



## **1997 SESSION HIGHLIGHTS**

### **FISCAL YEAR 1998 BUDGET**

#### **HOUSE BILL 204 GENERAL APPROPRIATIONS ACT**

Georgia's budget for FY 1998 totals more than \$11.7 billion, and funding for K-12 and post secondary education comprises approximately 55.5 percent of the total budget.

Funds were appropriated for state employees in the executive branch to receive pay for performance increases ranging from 0 to 7 percent in four increments: 0 percent, 4 percent, 5.5 percent, and 7 percent, effective October 1, 1997. Judicial and legislative branch employees will receive 4 percent increases effective October 1, 1997. Public school teachers will receive a 6 percent pay raise (on the teacher salary schedule) effective September 1, 1997, and bus drivers and lunchroom workers will receive a 4 percent pay raise effective July 1, 1997. Teachers with the Department of Technical and Adult Education will receive a 6 percent pay raise effective September 1, 1997. The Board of Regents faculty and support personnel will receive 6 percent merit pay raises effective July 1, 1997, for non-academic personnel, and on September 1, 1997, for academic personnel. Department of Children and Youth Services personnel in the Youth Development Worker and Facilities Police job classes and Youth Development Workers who become POST certified will receive a supplemental 5 percent increase. A 5 percent conditional salary increase will be given to Correctional Officers working in high security mission institutions, and a 5 percent supplement will be given to food service and maintenance workers directly supervising inmates.

The FY 1997 Supplemental Budget and the FY 1998 Budget included \$20 million for the Department of Revenue to implement the first phase of the "Blueprint for Modernization," as recommended by the consulting firm KPMG Peat Marwick. The Department will use these funds to modernize management and information systems.

#### **PRE-K through 12 EDUCATION**

Increases totaling almost \$6 million were made in programs funded through the Department of Education. These increases include:

- \* \$2.1 million to provide Internet access at public education facilities;
- \* \$1 million to provide funds for a middle school "after school after hours" program;

- \* \$700,000 to provide funding for Advanced Placement Exams;
- \* \$504,000 in general funds and \$689,000 in lottery funds to fund two additional technology centers; and
- \* \$300,000 to expand the foreign language program to include the fifth grade in 24 pilot schools.

Over \$296 million was appropriated for lottery funded programs. Funding includes:

- \* \$211.3 million to the Pre-kindergarten program to serve 60,000 children;
- \* \$36.8 million to provide funds for technology in the classroom based on \$27.48 per FTE and a minimum grant of \$53,000 per system;
- \* \$21.1 million to complete funding at the \$100 million level for FY 1998 growth capital outlay for fast growing systems;
- \* \$15.4 million for technology training;
- \* \$2.4 million to provide funding for Applied Technology Labs at high schools; and
- \* \$2 million to provide funds for assistive technology for students with special needs.

The FY 1997 Supplemental Budget appropriated \$97.8 million in 20-year bonds for school construction throughout the state.

## **POST-SECONDARY EDUCATION**

The HOPE Scholarship Program will include one significant change starting in the 1997-98 academic year. Students ineligible for HOPE who maintain a "B" average for their first 45 credit hours will then become eligible for HOPE. Currently, students must maintain a "B" average for 90 credit hours before they become HOPE eligible.

Increases totaling over \$20.7 million were made in programs funded through the Board of Regents. These increases include:

- \* \$8.5 million to increase funding for Major Renovations and Repairs;
- \* \$4 million for research projects in the Traditional Industries Program;
- \* \$2 million to provide funding for an eminent scholar at Georgia State University and an eminent scholar at the University of Georgia;

- \* \$1.7 million for the Partners in Success initiative which includes a mentoring program, a high school program for gifted and talented students, and a prognostic math test;
- \* \$ 1 million to fund the Intellectual Capital Partnership Program (ICAPP);
- \* \$500,000 to develop a Doctorate of Education Program at Fort Valley State University;
- \* \$500,000 to provide for an endowed chair at the Rosalyn Carter Institute for Caregiving at Georgia Southwestern State University; and
- \* \$500,000 to coordinate the development of a P-16 database.

Increases totaling over \$6.6 million were made in programs funded through the Department of Technical and Adult Education (DTAE). These increases include:

- \* \$1.6 million to the first year of Atlanta Tech's and Savannah Tech's two-year conversion to state management;
- \* \$1.6 million to fund 177 new full-time equivalent positions and operating costs for facilities under construction and scheduled to open in FY 1998;
- \* \$1 million in general funds and \$1 million in lottery funds to complete the phase-in of a plan to have at least one full-time adult literacy teacher in each county by adding 26 additional teachers;
- \* \$440,000 to provide funds for operation of the Dental Hygiene program at Columbus Technical Institute; and
- \* \$170,000 to provide funds for the LPN program at the Camilla facility of Thomas Technical Institute.

Over \$213 million was appropriated for lottery funded programs. Funding includes:

- \* \$174 million for the HOPE Scholarship Program;
- \* \$15 million for the Equipment, Technology and Construction Trust Fund;
- \* \$7.1 million for the Board of Regents Special Initiative Program, including funding for connecting students and services, connecting teachers and technology, and GALILEO;
- \* \$3.5 million for the Department of Technical and Adult Education to replace obsolete instructional equipment system-wide;

- \* \$3 million for the Board of Regents to upgrade the technology infrastructure at all institutions; and
- \* \$901,000 for the purchase of computers and printers for public libraries.

The FY 1997 Supplemental Budget appropriated \$126.3 million in 20 year bonds for Board of Regents construction projects throughout the state, and \$9 million in 20 year bonds and \$1.9 million in 5 year bonds for DTAE construction projects throughout the state. The FY 1997 Supplemental Budget appropriated \$16 million in lottery funds for equipment for DTAE facilities opening during FY 1997 and 1998, and \$20 million in lottery funds for the construction of 4 new facilities (Augusta-Burke County, Heart of Georgia-Dublin, Ogeechee Technical Institute, and phase 2 of Coosa Valley Tech in Gordon County). The Georgia Research Alliance received \$24 million in lottery funds for equipment and facilities.

## **HUMAN SERVICES**

The change in funding from the old AFDC program to the new Temporary Assistance for Needy Families (TANF) program occurred in the FY 1997 Supplemental Budget and the FY 1998 Budget. \$212 million was appropriated in the FY 1997 Supplemental Budget (\$544 million total) and \$209 million in state funds were appropriated in the FY 1998 Budget (\$533 million total) to implement TANF. Highlights of the program include:

- \* Implement 15 teenage pregnancy prevention initiatives;
- \* Hire 50 Intake Eligibility Investigators;
- \* Provide 1,900 recipients with GED training;
- \* Provide substance abuse services to pregnant and postpartum women;
- \* Provide cash assistance with state funds to non-citizens for up to one year;
- \* Provide 88 grant-in-aid staff in county DFCS offices to coordinate and determine eligibility for child care services;
- \* Provide 70 grant-in-aid staff in county DFCS offices to help recipients find jobs;
- \* Purchase job placement services for those recipients who have traditionally been hard to place; and
- \* Expand job training and work partnerships with DTAE.

In addition, increases totaling over \$13 million were made in programs funded through the Department of Human Resources. Over \$7 million

was redirected from institutional care for the mentally retarded to community based, Medicaid waiver slots by closing the Brook

Run facility. The increases include:

- \* \$3.7 million to complete Phase 1 funding for community-based services for severely emotionally disturbed children in Bulloch, Emanuel, Sumter, Walker and Whitfield County service areas;
- \* \$2.6 million to increase the adoption supplement to 100 percent of the foster care per diem rate;
- \* \$1.5 million to provide independent living services for foster children preparing to leave foster homes;
- \* \$1.2 million to increase contracts with private adoption agencies for placement of children in state custody;
- \* \$468,000 to increase the reimbursement rate for Family Foster Care from \$10.50 per day to \$10.70 per day;
- \* \$440,000 to increase funding for domestic violence shelters;
- \* \$375,000 to provide first year grants to 15 new Family Connection sites;
- \* \$300,000 for the Healthy Families Program;
- \*  
\$250,000 to provide funding to assist people with disabilities in obtaining employment; and
- \* \$249,000 to increase the reimbursement rate for Institutional Foster Care from 58% to 60%.

Reductions totaling \$37 million were made in programs funded through the Department of Medical Assistance. These changes include:

- \* Expand Better Health Care and the voluntary HMO program statewide to save \$10.7 million;
- \* Reduce the reimbursement rates to 87 percent of the Resource Based Relative Value Scale for physicians to save \$7 million;
- \* Implement pre-processing of Medicaid claims for appropriateness of billing to save \$5.8 million;
- \* Implement DRG reimbursement methodology for hospital providers to save \$4.1 million; and
- \* Change in the reimbursement methodology in the Outpatient Hospital program to save \$3.4 million.

In addition to \$35 million in anticipated Medicaid Benefit growth, \$2.1 million for the design and implementation of a new management information system and \$4.1 million for an increase in reimbursement rates for private nursing homes facilities was appropriated.

## **PUBLIC SAFETY**

Over \$17 million was appropriated for operating costs of new beds in the Department of Corrections, increases over \$1 million were made in programs funded through the Georgia Bureau of Investigation, and increases of over \$3.5 million were made in programs funded through the Department of Public Safety.

## **ECONOMIC DEVELOPMENT, NATURAL RESOURCES AND THE ENVIRONMENT**

The FY 1997 Supplemental Budget and the FY 1998 Budget included the following projects:

- \* \$110 million in 20 year bonds for the Governor's Road Improvement Program;
- \* \$27.8 million in 20 year bonds for various Georgia Ports Authority projects;
- \* \$20 million in 20 year bonds to provide low interest loans to local governments for water, sewer and wastewater treatment projects;
- \* \$15 million in 20 year bonds for the four lane highway program;
- \* \$10 million in 20 year bonds to acquire land under the River Care 2000 program;
- \* \$5 million in 20 year bonds for the remediation, removal and replacement of underground and above ground storage tanks;
- \* \$3.2 million in 20 year bonds for dike construction/improvements for the Savannah Harbor;
- \* \$1.5 million in 20 year bonds for structural upgrades to Category 1 dams;
- \* \$1.3 million in 20 year bonds for repairs and equipment at Bainbridge Ports Terminal;
- \* \$1.2 million in general revenue funds for the Regional Economic Development Grant Program; and
- \* \$600,000 in general revenue funds for the new Legacy Marketing Division.

## **AGRICULTURE**

### **HOUSE BILL 49                      "GEORGIA FERTILIZER ACT OF 1997"**

This bill replaces the "Georgia Plant Food Act of 1989" with the "Georgia Fertilizer Act of 1997." Many of the bill's provisions bring Georgia into conformity with the Uniform State Fertilizer Bill. To legally distribute fertilizer, one must obtain a license from the commissioner by July 1 of each year. The license fee is \$50.00 per year. A licensee can not distribute a specialty fertilizer until it is registered with the commissioner, and all specialty products sold in containers of ten pounds or less will require a \$50.00 fee for each brand of each grade. No fee is required for specialty products in larger sizes. All nonresident licensees must comply with the "Department of Agriculture Registration, License, and Permit Act." Fertilizers must be labeled with the following information: net weight, brand and grade, guaranteed analysis, name and address of the licensee, and sources from which all plant nutrients are derived, if added, guaranteed, claimed, or advertised. The commissioner must sample and analyze fertilizers and inspect the storage of bulk fertilizer, and samples taken to establish a penalty for nutrient deficiency must be retained for at least 90 days. The bill establishes a 30¢ per ton inspection fee to be paid to the commissioner for all fertilizer distributed to non-licensees except for fertilizer in containers of less than 10 pounds. Each licensee must provide a quarterly report on the amount of fertilizer distributed to non-licensees. The bill provides for a penalty of 10 percent of the guaranteed commercial value if a sample shows a deficiency in one of the

primary plant nutrients, and a penalty of two times the difference in the found commercial value and the guaranteed commercial value if the found value is less than the guaranteed value. If the found value is less than 97 percent of the guaranteed value, the penalty is four times the difference. The bill also establishes penalties for excessive chlorine in tobacco fertilizer and for deficiency in secondary and micro plant nutrients. This legislation also prohibits the distribution of misbranded and adulterated fertilizer. The commissioner is authorized to determine if a label ingredient contributes to plant growth, and if it is worthless, the commissioner may prohibit its use. If any fertilizer is found to be short in weight, the licensee must pay a consumer a penalty of four times the value of the shortage.

The commissioner is authorized to revoke the license of anyone who uses fraudulent or deceptive practices. The commissioner may issue stop-sale, stop-use, and removal orders. And the commissioner may seize lots not in compliance with these provisions. The commissioner may also apply to the court for a temporary or permanent injunction.

The bill does not require the commissioner to report minor violations for prosecution or to institute seizure proceedings for minor violations; however, it is the duty of each prosecuting attorney to whom any violation is reported to institute proceedings.

## **BANKING**

### **HOUSE BILL 570                      CHECK CASHING FEES**

This bill prohibits financial institutions, savings banks, national banks, credit unions and savings and loan associations from charging a fee for cashing a check payable to the person presenting the check and drawn on an account held by that institution.

**SENATE BILL 154                      UPDATING GEORGIA'S BANKING LAWS**

Senate Bill 154 affects a number of areas under the regulatory control of the Department of Banking and Finance. The powers of state banks are updated to enable them to remain competitive with national banks, and to allow them to take advantage of new technologies that have developed in banking operations. Other changes enacted through Senate Bill 154 will reduce the time needed by the department to process requests for approval of certain common banking activities, particularly when the requests are made by well capitalized, well managed banks.

Senate Bill 154 also authorizes the Department of Banking and Finance to require registration and to exert other administrative controls over banks who are taking their operations into the computer age by offering services over the Internet and World Wide Web. In Internet banking, the risks to the consumer have been greatly reduced already by some of the developments in technology that help to protect privacy and security. The measures of Senate Bill 154 offer additional protections for situations in which the technology still leaves the consumer somewhat at risk.

**CONSUMER AFFAIRS****HOUSE BILL 250                      ALCOHOLIC BEVERAGES TO UNDER 21s**

This bill makes it illegal for minors to attempt to purchase alcohol. It also enables retailers who suspect that someone is presenting a falsified license, or another person's license, or a license which indicates the person is under the age of 21, to write down the name, address and license number or seize the license and summon law enforcement authorities. Law enforcement officials are given the authority to seize the license on the scene or upon location of the license. The bill provides for an additional penalty for a person caught attempting to purchase alcohol in violation of the age restriction. The driver's license of such person would be suspended for six months for a first violation and one year for any subsequent violation. Following the period of suspension, the person may pay a restoration fee to reinstate their license.

**HOUSE BILL 431                      REVOLVING ACCOUNTS**

This legislation amends the "Retail Installment and Home Solicitation Act" to provide conditions under which a revolving account will be presumed to be signed or accepted by the buyer. The presumption is satisfied if such revolving account or application: 1) is in fact signed by the buyer; 2) is used by the buyer; or 3) is used by another person authorized by the buyer to use it. The bill further provides that the account is not effective until the buyer has received the disclosures required pursuant to the "Federal Truth in Lending Act;" the buyer or a person authorized by the buyer uses the revolving account; and the seller or its assignee extends credit to the buyer for transactions on the account.

**HOUSE BILL 708                      TELEMARKETING FRAUD**

This legislation provides enhanced penalties for telemarketing, computer or home improvement fraud against an elderly or disabled individual. The bill prohibits sellers or telemarketers from using any part of an electronic record to attempt to induce payment or attempt collection that the telemarketer claims is owed and due based on a telephone conversation with a residential subscriber. The bill does not limit



the use of such records as evidence in court proceedings as evidence of payments owed or due.

**SENATE BILL 62****ADULT BOOKSTORES**

The bill authorizes local governing authorities to restrict the operation of adult bookstores, explicit media outlets, and adult movie houses to areas zoned for commercial or industrial purposes. However, no explicit media outlet or adult movie house may be located within 1,000 feet of any school building, school grounds, college campus, public place of worship or areas zoned primarily for residential purposes.

**CORRECTIONS****SENATE BILL 48****PRIVATE PRISON LABOR/OFFICIAL RECORDS**

The bill provides that any private person or entity that has a contract with the Commissioner of Corrections for services related to the care, custody, and control of inmates may use penal labor in the same manner as any other penal institution operated under the authority of the board. Agreements related to the care, custody, and control of inmates shall factor in the value of penal labor so that the state is the only financial beneficiary.

The bill also requires the commissioner to designate members of the department to be the official custodians of the department's records. Photocopies or computer printouts certified by the commissioner or his/her duly authorized representative serve as authenticated copies of department's records or other documents. Documents certified in accordance with the provisions of this bill shall be admissible as evidence in any civil or criminal proceeding.

**SENATE RESOLUTION 100****SENATE SENTENCING COMMISSION**

The resolution creates the Senate Structured Sentencing Commission to study Georgia's current sentencing system and to recommend any actions or legislation which will lead to a more rational, consistent, and planned approach to sentencing in Georgia. The commission will be composed of 17 members appointed by the President of the Senate.

**SENATE BILL 242****CITIZEN NOTIFICATION OF PAROLEES**

The bill requires the State Board of Pardons and Paroles to establish a system which enables Georgia citizens who contact the board to receive information regarding persons

who reside in Georgia who have been convicted of a felony and paroled. The board shall provide any parolee's name, sex, date of birth, current address, and crime(s) for which the parolee was convicted, and the beginning/ending dates of the person's parole. The board shall not release any information on a person who has previously been paroled and whose civil rights have been restored. The board is authorized to charge a reasonable fee for providing the information.

## **CRIMINAL JUSTICE**

### **HOUSE BILL 105                      PUBLICATION OF BOOKS & ARTICLES WITH      PENDING CRIMINAL PROSECUTIONS**

This legislation prohibits the receipt of remuneration or an agreement to receive remuneration by a judge, prosecuting attorney, an investigating official, or law enforcement officer who is a witness in a case, for publishing a book or article, making a public appearance, or participating in any commercial activity concerning an on-going case prior to its final legal disposition. Remuneration does not include customary and ordinary salary and benefits of the individual or customary and ordinary expenses paid for public appearances. A person convicted of violation of this Code section shall be guilty of a misdemeanor.

### **HOUSE BILL 211                      CHEMICAL TREATMENT OF SEX OFFENDERS**

Authorizes the court to require that persons convicted of certain child molestation offenses undergo chemical hormone treatments as a condition of eligibility for probation and parole. The treatments involve administration of a chemical known as "medroxyprogesterone acetate," which is believed to help suppress the drive toward molestation.

Treatment recipients are required to undergo a psychiatric evaluation by a qualified mental health professional and to have counseling during treatment, at the expense of the recipient of the treatment. The program is to be administered through the Board of Pardons and Parole, and the treatments can be obtained from private or public licensed providers. Immunity from civil and criminal liability is granted to physicians who act in good faith in administering the treatments. House Bill 211 requires that potential recipients of the hormonal treatment be fully informed of the side-effects and give written consent prior to beginning the treatments.

### **HOUSE BILL 423                      THEFT BY SHOPLIFTING**

The bill adds as punishment, upon the third conviction for theft by shoplifting, confinement to a "special alternative incarceration boot camp," probation detention center, diversion center or other community correctional facility of the Department of Corrections for a period of 120 days or a sentence of monitored house arrest for a period of 120 days. In addition to either such types of confinement, the defendant may be required to undergo psychological evaluation and treatment to be paid for by the defendant.

### **HOUSE BILL 620                      OUT-OF-STATE BAIL JUMPING**

This bill changes the punishment for out-of-state bail jumping and adds driving without a driver's license and without proof of insurance to the list of misdemeanors that apply to the out-of-state bail jumping statute. The bill also gives the court discretion to relieve the surety of liability for the failure of the principal to appear in court if the principal used a false name and the surety satisfies the court that he/she acted with due diligence in securing the attendance of the principal before the court.

### **HOUSE BILL 651                      NOTIFICATION OF DEATH**

The bill creates a felony if any person providing care to another person, other than in a hospital, fails to notify local law enforcement authorities of the death of such person in the care of the caretaker within six hours of such person's death.

#### **HOUSE BILL 840                    VANDALISM TO A CEMETERY OR MEMORIAL**

The bill creates the offense of vandalism to a cemetery or memorial, which shall be punished by imprisonment from one to five years. The bill also provides that when any person physically injures another person in the course of or as a result of vandalism to a public place of worship, any person convicted of such vandalism shall be punished by imprisonment from three to five years.

#### **SENATE BILL 15        MANDATORY MINIMUM FOR RAPE AND AGGRAVATED SODOMY**

Senate Bill 15 restores the offenses of rape and aggravated sodomy in the mandatory minimum sentencing provisions of the Sentence Reform Act of 1994. Persons convicted of rape and aggravated sodomy are required to serve their minimum terms of imprisonment without possibility of their terms being suspended, probated or deferred. Also restored is the ten year minimum sentence for rape and aggravated sodomy.

#### **SENATE BILL 80                    DRUG DEALER LIABILITY ACT**

The "Drug Dealer Liability Act" provides a civil remedy for damages to persons in a community who are injured by illegal drug use and distribution in their community. The legislation is intended to help compensate those who have been harmed, to shift the cost of damages caused to those who participate in the illegal market, and to establish the prospect of substantial monetary loss as a deterrent to those who have not yet entered the illegal drug distribution market.

#### **SENATE BILL 105                REGISTRATION OF SEXUAL PREDATORS**

Many states have enactments similar to Senate Bill 105. They are often referred to as local enactments of "Megan's Law." Megan was a young victim of molestation and murder by a repeat offender. Since her murder, a national campaign has been ongoing to increase the information made available to members of the community regarding the presence of sexual predators.

Georgia's enactment provides that persons who have committed violent sexual offenses against children in other states must register with the GBI within ten days of the date of establishing residency in this state. If a person required to register changes his or her address, the person must furnish the new address to the Georgia Bureau of Investigation within ten days. The bill authorizes both sheriffs and the Georgia Bureau of Investigation to release relevant information as is necessary to protect the public.

#### **SENATE BILL 176        OFFENDERS PROHIBITED AT DAY CARE FACILITIES**

This legislation prohibits operators of day care facilities from knowingly having any person reside, domicile, or be employed at the facility if the person has been convicted of, or has entered a plea of guilty or nolo contendere to, or has been adjudicated to be a delinquent for any of the crimes of: battery, sexual offenses, contributing to the delinquency of a minor, murder, manslaughter, aggravated sodomy, rape, aggravated

sexual battery, armed robbery, or any attempt at the crimes listed. The Department of Human Services is authorized to deny the issuance of or to revoke the license, commission, or registration of any facility found to be in violation of this legislation.

#### **SENATE BILL 205      SIMPLE BATTERY TO PREGNANT WOMAN & ELDERLY**

This bill makes the offense of simple battery against a person who is 65 years of age or older or against a female who is pregnant, a misdemeanor of a high and aggravated nature.

#### **SENATE BILL 227      BOMBS AND EXPLOSIVES**

Any person who knowingly possesses, transports, or receives any destructive device or explosive which is intended kill, injure, intimidate any person or destroy any public building, shall be punished by imprisonment for not less than ten nor more than 20 years, or by a fine not to exceed \$125,000 or both. If the defendant is a corporation, the fine shall be not less than \$125,000 nor more than \$200,000 or a sentence of not fewer than 10,000 nor more than 20,000 hours of community service or both.

In addition to the penalties listed above, any person who uses or attempts to use these devices shall be imprisoned for not less than 20 nor more than 40 years or fined the greater of the cost of replacing any property that is destroyed or \$250,000 or both. Corporations guilty of the offense shall be fined the greater of the cost of replacing the destroyed property or \$1 million or sentenced to perform not fewer than 20,000 nor more than 40,000 hours of community service or both.

No part of any sentence shall be probated, deferred, suspended, or withheld. No person sentenced shall be eligible for early release or any other program which would have the effect of reducing or mitigating the sentence until the defendant has completed the minimum sentence.

#### **SENATE BILL 282      GEORGIA RACKETEER INFLUENCE AND      CORRUPT ORGANIZATIONS (RICO) ACT**

The bill clarifies the intent of the General Assembly regarding the Georgia RICO Act. The provisions of the Act apply to interrelated patterns of criminal activity motivated by or the effect of which is pecuniary gain or economic or physical threat or injury to others.

#### **SENATE BILL 316      CONCEALING A DEATH**

The bill creates a felony for any person who, by concealing the death of any other person, hinders a discovery of whether or not such person was unlawfully killed. The bill provides upon conviction for punishment by imprisonment from one to ten years, a fine of \$1,000.00 to \$5,000.00, or both.

### **DOMESTIC RELATIONS**

**HOUSE BILL 193                    PARENTAL LIABILITY FOR ACTS OF A MINOR**

Present law provides that parents are liable for property damage resulting from willful or malicious acts of their minor child (under the age of 18). House Bill 193 broadens parental liability to include liability for personal injury when the injury results from willful or malicious acts of a minor child. Reasonable medical expenses are included in personal injury damages that may be awarded.

**HOUSE BILL 284                    UNIFORM INTERSTATE FAMILY SUPPORT ACT**

In compliance with the federal "Personal Responsibility and Work Opportunity Act of 1996," a number of state statutes have been rewritten in House Bill 284. Areas of law amended include child support, paternity, domestication of foreign judgments, and responsibilities of administrative law judges.

A significant portion of House Bill 284 is devoted to provisions for implementation of the federal "Uniform Interstate Family Support Act" (UIFSA), which has replaced the federal "Uniform Enforcement of Child Support Act." States are required to increase and strengthen child support collection efforts within their boundaries. The provisions of House Bill 284, for example, will aid in efforts to discover and levy against assets such as money

market and banking accounts. House Bill 284 also provides for a statewide database for child support recovery, and state procedures are brought into compliance with federal legislation for more efficient interstate enforcement of support orders.

**SENATE BILL 171                    FAMILY VIOLENCE SHELTERS**

Provides that any person who knowingly publishes, disseminates, or otherwise discloses the location of a family violence shelter is guilty of a misdemeanor, except for confidential communications between a client and his or her attorney, or instances when publication, dissemination, or disclosure is authorized by the director of the shelter. Senate Bill 171 also provides for the assignment of the State Commission on Family Violence to the Administrative Office of the Courts, for administrative purposes only.

**SENATE BILLS 26, 27, AND 28                    FOSTER CARE AND ADOPTION**  
**SENATE RESOLUTION 280**  
**HOUSE BILL 112**

A number of enactments were passed this year to help facilitate permanent adoptive placement of approximately 160,000 children who are in the state's care. Senate Bill 26 amends the law regarding which courts have the authority to hear matters involving petitions for legitimation. Senate Bill 27 is intended to reduce the time between termination of parental rights and subsequent adoption of children in the state's care. Senate Bill 27 also provides that solicitations by parents or custodians, or acceptance of inducements to part with their children are unlawful.

Senate Bill 28 makes certain changes regarding the rights of a biological father who has not been a responsible parent. This bill also supports

more public education regarding the putative father registry. Many are not aware of its role in helping the state to identify the biological fathers of children born out of wedlock and to determine the father's level of interest in being a parent to a child. If the state can legally establish that the biological father does not intend to assume the responsibilities of parenthood, then the state can proceed with efforts toward permanent adoption of the child. Senate Bill 28 also provides for the release of the identity of a biological parent to an adopted child if the biological parent is deceased.

For adoption of hard-to-place children with physical, mental, emotional, or other disabilities, House Bill 112 increases the amount of financial assistance from 75% to 100% of the per diem granted for foster care.

Senate Resolution 280 recreates the Senate Study Committee on State Foster Care and Adoption is recreated to study the implementation of recommendations contained in its 1996 report. The original members of the committee will be re-appointed, and the findings and recommendations of the committee are to be reported by December 31, 1997.

## **ECONOMIC DEVELOPMENT**

### **HOUSE BILL 428                      BUSINESS EXPANSION SUPPORT ACT**

This bill amends the "Business Expansion Support Act" to allow telecommunications companies to qualify for tax credits under the "BEST" program. The bill also provides research tax credits and a tax credit for small business growth companies.

### **HOUSE BILL 663                      ENTERPRISE ZONE EMPLOYMENT ACT OF 1997**

The General Assembly recognizes that increased employment opportunities for the citizens of Georgia will assist in the implementation of welfare reform. The bill creates the Enterprise Zone Employment Act of 1997. The intent is to improve geographic areas within cities and counties which are suffering from disinvestment, underdevelopment, and economic decline by encouraging private businesses to reinvest and rehabilitate such areas. Incentives are available to qualifying business and service enterprises in the areas of tax exemptions, such as local ad valorem taxes, occupation taxes, license fees, and other local fees and taxes. A minimum of five new jobs must be maintained for a qualifying business or service enterprise to maintain eligibility for the tax exemptions. A joint resolution by a county and one or more municipalities may provide such exemptions for jointly designated enterprise zones.

## **EDUCATION**

### **HOUSE BILL 393                      CHARACTER EDUCATION**

Enacting a program of character education aimed at instilling values in our school children, House Bill 393 charges the State Department of Education with developing a comprehensive character education program for K-12. The curriculum will focus on the development of the following traits: courage, patriotism, citizenship, honesty, fairness, respect for others, kindness, cooperation, self-respect, self-control,

courtesy, compassion, tolerance, diligence, generosity, punctuality, cleanliness, cheerfulness, school pride, respect for the environment, respect for the creator, patience, creativity, sportsmanship, loyalty, perseverance, and virtue. House Bill 393 includes a severability clause, stating that if any section, subsection, sentence, clause or phrase is found to be invalid or unconstitutional, other parts of the Act will remain in full force.

### **HOUSE BILL 567                      SCHOOL SAFETY ACT OF 1997**

School safety was a hotly debated topic this year. Several pieces of legislation were introduced to make classrooms safer for students and teachers. Some of these measures were combined into an omnibus act, HB 567, which passed both chambers. House Bill 567 includes the following provisions:

- \* Courts would be required to notify schools if a student is convicted of a felony;
- \* Local boards could refuse admission to a student under disciplinary order (suspension or expulsion) if the offense which led to the order is punishable by suspension or expulsion in the enrolling school;
- \* If a school system learned that an enrolling student had been convicted of a felony, that information could be shared with all teachers to whom the student is assigned;
- \* Schools would be required to adopt codes of conduct and submit them to the State Board of Education by August 15, 1997 in order to continue receiving state funding;
- \* Local boards would establish alternative schools for students in grades 6-12 who violate the codes of conduct; and
- \* Educators are immune for civil and criminal liability for actions taken in disciplining students.

A related bill from the 1997 Session is **HOUSE BILL 180**. This legislation would require students enrolling in a new school in grade 7 or higher, to present a copy of their disciplinary record.

### **SENATE BILL 25    QUALIFICATIONS FOR STATE SCHOOL SUPERINTENDENT**

Senate Bill 25 amends the statutory qualifications for State School Superintendent. Presently, the law requires that to be eligible to hold this office, a candidate must be a person of good moral character, have at least three years experience as a teacher, and hold a five-year degree from an accredited college or university. Under Senate Bill 25, a person does not have to have experience as a classroom teacher in order to be State School Superintendent, although they must have a four-year degree. No person convicted of a crime of moral turpitude is eligible to hold the office of State School Superintendent.

### **SENATE BILL 50 AFTER SCHOOL PROGRAMS FOR MIDDLE SCHOOLERS**

This bill directs the Department of Education to operate a state program designed to provide enhanced academic resources, community service activities, and other enrichment activities to middle school children during non-school hours. The Department of Education will

operate this program in consultation with the Georgia School Age Care Association, and the Department will administer grants made to fund local programs. The goal of the program will be to encourage and coordinate local programs. Specific goals for After School programs are listed in the legislation. They are:

1. Improvement in school attendance and academic performance of participating students;
2. Reduction in the number of middle school age children unsupervised during non- school hours;
3. Increased participation by students in supervised academic, educational, and voluntary community service activities; and
4. Reduction of juvenile crime, substance abuse and teenage pregnancy. (If a local school system manages the program, any sex education materials or classes would have to conform to existing guidelines.)

Senate Bill 50 includes a provision requiring an annual review of the effectiveness of the state and local programs.

### **SENATE BILL 301      MULTI YEAR CONTRACTS**

Senate Bill 301 amends the current regulations regarding contracts and purchases by public schools. Under Georgia law, contract payments cannot exceed 7.5 percent of the total local revenue collected for maintenance and operation of the school system in the most recently completed fiscal year. Senate Bill 301 exempts expenditures for certain energy cost savings measures from the limits that school systems must observe regarding contract payments. Energy cost savings measures include such actions as insulating a building structure or installing automated or computerized energy control systems. The bill also exempts from the 7.5 percent limit contracts with other public educational entities for the purpose of educating students. This is to allow smaller systems who contract with neighboring systems for educational services to renew these contracts.

## **ENVIRONMENT AND NATURAL RESOURCES**

### **HOUSE BILL 57                      RECYCLING**

This bill makes it unlawful to dispose of asphalt roofing shingles except in construction and demolition or municipal solid waste landfills. This legislation also requires the Environmental Protection Division and the Pollution Prevention Assistance Division to develop a plan, if practicable, to encourage asphalt shingle recycling and to report on the plan to the General Assembly by 12/31/97.

### **HOUSE BILLS 148 AND 149      INTERSTATE WATER COMPACTS**

These bills establish both the Alabama-Coosa-Tallapoosa River Basin Compact (ACT) and the Apalachicola-Chattahoochee-Flint River Basin Compact (ACF). The ACT Compact is not binding until it has been enacted into law by the Georgia and Alabama legislatures and Congress. And the ACF Compact is not binding until it has been enacted into law by the Georgia, Alabama and Florida legislatures and Congress. These bills create the ACT Basin Commission and the ACF Basin Commission, and each Commission will be comprised of one member



representing the respective states and one non-voting member representing the United States. For both compacts, all decisions, including those that establish a surface water allocation formula, must be made by unanimous vote. After the state commissioners adopt an allocation formula, the federal commissioner may concur and the allocation formula will become effective and binding. The federal commissioner may also non-concur with a proposed allocation formula. If this happens, the compact will be terminated and void unless the voting members unanimously agree to allow a single 45 day period in which the federal commissioner and state commissioners may renegotiate an allocation formula, and the federal commissioner withdraws the nonconcurrence. If the states in each compact fail to agree on a water allocation formula by December 31, 1998, the compact will terminate unless the commissioners unanimously agree to extend this deadline.

#### **HOUSE BILL 167                      COASTAL ZONE MANAGEMENT**

This bill authorizes the state to participate in the federal government's Coastal-Zone Management Program. The Coastal Resources Division (CRD) of the Georgia Department of Natural Resources has been working on a plan that would qualify Georgia to participate in this program. According to the National Oceanic & Atmospheric Administration, none of Georgia's environmental laws would have to be changed for Georgia to participate in the program. According to CRD, this program will result in better enforcement and monitoring of existing regulations, and it will provide a simplified and efficient process for permitting. The three major benefits of the program are: (1) federal financial assistance; (2) federal technical assistance; and (3) federal consistency. Georgia could receive up to \$1 million annually in base funding from federal grants, and additional funds would be available on a competitive basis. Under the federal consistency requirement, activities undertaken by federal agencies, federally funded activities, and activities requiring a federal license or permit (like dredging, filling, and construction), must be undertaken in accordance with State laws. The plan will cover eleven counties in the coastal area: Brantley, Bryan, Camden, Charlton, Chatham, Effingham, Glynn, Liberty, Long, McIntosh, and Wayne.

#### **HOUSE BILL 219                      LANDFILLS**

This bill requires a permit applicant for a solid waste disposal facility to receive the approval of an adjoining city if the solid waste disposal facility would be within one-half mile of the boundaries of the city. Prior law required the permission of only an adjoining county. This bill also provides a mechanism for the deactivation of regional solid waste management authorities.

#### **HOUSE BILL 470                      HAZARDOUS WASTE TRUST FUND**

This bill creates a lien against real property (including a 12 percent interest rate) whenever EPD uses funds from the Hazardous Waste Trust Fund to clean up a contaminated site. To perfect the lien, the director must file a claim in superior court and include the details of the corrective action including an estimate of total cost. This lien would be superior to all others except tax liens and prior perfected liens. The bill exempts a present owner if the owner did not contribute to the contamination unless the owner knew or should have known that a release was occurring or that a release had occurred prior to acquisition of the property.

#### **HOUSE BILL 510                      HAZARDOUS WASTE FEES**

This legislation allows the director of EPD to waive up to 25 percent of hazardous waste management fees and hazardous substance reporting fees for three years. The director of the Pollution Prevention Assistance Division would have to recommend that a company receive the waiver in conjunction with programs designed to encourage hazardous waste reduction.

#### **SENATE BILL 146                      STONE MOUNTAIN MEMORIAL ASSOCIATION**

The General Assembly passed this bill to provide some safeguards for the preservation of the natural environment following the proposed privatization of Stone Mountain. The bill provides that properties designated as the natural district by the master plan of the Association will be held in trust for the benefit of the present and future generations of the people of Georgia and will be put to the designated uses which are shown within the plan and are found to confer the best and most important benefit to the public.

To provide for exceptions to uses of the natural district other than those shown on the master plan, the bill sets forth a procedure which includes: (1) a determination that an imperative and unavoidable necessity for such use exists; (2) a public hearing and testimony on the exceptional use; (3) a determination reached by the General Assembly based on a submitted recommendation; and (4) any approval of such other use will be by statute or joint resolution by the General Assembly.

The bill also provides for the protection of rare and endangered plants growing inside or outside of the natural areas of Stone Mountain Park, including the rock aster (*Aster Avitus*).

#### **FINANCE**

#### **HOUSE BILL 60                      HOMESTEAD OPTION SALES AND USE TAX**

Originally designed exclusively for DeKalb County, House Bill 60 changes some of the provisions for levying a special 1 (one) cent sales and use tax contained in current law. Prior to passage of this bill, the law required all revenue generated from this tax to be applied to increase the homestead exemption up to 100 percent. Any additional funds were to be used to reduce the millage rate.

This legislation allows counties to levy this 1 (one) cent sales and use tax while mandating that up to the first 20 percent of the revenue raised be used for capital outlay projects of the county's choice. The remaining 80 percent of the funds must be applied to increase the homestead exemption up to 100 percent. There will be no additional funds available for millage rate reduction. This option is available to all counties, subject to passage of a local referendum.

#### **HOUSE BILL 165                      HOMESTEAD OPTION SALES AND USE TAX**

This legislation amends the statutory guidelines for levying the Homestead Option Sales and Use Tax (HOST). Previous law dictated that

only counties that do not levy the Local Option Sales Tax (LOST) or the Special Purpose Local Option Sales Tax (SPLOST) are authorized to levy HOST. Under the newly enacted law, only the counties that do not levy LOST are authorized to levy HOST after approval by local referendum. This tax is also subject to the current 2% aggregate local option tax cap (The Local Option Education Tax "LOET" is not included under the 2% aggregate local cap). The eligible counties are Cherokee, Cobb, DeKalb (as of July, 1997), Gwinnett, Rockdale and Webster.

An amendment was attached to this legislation to exempt food from HOST at such time as a county levies the tax and shall remain exempt, including the period before and after

October 1, 1998.

## GOVERNMENT

### HOUSE BILL 357      PRIVATIZATION OF LOCAL GOVERNMENT SERVICES

The bill requires approval by a majority of the qualified voters in a referendum prior to the privatization of certain local governmental services in each affected municipality, county, or consolidated city-county government. The statute identifies those services as:

. police and fire protection;	. garbage and solid waste collection and disposal;
. public health facilities and services;	. street and road construction and maintenance;
. parks, recreation areas, programs, and facilities;	. storm-water and water collection systems;
. public housing;	. public transportation;
. libraries, archives, and arts and sciences programs and facilities;	. terminal and dock facilities and parking facilities;
. development, treatment, storage, purification, and distribution of water;	. enforcement of air quality controls;
. enforcement of building, housing, plumbing, and electrical codes and other similar codes;	

The bill does not include contracting for the provision of services which are incidental to the performance of functions by public employees or through governmental facilities.

### HOUSE BILL 489      SERVICE DELIVERY STRATEGY AGREEMENTS

This legislation requires each county and city to execute a local government service delivery strategy agreement by July 1, 1999. Counties must initiate the process of commencing deliberations on the strategy before July 1, 1997, by contacting all municipalities wholly or partially within the county or providing services within the county and to other counties providing services within the county.

Municipalities may begin the same process if the county fails to do so by October 1, 1997. The strategy must contain components identifying all services provided, which local government will provide services, funding sources, and mechanisms for implementation. The strategy must meet criteria to promote efficient, effective, and responsive service delivery to avoid overlapping and unnecessary competition and duplication. The strategy shall provide that water and sewer rates not be higher outside the geographic boundaries of a service provider, and disputes may be settled in a court of competent jurisdiction after a rate study by a qualified engineer and some form of alternative dispute resolution. After July 1, 1999, no state money can be issued to local governments which are not included in a verified service delivery strategy. Strategies may be revised if necessary, due to: (1)

updates of the comprehensive plan, (2) changes in service delivery or revenue distribution arrangements, or (3) the creation, abolition, or consolidation of local governments.

#### **SENATE BILL 57                      NOTICE OF PRIVATIZATION**

This bill requires all units of the executive branch to provide a 60 day notice to both the President of the Senate and the Speaker of the House prior to entering into a contract to privatize the operation of an institution or program.

#### **SENATE BILL 81                      RULE WAIVERS FOR SUBSTANTIAL HARDSHIPS**

This legislation provides for a variance or waiver of a state agency rule when a person subject to the rule demonstrates that the purpose of the rule can be achieved by other means and that the application of the rule would create a "substantial hardship." Requests for such waivers and variances shall be open records, and an agency's decision to grant or deny a petition for a variance or waiver shall be subject to judicial review for a declaratory judgement.

#### **SENATE BILL 262                      JOB TRAINING FOR DISPLACED STATE EMPLOYEES**

This legislation provides for job training and retraining programs for the benefit of state employees displaced by privatization of state institutions.

#### **SENATE BILL 273                      REQUIRING IDENTIFICATION PRIOR TO VOTING**

This legislation requires that voters present proper photographic identification prior to being allowed to vote. Proper photographic identification can be a driver's license, Department of Public Safety identification card, a valid U.S. passport, any government-issued identification card, an employer-issued identification card, a valid student identification card, a valid hunting or fishing license, a valid gun

permit, a valid FAA pilot's license, a valid military identification card, an original birth certificate, a valid social security card, certified naturalization documentation, or a certified copy of court records showing adoption, name or sex change. If none of these forms of identification is produced, the voter must sign a form swearing or affirming that he or she is the person listed on the voter certificate. Falsely swearing on such affidavit will be punishable as a felony.

## **HEALTH AND HUMAN SERVICES**

### **SENATE BILL 104                      WELFARE REFORM**

This legislation replaces the Aid to Families with Dependent Children Act with the Temporary Assistance for Needy Families Act (Georgia TANF Program). The bill contains the stipulations and conditions for assistance submitted by the Georgia Department of Human Resources to the federal government in accordance with the provisions of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" (P.L. 104-193). The stated purpose of the Georgia TANF program is to:

"...provide necessary assistance to needy families with children on a temporary basis and to provide parents, legal guardians, or other caretaker relatives of children with the necessary support services to enable such parents, legal guardians, or caretaker relatives of children to become self-sufficient and leave the program as soon as possible."

Key components of the program are as follows:

- \* The program limits assistance to recipients who are not minor children to a lifetime maximum of 48 months, whether or not consecutive, beginning January 1, 1997.
- \* The DHR board will be responsible for ensuring that the program provides for: administrative efficiency in the operation of the state plan; personal responsibility obligations and work activity requirements; provisions of ineligibility and certain hardship exemptions; immunizations as a condition of assistance (except in certain instances); and an annual report on the program.
- \* Recipients or applicants are afforded the ability to request a hearing for denial, reduction or termination of assistance, based on an action by the department. However, the bill specifies that "nothing contained in this shall...create an entitlement to...assistance."
- \* Applicants or recipients will not be eligible for assistance if:
  - . the family does not include a minor child;
  - . the applicant or recipient does not aid in the establishment of paternity;
  - . the applicant has been conviction of a serious violent felony, or convicted under the "Georgia Controlled Substances Act," on or after January 1, 1997;
  - . the applicant is under 18 years of age, is not married, has a minor child and has not completed a high school education or its equivalent unless the person participates in educational activities directed towards a high school degree;

- . the person is under 18 years of age, has never married and is either pregnant or has a minor child, unless the person is living with their parents or legal guardian or in a foster home, maternity home or other supportive environment supervised by an adult;
  - . the person is a fugitive following conviction of a felony;
  - . the person violates a condition of probation or parole; or
  - . the recipient is pregnant and fails to participate actively in prenatal care at a level defined by the department.
- \* Removes incremental increases in cash assistance for a child born while the family is eligible for TANF assistance if the family has been in receipt of assistance for a total of ten months after May 1, 1997.
- \* Limits assistance of families on assistance in another state who move to Georgia to the same time limits and restrictions imposed on Georgia residents unless the state from which the family moved has shorter time limits, then that state's time limits shall apply. Further, if the state from which the family moved has lower cash assistance payments, that state's amount shall be paid for up to 12 months after the family moves to Georgia.
- \* Limits assistance to legal aliens who arrive in the United States on or after August 22, 1996, to no more than 12 months.
- \* DHR must screen TANF recipients and applicants for a history of being a victim of domestic violence to provide counseling and support services and to provide for a waiver of residency requirements, child support cooperation requirements and family cap provisions if these requirements will present further risk of domestic violence.
- \* Creates a pilot Learnfare program to require school attendance of teenagers as a condition of assistance.

#### **SENATE BILL 209      PAYMENT FOR EMERGENCY ROOM TREATMENT**

The bill prohibits insurers, health maintenance organizations or private health benefit plans which have given prospective authorization for procedures in the emergency room from later refusing to pay for such procedures. The bill specifies that an acknowledgment of an

enrollee's eligibility for benefits by the insurer does not, by itself, constitute prospective authorization.

#### **SENATE BILL 254              PATIENT ACCESS TO EYE CARE ACT**

This legislation prohibits insurers who provide eye care benefits from reimbursing an individual provider or class of eye care providers at different levels for the same eye care services. It also prohibits the insurer from denying a covered person the ability to obtain services directly from an eye care provider listed on the panel. And the bill prohibits insurers from promoting or recommending any class of providers to the detriment of other classes of providers for the same eye care service. An insurer must allow any eye care provider on its panel to provide services that the provider's license permits and must ensure that all eye care providers are listed on a publicly accessible list. Further, the insurer cannot require that a provider have hospital admittance privileges for the provider to be on a provider panel list. A provider panel

must include optometrists and ophthalmologists in a manner that ensures plan enrollees timely access and geographic access.

#### **SENATE BILL 341                      ACCESS TO MEDICAL TREATMENT ACT**

This legislation gives persons with life-threatening or chronically disabling illness or disease the right to be treated by physicians with any experimental or nonconventional medical treatment that the individual desires or such person's legal representative authorizes. Physicians may offer such treatments if there is no reasonable basis to conclude that the medical treatment itself poses an unreasonable and significant risk of danger to the individual. The patient must give an informed consent which acknowledges the experimental nature of the treatment and the risks and probable side effects of the treatment.

#### **SENATE BILL 357                      PARTIAL-BIRTH ABORTIONS**

The bill bans a particular abortion method, "partial-birth abortion," except when necessary to save the life of the mother because her life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering condition caused by or arising from the pregnancy itself, provided that no other medical procedure will suffice to save the mother's life. A "partial birth abortion" is defined in the bill as an abortion in which a person performing the abortion partially vaginally delivers a living human fetus before ending the life of the fetus and completing the delivery.

The bill provides that any person who knowingly performs a partial-birth abortion and thereby ends the life of a human fetus shall, upon conviction, be punished by a fine not to exceed \$5,000.00. The bill excludes from prosecution a woman upon whom a partial-birth abortion is performed. Further, the bill provides for relief in money and statutory damages in a civil action for the father of the fetus, and the maternal grandparents of the fetus if the mother has not attained the age of 18 years of age at the time of the abortion, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

#### **HOUSE BILL 377                      MEDICAID FRAUD**

The bill strengthens Georgia's Medicaid Fraud and Abuse law to allow the Department of Medical Assistance to seize property and proceeds obtained as a result of Medicaid fraud. Dollars seized pursuant to final judgment by a court will be paid back into a DMA special fund.

#### **HOUSE BILL 445                      HOSPITAL AUTHORITIES LAW MODIFICATIONS**

This bill grants nonprofit entities associated with a hospital authority the same rights, powers,

benefits and purposes as other nonprofit corporations and exempts them from restrictions in O.C.G.A. § 31-7-70, the Hospital Authorities Law. It also requires disclosure by hospital authority members of any financial interest by the member or the member's family in any health care provider, any managed care provider or network or any entity which sells products or services to the authority; any positions in the hospital or related entities; and any contracts with the authority. It further limits business transactions between the hospital authority and any

hospital authority member, chief executive officer or hospital system chief executive or their family members who have substantial interest in such business.

The bill further requires that at least 60 days prior to the sale or lease of a public hospital, a public hearing regarding such action must take place in the county where the hospital is located.

## **HOUSE BILL 600                    HOSPITAL TRANSFER OR SALE OF ASSETS**

This legislation provides state oversight of the transfer of not-for-profit hospital assets to for-profit entities or to unrelated not-for-profit entities. All such transfers require notification at least 90 days prior to the consummation of the proposed transaction to the Office of the Attorney General. This includes those transfers where at least 50 percent of the non-profit's assets are involved or, when combined with one or more transfers between the same or related parties occurring within a five year period, would constitute at least 50 percent of the assets of the non-profit hospital.

The Office of the Attorney General must receive certain information with the notification, such as an independent expert's economic and financial analysis and report on the sale and all documents relating or pertaining to the sale. Also, to be included is a fee of \$50,000.00 to be paid by either the seller or the purchaser or the lessor or lessee. The bill requires the AG to conduct public hearings regarding the proposed sale or lease within 60 days of receiving notification.

Disclosure provisions are included which indicate whether any board member or the chief executive officer involved in the disposition stands to derive any compensation or benefits, directly or indirectly, from the proposed disposition. Disclosure is also required regarding any financial interest held by such individuals or their family in the parties involved in the acquisition or any contracts for sale of products, property or services.

## **INSURANCE AND LABOR**

### **HOUSE BILL 654                    COMPLIANCE WITH THE KENNEDY/KASSEBAUM ACT**

House Bill 654 amends Georgia law to meet the requirements of the federal "Health Insurance Portability and Accountability Act of 1996" ("Kennedy/Kassebaum Act"). Conforming amendments to state law include:

- . limitations on preexisting condition exclusions in group plans and group health insurance;
- . prohibition of discrimination based on health status by group health plans and group health insurance;
- . .. guaranteed issue for small group health insurance ("small group" includes businesses with 2 to 50 employees); and
- . guaranteed renewability for individual health insurance.



As permitted under the Kennedy/Kassebaum Act, Georgia opted out of the federal Act's individual guaranteed issue provisions and enacted an alternative mechanism for individual coverage. Georgia's legislation provides for the creation of two insurance assignment systems for individuals who have no other coverage option after losing their entitlement

to group health insurance. These uninsured will be equitably assigned among all health insurers that offer individual health policies in Georgia.

The two assignment systems are:

**The Georgia Health Insurance Assignment System ["GHIAS"]**

for individuals who have no other option for coverage after losing group coverage that had been provided by an entity other than a managed care organization; and

**The Georgia Health Benefits Assignment System ["GHBAS"]**

for those who have no other option for coverage after losing group coverage that had been provided by a managed care organization.

In each assignment system, individuals will be able to choose one of two standard health insurance policies that will be developed by the Commissioner of Insurance specifically for use in the GHIAS and GHBAS. Premiums may not exceed 150% of the premium that would be charged in the general market for comparable coverage.

**SENATE BILL 93            HEALTH PLAN PURCHASING COOPERATIVES**

Prior to the enactment of Senate Bill 93, Georgia law did not authorize employers from different vocations to form organizations known as "health plan purchasing cooperatives" (HPCs). HPCs are formed solely to purchase health insurance for their members. Members are employers who provide health insurance benefits for their employees and who wish to join an HPC to increase their purchasing power. Senate Bill 93 authorizes the formation of HPCs in Georgia.

HPCs do not represent insurance carriers, regulate provider fees or assume risks. Individual employees and their dependents are enrolled in one of the plans they select from those offered through the HPC, and the premium is paid through the HPC. HPCs work within the existing infrastructure of insurance agents and brokers. Georgia's enactment prohibits HPCs from operating as for-profit corporations; they may operate only as non-profit corporations.

HPCs in Georgia will be required to accept as a member any eligible employer of 2 to 50 employees that agrees to pay the membership fee and a premium for coverage, and to abide by the bylaws and rules of the HPC. At its option, the HPC may accept as members employers of more than 50 employees. Also optional for the HPC will be acceptance of an individual employer or sole proprietor, but the HPC cannot discriminate in the acceptance process based upon health status or other risk characteristics, including industry type, occupation, experience,

age, gender, family composition, education, avocation, or income.

The Office of the Commissioner of Insurance will have regulatory control over HPCs. HPCs will be authorized to serve one or more geographic area(s) of the state. Service areas cannot divide counties or include noncontiguous counties. If a metropolitan area is to be served, it must be served in its entirety. There is no limit on the number of HPCs that the Commissioner can authorize to serve a particular area.

#### **SENATE BILL 59                      NOTICE TO STATE EMPLOYEES**

This legislation provides that 30 days notice must be given to affected state employees whenever any department or agency plans to eliminate one or more classified positions, or terminate the employment of one or more classified employees through a reduction in force under state personnel board rules. Additionally, whenever any department or agency plans to eliminate 25 or more classified positions, or terminate 25 or more classified employees through a reduction in force under state personnel board rules, 15 days prior

to giving the employees the required notice, the department or agency must give written notice of the proposed reduction in force to the President of the Senate and the Speaker of the House.

#### **HOUSE BILL 331                      WORKERS' COMPENSATION BENEFITS**

Key provisions in this bill increase the maximum and minimum amounts for weekly indemnity payments to injured workers from \$300.00 and \$25.00 to \$325.00 and \$32.00. The bill also increases the maximum amount of weekly indemnity payments for temporary partial disability from \$192.50 to \$216.67.

#### **HOUSE BILL 460                      UNEMPLOYMENT TAXES AND BENEFITS**

This bill will lower unemployment taxes state-wide in 1998 by an estimated \$127 million. The bill also contains provisions that will reduce experience rated contribution rates so long as the Unemployment Trust Fund remains healthy and the state-wide reserve ratio remains above 2.1 percent. The bill also increases the minimum weekly unemployment benefit to \$39.00 and the maximum weekly benefit from \$215.00 to \$224.00.

#### **HOUSE BILL 584                      DRUG-FREE WORKPLACE**

This bill increases the workers' compensation insurance premium credit for implementing a drug-free workplace program from 5 percent to 7 ½ percent. Current law also limits the premium discount period to four years following certification of a drug-free program. This bill extends the four year period to eight years following certification of an employer's program.

### **PUBLIC SAFETY**

**HOUSE BILL 326****MISSING PERSONS**

This bill requires any law enforcement agency to immediately open an investigation to locate a missing person with Alzheimer's disease or other mental illnesses involving dementia. The waiting period policy mandated prior to initiating a missing person investigation will not apply for such cases.

**HOUSE BILL 681****TEEN-AGE AND ADULT RESPONSIBILITY ACT**

House Bill 681 establishes a graduated licensing system; strengthens Georgia's current DUI laws; and requires persons under 18 to attend school in order to obtain and retain a driver's license.

- \* The graduated licensing system is a three stage process which requires a person under 18 to obtain an instruction permit and a provisional driver's license (Class D), before obtaining and a full driver's license (Class C).
- \* To advance to a less restrictive license, a person must have a valid permit or license which is not under suspension; and for a period of 12 consecutive months prior to applying for the next stage license must not have been convicted of: (1) DUI; (2) hit and run or leaving the scene of an accident; (3) racing on highways or streets; (4) eluding an officer; (5) reckless driving; or (6) any offense for which four or more points are assessable to a driver's record.
- \* Class D license holders can not drive between the hours of 1:00 A.M. and 5:00 A.M. unless: (1) going to or from work; (2) going to or from an event or activity sponsored by a secondary or postsecondary school in which they are enrolled; or (3) driving due to a medical, fire, or law enforcement emergency.
- \* Class D license holders can not drive when more than three other passengers are under 21 and are not immediate family members.
- \* The driver's license of any person under 21 shall be revoked if the person is convicted of violating any of the six traffic offenses listed above or for purchasing an alcoholic beverage.

The DUI provisions:

- \* Make it illegal for anyone under 21 to drive with a blood alcohol concentration of .02 grams or more.
- \* Require a mandatory 20 hours of community service for a first time offender who is under 21 and had an alcohol concentration of less than .08. A second or subsequent offense carries a mandatory 40 hours of community service.
- \* Eliminate the plea of nolo contendere for any person under the age of 21.

- \* A nolo contendere plea by a person 21 years or older shall be considered a conviction.
- \* Mandatory 24 hour term of imprisonment for any first time offender whose alcohol concentration was .08 grams or more. Persons under 21 who are being confined for DUI shall at all time be segregated from all other offenders who are not being confined for DUI.
- \* Requires a person to surrender his/her license plate if he/she is convicted of a DUI and, as a result, is classified as a habitual DUI violator.
- \* The person may apply to the Commissioner of Public Safety for authorization to obtain a special license plate.
- \* A motor vehicle owned or leased by such person may not be sold without the Commissioner of Revenue's permission.

The school attendance provisions:

- \* To receive an instruction permit or driver's license, any person under age 18 must be enrolled in an approved educational program or possess a certificate of high school completion or have permission of a parent or guardian to withdraw from school.
- \* The department shall suspend any minor's instruction permit or driver's license for failure to meet the school attendance requirements of the bill. The suspension shall end on the minor's eighteenth birthday. Driving privileges must be reinstated before the eighteenth birthday if a minor: (1) resumes regular school studies; (2) meets the standards for an instructional permit or driver's license; and (3) pays a \$50 restoration fee.

The bill becomes effective July 1, 1997; however, the school attendance provisions of the bill become effective January 1, 1998.

## **PUBLIC UTILITIES**

### **SENATE BILL 215      NATURAL GAS COMPETITION AND DEREGULATION ACT**

Senate Bill 215, known as the "Natural Gas Competition and Deregulation Act," establishes a regulatory framework which will promote transition from a highly regulated natural gas

industry in Georgia to an industry scheduled to experience less regulation. The transition toward deregulation will be influenced in degree and pace by findings of open access, and effective competition in the gas industry market. The gas industry will continue to require oversight by the Georgia Public Service Commission (GPSC) to protect the public interest and safety, as well as to monitor for market abuses.

The intent of the Act is to afford the citizens of Georgia benefits similar to those realized from the restructuring of federal interstate gas pipeline systems, to enhance economic activity in the state, to provide incentives to improve efficiency and quality of gas services, to ensure

equitable and non-discriminatory allocation of gas resources, to increase flexibility for natural gas utilities and marketers, and to change and lighten the level and type of regulatory intervention.

The Act provides for a Code of Conduct for: (1) electing distribution companies and affiliates coupled with appropriate complaint procedures; (2) makes the "Fair Business Practices Act" applicable to all electing market participants; (3) provides for temporary emergency situations and safeguards, and (4) creates a universal service fund. The bill authorizes the GPSC to promulgate rules and regulations as is necessary to effectuate the provisions of the Act. The Bill directs that the new law will have no effect on GPSC jurisdiction over municipal gas systems.

#### **SENATE BILL 130**

#### **PUBLIC SERVICE COMMISSION**

The bill increases the maximum penalties recoverable from any person, firm, or corporation (utility) which is in violation of any law or regulation subject to the jurisdiction of the GPSC. Any person, firm or utility which willfully violates any law or regulation administered by the commission, or which fails, neglects, or refuses to comply with any order after notice thereof, shall be liable in the amount not to exceed \$15,000.00 and an additional penalty not to exceed \$10,000.00 for each day the violation continues.

#### **HOUSE BILL 888**

#### **TOLL-FREE TELEPHONE CALLS**

This legislation provides for a 22 mile toll-free calling area within certain local telephone exchanges on and after June 1, 1998. Such calls will be considered local calls. This bill will not preclude the offer of optional rate plans. The bill authorizes the GPSC to conduct hearings and accept evidence to determine if any telephone company will be authorized to increase its rates for basic exchange service to recover reasonable costs of providing such toll-free service to customers throughout the 22 mile calling areas.

The bill provides that nothing in this Code section shall be interpreted as amending, modifying, or repealing: (1) the rate-making power of the GPSC generally, and (2) special provisions concerning telecommunications companies and other powers as set forth in "The Telecommunications and Competition Development Act of 1995."

#### **SCIENCE AND TECHNOLOGY**

#### **HOUSE RESOLUTION 366**

#### **INTERNET ACCESS**

This resolution presents the consensus of the General Assembly of Georgia that Internet access and other electronic communication services should remain exempt from government imposed fees, assessments, or taxation.

#### **SENATE BILL 103\_\_\_\_\_ ELECTRONIC RECORDS AND SIGNATURES ACT**

This legislation provides legal definition and statutory authorization for the use of electronic signatures in lieu of traditional signatures, upon acceptance or agreement by the parties involved to be bound by these signatures. The bill provides for recovery by a person whose electronic

signature is used in an unauthorized fashion. The bill expresses the

General Assembly's desire to encourage state government agencies and private sector entities to use electronic media. To support this result, the bill authorizes all state agencies to establish pilot projects to serve as models for the application of technology such as electronic signatures, to provide proof of same, and to educate and serve the General Assembly as to the role of state government in any future regulatory capacity. The bill sets forth the role and authority of the Georgia Information Technology Policy Council in the pilot programs. Further, the legislation creates an Electronic Commerce Study Committee composed of 12 members. The committee will study the issues relating to electronic records and signatures.