "Water Quality Control Act" was adopted by the General Assembly. So, the court questioned the Board's authority to issue rules and regulations under this Act . While this bill clears up this question, it also requires the Board to adopt a turbidity water quality standard. Turbidity measures the amount of dirt and sediment washed into streams and rivers. Excessive sediment destroys fish habitat and damages reservoirs like Lake Lanier.

***PUBLIC SAFETY AND TRANSPORTATION******SENATE BILL 544***

***DRIVER'S LICENSES AND RECORDS***

This bill provides that any person convicted of a second D.U.I. offense within five years of a first D.U.I. conviction will, upon reinstatement of his or her license, be issued a driver's license bearing a red stripe. After seven years with no additional D.U.I. convictions, the person may be issued a regular driver's license without the red stripe.

Prior to enactment of this bill, a person accused of a traffic or motor vehicle offense was required to surrender his or her driver's license in lieu of bail. Senate Bill 544 removes the requirement for surrender of the driver's license, but requires the driver to display the license to the apprehending officer for recordation of the number. Failure to appear in court will result in suspension of the license.

Senate Bill 544 also authorizes the Department of Public Safety to provide drivers' operating records to rental car companies. The bill prohibits rental car companies from disseminating or disclosing any information from a driver's operating record to any other person or entity.

***SENATE BILL 560******DRIVING UNDER THE INFLUENCE***

This bill makes it a violation of the D.U.I. statute to drive under the intentional influence of glue, aerosol, or any other toxic vapor. Prior to enactment of Senate Bill 560, there was no statutory basis for prosecution of drivers under the influence of inhalants.

***SENATE BILL 606 SPEED LIMITS, CHILD RESTRAINTS, AND SAFETY BELTS***

This legislation adds to the Code a maximum speed limit of 35 mph on unpaved county roads unless designated otherwise by appropriate signs. The speed limit on federal interstate highways and divided highways with fully controlled access outside of urbanized areas of a population of 50,000 or more could be raised from 65 mph to 70 mph. The speed limit for interstate highways in urbanized areas of 50,000 people or more and for divided highways without full access control could be increased to 65 mph if DOT surveys indicate that it would be safe to do so. All other locations shall remain at 55 mph. The minimum speed limit on any highway in the interstate system shall not exceed a differential of 20 mph between the maximum and minimum posted limit. This bill also establishes an increased fine of up to \$50 for a first conviction of violating the child restraint law, and subsequent convictions can garner the defendant a fine of up to \$100. However, an exception to the child restraint law is made if immediate or emergency attention is required for the child's personal needs. The bill also would allow police officers to stop a motorist who is not wearing a seat belt. Such a violation may cause a fine of up to \$15.

***HOUSE BILL 1160******BOATING SAFETY***

This bill requires that one personal flotation device (life jacket) per person be on boats along with one throwable personal flotation device. This is consistent with the standard on federally controlled waters in Georgia. This bill also requires children under 10 years old to wear a

personal flotation device unless they are in the cabin or other enclosed area.