



2002 SESSION HIGHLIGHTS

This document is a report of selected legislation passed by the 2002 Georgia General Assembly, and is intended to provide a general overview, only. If more detail on legislation is needed, please contact the Senate Research Office. This document is available on the Senate Research Office Internet website at: www.state.ga.us/senate/senresearch.html

The following issues are found on the corresponding page numbers:

- [APPROPRIATIONS](#)
- [AGRICULTURE](#)
- [BANKING AND FINANCIAL INSTITUTIONS](#)
- [CORRECTIONS](#)
- [THE COURTS](#)
- [CRIMINAL JUSTICE AND CRIMES](#)
- [ECONOMIC DEVELOPMENT](#)
- [EDUCATION AND HIGHER EDUCATION](#)
- [ELECTIONS](#)
- [HEALTH AND HUMAN SERVICES](#)
- [INSURANCE AND LABOR](#)
- [NATURAL RESOURCES](#)
- [PUBLIC SAFETY](#)
- [PUBLIC UTILITIES](#)
- [RETIREMENT](#)
- [SCIENCE AND TECHNOLOGY](#)
- [TAXATION](#)
- [TRANSPORTATION](#)
- [VETERANS AND CONSUMER AFFAIRS](#)

APPROPRIATIONS

Recession Restraints

All state legislatures are struggling to meet the service and infrastructure needs of their citizens. Despite the federal declaration that the economy is recovering, a minimum of 37 states are expecting continued budget gaps next year. Only five of the 50 states may finish near or at their initial projections; half of the states are using their Reserves and/or borrowing against Tobacco Settlement funds; 19 states are considering increases in state taxes; and at least 30 states are considering increases in their "sin" taxes.

In Georgia, revenue collections compared to the prior year have been negative for ten consecutive months - the entire 2002 Fiscal Year to date. Georgia has never had ten consecutive months of negative growth, and we find ourselves at 6 percent below collections from the prior year. In the past sixty-three years, our state has only had negative growth two times - 1953 and 1943. Even the past recession in 1991 and 1992 still produced about 1 percent growth each year.

Georgia faces the current slowdown with every reserve fund filled. The Revenue Shortfall Reserve (RSR), otherwise known as the "rainy day fund," is the primary fall-back for state budget deficits, and at the end of Fiscal Year 2001, the RSR was completely funded at 5 percent of the prior year's net receipts (\$735 million). Should the current recession hit harder and longer than forecasted, the state may use these reserves to assuage the impact of an economic shortfall. As a further precautionary measure, Governor Barnes' veto message called for all agencies to withhold one-quarter of 1 percent of the Fiscal Year 2003 appropriations to be approved by the Office of Planning and Budget. In Education, this amount may not be withheld from any area of direct instruction.

HOUSE BILL 1000

PUBLIC SCHOOL CONSTRUCTION FUNDS

House Bill 1000 allows for a supplementary appropriation of \$52 million to finance \$620.7 million in public school facility construction through bonds in the Georgia General Obligation Debt Sinking Fund. The debt service includes \$10 million for traditional capital outlay projects totaling \$199 million in principal, \$7 million (\$85.5 million in principal) for additional project costs identified by the local systems and the Department of Education's Facilities Division to meet the requirements of the "A+ Education Reform Act of 2000," and \$34.9 million to bond \$416 million in classroom needs identified under the requirements of the "A+ Education Reform Act of 2000" that were previously appropriated with general funds but not expended.

HOUSE BILL 1001 HOUSE BILL 1002

FY 2002 AMENDED GENERAL APPROPRIATIONS ACT FY 2003 GENERAL APPROPRIATIONS ACT

Although the state is experiencing negative growth, the Amended 2002 budget bill increases state spending by \$318 million dollars or nine-tenths of a percent. The increase is made possible by higher than projected lottery receipts, the use of bonds in lieu of cash for capital projects (\$1.3 billion in principal), and rolling forward \$929 million in unspent funds from the end of Fiscal Year 2001 to cushion the deficit. The .9 percent increase from the Amended Fiscal Year 2002 to the Fiscal Year 2003 budget can also be directly attributed to the use of surplus funds from 2001 (\$704 million), as well as increases in the estimates for Lottery proceeds from \$550 million to \$625 million and Tobacco Settlement proceeds from \$149 million to \$173 million.

Tobacco Settlement funds in Fiscal Year 2003 continue to fund health care services and prevention efforts (\$107.5 million or 67 percent) including school nurses (\$30 million) and the Cancer Coalition (\$30.9 million). Local economic development initiatives through the OneGeorgia Authority account for the remaining \$65.4 million or 33 percent of tobacco funds.

Highlights of the \$15.7 billion Amended Fiscal Year 2002 and \$16.1 billion Fiscal Year 2003 budgets are categorized by their respective sub-committees in the following sections.

Education

The general funds for education in the State of Georgia comprise 54.3 percent of the Fiscal Year 2002 budget, 53.6 percent of the Fiscal Year 2003 budget, and 73.5 percent of the Amended Fiscal Year 2002 bond package.

Pre-Kindergarten through 12th Grade

The New York Times states that victory can be declared by state budget writers when education can be spared the knife. K-12 schools are coming away from this recession virtually unscathed. Despite temporary reductions of less than one percent in areas targeted away from direct classroom instruction, the additions made to public education in Georgia in this budget cycle actually increase their budget from 2002 to 2003 by 1 percent. This growth does not include lottery funds, which will be appropriated when the budget is amended in the 2003 General Assembly.

Of the temporary reductions sustained in public education, two items related to the Q.B.E. formula generated the most discussion. Staff development funds, reduced one/half percent from 1.5 percent to 1 percent of certified salaries, will total approximately \$30 million instead of \$44 million. The budget includes \$250,000 for a comprehensive, statewide evaluation of staff development to determine effectiveness and future needs to heighten student achievement. The second reduction was made to the amount the state funds for media materials to \$9.77 per student. Policymakers believe the increase in the per student technology funding, along with a maximization of federal funds, will help mollify the impact of this \$14 million decrease. Public education budget highlights include:

- \$246.5 million in Lottery funds to provide for Georgia's Pre-Kindergarten program, which includes a 3.25 percent salary increase for four-year degree teachers, 2.25 percent salary increases for two-year degree lead teachers and assistants, and over \$1 million to increase the operating funds of Pre-K programs;
- \$3 million to fund a 50¢ increase in the monthly retirement benefit multiplier for members of the Public School Employees' Retirement System;
- \$1.8 million to provide 10 percent increases to National Board Certified teachers and \$234,000 additional funds to provide stipends to candidates for this certification;
- \$1 million to train, support, track, and mentor teacher candidates in the Georgia Teacher Alternative Preparation Program (TAPP) addressing teacher shortages, in addition to an evaluation of the program;
- \$140 million in mid-term adjustments for a 1.75 percent growth in school enrollment (AFY'02);
- \$153 million for 3.25 percent salary increases for K-12 teachers and 2.25 percent increases for bus drivers and lunchroom personnel (Georgia's average salary, even without this year's pay raises, is higher than its contiguous states: Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia.);
- \$9 million to fund school improvement measures for failing schools (AFY'02);
- \$30 million to increase to \$21 the per student funding for computers, technology equipment and training (AFY'02 Lottery);
- \$2.1 million to continue funding the foreign language elementary pilot program;

- \$2.5 million to provide Assistive Technology for handicapped students at local schools (AFY'02);
- \$11.8 million in bonds for vocational program equipment (AFY'02); and
- \$620 million in bonds for school and additional classroom construction (House Bill 1000).

Higher Education

State universities and colleges funded through the formula took a 5 percent operations cut for Fiscal Year 2003 totaling \$69.7 million. In addition, a \$31 million appropriation was made in the Fiscal Year 2002 bond package to alleviate the cash reduction of \$37 million in the major repairs and renovation fund. Bonds for postsecondary education account for 25 percent of all the bonds authorized during the session (including H.B. 1000, K-12 school construction funds). Funding additions and highlights in higher education include:

- \$379.8 million in Lottery funds to provide HOPE Scholarships for Fiscal Year 2003, and an increase of \$96.5 million in the Amended Fiscal Year '02 budget to meet existing HOPE demands;
- \$44.3 million to provide 3.25 percent salary increases in the University System, and \$6 million to provide 3.25 percent salary increases in the Department of Technical and Adult Education;
- \$19 million to provide additional funding for health insurance rate increases(AFY'02);
- \$5.2 million to provide the seed funds for nine eminent scholars at Kennesaw, Georgia Southern, Columbus, West Georgia and the Georgia Research Alliance (AFY'02);
- \$1.5 million in Tobacco Settlement funds for equipment for eminent cancer scholars, clinicians and professionals;
- \$30 million in the amended FY'02 budget and \$27.7 million in the FY'03 budget to offset the system's conversion from quarters to semesters;
- \$15 million in Lottery funding for the University System's Equipment, Technology and Construction Fund;
- \$4.6 million to fund library construction in Berrien, Telfair, Wheeler and Clayton Counties;
- \$2 million to enhance college access and participation of African-American males and non-traditional students;
- \$1.5 million to apply the Intellectual Capital Partnership Program (ICAPP) model for job training to shortage areas in healthcare professions;
- \$130.6 million for University System construction projects to include \$33 million for a Health Science Building at the Medical College of Georgia and \$31 million for an Advanced Computer Technology Building at Georgia Tech, as well as \$53.7 million for general renovations, upgrades and additions (Bonds, AFY'02);

- \$3.7 million to design projects, including a library addition at Georgia Southern, a Science building at Kennesaw State University, an Economic Development Center at Dalton State, and a Performing and Visual Arts Center at the University of Georgia (Bonds, AFY'02);
- \$23.4 million in equipment for the Georgia Research Alliance (Bonds AFY'02);
- \$80.2 million for construction projects, \$33.8 million for equipment, \$7 million for classroom upgrades, and \$5.3 million for majors repairs and renovations under the Department of Technical and Adult Education (Bonds, AFY'02); and
- \$589,121 additional funds for Quick Start job training in Technical and Adult Education (AFY'02).

Economic Development

Some of the most critical needs of the citizens during an economic slowdown are initiatives to stimulate job growth and create a lucrative environment for business. To this end, nearly 5 percent of the FY'03 general funds and over 12 percent of the FY'02 bond package are allocated in the department budgets of Community Affairs; Transportation; and Industry, Trade and Tourism. Those budgets include the following enhancements:

- \$31 million in additional Tobacco Settlement funds for the OneGeorgia Authority economic development grant program;
- \$18.8 million increase in motor fuel funds in the Department of Transportation to match \$945 million in federal funds, and \$4.1 million to leverage mass transit federal grants;
- \$137.5 million in bonds for the Governor's Road Improvement Program, \$26 million in general funds for the Local Assistance Road Program, and \$23.4 million motor fuel receipts for state road construction projects (AFY'02);
- \$2.5 million in '02 bonds to acquire the right-of- way for the Atlanta Multi-Modal Station;
- \$16.3 million for the Phase IV expansion and Pedestrian Plaza of the World Congress Center (Bonds, AFY'02);
- \$1.5 million to draw \$3 million private foundation funds for the Georgia Cities Foundation revolving loan and grant program;
- \$2 million empowerment zone match funding for a Regional Economic Business Assistance Grant to locate a major steel industry in Dooly County; and
- \$1.1 million in the amended '02 and \$500,000 in '03 to increase state tourism marketing.

Health and Human Development

The Departments of Human Resources and Community Health, experiencing inflationary pressures and growing service demands, were appropriated expansion funds for many programs with a direct impact on the quality of life for many Georgians. Nearly 20 percent of the Fiscal Year 2003 budget is targeted to health and human services, including restorations made in part or in whole to contracts serving a specific population need, such as asthma, poison control, hearing impaired services, autism, hemophilia and prenatal care. The Amended budget contained over \$11 million in increased Tobacco

Settlement funds for cancer treatments and prevention measures in DHR. Health care spending increased 1.6 percent, and is the only other area besides K-12 education that realized a year-to-year increase from the 2002 to the 2003 budget.

New state funding for a specialized public health safety net enables the state to handle the medical response to biological threats or occurrences. Bioterrorism initiatives in the Department of Human Resources' Public Health Division merge federal funds to provide for: epidemiologists, emergency coordinators, a Statewide Molecular Biologist, a satellite communications system, diagnostic testing expansions, and the development of an integrated statewide trauma system that includes hospital data collection and emergency simulation training.

Some of the other major enhancements in health and human services funding are:

- \$429.3 million in the amended FY'02 budget and an additional \$235.6 million in the FY'03 budget to meet Medicaid Benefit cash obligations;
- \$27 million to fund the increased cash obligation PeachCare for Kids benefits, and \$3.5 million additional funds to provide rate increases for the program's inpatient hospital providers, physicians and dentists;
- \$18 million to increase reimbursement rates for inpatient hospital providers, \$13 million to increase the reimbursement for physicians and related healthcare providers, \$17 million to increase reimbursement rates for nursing home providers, \$1.3 million to increase the rate for Independent Care Waiver personal support services, and \$1 million to increase reimbursement rates for dental providers;
- \$7.6 million to phase-in 822 of the 1,000 Community Care slots approved but embargoed in FY'02;
- \$6.2 million increase in foster care services to include additional intervention, family support, assessments, and institutional/MATCH slots - the latter also received \$1.9 million in the amended budget for increased utilization and reimbursement rates;
- \$4.3 million to reduce child protective services caseloads, provide 90 new caseworker positions and ten supervisors;
- \$14.6 million in AFY'02 bonds for Department of Human Resources' hospital renovations, and \$5.2 million total for both budgets for rural hospital infrastructure and equipment upgrades under Senate Bill 195;
- \$587,500 for programs and activities to address the nursing and allied healthcare workforce shortages (also see Higher Education);
- \$1.5 million to fund vaccinations for uninsured children, to include the new pneumococcal vaccine;
- \$1.2 million in Tobacco Settlement funds to cover the increased enrollment under the eligibility expansion for pregnant women and children up to age 1 with incomes between 200 and 235 percent of the federal poverty level (FPL) in the Medicaid and PeachCare programs, as well as a \$5.9 million increase for the Cancer State Aid Program for uninsured patients ('02 and '03); and
- \$450,000 for the statewide implementation of the GeorgiaCares pharmaceutical access program for low-income elderly citizens.

Criminal Justice

For the current and coming fiscal years, Georgia has been able to maintain funding at 11 percent of all state funds for public safety personnel, institutions and operations at a level that allows the state to continue its public policies, such as "Three Strikes and You're Out." New initiatives center around Homeland Security and inter-agency cooperative partnerships to combat terrorism. Within the Departments of Juvenile Justice, Corrections, Public Safety, State Patrol, Bureau of Investigation, Pardons & Paroles, and the Judicial Branch, major budget highlights include:

- \$3.7 million to open and operate the LaGrange Transitional and the Dublin and Dalton Diversion Centers (FY'03), and \$2 million to open and operate the Augusta Transitional and Whitworth Probation Detention Centers (AFY'02);
- \$1.8 million to provide for increased health care reimbursements to county/city jails;
- \$3.8 million to provide additional county jail subsidy funds;
- \$675,792 in the FY'03 budget in the Georgia Bureau of Investigation to fund 11 positions, \$357,833 for 5 positions in the Georgia Emergency Management Agency, and \$478,251 for 6 positions in the Department of Public Safety for the "Response to Terrorism" program;
- \$220,100 to staff and implement the Family Violence and Stalking Protective Order, and \$50,000 to provide a statewide task force coordinator for the Georgia Commission on Family Violence; and
- \$600,000 increase in the Amended FY'02 and an additional \$300,000 increase in FY '03 for Indigent Defense Grants to Counties.

Natural Resources

The state funds for natural resources declined slightly from Fiscal Year 2002 to 2003, dipping one-tenth percent. The budgets for the Department of Natural Resources, Soil and Water, Agriculture, and Forestry constitute 1.5 percent of the Fiscal Year 2003 general funds and 4 percent of the FY'02 bond package. Highlights include:

- \$11 million to fund low interest loans for local water and sewer construction projects through the Georgia Environmental Facilities Authority (Bonds, AFY'02);
- \$25.7 million in bonds for various Department of Natural Resources projects that include \$9.2 million for park system renovations and repairs, and \$5 million for the completion of the Albany River Center (AFY'02);
- \$5.5 million to purchase 5,500 acres in Chickasawhatchee Swamp (Bonds, AFY'02); and
- \$5 million in additional collections for the Hazardous Waste Trust Fund and \$1 million in additional collections for the Solid Waste Trust Fund (AFY'02).

Fiscal Management and General Government

Appropriations for general government operations for Fiscal Year 2003 decreased from Fiscal Year 2002, and account for less than 3 percent of the state's

budget. In October, state employees of the judicial, legislative and executive departments will receive a 2.25 percent salary increase, capped at a maximum raise of \$1,800. Other major items are:

- \$329 million to increase the statewide homestead exemption value from \$8,000 to \$10,000, and \$24 million to include the exemption for city property taxes. The funding for the Property Tax Cut alone is 2.33 percent of the Fiscal Year 2003 budget;
- \$8.5 million to provide funds to cover the costs associated with the Tri-State Crematory disaster clean-up in Walker County;
- \$2.8 million in the amended '02 and \$4 million in FY'03 budgets to fund operations and 68 positions for 4 new driver's license facilities in Gwinnett, Fulton, Cobb, and DeKalb Counties, \$3.5 million in the amended '02 and \$3 million in the FY'03 bills to fund an automated driver's license renewal system, and \$1.1 million to provide a 5 percent salary increase for License Examiners;
- \$54 million in bonds to purchase a statewide uniform voting system (AFY'02);
- \$3.3 million in FY '03 and \$933,518 in the amended '02 budgets to provide 13 regional positions to coordinate statewide voter education in preparation of the uniform electronic voting system implementation authorized under Senate Bill 213;
- \$3 million to fund reapportionment costs, e.g. printing/mailing new voter registration cards;
- \$18 million to purchase a new state data center (Bonds, AFY'02);
- \$8.7 million for the Georgia Technology Authority to implement a centralized Internet tracking and benefits system for Department of Human Resources services;
- \$1.8 million to fund anticipated legal fees associated with reapportionment;
- \$600,000 in increased funding for personal services in the Public Service Commission to assist with the increased volume of natural gas and Georgia No Call consumer inquiries;
- \$100,000 in the Office of Consumer Affairs to handle the increased workload for identity theft, predatory lending, and natural gas consumer inquiries; and
- \$40,000 to add a position to the State Ethics Commission.

AGRICULTURE

SENATE BILL 361**ORGANIC FOODS**

This legislation provides that on and after January 1, 2003, no person may produce, process, distribute, or handle any organic food or feed ingredient without registering with the Georgia Department of Agriculture (GDA). Retail food establishments that sell such products, but do not process or package them, are exempt from the requirement. Additionally, no organization, business, firm, or individual may act as a certifying entity unless they have first registered with the GDA. The Commissioner of Agriculture is authorized to establish registration standards. Registration fees for certifying entities must be between \$25 and \$500 annually and there may be classes of certifying entities with different fees for each class.

HOUSE BILL 1087**NUISANCES**

It is the purpose of this legislation to reduce losses of the state's agriculture resources by limiting the circumstances under which agricultural facilities and operations may be deemed to be a nuisance. Definitions of "agricultural area," "agricultural facility," "agricultural operation," "changed condition," and "urban sprawl" are provided. The legislation also adds language to the existing state policy dealing with agricultural lands and facilities by stating that "when there are changed conditions in or around the locality of an agricultural facility" agricultural operations often become the subject of nuisance actions. This legislation further defines certain terms as they relate to the treatment of agricultural facilities and operations as nuisances.

HOUSE BILL 1182**STRUCTURAL PEST CONTROL ACT**

This bill amends legislation relating to qualifications and licensure for certification as a pest control operator and provides for penalties for second and subsequent violations of this chapter.

Any person who holds a license or is an applicant for a license for control of wood-destroying organisms must submit a certificate of insurance verifying coverage during the term of the license from an insurance company licensed to do business in this state. Such coverage must be in the amount of not less than \$100,000.00 per occurrence, with a minimum annual aggregate of \$500,000.00 for all occurrences and must insure the licensee's business against bodily injury and property damage claims arising from the licensee's treatment or services.

No license will be issued or renewed and no business license will be issued by a political subdivision until the insurance requirements are met. The minimum insurance coverages must be maintained during the entire period of time a license is in effect. Any license or renewal of a license will be suspended automatically by operation of law if the insurance coverages are not in effect or are canceled for any reason, unless equivalent insurance is then in effect.

The failure of any licensee, certified operator or registered employee to perform, report or submit the appropriate fees with the intent to circumvent any rules or regulations is added to the list of violations.

Under this bill, all violations of this chapter carry the penalty of a misdemeanor for the first offense. For the second or any subsequent offense, violators will be guilty of a misdemeanor of a high and aggravated nature, and upon conviction will be punished by a fine not to exceed \$5,000.00 or confinement in the county or other jail for a term not to exceed 12 months, or both.

BANKING AND FINANCIAL INSTITUTIONS

HOUSE BILL 84

UNIFORM FRAUDULENT TRANSFER ACT

This legislation creates legal relief for creditors who suffer from debtor fraud related to insolvency. House Bill 84, the "Uniform Transfer Act," specifically addresses situations in which a debtor transfers or conceals assets, or in which a debtor enters into obligations in order to lessen the amount of available assets with which to pay creditors. This legislation creates specific benchmarks for determining a debtor's insolvency, and it creates a legal presumption of debtor insolvency against any debtor who is generally not paying debts as they become due. This presumption enables a creditor to pursue a legal claim based on the debtor's negligence to cover debts rather than being required to have specific proof of the debtor's assets and amounts owed. Specific remedies for creditors pursuing legal relief related to a debtor's transfer or obligation are also provided in this legislation.

HOUSE BILL 337

EXECUTION OF TAX LIENS

This legislation repeals O.C.G.A. § 48-3-19 which permits counties to transfer and sell tax executions in lot blocks. Currently, a county may execute a Fi. Fa. on a piece of property that is owned by a delinquent taxpayer. A Fi. Fa. is a modern writ of execution that permits a levy on real property. The county may sell the Fi. Fa. to a private company in lot blocks. Lot blocks of execution means a group of more than one execution of which the aggregate principal is not less than \$10,000.00. The private companies then have all the rights to the Fi. Fa.s. This legislation repeals the county's ability to sell the Fi. Fa.s in lot blocks.

House Bill 337 also creates a new Code section relating to the amount payable for redemption. In order to exercise the right of redemption, the redeemer must pay the amount paid for the property at the tax sale; any taxes paid on the property by the purchaser after the sale; any special assessments; and 20 percent of that amount for the first year or fraction of a year that has elapsed between the date of the sale and the date of redemption and 10 percent for each year or fraction of a year thereafter. If redemption is not made until more than 30 days after notice has been given, the sheriff's cost of service and publication is added to the redemption price.

HOUSE BILL 1220

VIATICAL INVESTMENTS

This legislation adds viatical investment to the definition of 'security.' A viatical investment is defined as the contractual right to receive any portion of the death benefit or ownership of a life insurance policy or certificate for consideration that is less than the expected death benefit of the life insurance policy or certificate. The term "viatical issuers" means, in the case of a fractional or pooled interest in viatical investments, any person who creates, for the purpose of sale, the fractional or pooled interest, and in the case of a viatical investment that is not fractionalized or pooled, any person engaged in the business of effecting transactions in viatical investments.

Code Section 10-5-8, relating to securities exempt from registration, is amended by including viatical investments. In addition, Code Section 10-5-12, relating to unlawful practices, is amended. It is unlawful to offer for sale or to sell viatical investments in or from this state unless the viatical issuer first files a statement with the commissioner that provides specified information. The viatical issuer must also file an annual report with the commissioner. In addition, the issuer must not make any projections or representations regarding rates of return of any investment other than a rate of return expressed on an annual basis, which must be based upon a written opinion of life expectancy by a qualified physician.

HOUSE BILL 1361

PREDATORY LENDING

House Bill 1361, the "Georgia Fair Lending Act," is the strongest predatory lending law in the nation. HB 1361 establishes a definition for high-cost loans. The bill prohibits exorbitant balloon payments, prepayment penalties, many other fees on high interest loans, and other potential abusive practices for certain high-interest home loans. The bill only allows lenders to "flip" home loans more than five years old. The term "flipping" refers to a practice in which lenders repeatedly urge the borrowers to refinance a loan in order to obtain extra fees from the borrower.

The bill targets those lenders who use high-interest home equity loans that drain the investments of the elderly and unsophisticated borrowers. This legislation protects borrowers of "covered home loans" and "high-cost home loans" by adding provisions prohibiting or limiting certain lender practices, and by creating consumer protections. The legislation provides for penalties, remedies, enforcement, and exceptions for unintentional violations. This legislation becomes effective October 1, 2002.

CORRECTIONS

SENATE BILL 389

"INTERNATIONAL TRANSFER OF PRISONERS ACT"

The bill provides that when a treaty is in effect between the United States and a foreign country providing for the transfer of convicted criminal offenders to those foreign countries of which such offenders are citizens or nationals, the Governor or his designee is authorized to act on behalf of the State of Georgia and to consent to the transfer of such convicted criminal offenders.

SENATE BILL 467

THE "GEORGIA FAMILY VIOLENCE INTERVENTION PROGRAM CERTIFICATION ACT"

The bill requires any family violence intervention program to be approved and certified by the Department of Corrections (DOC). In order to be certified, a program must meet the standards established by the State Commission on Family Violence and the DOC. A certification is valid for two years unless it is suspended or revoked prior to its expiration. The DOC is required to maintain a list of certified programs and to make the list available to the public and all courts. The DOC is authorized to deny, suspend, or revoke any program's certificate which is not complying with the rules and regulations.

Programs may be operated by any individual, partnership, corporation, association, civic group, club, county, municipality, board of education, school, or college or any public, private, or governmental entity. No DOC or State Board of Pardons and Paroles (SBPP) official or employee, or his/her spouse may own, operate, instruct at, or be employed by a certified family violence intervention program; however, the DOC and the SBPP may operate family violence intervention programs which meet the requirements of the DOC.

The bill authorizes a court to order a perpetrator of family violence to attend and complete a certified family violence intervention program as a condition of visitation. The court must order a defendant to participate in a certified family violence intervention program when: (1) sentencing a defendant to probation or revoking his/her probation for an offense involving family violence; or (2) imposing a protective order against family violence, unless the court determines and states on the record why the program is not appropriate. The State Board of Pardons and Paroles (SBPP) must require a conditional releasee to participate in a certified family violence intervention for a violation of parole for an offense involving family violence, unless the SBPP determines why participation in the program is not appropriate.

The cost associated with attending a certified family violence intervention program will be borne by the defendant. If the defendant is indigent, then the cost of the program will be determined by a sliding scale based upon the defendant's ability to pay. As an alternative to criminal or other civil enforcement,

the DOC Commissioner or his/her designee may issue an administrative fine not to exceed \$1,000 for each violation. All fines collected will be remitted to the Office of Treasury and Fiscal Services to the credit of the general fund of Georgia. The bill also removes the State Commission on Family Violence from the Administrative Office of the Courts and assigns it to the Department of Corrections for administrative purposes only.

HOUSE BILL 1070

CRIME VICTIMS' BILL OF RIGHTS

The bill provides that upon the written request of the victim, in cases in which the accused is convicted of a capital offense and receives the death penalty, it will be the duty of the Attorney General to: (1) notify the victim of the filing and disposition of all appeals and collateral attacks on such conviction which are being defended by the Attorney General, including petitions for a writ of habeas corpus, and the time and place of any such proceedings; and (2) provide the victim with a report on the status of all pending appeals, collateral attacks, and other litigation concerning such conviction which are being defended by the Attorney General, at least every six months until the accused dies or the sentence or conviction is overturned or commuted or otherwise reduced to a sentence other than the death penalty.

THE COURTS

HOUSE BILL 369

PATERNITY FRAUD

Georgia is among the states which are reconsidering and rewriting paternity laws. House Bill 369, relating to determination of paternity, provides for a motion to set aside a determination of paternity, duty to pay child support, custody, and visitation privileges based on newly-discovered evidence regarding paternity of a child. The measure will allow men to stop paying court-ordered child support under specified conditions if DNA tests prove they did not father the child. The bill will allow a man to undergo a DNA test at anytime in the child's life, and to use that evidence to set aside a determination of paternity.

The motion must include: an affidavit showing that newly-discovered evidence has come to the movant's knowledge since the entry of judgment; and the results from scientifically credible parentage-determination genetic testing that find that there is a 0 percent probability that the male ordered to pay child support is the father of the child for whom support is required. The genetic testing must be administered within 90 days prior to the filing of the motion. In addition, the court must also find that the male with knowledge that he is not the biological father has not married the mother of the child and voluntarily assumed the parental obligation to pay child support; acknowledged his paternity of the child in a sworn statement; been named as the child's biological father on the child's birth certificate with his consent; been required to support the child because of a written voluntary promise; signed a voluntary acknowledgment of paternity; or proclaimed to be the child's biological father.

HOUSE BILL 917

"THE STANDBY GUARDIANSHIP ACT"

This legislation enacts the "Standby Guardianship Act" by providing for the court approval of standby guardianship. A standby guardian is a person who has reached the age of majority and who is named by a parent or legal guardian to serve as guardian of a minor in the event that the parent is unable to care for the minor due to a physical or mental health condition. This short-term arrangement generally terminates within four months after commencement.

CRIMINAL JUSTICE AND CRIMES

SENATE BILL 433**SEX OFFENDER REGISTRY**

The bill requires any person who is required to register with the State Sexual Offender Registry to also list his/her vocation and his/her school name, if applicable.

The bill also requires at least two of three Sexual Offender Review Board (SORB) members to be representatives from law enforcement, either employed by a law enforcement agency as a certified peace officer or retired from such employment. The bill also requires the Georgia Crime Information Center to create a criminal justice information system network transaction screen which allows state officials to also enter the offender's school name, enrollment status, vocation address, and vocation status.

Any nonresident who is required to register and enters Georgia must also include his/her vocation address, school name, and enrollment status. The sheriff or his designee must inform the person of his/her duty to report any change in his/her temporary residence, permanent residence, employment and vocation address, status, school address, or enrollment status.

Any person who is required to register under this Code section and who is enrolled, employed, or carries on a vocation at an institution of higher education in Georgia must provide the name, address, and county of each institution including each campus attended and the person's position or enrollment status, as well as any change in enrollment, employment, and vocation status.

The Georgia Bureau of Investigation must establish operating policies and procedures in order to provide prompt notice of offender registration and any change in status information to any law enforcement agency having jurisdiction where an institution of higher education is located and to include notification to the applicable campus police. The law enforcement agency or agencies having jurisdiction where an institution of higher education is located must provide a statement advising the campus community where law enforcement agency information may be obtained concerning registered sex offenders. This information may be obtained from the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or via the Georgia Bureau of Investigation website.

Any person who is required to register and fails to comply with the requirements and/or who provides false information will be guilty of a felony and will be punished by imprisonment for not less than one nor more than three years.

The bill requires the Department of Education (DOE) to obtain a complete list of the names and addresses of all registered sexual offenders from the Georgia Bureau of Investigation (GBI) annually. The DOE must also send the list, accompanied by a hold harmless provision, to each public elementary and secondary school in Georgia. Upon request, the DOE must make the list available to any private school. In addition, the DOE must provide information to each public elementary and secondary school in Georgia on how to access and retrieve the list of registered sexual offenders from the GBI's website. The bill requires the Office of School Readiness (OSR) to provide, on a one-time basis, information to all child care programs regulated by Code Section 20-1A-5 on how to access and retrieve the list of registered sexual offenders from the GBI's website. The OSR must also include this information with each application for licensure. The bill also requires the Department of Human Resources (DHR) to provide, on a one-time basis, information to all day care and group care programs regulated by Code Section 49-5-12 on how to access and retrieve the list of registered sexual offenders from the GBI's website. The DHR must also include this information with each application for licensure.

SENATE BILL 475**IDENTITY FRAUD**

This bill defines the offense of identity fraud and directs the Governor's Office of Consumer Affairs to maintain a repository for all complaints in the state

regarding identity fraud. This information may be transmitted to any appropriate investigatory agency, but will not be subject to public disclosure. Consumers who are victims of identity fraud may file complaints directly with the Governor's Office of Consumer Affairs. Penalties for the offense of identity fraud are increased and civil remedies are provided to consumer and business victims of identity fraud.

It also enacts requirements for the disposal and discarding of business records which contain the personal information of customers. A business which negligently violates these provisions may be liable for the amount of actual damages resulting from the violation. A business which intentionally violates these provisions may be liable for three times the amount of actual damages plus litigation expenses. The business may be fined not more than \$500.00 per record for wrongful disposal or discarding of customers' records, up to a maximum civil fine total amount of \$10,000.00.

HOUSE BILL 1338

FORFEITURE OF CERTAIN CONTRABAND PROPERTY

This legislation provides that a property interest will not be subject to forfeiture for a violation involving only one gram or less of a mixture containing cocaine, or four ounces or less of marijuana, unless the property was used to facilitate a transaction in, a purchase of, or sale of a controlled substance or marijuana. The law further provides that if real property is distributed to a local government, the local government may transfer the real property to a land bank authority as provided in Article 4 of Chapter 4 of Title 48.

HOUSE BILL 1481

CREMATORIES AND THE DECEASED

This legislation provides that any person who abandons any dead human body or portion of a dead body or mutilates or desecrates a dead human body commits the offense of abandonment of a dead body, unless the disposition of the body is done as provided under a death certificate issued under Chapter 10 of Title 31, or the law of another jurisdiction by interment, entombment, inurement, scattering of cremated remains, burial at sea, or by any law enforcement personnel, medical or medical laboratory personnel, hospital personnel, coroner or medical examiner, funeral director, embalmer, crematory operator, or crematory operator under contract as authorized by law. The bill also provides that the offense of abandonment of a dead body does not apply to an accredited medical school, dental school, college, or university for education, research, or advancement of medical or dental science or therapy.

Anyone who commits the offense of abandonment of a dead body will be guilty of a felony and punished by imprisonment for not less than one nor more than three years.

Code Section 31-33-2 relating to furnishing copies of health records to patients or providers is amended. A health provider must retain any evaluation, diagnosis, prognosis, laboratory report, or biopsy slide in a patient's record for ten years from the date the item was created. This ten-year provision does not apply to: (1) an individual provider who has retired from or sold his/ her practice if he/she has notified the patient of his/her retirement or sale and offered to provide the items in the patient's record to another provider of the patient's choice and to the patient; or (2) a hospital which must retain patient records in accordance with rules and regulations for hospitals as issued by the Department of Human Resources. Upon written request, the provider must furnish a complete and current copy of health records to the patient, a person authorized to have access to the patient's record under a health care power of attorney, or to the executor or administrator of the patient's estate or any survivor, if the patient is deceased. A provider is not required to release a patient's records unless and until the requesting person has furnished the provider with a signed written authorization indicating that he/she is authorized to have access to the patient's records. Any provider is justified in relying upon such written authorization. Any provider or person who releases copies of medical records in accordance with this bill must not be found to have violated any criminal law or to be civilly liable to the patient, the deceased patient's estate, or to any other person.

The bill amends Code Section 43-18-1(6) by redefining "crematory" as any place where cremation is performed other than a hospital, clinic, laboratory or

other facility authorized by the Department of Human Resources for such purposes.

Code Section 43-18-8 relating to identification of bodies of deceased persons is amended to provide that the funeral director or person in charge of final disposition of a dead body must, prior to the interment or cremation, affix on the ankle or wrist of the deceased a tag marked with the serial number of any prosthesis removed from the body. The bill states that a dead body must be identified at all times, except when the body is placed in the retort, at which time the tag must be removed and kept near the retort and placed on top of the cremated remains on the inside of the vessel after cremation. The vessel must be plainly labeled on the outside identifying the deceased excluding the social security number. The tags and labels must be in standard forms as prescribed by the State Board of Funeral Service.

A crematory may deliver or release cremated remains to a funeral establishment or a legally authorized person. The funeral director in charge of a crematory must, at the time of delivery, provide to the funeral establishment or a legally authorized person a written statement signed and verified by him/her before a person authorized to administer oaths attesting that the vessel contains the remains of the deceased. No funeral establishment will accept any cremated remains from any crematory unless the vessel is properly labeled as required in this Code section, and which vessel and affidavit is provided by the funeral establishment to a legally authorized person upon delivery or release of the cremated remains.

The bill prohibits any person, firm, corporation, or association to operate a crematory without first obtaining a separate license for such purposes from the State Board of Funeral Service. The bill requires that all crematories must have: (1) at least one operable motor hearse, (2) at least one operable retort for cremation, and (3) at least one operable processing station for grinding cremated remains. The bill requires the board to adopt rules requiring each crematory to submit periodic reports to the board in a standard form which includes the names of persons cremated and the types of containers. Nothing in House Bill 1481 will require a funeral establishment for which a valid license to operate is in effect on the effective date of the bill to have a separate license for a crematory until on and after the renewal date of such license to operate a funeral establishment which first occurs after the effective date of this bill, but such establishment must comply with all the minimum equipment and facilities requirements, and all other statutes, rules, and regulations relating to crematories.

The board must provide for compliance inspections of funeral establishments and crematories premises at least annually. The board is authorized to contract with any one or more county boards of health, and each county board of health is authorized to contract with the board for inspection services on behalf of the State Board of Funeral Service.

HOUSE BILL 1585

CRUELTY TO THE ELDERLY

This legislation provides for the offense of cruelty to a person who is 65 years old or older when the guardian or other person supervising the older person willfully deprives the older person of health care, shelter, or necessary sustenance to the extent that the older person's health or well-being is jeopardized. The provisions do not apply to a guardian who in good faith provides treatment for the person's physical or mental condition by spiritual means alone, through prayer, in lieu of medical treatment, in accordance with the notarized consent of the older person.

ECONOMIC DEVELOPMENT

SENATE RESOLUTION 668

INVESTMENT CAPITAL STUDY COMMITTEE

This resolution creates the Investment Capital Study Committee. It provides that the Senate recognizes that because small businesses with innovative ideas have few options for securing investment capital in Georgia; that many small businesses leave the state in search of funding in pursuit of commercial success; that while federal small business innovative research grants exist, Georgia does not take full advantage of these programs; and that more action must be taken to ensure that the next wave of economic growth does not pass Georgia.

EDUCATION

HOUSE BILL 161

REQUIRES CERTAIN PERSONS TO REPORT WHEN ENTERING SCHOOLS

This legislation requires persons entering an elementary or secondary school building between the official start time and dismissal time, to check in at a designated location. Certain persons, such as public safety or emergency management officials, people making deliveries, attendants at an academic or athletic event, or those entering because the school is a polling place, are exempt.

SENATE BILL 291

STUDENT DISCIPLINE

This bill provides that students found to have engaged in physical acts of violence against a teacher, school bus driver, or other school personnel are subject to specified penalties. The term "physical violence" is defined and the bill provides for hearings and penalties. In cases of bullying or assault and battery on other persons on the school bus, local boards' policies must require a meeting of the parents and appropriate school district officials to form a school bus behavior contract for the student. Any such contract must provide for age-appropriate discipline, penalties, and restrictions for misconduct, and it may include assigned seating, ongoing parental involvement and suspension from riding the school bus.

This bill defines "physical violence" as: (1) intentionally making physical contact of an insulting or provoking nature with the person of another; or (2) intentionally making physical contact which causes physical harm to another unless made in self-defense. Local board policies and student codes of conduct must provide for the penalties to be assessed against a student found by a tribunal to have committed any act of physical violence against a teacher, school bus driver, or other school official or employee. The local board must appoint a tribunal composed of three teachers or other certificated education personnel, to hold a disciplinary hearing in cases of alleged physical violence and penalty. The tribunal must determine all issues of fact and intent and submit its finding and recommendations to the local school board for imposition of punishment. When appropriate, the tribunal must include a recommendation as to whether the student may return to public school. The local board may follow the recommendation of the tribunal or impose other penalties.

Students found to have committed an act of physical violence against a teacher, school bus driver, or other school personnel, which includes making physical contact of an insulting or provoking nature with the person of another, may be disciplined by expulsion, long-term suspension, or short-term suspension. An act of physical violence, which includes intentionally making physical contact causing harm, carries the penalty of mandatory expulsion. The expulsion must be for the remainder of the student's eligibility to attend public school pursuant to O.C.G.A. Code Section 20-2-150. The local board may permit the student to attend an alternative education program for such period. If the student is in kindergarten through grade eight, the local board may allow the student to re-enroll in the regular public school system for grades nine through 12. If the local board does not operate an alternative education program for students in grades kindergarten through six, the local board may allow students in those grades who have committed such an act of physical violence to re-enroll in the public school system. Additionally, any student found to have committed such an act must be referred to juvenile court with a request for petition alleging delinquent behavior.

SENATE BILL 368

PAY INCREASES FOR NATIONALLY CERTIFIED TEACHERS

This bill specifies that the 10 percent increase in state salary awarded to teachers who hold national certification from the National Board for Professional

Teaching Standards must be awarded on the date certification is received. The 10 percent increase must be computed based on the state salary for such individual when national certification is received and recomputed each subsequent year based on the individual's state salary for that school year. The bill deletes the requirement that an eligible person must have taught in Georgia public schools for three years.

Additionally, the bill authorizes the Professional Standards Commission (PSC) to: (1) investigate a complaint against an educator alleging a felony conviction or conviction of a crime involving moral turpitude; (2) automatically open an investigation when an educator admits to having resigned or having been discharged for committing a felony or misdemeanor involving moral turpitude, violations of the code of ethics, or violations of state education laws ; and (3) access criminal histories of educators through the Georgia Crime Information Center and the National Crime Information Center.

Finally, the Office of Education Accountability must conduct a longitudinal study of the effect of nationally certified teachers on student performance and annually thereafter, report to the General Assembly and the State Board of Education as to the effect of nationally certified teachers and "Teacher Alternative Preparation Program" teachers on student performance in Georgia.

HOUSE BILL 1200

CHARTER SCHOOLS; COMPREHENSIVE REVISION

This legislation extensively revises current law regarding charter schools. It defines the different types of charter schools which include: a conversion charter school, which is a charter school that existed as a local school prior to becoming a charter school; a local charter school, which is a conversion charter school or start-up charter school that is operating under the terms of a charter between the charter petitioner and the local board; a special school, which is created pursuant to the Constitution of the State of Georgia; a start-up charter school, which is a charter school that did not exist as a local school prior to becoming a charter school; and a state chartered special school, which is a charter school created as a special school that is operating under the terms of a charter between the charter petitioner and the state board. Additionally, the bill delineates the following: the enrollment procedures for charter schools; the contents required in charter petitions; the approval, denial and mediation process for charter petitions; the operating, management and reporting requirements for charter schools; and the allotment of state, local and federal funds.

EDUCATION AND HIGHER EDUCATION

SENATE BILL 425

NONPUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS

This legislation amends the "Nonpublic Postsecondary Educational Institutions Act" to expand the definition for "Proprietary schools" to include any business enterprise operating or soliciting in Georgia that prepares a person for taking and passing certification exams for work in a business, or a trade, technical or industrial occupation. The legislation also narrows the exemption provided to certain educational institutions from the requirements and rules of the Nonpublic Postsecondary Education Commission. Such exemptions will be based on the school's instructional program of providing review and preparation for a specific examination and will require that the "sole purpose" of the school's program to be for a specific "occupational" examination for which the student has already received training from another school, and that the occupational examination is recognized by a government agency or bona fide trade, business, or fraternal organization. Narrowing the exemption language will make certain schools accountable to the commission, thereby providing some protection and recourse to those students/consumers who pay large sums of money to a school for training in a program or a particular field if the school should go out of business.

SENATE BILL 465

LOAN FORGIVENESS PROGRAM TO ENCOURAGE LAW

STUDENTS AND OTHER ATTORNEYS TO CHOOSE CAREERS IN THE AREA OF PUBLIC INTEREST

This bill authorizes the Georgia Student Finance Authority to create a loan forgiveness program to encourage law students and attorneys to choose careers in the area of public interest. The bill also creates the "Public Interest Lawyers' Fund" which the authority maintains; and it authorizes the authority to establish a corporation in accordance with the "Georgia Nonprofit Corporations Code" to administer the fund. The fund will be credited with state funds and unrestricted moneys received by gifts or otherwise, and it will be used to make payments on the education loans for eligible attorneys.

ELECTIONS

SENATE BILL 414

ELECTRONIC VOTING EQUIPMENT

Procurement of Electronic Voting Equipment

The state will furnish a uniform system of direct recording electronic (DRE) equipment for use in each county by 2004. The governing authority of a municipality may elect to acquire its own DRE equipment at its own expense. The governing authority of a county may purchase, lease, or otherwise acquire more of the type of DRE equipment furnished by the state, if the governing authority so desires, at its own expense. The governing authority of a municipality or a county desiring to acquire such equipment may at any regular meeting or at a special meeting called for the purpose, by a majority vote, authorize and direct the acquisition of such equipment. Bonds or other evidence of indebtedness may be issued to meet all or any part of the cost of such DRE voting systems.

Public Display of Electronic Voting Equipment and Sample Ballots

Each election superintendent will place on public exhibition and demonstrate the use of the DRE units throughout their respective county or municipality during the month preceding each primary and election. The Secretary of State will advise the superintendents on recommended methods of demonstrating such units. During the initial year in which DRE equipment is used in a county or municipality, all superintendents will offer a series of demonstrations and organized voter education initiatives to equip voters for using this equipment in voting.

At least 30 days before a general primary or election or during the ten days before a special primary or election, the superintendent will place on public exhibition, in such public places and at such times as the superintendent deems most suitable for the information and instruction of the voters, a sample ballot to be used in such election.

HOUSE BILL 1120

POSTPONEMENT AND EXTENSION OF QUALIFYING

This legislation provides that in the event that the Governor or a federal agency declares that a state of emergency or disaster exists, the Secretary of State is authorized to postpone or extend the qualifying periods for candidates seeking municipal, county, or state-wide office and to postpone the date of any primary, special primary, election or special election in the affected area.

HEALTH AND HUMAN SERVICES

SENATE BILL 364**BRAIN AND SPINAL CORD INJURY
TRUST FUND COMMISSION**

This bill changes the Brain and Spinal Cord Injury Trust Fund Authority to the Brain and Spinal Cord Injury Trust Fund Commission with the authority of disbursement of trust fund money for the actual and necessary operating expenses that the commission incurs in performing its duties. However, the disbursements will be kept at a minimum in furtherance of the primary purpose of the trust fund. No funds will be disbursed from the trust fund until approved by the Governor, and the Governor may not disburse funds which the commission has not recommended for a grant. In addition, the Governor is authorized, but not required, to appoint three members from recommendations submitted by the Private Rehabilitation Suppliers of Georgia, the Georgia Hospital Association, the Brain Injury Association of Georgia, the Medical Association of Georgia, and the Georgia State Medical Association.

HOUSE BILL 498**COMMUNITY SERVICE BOARD ACCOUNTABILITY**

This legislation reorganizes and redefines the Regional Boards of the Division of Mental Health, Mental Retardation, and Substance Abuse (MH/MR/SA). The bill creates an organization that will redefine the role of the Department of Human Resources (DHR) regional offices by placing a regional director as a senior level regional representative of the DHR, responsible for the oversight and management of the system. Consumers, families, advocates and other knowledgeable, local individuals will still play a critical role in planning how the system should work.

The name of the Division of Mental Health, Mental Retardation and Substance Abuse will change to the Division of Behavioral Health and Developmental Disabilities. The senior level Department of Human Resources regional director position will have clear management authority delegated from the DHR and the division and will be held accountable for the efficient, effective operation of regional resources. Community service boards (CSBs) will be given additional powers and they will have additional options to reorganize as a private non-profit agency, a county agency or as part of a hospital authority.

HOUSE BILL 585**LICENSING REQUIREMENT FOR PHARMACY BENEFIT MANAGERS**

This legislation requires every pharmacy benefit manager (PBM) to be state-licensed. A PBM is essentially one who administers the prescription portion of a health benefit plan for an insurer, and in doing so, performs any act which constitutes the practice of pharmacy. This bill allows pharmacists to supervise three instead of two pharmacy technicians. One of the three technicians must have successfully passed a certification program; an employer's training and assessment program; and have been certified.

As a condition for licensing, every PBM must permit inspection of its premises whether the premises are located within or outside the state. Additionally, every PBM must comply with all of the pharmacy licensing provisions except those regarding: clean and free maintenance of prescription department; prescription department personally supervised by duly licensed pharmacist; and secured space set aside in a general merchandising establishment.

HOUSE BILL 652**"HEALTH CARE WORKFORCE SHORTAGE ACT"**

The "Health Care Work Force Shortage Act" applies to the following health care professions: Professional Counselors and Social Workers; Chiropractors; Dentists and Dental Hygienists; Dietitians; Registered and Advance Practice Nurses; Licensed Practical Nurses; Occupational Therapists; Optometrists; Pharmacists; Physical Therapists; Podiatrists; Psychologists; and Speech Language Pathologists and Audiologists.

Each professional licensing board will be authorized to require licensees to complete a survey at the time of renewal, requesting information related to the supply and demand of health care personnel including, but not limited to, workplace settings, current practice by specialty, and geographical location. Such

survey information from licensees who are licensed or certified will be provided to the Department of Community Health upon its request for the purpose of analyzing the supply and demand of health care personnel. Individual data contained in the survey will not be subject to the inspection of public records and the confidentiality of the data will be protected by a written agreement between the agencies sharing the data. The act will be automatically repealed December 31, 2007.

HOUSE BILL 1407

STATE CONTRACTS WITH CHARITABLE, RELIGIOUS OR PRIVATE ORGANIZATIONS

This bill provides that federal law 42 U.S.C.A. Section 604a now allows states to administer and provide services under certain federal programs through contracts with charitable, religious or private organizations. States may also provide beneficiaries of assistance under certain federal programs with certificates, vouchers, or other forms of disbursement which are redeemable. However, such authority will not preempt any provision of the state constitution or state statute that prohibits or restricts the expenditure of state funds in or by religious organizations. The bill states that the State of Georgia and its political subdivisions may, in the course of participation in federal programs, administer programs and provide assistance according to the following conditions:

- State and local government funds may be expended for administrative purposes incidental to the administration of such programs but may not be distributed to any church, sect, cult, religious denomination, or sectarian institution except as otherwise authorized by law or the Constitution of the State of Georgia;
- If an individual objects to the religious character of an organization from which the individual receives or would receive services, an acceptable alternative provider must be made available to him or her;
- A religious organization must not discriminate against an individual on the basis of religion, religious belief, or participation in or refusal to participate in a religious practice or rite; • Funds provided to a religious organization may not be expended for sectarian worship, instruction, proselytization or promotion of any particular system of faith or worship; and
- Organizations receiving funds must either qualify under Section 501(c)(3) of the federal Internal Revenue Code or must agree to be subject to audit of the use of state or local funds pursuant to appropriate rules and regulations promulgated by the Department of Audits and Accounts.

INSURANCE AND LABOR

HOUSE BILL 342

UNEMPLOYMENT COMPENSATION

This legislation amends Georgia's Employment Security Law. Changes include the establishment of an alternative base period for the qualification of unemployment benefits; the continuation of the moratorium on employer contributions to the Unemployment Trust Fund through December 2003; and an increase in the maximum amount of the weekly unemployment benefit award. Alternative Base Period
 If an individual does not have sufficient wages to qualify for benefits under the base period outlined in O.C.G.A. § 34-8-21(a) – the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year – then his or her base period will be calculated using an alternative base period of the last four completed quarters immediately preceding the first day of the individual's benefit year. Implementation of the

alternative base period will commence on January 1, 2003 and conclude and terminate on June 30, 2004. Benefit Experience; Variations from Standard Rate

Contribution rates for experience-rated employers for the time periods January 1, 2002 to December 31, 2002, and January 1, 2003 to December 31, 2003, will not be imposed above the level of 1 percent of statutory contribution rates. The Governor will have the authority to suspend by executive order any future portion of the reduction in calculated rates in the event the Governor determines, upon the recommendation of the Labor Commissioner, that suspension of the reduction is in the best interest of the State of Georgia. Determination of Weekly Benefit Amounts

An individual's minimum weekly benefit amount will be \$40.00. Maximum weekly benefit amounts have been increased as follows:

- Claims filed on or after July 1, 2001 – \$284.00;
- Claims filed on or after July 1, 2002 – \$295.00; and
- Claims filed on or after July 1, 2003 – \$300.00.

SENATE BILL 476

PROHIBITION OF INSURANCE DISCRIMINATION; PRECERTIFICATION; CONTINUITY OF CARE

This legislation revises Georgia's health care laws. The legislation:

- Prohibits discriminatory practices based on the race, color, or national or ethnic origin of an individual;
- Requires all managed care plans to obtain a signed acknowledgment from each enrollee at the time of enrollment and upon any subsequent product change elected by an enrollee acknowledging that the enrollee has been informed of certain provisions of their plan;
- Simplifies the precertification process;
- Revises nonrenewal and cancellation notice requirements;
- Requires access to managed care services in clearly defined areas; • Ensures the continuity of care for the chronically ill or for a pregnancy in the event a physician's contract with an insurance carrier, plan or network is terminated;
- Provides for retroactive claim denial/adjustment process; and
- Establishes new eligibility for the conversion of policies.

Discriminatory Practices

Insurers are prohibited from refusing to insure or refusing to continue to insure an individual; from limiting the amount, extent, or kind of coverage available to an individual; or from charging an individual a different rate for the same coverage because of the race, color, or national or ethnic origin of that individual or to base such refusal, limitation or rates on criteria which have the effect of discriminating on that basis. A violation of this provision will give rise to a civil cause of action for damages including, but not limited to, all damages recoverable for breach of insuring agreements under Georgia law including damages for bad faith and attorney's fees and costs of litigation. In addition, an intentional violation will give rise to the awarding of punitive or exemplary damages.

Managed Health Care Plans and Enrollee Consent

All managed care plans are required to obtain a signed acknowledgment from each enrollee at the time of enrollment and upon any subsequent product change elected by an enrollee acknowledging that the enrollee has been informed of the following:

1. The number, mix, and distribution of participating providers. Enrollees will be entitled to a list of individual participating providers and the list must be updated at least every 30 days and may be published on an Internet service site made available by the managed care entity at no cost;
2. The existence of limitations and disclosure of such limitations on choices of health care providers; and
3. A summary of any agreements or contracts between the managed care plan and any health care provider or hospital.

Precertification

When an enrollee, a provider, a facility, or home healthcare provider calls during regular business hours to request verification of benefits from a managed care plan, the caller must have the clear and immediate option to speak to an employee who must advise the caller that: (1) such verification is only a determination of whether given health care services are a covered benefit under the plan and is not a guarantee of payment for those services; and (2) if the verified services are a covered benefit, whether precertification is required and the phone number to request precertification.

Managed care plans that require precertification must have sufficient personnel available 24 hours a day, seven days a week, to provide precertifications by telephone for all nonelective procedures. Acceptance or rejection of precertification must be provided by an employee or agent of the managed care plan and must not be a recorded or computer generated communication. When an enrollee, provider, facility, or home healthcare provider obtains precertification for any covered health care service, the managed care plan is liable for such services at the reimbursement level provided under the plan within the time limits set by the plan.

Nonrenewal and Cancellation Notice Requirements

No insurer can refuse to renew a policy unless a written notice of nonrenewal is mailed first-class or delivered in person to the group policyholder. The notice must state the time when nonrenewal will be effective, which must not be less than 60 days from the date of mailing or delivery of the notice. A notice of termination must be mailed or delivered to the group policyholder and to each employer group or subgroup insured under the policy not less than 60 days prior to the effective date of the termination of the policy.

Notice to the group policyholder is not required when a group or blanket accident and sickness policy is canceled by an insurer for nonpayment of any premium at the expiration of the 31-day grace period as required by Code Section 33-30-4 or when the group policyholder has given any required written notice of termination to the insurer.

Notice by the insurer to the group members is required when a group or blanket accident and sickness policy is canceled or not renewed within 14 days of the expiration of the grace period, by an insurer for nonpayment of any premium. The notice of cancellation must be delivered to each group member affected either in person or by first-class mail to the last address of record of the group member. Such notice must be accompanied by a statement of the enrollee's continuation or conversion rights. If such group or blanket accident or sickness policy is cancelled or not renewed due to intentional nonpayment of premium by the group policyholder, the group policyholder will have the duty to notify the enrollees of termination of coverage no later than 14 days after the expiration of the 31-day grace period provided in Code Section 33-30-4.

Access to Managed Care Services – Additional Requirements

A managed care entity must demonstrate that its plan makes benefits available to each enrollee electing the plan in the defined service area with

reasonable promptness and in a manner that promotes continuity in the provision of the health care services.

Continuity of Care

Every physician contract entered into by a carrier after July 1, 2002, must provide that in the event an insurance carrier, plan or network terminates a physician's contract, or in the event that a physician should terminate his or her contract, any enrollee who is suffering from and receiving active treatment for a chronic or terminal illness or who is an inpatient at the time of the termination of that contract will have the right to continue receiving health care services from that physician for a period of 60 days from the date that the contract is terminated. In addition, any enrollee who is more than 12 weeks pregnant and receiving treatment in connection with that pregnancy at the time of the termination of that enrollee's physician's contract will have the right to continue receiving health care services from that physician throughout the remainder of that pregnancy, including six-weeks' postdelivery care. During the continuation period, the physician will continue providing such services in accordance with the terms of the contract and the carrier, plan or network will continue to meet all obligations of such physician's contract. The enrollee will not have the right to these continuation provisions if the physician's contract is terminated for reasons related to the quality of health care services rendered or issues related to the health, safety, or welfare of enrollees.

Eligibility for the Conversion of Policies

Any qualifying eligible individual whose insurance has been terminated for any reason other than fraud or failure to pay a required premium contribution to the employer and who has at least 18 months of creditable coverage immediately prior to termination will be entitled, without evidence of insurability, to convert to individual or group based coverage. Such conversion coverage must be, at the option of the individual, retroactive to the date of termination of the group coverage or the date on which continuation or COBRA coverage ended, whichever is later. The insurer must offer qualifying eligible individuals at least two distinct conversion options from which to choose. One such choice of coverage must be comparable to comprehensive health insurance coverage offered in the individual market or comparable to a standard option of coverage available under the group or individual health insurance laws of this state. The other choice may be more limited in nature but must also qualify as creditable coverage. Each coverage must be filed, together with applicable rates, for approval by the Commissioner.

Any group member who is not a qualifying eligible individual and whose insurance under the group policy has been terminated for any reason other than eligibility for medicare or failure to pay a required premium contribution, and who has been continuously covered under the group contract or group plan, and under any contract or plan providing similar benefits which it replaces, for at least six months immediately prior to termination will be entitled, without evidence of insurability, to convert to individual or group coverage. Such conversion coverage must be, at the option of the individual, retroactive to the date of termination of the group coverage or the date on which continuation or COBRA coverage ended, whichever is later. The premium of the basic converted policy will be determined in accordance with the insurer's table of premium rates applicable to the age and classification of risks of each person to be covered under that policy and to the type and amount of coverage provided.

SENATE BILL 505

TERMINATION OF AN ENTIRE LINE OR CLASS OF BUSINESS

This legislation prohibits an insurer from cancelling, nonrenewing, or otherwise terminating all or substantially all of an entire line or class of business for the purpose of withdrawing from the market in this state unless: • The insurer has notified the Commissioner in writing of the action, including the reasons for such action, at least one year before the completion of the withdrawal; or • The insurer has filed a plan of action for the orderly cessation of the insurer's business within a period of time shorter than one year and such plan of action has been approved by the Commissioner. At a minimum, in order to provide for orderly cessation and withdrawal, an insurer must provide a general notice to each insured at least 90 days prior to the termination of any policy followed by a subsequent notice which meets the applicable statutory notice requirements for cancelling, nonrenewing, or terminating insurance.

HOUSE BILL 994

CONTINUED USE OF INSURANCE CARDS; IMPLEMENTATION DATE FOR THE STATE MOTOR

VEHICLE LIABILITY INSURANCE DATABASE

This legislation extends the period that insurance cards will serve as valid proof of minimum motor vehicle liability insurance coverage until January 31, 2003. On and after February 1, 2003, the requirement that an insurance card be maintained in a motor vehicle at all times during the operation of the vehicle will not apply to the owner or operator of any vehicle for which the records or database of the Department of Motor Vehicle Safety indicate that required minimum insurance coverage is currently effective. The minimum liability insurance database will be operational for the purposes of testing no later than November 1, 2002, and will be fully operational by February 1, 2003.

HOUSE BILL 1100**INSURANCE COVERAGE FOR
COLORECTAL CANCER**

This legislation requires health benefit policies to provide coverage for colorectal cancer screening, examinations, and laboratory tests in accordance with the most recently published guidelines and recommendations established by the American Cancer Society, in consultation with the American College of Gastroenterology and the American College of Radiology, for the ages, family histories, and frequencies deemed appropriate by the attending physician. These benefits will be subject to the same annual deductibles or coinsurance established for all other covered benefits within the given health benefit policy.

HOUSE BILL 1128**WAIVER OF SOVEREIGN IMMUNITY – MOTOR VEHICLE LIABILITY**

This legislation waives the sovereign immunity of local government entities, up to a specified limit, for a loss arising out of a claim for the negligent use of a covered motor vehicle. This legislation applies only to the negligent use of a local government's vehicle and has no bearing on any other sovereign immunity provision. The waiver provisions will be phased in from January 1, 2005 through January 1, 2008 for the following limits:

Effective Date	Bodily Injury or Death of One Person	Loss with Two or More Persons	Property Damage
Jan. 1, 2005	\$100,000	\$300,000	\$50,000
Jan. 1, 2007	\$250,000	\$450,000	\$50,000
Jan. 1, 2008	\$500,000	\$700,000	\$50,000

Local government entities may provide for the payment of claims, settlements, judgements, and their associated costs through any method including self-insurance, use of a fund within their budget, the purchase of liability insurance, participation in an interlocal risk management agency, or any combination thereof.

HOUSE BILL 1492**INSURANCE COVERAGE FOR EQUIPMENT AND SELF-MANAGEMENT
TRAINING FOR INDIVIDUALS WITH DIABETES**

This legislation requires health benefit policies to provide coverage for medically necessary equipment, supplies, pharmacologic agents, and outpatient self-management training and education, including medical nutrition therapy, for individuals with insulin-dependent diabetes, insulin-using diabetes, gestational diabetes, and noninsulin-using diabetes. Covered individuals must adhere to the prognosis and treatment regimen prescribed by a licensed physician. Diabetes outpatient self-management training and education must be provided by a certified, registered, or licensed health care professional

with expertise in diabetes.

NATURAL RESOURCES

HOUSE BILL 1406

HAZARDOUS SITES

This legislation changes the waste disposal surcharge per ton of solid waste. Two percent of the surcharge can be retained by the owner or operator of any solid waste disposal facility collecting the surcharge to pay for costs associated with its collection. Unless reimposed by the General Assembly, no surcharge will be collected after July 1, 2013 (it was previously set to expire on July 1, 2003).

The funding from the fees on hazardous waste management activities and hazardous substance reporting will not be diverted for any purpose other than the administration of this article by the Environmental Protection Division (EPD), including reviewing and overseeing investigations, corrective action, and other actions by federal agencies required under this article and for supporting the reduction of hazardous waste and pollution prevention activities by federal agencies.

Every person who contributed to a release of hazardous waste, constituent, or substance, will be liable to the state for the reasonable costs of activities associated with the cleanup of environmental hazards, including legal expenses. Any such person will be liable notwithstanding the absence of the issuance of an order to such person pursuant to subsection (a) of Code Section 12-8-96 (relating to liability for damages) if the director of EPD is unable to identify such person prior to the commencement of clean-up action after making a reasonable effort to do so or if such person contributed to a release which resulted in an emergency action by the director and the issuance of such an order would cause a delay in corrective action that could endanger human health and the environment.

HOUSE RESOLUTION 1111

REDEVELOPMENT OF HAZARDOUS WASTE SITES

A companion to HB 1406, this resolution proposes an amendment to the Georgia Constitution that would authorize the General Assembly to establish a program by which properties polluted by hazardous waste, constituents, or substances would be reclassified for ad valorem tax purposes. The properties would be assessed at different rates or valuations in order to encourage their cleanup, reuse, and redevelopment and to assist in their revitalization by encouraging remedial action. The proposed amendment will be submitted to voters in November's general election.

PUBLIC SAFETY

HOUSE BILL 151

NITROUS OXIDE

The bill prohibits the use of nitrous oxide in any passenger vehicle on a public road. The bill does not apply to motor homes. Any person who violates this bill will be guilty of a misdemeanor.

SENATE BILL 320

GEORGIA'S HOMELAND DEFENSE ACT

Senate Bill 320, "Georgia's Homeland Defense Act," defines the term "domestic terrorism" as any violation of, or attempt to violate, the laws of this state or

of the United States which is intended or reasonably likely to injure or kill not less than ten individuals as part of a single unlawful act or a series of unlawful acts that are intended to intimidate the civilian population of the state; to alter, change, or coerce the policy of the government of this state or any of its political subdivisions by intimidation or coercion; or to affect the conduct of the government of the state or any of its political subdivisions by use of destructive devices, assassination, or kidnapping.

Any person who commits an act of domestic terrorism will be subject to the maximum term of imprisonment and maximum fine for the offense, which penalty may not be suspended, stayed, probated, or withheld. If the offense committed for the purpose of domestic terrorism is one for which the death penalty may be imposed, evidence that the offense was committed for such purpose shall be admissible during the sentencing phase as a statutory aggravating circumstance. In addition, the legislation amends the Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act to include within its prohibitions engaging in one or more acts of domestic terrorism or any criminal attempt, solicitation, or conspiracy related to domestic terrorism.

SENATE BILL 330

"TRANSPORTATION SECURITY ACT OF 2002"

Senate Bill 330 changes the name of the "Bus and Rail Vehicle Passenger Safety Act" to the "Transportation Passenger Safety Act" and extends its application to aircraft and airports. The avoidance of, or interference with, security measures is prohibited. The offense of bus or rail vehicle hijacking is completely revised. The act of boarding an aircraft, bus, or rail vehicle with any concealed explosive, destructive device or hoax device, hazardous substance, knife, or other device designed or modified for the purpose of offense or defense is prohibited. Disabling or inhibiting the operation or effectiveness of a safety device and intentionally rendering inoperable a traffic control device are also prohibited acts. The court is authorized to order restitution to any affected public or private entity for the reasonable costs or damages associated with a violation of the "Transportation Passenger Safety Act."

The legislation also revises certain offenses and increases penalties for certain violations. A defendant convicted of the offense of transmitting a false public alarm may be punished by the imposition of a fine of not less than \$1,000.00 in addition to imprisonment. A defendant may also be required to make restitution to the state and any affected political subdivision for the reasonable costs of activities associated with the offense. The offense of terroristic threats or acts is revised to include the release of a hazardous substance for the purpose of terrorizing another person or of causing the evacuation of a building, place of assembly, or transportation facility or in reckless disregard of the risk of causing terror or serious public inconvenience. The offense of carrying a deadly weapon at a public gathering is revised to include within the prohibited items, any explosive, destructive device or hoax device, any hazardous substance, or any knife or other device designed or modified for the purpose of offense or defense. Each person attending a public gathering has the duty to ensure that garments, baggage, or containers in his or her possession do not contain prohibited items.

SENATE BILL 385

PUBLIC HEALTH EMERGENCIES AND BIOTERRORISM PLANNING AND EXECUTING RESPONSES

This bill defines the terms "bioterrorism" and "public health emergency," and defines the duties of Department of Human Resources (DHR) in the event the department ascertains the existence of any illness or health condition which may be caused by bioterrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents or toxins. Such duties include the development of rules and regulations appropriate for the management of any public health emergency and the preparation of a public health emergency plan and draft executive order for the declaration of a public health emergency. DHR must consult and coordinate with the Georgia Emergency Management Agency, the Federal Emergency Management Agency, the Georgia Department of Public Safety, the Georgia Department of Agriculture, and the Centers for Disease Control and Prevention. It authorizes DHR to require the compulsory vaccination and treatment of persons for infectious diseases in the event a public health emergency is declared and authorizes DHR to require the compulsory isolation and segregation of persons with communicable disease conditions likely to endanger the health of others in the event a public health emergency is declared.

The Governor may declare that a state of emergency or disaster exists as a result of a public health emergency, and must issue a call for a special session of the General Assembly. The state of emergency will continue until the Governor finds that the threat or danger has passed. No state of emergency may continue for longer than 30 days unless renewed by the Governor. The General Assembly, by concurrent resolution, may terminate a state of emergency or disaster at any time. The Governor may compel a health care facility to provide services or use of its facility if it is reasonable and necessary for emergency response and may suspend or limit the sale of alcoholic beverages, firearms (however, this does not apply to firearms currently licensed to a private citizen), explosives and combustibles. The Governor may direct DHR to coordinate all matters pertaining to the response to the state of public health emergency. Due process procedures are modified for quarantine or vaccination programs, with the burden on the state and the ability for an expedited appeal. Any rule adopted relative to public health emergencies must be submitted to the House and Senate Judiciary Committees and the rule may be effective for not longer than 120 days.

The legislation also authorizes the Commissioner of Agriculture to designate certain animal diseases and syndromes to be diseases requiring notification to the department and the reporting thereof to the department. The contents of such reports will not be open to public inspection, but the Commissioner may release the data in statistical form for valid research purposes and for other purposes as deemed appropriate. Any person submitting reports or data in good faith to the department pursuant to this provision will not be liable for civil damages in relation to the submission.

HOUSE BILL 1105

THE GEORGIA DEPARTMENT OF JUVENILE JUSTICE

The bill allows law enforcement agencies to photograph a child who for any reason has been placed in the custody and control of the Department of Juvenile Justice and who has absconded and subsequently returned to such custody. The photographs must be filed separately from those of adults, and may be used in investigating the commission of crimes, and made available as may be directed by a court.

HOUSE BILL 1368

DRIVER'S LICENSE RENEWALS

The bill allows a person to renew his/her driver's license through the mail or electronically. The bill also provides that the driver's license fee for anyone who donates an anatomical gift shall not exceed \$8.00.

PUBLIC UTILITIES

HOUSE BILL 1003

TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM

Current law requires the Public Service Commission (PSC) to administer a state-wide single provider dual party relay service for the benefit of people with physical impairments who have difficulty communicating on the telephone. This legislation requires the PSC to establish and administer a telecommunications equipment distribution program and contract for the administration and operation of the program. HOUSE BILL 1568 "NATURAL GAS CONSUMER'S RELIEF ACT" The "Natural Gas Consumer Relief Act" makes the following key amendments to the "Natural Gas Competition and Deregulation Act."

Regulated Provider

The legislation establishes a regulated provider to serve two groups of consumers: low-income consumers and consumers who are refused service by marketers due to poor credit history. Any low-income consumer may transfer to the regulated provider without being required to fully pay any debt to a

marketer for prior service, and without disconnection of service due to the debt. The regulated provider will have access to the Universal Service Fund to recover bad debt resulting from service to low-income consumers. The distribution company will waive any base distribution charge for low-income consumers aged 65 and over.

The rate for consumers who are served by the regulated provider because of their credit history will be set to incorporate risks associated with these consumers. The regulated provider may terminate service to consumers in this group for failure to pay distribution or commodity costs. The regulated provider will not have access to the universal service fund to recover bad debt resulting from service to consumers in this group.

Bill of Rights

The legislation creates a bill of rights for consumers. This bill of rights states that:

- Consumers must have access to reliable, safe and affordable gas service;
- Consumers have the right to receive monthly, accurate, easily understood information about gas marketers, services, plans, terms and conditions, rights and remedies;
- All consumers must receive the benefits of new services, technological advances, improved efficiency, and competitive prices;
- Standards for protecting consumers with respect to deposit and credit requirements, service denials and terminations, and deferred payment provisions must be applied fairly to all consumers;
- All consumers must be protected from unfair, deceptive, fraudulent and anticompetitive practices;
- All consumers must receive accurate and timely bills from marketers;
- All consumers are entitled to protection of their privacy;
- All consumers must be protected from price increases resulting from inequitable price shifting; and
- All consumers have the right to a fair and efficient process for resolving differences with marketers.

Right to Change Marketers/ Deposit Limits/ Disconnections/ Right to a Civil Action

The legislation implements many significant consumer protection items, such as ensuring a consumer's right to change marketers, establishing reasonable deposit limits, setting standards for disconnections and the correction of billing errors, providing penalties for slamming, and ensuring that retail customers of natural gas may sue a marketer for certain violations. Details of these pro-consumer edicts are as follows:

- Marketers can not charge consumers a service charge for changing marketers if the consumer has not changed marketers within the past year.

- Deposits may not exceed \$150.00 prior to providing gas service, and any existing deposits over that amount must be refunded within 30 days if the customer is not delinquent in payments.
- A consumer's gas service may only be disconnected for failure to pay for service from the consumer's current marketer.
- Marketers must offer at least one reasonable payment arrangement to a consumer prior to requesting that the consumer be disconnected for failure to pay.
- When a billing error or other mistake is reported to or acknowledged by a marketer, the marketer will have 30 days to correct the billing error from the date the error is reported or acknowledged.
- Any consumer determined by the PSC to be the victim of slamming may switch back to his or her desired marketer at no charge.
- No marketer responsible for slamming a consumer may report any moneys owed to the marketer to a credit agency. A marketer who does report such a consumer to a credit agency will be required to pay the consumer \$1,000 for each prohibited report.
- A consumer will not be required to pay a fee for distribution service when the consumer's meter is turned off.
- Consumers also have the right to sue marketers who violate any of the consumer protection rules.

Universal Service Fund

The legislation authorizes the PSC to place a surcharge on interruptible natural gas customers. This surcharge will be paid into the universal service fund, and may not exceed \$25 million in any fiscal year. The fund may be used to assist low-income customers in times of emergency and consumers of the regulated provider, as well as enable the distribution company to expand its facilities and service. Any amounts remaining in the Universal Service Fund at the end of the fiscal year in excess of \$3 million will be available for refund to retail customers in such manner as the PSC deems equitable.

Reallocation of the Base Rate

The legislation removes the requirement for the PSC to use the straight fixed variable method of rate design to determine base rates and allows the PSC to establish any reasonable method of rate design.

Emergency Directives

If the PSC determines that market conditions are no longer competitive, the PSC may impose temporary emergency directives if more than 90 percent of retail customers in a specific delivery group are served by three or fewer marketers, or determines that prices paid by retail customers are significantly higher than the prices would be if they were constrained by market forces. The directives include, but are not limited to, price regulations. The directives will be immediately reviewable in the Superior Court of Fulton County.

Electric Membership Corporations

The legislation permits Electric Membership Corporation (EMC) gas affiliates to market gas in Georgia. Terms and Conditions of Service to Businesses
The PSC is required to adopt rules by September 1, 2002 establishing minimum standards for a marketer's terms and conditions of service for various

classes of firm customers that are non-residential and small business. In determining classes, the PSC may consider relevant factors such as consumption history, estimated usage and the size of the customer.

RETIREMENT

SENATE BILL 62

EMPLOYEES' RETIREMENT SYSTEM OF GEORGIA MILITARY SERVICE CREDIT

This bill provides for a maximum of two years military service credit for any member who served an uninterrupted period of active duty in the armed forces which began during any period in which a military draft was in effect. A member will be required to pay the regular employee contributions plus interest. The deadline for applying for the credit is December 31, 2003. This bill expands the exemption for retirement system records from public inspection by providing that the term "retirement system" will include any association of like political subdivisions with the objective of pooling funds for retirement or pension purposes.

SENATE BILL 100

PEACE OFFICERS' ANNUITY AND BENEFIT FUND RETURN TO SERVICE

This bill provides that the retirement benefits of a member of the Peace Officers' Annuity and Benefit Fund who has attained the age of 55 and has at least 30 years of creditable service will not be affected if he or she continues or returns to service as a peace officer.

SENATE BILL 138

PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM INCREASE BENEFIT

This bill amends the provision relating to the retirement benefit amount for members of the Public School Employees' Retirement System by increasing the benefit multiplier from \$9.50 to \$12. The bill also increases the maximum allowable benefit to retired members by increasing the benefit multiplier from \$12 to \$15, subject to funds appropriated by the General Assembly.

SENATE RESOLUTION 522

SENATE TEACHERS RETIREMENT SYSTEM STUDY COMMITTEE

This legislation creates a committee to study the benefits of early teacher retirement on public education in Georgia, as well as the conditions, needs, issues and problems associated with early retirement. The committee will be composed of ten members and may report its findings and recommendations on or before December 31, 2002.

HOUSE BILL 210

TEACHERS RETIREMENT SYSTEM OF GEORGIA RETURN TO SERVICE

This bill provides that a member of the Teachers Retirement System who is retired as of December 31, 2001, with at least 30 years of creditable service or after attaining age 60, may return to service as a classroom teacher or as an improvement specialist (a certified teacher employed by a regional educational service agency to implement an improvement plan) in a qualified school for up to five years without affecting his or her retirement benefits. A qualified school is a school identified by the Board of Education which has failed to meet certain achievement standards. Retired teachers must have been retired for at least one month, and must have been employed under a contract of up to 12 months. The number of retired teachers hired must not exceed 1 percent of the total number of full-time classroom teachers employed by the school system at the end of the preceding contract year. Any local school

system may employ at least ten retired teachers and must pay all employer contributions. The local school system is also prohibited from entering into a contract on or after July 1, 2008. A re-hired teacher may not receive any further creditable service, will not retain such tenure as he or she had prior to his or her retirement, will not be eligible for employment benefits, will not accrue any additional benefits, nor will he or she pay employee contributions.

HOUSE BILL 227

GEORGIA MILITARY PENSION FUND

This bill establishes the Georgia Military Pension Fund to be administered by the Board of Trustees of the Employees' Retirement System. The fund will begin operation on July 1, 2002. All members of the Georgia National Guard on that date, and those joining after that date, will become members of the fund. A member will be able to retire if he or she has: attained age 60; has 20 or more years of creditable service (15 years as a member of the Georgia National Guard); served at least 10 consecutive years as a member of the Georgia National Guard immediately before discharge; or received an honorable discharge from the Georgia National Guard. A retired member will receive a monthly service retirement allowance of \$50 plus an additional \$5 per month for each year of creditable service over 20 years, up to a maximum monthly benefit of \$100. The bill provides for creditable service for prior service in the United States Army, Army Reserve, Army National Guard, Navy, Navy Reserve, Marine Corps, Air Force, Air Force Reserve, Air National Guard and Coast Guard, if such service meets federal requirement for creditable service.

HOUSE BILL 765

TEACHERS RETIREMENT SYSTEM OF GEORGIA PRIVATE SCHOOL SERVICE

This bill allows members to obtain creditable service for any period between January 1, 1977, and December 31, 1980, during which the member was employed by a non-profit corporation in an early childhood development program under contract with a state agency in a program wholly or partially funded by a state or federal grant. During that period, the member must have held a four-year degree from an accredited college or university. He or she must submit an application by July 1, 2003, and pay the board of trustees the amount determined necessary to grant the benefit without creating any accrued actuarial liability to the system. The bill also allows members to obtain creditable service for a maximum of ten years for service as a teacher in an accredited private elementary or secondary school or any private college or university located in the state. A member must have at least five consecutive years of membership with the Teachers Retirement System of Georgia, after which he or she can then establish one year of credit for private school service for each additional year of membership service. Members must pay the board the amount as determined necessary to grant the benefit without creating any accrued actuarial liability to the system.

HOUSE BILL 931

EMPLOYEES' RETIREMENT SYSTEM OF GEORGIA RETURN TO SERVICE

This bill allows persons who retired on a normal service retirement with at least ten years of service as an officer of the Uniform Division of the Department of Public Safety to return to service and continue to receive retirement benefits if he or she accepts full-time or part-time employment with the Department of Public Safety or the Department of Motor Vehicle Safety as a radio operator or a driver's license examiner. A retiree who goes back to work will not be eligible for employee benefits. Employer or employee contributions will not be paid to the Employees' Retirement System (ERS). This provision will cease to apply on or after July 1, 2007. The bill also allows any member of the ERS who is an employee of a community service board (CSB) to obtain creditable service for prior service as an employee of a private non-profit hospital, which was deemed to be the community health center through a contractual master agreement with the Department of Human Resources and which was authorized to bill Medicaid for outpatient clinic option services under the state community mental health program prior to December 31, 1991, and who, without a break in service, became an employee of the CSB in the same position. Applications must be made by December 31, 2002. The bill also provides that the ERS employee contribution must be between 1 percent and 1.5 percent of the earnable compensation of each member; however, any reduction in the percentage must be based upon the actuarial soundness of the fund.

HOUSE BILL 955

TEACHERS RETIREMENT SYSTEM OF GEORGIA OBTAIN ADDITIONAL THREE YEARS

This bill allows members of the Teachers Retirement System who have accrued at least 25 years of creditable service to obtain up to three years of additional creditable service. To obtain such credit, members must pay the board of trustees an amount determined by the board sufficient to cover the full actuarial cost for granting the creditable service.

SCIENCE AND TECHNOLOGY

HOUSE BILL 1445

GEORGIA TECHNOLOGY AUTHORITY OVERVIEW COMMITTEE

This legislation creates the Georgia Technology Authority Overview Committee which will consist of three members from the House of Representatives appointed by the Speaker of the House and three members from the Senate appointed by the President of the Senate. The members will serve for terms concurrent with their terms of office as members of the General Assembly. The Speaker and the President of the Senate will each designate a member as co-chairperson of the committee. Other than the co-chairpersons, the committee will provide for its own organization. The committee will review the operations, contracts, financing, organization, and structure of the Georgia Technology Authority, as well as periodically review and evaluate the success with which the Authority is accomplishing its legislatively created purposes.

TAXATION

HOUSE RESOLUTION 391

REDEVELOPMENT TAX INCENTIVE PROGRAM

To encourage redevelopment of blighted properties, this legislation amends the Georgia Constitution, authorizing counties and municipalities to establish community redevelopment tax incentive programs. Under these programs, increased ad valorem taxation will apply to properties maintained in a blighted condition and decreased taxation will apply for a time to formerly blighted property which has been rehabilitated. Variations in the taxation rates will be a permissible variation in the requirement of uniformity of taxation. The increase or decrease in the taxation rate will affect only the general millage rate for county or municipal operations. A county and one or more municipalities in the county may establish a joint community redevelopment tax incentive program through the adoption of concurrent ordinances. This amendment will be on the November ballot for ratification by the voters.

HOUSE BILL 547

WAIVER OF INTEREST DUE ON UNPAID TAXES

This legislation provides that under certain circumstances, the taxing authorities may waive penalties or an amount of interest assessed for failure to pay ad valorem taxes, when the interest to be waived accrues on or after July 1, 2002. Prior to this bill, only penalties could be waived. The waiver of penalties or interest will be subject to the written approval of the county governing authority either on a case-by-case basis or by a resolution delegating the authority to the tax collector or tax commissioner to make the final determinations.

HOUSE BILL 1026

INTERNAL REVENUE CODE UPDATE

This legislation updates the definition of "Internal Revenue Code" to refer to changes made to the United States Internal Revenue Code during the past year. These changes include:

- Individual Retirement Account (IRA) amounts are increased from \$2,000 to \$3,000 in tax year 2002. For persons over 50 who wish to catch-up on

their IRA contributions, an additional \$500 is allowed;

- Deferrals for 401(k), 401(e) and 457 plans will increase to \$11,000 in tax year 2002. For taxpayers 50 and over, a catch-up provision allows an additional \$1,000;
- The education incentive plan (Coverdell savings plan) increases the amount that can be contributed to an educational IRA from \$500 to \$2,000. It also expands the definition of qualified education expenses that may be paid with tax-free withdrawals to include elementary and secondary education;
- Technical changes to Section 529 qualified tuition programs include graduate programs that are eligible for employer-provided educational assistance. The changes to Section 529 also liberalize the deduction for student loan interest;
- A new above-the-line deduction for qualified education expenses of certain taxpayers. The deduction is available in 2002 and 2003 to taxpayers with incomes of less than \$65,000 single and \$130,000 joint. The deduction is limited to \$3,000; and
- The Internal Revenue Code provides for the phase-out of the state death tax credit as a credit against the federal estate tax. For deaths occurring in 2002, 25 percent of the state death tax credit is disallowed. In 2003, 50 percent of the state death tax credit is disallowed, 75 percent in 2004, and 100 percent in 2005 and thereafter. This change results in a decrease in estate taxes in Georgia.

The tax reductions granted by the federal law will sunset in 2010.

HOUSE BILL 1312

SALES TAX HOLIDAY

This legislation provides for two sales tax holidays, March 29-30, 2002 and August 2-3, 2002. The items exempted from sales taxes during these sales tax holidays are:

- Articles of clothing and footwear with a sales price of \$100.00 or less per item, excluding accessories such as jewelry, handbags, umbrellas, items intended primarily for use as athletic or sporting gear, eyewear, watches and watchbands;
- The first \$1,500.00 of the sales price of a single purchase of personal computers and personal computer related accessories purchased for noncommercial home or personal use, including personal computer base units and keyboards, monitors, other peripheral devices, modems, and nonrecreational software. This exemption will only be available when the purchase includes the purchase of a personal base unit. Computer and computer related accessories will not include furniture and any systems, devices, software, or peripherals designed or intended primarily for recreational use; and
- Noncommercial purchases of general school supplies to be used in the classroom or in classroom related activities, up to a sales price of \$20.00.

These exemptions will not apply to rentals; sales in a theme park, entertainment complex, public lodging establishment, restaurant, or airport; or to

purchases for trade, business or resale.

HOUSE BILL 1313

RETIREMENT INCOME EXCLUSION

This legislation raises the maximum amount of retirement income which may be excluded from Georgia's individual income tax for taxpayers 62 years of age or older. The current exclusion limit is \$14,000. This legislation raises the limit to \$14,500 for taxable year 2002, and to \$15,000 for taxable years beginning on or after 2003.

HOUSE BILL 1321

PROPERTY TAX RELIEF GRANTS

This legislation provides that homeowner tax relief grants may be given to municipalities as well as to counties and school districts. Immediately following the preparation of ad valorem tax bills, each municipality's fiscal authority must notify the Department of Revenue of the total amount of tax revenue which would be generated by applying the municipal millage rate to the eligible assessed value of each qualified homestead in the municipality. The total amount of tax credits given to all qualified homesteads in the municipality will be the amount of the grant to that municipality. The grant of funds to each municipality will be conditioned on the municipality's fiscal authority reducing each qualified homestead's otherwise applicable liability for municipal taxes by the credit amount calculated.

The legislation also permits senior citizens who have covenanted to use property for qualified agricultural or conservation use purposes, and who have received preferential tax assessments on that property as a result of that covenant, to breach the covenant without being subjected to financial penalties. A breaching property owner who is a senior citizen must pay only the amount by which preferential assessment has reduced taxes otherwise due for the year in which the covenant is breached, plus interest from the date of the breach, provided that the property owner has renewed his or her covenant at least once without lapse, has used the property in a qualifying use under the renewal covenant for at least three years, and provides written notice of their election to discontinue the property in its qualifying use.

HOUSE BILL 1389

LOW-SPEED VEHICLES— INCOME TAX CREDITS

This legislation permits the registration and licensing of low-speed motor vehicles. "Low-speed vehicle" is defined as "any four-wheeled electric vehicle whose top speed attainable in one mile is greater than 20 miles per hour but not greater than 25 miles per hour on a paved level surface and which is manufactured in compliance with those federal motor vehicle safety standards for low-speed vehicles... in effect on January 1, 2001." The legislation includes low-speed vehicles in the definition of "motor vehicle," with respect to motor vehicle accident reparations. All low-speed vehicles are entitled to full use of a lane, and will be subject to all the rights and duties applicable to any other motor vehicle, except provisions concerning uniform rules of the road which are not applicable to low-speed vehicles, and the following special regulations:

- The operator of a low-speed vehicle may not overtake and pass in the same lane occupied by the vehicle being overtaken;
- No person may operate a low-speed vehicle between lanes of traffic or between adjacent lines or rows of vehicles;
- Low-speed vehicles may not be operated two or more abreast in a single lane; and
- Low-speed vehicles may be operated only on any highway where the posted speed limit does not exceed 35 miles per hour. Low speed vehicles

are not entitled to income tax credits for low and zero emission vehicles. However, these tax credits will be granted to a taxpayer who purchased or leased and placed in service in Georgia a new low-emission vehicle or zero emission vehicle, which is also a low-speed vehicle, if that vehicle was placed in service by December 31, 2001. Any claim for this credit must be accompanied by a manufacturer's statement of origin issued to a dealer registered in Georgia certifying that the vehicle was manufactured in compliance with federal motor vehicle safety standards in effect on January 1, 2001. A taxpayer may only claim the credit with respect to a single low-speed vehicle.

HOUSE BILL 1434

HIGHER EDUCATION SAVINGS PLAN; CORPORATE TAXATION; TRANSPORTATION TAX CREDITS

This legislation perfects the Higher Education Savings Plan which was passed by the General Assembly during the 2001 Session, and makes important changes to current laws governing corporate taxation and transportation tax credits.

Most of the amendments to the Higher Education Savings Plan are technical; however, the legislation does make significant substantive changes. Specifically, in order to align with federal changes and to ensure that Georgia has an attractive and competitive savings plan, this bill removes the cap on annual contributions and allows for unlimited contributions until the account balance reaches \$235,000.00. No account owner or designated beneficiary may pledge any interest in the Georgia Higher Education Savings Plan or any portion thereof as security for a loan. Additionally, the legislation ensures that taxable nonresidents are treated the same as residents in the event of unqualified withdrawals. Moreover, the legislation specifies that withdrawals of contributions to a savings trust account other than for qualified higher education expenses, which previously have been used to reduce taxable net income, will apply to the entire net income of a taxable nonresident derived from employment, trade, business, professional or other activity for financial gain or profit performed.

With respect to corporate taxation, the legislation amends the apportionment agreement process. The legislation provides that the following records constitute public records that are open for inspection: proposals submitted by taxpayers that allowed taxpayers to enter into a contract or agreement with the commissioner to use a different allocation method, or a different apportionment method; and any agreement or contract entered into as a result of such proposal. Taxpayers' tax information from any state or federal income tax return which is subject to public disclosure, but which would otherwise be privileged or protected from disclosure, must be deleted or redacted.

In evaluating income tax proposals establishing the allocation of a taxpayer's income for a limited period, the panel, which is comprised of the commissioner of community affairs; the commissioner of industry, trade and tourism; and the director of the Office of Planning and Budget, must not determine that a proposal has significant beneficial economic effect on the region for which it is planned unless two or more of the following criteria are met:

- The proposal creates new full-time jobs that meet the requirements relating to job tax credits, with average wages which are 20 percent above such average wage for projects located in tier 1 counties; 10 percent above such average wage for projects located in tier 2 counties; or 5 percent above such average wage for project's located in tier 3 or 4 counties;
- The project invests in qualified investment property, which is valued at over \$10 million in tier 1 counties, over \$35 million in tier 2 counties, and over \$75 million in tier 3 or tier 4 counties. Past investments will not be considered;
- The proposal creates a minimum of 50 new full-time jobs that meet the requirements relating to job tax credits, in a tier 1 county, 150 such jobs in a tier 2 county, or 300 such jobs in a tier 3 or tier 4 county; or

- The proposal demonstrates high growth potential based upon the prior year's Georgia net taxable income growth over 20 percent from the previous year, if the company's Georgia net taxable income in each of the two preceding years also grew by 20 percent or more. The legislation amends current law governing transportation tax credits by clarifying that no business enterprise may claim the tax credit for a purchased or leased motor vehicle and the tax credit for the purchase or lease of a low-emission or zero-emission vehicle, with respect to the same vehicle. If a business enterprise sells a new motor vehicle within three years of receiving the credit, the business enterprise must recapture the credit as follows: if the vehicle is sold within one year of receiving the credit, the recapture amount will equal the lesser of the credit or the net profit from the sale; if the vehicle is sold within two years of receiving the credit, the recapture amount will equal the lesser of two-thirds of the credit or the net profit from the sale; and if the vehicle is sold within three years of receiving the credit, the recapture amount will equal the lesser of one-third of the credit or the net profit from the sale.

HOUSE BILL 1441

ASSIGNMENT OF CERTAIN TAX CREDITS; CERTIFICATION OF VENTURE CAPITAL COMPANIES

This legislation establishes the following:

- Tax credits for the rehabilitation of historic structures;
- Assignment of certain corporate income tax credits and the carryover of unused credit;
- Exemptions to sales and use taxes for certain sales or lease of computer equipment;
- Certification of venture capital companies (certified capital companies); and
- The assignment of corporate income tax credits and state insurance premium tax credits with respect to certified capital companies.

Tax Credits – Rehabilitation of Historic Structures

This legislation grants an income tax credit to a taxpayer for the taxable year in which certified repairs or alterations to an historic structure have been made. In the case of an historic home, the tax credit will be equal to 10 percent of the qualified rehabilitation expenditures. In the case of any other certified structure, the tax credit will be equal to 20 percent of qualified rehabilitation expenditures. A "qualified rehabilitation expenditure" is any amount properly chargeable to a capital account expended in the substantial rehabilitation of a structure that, by the end of the taxable year in which the certified rehabilitation is completed, is a certified structure. In no event may credits for an historic home exceed \$5,000.00 in any 120-month period.

Certified Capital Companies and Income Tax Credits

This legislation also authorizes the director of the Office of Treasury and Fiscal Services to establish the procedures for making an application to become a certified capital company. A certified capital company's equity capitalization from the time of seeking certification through the date of receipt of an allocation of certified capital must be \$500,000.00 or more and must be in the form of unencumbered cash, marketable securities, or other liquid assets.

Any certified investor who makes an investment of certified capital pursuant to an allocation of tax credits must, in the year of investment, earn a vested credit against state premium tax liability equal to 100 percent of the investor's investment. After July 1, 2005, an investor will be entitled to take up to 10 percent of such vested tax credits in any taxable year to reduce the investor's state premium tax liability for such taxable year. In the event that a certified investor is unable to utilize the full 10 percent for a taxable year, the remainder may be taken in a future tax year without regard to the annual limitations.

The tax credit that may be applied against state premium tax liability in any one year may not exceed the state premium tax liability of the certified investor for that year. All unused tax credits against state premium tax liability may be carried forward indefinitely and used in any subsequent year until they are utilized in full. The tax credit may be transferred or sold to any other person with state premium tax liability. The department will promulgate regulations to facilitate the transfer or sale of the tax credits. Any such transfer or sale will not affect the time schedule for taking the tax credit as provided in this chapter.

TRANSPORTATION

HOUSE BILL 1382

RAILROAD CROSSINGS

This bill amends legislation relating to the duty to maintain grade crossings at railroads; the authority to eliminate grade crossings; construction and relocation of grade crossings; and maintenance.

Any railroad whose track or tracks cross a public road at grade has a duty to maintain the grade crossings in such condition as to permit the safe and reasonable passage of public traffic. Road surface material for maintenance will be provided by the governing authority that owns the road. The duty of maintenance is extended from the portion of the public road lying between the track and for two feet beyond the ends of the crossties on each side, to also include the extension to four feet beyond the traveled way or flush with the edge of a paved shoulder, whichever is greater, of the crossing.

The section dealing with uniform criteria for the elimination of grade crossings is amended to require that the criteria include consideration of the average daily traffic volume in proportion to the population of the municipality if the crossing is located within a municipality, or the population of the county if the crossing is located within an unincorporated area of the county; the effect of closing the crossing upon access by persons utilizing medical and government facilities, including courts, postal, library, sanitation, and park facilities, as well as commercial, industrial, and other areas of public commerce; and any use of the crossing by public or private utility vehicles, including water, sewer, natural gas, and electric utility maintenance and repair vehicles. Any petition by a railroad to eliminate a crossing without construction of an overpass or underpass must be filed by certified mail or statutory overnight delivery, return receipt requested, with the department in respect to the state highway system, a county governing authority with respect to a county road system, or a municipal governing authority with respect to a municipal street system.

If any railroad fails to comply with a maintenance order of a county or municipality within 30 days after receipt of such notice and order, the county or municipal governing authority may file a written request for review of the matter with the Department of Transportation (DOT). The department must, within 30 days after the filing of such request, investigate the matter, and issue an order either requiring the railroad to take action as is necessary for purposes of compliance or nullifying the order of the local governing authority. As part of such order, the department must assess all its costs of investigating and reviewing the matter against the railroad if a compliance order is issued or against the county or municipality if the order of the local governing authority is nullified. The assessed party will be liable to the department. The department must keep detailed records of its costs of investigation and review, and the records will be subject to public inspection as provided by Article 4 of Chapter 18 of Title 50.

If any railroad fails to comply with any order of the department under this subsection of this paragraph within 30 days after receipt of the order, then after notice and opportunity for a hearing, the railroad will be subject to a civil penalty in the amount of \$500.00 per day until the railroad has complied with the order of the department. The department, may, however, grant an extension of time for compliance without penalty upon a showing that the railroad's failure to timely comply was due to force majeure.

The General Assembly also authorized several new prestige license plates. These new plates are as follows:

Breast Cancer License Plate (House Bill 1402);

Dog and Cat Reproductive Sterilization Program and License Plate (House Bill 945);

National Rifle Association License Plate (House Bill 1295).

VETERANS AND CONSUMER AFFAIRS

HOUSE BILL 1192

MOTOR VEHICLE AIR BAGS

This bill provides that any person who knowingly installs or reinstalls any object in lieu of, or other than an air bag which was designed in accordance with federal safety requirements for the make, model, and year of the vehicle will be guilty of a misdemeanor of a high and aggravated nature.

HOUSE BILL 1457

PURCHASE OF RIFLES AND SHOTGUNS

House Bill 1457 provides that Georgia residents may purchase rifles and shotguns in any state of the United States, and that residents of any state of the United States may purchase rifles and shotguns in Georgia. Prior to this legislation, Georgia residents could purchase rifles and shotguns only in states contiguous to Georgia, and only residents of states contiguous to Georgia could purchase rifles and shotguns in Georgia.