



2000 SESSION HIGHLIGHTS

This document provides a brief summary of selected legislation enacted by the 2000 Georgia General Assembly. These summaries provide a general overview of legislation, so all provisions of a particular bill may not be included.

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APPROPRIATIONS

HOUSE BILL 1671

INCREASED RESERVES

This bill allows the Revenue Shortfall Reserve to be increased up to 4 percent of net revenue collections.

**HOUSE BILL 1160
HOUSE BILL 1162**

**FY 2001 GENERAL APPROPRIATIONS ACT
FY 2000 AMENDED GENERAL APPROPRIATIONS ACT**

Georgia's budget for Fiscal Year 2001 totals more than \$14.4 billion, and an additional appropriation of approximately \$720 million in state general funds and reserves was made in the Amended Fiscal Year 2000 budget. Education, health and human services, and public safety are respectively the largest state appropriations.

Tobacco Settlement Funds

Spending directives for the \$150 million in Tobacco Settlement funds were also approved by the General Assembly, with the greatest concentration of tobacco funds going to health, economic development for rural Georgia through the "One Georgia Fund," and smoking cessation/prevention. Individual items are highlighted within the Economic Development and Health and Human Services sections.

Pre-Kindergarten through 12th Grade Education

State funding for PreKindergarten-12th Grade and post-secondary education comprise the greatest appropriation made at over \$8 billion or 56 percent of the budget. Significant changes in funding education were begun in the Fiscal Year 2000 budget with revisions to the Quality Basic Education (QBE) formula. One of the major recommendations of the Governor's Education Reform Commission is the development of a Student Information System (SIS), which was initially funded through the Department of Education in the Amended Fiscal Year 2000 budget. However, as the Fiscal Year 2001 budget neared completion, the Office of Planning and Budget announced the Governor had raised his Revenue and Lottery estimates to include the SIS's \$50 million appropriation under the Board of Regents. The funds initially appropriated to the Department of Education for the SIS will lapse. Other funding shifts linked to House Bill 1187's reforms include putting primary grades and kindergarten funding within the QBE

formula from categorical grants, mandated teacher-student ratios, and a review of QBE weights every three years. Local fair share has been statutorily defined as "five mill share," and the Office of Planning and Budget has the authority to verify and review school funds for proper expenditures. Specific highlights of education funding in both budget bills include:

- \$232.6 million in lottery funds to serve 63,500 children in Pre-kindergarten;
- \$121 million for 3 percent raises for public school teachers, school bus drivers and lunchroom workers;
- \$87.5 million for regular and low-wealth school construction;
- \$73.8 million in lottery funds for school construction in fast-growing areas;
- \$66.9 million in Mid-term adjustment;
- \$37 million to increase QBE's Maintenance and Operations per full-time student;
- \$34 million in lottery funds for technology, equipment and training;
- \$33 million to fund counselors in Grades K-3;
- \$30 million to fund school nurses;
- \$24.9 million to include Technology Specialists as a part of the QBE formula;
- \$7 million to construct a Central Education Center pilot project;
- \$4.5 million in funds for Postsecondary Options;
- \$2.7 million to fund the new Office of Education Accountability within OPB;
- \$1 million to fund Educational Care Teams and School Improvement Teams; and
- Increased Public School Employees Retirement multiplier from \$10.50 to \$12.00.

Post Secondary Education

The Fiscal Year 2000 Appropriations Act implements formula-driven funding for the first time in the Department of Adult and Technical Education (DTAE), and it provides "hold-harmless" funding for the University System's transition from the quarter to the semester calendar. In accordance with the education reforms of House Bill 1187, the state's public libraries have been transferred to the Board of Regents from the Department of Technical and Adult Education. Other significant appropriations in higher education are:

- \$202.7 million in capital construction and renovations;
- \$50 million for a new Student Information System to track students in Grades K-12 (\$30 million in General funds and \$20 million in lottery funds);
- \$47 million offset for the University System semester conversion;
- \$42.7 million for 3 percent salary increases in Regents and DTAE;
- \$32.6 million transfer funding for the Public Libraries to the Board of Regents;
- \$20 million to the Georgia Research Alliance for state-of-the-art equipment; \$800,000 to expand technical partnerships and marketing to companies;
- \$23 million in Lottery funds to offset expenses for federal Pell Grant recipients;
- \$12.5 million in Lottery funds to implement an obsolete equipment replacement formula for DTAE;
- \$10 million to pilot the student wireless computer project;
- \$8.6 million in research, educational and commercialization support for Yamacraw;
- \$3.75 million for five eminent scholars for the Georgia Research Alliance; \$3.5 million for seven new endowed chairs;
- \$3.6 million for university personnel raises;
- \$2.5 additional funding for Quick Start;
- \$1.4 million for Georgia Learning Online for Business and Education technology program;

- \$1.3 million to increase Tuition Equalization Grants by \$50 for each eligible student;
- \$318,000 for increases to the Nursing Service Cancelable Loans; \$100,000 additional funds for National Guard Scholarship increased participation; \$435,000 for Youth Challenge Academy increased participation and lower federal match funding;
- \$1 million increase to fund Intellectual Capital Partnership Program rural projects;
- \$1 million for 14 additional Cooperative Extension agents; and
- \$605,000 in initiatives for the Advanced Technology Development Center.

Economic Development

Economic development, to include the budgets for the Department of Community Affairs, Industry Trade and Tourism (ITT), Labor, Secretary of State and the Department of Transportation, represent 6 percent of the Fiscal Year 2001 budget, although it is noteworthy that funding for economic development programs and projects cross traditional department funding throughout the Amended 2000 and FY 2001 budgets. For instance, the special initiatives and equipment of the Yamacraw project are financed through the Board of Regents, but the Department of Industry, Trade and Tourism will handle marketing and advertising of Yamacraw. Additional highlights of economic development funding by state budget writers are:

- \$120 million for the Governor's Road Improvement Program (GRIP)(bonds);
- \$62 million for the One Georgia rural economic development fund (Tobacco Funds);
- \$26 million in Local Assistance Road Program (LARP);
- \$27 million in improvements at the Savannah and Brunswick Ports;
- \$15.4 million for World Congress Center expansion and projects related to it (bonds);
- \$7.2 million to facilitate E-Commerce filings in the Department of Revenue;
- \$5.9 million to match federal aid for mass transportation initiatives across the state;

- \$5.4 million in capital outlay programs in the Georgia Regional Transportation Authority;
- \$5 million for local government water/wastewater low interest loans through the Georgia Environmental Facilities Authority (GEFA);
- \$2.4 million to increase tourism marketing;
- \$2.1 million for Airport Aid improvement funds; \$125,000 to update the airport system plan; \$700,000 to update aircraft in the Air Transportation Division; and
- \$1.5 million to begin the State Community Development Block Grant program.

Natural Resources

Funding related to the environment and natural resources is found primarily in the budgets of the Department of Agriculture, Georgia Forestry Commission, Department of Natural Resources and Soil and Water Conservation Commission. These entities were funded at 2 percent of total state finds for Fiscal Year 2001. Major items of both budgets include:

- \$30 million for the Green Space Preservation grants;
- \$20 million to purchase land along the Chattahoochee River corridor (bonds);
- \$10 million of the One Georgia Fund is designated to the Georgia Environmental Facilities Authority to assist rural areas of the state;
- \$9 million to match for federal disaster aid;
- \$5 million to GEFA for local water and wastewater projects low-interest loans; and
- \$1.2 million for Brunswick Beach restoration (bonds).

Health and Human Services

Twenty percent of the FY 2001 budget will go to meeting the health and human services needs of Georgia citizens. Both the Amended '00 and FY '01 budgets reflect the federal government's issue of the final guidelines on the legal uses of Temporary Assistance for Needy Families (TANF) funds released in April 1999. With this clarification, state budget writers in the legislature

reviewed the approximately \$188 million in TANF funds that have not been expended for benefits. The State of Georgia has this surplus for two reasons: 1) these funds were distributed based on 1996 client numbers when welfare reform passed, and client enrollment has decreased by approximately 59 percent; and 2) the federal guidelines for spending TANF dollars give much greater flexibility in spending than was initially anticipated. Cautiously, the state will use these funds for general programs, particularly subsidized employment, aimed at breaking the barriers associated with the successful transition from state assistance to independence. The Fiscal Year 2001 budget also increases the base salaries of Georgia's caseworkers in the Department of Family and Children Services at a cost of \$2.4 million. Other highlights of the Amended '00 and FY '01 budgets are:

- \$15.7 million in smoking cessation and prevention programs (Tobacco Funds);
- \$16.7 million to ensure Medicaid benefit coverage for anticipated needs;
- \$10.9 million to increase dental fees for covered procedures and adopt American Dental Association procedure codes and forms; \$1 million to provide state-wide dental health prevention services;
- \$10.5 million to increase the reimbursement rates for physicians at 90 percent;
- \$10 million to "Unlock the Waiting List"; \$7.9 million to expand Community Care services to another 4,000 clients; \$2.1 million in expansions to the Independent Care Waiver and Brain Injury programs;
- \$9.8 million to reimburse nursing home providers with inflation factored into the 1999 cost report;
- \$8.3 million to reimburse inpatient hospitals with inflation factored into the DRG reimbursement rates;
- \$4.9 million to expand eligibility for pregnant women and infants to 235 percent of the federal poverty level (\$16,000 for a family of four); \$2.7 million to make the same expansion in the PeachCare for Kids program;
- \$4.6 million to provide transitional Medicaid coverage for clients leaving TANF;
- \$6.4 million for First Placement/Best Placement in foster care; \$3.6 million for intensive outreach early intervention services for at-risk families; \$1.8 million to increase the foster care per diem to \$12.00; \$1.2 million to increase MATCH provider rates by 3 percent;
- \$2.1 million to complete state-wide expansion of Family Connections;

- \$1 million for rate increases to critical access hospitals for outpatient services;
- \$868,716 to increase elderly protective services caseworkers; \$340,000 for a Long Term Care Ombudsman and expenses in the Office of Aging; and
- \$300,000 to create the Office of Children's Advocate.

Public Safety

The Fiscal Year 2001 budget authorizes over \$2 million in increases to the base salary schedules for certain employees of the Board of Pardons and Paroles and Department of Corrections, in addition to merit increases. The entities related to public safety, law enforcement and the Judicial Branch account for 11 percent of all monies appropriated in the FY '01 budget. Highlights of funding in these areas for the 2000 Session are:

- \$12.8 million to fund the Third Phase of the Memorandum of Agreement in Juvenile Justice; \$4.6 million for 266 more juvenile corrections officers; \$2.8 million to expand the juvenile intensive supervision program state-wide;
- \$2.9 million to begin funding for new adult diversion and transition beds;
- \$2.2 million to fund the opening of the Dodge State Prison;
- \$1.5 million to begin funding for juvenile court judges effective October 1, 2000 (SB 182);
- \$1.3 million to start up the Bainbridge Probation Diversion Center;
- \$1.2 million to fund Senate Bill 1 - Special Drug Prosecutor Act;
- \$1.2 million to immediately fund salary increases for juvenile corrections officers;
- \$1 million for 25 additional State Trooper positions; and
- \$720,000 for initiating the DNA testing of prisoners projected to be released.

Government

Government administration (Revenue, Audits, Insurance, General Assembly and others) totals about 3 percent of the Fiscal Year 2001 budget. Items of interest include:

- \$166 million in property tax relief, raising the state-wide homestead exemption from \$4,000 to \$6,000;
- \$155 million to increase the employer contribution for Public School Employee health benefit coverage and \$8.2 million to make the increase for non-certificated and retired personnel in the Department of Education;
- \$34 million to fund the deficit in the State Health Benefit Plan in Community Health;
- \$1.3 million to establish a Taxpayer Assistance Group for taxpayer education and resolution activities in Revenue; \$615,285 for quality assurance positions;
- \$674,776 to fund seven positions to supervise financial institutions in Banking and Finance;
- \$324,373 for the National World War II Veteran's Memorial - \$1 for every serving Georgian in the Department of Veteran's Services;
- 250,000 for State Workforce Planning and Strategies in the Merit System; and
- \$182,034 for additional positions and expenses in the State Ethics Commission.

AGRICULTURE

SENATE BILL 331

COTTON / BONDS

This bill amends the Georgia Cotton Producers Indemnity Fund which was enacted last year by allowing the remaining funds to be dispersed to eligible cotton ginner who incurred a loss of income while dealing with cotton buyers that declared bankruptcy in 1998. To appropriate the remaining funds, federal legislation is also necessary. This bill also provides for a maximum \$150,000.00 bond for cotton dealers. And the bill requires food establishments that purchase products from farmers on credit to have a dealer's license and appropriate bond.

SENATE BILL 477

ORGANIC FOODS

This bill provides for the certification and labeling of "organic" food products. It also provides for the regulation and certain standards of production, distribution and processing of foods bearing the certified "organic" label.

HOUSE BILL 1123

PRESCRIBED BURNING

This bill states that it is the intent of the General Assembly to provide funds to the State Forestry Commission each year to provide a public information campaign and for prescribed fire training throughout the state. A property owner or owner's agent shall not be liable for damages or injury caused by fire or resulting smoke unless it is proven that there was gross negligence in starting, controlling, or completing the burn. Current law only requires proof of negligence.

BANKING

HOUSE BILL 656

SALE OF INSURANCE BY BANKS / LENDING INSTITUTIONS

House Bill 656 authorizes the licensing of any lending institution, bank holding company, or subsidiary or affiliate of either of the foregoing doing business in the state, or any officer or employee of any of the foregoing, to sell insurance, including but not limited to credit insurance. Lending institutions, bank holding companies, and any subsidiary or affiliate of any of the foregoing doing business in this state, and any officer or employee of any of the foregoing that or who was not in the business of selling and writing title insurance as of April 1, 2000, are prohibited from engaging in the business of writing and selling title insurance.

CHILDREN

SENATE BILL 315

TERRELL PETERSON ACT

This legislation allows a licensed physician who is treating a child to take or retain temporary protective custody of the child without a court order if the physician believes that the child's life or health is in imminent danger due to suspected abuse or neglect, and there is not enough time to obtain a court order for temporary custody. The physician must:

- Make reasonable efforts to inform the parents, guardian or custodian of the child's whereabouts;

- Make a report of the suspected abuse or neglect which caused the physician to take temporary custody and inform the child welfare agency that the child has been detained; and
- Within 24 hours of detaining the child, inform a juvenile court intake officer that the child is in imminent danger, or contact a law enforcement officer who will take the child into custody and promptly take the child before a juvenile court intake officer.

A child who meets the requirements for inpatient admission will be retained by the hospital or medical institution until the child is medically ready for discharge. When a hospital or other medical institution notifies the Department of Human Resources that a child who is ineligible for inpatient admission or who is ready for discharge has been taken into custody by a physician, the department must take physical custody of the child within six hours, provided that the department has been given legal custody of the child.

Any hospital or physician acting in good faith and in accordance with acceptable medical practice in the treatment of a child pursuant to this Act is immune from all liability that might otherwise be incurred as a result from taking or failing to take any action. This Act does not impose any duty not already imposed by law.

HOUSE BILL 1214

PEACHCARE FOR KIDS

This legislation amends the current PeachCare for Kids Program. It raises the income level used to determine eligibility for the program from 200 to 235 percent below the federal poverty level. The bill also adds the Department of Education and local Boards of Education in assisting to identify and enroll eligible children in the program.

HOUSE BILL 1422

OFFICE OF THE CHILD ADVOCATE

This bill creates the Office of the Child Advocate for the Protection of Children for the purpose of assisting, protecting, and restoring the security of children whose well being is threatened. This Office will provide children with an avenue through which to seek relief when their rights are violated by state officials and agents entrusted with their protection and care.

The advocate is appointed by the Governor from a list of at least three names submitted by the nominating committee for a term of three years. The advocate will act independently of any state official, department, or agency and have the authority to contract with experts in the fields of medicine, psychology, education, child development, juvenile justice, mental health, and child welfare, as needed.

The duties of the advocate shall be to identify, receive, investigate, and seek the resolution or referral of complaints made by or on behalf of children; refer complaints to appropriate regulatory and law enforcement agencies; report the death of any child;

provide periodic reports of the work of the Office; and, establish policies and procedures necessary for the Office.

The advocate can communicate privately with any child and their guardian and inspect and copy all records and files concerning children. The advocate can subpoena records and apply to the Governor to bring legal action in the nature of a writ of mandamus or application for injunction; apply for and accept grants, gifts, and bequests of funds from other states; and, engage in programs of public education and legislative advocacy. The advocate shall also have the authority to request an investigation by the Georgia Bureau of Investigation. Additionally, this bill establishes a Child Advocate Advisory Committee consisting of one representative of a nonprofit children's agency appointed by the Governor and one by the Lieutenant Governor; one pediatrician appointed by the Speaker of the House; one social worker not employed by the state appointed by the Governor; one psychologist appointed by the Lieutenant Governor; one attorney from the Children and the Courts Committee of the State Bar of Georgia appointed by the Speaker of the House; and, one juvenile court judge appointed by the Chief Justice of the Supreme Court of Georgia. The advisory committee shall also provide for an annual evaluation of the effectiveness of the Office of the Child Advocate for the Protection of Children.

HOUSE RESOLUTION 1079

PSYCHIATRIC MEDICATION OF CHILDREN

This resolution Creates the Commission on Psychiatric Medication of School-Age Children composed of twelve members to undertake a study to investigate the use of psychiatric medications and their effects on school-age children in Georgia and to provide recommendations for improved oversight of the prescribed use of narcotics among Georgia's youth.

CIVIL LITIGATION

HOUSE BILL 1346

CIVIL LITIGATION IMPROVEMENT ACT OF 2000

This legislation establishes that, if a plaintiff receives a judgment which includes punitive damages, and the defendant files a notice of appeal, the supersedeas bond for the punitive damages portion must not exceed \$25,000,000.00. This limitation will not apply in cases in which the party for whom the supersedeas bond requirement was limited is purposefully dissipating or secreting its assets, or is diverting them outside the jurisdiction of the United States courts.

Further, this legislation establishes that a Georgia court must stay the enforcement of a judgment from another state or federal court until all available appeals are concluded or the time for taking appeals has expired. The court must require the same security for satisfaction of the judgement of another court that is required in Georgia court judgements.

Finally, the legislation regulates venue for domestic and foreign corporations which conduct business in Georgia, with respect to civil proceedings. In tort actions, venue will lie in the county in which the cause of action originated. If venue is based solely on

this provision, the defendant has the right to move the action to the county in Georgia where the defendant maintains its principal place of business.

CONSUMER AFFAIRS

SENATE BILL 462

CEMETERY AND FUNERAL SERVICES ACT

The purpose of this legislation is to regulate preneed dealers, licensees, and cemetery companies in Georgia. It mandates that cemetery owners, preneed dealers, and burial or funeral merchandise dealers must register with the Secretary of State prior to performing or selling services. The legislation prohibits cemetery owners from engaging in certain activities, such as selling services or merchandise through fraudulent means and connecting the purchase of a grave space to the purchase of a monument. Further, the legislation mandates certain contract provisions and requires full disclosure of prices and regularly offered services. Additionally, it regulates the construction of mausoleums and columbaria and requires cemeteries which plan to sell space in them to establish a preconstruction trust fund.

A registered company must establish and maintain a trust fund for each cemetery. The initial deposit must be \$10,000.00. A cemetery must make deposits with respect to each right, service or product sold in the amount of 15 percent of the sales price of any burial right, or 7.5 percent of the total sales price of any mausoleums, niches, columbaria, urns or crypts, provided that the minimum deposit for any burial right is \$50.00. The amount of minimum deposit will be adjusted every three years by the rate of change in the consumer price index. Each preneed dealer must establish and maintain a preneed escrow account. The legislation establishes policies and procedures for making deposits into such escrow accounts and addresses liability for noncompliance. With respect to each monument and outer burial container, the amount to be deposited in escrow must be at least 35 percent of the sales price of the item. The amount deposited must be at least 110 percent of the wholesale price of the monument or burial container. For any other burial or funeral merchandise, the amount to be deposited in the escrow account must be at least 100 percent of the sales price of the merchandise; in no event may the amount deposited be less than 110 percent of the wholesale price of the merchandise.

The Secretary of State may prohibit a person from employment or association with a registered business if such person meets certain specified criteria, such as making false and misleading statements in any documents filed with the secretary of state, failing to comply with the provisions of this Act and engaging in any unethical or dishonest practices in the funeral or cemetery business. Additionally, the Secretary of State may issue a stop order denying the effectiveness of any registration and may deny or refuse renewal of registration. The legislation also establishes criminal and civil penalties for violations of the Act and sets up an appeals process. With respect to the sale of preneed merchandise or services requiring deposit in an escrow account, it is unlawful to fail to refund, within three business days of the request of the purchaser, or his or her heirs or assigns, the sales price plus applicable interest, as long as the request is made prior to either the delivery of the merchandise or services, or the death of

the person for whom the services or merchandise are intended to be used. Similarly, with respect to the sale of monuments or vaults, it is unlawful to fail to refund, within three business days of the request of the purchaser, or his or her heirs or assigns, the sales price without interest, provided that the request is made prior to either the delivery of the merchandise or services, or the death of the person for whom the services or merchandise are intended to be used. Solicitations regarding refunds during a person's last illness, for the purpose of persuading such person or a person acting on his or her behalf to seek a refund of money paid to an existing preneed contract for burial services or merchandise or for funeral services or merchandise, violate the Fair Businesses Practices Act of 1975.

SENATE BILL 499

CHARITABLE SOLICITATIONS ACT OF 1988

This legislation changes the Georgia Charitable Solicitations Act of 1988 by amending various matters relating to the registration and solicitation activities of charitable organizations and their paid solicitors and solicitor agents.

This bill requires an applicant for registration as a paid solicitor to consent to a criminal background investigation.

Paid solicitors who have physical possession or legal control over contributions must file financial statements with the Secretary of State's office. The Secretary of State must register applicants as paid solicitors or find grounds for denial of registration within 15 days. If the time limit is not met, an applicant for registration as a paid solicitor may act as if registered unless and until the applicant is notified of deficiencies or grounds for denial of the application.

Amendments to a paid solicitor's registration must be made within 30 days to reflect a change of name, address, principals, state of incorporation, or other changes which materially affect the business of the paid solicitor. The legislation requires the Secretary of State to review documents and provide a notice of deficiencies in these documents to a paid solicitor.

A paid solicitor must report the results of a solicitation campaign to the Secretary of State within 30 days after the completion of a campaign, and must provide to a charitable organization detailed records regarding solicitation campaigns conducted on its behalf. Persons who solicit contributions on behalf of charitable organizations as solicitor agents must register with the Secretary of State. Paid solicitors who have physical possession or legal control over contributions must file a bond when applying or renewing an application. Registered charitable organizations must keep records provided by any paid solicitor related to any solicitation campaign for at least three years.

The Secretary of State may deny, suspend, or revoke registrations based on convictions for certain crimes or if the registrant is engaged in certain activities. Solicitor agents are required to make certain disclosures to contributors, such as disclosures that the solicitation is not being made by a volunteer. Educational institutions and religious organizations are exempted from compliance with the "Georgia Charitable Solicitations Act of 1988," as are fraternal or social organizations who use solicitors who do not receive compensation, and organizations which have a revenue of less than \$25,000 for two years.

HOUSE BILL 542**TELEMARKETERS PHONE CONDUCT**

House Bill 542 amends current law by requiring telemarketers to promptly state clearly the name of the business on whose behalf the call is being made before any sales solicitation can begin and provide a telephone number or address at which the business can be contacted. Telemarketers may not block their name and phone number from being identified by caller ID.

HOUSE BILL 837**SYNTHETIC SIDING CAUSE OF ACTION**

House Bill 837 addresses the statute of limitations for damage to a dwelling caused by the manufacture, negligent design or negligent installation of synthetic exterior siding. All actions for trespass upon or damage to realty must be brought within four years after the right of action accrues. The right of action will accrue when the damage to the dwelling is discovered or should have been discovered. This legislation does not revive any cause of action which was barred by former law before the effective date of this bill.

HOUSE BILL 1256**DEAF OR DISABLED PERSONS**

This legislation entitles every totally or partially blind person the right to be accompanied by a guide dog or service dog without being required to pay an extra charge on all common carriers, places of public accommodation, and other places where the general public is invited. Anyone who denies or interferes with these rights will be guilty of a misdemeanor and, upon conviction, will be punished by a fine not to exceed \$2,000, or by imprisonment for not more than 30 days or both.

HOUSE BILL 1273**ALCOHOLIC BEVERAGES**

House Bill 1273 amends present law regarding direct shipments of alcoholic beverages by creating limited exceptions which permit the direct shipment of wine to residents of Georgia under certain circumstances. This legislation creates a special-order shipping license that would permit Georgians to resume mail-order shipments of wine or alcohol from out-of-state wholesalers. A limit of 50 cases total can be shipped into Georgia under the special order license and a limit of 5 cases may be shipped to any one consumer. This bill also permits Georgia consumers who are visiting wineries whether in this state or elsewhere, to purchase a limited amount of wine for shipment back to their residences.

CORRECTIONS**SENATE BILL 318****DNA TESTING FOR CERTAIN SEX OFFENDERS**

This legislation provides that, on or after July 1, 2000, anyone convicted of a felony and incarcerated in a state correctional

facility must give a sample of his or her blood, an oral swab, or a sample taken by a noninvasive procedure for DNA purposes, at the time of entering the prison. Moreover, any person who has been convicted of a felony prior to July 1, 2000, and who is currently incarcerated in a Georgia correctional facility must give a sample within the 12 months preceding his or her release.

The Georgia Bureau of Investigation must receive samples and analyze, classify and file the results of DNA characteristics obtained from the samples. The name of the offender whose profile is in the data bank may be disseminated only for law enforcement purposes. If a defendant in a criminal case demonstrates that access to the DNA data bank is material to his or her trial, the relevant superior court must direct the bureau to compare the DNA profile in the data bank against a DNA profile which the defendant generates through an independent test, provided that the independent test has been generated in accordance with federal standards for forensic DNA analysis. A person whose DNA profile is in the data bank may request that it be expunged if the conviction for which the sample was taken has been reversed and the case dismissed.

SENATE BILL 357

STATE BOARD OF PARDONS AND PAROLES

The bill authorizes the State Board of Pardons and Paroles to direct an offender to perform community service as a condition of parole or as an alternative to a parole revocation. The bill also prohibits the use of offenders which results in private gain to an individual; however, this provision does not apply to work performed on private property due to a natural disaster provided the work is approved by the State Board of Pardons and Paroles. The bill also limits the liability of the community service agency for which the offender performs the community service for.

SENATE BILL 429

EARNED TIME ALLOWANCES

The bill provides that anyone who serves a sentence in a county institution on or after July 1, 2000 will only receive earned time allowances based upon his/her institutional behavior. Any person sentenced for a misdemeanor of a high and aggravated nature may earn no more than four days per month earned time allowance. The earned time allowances for county inmates confined for a felony probation violation shall not exceed one-half of the period of confinement imposed.

SENATE BILL 446

CORRECTIONAL OFFICERS

The bill expands the crimes of aggravated assault and aggravated battery against a correctional officer so as to include county jail officers who are certified or registered by the Georgia Peace Officer Standards and Training Council.

SENATE BILL 474

DEPARTMENT OF CORRECTIONS

The bill limits the Department of Corrections' jurisdiction over misdemeanor offenders. The bill requires misdemeanor offenders

who are confined under the jurisdiction of the Board of Corrections to be confined in a state probation detention or diversion center. The Department of Corrections shall lack jurisdiction to supervise misdemeanor offenders, except when the sentence is made concurrent to a probated felony sentence. The bill also removes the provision of the law which gives the Board of Corrections exclusive jurisdiction over first-time misdemeanor offenders who were between the ages of 16-18 at the time of committing the offense.

This Code section will have no effect upon any offender convicted of a misdemeanor offense prior January 1, 2001, and sentenced to confinement under the jurisdiction of the Board of Corrections or to the supervision of the Department of Corrections.

The bill also provides for the creation of a state-wide probation system for felony offenders to be administered by the Department of Corrections. The bill also provides that the Department of Corrections is only authorized to establish and operate pretrial release and diversion programs as rehabilitative measures for persons charged with felonies.

HOUSE BILL 1284

EXECUTION BY LETHAL INJECTION

This legislation provides that, with respect to crimes committed on or after May 1, 2000, a person sentenced to death will be executed by lethal injection. If the Supreme Court of the United States or the Supreme Court of Georgia declares execution by electrocution unconstitutional, persons sentenced to death for crimes committed prior to May 1, 2000 will be executed by lethal injection. The administration of lethal injection due to a death sentence will not constitute the practice of medicine or any other health care profession which is subject by law to regulation, licensure or certification. Physicians may not be compelled or required to participate in the execution of a death sentence.

HOUSE BILL 1421

VICTIM NOTIFICATION

The bill provides that at least 15 days prior to the projected release date of an inmate by the Department of Corrections (DOC), the DOC must notify each district attorney and all local law enforcement agencies by making the necessary information available on a publicly accessible Web site. The DOC must also notify the presiding judge and the offender's victims by mail or electronic transmission. Notice to the victim shall only be required if he/she has provided the department with his/her current address. The DOC, its officers, or employees shall not be liable or sanctioned if it makes a reasonable attempt to notify victims.

CRIMES

SENATE BILL 297

ANIMAL PROTECTION ACT OF 2000

This legislation creates the offenses of cruelty to animals and aggravated cruelty to animals. Fish and pests that might be exterminated are excluded from the definition of "animal." Before sentencing a defendant for any conviction of these offenses, the sentencing judge may require psychological evaluation of the offender and must consider the entire criminal record of the offender.

The *offense of cruelty to animals* occurs when a person causes unjustifiable pain or suffering to any animal by an act, omission or willful neglect. This offense is punishable as a misdemeanor (up to 12 months imprisonment or a fine up to \$1,000, or both), and second and subsequent violations may be punished as a misdemeanor with a fine not to exceed \$5,000. A second or subsequent offense which results in the death of an animal will be a misdemeanor of a high and aggravated nature, and will be punished by imprisonment of not less than three but no more than twelve months, a fine not to exceed \$10,000.00, or both.

The *offense of aggravated cruelty to animals* occurs when a person knowingly and maliciously causes death or physical harm to an animal by rendering a part of the animal's body useless or by seriously disfiguring the animal. This offense is punishable by imprisonment for not less than one nor more than five years, a fine not to exceed \$15,000, or both; second and subsequent convictions are punishable by not less than one nor more than five years, a fine not to exceed \$100,000, or both. These Code sections shall not be construed to prohibit conduct which is otherwise permitted under the laws of this state or of the United States, including, but not limited to, agricultural, animal husbandry, butchering, food processing, marketing, scientific, research, medical, zoological, exhibition, competitive, hunting, trapping, fishing, wildlife management, or pest control practices or the authorized practice of veterinary medicine nor to limit the authority or duty of the Department of Agriculture, the Department of Natural Resources, any county board of health, any law enforcement officer, dog, animal, or rabies control officer, humane society, or veterinarian.

The obstruction, interference or hindering of Department of Agriculture agents or employees, animal control officers, or dog control officers in the lawful discharge of his or her official duties is punishable by a felony and shall be punished by imprisonment for not less than one nor more than five years.

SENATE BILL 307

SHOPLIFTING-FELONY

This bill provides that a person will be convicted of the felony offense of theft by shoplifting when the property which was taken was from three separate stores within one county during a period of seven days or less and when the property of each theft exceeds \$100.00 in value. A person convicted of this offense will be punished by imprisonment for not less than one nor more than ten years.

The bill further provides that a person who, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales receipt or a Universal Product Code label which results in a theft of property which exceeds \$300.00 in value, commits a felony and will be punished by imprisonment for not less than one year and not more than three years or by a fine or both.

A person who, with intent to cheat or defraud a retailer, possesses 15 or more fraudulent retail sales receipts or Universal Product Code labels or possesses a device for the purpose of manufacturing fraudulent retail sales receipts or Universal Product Code labels will be guilty of a felony and will be punished by imprisonment for not less than one year and not more than ten years.

SENATE BILL 390

HATE CRIMES

This legislation provides for enhanced sentences in cases if a judge or jury determines beyond a reasonable doubt that a defendant intentionally selected his or her victim as the object of an offense based on bias or prejudice. If the offense is a misdemeanor or a misdemeanor of a high and aggravated nature, the judge must increase the sentence and the fine normally imposed by 50 percent, up to the maximum authorized by law. In the case of a felony, the judge must increase the sentence normally imposed by up to five years, up to the amount authorized by law. A person who is convicted of a felony and whose sentence is enhanced under this Act is not eligible for parole or early release until the person has served at least 90 percent of the sentence.

After filing an indictment, but no later than the arraignment, the state must notify a defendant, in writing, of its intention to seek the enhanced penalty, and must allege the specific factor or factors authorizing an enhanced sentence. If an enhanced penalty is sought, the judge or jury must initially determine the defendant's guilt. If the defendant is found guilty, the trial must be recommenced to receive evidence to determine if the defendant intentionally selected the victim based on bias or prejudice.

SENATE BILL 407

"THE GEORGIA PROTECTION OF ELDER PERSONS ACT"

The bill provides that a guardian or other person having immediate charge or custody of a person who is 65 or older commits the offense of cruelty when the guardian willfully deprives the older person of necessary sustenance to the extent of jeopardizing health or well being. This provision does not apply to: (1) physicians or his/her staff, (2) a hospital, (3) skilled nursing facility, or (4) any agent or employee acting in accordance with a living will, durable power of attorney for health care, or the instructions of the patient or patient's lawful surrogate decision maker. Any person convicted of cruelty to a person who is 65 or older shall be punished by imprisonment for not less than one nor more than 20 years. The bill also enhances the penalty for theft of property taken by a fiduciary or a government or financial institution employee in breach of duties to include a possible maximum fine of \$100,000 or the maximum fine which may be imposed for such a felony, whichever is greater. The offender may either be fined, imprisoned for up to 20 years or both.

The applicable period within which a prosecution must be commenced under Code Section 17-3-1 or other applicable statute shall not begin to run until the violation is reported to or discovered. If the crime has a statute of limitations longer than 15 years, it will not be prosecuted.

The bill also adds chiropractors, pharmacists, physical therapists, occupational therapists, licensed professional counselors, coroners, medical examiners, and public/private agency professional service employees to the list of individuals who are required to report suspected abuse, neglect, or exploitation against disabled adults or elder persons.

The Department of Human Resources, the Georgia Peace Officers Standards and Training Council, the Prosecuting Attorneys' Council of the State of Georgia, and the Institute of Continuing Judicial Education shall develop programs for the education and training of social services, criminal justice, and judicial professionals concerning the abuse and exploitation of elderly persons and disabled adults.

SENATE BILL 466

PENALTIES FOR ILLEGAL POSSESSION OF A FIREARM

Current law prohibits a person from selling or furnishing a pistol or revolver to a minor; however, a parent or legal guardian may permit such possession by a minor for certain purposes, such as hunting, as long as the minor has not been convicted of or adjudicated delinquent for committing a forcible crime, and as long as the parent or guardian is unaware of any risk that the child will commit a felonious act. The punishment for a violation of current law is a fine not to exceed \$5,000.00, imprisonment for two to five years, or both. This legislation changes the punishment to a fine not to exceed \$5,000.00, imprisonment for three to five years, or both.

Current law additionally prohibits a person under 18 years of age from possessing a pistol or revolver. A first violation of this law is a misdemeanor and is punishable by a fine not to exceed \$1,000.00, imprisonment of up to 12 months, or both. A second or subsequent violation of this law is a felony and is punishable by a fine not to exceed \$5,000.00, by imprisonment for at least one but no more than three years, or both. This legislation changes the felony penalty so that a second or subsequent violation of the law is punishable by a \$5,000.00 fine, imprisonment of three years, or both.

Additionally, the legislation changes the punishment for the offense of knowingly possessing a sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer from imprisonment of one to five years to imprisonment of five years. The legislation strengthens the penalty for the offense of carrying a concealed weapon. Current law provides that a first conviction of this offense carries a misdemeanor penalty. A second or subsequent offense carries a sentence of imprisonment of not less than one year and not more than five years. This legislation amends the felony provision by requiring imprisonment of at least two but not more than five years.

Current law prohibits a person from carrying or possessing a weapon in a school safety zone, at a school function, on school property or on school transportation, and provides that a person convicted of this offense may be punished by a fine of no more than \$10,000.00, imprisonment for at least two but no more than ten years, or both. This legislation amends current law by providing that a violation of this law which involves a firearm, dangerous weapon or machine gun is punishable by a fine of no more than \$10,000.00, imprisonment of at least five but no more than ten years, or both. Current law also provides that a

convicted felon who receives, possesses, or transports a firearm commits a felony and must be imprisoned for at least one but not more than five years. This legislation states that if the original felony is a forcible felony, then upon conviction of receiving, possessing or transporting a firearm, a person must be imprisoned for five years. The legislation further adds that a person who is prohibited from possessing a firearm due to a conviction of a felony or due to being on probation as a first offender for a forcible felony, and who attempts to purchase a firearm will be guilty of a felony and must be imprisoned for at least one but not more than five years. The term "forcible felony" means any felony which involves the use or threat of physical force and violence against any person, such as murder, kidnapping and robbery.

SENATE BILL 486

FAMILY VIOLENCE

This legislation prohibits a court from issuing or approving mutual protective orders concerning the following issues unless the respondent has filed a verified petition as a counter petition no later than three days prior to the hearing:

- Directing a party to refrain from acts of family violence;
- Granting one spouse possession of the residence or household of the parties and excluding the other spouse from the residence of household;
- Ordering the eviction of a party from the residence or household and ordering assistance to the victim in returning to it, or ordering assistance in retrieving personal property of the victim if the respondent's eviction is not ordered;
- Ordering a party to refrain from harassing or interfering with the other; and
- Ordering either or all parties to receive appropriate psychiatric or psychological services as a further measure to prevent the recurrence of family violence.

This legislation also allows an employer whose employee has suffered unlawful violence, or a credible threat of violence, which can be reasonably construed to have been carried out at the workplace, to seek a temporary restraining order and an injunction on behalf of the employer. The restraining order and injunction serve the purposes of prohibiting further unlawful violence or threats of violence by the enjoined individual at the employer's workplace or while the employee is acting within the scope of employment with the employer.

HOUSE BILL 265

BATTERY AGAINST SPORTS OFFICIALS

This bill provides that a person who commits a simple battery or battery against a sports official during an amateur sporting event while such sports official is on or exiting the property where he or she officiated will be punished for a misdemeanor of a high and

aggravated nature. This bill becomes effective on July 1, 2000 and applies to offenses committed on or after July 1, 2000.

ECONOMIC DEVELOPMENT

SENATE BILL 398

ONEGEORGIA AUTHORITY

This bill creates the OneGeorgia Authority, which consists of the Governor, Lieutenant Governor, the director of the Office of Planning and Budget, the commissioner of the Department of Community Affairs, the commissioner of the Department of Industry, Trade and Tourism, and the commissioner of the Department of Revenue. The purpose of the authority is to promote the health, welfare and economic security of the citizens of rural Georgia through the development and retention of employment opportunities in rural areas. The authority may make loans and grants, provide financial assistance and otherwise exercise its other powers in furtherance of its corporate purposes. The authority has the power to sue and defend, appoint officers, borrow money, convey property, extend credit, sell loans, procure, make and execute contracts and other agreements, acquire property in its own name, invest funds, do any and all things necessary to achieve the goals of this chapter, impose restrictive covenants running with the land, and allocate and issue any federal or state tax credits for which the authority is the designated receiving agency. The authority will exist until terminated by law.

HOUSE BILL 1509

BUSINESS EXPANSION AND SUPPORT ACT

This bill establishes a four-tier county classification system for the Business Expansion and Support Act (BEST). The tiers are organized so that the 71 least developed counties are designated tier 1, the next 35 least developed counties are designated tier 2, the next 35 counties are in tier 3, and the 18 most developed counties are in tier 4. The categorization is based on three factors: unemployment rate, per capita income and poverty level of the county. The tax credit for job creation is \$3,500.00 per job in a tier 1 county, \$2,500.00 in a tier 2 county, \$1,230.00 in a tier 3 county and \$740.00 in a tier 4 county. To qualify for a tax credit, a company must create 5 new jobs in a tier 1 county, 10 in a tier 2 county, 15 in a tier 3 county and 25 in a tier 4 county. Businesses in tiers 1 and 2 may take the credit against up to 100 percent of their income tax liability. Businesses in tiers 3 and 4 may take the credit against up to 50 percent of their income tax liability; any excess may be carried forward for 10 years. The legislation allows businesses in less-developed areas comprised of 10 or more contiguous census tracts to have the same tax credit as they would have if they located in a tier 1 county. It also extends the 3 percent investment tax credit and the optional investment tax credit for tier 3 counties to tier 4 counties.

HOUSE BILL 1510

SALES TAX EXEMPTIONS FOR CERTAIN TYPES OF MACHINERY

This bill amends the sales tax exemption on machinery components to include parts bought for repair, replacement, or upgrade

of existing machines used in manufacturing. The portion of the purchase price that is less than \$150,000.00 will be exempt from sales tax. The exemption will be phased in over a period of 5 years at 20 percent per year. Certain computer equipment, sold by high-tech computer companies, is also exempt from sales tax. To qualify for the exemption, the high-tech company must sell or lease at least \$15 million of computer equipment in a calendar year. The seller must collect sales tax imposed on a sale of computer equipment unless the purchaser presents the seller with a certificate issued by the commissioner certifying that the purchaser is exempt from paying the sales tax. The bill also establishes an exemption for clean room manufacturing sites. Clean rooms are advanced technology facilities with special filtration systems that eliminate airborne contaminants. For these facilities, materials, machinery and equipment used in both the construction and the operation of the clean room are exempt from sales tax.

EDUCATION

HOUSE BILL 1187

A PLUS EDUCATION REFORM ACT OF 2000

This legislation amends the objectives, purposes, and primary goals of the Quality Basic Education (QBE) Act. It covers four major areas of education reform: accountability, funding, school climate, and seamlessness between the K-12 and postsecondary levels.

Accountability

The Office of Education Accountability (OEA) and the Education Coordinating Council (ECC) are established and the powers and duties of both are set forth, including allowing them to establish satisfactory performance levels for students and schools.

Advisory bodies called "school councils" will be formed at every school to consult with local boards on the management and operation of local schools. The deadline for formation of the councils is October 1, 2003. The councils will consist of seven members including the school principal who will serve as chair, two teachers, two parents elected from the groups they represent, and two business leaders-one selected by the local board and the other by the remaining council members. The councils can advise the local boards on any subject matter.

The state-wide student assessment program is modified to include criterion-referenced competency tests by subject area. Subject tests and the grades to which they apply are to be determined by the Department of Education. End-of-course assessments in grades nine through twelve for all core subjects are mandated, and the Georgia High School Graduation Test (GHS GT) is phased out. Provision for a state-wide student information system (to be operational by July 1, 2003) is made and

academic intervention programs for students who are below grade level are put into place.

"Tenure" for all new teachers hired after July 1, 2000 is abolished and a grading system for schools, (A, B, C, D, and F) is established. An evaluation process for school personnel to obtain or renew their certificates is outlined, including computer skill competency tests for teachers and an evaluation process for principals by teachers within the school. An individual who receives two consecutive unsatisfactory performance evaluations in any five year period cannot receive a renewable certificate until deficiencies are corrected. Salary step increases are frozen if the individual receives an unsatisfactory evaluation. Teachers who obtain their national certification will be given a 10 percent salary increase. They will also be given a lifetime teaching certificate, thus allowing them to forego the certificate renewal process.

Schools will be graded on student achievement and progress, indicated by student and school achievement, dropout rates, student attendance, school completion, percentage of graduating students who obtain required scores on the GHSGT, percentage of students passing the end-of-course assessments, average time a student remains in an early intervention program, percentage of students taking alternative assessments, SAT scores, and other indicators adopted by the OEA. The bill allows the state board to authorize state charter schools and brings them under the same accountability and student assessment provisions as public schools. Local boards can be required to hold public referendums to decide whether to spend local monies on the new schools.

Schools rated as D or F must undergo a series of increasingly severe interventions under the direction of the State Department of Education (DOE). DOE may issue a public notice of the deficiency to the local board, order the local board to conduct public hearings at the school, order the preparation of a student achievement improvement plan, and prepare a DOE improvement plan. If a school receives a D or F grade for two years or more, DOE may appoint a school master or management team to oversee and direct the school. If a school receives a D or F for three or more years, DOE must implement one or more of the following: removal of school personnel; implementation of a charter school; complete reconstitution of the school; allow parents to transfer their children to another public school; and mandate a monitor, master, or management team in the school that shall be paid by the district.

Funding

The term "local fair share" is changed to "local five mill share" and the threshold for equalization grants is lowered from the 90th to the 75th percentile (a five year phase-in begins in 2002). Funds for 20 additional days of instruction for the lowest 10 percent of program FTE counts are included and local systems are allowed to spend the money as they see fit in order to pay for after-school programs, summer school, Saturday classes, etc. Systems are also allowed to earn funds to pay for nurses.

Failing systems which have not implemented prescribed interventions will be denied funding (except funds to cover nurses, accountants, and secretaries). The Office of Planning and Budget (OPB) must collect information from local school systems to verify the proper expenditure of funds and employment of positions funded in the QBE formula and categorical grants. School

system audits will be performed by the Department of Audits and Accounts.

Maximum allowed class sizes are lowered, but a four year phase-in period is included. Class size limits will be developed by the State Board and cannot be exceeded by more than 20 percent of the funding category. The four year phase-in period will allow schools to continue using paraprofessionals, who will now qualify for a one year PROMISE II scholarship. The funding ratios are as follows: Kindergarten 1:15, Kindergarten early intervention 1:11, primary grades 1:17, primary early intervention 1:11, upper elementary 1:23, middle grades 1:23, high school general education 1:23, vocational labs 1:20, special education category I 1:8, category II 1:6.5, category III 1:5, category IV 1:3, category V 1:8, gifted 1:12, remedial 1:15, alternative education 1:15, ESOL 1:7. Provision is made for at least 20 additional instructional days for the lowest scoring portion of the student population to receive remediation.

Signing bonuses for teachers in "shortage" areas (i.e., math and science) are provided. The incentive will be equivalent to one additional step on the salary scale.

Construction priority is given to elementary schools.

School Climate

Exclusive original jurisdiction is awarded to juvenile courts for cases involving children alleged to be delinquent, unruly, deprived, mentally ill or retarded, etc. Parental attendance at student-behavior conferences can be compelled by the courts upon the request of local boards. The parents must first, however, be found to have "willfully and unreasonably failed to attend" such a conference prior to the courts becoming involved. If a parent disobeys a court's order, further action against the parent can be taken by that particular court.

Provisions are also made for alternative education programs. Early intervention programs will replace Special Instructional Assistance (SIA) in grades K-3 and remedial education will be for grades 4 and 5 and grades 9-12 (the middle school program serves students in grades 6-8). The new classes are designed to rotate the students in and then out again as quickly as possible, not leave them on a permanent basis. (Early intervention classes will have an FTE ratio of 1:11.)

Seamlessness

Along with its role in accountability, the Education Coordinating Council (ECC) is set up to ensure "seamless" coordination between each segment of the state's educational system, from Pre-K to the postsecondary level. The ECC will be chaired by the Governor. Quarterly meetings will be held between the heads of the various components of the educational system, including the State Superintendent of Schools and the State Board chair, the Commissioner of the Department of Technical and Adult Education and its board chair, the Executive Director of the Professional Standards Commission and its board chair, and the Executive Director of the Office of School Readiness.

Requirements and duties of Regional Educational Service Agencies (RESAs) are outlined. Required core services are: provision of shared services designed to improve the effectiveness of educational programs and services to local systems, provision of instructional programs directly to selected public school students in the state, and provision of "Georgia Learning Resources System" services. All school systems are now required to become members. University System and Department of Technical and Adult Education facilities located within the geographical area of a RESA must also become active members of that RESA. The president or highest administrator of each member postsecondary institution is required to serve as a member of the RESA's board of control. Technical schools are given a process to request a name change to "technical college." Public libraries are moved from the Department of Technical and Adult Education (DTAE) to the Board of Regents.

Miscellaneous

Compulsory attendance for students is lowered to age six from age seven, but still ends at age sixteen. The effective date for this legislation is July 1, 2000.

SENATE BILL 290

MENTORING ACT OF 2000

This bill creates the Georgia Mentoring Program, the stated purpose of which is to strengthen individual student academic preparation and achievement. The program is to be administered by the Governor's office.

The Governor's office will award grants to local systems, subject to appropriation by the General Assembly, which will be used to recruit, screen, train, and place academic mentors. Funding will be based on local need and shall consider such indicators as size of the school age population, school dropout rates, and student achievement. The bill guarantees that no displacement of any certified or classified school employee will occur due to the program.

The Governor's office must submit a report to the General Assembly no later than one year following initial funding, and annually thereafter, describing the program's progress and accomplishments. The effective date is July 1, 2000.

SENATE BILL 336

TEACHER CERTIFICATION

This legislation no longer requires applicants for a renewable teaching certificate at the four-year level to complete a human growth and development course. Applicants must still have: (1) a bachelor's degree from an accredited college in a subject area corresponding to an appropriate subject area certification classification; (2) satisfactorily completed a one-year supervised classroom internship; and (3) obtained satisfactory results on tests and assessments. Applicants must satisfy any additional requirements or standards of the alternative certification program that the Professional Standards Commission establishes.

This legislation also directs the Professional Standards Commission to grant a renewable teaching certificate at the five-year level to an applicant who has earned at least a master's degree or higher from an accredited college in a subject area field corresponding to an appropriate subject area certification classification; has satisfactorily completed a one-year supervised classroom internship; and has obtained satisfactory results on tests and assessments. Applicants must satisfy any additional requirements or standards of the alternative certification program that the Professional Standards Commission establishes.

HOUSE BILL 171

RAPE PREVENTION

This legislation requires the State Board of Education to develop a rape prevention and personal safety education program. The program must meet the Quality Core Curriculum standards for grades 8 through 12 by the start of the 2000-2001 school year. Local boards can choose to implement the program. The State Board will also make the program available to the Board of Regents of the University System of Georgia.

HOUSE BILL 1308

EQUITY IN SPORTS ACT

This bill requires local school systems to provide "equal athletic opportunity" for members of both genders. If a local system willfully fails to comply, the State Board of Education may prohibit teams within the system from participating in interscholastic postseason athletic contests. Any violation of the prohibition could result in the withholding of state funds disbursed through the Department of Community Affairs for construction or operation of athletic facilities during the fiscal year following certification by the State Board of Education that the county or independent board is not in compliance with the requirements of this Code section.

The State Department of Education must submit reports to the General Assembly regarding the compliance of local school systems with this Code section beginning October 1, 2003 and every year thereafter. All athletic associations operating in the state must submit similar reports beginning on the same date. The Act will become effective on July 1, 2000.

HOUSE BILL 1619

PROMISE TEACHER'S SCHOLARSHIPS

This legislation lowers the minimum grade point average, from a 3.6 to a 3.2, that a college junior or senior must maintain in order to qualify for a PROMISE teacher's scholarship.

ETHICS AND ELECTIONS

SENATE RESOLUTION 411

REMOVAL FROM OFFICE

Upon ratification, this Constitutional amendment will allow for the election of a replacement for a member of the General Assembly who has been suspended from office because of a felony conviction. This legislation limits the period for an official's reinstatement to office following an overturned conviction to the time remaining in the term.

HOUSE BILL 1113

ELECTRONIC ELECTION RETURN REPORTING

This bill provides for county election superintendents to electronically transfer precinct by precinct election results to the Secretary of State. It authorizes electronic transfer for federal and state election returns beginning with the 2000 election cycle, and adds all county election results beginning with the 2002 election cycle. The Secretary of State will promulgate the rules and format for the electronic reporting.

HOUSE BILL 1630

CAMPAIGN FINANCIAL DISCLOSURE

This bill makes revisions to disclosure and regulation related to campaign finance. The bill provides a definition for an "independent committee" to include groups that accept, solicit, and/or expend donations for use in influencing an election outcome. It requires that disclosure reports for candidates to the General Assembly be filed with the Secretary of State and copied to county election superintendents. Independent committees are also required to file disclosure reports with the Secretary of State. In the time frame between the last mandatory filing and any state-wide primary or election, contributions of \$1000.00 or more must be reported to the entity holding the original filing within 48 hours of receipt, in addition to being reported on the next scheduled disclosure report.

Persons and independent committees contributing and making expenditures on behalf of candidates must register and file disclosures in the same manner as campaign committees, except: (1) if the individual's direct aggregate contributions to campaigns are less than \$25,000.00 a year; or (2) if the person (defined as an individual, partnership, committee, association, corporation, labor organization, or any other group) expends less than \$5,000.00. In addition to outlining the information required in disclosure reports made by independent committees, House Bill 1630 requires that all communications funded by these committees must clearly state sponsorship. The bill sets forth electronic filing requirements as follows:

Feb 1, 2001 Constitutional officer, Supreme Court, Court of Appeals and Public Service Commission candidates raising or spending more than \$20,000.00 file with the Secretary of State; Jan 1, 2003 General Assembly, superior court and district attorney candidates raising or spending more than \$10,000.00 file with the Secretary of State; Jan 1, 2003 County and municipal office candidates raising or spending more than \$10,000.00 file with the entity specified for their municipality; and Jan 1, 2003 Political Action Committees, independent committees and other persons not exempted raising or spending more than \$5,000.00 file with the Secretary of State.

The Ethics Commission has the responsibility for making the rules for electronic filing.

Revised campaign contribution limits in state-wide campaigns are: \$5,000 for a primary; \$3,000 for a primary run-off; \$5,000 for a general election; and \$3,000 for a general election run-off. Limits for the General Assembly candidates and all other offices are: \$2,000 for a primary, \$1,000 for a primary run-off; \$2,000 for a general election; and \$1,000 for a general election run-off. Political parties are not subject to limits on contributions or expenditures if those funds are used to promote a party ticket or group of candidates. The State Ethics Commission is charged with reviewing campaign donation limits at the end of each election cycle and making recommendations for incremental increases or decreases of \$100 based on economic data. The Commission is further charged with regulatory oversight.

In the event a special election is called for an office that will also have a general election in the same year, contributions may be made for the maximum allowable amount for both races. The intent is to equalize the level of contributions that would have occurred over a normal fund-raising election cycle span. The effective date is January 1, 2001.

HEALTH AND HUMAN SERVICES

SENATE BILL 30

SWIMMING POOLS

The purpose of this bill, known as "Michelle's Law," is to protect the public health and safety through proper design, operation, and maintenance of public swimming pools. This bill establishes that the Department of Human Resources adopt and promulgate rules and regulations concerning the construction and operation of public swimming pools and that each county board of health is authorized to enforce compliance regulations of said rules and regulations at the time of completion of the construction of a public swimming pool before the pool is placed in operation.

The term public swimming pool includes municipal, school, hotel, or motel pools and any pool to which access is granted in exchange for payment of a daily fee. This bill does not apply to a private pool or hot tub serving a single family dwelling, or apartment complex pools, country club pools, subdivision pools, therapeutic pools, or religious ritual baths.

The design and construction requirements relating to the abatement of suction hazards must have in place the proper protective covering to prevent injury or death.

SENATE BILL 479**STATE OMBUDSMAN FOR MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE**

This legislation creates the state ombudsman for mental health, mental retardation, and substance abuse assigned under the supervision and direction of the consumers' insurance advocate in the Governors' Office of Consumer Affairs. The state ombudsman, who must be qualified in the field of disability services and have experience advocating for the rights of people, will promote the well-being and quality of life of service recipients and encourage the development of community ombudsman activities at the local level.

The state ombudsman's powers and duties include the following:

- To establish policies and procedures for receiving, investigating, referring, and attempting to resolve complaints made by or on behalf of a service recipient concerning any action of a service provider that may adversely affect the health, safety, or welfare of any patient or the delivery of disability services to the patient;
- To investigate and make reports and recommendations to DHR and other appropriate agencies concerning any act or failure to act by any service provider in connection with patients receiving, or eligible to receive, disability services;
- To establish a uniform state-wide reporting system to record data about complaints and conditions regarding service providers;
- To promote the development of community ombudsman activities;
- To submit an annual report that documents the types of complaints and problems reported by service recipients and others, and that includes recommendations concerning needed policy, regulatory, and legislative changes. The annual report will be submitted to the Governor and General Assembly and other appropriate agencies and organizations and be made available to the public;
- Represent the interests of service recipients before governmental agencies and seek administrative and other remedies to protect the health, safety, welfare, and rights of the service recipients;
- Analyze, comment on, and monitor the development and implementation of federal, state, and local laws, regulations, and other governmental policies and actions that pertain to the health, safety, welfare, and rights of the service recipients with respect to the adequacy of disability services in the state;
- Recommend any changes in such laws, regulations, policies, and actions as the state ombudsman determines to be appropriate; and
- Facilitate public comment on the laws, regulations, policies, and actions.

The state ombudsman is also empowered to contract with one or more corporations, which have experience in complaint resolution for service recipients, to operate a community ombudsman program in one or more regional board districts in this state. The community ombudsmen are responsible for studying the general conditions affecting service recipients and working for the best interest of these patients. Their duties include receiving, investigating, and attempting to resolve complaints made by, or on behalf of, service recipients; collecting data about the number and types of complaints handled; and reporting to the

state ombudsman about the data collected and the activities of the community ombudsman.

Following an investigation, the state ombudsman or community ombudsman must report his or her opinions or recommendations to the party or parties affected and must attempt to resolve the complaint using informal techniques of mediation, conciliation, and persuasion. Complaints or conditions which cannot be resolved will, whenever possible, be referred to the appropriate regional board and any other appropriate agency.

Any person who has reasonable cause to believe that a patient is being mistreated may report such information to the state or community ombudsman. The identity of any complainant shall remain confidential and may be disclosed only with the expressed permission of such person. If the complaint becomes the subject of a judicial proceeding, any investigative information may be disclosed for the purpose of the proceeding. No person shall discriminate or retaliate in any manner against any patient or complainant because of the making of a complaint to the ombudsman. Further, no person shall willfully interfere with the state or community ombudsman in the performance of his or her official duties. No person providing information to the state or community ombudsman shall be held, by reason of having provided such information, to have violated any criminal law or to be civilly liable under any law unless such information is false and the person knew or had reason to believe that it was false. Any person who makes a complaint or provides information, and any state or community ombudsman who performs his or her official duties relevant to a complaint, shall incur no civil or criminal liability.

SENATE RESOLUTION 556

INDIGENT CARE

This resolution creates the Joint Hospital Indigent Care Funding Study Committee for Georgia's 157 community acute care hospitals incurring indigent, charity, and bad debt costs that exceeded \$750 million in 1998. The resolution proposes that the state should explore sustained funding of indigent care through a variety of revenue sources such as county funding, sales or other special taxes, and other revenue sources.

The study committee is to be comprised of 18 members; the chairpersons of the House and Senate Appropriations Committee, four members from the House of Representatives appointed by the Speaker, four members from Senate appointed by the President of the Senate, two members appointed by the Association County Commissioners of Georgia, two members appointed by the Georgia Municipal Association, and four members appointed by the Georgia Hospital Association.

HOUSE BILL 1406

FAMILY AND CHILDREN SERVICES

This bill provides that, in addition to the Governor, the director of the Division of Family and Children Services, (DFCS), may terminate the employment of any county director or district director subject to any right of appeal such director may have under the State Merit System of Personnel Administration. Additionally, the bill also amends provisions relating to the appointment of county director by providing that the Commissioner must obtain from the Merit System a register of qualified applicants for the position of county director. Each county board of family and children services shall recommend from that register to the

commissioner of human resources one or more names for appointment to the position; however, the commissioner may accept or reject any such recommendation.

The bill also provides that each county director must provide an annual report by December 31 of each year, beginning in the year 2000, to the county board, county commission, the director of the Division of Family and Children Services, and each member of the General Assembly whose legislative district includes any part of that county. The report must include the following information for the 12 month period ending June 30 of that year:

- the number of children for whom the county department has received a complaint of child abuse, as well as general demographic data such as gender, race, and age;
- the number of children taken into custody;
- the number of placements in county department custody by the type of placement; and
- the length of time in county department custody, and any other information required by the Division.

The bill also changes the provisions regarding salaries of county department staff by providing that these salaries will be fixed by the county director instead of the county board in conformity with the salary schedule prescribed by the Department of Human Resources.

HOUSE RESOLUTION 450

LONG-TERM CARE

This resolution creates a Joint Long-term Care Industry Study Committee comprised of 15 members. The committee is charged with identifying the barriers to providing adequate staff to provide quality care for long-term care consumers including issues concerning training and qualifications, salaries, benefits, child care, transportation, recruitment, status, supervision, reimbursement allocations, government budgets, labor market forces, and other long-term care services.

INSURANCE

SENATE BILL 69

MOTOR VEHICLE INSURANCE COVERAGE REPORTING

This legislation improves the enforcement of the minimum motor vehicle liability insurance requirements by providing the Department of Public Safety with updated minimum motor vehicle liability insurance coverage information from insurers through electronic transmission. This information, stored on a database administered by the Department of Public Safety, will be accessible by electronic means to law enforcement officers throughout the state.

Any insurer issuing or renewing coverage must provide notice of coverage by electronic transmission to the Department of Public Safety within 30 days. The insurer, however, is not required to report any subsequent renewals once the initial coverage information has been sent. The coverage information is limited exclusively to the vehicle identification number (VIN) and the policy effective date. Other policy information, including the name of the insurer and policy limits are not required. When coverage terminates, the insurer must notify the Department by electronic transmission on or before the date coverage ends.

The Commissioner of Public Safety must notify the Commissioner of Insurance on a quarterly basis of any and all violations of the notice requirements by any insurer and the Commissioner of Insurance may take appropriate action against such insurer.

There is no private cause of action against an insurer for civil damages for providing information, failing to provide information, or erroneously providing information. The Commissioner of Public Safety will designate members of the department to be the official custodians of the records of the department. No disclosure or release of operating records or personal information will be made without the signed written approval of a designated custodian. Such approval will not be required for any release or disclosure through the GeorgiaNet Authority pursuant to the signed written consent of the driver, or such approval will not be required for any release or disclosure of information made electronically through the department's designated provider of electronic records in accordance with a contract with the GeorgiaNet Authority.

Insurance companies may also obtain information from the Department of Public Safety. Pursuant to a written request or a request in connection with claims investigation activities, antifraud activities, rating, or underwriting involving the driver, personal information furnished will be limited to name, address, driver identification number, and medical or disability information. For the purpose of ascertaining necessary rating information, limited rating information will include only the number of violations relating to driving under the influence of alcohol, drugs, or other intoxicating substances, and the number and type of other moving traffic violations which were committed by the proposed insured driver or drivers within the immediately preceding three or five years, as specified by the person making the request. No other information concerning a driver's operating record shall be released to such agents for purposes of rating.

The department and the GeorgiaNet Authority may charge reasonable fees to defray costs incurred in affording access to or disseminating information from records or databases. The fee for a driver's record can not exceed \$10.00; and the fee for information provided for insurance rating purposes can not exceed 20 percent of the driving record fee.

Up to and including August 31, 2001, a valid insurance card will be sufficient proof of insurance for any vehicle. Then a valid insurance card will be sufficient proof of insurance only for commercial vehicles. For all other vehicles, insurance coverage information from records of the department shall be prima-facie evidence of minimum insurance coverage. An owner or operator of a motor vehicle shall not be issued a citation by a law enforcement officer for a violation if the sole basis for issuance of such a citation is that the law enforcement officer is unable to obtain insurance coverage information from the records of the department.

Motorcycle operators must keep proof or evidence of the minimum insurance coverage in his or her immediate possession or on the motorcycle at all times when such person is operating the motorcycle but only under the same circumstances and of the same type as prescribed for operators of other motor vehicles.

SENATE BILL 334

RURAL HEALTH CARE

This legislation now requires Health Maintenance Organizations (HMOs) to comply with provisions of O.C.G.A. § 33-20B-3 of the Essential Rural Health Care Provider Access Act within their service area even if such area was approved by the Commissioner of Human Resources or otherwise is deemed by the Commissioner of Insurance to have complied with the standards established by the Commissioner of Human Resources. O.C.G.A. § 33-20B-3 requires that:

(a) Any essential rural health care provider shall have the opportunity to become a participating provider of health care services in a health benefit plan if such provider meets all of the following conditions:

(1) Participate in the medicare and Medicaid programs; (2) Adopt and comply with a policy for the provision of health care services to indigent and charity patients; (3) Is licensed, where required under law, and qualified to render the services provided by the plan; (4) Agree to payment terms which are either: (A) The same payment terms applicable to other similar participating providers in the plan; or (B) Such payment terms as may be mutually agreed upon by such provider and a health care insurer; and (5) Meets the reasonable and nondiscriminatory qualifications and standards established by the plan. Plan standards must comply with all applicable laws and regulations, but such qualifications and standards may not discriminate against essential rural health care providers on the basis of geographic proximity to other participating providers or corporate status.

(b) All essential rural health care providers within a defined service area who meet the conditions established in subsection (a) of this Code section shall be given the opportunity to apply to become a participating provider in a plan. Provisions within a health benefit plan applicable to providers in such plan shall be applied by the health care insurer in a uniform and consistent manner to similarly situated providers. In the event an essential rural health care provider requests the opportunity to become a participating provider in any health benefit plan, the health care insurer shall conduct reasonable and good faith negotiations with such essential rural health care provider to determine whether it meets the applicable qualifications and standards established by the plan in accordance with all applicable laws, rules, and regulations as promulgated by the Commissioner of Insurance. (c) Health benefit plans shall include sufficient and reasonable numbers of physicians located in rural areas.

This legislation further provides that when reviewing an HMO's request to originate or expand an area of service into a rural area, the Commissioner of Human Resources must consider whether the HMO has demonstrated its willingness to grant reasonable consideration to essential rural health care providers in the negotiating and contracting process.

SENATE BILL 344**MOTOR VEHICLE LIABILITY INSURANCE**

This legislation increases the required minimum coverage amounts for motor vehicle liability insurance. Bodily injury coverage increases from \$15,000.00 to \$25,000.00 for one person and \$30,000.00 to \$50,000.00 for two or more persons in any one accident. Property liability coverage increases from \$10,000.00 to \$25,000.00.

SENATE BILL 432**HMO AND PREFERRED PROVIDER DISCLOSURES**

This legislation allows managed care plans to disclose and publish health care services or other benefits offered as well as limitations on services on an Internet service site made available by that managed care entity. In addition, an enrollee or a prospective enrollee will be entitled to a list of individual participating providers upon request. This list of providers must be updated at least every 30 days and may be published on an Internet service site made available by the managed care entity. Managed care entities must provide to covered persons an updated listing, at least every 60 days, of physicians who are preferred providers. This listing may be made available by mail or by publication on an Internet service site.

A managed care entity, which negotiates with a physician to become a health care provider, must furnish that physician with a schedule showing fees payable for common office based services provided by physicians under the plan.

This legislation also allows a covered person in a preferred provider arrangement to appeal to a physician agent or employee of the health care insurer any decision that denies coverage for health care services recommended by a physician.

SENATE BILL 464**INSURANCE DISCRIMINATION**

This legislation prohibits insurers from discriminating against victims of family violence. Specifically, no insurer may deny or refuse to accept an application; refuse to insure; refuse to renew; refuse to reissue; cancel, restrict, or otherwise terminate; charge a different rate for the same coverage; add a premium differential; or exclude or limit coverage for losses or deny a claim incurred by an insured on the basis that the applicant or insured is or has been a victim of family violence or that the insurer knows or has reason to know that the applicant or insured may be a victim of family violence. This legislation also prohibits an insurer from similarly discriminating against an applicant or policyholder who provides shelter, counseling, or protection to victims of family violence. It is also unfairly discriminatory to terminate group coverage for a victim of family violence because coverage was originally issued in the name of the perpetrator of the family violence and the perpetrator has divorced, separated from, or lost custody of the subject of family violence, or the perpetrator's coverage has terminated voluntarily or involuntarily. Moreover, no insurer shall fail to pay losses arising out of family violence against an innocent first-party claimant if the loss is caused by the intentional act of an insured.

Insurers are prohibited from taking any action that adversely affects an applicant or insured on the basis of a medical condition,

claim, or other underwriting information that the insurer knows or has reason to know is family violence related and which:

- Has the purpose or effect of treating family violence status as a medical condition or underwriting criterion;
- Is based upon a correlation between a medical condition and family violence;
- Is not otherwise permissible by law and does not apply in the same manner and to the same extent to all applicants and insured similarly situated without regard to whether the condition or claim is family violence related; or
- Except for claim actions, is not based on a determination that there is a correlation between the applicant's or insured's circumstances and a material increase in insurance risk.

HOUSE BILL 670

HEALTH INSURANCE IDENTIFICATION CARDS

This legislation requires health insurers to provide insurance identification cards to subscribers. These cards must show the subscriber's name and identification number; the group number; the effective date of coverage; the name of the subscriber's primary care physician; the name of the insurer, health plan, plan type, or product name; the address for filing claims, phone numbers for coverage confirmation and preauthorization; copayment, coinsurance, and deductibles; and the name of the primary hospital, laboratory, and radiology services to be used; or a toll-free or local telephone number for contacting the health plan and obtaining such information. Each card must contain prescription drug coverage information, if applicable. If a separate card is issued for each person included under the subscriber's coverage, then the name and information of the covered person for whom the card is issued may be listed.

Each insurer must provide each subscriber with a new insurance identification card whenever any information required to be on the card is changed no later than 60 days after such change becomes effective. If the insurer issues annual renewal cards, it may issue a temporary sticker containing the new information in lieu of issuing a new card prior to the annual renewal date. The sticker must be designed so that it can be attached to the existing card.

Any insurance identification card which contains the information required by this legislation in preprinted form may, at the option of the insurer, additionally contain at least such information encoded on a magnetic strip or other electronic memory card.

JUVENILE COURTS

HOUSE BILL 182

FUNDING FOR JUVENILE COURTS

House Bill 182 authorizes state grants for juvenile court judge salaries in the amount of \$85,000 for each judicial circuit. Each circuit having more than four superior court judges on or after October 1, 2000 is eligible also for an additional state grant for juvenile court judge salaries.

Superior court judges in each circuit are authorized to establish the total number of circuit-wide juvenile court judges and each juvenile court judge appointed will serve a term of four years. With certain limited exceptions, counties are required to offer to juvenile court judges the employment benefits offered to other county employees.

The provisions requiring the offering of employment benefits to juvenile court judges will be effective January 1, 2001. All other provisions of the enactment become effective October 1, 2000.

LOCAL GOVERNMENT

HOUSE BILL 1439

ANNEXATION

This legislation requires cities annexing property to file a report identifying any property annexed with the Department of Community Affairs and with the county governing authority. Reports must contain comprehensive maps and surveys, and the legal authority under which the annexation is being conducted. The Department of Community Affairs shall also, upon the request of a city, provide technical assistance to any municipality which needs mapping assistance.

The 50 acre limit with respect to the annexation of unincorporated islands by a city is removed from current law.

Under this bill, the current requirement that cities within counties which have populations of 100,000 or more to use the 100 percent method of annexation (which allows a city to annex an area upon the written and signed applications of all of the owners of all of the land in an area) is repealed.

This bill changes the definition of contiguous area with respect to the 100 percent method of annexation by requiring that at least one-eighth of the aggregate external boundary or 50 feet of the area to be annexed, whichever is less, either abuts directly on the municipal boundary or would directly abut on the municipal boundary if it were not otherwise separated from the municipal boundary by certain lands. Contiguous land to be annexed also must include the entire parcel or parcels of real property owned by the person seeking annexation to be annexed, provided, however, that lots shall not be subdivided, and the private property annexed, excluding any right of way of a railroad or other public service corporation, complies with the annexing municipality's minimum size requirements.

Procedures and limitations regarding the annexation across county lines under the 100 percent method of annexation are added which allow the county governing authority to object to such annexation. If the county governing authority disapproves the annexation, the municipal corporation may challenge the disapproval by filing a complaint in the superior court of the adjoining county into which such annexation has been proposed. If the denial is not sustained, the annexation may proceed.

Land annexed by cities must be referenced and transmitted to the Department of Community Affairs rather than the Secretary of

State's office.

NATURAL RESOURCES AND THE ENVIRONMENT

HOUSE BILL 1362

FLINT RIVER DROUGHT PROTECTION ACT

This legislation enacts the "Flint River Drought Protection Act." The Board of Natural Resources shall establish a drought protection program for the Flint River basin which sets specific criteria for eligibility and provides incentives to ensure that certain irrigated lands are temporarily not irrigated during severe droughts. The Georgia Environmental Facilities Authority (GEFA) will administer the fund and will make expenditures in accordance with a yearly prediction from the director of the Environmental Protection Division (EPD) as to whether drought conditions are likely in the Flint River basin. If drought conditions are predicted, the division must conduct an irrigation reduction auction whereby a permittee of an irrigation system located within the affected areas is given an opportunity to enter into an agreement with the division specifying that in exchange for a certain sum of money per acre of irrigated land, the permittee will not irrigate those particular acres for the remainder of that calendar year.

If EPD determines that the total number of nonirrigated acres needed during a given year cannot be sufficiently obtained through the irrigation reduction auction, an order requiring certain permit holders to cease or reduce irrigation may be issued, and compensation shall be provided.

Investigations and inspections as may reasonably be necessary to carry out EPD's duties and to ensure compliance are authorized, and a repayment penalty in the amount of three times the dollar amount of payments received from the drought protection funds shall be paid by any person who irrigates in violation of an agreement.

The legislation also changes irrigation well standards. Wells having a casing of internal diameter of more than four inches and capable of producing 100,000 gallons of water per day or more shall be constructed only after approval by EPD.

HOUSE BILL 1426

SOIL EROSION AND SEDIMENTATION CONTROL ALONG TROUT STREAMS

This legislation changes the requirement for protective natural buffers adjacent to trout streams by reducing the current 100 foot buffer to a 50 foot buffer adjacent to or on land adjacent to such streams. Vegetation in the buffer may be thinned or trimmed at any time when a single-family dwelling is being constructed under contract with or by the owner as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed. Additionally, small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner. However, any

piping must be conducted pursuant to DNR Board rules that provide for a general variance and provide for a notice to EPD or the local government permit issuing authority of the location and extent of the piping and prescribed methodology for minimizing the impact of such piping and measuring the volume of water discharged by the stream. Piping must stop short of a downstream landowner's property and the landowner who pipes a stream must comply with the buffer requirement for any adjacent trout streams.

The current 25 foot buffer adjacent to other state waters is maintained, but the buffer must remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on a construction site are completed. However, vegetation in the buffer may be thinned or trimmed at any time when a single-family dwelling is being constructed under contract with or by the owner as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.

The EPD director may grant a variance from buffer areas on all waters of this state, including trout streams, to allow land-disturbing activity, but this authority shall be suspended if the DNR Board has not adopted rules and regulations which contain specific criteria for the issuance or denial of variances by December 31, 2000.

For the first and second violations of the provisions of the soil erosion and sedimentation chapter, the EPD director or permit issuing authority shall issue a written warning to the violator. The violator shall have five days to correct the violation, and if the violation is not corrected within five days, the director or issuing authority shall issue a stop work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred. If a violation presents an imminent threat to public health or waters of the state, or for a third and each subsequent violation, EPD or the issuing authority shall issue an immediate stop work order in lieu of a warning.

Land-disturbing activities that violate any provision of this chapter must be assessed a minimum penalty of \$250 per day for each violation involving the construction of a single-family dwelling by or under contract with the owner for his or her own occupancy, and a minimum penalty of \$1,000 per day for each other violation involving land-disturbing activities.

Forestry land management practices, including harvesting, are exempted from the provisions of the chapter on soil erosion and sedimentation. However, when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer (such as a violation of best management practices requirements), no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after the completion of such forestry practices.

PUBLIC SAFETY

SENATE BILL 211**SEAT BELTS**

The bill expands the definition of "passenger vehicle" to include sport utility vehicles. This means that drivers and passengers of sport utility vehicles must adhere to Georgia's laws governing safety belt usage.

HOUSE BILL 1441**CREATION OF THE DEPARTMENT OF MOTOR VEHICLE SAFETY**

This legislation creates the Department of Motor Vehicle Safety (DMVS). The responsibilities of the new department shall be the administration of the laws relating to registration and titling of motor vehicles, the issuance and control of drivers' licenses, vehicle size and weight, fuel tax registration, motor carrier and limousine carrier operations, regulation of driver training schools, and other laws related to motor vehicle safety formerly the responsibility of the Department of Revenue, the Department of Public Safety, the Department of Transportation, and the Public Service Commission, and the enforcement of any state law when ordered to do so by the Governor.

The position of commissioner of motor vehicle safety is created, as is the nine member Board of Motor Vehicle Safety. Certified law enforcement officers employed by the department shall be authorized to carry firearms, to exercise arrest powers, and exercise the powers generally authorized for law enforcement officers in the performance of the duties specified by this chapter, including the power to stop and inspect motor vehicles and cargo of motor carriers, or otherwise to the extent needed to protect any life or property when the circumstances demand action.

The bill transfers law enforcement functions from the Department of Transportation to the DMVS and makes conforming amendments for such transfers. The bill provides for the indemnification of law enforcement officers of the Department of Motor Vehicle Safety who are killed or injured in the line of duty. The bill also transfers functions from the Public Service Commission to the Department of Motor Vehicle Safety relating to motor carriers and limousine carriers by providing for conforming amendments and the repeal of obsolete provisions. The bill changes provisions relating to collection of motor vehicle ad valorem taxes and amends certain other provisions of the Official Code of Georgia Annotated to provide for conforming amendments.

HOUSE BILL 1458**DRIVING UNDER THE INFLUENCE**

House Bill 1458 was introduced to clear up problems caused by the passage of Heidi's Law in 1999. Heidi's Law only changed parts of Georgia's DUI law in specific sections which caused inconsistencies in other sections. The bill addresses: driver's license revocation and suspension for drivers under age 21; repeat DUI offenders; restricted drivers' licenses; and ignition interlock devices.

In regard to suspension and revocation for drivers under age 21, the bill: (1) allows the administrative license suspension and revocation periods to run concurrently if the license was administratively suspended and revoked for the same offense; (2) allows

any completed portion of an administrative suspension to apply toward completion of the revocation period; and (3) waives payment of a revocation restoration fee if an administrative suspension restoration fee was paid for the same offense.

The bill also provides that if a driver's license was suspended for a second DUI conviction within five years, the person shall not be eligible to apply for license reinstatement for ten months.

Any person with a suspended license who has been ordered to use an ignition interlock device as a condition of probation may apply for a limited driving permit. The bill also authorizes the Department of Public Safety to require the use of an ignition interlock device as a condition of having a limited driving permit.

The bill requires the department to revoke the limited driving permit of any person who fails to complete a substance abuse treatment program.

Any Georgia resident convicted of a second or subsequent DUI offense within five years and granted probation must use an ignition interlock device for six months. During this period, the person is prohibited from driving any other vehicle which is not equipped with a device. The bill also requires the ignition interlock device requirement to be noted on the person's limited driving permit and reflected in the records of the Department of Public Safety.

Georgia residents who are ordered to use an ignition interlock device as a condition of probation and whose driving privilege is not suspended or revoked, shall surrender his/her driver's license and obtain an ignition interlock device restricted driving license.

RETIREMENT

HOUSE BILL 617

PUBLIC RETIREMENT SYSTEMS INVESTMENT AUTHORITY LAW

The bill amends the Public Retirement Systems Investment Authority Law and establishes guidelines for investing public retirement systems funds. It defines large retirement system to mean:

- any retirement system which has an accumulated unfunded actuarial accrued liability not greater than 25 percent of the total of its assets,
- the Georgia Municipal Employees Benefit System,
- any association of political subdivisions which contracts with its members for the pooling of assets, and
- any public retirement system: (a) whose assets are in excess of \$50 million, (b) which provides a defined benefit plan, (c) whose investments are managed by one or more independent professional investment managers, (d) whose investments

are limited to those equities of investment grade quality or better, and (e) which has an accumulated unfunded actuarial liability not greater than 25 percent of the total of its assets.

The bill prohibits large retirement funds from investing more than 10 percent of the assets in corporations or in obligations of corporations in countries other than the U.S. and Canada, and from investing more than 60 percent of its assets in equities. All other retirement systems would invest no more than 55 percent of their retirement assets in equities. The bill also requires each local retirement system to be subject to an actuarial investigation every two years.

HOUSE BILL 887

GEORGIA FIREFIGHTERS' PENSION FUND

Under current law, membership to the Georgia Firefighters' Pension Fund is limited to firefighters and volunteer firemen in fire departments rated Class 1-8 (class rates depend on the equipment within a fire department.) Firefighters and volunteer firemen in Class 9 and low rated fire departments are not eligible for membership in the fund. This bill changes the definition of 'fire department' to mean a full time fire department or volunteer fire department certified by the superintendent of the Georgia Fire Academy, thus expanding the scope of firefighters eligible to become members of the Georgia Firefighters' Pension Fund.

TAXES

HOUSE BILL 567

SALES TAX EXEMPTIONS

This bill exempts from the sales and use tax purchases by housing authorities and non-profit organizations that raise funds for books and programs for public libraries. It exempts wheelchair sales to permanently disabled persons. It also exempts sales of natural or artificial gas used in the production of electricity which is subsequently sold.

HOUSE BILL 801

INCOME TAX CREDITS FOR LOW EMISSIONS VEHICLES

This bill increases the tax credit for the purchase or lease of a new low-emission vehicle that is registered in an ozone non-attainment area to \$2,500 per vehicle and allows a tax credit in the same amount for the purchase or lease of electric vehicle chargers.

HOUSE BILL 1159

RETIREMENT INCOME EXCLUSION

This legislation raises the retirement income exclusion amount for the purpose of individual income tax. The current exclusion

limit is \$13,000.00. The bill raises the limit to \$13,500.00 for tax year 2001, and to \$14,000.00 for tax years 2002 and following.

HOUSE BILL 1224

EVALUATION OF MOTOR VEHICLES

This legislation changes the method of determining the taxable value of motor vehicles. Currently, the commissioner uses the fair market value of each vehicle. For the taxable year beginning January, 2001, the evaluation will reflect the value which would result from taking 75 percent of the current fair market value and 25 percent of the current wholesale value for each motor vehicle. Effective January, 2002, an evaluation will reflect the average of the current fair market value and the current wholesale value of each vehicle.

HOUSE BILL 1531

DISASTER ASSISTANCE

This bill provides for an income tax credit up to \$500.00 for disaster assistance received from GEMA or FEMA. The total credit can not exceed tax liability, and any unused credit can be used against succeeding years' tax liability.

HOUSE BILL 1532

DRIVER EDUCATION

This bill allows an income tax credit up to \$150.00 for the cost of a driver education course provided by a licensed school for a minor dependent child. The credit can be taken only once for each child, and the aggregate amount can not exceed tax liability. The credit is not allowed if such expenses are deducted when determining net income. The taxpayer must provide written proof of the successful completion of the course. The credit is applicable to all taxable years beginning on or after January 1, 2001.

TECHNOLOGY

SENATE BILL 465

THE GEORGIA TECHNOLOGY AUTHORITY

This legislation creates the Georgia Technology Authority (GTA) to replace the existing GeorgiaNet Authority. The GTA will assist political subdivisions and other entities created by the Constitution or laws of this state, or by local governments, by setting forth policy initiatives for guidance in the use of technology to improve services, reduce costs, encourage technological compatibility, and promote economic development throughout the state. The GTA's powers and duties will extend to all agencies

except those under the authority, direction, or control of the General Assembly or state-wide elected officials other than the Governor. The GTA will provide for the procurement, management, and coordination of technology resources, as well as the centralized marketing, provision, sale, and leasing of certain public information maintained in an electronic format to the public. For administrative purposes, GTA will be assigned to DOAS. The Chief Information Officer (CIO) will serve as the executive director of GTA and will be both appointed and removed by a vote of a majority of the full membership of GTA board.

The GeorgiaNet Division (presently known as the GeorgiaNet Authority) will be assigned to a position within GTA and will be responsible for the continuation of information marketing, website maintenance, providing legislative information, and such other functions and duties of the present GeorgiaNet Authority. The GTA will appoint the director of the GeorgiaNet Division.

The GTA will establish and direct a technology empowerment fund in which the CIO is authorized to identify and select individual projects, initiatives, and systems to be funded through the technology empowerment fund. A steering committee composed of the chairperson of the House Appropriations Committee, the chairperson of the Senate Appropriations Committee, the director of the OPB, the legislative budget analyst, the state auditor, and a representative from the Governor's office will advise and consult with the CIO regarding initiatives to receive funding from the technology empowerment fund. In addition, GTA, OPB, and the state auditor will jointly develop a system for budgeting and accounting of expenditures for technology resources. All agencies must contract through GTA for any technology resource purchase of such agency exceeding \$100,000.00.

TRANSPORTATION

SENATE BILL 524 SOIL EROSION AND SEDIMENTATION CONTROL PLANS FOR HIGHWAY CONSTRUCTION PROJECTS

This legislation requires the completion of erosion and sediment control plans for construction or maintenance projects of the Department of Transportation (DOT) or the State Tollway Authority (STA) that will disturb five or more contiguous acres of land. The Environmental Protection Division must cooperate with the DOT and the STA in the prequalification of inspectors of best management practices on these projects to ensure that they have the necessary expertise to determine that such practices are being installed and maintained in accordance with the plan as written in the bid application. All erosion and sedimentation plans must be sent to EPD for review and comment. Proper design, installation, and maintenance of best management practices in accordance with the plan shall constitute a complete defense to any action by EPD.

A nine-member Erosion and Sediment Control Overview Council is created which may develop recommendations governing the preparation of plans and the installation and maintenance of best management practices. If a dispute concerning the requirements of this Code section should arise, the Erosion and Sediment Control Overview Council shall mediate the dispute.

HOUSE BILL 1180**HIGHWAY WORK ZONES**

This legislation allows increased fines for anyone convicted of speeding in a highway work zone.

The Department of Transportation or any city or county may establish a temporary reduction in the maximum speed limit through highway work zones and shall erect signs indicating the reduced speed limit through such areas. The signs, placed not further than one mile apart in the highway work zones, must conform to the Manual on Uniform Traffic Control Devices and may be movable or portable. Existing signs must be removed, covered or made unreadable by oncoming motorists. Anyone convicted of speeding in highway work zones shall be fined not less than \$200 nor more than \$2,000, or by imprisonment of up to 12 months, or both. The commissioner of transportation or the local governing authority shall not be required to conduct any engineering and traffic investigation in order to establish a reduced speed limit in a highway work zone. The DOT must notify the local governing authority when a highway work zone is established, however, failure of the DOT to notify a local government shall not constitute a defense for anyone charged with speeding.

The bill additionally requires that an officer issuing a citation to a driver must advise that person that signing a citation is not an admission of guilt and that a failure to sign will result in the person being brought before a judicial officer or traffic violations bureau to post a cash bond.

Also, HB 1180 requires that all members of a law enforcement department must wear identifiable and similar uniforms and that law enforcement officers must use blue lights on top of their vehicles when pursuing a suspect.

HOUSE BILL 1553**ALLOCATION OF TRANSPORTATION FUNDS**

This legislation provides that expenditures from the State Public Transportation Fund, plus expenditures of federal funds appropriated to the department, except any state or federal funds specifically designated for maintenance and operations, any project undertaken for purposes of the Developmental Highway System, or any project of the Georgia Regional Transportation Authority, Georgia Ports Authority, or Metropolitan Atlanta Rapid Transit Authority, shall be budgeted over a five year period. At the end of each period, 85 percent of all funding obligations must be divided equally among the congressional districts for public road and other public transportation purposes. The remainder of the total must be divided among congressional districts such that five percent is obligated for public road projects incidental to economic development purposes anywhere in this state. No congressional district shall receive funding obligations for such period which are more than 20 percent greater than that received by any other congressional district for such period.

The DOT board is required to provide an annual report to the Governor, Lieutenant Governor, and Speaker of the House of Representatives detailing the equitable allocation of funding obligations among congressional districts for the fiscal year ending

June 30 of that same calendar year. The report must include, without limitation, the annual funding obligations and the projected expenditures of funds for the five-year period and any and all documents or information indicating how the department intends to allocate the applicable state and federal funds among congressional districts or a detailed explanation of why the department is unable to allocate such funds as required.