



*Jill C. Fike*  
*Director*

*Brian Scott Johnson*  
*Deputy Director*

*Senate Research Office*  
*204 Paul D. Coverdell Legislative Office Building*  
*18 Capitol Square*  
*Atlanta, Georgia 30334*

*Telephone*  
*404.656.0015*

*Fax*  
*404.657.0929*

## **2009 SESSION HIGHLIGHTS**

This document is our final report of legislation passed by the 2009 Georgia General Assembly. It contains summaries of passed legislation, an index of study committees, and an index of vetoed legislation. If further detail on legislation is needed, please contact the Senate Research Office.

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## **AGRICULTURE AND CONSUMER AFFAIRS**

### **SENATE BILL 30 GASOLINE MARKETING PRACTICES**

This bill requires unblended gasoline to be available for ethanol blending. Also, it requires suppliers of auto gasoline under marketing agreements to offer unblended gasoline to gasoline distributors and dealers. Unblended gasoline must be suitable for blending with fuel alcohol. No supplier of auto gasoline may stop a gasoline distributor or dealer from being a fuel blender or from qualifying for federal or state tax credits available to fuel blenders.

### **SENATE BILL 43 BOLL WEEVIL SUPPRESSION**

This bill changes the Georgia Department of Agriculture's process for collecting assessments for boll weevil suppression and eradication programs due to changes in federal law.

### **SENATE BILL 80 FOOD SAFETY TESTING, REPORTING AND RECORD KEEPING**

This bill changes the Georgia Department of Agriculture's requirements for food processing plants to require reporting of dangerous food testing results and the retention of testing results. This bill requires food processing plants to regularly test foods and ingredients for the presence of harmful contaminants.

### **SENATE BILL 152 AGRICULTURE COMMODITY COMMISSION FOR ORNAMENTAL PLANTS**

This bill creates the Ornamental Plant Commodity Commission. "Ornamental plants" means any plants grown in commercial nurseries for sale as live plants for use primarily in ornamental or landscape plantings, which are not plants grown in nurseries for turf production, agricultural, horticultural, or silvicultural use. This bill does not have a fiscal impact. Also, the bill gives trademark protection in the Code for the "Georgia Grown" symbol. Also, it allows the Department of Agriculture to assess civil monetary penalties against violators of rules and regulations in regard to trademarks.

### **HOUSE BILL 529 REGULATION OF AGRICULTURE PRACTICES AND AGRITOURISM**

Under this bill, no county, municipality, consolidated government, or other political subdivision will adopt or enforce any ordinance, rule, regulation, or resolution regulating crop management or animal husbandry practices involved in the production of agricultural or farm products on any private property. This bill encompasses language from Senate Bill 75, which provides limited liability for landowners who allow people to come onto their land for the purpose of hunting, fishing, or agritourism, provided that there is a warning sign posted and the guests sign a waiver.

## **APPROPRIATIONS**

### **SENATE BILL 122 POST-EMPLOYMENT HEALTH BENEFIT FUNDS**

This bill repeals the Georgia Retiree Health Benefit Fund and creates two funds: the Georgia School Personnel Post-employment Health Benefit Fund and the Georgia State Employees Post-employment Health Benefit Fund. On August 31<sup>st</sup>, 2009, the Board of Community Health must identify the funds held in the Georgia Retiree Health Benefit Fund that account for the payments made into the fund for the post-retirement health benefits for public school teachers

and public school employees, and for the post-retirement health benefits for state employees and transfer such funds to the appropriate newly-created fund for such purpose. The Department of Community Health maintains responsibility for the proper operation of the funds created.

### **HOUSE BILL 118 2008-2009 SUPPLEMENTAL APPROPRIATIONS**

HB 118, the Fiscal Year 2009 amended budget appropriates \$18.9 billion in state funds. The final revised revenue estimate projected a \$2.68 billion shortfall from the original FY09 budget (or 13.3% below the original budget). This amount is based on a projected decline in state tax revenues of -6.98% over FY08. The shortfall was addressed in the budget through a combination of federal stimulus funds, reserves, and budget cuts. The budget used \$627 million in stimulus funds, \$408 million in reserves, including \$387 million from the state's revenue shortfall reserve, and \$1.65 billion in cuts. \$579 million in cuts were from surpluses that had accumulated in the employees' State Health Benefit Plan due to a variety of efficiencies, including shifting state employees to less expensive, consumer driven health plans. The final budget also restored \$428 million in funds for Homeowners Tax Relief Grants.

For more detail on the budget, please contact staff at the Senate Budget and Evaluation Office: [Carolyn.Bourdeaux@senate.ga.gov](mailto:Carolyn.Bourdeaux@senate.ga.gov) or [Callie.Michael@senate.ga.gov](mailto:Callie.Michael@senate.ga.gov)

### **HOUSE BILL 119 2009-2010 APPROPRIATIONS ACT**

HB 119, the Fiscal Year 2010 general budget appropriates \$18.6 billion in state funds. The final revised revenue estimate projected a \$3.3 billion shortfall over the original FY09 general budget (or a 16.5% reduction below the FY09 baseline budget). This amount is based on a projected decline in state tax revenues of -8.96% over FY08 or -2% below the final FY09 revenue estimate. The shortfall was addressed in the budget through a combination of federal stimulus funds, reserves, and budget cuts. The budget used \$1.4 billion in stimulus funds, including \$661 million in budget stabilization funds and \$735 million in funds made available by increases in the federal Medicaid matching rate. The budget drew on \$476 million in reserves, including \$258 million from the revenue shortfall reserve.

Primarily because of shortfalls in Medicaid, and growth in education and higher education formulas and teacher salaries, the FY10 budget had to accommodate approximately \$676 million in growth. Specifically, the budget included an additional \$140 million for Medicaid growth and \$204 million to cover a pre-existing shortfall in Medicaid; it included \$151 million for growth in the higher education formula and for annualizing faculty pay increases received in FY09 and \$98 million for growth in K-12 enrollment and for annualizing the teacher pay increase. The shortfall plus the growth in demand was matched by over \$2 billion in funding cuts, including \$219 million to the Teaching formula in the University System of Georgia, \$309 million in reductions to education formula funded programs, \$124 million in Medicaid reductions, and eliminating the \$428 million for the Homeowners Tax Relief Grant. Net cuts (total additions to the budget minus total cuts) totaled \$1.4 billion.

Other major items in the FY10 budget included the restoration of a proposed 10% cut in hospital Medicaid reimbursement rates and a proposed 6% cut in other provider Medicaid reimbursement rates. The budget included a restoration of \$29.1 million in funds for school nurses and \$23 million in new funds for trauma care financed by the passage of "super speeder" legislation, House Bill 160.

For more detail on the budget, please contact staff at the Senate Budget and Evaluation Office: [Carolyn.Bourdeaux@senate.ga.gov](mailto:Carolyn.Bourdeaux@senate.ga.gov) or [Callie.Michael@senate.ga.gov](mailto:Callie.Michael@senate.ga.gov).

**HOUSE RESOLUTION 161  
COMPENSATION FOR MR. JOHN JEROME WHITE**

This resolution authorizes the Department of Administrative Services to compensate Mr. John Jerome White for years of incarceration spent for a rape that he did not commit. The amount of \$500,000.00 is to be paid out over a period of 20 years.

**BANKING AND FINANCIAL INSTITUTIONS**

**SENATE BILL 141  
REQUIREMENTS FOR RECORDING, NOTICES AND FEES**

This bill requires timely filing of foreclosure deeds. All deeds under the power of sale must be recorded within 90 days.

**HOUSE BILL 126  
UNIFORM ELECTRONIC TRANSACTIONS ACT**

This bill enacts the Uniform Electronic Transactions Act (UETA). UETA replaces the "Georgia Electronic Record and Signatures Act." UETA provides that: "a contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation." The UETA states that any law that requires a physical record will be satisfied by an electronic record and that any signature requirement can be met by an electronic signature.

**HOUSE BILL 141  
DEPARTMENT OF BANKING HOUSEKEEPING BILL**

This bill is the annual housekeeping bill for the Department of Banking and Finance, which addresses the regulation of financial institutions and commercial paper in Georgia.

**HOUSE BILL 312  
SECURE AND FAIR ENFORCEMENT MORTGAGE LICENSING ACT OF 2008**

This bill incorporates provisions of the federal Secure and Fair Enforcement (S.A.F.E.) Mortgage Licensing Act of 2008 into the Georgia Code requiring licensing and oversight of mortgage originators by the Department of Banking.

**ECONOMIC DEVELOPMENT**

**SENATE BILL 117  
"MADE IN GEORGIA PROGRAM"**

Senate Bill 359, passed during the 2008 Legislative Session, created the "Made in Georgia" program for the purpose of promoting goods and products manufactured in Georgia. This bill simply requires the Department of Economic Development (department) to create and maintain a website informing the public of Georgia Manufacturers and their goods and products. Additionally, all state governmental entities that have websites are required to cooperate with the department to include a link to the department's website if the department determines it is appropriate.

Finally, the bill delineates that companies must manufacture at least 50 percent of their goods and products in Georgia in order to qualify for inclusion in the "Made in Georgia" program.

## **HOUSE BILL 427**

### **CRITERIA FOR AN ENTERPRISE ZONE DESIGNATION**

In order for a nominated area to be designated as an enterprise zone, three of the five criteria provided in Code must be met. One of the five criteria is pervasive property, which is evidenced by widespread poverty throughout the nominated area. This bill lowers from 20 to 15 percent, the required percentage of residents living in parcels of the nominated area that must meet the ratio of income to poverty level of less than 1.0. Additionally, the bill allows local governments to offer incentives to qualifying businesses that create jobs in parcels adjacent to an enterprise zone.

## **HOUSE BILL 492**

### **PRIVATE RESIDENCE CLUBS**

This bill defines a “private residence club” and a “private residence club development.” A “private residence club” is an improvement on real property, including a single-family residence, where the title is held by at most eight individuals as tenants in common in fee simple or by a limited liability company with no more than eight members. Use of the residence will be determined by a recordable instrument, contract, etc., and may include exclusive occupancy for certain time periods. A private residence club may or may not be located in a private residence club development.

A “private residence club development” contains at least two private residence clubs, where the titleholders may agree by project instrument, contract, etc. to permit occupancy for certain time periods to the titleholders.

Private residence clubs and private residence club developments are not the same as time-share estates, programs or uses, and the time-share statutes will not apply to private residence clubs or developments. However, if a restrictive covenant exists on real estate prohibiting time-share arrangements, then such restrictions shall apply to private residence club arrangements unless the restrictive covenant expressly states that it does not apply to private residence clubs.

No zoning, subdivision, or building code or other real estate use ordinance or regulation can prohibit a private residence club form of ownership or impose any requirement upon a private residence club which it does not impose upon a physically identical improvement or development under a different form of ownership.

## **HOUSE BILL 528**

### **HOMEOWNERS’ ASSOCIATIONS EXPENSES/REPORTS**

This bill requires developers that directly manage a home owners’ or condominium owners’ association in a development or subdivision with at least 20 homes where the annual assessment fee is \$500 or more to send a report itemizing the association’s expenses no later than 60 days after the end of each year to each homeowner. This requirement will not apply to developments whose associations were created in accordance with the Georgia Property Owners’ Association Act.

## **EDUCATION AND YOUTH**

## **SENATE BILL 14**

### **LOCAL BOARDS OF EDUCATION NATIONAL/STATE SEX OFFENDER REGISTRY**

This bill states that a person on the national/state sex offender registry will not be eligible for election or service on a local board of education.

**SENATE BILL 114**  
**EDUCATIONAL WAIVERS FOR MILITARY DEPENDENT STUDENTS**

This bill allows for the transfer of students who are military dependents into a local school and waives certain requirements temporarily to assist military families.

**SENATE BILL 210**  
**HONORS PROGRAM FOR HOME SCHOOL STUDENTS**

This bill allows for the inclusion of home school students in the Governor's Honors Program. The Governor's Honors Program is a six-week summer instructional program designed to provide intellectually gifted and artistically talented high school students with challenging and enriching educational opportunities not usually available during the regular school year.

**HOUSE BILL 149**  
**"MOVE ON WHEN READY ACT"**

This bill creates the "Move on When Ready Act" that establishes a program for 11<sup>th</sup> and 12<sup>th</sup> graders that will give them the option of attending an eligible postsecondary college and school for high school course credit.

**HOUSE BILL 193**  
**STATE BOARD MANDATED SCHOOL HOURS**

This bill gives the State Board of Education the authority to require 180 days of school or the equivalent number of hours equal to 180 days.

Additionally, the base payment for a full-time school lunch position has been changed from 190 days multiplied by eight hours to 1,520 hours in an annual school year.

Also, this legislation would change current law to allow public elementary and secondary schools to be closed on Veterans Day beginning in the 2010-2011 school year.

**HOUSE BILL 229**  
**ANNUAL FITNESS ASSESSMENT IN SCHOOLS**

This bill requires schools to conduct annual fitness tests on students in grades first to twelve during a physical education course taught by a certified physical education teacher. The methods of assessment will be determined and funded by the State Board of Education (Board); the results of each student will be reported to the parent, and the aggregate results of the assessments will be sent to the Board. Each local school system is required to provide the minimum physical instruction required by the Board. Additionally, the Governor may in coordination with the board, establish recognition programs to acknowledge local schools which have improved in their physical fitness assessments.

**HOUSE BILL 243**  
**SALARY INCREASES FOR NATIONAL BOARD CERTIFIED TEACHERS**

This bill limits those eligible to receive the 10 percent salary increase for National Board Certification to those already receiving the increase, and potentially to those enrolled in the National Board Certification process on or before March 1, 2009, provided they meet all other requirements. A teacher who receives a salary increase for holding national board certification will not receive the increase if he or she leaves a teaching position after March 1, 2009. Specifically, the 10 percent salary increase for those eligible will, in the future, be subject to appropriations by the General Assembly. The national certification participation fee that is reimbursed by the state to participants will be subject to appropriations by the General Assembly as well.

## **HOUSE BILL 251**

### **SCHOOL CHOICE IN LOCAL SCHOOLS AND LOCAL BOARD LAWS**

This bill adds a new Code section that allows a student in a local school system the ability to transfer to another public elementary or secondary school. The school must be located within the system in which they reside or the system that the local board has assigned to them. The school must have classroom space available after its assigned students have been enrolled and the parent will assume the responsibility and the cost of transportation of the student to and from school. The student can attend the school at his or her choosing until the student completes all grades of the chosen school. This will take effect beginning with the 2009-2010 school year. This law does not apply to charter schools. Newly opened schools are not eligible until four years after the school opens.

Additionally, a person who has an immediate family member sitting on a local board of education or serving as the local school superintendent or as a principal, assistant principal, or system administrative staff will not be eligible to serve on such local board of education. This provision only applies to local board members elected or appointed on or after July 1, 2009. No person will be eligible to serve as a superintendent of any county or independent school system who has an immediate family member sitting on the local board of education of such system or has an immediate family member serving as a principal, assistant principal, or system administrative staff. This provision applies only to a person appointed on or after July 1, 2009.

This bill contains provisions from Senate Bill 84.

## **HOUSE BILL 280**

### **ADDITIONAL COMPENSATION FOR MATH AND SCIENCE TEACHERS**

This bill increases the state salary schedule to six years for a secondary school teacher who is certified by the Professional Standards Commission (Commission) in math or science, or both, until the State Board of Education determines that math and science are no longer subject areas where there is a shortage of teachers. The teacher will receive an additional year of creditable service on the salary step for five years and can continue to be credited a year as long as the teacher meets or exceeds student achievement criteria of the Office of Student Achievement (OSA). After five years, if the teacher no longer meets the student achievement criteria requirement, he or she will be placed on the salary step applicable to the number of years actually served.

A kindergarten or elementary school teacher in a local system who receives an endorsement in math, science or both from the Commission will receive a stipend of \$1000 per endorsement for each year, up to five years maximum. They will still be eligible to receive the \$1000 after five years as long as they meet or exceed the student achievement criteria established by the OSA. If the teacher does not meet these achievement requirements after five years, he or she will no longer receive the stipend.

This is subject to appropriations by the General Assembly.

## **HOUSE BILL 300**

### **INFORMATION ABOUT MENINGOCOCCAL MENINGITIS**

This bill states that if a local board provides information about immunizations, infectious diseases, medications, or other school health issues to parents of students in grades six through 12, then certain information about meningococcal meningitis must be included. Additionally, the Department of Education, in cooperation with the Department of Human

Resources, is to make available this information about meningococcal meningitis to local school systems and is to post the information on its website.

#### **HOUSE BILL 455**

##### **ANNUAL CONTRACTS FOR CERTIFIED PERSONNEL IN EDUCATION**

This bill allows local boards of education, for the 2009-2010 school year only, an extension when offering an employee who is certified by the Professional Standards Commission an employment contract. The current deadline to offer a contract is April 15, but will be extended until May 15 with this legislation.

Additionally, for the 2009-2010 school year only, a local board will have until May 15, 2009, to inform a teacher or employee who is certified by the Professional Standards Commission of intended termination. Otherwise, the teacher or employee will have the option to continue employment for the ensuing year. A teacher or employee who elects not to continue employment for the 2009-2010 school year only must notify the local board or executive officer in writing no later than June 1, 2009.

This legislation establishes that an educator who has earned a leadership degree in conjunction with a leadership preparation program approved by the Professional Standards Commission, after July 1, 2010, will not have his or her placement on the salary schedule based on this degree, unless he or she is in a leadership position as defined by the State Board of Education. The educator will be placed on the salary schedule that fits his or her position, minus the leadership degree. This will not apply to an educator who had a leadership degree before July 1, 2010, regardless of whether or not he or she held a leadership position. This legislation includes provisions from Senate Bill 219.

#### **HOUSE BILL 555**

##### **ADDING COMMISSION CHARTER SCHOOLS INTO THE “CHARTER SCHOOLS ACT OF 1998”**

This bill amends the “Charter Schools Act of 1998” (Act) which originally only applied to schools approved by the local board of education. The Act now includes commission charter schools and the Georgia Charter Schools Commission (the Commission).

This bill requires that the Department of Education ensure that a commission charter school’s unencumbered funds or property purchased with public education funds revert to the Commission in the event of the commission charter school’s closing. This bill also provides that a local charter school that is using a facility given to them by a local board is prohibited from selling or disposing of any such facility without the permission of the local board.

### **ETHICS**

#### **SENATE BILL 86**

##### **PROOF OF U.S. CITIZENSHIP FOR VOTER REGISTRATION**

Under this bill, voter registration applications must be accompanied by satisfactory evidence of United States citizenship. “Satisfactory evidence” includes any of the following:

- A Georgia driver’s license or state issued identification card number, or another state’s ID card if the application for such an identification required satisfactory evidence of U.S. citizenship;
- A copy of a birth certificate;
- U.S. passport;



- Naturalization documents or alien registration number;
- Other methods of proof established under the federal Immigration Reform and Control Act of 1986;
- Bureau of Indian Affairs, tribal treaty, or tribal enrollment card numbers; and
- For Georgia residents who are U.S. citizens but who are not in possession of any of the above methods of evidence, any other method of evidence established by the State Election Board.

The bill provides that anyone registered to vote in Georgia on December 31, 2009 will not be required to submit evidence of citizenship. The bill also stipulates that proof of voter registration from another state does *not* constitute satisfactory evidence of citizenship.

#### **SENATE BILL 168**

##### **CAMPAIGN DISCLOSURE REPORTS/ CONTRIBUTIONS FROM OFFICERS OF REGULATED ENTITIES/ LEGISLATORS WHO FAIL TO FILE TAX RETURNS**

This bill includes four provisions related to election and ethics laws. First, it eliminates the requirement for General Assembly candidates to file copies of campaign contribution disclosure reports with their county election superintendents. Second, it revises the rulemaking authority of the State Ethics Commission. Third, it provides that an officer of a regulated entity is permitted to voluntarily make a campaign contribution to an elected executive officer regulating the entity or to a candidate for such office; however, the elected executive officer or candidate must separately identify contributions from employees and officers of regulated entities in his or her disclosure report. Finally, the bill provides a process for the state revenue commissioner to report the names of General Assembly members who fail to file income tax returns to the standing Ethics Committee of the member's respective chamber.

#### **HOUSE BILL 86**

##### **CERTIFICATION OF ABSENTEE BALLOTS**

This bill requires absentee ballots to be counted by precinct and separate returns to be made showing the results by each precinct.

#### **HOUSE BILL 156**

##### **MAGISTRATE JUDGES AND ELECTED PUBLIC OFFICERS PERFORMING MILITARY DUTY**

This bill provides that any elected magistrate judge or elected public officer performing ordered military duty is eligible for reelection; service of such military duty does not create a vacancy in the office. The bill also allows for these judges or public officers to qualify as candidates in absentia by mail, messenger, or agent during their military duty.

#### **HOUSE BILL 227**

##### **CONFIDENTIALITY OF ADDRESSES OF CERTAIN REGISTERED VOTERS**

This bill allows a registered voter who has obtained a protective order or who is receiving services for domestic violence to request to have his or her address remain confidential. The bill also authorizes elector information to be provided to other states' or federal agencies.

## FINANCE

### **SENATE BILL 55**

#### **AD VALOREM TAXATION; CUVA; PROPERTY TAX RETURNS**

The required criteria for assessing real property value is expanded to include bank sales; the House added language that Conservation Use applications must be filed on or the day before the filing of local property tax returns and that property tax return notices must include valuation increases or decreases.

### **SENATE BILL 128**

#### **MOTOR VEHICLE LICENSES; TRAILER LIGHTS**

This legislation authorizes that boat trailers, utility trailers, and noncommercial cattle and livestock trailers will be eligible to obtain permanent registration and license plates.

It includes provisions relating to trailer lights; the language clarifies the definition of “surge brakes” as a self-contained, permanently-closed hydraulic brake system for trailers that relies on inertial forces, developed in response to the braking action of the towing vehicle, applied to a hydraulic device mounted on or connected to the tongue of the trailer to slow down or stop the towed vehicle.

### **SENATE BILL 240**

#### **COUNTY BOARDS OF EQUALIZATION: ALTERNATIVE ARBITRATION; STATEWIDE HOMESTEAD EXEMPTION INCREASE; SENIOR EXEMPTIONS; TAX EXECUTIONS; BOARDS OF TAX ASSESSORS; TAXPAYER RETURNS CORRESPONDENCE; PUBLIC UTILITIES RETURNS**

This bill requires arbitration or the existing County Boards of Equalization process if a taxpayer objects to a valuation assessment. The House expanded the requirements of the arbitration proceedings.

This legislation also includes language from House Bill 483 which revises income requirements for seniors 62 years and older receiving a homestead exemption for educational purposes. New requirements for qualification allow for the inclusion of net income for both owner and spouse. The term “costs” includes in relation to tax executions: title examinations; certified mail; reasonable attorney fees; or any necessary research expenses. The county commission setting terms of office for Boards of Tax Assessors must provide a copy of the resolution to the DOR Commissioner.

Correspondence to taxpayers regarding notice of changes made in a tax return must state on the envelope “Official Tax Matter.” Utility returns will require the physical address and a description adequate enough for the DOR Commissioner to identify each real estate parcel listed in that return.

### **HOUSE BILL 46**

#### **GAS TAX EXEMPTION: FUEL OIL DYED**

This legislation ratifies the Executive Order dated May 12<sup>th</sup>, 2008, stemming from the rise in prices of fuel oils used in off-road, agriculture uses which include timber growing, harvesting, mining and construction purposes. The Executive Order exempted these fuels from the motor fuel tax.

**HOUSE BILL 59**  
**SALES TAX EXEMPTION: PHARMACEUTICAL SALES**

This legislation authorizes a sales and use tax exemption on pharmaceutical samples and medicines provided to patients and/or used in clinical trials.

**HOUSE BILL 63**  
**LOCAL REDEVELOPMENT POWERS: TAX ALLOCATION DISTRICTS; LOCAL PILOT PROGRAMS**

This legislation amends the Redevelopment Powers Law; this was done pursuant to voter approval of a Constitutional Amendment in November 2008, authorizing the use of school tax revenue for TAD purposes. It also adds new language for the Payment in Lieu of Taxes (PILOT) Restriction Act which requires prior approval from all applicable taxing jurisdictions. The Senate removed erroneous references to eminent domain.

**HOUSE BILL 74**  
**IRS CODE UPDATE**

This legislation brings the Georgia Code in agreement with the federal tax code for the year beginning January 1, 2009.

**HOUSE BILL 116**  
**SALES TAX EXEMPTION: AIRCRAFT PARTS**

The sales tax exemption on aircraft parts used on airplanes not registered in Georgia is extended through June 30, 2011.

**HOUSE BILL 120**  
**SALES TAX HOLIDAYS**

This legislation authorizes the annual sales tax holiday for school supplies as well as energy and water efficient appliances.

The school supply holiday is set for July 30 through August 2, 2009. The energy and water efficient appliance holiday is set for October 1 through October 4, 2009.

**HOUSE BILL 121**  
**MOTOR FUEL TAX SUSPENSION**

This legislation ratifies an Executive Order dated June 2, 2008, that suspended the collection of motor fuel prepaid taxes that should have taken effect on July 1, 2008. It expired on December 31, 2008.

**HOUSE BILL 129**  
**SALES TAX EXEMPTION: ZOO ATLANTA**

This legislation authorizes a sales tax exemption for goods used in the renovation and expansion of a qualifying zoo.

**HOUSE BILL 143**  
**HOMEOWNER TAX RELIEF GRANTS (HTRG)**

This legislation requires the full funding of the Homeowner Tax Relief Grant (HTRG) for 2009, but allows for discretionary funding subject to specific growth in revenue for subsequent fiscal years.

**HOUSE BILL 181**  
**DISTRIBUTION OF IDENTIFIABLE SALES TAX PROCEEDS**

This legislation extends the sunset date to December 31, 2011, on the DOR Commissioner's authority to make distributions of unidentifiable sales tax proceeds.

**HOUSE BILL 186**  
**INCOME TAX CREDIT: TELEWORKING**

This legislation extends the income tax credit to businesses for teleworking employees through FY2012. It also increases the available credit to \$2.5 million for Fiscal Years 2011 and 2012.

**HOUSE BILL 212**  
**SALES TAX EXEMPTION: JET FUEL**

The state sales tax exemption for qualifying jet fuel purchases is extended through June 30, 2011. Delta and any other qualifying airline must have an excess of 750,000 takeoffs and landings in one year.

**HOUSE BILL 233**  
**REAL PROPERTY VALUATION FREEZE**

This legislation freezes all real property valuation assessments at zero percent from January 1, 2009, through the Sunday before the second Monday in January, 2011. This applies to real property assessed for county, independent school districts, and city purposes.

**HOUSE BILL 261**  
**INCOME TAX CREDIT: HOME OR CONDO PURCHASE**

This legislation authorizes an income tax credit for the purchase of a single-family home within the six months after the effective date. The home must be owner-occupied. The credit is only available once and is 1.2 percent of the purchase price or \$1,800 equally divided over three years—whichever is less. The Governor signed the legislation in May; therefore, the credit would be available for purchases made from June 1<sup>st</sup>, 2009 through November 30<sup>th</sup>, 2009.

**HOUSE BILL 304**  
**COUNTY TAX APPRAISERS ON PRIVATE PROPERTY; PROPERTY TAX RETURNS; HOMESTEAD EXEMPTION**

This legislation revises the rights of county appraisers, tax assessors, and authorized agents of the county to go onto property to conduct official business: Before entering private property, written or reasonable notice must be provided, stating the purpose for which the person is entering. The Senate added language that requires notices to taxpayers of right to file a property tax return, and same will be provided on the county website; and that unremarried surviving spouses or minor children of disabled veterans will receive a homestead exemption up to \$32,500 or on a subsequent homestead in that same county.

**HOUSE BILL 318**  
**MOTOR VEHICLE AND MOBILE HOMES: TAX SITUS; AD VALOREM TAX EXEMPTION: HEAVY DUTY VEHICLES**

If a car or truck is used in a county other than the county where the owner claims a homestead exemption or domicile, then the car or truck must be returned to the county where the farm is located for taxation. Ad valorem taxation on heavy duty vehicles (including earth-movers) will be due the year of purchase until the end of 2011. There is only a two-year exemption so the best benefit will occur if the vehicle is purchased in 2010 rather than 2011. This exemption will not apply to publicly-traded companies. This was originally found in House Bill 348.

**HOUSE BILL 334****ELECTRONIC TAX PAYMENTS**

This legislation authorizes the DOR Commissioner to require persons or businesses with tax liability of \$1,000 or more to satisfy that payment electronically for the 2010 tax year. The Commissioner may further require that tax liability exceeding \$500 or more be paid electronically if the liability accrues on or after January 1, 2011.

**HOUSE BILL 349****SALES TAX EXEMPTION: CIVIL AND HUMAN RIGHTS MUSEUM**

This legislation authorizes a sales tax exemption for goods used in the construction of the Center for Civil and Human Rights in Centennial Olympic Park.

**HOUSE BILL 358****SALES TAX EXEMPTION: HUNGER RELIEF/FOOD DONATION ORGANIZATIONS**

This legislation extends the sales tax exemption on prepared food and beverages which are donated to non-profit relief programs through June 30, 2011.

**HOUSE BILL 364****SALES TAX EXEMPTION: FLIGHT SIMULATORS**

This legislation authorizes a sales tax exemption for flight simulators which are approved by the Federal Aviation Administration.

**HOUSE BILL 379****REAL ESTATE INVESTMENT TRUSTS**

This legislation seeks to eliminate an income tax loophole for use of captive Real Estate Investment Trusts (REIT) to reduce income. According to the fiscal note, the loophole exists where a business pays rent to a REIT which owns the real property; the business deducts the rent as a business expense. The REIT is not subject to tax on the rental income provided it pays out profits as dividends; the business is the recipient of the dividend thus it deducts an expense that never leaves the business.

**HOUSE BILL 395****SALES TAX EXEMPTIONS: SYMPHONY HALL**

This legislation extends a sales and use tax exemption for goods used in construction of a symphony hall through FY2011.

**HOUSE BILL 438****INCOME TAX CREDIT: JOB CREATIONS (MEGA TAX CREDITS)**

This legislation amends language regarding income tax credits for job creation; certain definitions are amended including "business enterprise" which will be broadened to include an enterprise or organization but which has registered and is authorized to use the federal "E-Verify" system. "Eligible full-time employees" must possess a valid Georgia driver's license or ID card issued by the Georgia Department of Driver Services or affirms legal status in the United States. The term "investment requirement" is deleted. The word "manufacturing" is deleted in order to expand the credit to non-manufacturing businesses. A third qualifying condition for prospective firms is added; the new condition is an annual payroll requirement of \$150 million in payroll, but that does not include health insurance or other benefits. A firm may meet credit eligibility by the new condition alone without qualifying for one of the other two existing conditions.

## **HOUSE BILL 439**

### **INCOME TAX CREDIT: LESS DEVELOPED AREAS**

This legislation allows credits to be taken the first year the job is created and four years afterward. Businesses may also take credits against monthly or quarterly income withholding if the Economic Development Commissioner determines there to be a significant regional economic impact; this should assist businesses to use all the credits the year they are earned. Further, the availability of job retraining credits is constrained by expressing that retraining will not include mass-produced word processing software, data and information management, presentations, spreadsheets, e-mail, or operating systems. The credit can never exceed \$2500 per full-time employee annually.

The requirement that a business enjoys a positive taxable income to earn a research and development credit is deleted. The Port Tax Credit is amended to include import tonnage; this will increase eligibility for the credit. Finally, headquarter relocation to Georgia creating at least 50 new “quality” jobs will now be eligible for the headquarters credit—deleting full-time job language.

## **HOUSE BILL 441**

### **SALES AND USE TAX REFUNDS: EXPEDITED PAYMENT**

This legislation authorizes a taxpayer to request an expedited payment of sales tax claim for refund from the DOR Commissioner. The taxpayer must file a satisfactory bond as security for the expedited repayment, and the DOR Commissioner will issue the refund within 30 days of the posted bond. A taxpayer who frivolously files a claim for refund will be subject to a 20 percent penalty of the excessive amount. Determination of good faith filing will be made on a case-by-case basis. Bad faith actions will result in a misdemeanor and a fine up to \$1000.

Further, credit card issuers of tax-exempt cards for qualified governmental entities will be eligible to receive a refund of sales tax paid on motor fuel or highway use purchases made on that card. This provision was originally in House Bill 360.

## **HOUSE BILL 444**

### **TAX PREPARERS: CIVIL PENALTIES**

This legislation authorizes civil penalties and injunctive relief against tax preparers for understatement of liability; penalties may not exceed \$500 for each return or refund claim. Willful attempt to understate or reckless or intentional disregard will result in a penalty of \$5,000 or 50 percent of the income derived or to be derived—whichever is greater.

## **HOUSE BILL 482**

### **AD VALOREM TAX EXEMPTION: BUSINESS INVENTORY**

This legislation exempts business inventory from state ad valorem tax; the exemption must be approved by voters.

## **HOUSE BILL 485**

### **ALTERNATIVE TAX CREDITS: PORT TRAFFIC**

This legislation adds and defines “Base Year Port Traffic” which means imported or exported products during January 1, 1997 through December 31, 1997, that have a total amount of net tons, containers or 20 feet units of products.

The purpose of this legislation is to provide additional tax credits to a qualified business that is located in a tier two or tier three county; in order to qualify they must have:

- A distribution facility greater than 650,000 square feet, and be in operation before December 31, 2008;
- Distribution to retail stores owned by the same entity as the distribution facility; and
- A parent company with at least eight retail locations in the first year of operation.

The businesses are qualified for a tax credit of \$1,250.00 per qualified job. Language from House Bill 335 was inserted regarding Taxpayer Customer Service.

**HOUSE BILL 639**

**LICENSE PLATES: ATLANTA FALCONS YOUTH FOUNDATION; GEORGIA AQUARIUM**

This legislation delineates that the special license plate for the Atlanta Falcons Foundation is for the Atlanta Falcons Youth Foundation. Additionally, a special license plate for the Georgia Aquarium is created.

**GOVERNMENT OVERSIGHT**

**SENATE BILL 44**

**PREFERENCE FOR GEORGIA-MADE PRODUCTS IN STATE PURCHASES**

This bill requires public schools and state and local governmental bodies to give preference to Georgia-made items in purchasing or contracting for supplies, materials, equipment, or agricultural products (excluding beverages for immediate consumption or, in the case of schools, instructional materials), when reasonable and practicable. In determining the reasonableness of the preference in cases where the contract or purchase amount exceeds \$ 100,000, schools and governmental bodies are to consider, among other factors, information submitted by the bidder which may include the bidder’s estimate of the multiplier effect on gross state domestic product and the effect on state and local revenues. The bill requires these estimates to be in writing and prohibits a contract or purchase from being divided for purposes of avoiding these requirements.

**SENATE BILL 170**

**STATE CONTRACTORS DOING BUSINESS IN SUDAN**

This bill prohibits companies doing certain business within Sudan from bidding on state contracts, with some exceptions. Under the bill, a “scrutinized company” is ineligible to bid on or submit a proposal for a contract with any state agency. A “scrutinized company” is a company conducting business operations in Sudan involving power production, mineral extraction, or oil-related activities, or the production of military equipment. However, a company will not be considered a scrutinized company if it can demonstrate certain circumstances, such as that its business is conducted only with the regional government of southern Sudan, its business operations consist of providing goods or services to peacekeeping or humanitarian organizations.

**HOUSE BILL 228**

**REORGANIZATION OF HEALTH AND HUMAN SERVICES AGENCIES**

This legislation reorganizes the state’s health and human services agencies, reestablishing the Department of Community Health and establishing the Department of Human Services (DHS) and the Department of Behavioral Health and Developmental Disabilities. Under this new scheme, the reestablished Department of Community Health (DCH) is to perform all duties and undertake all functions performed by the current DCH, the Division of Public Health of the Department of Human Resources (DHR), and the Office of Regulatory Services of DHR, unless otherwise specified. DHS is to assume all powers, functions, and duties previously handled by

DHR, except for those relating to the Division of Mental Health, Developmental Disabilities, and Addictive Diseases, the Division of Public Health, and the Office of Regulatory Services, unless otherwise specified. Finally, the Department of Behavioral Health and Developmental Disabilities is to assume all powers, functions, and duties previously handled by DHR's Division of Mental Health, Developmental Disabilities, and Addictive Diseases.

#### **HOUSE BILL 310**

##### **EXPANDS STATEWIDE RECYCLING PROGRAM FOR STATE AGENCIES**

This bill provides that the statewide recycling program for state agencies is to include steel cans, plastic and glass bottles, and all grades of paper, including cardboard. The bill also states that the General Assembly finds that it is in the best interests of the state to encourage recycling and that state agencies can contribute in a meaningful way.

### **HEALTH AND HUMAN SERVICES**

#### **SENATE BILL 8**

##### **ALLOWS STUDENTS TO SELF-ADMINISTER EPINEPHRINE**

This bill allows students to carry and self-administer epi-pens in school for severe allergic reactions, provided that the school annually receives both a written note from the physician confirming that the student is able to self-administer such medication and specifying the name, method, amount, and time schedule by which it is to be taken, as well as written parental consent authorizing the school nurse to consult with the physician regarding the medication and releasing the school system and its employees from civil liability if the student suffers an adverse reaction.

#### **SENATE BILL 133**

##### **COMPENSATION OF SAFETY NET CLINIC VOLUNTEERS**

Under current law, health care providers who are participating in the Health Share Volunteers in Medicine Act by providing volunteer medical services to low-income individuals have sovereign immunity so long as they do not receive compensation. This bill specifies that the following individuals who are delivering volunteer medical services in a safety net clinic will also have sovereign immunity so long as the total compensation they receive from the clinic does not fluctuate with the number of patients served, patient visits, or amount of treatments:

- 1) A registered professional nurse, nurse midwife, licensed practical nurse, or advanced practice registered nurse providing non-emergent care; or
- 2) A physician or medical resident who is on staff at a hospital but provides services in a safety net clinic during extended hours or on weekends, so long as the physician or resident does not receive compensation from the clinic.

The bill also clarifies that a safety net clinic includes any other medical facility delivering dental or medical diagnostic services or nonsurgical medical treatment and which may include an office maintained by a provider.

#### **SENATE BILL 165**

##### **INCOME ELIGIBILITY FOR MEDICAID AND PEACHCARE APPLICANTS**

This bill allows the Department of Community Health (DCH) to obtain income eligibility verification from the Department of Revenue for Medicaid and PeachCare applicants. If DCH elects to contract with the state revenue commissioner for such purposes, the commissioner will notify DCH as to whether an applicant's income exceeds the relevant income threshold. DCH will pay the commissioner for all costs incurred by the Department of Revenue.



**SENATE BILL 201  
CANCER RESEARCH FUND**

Under current law, the Department of Human Resources can promote and solicit voluntary contributions through individual income tax returns to support the breast, prostate, and ovarian cancer research fund. This bill specifies that such contributions may be for all types of cancer research.

**SENATE RESOLUTION 156  
OPPOSING THE FEDERAL FREEDOM OF CHOICE ACT**

This resolution opposes the federal Freedom of Choice Act, which, if enacted, would declare that it is the policy of the United States that every woman has the fundamental right to choose to bear a child; terminate a pregnancy prior to fetal viability; or terminate a pregnancy after viability when necessary to protect her life or her health. This resolution states that members of the General Assembly strongly oppose the Act not only because it nullifies numerous state laws, but also because it seeks to undermine the right and responsibility of the states to determine abortion policy, and because the protection of women's health through state regulations on abortion is a compelling state interest that should not be nullified by Congress.

**SENATE RESOLUTION 257  
ALZHEIMER'S TASK FORCE**

This resolution creates an Alzheimer's Disease and Other Dementias Task Force to be composed of the following 16 members: a representative from the research community; a member of an association of an Alzheimer's research advocacy group; a licensed physician; a representative from the Department of Human Resources (DHR); a caregiver of an Alzheimer's patient; two members of the House; two members of the Senate; and six members who are stakeholders, including two who have early memory loss. The Task Force will study and make recommendations on the surveillance and tracking of Georgians with Alzheimer's, the safety and well-being of such individuals, quality long-term care for individuals with dementia, the future need for dementia-related services and funding, and implementation of steps to improve public health surveillance.

**SENATE RESOLUTION 263  
URGING CONGRESS TO SUPPORT PUBLIC HEALTH**

This resolution urges Congress to provide funding to support public health programs in Georgia.

**SENATE RESOLUTION 300  
PRE-TERM BIRTHS**

This resolution urges the Department of Community Health to work with medical organizations to disseminate information on preterm births.

**SENATE RESOLUTION 328  
ACKNOWLEDGING THE RIGHT TO LIFE**

This resolution urges the Georgia Senate to acknowledge the right to life.

**SENATE RESOLUTION 505  
REDUCING THE WAITING PERIOD FOR SOCIAL SECURITY DISABILITY**

This legislation urges Congress to reduce the 24-month waiting period for Social Security Disability Insurance.

**HOUSE BILL 49**  
**POWERS OF THE GEORGIA BOARD FOR PHYSICIAN WORKFORCE**

This legislation allows the Georgia Board for Physician Workforce to apply for grants and accept donations for the purpose of studying ways to enhance the medical education infrastructure and improve the physician workforce in our state.

**HOUSE BILL 60**  
**LICENSING OF PROFESSIONAL COUNSELORS**

This bill prohibits persons who are exempt from the requirements of the Professional Counselors, Social Workers, and Marriage and Family Therapists Licensing Law (such as clergy members or students) from presenting themselves to the public as being licensed to practice professional counseling.

**HOUSE BILL 64**  
**DEATH CERTIFICATES**

This bill requires funeral directors to file death certificates within 72 hours. Physicians must complete and return medical certification specifying the cause of death to the funeral director within 30 days of a patient's death. A funeral director is authorized to report physicians who fail to comply with this requirement to the Composite State Board of Medical Examiners. Additionally, the bill specifies that, in areas where the Governor has declared a state of emergency due to an influenza pandemic, any registered professional nurse employed by a long-term care facility, advanced practice nurse, physician's assistant, registered nurse employed by a home health agency, or nursing supervisor in a hospital is authorized to sign a death certificate, provided that such person has access to the deceased patient's medical history, views the deceased person at or after death, the death is due to natural causes, and an inquiry is not required under the Georgia Death Investigation Act. If the death certificate is not completed by the appropriate physician or coroner, the public health director of preparedness must direct another authorized person to file the death certificate within 10 days after death. Finally, the bill specifies that, when a death occurs in a hospital as a direct result and consequence of acts or events taking place in a county other than the one in which such death occurs, the hospital must immediately notify the coroner or the county medical examiner of the county in which the acts or events resulting in the death occurred.

**HOUSE BILL 69**  
**DO NOT RESUSCITATE ORDERS**

This bill allows a physician to issue a Do Not Resuscitate (DNR) order without the concurrence of another physician so long as there is oral or written consent from an authorized health care agent operating under a durable power of attorney or pursuant to an advance directive.

**HOUSE BILL 217**  
**INFLUENZA VACCINE PROTOCOL AGREEMENTS**

This bill sets forth the requirements for influenza vaccine protocol agreements between physicians and pharmacists or nurses. A physician may prescribe the flu vaccine for a group of patients pursuant to a protocol agreement to be administered by a pharmacist or a registered or licensed practical nurse, provided that the physician is registered with the Department of Human Resources' (DHR) vaccination registry, and the pharmacist or nurse is located within the same county as the physician. The bill specifies that the flu vaccine cannot be given to a child under age 13 without an individual prescription from a physician, and parental consent is a condition precedent for all children under age 18. Additionally, the bill sets forth the definition of "Pandemic influenza emergency," which means the declaration by the World Health Organization of at least a Phase 5 Pandemic Alert for influenza or the declaration by the CDC of

at least a Category 2 Pandemic Severity Index for influenza occurring in the U.S. or Georgia, and it allows a hospital to administer the vaccine to a group of patients and to offer any vaccination, test, or prophylactic measure to its health care workers, as required or recommended by the CDC pursuant to standing orders approved by the staff.

#### **HOUSE BILL 237**

##### **FINANCIAL ASSISTANCE FOR ADOPTIVE PARENTS OF FOSTER CHILDREN**

This bill allows the adoptive parents of hard-to-place foster children to receive financial assistance regardless of whether the adoption is private or handled by the state.

#### **HOUSE BILL 368**

##### **CONTROLLED SUBSTANCES AND DANGEROUS DRUGS**

This is the annual drug update bill. It changes certain provisions relating to Schedule II, III, and IV controlled substances and adds new drugs to the definition of “dangerous drug.”

#### **HOUSE BILL 457**

##### **PROTECTION OF PERSONS WITH ALZHEIMER’S DISEASE**

Current law defines “disabled adult” as a person over age 18 who is mentally or physically incapacitated. This bill revises that definition to include a person with Alzheimer’s disease. The bill further provides that anyone who acts with specific intent to abuse, neglect, or exploit any disabled adult (including persons with Alzheimer’s) who is a resident of a long-term care facility will be guilty of a felony punishable by imprisonment of one to five years.

#### **HOUSE BILL 509**

##### **MEDICAL PRACTICE ACT**

This bill establishes the Medical Practice Act of the State of Georgia. It provides for comprehensive revision of the membership and duties of the Composite State Board of Medical Examiners (Board) and revises licensing requirements for physicians and other medical professionals regulated by the Board, including physician assistants.

### **HIGHER EDUCATION**

#### **SENATE RESOLUTION 96**

##### **GEORGIA MILITARY COLLEGE**

This resolution urges the Board of Trustees and the president of Georgia Military College to maintain the school’s current military program. It also designates Georgia Military College as the State of Georgia’s Military Junior College.

#### **SENATE RESOLUTION 173**

##### **TEACHER EDUCATION PROGRAMS**

This resolution urges the Board of Regents to establish and offer a teacher education program at each of its universities offering four-year degree programs.

#### **SENATE RESOLUTION 613**

##### **GEORGIA APPALACHIAN CENTER FOR HIGHER EDUCATION AT NORTH GEORGIA COLLEGE**

This resolution designates the Georgia Appalachian Center for Higher Education at North Georgia College and State University as Georgia’s official Appalachian Center for Higher Education.

**HOUSE BILL 93**  
**GEORGIA MEDICAL CENTER AUTHORITY**

This legislation gives the Georgia Medical Center Authority (GMCA) additional powers. It expressly authorizes GMCA to take partial and joint ownership interests in real property. The bill also allows GMCA to create, acquire, and operate nonprofit subsidiaries; to create investment or revolving loan funds using bond money as seed funds; and to invest in equity investments which are legal investments for executors or trustees, provided that such investments are managed by accredited third-party managers.

**HOUSE BILL 157**  
**LOTTERY SHORTFALLS TRIGGERING REDUCTIONS IN HOPE SCHOLARSHIP BENEFITS**

Current law provides for certain HOPE scholarship benefits to be reduced or eliminated if one fiscal year's year-end balance of the Lottery for Education Account is lower than the prior fiscal year. Under this bill, such reductions or eliminations could only occur in the following circumstances:

- If a year-end balance is less than 92 percent of the highest year-end balance since Fiscal Year 2004 ("highest year-end balance"), then book allowances must be reduced to no more than \$150 per year;
- If the year-end balance of any subsequent fiscal year is less than 84 percent of the highest year-end balance, then book allowances must be eliminated; and
- If the year-end balance of any further subsequent fiscal year is less than 75 percent of the highest year-end balance, then scholarships or grants for mandatory fees must be eliminated.

**HOUSE BILL 313**  
**REQUIRED GRADE POINT AVERAGES FOR HOPE SCHOLARSHIPS**

This legislation revises provisions relating to the calculation of a student's grade point average to determine HOPE eligibility so as to reflect the fact that Georgia no longer issues separate college preparatory and career/technical diplomas. Under this bill, all students enrolled in the ninth grade for the first time by the 2008-2009 school year must have a G.P.A. of at least 3.0 to meet achievement standards for the HOPE scholarship.

**HOUSE BILL 475**  
**GEORGIA REGISTERED PROFESSIONAL NURSE PRACTICE ACT**

This bill revises requirements for nursing education programs for licensure as an advanced practice registered nurse, registered professional nurse, or licensed practical nurse. For a nursing education program to be approved by the Georgia Board of Nursing or the Georgia Board of Examiners of Licensed Practical Nurses for licensing purposes, the program must either: (1) be a member of the University System of Georgia or the Technical College System of Georgia that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or (2) be a nonprofit or proprietary institution accredited by a federally recognized regional accrediting agency. Additionally, the bill allows a graduate of a nontraditional nursing education program to be licensed as a registered professional nurse (RN), provided that: (1) the program meets certain specified conditions, including (but not limited to) requiring program applicants to be a licensed practical/vocational nurse, military service corpsman, or paramedic; (2) the program is approved by the Georgia Board of Nursing; and (3) the graduate completes a postgraduate preceptorship of a duration based on the graduate's background. The bill also includes conditions under which a graduate of a nontraditional nursing education program may be licensed as an RN by endorsement. Finally, the bill includes a provision allowing for a graduate of a nontraditional nursing education program to receive a temporary permit for purposes of completing his or her preceptorship.

## **HOUSE BILL 484**

### **HOPE ELIGIBILITY FOR CHILDREN OF MILITARY PERSONNEL**

This bill provides that dependent children of military personnel stationed in Georgia on active duty are to be deemed to meet the residency requirements of HOPE scholarships and grants.

## **INSURANCE AND LABOR**

### **SENATE BILL 61**

#### **LIFE SETTLEMENTS ACT**

This legislation establishes the oversight and regulation of life settlement contracts. A life settlement contract is a financial transaction in which a policy owner, possessing an unneeded or unwanted life insurance policy, sells the policy to a third party (provider) for less than the face value of the policy. The provider becomes the new beneficiary of the policy at maturation and is responsible for all subsequent premium payments. Among its many provisions, this legislation:

- Defines what a life settlement contract is as it relates to state law;
- Establishes the licensing, qualifications, and registration of providers and life settlement brokers;
- Establishes procedures for the examination of applicants and licensees;
- Resolves conflicting state laws;
- Defines prohibited acts;
- Establishes antifraud initiatives; and
- Establishes penalties.

### **SENATE BILL 63**

#### **EXEMPTS CERTAIN HEALTH PLANS FROM LICENSING PROVISIONS**

This legislation exempts certain health insurance plans maintained by two or more accredited independent Georgia colleges from needing an insurance license.

The colleges must have combined assets of more than \$100 million and must be members of the Georgia Foundation for Independent Colleges (GFIC).

The health plan may benefit the employees and retirees of:

- Such institutions;
- Any affiliated or associated persons, firms, associations, trusts, or corporations that perform functions similar or related to those of one or more of such institutions; and
- GFIC.

### **SENATE BILL 76**

#### **WORKERS' COMPENSATION INSURANCE RATE FILING**

Current law requires workers' compensation insurers to annually file certain cost and payment information with the Insurance Commissioner's Office. This legislation repeals this requirement.

### **SENATE BILL 94**

#### **TERMINATED GROUP POLICIES – EXTENDED COVERAGE UNDER STIMULUS ACT**

Utilizing federal stimulus money, this legislation offers a subsidy toward COBRA benefits to people who have lost their group coverage. COBRA, known as the Consolidated Omnibus Budget Reconciliation Act of 1985, requires most employers with group health plans to offer employees the opportunity to temporarily continue their group health care coverage under their employer's plan if their coverage ceases due to termination, layoff, or other change in

employment status. The catch is the former employee is required to pay the entire premium, not just the employee portion.

Senate Bill 94 provides a 65 percent federal government subsidy toward COBRA coverage to employees who are *involuntarily terminated* between September 1, 2008 and December 31, 2009, as well as their family members who are eligible for COBRA. The employer must first provide this 65 percent payment toward the COBRA premium and then be reimbursed by the government.

This legislation also includes language from Senate Bill 105 which authorizes the Insurance Commissioner to allow health reimbursement arrangement (HRA)-only plans that encourage employer financial support of health insurance or related expenses, and are recognized by the IRS, to be approved for sale in connection with individual health insurance policies.

#### **SENATE BILL 144 INSURANCE AGENT LICENSES**

This legislation repeals a provision that allows an applicant for an insurance agent's license to be appointed as an agent by an authorized insurer prior to the actual issuance of the license.

This legislation also prohibits licensed managing general agents from charging a fully earned policy fee in connection with the issuance of a policy unless that fee is a component of the insurer's rate filing. This fee may not exceed \$25.00.

#### **HOUSE BILL 80 EFFECTUATING LIFE INSURANCE UPON EMPLOYEES**

Current law allows a corporation that is not publicly owned to effectuate life insurance upon its employees in whom it has an insurable interest, if the insurance contract or contracts held by the corporation cover at least 100 employees. This legislation reduces the 100 employee minimum to two employees.

#### **HOUSE BILL 330 WORKERS' COMPENSATION**

This legislation is a result of the recommendations by the Workers' Compensation Advisory Board.

##### Sections 1 and 2

These sections update specific notification requirements so to allow for delivery of notices by methods other than U.S. Mail.

##### Section 3

Any employer from another state engaged in the construction industry within Georgia with a workers' compensation insurance policy issued under the laws of such other state must be in compliance with Code Section 34-9-121(a), relating to securing and maintaining workers compensation laws if:

1. Such other state recognizes the extraterritorial provisions of Code Section 34-9-242, relating to the compensation for injury outside of state; and
2. Such other state recognizes and gives effect within such state to workers' compensation policies issued to employers of this state.

This provision should not be construed to void any insurance coverage.

#### Section 4

This section clarifies current language relating to the release of medical records with respect to any condition or complaint reasonably related to the compensation claim.

#### Section 5

This section allows a trustee to be appointed to cover a final settlement.

#### Section 6

This section makes an editorial change to correct a cross-reference that was moved by an earlier provision in this legislation.

### **HOUSE BILL 410**

#### **TAX EXEMPTIONS: HIGH DEDUCTIBLE HEALTH PLANS**

This legislation repeals the requirement that high deductible health plans be issued in conjunction with a Health Savings Account (HSA) in order to qualify for an exemption from state and local premium taxes, as well as qualifying for a 100 percent deduction from income taxes in the amount of the premium paid.

The exemption from local premium taxes is applicable for all taxable years beginning with January 2010 and sunsets on January 1, 2015. All other exemptions and deductions are applicable for all taxable years beginning with January 2009.

### **HOUSE BILL 550**

#### **CONVERSION OF A MUTUAL INSURER TO A STOCK INSURER**

In addition to other options allowed by current law, this legislation allows a mutual insurer to become a stock insurer under a procedure, approved by the Insurance Commissioner and voted upon by the members, that gives each policyholder payment as a paid-up life insurance policy with a cash value equal to 100 percent of the policyholder's equity in the insurer. However, the insurer may not impose a surrender charge on any policyholder electing to surrender his or her paid-up life insurance policy for its cash value.

### **HOUSE BILL 581**

#### **UNEMPLOYMENT INSURANCE**

#### **GEORGIA WORKS JOB CREATION AND PROTECTION ACT OF 2009: EXTENDS UNEMPLOYMENT**

This legislation utilizes federal stimulus funding to extend unemployment benefits to individuals unemployed for protracted periods of time. Moreover, benefits will be provided to individuals seeking part-time employment as well as individuals obtaining Department of Labor-approved job training. The legislation also provides a significant tax break for employers in the form of the continued suspension of the statewide reserve ratio surcharge. Significant provisions of this legislation include the following:

#### Suspension of the Statewide Reserve Ratio Surcharge

In addition to paying unemployment insurance payroll taxes, solvency taxes are assessed on employers when the balance in the state's unemployment fund falls below a specified level. Georgia's solvency tax is commonly referred to as the Statewide Reserve Ratio surcharge. Current law has suspended this surcharge through December 31, 2009; however, in the event the Statewide Reserve Ratio is less than 1.25 percent, the Commissioner of Labor has the option to impose an increase in the overall rate of up to 35 percent, as of the computation date,

for each employer whose rate is computed under a rate table in O.C.G.A. § 34-8-155.<sup>1</sup> This legislation extends this provision and the suspension of the Statewide Reserve Ratio surcharge through December 31, 2011.

#### Unemployment Benefits for Part-Time Work

Section five of this legislation provides that no individual who is otherwise eligible for unemployment insurance benefits will be considered ineligible for benefits solely because the individual seeks, applies for, or accepts only part-time work, instead of full-time work. The individual claiming benefits must have worked part-time during a majority of the weeks of work in the base period and must be available for part-time work for at least 20 hours per week.

#### Extension of Benefits to Individuals in Department-Approved Job Training

Section six of this legislation extends unemployment benefits, for claims filed on or after January 1, 2010, to any individual who is unemployed, has exhausted all rights to regular unemployment benefits, is enrolled and making satisfactory progress in a training program approved by the Georgia Department of Labor (department) or in a job training program authorized under the Workforce Investment Act of 1998, and is not receiving similar stipends or other training allowances for non-training costs. The training programs must prepare individuals who have been separated from a declining occupation, as designated by the department, or who have been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the individual's place of employment, for entry into a high-demand occupation.

#### Extended Benefits

In addition to options available in current law, extended unemployment benefits will be granted if:

1. The average U.S. unemployment rate in the most recent three months equals or exceeds 6.5 percent; and
2. The average Georgia unemployment rate for the same three-month period equals or exceeds 110 percent of the national average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

Extended benefits will end if, during the immediately preceding 12 weeks, none of the conditions specified in current law or by this provision are satisfied. Moreover, this provision applies only to the extent that full federal funding is available and such funding does not impose any new conditions.

#### Benefits During High-Unemployment Periods

During high-unemployment periods of an 8 percent or higher unemployment rate, the total extended benefit amount payable to an eligible individual with respect to the applicable benefit year will be the least of the following amounts:

1. Eighty percent of the total amount of regular benefits that were payable to the individual in the individual's applicable benefit year;
2. Twenty times the individual's average weekly benefit amount that was payable to the individual for a week of total unemployment in the applicable benefit year; or
3. Forty-six times the individual's weekly benefit amount which was payable to the individual for a week of total unemployment in the applicable benefit year, reduced by

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<sup>1</sup> The Statewide Reserve Ratio is computed on June 30 of each year by dividing the balance in the trust fund, including accrued interest, by the total covered wages paid in the state during the previous calendar year.



the total amount of regular benefits which were paid to him or her with respect to the benefit year.

As indicated in Section 12 of this legislation, the Labor Commissioner may delay the implementation of this provision up until May 25, 2009 if he feels that that the Department is not prepared to implement it sooner. This provision applies only to the extent that full federal funding is available and such funding does not impose any new conditions.

#### Georgia State Financing and Investment Commission

Section 11 of this legislation authorizes the Georgia State Financing and Investment Commission to apply for, arrange for, accept, and administer federal funds for capital outlay and construction related services and for authorization or payment of public debt.

## **JUDICIARY**

### **SENATE BILL 13**

#### **LIFE WITHOUT PAROLE**

The purpose of the bill is to ensure that those accused of crimes may be sentenced to life without parole even if prosecutors choose not to seek the death penalty. Current law only allows a sentence of death or life with parole, unless the prosecutor first goes through the expensive process of finding aggravating circumstances and seeking the death penalty. The bill also clarifies jury instructions on sentencing to prevent confusion.

### **SENATE BILL 69**

#### **DEFINITION OF SEXUAL EXPLOITATION**

This bill expands the definition of "sexual exploitation" as related to child abuse and deprivation to mean conduct by *any person* who allows, permits, encourages or requires the child to engage in prostitution or sexually explicit conduct. Current law only applies to the child's parent or caretaker.

### **SENATE BILL 79**

#### **RECORDS REGARDING REPORTS OF CHILD ABUSE**

In order to comply with federal law and keep federal funds, the bill allows government entities reasonable access to child abuse records when needed. Also, DHR will be required to provide greater public disclosure when a child dies or almost dies due to child abuse or neglect while in state custody.

### **SENATE BILL 172**

#### **VICTIM COMPENSATION/TRAUMA**

Victim compensation awards may include recovery for psychiatric counseling and other results of serious mental or emotional trauma. In addition to victims and immediate family members, the bill would allow any person who goes to the aid of another victim and suffers serious mental or emotional trauma as a result to make a claim for compensation from the state.

### **SENATE BILL 246**

#### **NOTICE OF RELEASE FROM DETENTION**

This bill requires juvenile courts to provide at least 48 hours notice to victims, upon request, if a child accused of a violent delinquent act is released from detention, and at least 24 hours notice if a child detained pending adjudication is released.

**HOUSE BILL 29  
ELECTRONIC SERVICE OF PLEADINGS**

Under this bill, parties may receive service via e-mail in portable document format (PDF) using e-mail addresses as provided, if a party consents to being served by electronic means. If a person served electronically certifies to the court under oath that he/she did not receive the pleading, the court will presume that the pleading was not received unless the serving party disputes the presumption. The court will decide the issue of service based on the evidence. The bill requires that discovery be stayed for 90 days when a motion to dismiss is filed; the court must decide on the motion within the 90 days provided.

**HOUSE BILL 123  
CHILD MOLESTATION**

Transmitting images using an electronic device of a person engaging in, inducing or otherwise participating in any immoral or indecent act to a child under age 16 with the intent to arouse or satisfy the sexual desires of either the child or the person will be considered child molestation.

**HOUSE BILL 127  
UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT**

This uniform statute, also adopted in several other states, allows electronic documents and signatures to be treated the same as written signatures on official paper documents. Electronic documents prepared and filed in accordance with this law will satisfy any requirement that a document be: an original; on paper or other tangible medium; or in writing. Superior court clerks may receive, store, archive and transmit electronic documents, and may provide access to, and search and retrieval of, documents by electronic means.

**HOUSE BILL 145  
CHANGES TO GUIDELINES FOR DETERMINING CHILD SUPPORT AWARDS**

The bill changes the procedure for claiming "low income" as a deviation; if a noncustodial parent requests a low income deviation, he/she must demonstrate no earning capacity or that child support would create an extreme economic hardship. The court must examine all sources of income, assets, and benefits available to the noncustodial parent, along with all reasonable and justifiable expenses. In calculating a low income deviation, the minimum child support for one child cannot be less than \$100 per month, increased by at least \$50 for each additional child.

**HOUSE BILL 147  
PROFESSIONAL BONDSMEN MUST PROVIDE CONTACT INFORMATION**

Professional bondsmen will be required to provide the clerks of court with the business name, complete address, telephone number and e-mail address for the purpose of receiving notices, and they will be required to keep the information current and accurate.

**HOUSE BILL 167  
STATE COURT OF CHEROKEE COUNTY**

This bill provides an additional judge for the State Court of Cherokee County, for a total of three judges. This judge will be appointed by the Governor to serve out the term remaining prior to the 2010 election.

**HOUSE BILLS 189  
GEORGIA ARBITRATION CODE: PRIVATE CHILD SUPPORT COLLECTORS**

This bill provides for more government oversight of private child support collectors, including registration of business information with the Secretary of State and the required deposit of a surety bond.

**HOUSE BILL 195**  
**MEMBERS OF EMCs MAY SERVE AS JURORS**

Members of electric membership corporations cannot be declared incompetent, based solely on such membership, to serve as jurors in a case where the EMC is involved. However, a judge may grant a motion to disqualify such a juror if the judge finds that the circumstances may cause the juror to be bias or prejudiced.

**HOUSE BILL 216**  
**TERMS OF SUPERIOR COURT IN THE CORDELE CIRCUIT**

This bill changes the terms of several superior courts in the Cordele Circuit: Ben Hill County, Crisp County, and Dooly County. The changes will become effective on January 1, 2010.

**HOUSE BILL 221**  
**MOTIONS FOR REMOVAL OF JUDGES**

This bill amends two statutes to require that writs of mandamus and writs of prohibition to compel the removal of a judge cannot be issued if a motion to recuse has not been filed first, nor where a motion to recuse has been denied after assignment to a different judge.

**HOUSE BILL 245**  
**YOUTH DEVELOPMENT CENTERS**

As a cost-saving measure, this bill decreases the amount of time from 60 days to 30 days that a judge may order a juvenile delinquent to serve in a youth development center, with a sunset date of July 1, 2011.

**HOUSE BILL 254**  
**CHILD PLACEMENT PROCEDURES**

This bill requires DHR to exercise due diligence to identify and notify parents and relatives of a child within 30 days of the child's removal from a parent's custody. To assist this process, a court may order that the parent or other legal guardian provide names and addresses of all relatives and other persons who might be possible placements for the child. In determining what placement is in a child's best interest, the court will consider security, disruptiveness and continuity of the child's relationships.

**HOUSE BILL 283**  
**APPROPRIATIONS RELATED TO THE BOARD OF BAR EXAMINERS**

This bill eliminates the current statutory cap of \$90 on the application fee for taking the state bar examination for attorneys. This bill also increases the filing fee for writs of certiorari and appeals in the state Court of Appeals and Supreme Court from \$80 to \$300, except that criminal cases and habeas corpus cases will retain the \$80 fee.

**HOUSE BILL 308**  
**AMENDS THE GEORGIA LIMITED LIABILITY COMPANY ACT**

This bill makes several technical corrections and clarifications to the Limited Liability Company Act, such as: amending certain definitions; prohibiting judgement creditors from interfering in LLC management; allowing for freedom of contract in creation of operating agreements; and providing for specific LLC dissolution procedures.

**HOUSE BILL 315****DISCLOSURE REQUIREMENTS FOR REAL ESTATE PROFESSIONALS**

This bill requires all fees and other valuable consideration be disclosed by real estate brokers and salespersons for all real estate transactions. Failing to fully disclose, or preventing the disclosure of, such information will be considered an unfair trade practice.

**HOUSE BILL 324****APPEALS IN SUPERIOR AND STATE COURT**

The purpose of this bill is to ensure that appellate procedures are the same for both superior and state court.

**HOUSE BILL 388****OPTION OF ADOPTION ACT**

Option of Adoption Act: This bill would allow a "legal embryo custodian," defined as a person who holds the legal rights to a human embryo, to contract with a "recipient intended parent," or person who receives a relinquished embryo and who accepts full legal rights for the embryo and any child that may be born as a result. If the court finds that a petition for embryo adoption or parentage meets the criteria, the judge must issue a final expedited order. The order will terminate any future parental rights of any legal embryo custodian, and will vest those rights in the recipient intended parent.

**HOUSE BILL 453****CHANGING SUNSET/REPEAL DATES**

This bill changes sunset dates from July 1, 2012 to July 1, 2014 for fees relating to filing real estate documents and development of a statewide uniform automated information system.

**HOUSE BILL 495****PROBATE COURT JUDGES**

Probate court judges will be allowed to appoint associate probate judges to serve concurrently with the appointing judge, subject to approval by the county governing authority. Associate probate judges will be vested with the same authority of a probate court judge, and will be subject to the same qualification requirements. If a vacancy in probate court occurs after January 1 in the last year of a probate judge's term of office, the person assuming the duties of judge will serve the remainder of the term of office. No special election will occur in this circumstance.

**HOUSE BILL 575****CRIMES: KIDNAPPING**

This bill changes the definition of kidnapping to include any slight movement except if the movement is incidental to another offense. A kidnapping offense cannot be merged with any other offense. Kidnapping will be a continuing offense; venue may be in any county where the defendant exercised dominion or control over the victim.

**HOUSE BILL 608****TIME-SHARE ESTATES**

This bill changes the definition of "time share estate" to include real property interests held in irrevocable trust where all time share owners are beneficiaries and the trustee is not the developer.

**HOUSE BILL 667**

**CHANGES IN FEES RELATING TO HOSPITAL ACQUISITIONS**

This bill requires parties to a hospital acquisition to pay the actual and reasonable costs and expenses incurred due to the retention of experts or consultants, directly to such experts or consultants within 30 days after notifying the Attorney General.

**NATURAL RESOURCES**

**SENATE BILL 110**

**ALLOWS TRAPPING OF BEAVERS BY COUNTY AGENTS**

Current law prohibits the trapping of wildlife on the right of way of any public road or highway. Under this legislation, this prohibition will not apply to a person that has a commercial trapping license who traps beaver on the right of way of any state highway, county road, or city street as an authorized agent, employee, or contractor of the state, county, or city for the purpose of preventing, reducing, or stopping damage to the road resulting from the beaver activity.

**SENATE BILL 111**

**RESTRICTIONS ON HUNTING ANIMALS WITH LIGHTS**

Current law prohibits hunting at night of any game bird or game animal except alligators, raccoons, opossums, foxes, and bobcats, as well as feral hogs. These animals may be hunted at night with a light, under certain restrictions. This legislation removes the current light restrictions and requires any light used to hunt raccoons, opossums, foxes, bobcats, or feral hogs to be carried on the person of a hunter, affixed to a helmet or hat, or be part of a belt system worn by a hunter. Finally, alligators are no longer allowed to be hunted at night with any light.

**SENATE BILL 155**

**STREAM BUFFERS: EXCEPTION FOR EPHEMERAL STREAM**

This bill provides for an additional exception to the 25-foot stream buffer requirement along any ephemeral stream. The term "ephemeral stream" is defined as a stream: (1) That under normal circumstances has water flowing only during, and for a short duration, after precipitation events; (2) That has the channel located above the ground-water table year round; (3) For which ground water is not a source of water; and (4) For which runoff from precipitation is the primary source of water flow.

**SENATE BILL 198**

**EMISSION INSPECTION ADMINISTRATIVE FEES; TIME EXTENSION**

This bill authorizes the Director of the Environmental Protection Division (EPD) to use the administrative fees collected from emission inspection stations to cover the costs of achieving compliance with federal and state statutes relating to air quality. This bill also contains a provision that allows EPD to grant a person a time extension to obtain an emission inspection certificate in the case of economic hardship, when waiver requirements have not been met. The time extension allows the person to make needed repairs on a vehicle.

**SENATE RESOLUTION 107**

**URGES CONGRESS TO BUILD RESERVOIRS UPSTREAM OF LAKE LANIER**

Building reservoirs upstream from Lake Sidney Lanier is necessary to control water levels so that the people of Georgia and the surrounding states are ensured an adequate supply of water. This resolution urges the United States Congress to assist Georgia in our water needs by

helping facilitate the building of reservoirs on Chattahoochee National Forest land to supplement water inflow and maintain adequate water levels in Lake Sidney Lanier.

#### **SENATE RESOLUTION 304**

##### **URGES U.S. FISH & WILDLIFE SERVICE TO STUDY ETOWAH RIVER BASIN**

This resolution:

- Urges the U.S. Fish and Wildlife Service to conduct further scientific review within the Etowah River Basin by performing the mandatory five-year status update prior to further consideration of any Etowah Aquatic Habitat Conservation Plan (HCP)-related decisions;
- Urges the U.S. Fish and Wildlife Service to perform an Environmental Impact Statement to assess the potential environmental benefits and accompanying economic impact of the HCP;
- Requests the local governments who have participated in the HCP to fully consider the economic impact of adopting this regulatory framework; and
- Requests that the U.S. Fish and Wildlife Service carry out these studies before further HCP review.

#### **SENATE RESOLUTION 333**

##### **DEDICATES THE LAMAR MOBLEY BARN; JOHN MCGLAMERY OFFICE**

In memory of the late Lamar Mobley, this resolution designates the barn located on the Di-Lane Plantation Wildlife Management Area as the Lamar Mobley Memorial Barn. In memory of Johnny McGlamery, the Region 5 Statesboro office of the Georgia Bureau of Investigation is designated as the Johnny McGlamery Office.

#### **SENATE RESOLUTION 433**

##### **URGES CONGRESS TO OPPOSE LEGISLATIVE EFFORTS TO EXPAND THE REACH AND SCOPE OF THE CLEAN WATER ACT**

Proposed federal legislation, the Clean Water Restoration Act, is intended to make extreme changes to the Clean Water Act (CWA) that threaten to destroy the careful intergovernmental balance that has been the hallmark of the law during its long history. This legislation would give the federal government authority over all intra and interstate waters, including navigable waters. Therefore, this legislation requests the U.S. Congress to oppose legislative efforts to expand the reach and scope of the CWA, thereby preserving the traditional power of states over land and water use decisions.

#### **SENATE RESOLUTION 589**

##### **URGES CONGRESS TO CHANGE CURRENT DEFINITION OF RENEWABLE BIOMASS IN THE ENERGY INDEPENDENCE AND SECURITY ACT OF 2007**

This resolution requests that the United States Congress take action to correct the restrictive and intrusive definition of renewable biomass in the Energy Independence and Security Act of 2007, which has resulted in the disqualification of approximately 15 million acres of private forests in Georgia from being utilized for biomass energy production. Further, this resolution requests that all federal legislation related to biomass follow the uniform definition of renewable biomass as contained in the Food, Conservation, and Energy Act of 2008.

**SENATE RESOLUTION 619  
REQUESTS THE ENVIRONMENTAL PROTECTION DIVISION TO MODIFY DISSOLVED  
OXYGEN STANDARD FOR SAVANNAH RIVER**

The current Dissolved Oxygen (DO) standard, adopted by the Board of Natural Resources in December 2008, which prohibits any new discharges or expansion of discharges unless offset by reduction of an existing permitted discharge, will seriously threaten the economic vitality and development of the entire Savannah River Basin. This resolution requests that the Environmental Protection Division lead the efforts, in coordination with stakeholders, to develop a process establishing an appropriate DO deficit for the Savannah Harbor to allow for protection of aquatic species and the economic viability of the region.

**HOUSE BILL 248  
GEORGIA VOLUNTARY REMEDIATION PROGRAM ACT**

This bill creates a voluntary, cost-effective program for the clean-up of hazardous waste sites. In order to enroll any qualifying property in the program, an applicant must submit to the Director of the Environmental Protection Division a voluntary remediation plan (plan) prepared by a registered professional engineer or geologist. This plan will be considered an application for enrollment and must include an application fee of \$5,000.

**HOUSE BILL 326  
HUNTING, FISHING, AND TRAPPING LICENSES**

This bill allows for the purchase of two-year or other multi-year fishing and hunting licenses. This bill also makes numerous changes to the fees and types of game and fish licenses and permits.

**HOUSE BILL 552  
WATER WELL STANDARDS**

No well or borehole will be drilled or used for the purpose of injecting any surface water into the Floridan aquifer in any county governed by the Georgia coastal zone management program before July 1, 2014.

**HOUSE RESOLUTION 338  
DEVELOPMENT OF GEORGIA'S ENERGY RESOURCES**

This resolution supports the development of Georgia's energy resources, both on land and offshore, in a balanced manner.

**PUBLIC SAFETY**

**SENATE BILL 20  
ILLEGAL IMMIGRATION: PROHIBITING SANCTUARY POLICIES**

This legislation prohibits a local government, whether acting through its governing body or by an initiative, referendum, or any other process, from enacting, adopting, implementing, or enforcing any sanctuary policy. A "sanctuary policy" is defined as any regulation, rule, policy, or practice which prevents local officials or employees from reporting a person's immigration status or otherwise providing immigration status information while such local official or employee is acting within the scope of his or her official duties.

Local governments that violate this legislation will be subject to the withholding of state funding or state administered federal funding. The Department of Community Affairs, the Department of

Transportation, or any other state agency that provides funding to local governing bodies may require certification of compliance with this legislation as a condition of funding.

#### **SENATE BILL 26**

##### **PERSONAL INFORMATION OF FIREFIGHTERS AND PARAMEDICS**

This legislation clarifies certain provisions of the state's Open Records Act. It also excludes certain personal information of firefighters, EMTs, and paramedics from the Open Records Act as well as the disclosure of the date of birth within criminal records.

#### **SENATE BILL 38**

##### **GBI AUTHORIZED TO PERFORM CERTAIN AUTOPSIES; AND CANINE TRAINING – RESCUE AND RECOVERY**

This legislation authorizes the GBI to perform an autopsy on a person whose death occurs within a state owned or leased building or on the surrounding property of such building. This authority and jurisdiction will supersede any other existing authority or jurisdiction relating to autopsies.

This legislation also authorizes medical examiners to provide to an approved canine instructor or school certain biological substances such as human blood or bodily fluids for the sole purpose of utilizing such substances for the training and handling of police canine in body recovery of human remains or rescue of persons.

#### **SENATE BILL 196**

##### **INCREASED FINES WHEN SERIOUS INJURY IS DUE TO A RIGHT OF WAY VIOLATION**

This legislation provides for a 30-day driver's license suspension for anyone convicted two or more times of causing serious injury to another person due to a right of way violation resulting in a collision with a motorcyclist, bicyclist, pedestrian, or farmer operating any vehicle used to transport agricultural products.<sup>2</sup> In addition to the suspension, the driver will be fined from \$500.00 up to \$1,000.00 and imprisoned from 10 days up to 12 months. Such fine will be mandatory and may not be waived, suspended, or conditioned upon the completion of any course or prison sentence.

This legislation also clarifies current language related to penalties for driving without license.

Finally, Section 6 of this legislation increases by \$7 the administrative fee – from \$15.00 to \$22.00 – that DUI Alcohol or Drug Use Risk Reduction Programs must pay to DDS. To make up for the fee, such programs are authorized to charge \$7.00 more, from \$75.00 to \$82.00, for the assessment component of their programs.

#### **HOUSE BILL 2**

##### **ILLEGAL IMMIGRATION AND WITHHOLDING OF STATE FUNDING**

Referred to as "the bill that directs the state, to direct local governments, to comply with federal immigration law," this legislation essentially clarifies and enforces many existing provisions in Georgia law related to verifying the legal immigration status of incarcerated individuals or individuals seeking public benefits. In the case of noncompliance by a state agency or local

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<sup>2</sup> "Serious injury" includes, but is not be limited to, causing bodily harm to another by depriving him or her of a member of his or her body, by rendering a member of his or her body useless, by seriously disfiguring his or her head or body or a member thereof, or by causing organic brain damage which renders the body or any member thereof useless.



government, the Senate and House Appropriations Committees may consider any noncompliance in setting the budget and appropriations.

#### Public Employers and Contractors

Current law requires every public employer to register and participate in the federal authorization program to verify the employment eligibility of all newly hired employees. This legislation provides that upon federal authorization, public employers must permanently post their federally issued user identification number and date of authorization on their website or publish the information annually in the local paper. State agencies may satisfy the requirement by posting the required information on one website maintained and operated by the State.

Moreover, before any bid for services may be considered by a public employer, contractors must submit a signed notarized affidavit stating that they are registered and authorized to use the federal work authorization program and will continue to utilize the program.

#### Determine the Lawful Presence of Prisoners

In compliance with Article 36 of the Vienna Convention on Consular Relations, this legislation requires local jailers to make a reasonable effort to determine the nationality of any incarcerated person. If the prisoner is a foreign national charged with a felony, DUI, driving without a license, or with a misdemeanor of a high and aggravated nature, the jailer must make a reasonable effort to verify that the prisoner has been lawfully admitted to the United States.

#### Public Benefits

Many local governments have argued that implementing procedures that deny public benefits to illegal immigrants is problematic because there is no accurate definition of a “public benefit.” In response, House Bill 20 clarifies language denying benefits to persons unlawfully present in the United States and also defines “Public Benefits” and itemizes examples of such. This legislation also requires the Attorney General to prepare annually a detailed report indicating all public benefits offered in Georgia that are subject to federal Systematic Alien Verification for Entitlements (SAVE) verification.

This legislation also requires state agencies and local governments that administer public benefits to provide an annual report to DCA that identifies each public benefit administered by the agency or local government and a listing of each public benefit for which SAVE authorization for verification has not been received. Compliance with this provision must include taking all necessary steps required by a federal agency to receive authorization to utilize the SAVE program.

This legislation goes into effect on January 1, 2010.

#### **HOUSE BILL 57 UNIFIED CARRIER REGISTRATION ACT OF 2005**

The legislation designates the Department of Revenue as the state agency responsible for the administration of the federal Unified Carrier Registration Act of 2005, which includes participating in the development, implementation, and administration of the Unified Carrier Registration Agreement.

**HOUSE BILL 160  
INCREASED FEES FOR REINSTATING SUSPENDED DRIVERS' LICENSES; AND  
SUPER SPEEDERS**

Part I of this legislation increases several drivers' license reinstatement fees. These fees are imposed and collected by the Department of Drivers Services (DDS). Part II of this legislation directs DDS to impose and collect a \$200.00 fee from any driver who is convicted of driving at a speed of 85 miles per hour or more on any road or highway or 75 miles per hour or more on any two-lane road or highway. Upon conviction, such driver will be classified as a "super speeder."

All fees collected under Part II of this legislation will be deposited in the general fund with the intent to fund a trauma care system in Georgia.

Part I will become effective on July 1, 2009. Part II will become effective on January 1, 2010.

**HOUSE BILL 306  
ELECTRONIC PRETRIAL RELEASE AND MONITORING PROGRAM**

This legislation allows a defendant to be released from custody pending the trial of his or her case on the condition that the defendant complies with the terms and conditions of an electronic pretrial release and monitoring program.

**HOUSE BILL 343  
MOTOR CARRIER COMPLIANCE DIVISION (MCCD)**

With the exception of weight inspectors, members of the Motor Carrier Compliance Division (MCCD) will be designated as Law Enforcement Officers by this legislation.

This legislation also authorizes the Department of Public Safety (DPS) to establish a position to be known as 'weight inspector' within MCCD. Weight inspectors will be assigned to fixed scales facilities and will not be authorized to operate outside such facilities. DPS will ensure that a weight inspector is properly trained regarding laws governing commercial motor vehicle weight, registration, size, load, and safety standards.

A weight inspector, at the fixed scales facility, will be authorized to:

1. Enforce non-criminal provisions relating to commercial motor vehicle weight, registration, size, and load and assess a civil penalty for a violation of such provisions; and
2. Detain a commercial motor vehicle that:
  - Has a safety defect which is critical to the continued safe operation of the vehicle;
  - Is being operated in violation of any criminal law; or
  - Is being operated in violation of an out-of-service order as reported on the federal Safety and Fitness Electronic Records database.

Such detention will be for the purpose of contacting a law enforcement member of MCCD.

Weight inspectors are not considered peace officers and are not authorized to carry a firearm or exercise any power of arrest other than a citizen's arrest. At all times while a weight inspector is on duty, there will be a supervisor also on duty who will be a certified peace officer.

**HOUSE BILL 464  
STATE INMATE MEDICAL CARE AND COSTS**

Current law authorizes prisons to require inmates to reimburse the prison for the cost of medical services. This legislation makes an exception for severe mental health designations as determined by the Department of Corrections (DOC). This legislation also designates

medication, prescribed for medical conditions unrelated to pregnancy or chronic illnesses, as a medical expense that could be reimbursed by the inmate.<sup>3</sup>

This legislation also provides that hospitals and hospital authorities that treat a state inmate for emergency services but do not have a contract with DOC will only be reimbursed up to the Medicaid reimbursement rate for emergency services. This provision does not prohibit DOC from negotiating higher fees or rates with providers.

**HOUSE BILL 607**  
**BOARD OF PUBLIC SAFETY**

This legislation specifies that the Governor appoint to the Board of Public Safety, and with the advice and consent of the Senate, an individual who is a member of the Georgia Association of Fire Chiefs.

**REGULATED INDUSTRIES**

**SENATE BILL 31**  
**GEORGIA NUCLEAR FINANCING ACT**

This legislation authorizes utilities in Georgia to recover any financing costs associated with the construction of a nuclear generating plant which has already been certified by the Georgia Public Service Commission (PSC). The financing charges will accrue on all PSC-certified costs and according to PSC-accepted regulatory methods. The recovery costs will be assessed to each electric utility customer and will be subject to PSC review except that the PSC retains authority to authorize specific accounting treatment for costs recovered.

**SENATE BILL 82**  
**SECONDARY METALS RECYCLERS**

This bill adds certain requirements on secondary metal recyclers regarding transaction records, identification, cash and check transactions, and motor vehicle recycling.

**SENATE BILL 104**  
**COSMETIC LASER SERVICES**

Anyone desiring to obtain an Assistant Laser Practitioner license must have 2,000 hours of administering cosmetic laser service, and must have received three certificates of laser/intense pulse light courses which are taught by a licensed physician or a continuing education instructor. These requirements are new and in addition to the existing requirements. Additionally, the Composite State Board of Medical Examiners may recognize reciprocity for licensed practitioners in other states with similar educational requirements.

**HOUSE BILL 68**  
**FUNERAL HOMES AND CREMATORIES; DISPOSITION OF REMAINS AND DISTANCE REQUIREMENTS**

This legislation relates to the operation of funeral homes and crematories to require that pre-need contracts will govern unless delinquent funded. If there exists no preneed contract, the right to control the disposition of the decedent will vest in a statutory order.

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<sup>3</sup> 'Chronic illness' is defined as an illness requiring care and treatment over an extended period of time. Chronic illness includes, but is not limited to, hypertension, diabetes, pulmonary illness, a seizure disorder, AIDS, cancer, tuberculosis B, hepatitis C, rheumatoid arthritis, an autoimmune disorder, and renal disease.

The Probate Court must use certain criteria to determine the right of disposition and must consider all relevant circumstances. The funeral home will not be liable for refusal to accept remains if there is a dispute to disposition until a court order is provided or other written agreement among the applicable parties.

Stand-alone crematoriums cannot be located within 1000 feet of a platted subdivision. This legislation contains language from House Bill 257.

#### **HOUSE BILL 302**

##### **TELECOMMUNICATIONS: THIRD PARTY SERVICE CHARGES**

This bill relates to telecommunications and competition development; it adds that a telecommunications company that charges a customer for a service from a non-affiliated third party must provide to the customer the ability to block the associated charge.

#### **HOUSE BILL 473**

##### **GEORGIA ENVIRONMENTAL FACILITIES AUTHORITY: CLEAN ENERGY GRANTS; SALES TAX EXEMPTION: GEORGIA TECHNOLOGY AUTHORITY**

This legislation provides grants for clean energy properties supplied from federal funds for a limited period through December 31, 2012. The grants will apply to commercial properties placed into service between January 1, 2009, and December 31, 2012. Grant recipients will not be eligible for income tax credits that apply to clean and/or solar energy. The Georgia Technology Authority will be exempt from sales and use taxation, (HB 435).

### **RETIREMENT**

#### **SENATE BILL 109**

##### **EMPLOYEE RETIREMENT SYSTEM/COUNCIL OF SUPERIOR COURT JUDGES**

This bill transfers certain duties and obligations related to the Employees Retirement System from the Department of Administrative Services to the Council of Superior Court Judges of Georgia, the Council of State Court Judges of Georgia, the Prosecuting Attorneys' Council of the State of Georgia, and the Council of Juvenile Court Judges. Also, it provides guidelines for employer contributions.

#### **SENATE BILL 177**

##### **GROUP TERM LIFE INSURANCE/MEMBERS OF STATE RETIREMENT SYSTEMS**

This bill removes eligibility for Group Term Life Insurance for members of the Employees' Retirement System, the Judicial Retirement System, and the Legislative Retirement System joining the retirement system on or after July 1, 2009. Employees joining the retirement systems after this date will be eligible for life insurance under the state's flexible benefit plan.

#### **HOUSE BILL 202**

##### **COMPLIANCE WITH THE INTERNAL REVENUE CODE**

This bill ensures that provisions in Title 47 are in compliance with requirements outlined in the Federal Internal Revenue Code. This bill authorizes the boards of all public retirement systems operating under Title 47 of O.C.G.A. to adopt any rules which are required to meet the necessary federal compliance standards.

**HOUSE BILL 210  
JUDICIAL RETIREMENT**

This bill amends provisions relating to membership in the Georgia Judicial Retirement System. It clarifies that persons who are members as a result of their employment with the Office of Legislative Counsel or the Attorney General's Office will be subject to the same provisions applicable to solicitors-general of a state court. Also, it clarifies that the employer contributions paid on behalf of such members will be paid by the respective employers of the members.

**HOUSE BILL 371  
INCREASE IN ALLOWABLE FUND INVESTMENT**

This bill revises the definition of "large retirement system." The definition would be expanded to include any public retirement system that has assets in excess of \$200 million. Currently, certain public retirement systems that have assets in excess of \$50 million and have an accumulated unfunded actuarial liability not greater than 25 percent of total assets may be classified as "large retirement systems." Also, this legislation would revise provisions relating to investments in foreign corporations or obligations for "large retirement systems." Currently, "large retirement systems" may not invest more than 15 percent of the retirement system assets in such investments. If this legislation is enacted, the limitation would be removed for "large retirement systems." Furthermore, this bill revises the investing guidelines for retirement systems. Currently, a fund may not invest more than 55 percent of retirement system assets in equities, provided, however, a "large retirement system" may invest no more than 60 percent in equities. Under this legislation, "large retirement systems" would be subject to the following investing limitations: prior to July 1, 2010, a fund may invest no more than 65 percent of retirement system assets in equities; on and after July 1, 2010, a fund may invest no more than 70 percent of retirement system assets in equities; and on and after July 1, 2011, a fund may invest no more than 75 percent of retirement system assets in equities.

**HOUSE BILL 452  
INELIGIBILITY FOR POST RETIREMENT BENEFIT ADJUSTMENTS**

This bill amends provisions relating to retirement and pensions under the Employees' Retirement System, the Judicial Retirement System, and the Legislative Retirement System. Any person who becomes a member of one of these retirement systems on or after July 1, 2009 will not be eligible to receive any postretirement benefit adjustments.

**HOUSE BILL 476  
EMPLOYEES RETIREMENT SYSTEM**

This bill amends provisions relating to reemployment under the Peace Officers' Annuity and Benefit Fund. Individuals who first or again become a member of the Fund on or after July 1, 2009 would no longer be eligible to retain their benefits if they become reemployed. This legislation would require the Fund to discontinue benefits for the duration of the reemployment. Also, the computation of any ERS retirement benefit will not include a compensation increase in the last 12 months of employment that exceeds five percent for new employees. Also, an employer would be responsible for paying the full actuarial cost of retirement benefits that are due to an employee as a result of the employee receiving a salary increase in excess of 5 percent during the 12 months prior to retirement for current employees. This legislation encompasses House Bill 191 and House Bill 465.

**HOUSE BILL 477  
CREDITABLE SERVICE FOR QUALIFIED VETERANS**

This bill amends provisions relating to creditable service for qualified veterans who wish to establish creditable service in a public retirement system or fund. Also, it ensures that the

provisions of Title 47 are in compliance with requirements outlined in the Federal Internal Revenue Code. Under federal law, there are no application deadlines for qualified returning veterans who wish to establish creditable service for a period of qualified service. It removes language that requires qualified veterans to notify their board of such intent no later than six months from the date he or she resumes employment.

#### **HOUSE BILL 487**

##### **RETIREMENT SUPERIOR COURT CLERKS**

This bill increases the amount of employee contributions paid by persons who first or again become members of the Fund on or after September 1, 2009 to \$100 per month. Requires \$1.00 to be paid to the Superior Court Clerks' Retirement Fund from fees charged and collected in each civil suit, action, case, or proceeding filed in the Superior Courts or in any other court of this State in which the clerk is eligible for membership in the Fund. The fund collects \$2.00 for each criminal or quasi-criminal case for violation of state law if the case is tried in a court in which the clerk is eligible for membership in the Fund.

#### **HOUSE BILL 488**

##### **SUPERIOR COURT CLERKS' RETIREMENT FUND**

This bill amends provisions relating to retirement benefits under the Superior Court Clerks' Retirement Fund. It prohibits any member from being credited with service for any time in which the member was not in compliance with the training requirements outlined in Code Section 15-6-50(c) of the Official Code of Georgia Annotated. Provisions of this legislation would apply to persons who first or again become members of the Superior Court Clerks' Retirement Fund on or after September 1, 2009.

### **RULES**

#### **SENATE BILL 27**

##### **DESIGNATES APRIL AS CONFEDERATE HISTORY MONTH – DESIGNATES THE RALPH MARK GILBERT CIVIL RIGHTS MUSEUM AS AN OFFICIAL HISTORICAL MUSEUM**

This bill recognizes the Ralph Mark Gilbert Civil Rights Museum as an official state historical civil rights museum. The museum is named in honor of Mr. Gilbert, the father of Savannah's modern day Civil Rights Movement. He was also a leader in the National Association for the Advancement of Colored People (NAACP), and was responsible for organizing more than 40 branches of the NAACP in Georgia.

Additionally, the bill designates the month of April as Confederate History and Heritage Month. Recognizing that Georgia's Confederate heritage, physical artifacts, battle sites, historic events and persons not only attract visitors to our state, they play an important part in our state's economy for tourism.

Officials and departments of state, county and municipal governments, boards of education, elementary and secondary schools, colleges and universities, businesses and all citizens are encouraged to commemorate our cultural inheritance each April.

#### **HOUSE BILL 184**

##### **SICKLE CELL DISEASE / DISSEMINATE INFORMATION**

This bill directs the Department of Human Resources to prepare information for public dissemination on the department's website describing the importance of obtaining a blood test

for sickle cell disease. Additionally, it provides that such information is to be made available to the probate courts to disseminate to all persons applying for marriage licenses.

## **SCIENCE AND TECHNOLOGY**

### **HOUSE BILL 436**

#### **CHANGES IN THE GEORGIA TECHNOLOGY AUTHORITY**

This bill requires the Georgia Technology Authority (Authority) executive director to publish an annual state information technology report that includes a report on the state's current and planned technology expenditures, in cooperation with the Office of Planning and Budget and the state accounting officer. This will include line-item expenditures on system development, personal services, equipment from the previous fiscal year and anticipated expenditures for the upcoming fiscal year. Additionally, the report will include a prioritization of information technology initiatives and a prioritized funding schedule for all major projects and initiatives, along with cost estimates of the fiscal impact of the initiatives.

The report will be submitted to the Governor, the General Assembly and the board of directors before October 1 annually. Agencies will be required to submit information technology reports to the Authority no more than twice annually with such content that will be defined by the board.

## **SPECIAL JUDICIARY**

### **SENATE BILL 46**

#### **CORRECTING TYPOGRAPHICAL ERRORS; REPEALING OBSOLETE PROVISIONS**

Senate Bills 46, 47, and 48 are corrections suggested by the Georgia Code Revision Commission to make formatting, typing, stylistic and other non-substantive changes to the Code.

### **SENATE BILL 47**

#### **CORRECTING TYPOGRAPHICAL ERRORS**

Senate Bills 46, 47, and 48 are corrections suggested by the Georgia Code Revision Commission to make formatting, typing, stylistic and other non-substantive changes to the Code.

### **SENATE BILL 48**

#### **CORRECTING TYPOGRAPHICAL ERRORS**

Senate Bills 46, 47, and 48 are corrections suggested by the Georgia Code Revision Commission to make formatting, typing, stylistic and other non-substantive changes to the Code.

### **SENATE BILL 97**

#### **CHANGING REFERENCES TO STATE PERSONNEL ADMINISTRATION**

Senate Bills 97 and 98 are simply name change bills to make official that the State Merit System of Personnel Administration is now called State Personnel Administration.

### **SENATE BILL 98**

#### **CHANGING REFERENCES TO STATE PERSONNEL ADMINISTRATION**

Senate Bills 97 and 98 are simply name change bills to make official that the State Merit System of Personnel Administration is now called State Personnel Administration.

**SENATE BILL 151**

**CRIME VICTIM TESTIMONY ADMISSIBLE AS EVIDENCE DURING SENTENCING**

As a result of the victim's rights study committee, this bill requires judges to allow victim impact statements during a trial's sentencing phase in many forms (i.e. audiotaped, videotaped, speakerphone, etc.).

**SENATE BILL 199**

**NO ANNUAL TRAINING REQUIRED 2009 OR 2010: PROBATE, MAGISTRATE JUDGES**

Probate court and magistrate court judges are required by statute to hold annual training sessions; this bill suspends this requirement for 2009 and 2010 only for cost-saving purposes.

**SENATE BILL 207**

**ADMITTANCE OF GENERAL PUBLIC IN JUVENILE COURT DEPRIVATION HEARINGS**

This bill allows juvenile deprivation hearings (i.e. foster care hearings), to be opened to the public except in limited circumstances in order to bring accountability to the juvenile courts, DFCS, and the foster care system.

**SENATE BILL 213**

**TORTS: INDUSTRY-WIDE LIABILITY CLAIMS**

In product liability cases, manufacturers cannot be held liable for the manufacture of an allegedly defective product, nor for public nuisance, solely based upon theories of market share, enterprise or other types of industry-wide liability.

**HOUSE BILL 71**

**NOVELTY IDENTIFICATION DOCUMENTS**

It is an offense to manufacture, sell and distribute false identification documents under Georgia law; however, current law states that no offense is committed if the false identification document contains the word "novelty" in a non-transparent, easily readable type. This bill removes this defense, so that such "novelty" false identification documents will be illegal.

**HOUSE BILL 117**

**CHANGING CODE REFERENCES TO SENATE AND HOUSE COMMITTEES**

This bill corrects references throughout the Code to reflect the current names of several Senate and House committees.

**HOUSE BILL 173**

**RESTRICTIVE COVENANTS IN BUSINESS CONTRACTS**

Under specified conditions, Georgia law will permit enforcement of contracts that restrict competition according to a restrictive covenant, as long as the restrictions are reasonable in time, geographic area and scope of prohibited activities.

**HOUSE BILL 549**

**POTENTIAL JURORS WHO IDENTIFY THEMSELVES AS NON-U.S. CITIZENS**

Superior court clerks must transmit monthly lists to the Secretary of State of all persons who identify themselves as not being United States citizens during qualification to serve as jurors, including their addresses, ages, and other identifying information. Also, the Department of Driver Services will be required to provide additional information about potential jurors to the courts.



## **STATE INSTITUTIONS AND PROPERTY**

### **SENATE BILL 24 PROBATION MANAGEMENT ACT**

This bill creates a sentencing options system. This system provides administrative sanctions to probationers as an alternative to judicial modification or revocation of probation.

### **SENATE BILL 64 INMATE HIV TESTING**

This bill provides for mandatory HIV testing, no later than 30 days prior to the release, of any person who has been in the custody of a penal institution for one year or longer and who has not previously tested positive, so long as the General Assembly appropriates funding for such a program.

### **SENATE BILL 193 TRANSITION AND WORK RELEASE DURING FINAL YEAR OF INCARCERATION**

This bill authorizes the Department of Corrections to consider certain offenders for participation in a transitional center or work release program during the offender's final year of incarceration.

### **SENATE RESOLUTION 294 CONVEYANCE OF STATE PROPERTY**

This resolution authorizes the conveyance of certain state-owned property in several counties. The State Properties Commission has deemed these conveyances to be in the best interest of the State of Georgia.

### **HOUSE BILL 170 FIXED LEASE RATE FOR MARSHLAND OR WATER BOTTOMS**

This bill changes the terms for the leasing of state-owned marshland or water bottoms from a market rate to a fixed rate of \$1000.00 per acre. This bill also provides for the adjustment of this fee and for lease renewal terms.

### **HOUSE BILL 226 CONDITIONS OF PROBATION**

This bill allows judges to require certain defendants sentenced to probation to complete a period of confinement in a probation detention center.

### **HOUSE BILL 344 DAY REPORTING CENTER FEES**

This bill allows courts to impose, as a condition of probation for felony criminal defendants sentenced to a day reporting center, an additional charge, not to exceed \$10.00 per day for each day such defendant is required to report to a day reporting center.

### **HOUSE BILL 464 STATE INMATE MEDICAL CARE AND COSTS**

This bill allows for deductions from inmate accounts for certain prescription medication, and for medication not related to pregnancy or chronic illness. This bill also provides a definition of chronic illness.

**HOUSE RESOLUTION 279  
GRANTING OF EASEMENTS**

This resolution authorizes the granting of nonexclusive easements to the City of Metter, Cobb County, the City of Smyrna, Georgia Transmission Corporation, Connexion Technologies, Inc., Georgia Power Company, CNN Center Ventures, the City of Atlanta, the City of Cairo, and the City of Columbus for the operation and maintenance of facilities, utilities, and ingress and egress in, on, over, under, upon, across, or through property owned by the State of Georgia. Access to the above-described state property has been requested, approved, or both, by the Georgia Department of Defense, State Properties Commission, Georgia Forestry Commission, Department of Natural Resources, and the Department of Economic Development on behalf of the Georgia World Congress Center Authority.

**TRANSPORTATION**

**SENATE BILL 85  
CREATES THE GEORGIA AVIATION AUTHORITY**

This legislation creates the Georgia Aviation Authority (Authority) to acquire, operate, maintain, house, and dispose of all state aviation assets and to provide aviation services and oversight of state aircraft. All aircraft owned or operated by any other entity of state government as of July 1, 2009, or a later date determined by the Governor, will be transferred on that date to the custody and control of the Authority. Further, no other entity will acquire, lease, or charter any aircraft other than through the Authority.

**SENATE BILL 200  
TRANSFORMING TRANSPORTATION INVESTMENT ACT**

This legislation creates a Planning Division (Division) of the Department of Transportation (DOT), directed and staffed by the Director of Planning (Director), which will be the principal unit for transportation planning. However, the Division will not have jurisdiction over the funds allocated for the local maintenance and improvement grant program. The Director will be appointed by the Governor, subject to approval by a majority vote of the House Transportation Committee and will serve during the term of such Governor.

Every four years, the Planning Division will develop the State-wide Strategic Transportation Plan (Plan), a State-wide Transportation Improvement Program (Program) and allocation formulas to ensure proper distribution of moneys from the funds for: a State-wide Transportation Asset Management Program (administration, maintenance, and rehabilitation of infrastructure); a Local Maintenance and Improvement Grant Program (funds allocated each fiscal year will not be less than 10 percent, nor more than 20 percent, of the proceeds of motor fuel tax); and a State-wide Transportation Asset Improvement Program (capital projects with specific itemized and prioritized project list that is not less than 10 percent, nor more than 20 percent, of the aggregate allocation from the State Public Transportation Fund; the Governor will submit all or a portion of the requests as part of the Governor's budget recommendations). The Plan and Program must be approved by the Governor and the State Transportation Board.

Finally, this legislation provides procedures for public-private partnerships that afford the greatest gains in congestion mitigation or promotion of economic development.

**SENATE RESOLUTION 176  
ROAD AND BRIDGE DEDICATIONS**

This legislation dedicates roads and bridges in honor of various people.

**SENATE RESOLUTION 295  
STRATEGIC DEPLOYMENT-DISTRIBUTION CORRIDOR NETWORK**

This resolution:

- Requests collaboration between the Georgia Ports Authority and the Georgia Departments of Transportation, Economic Development, and Agriculture in the development and implementation of Strategic Deployment-Distribution Corridors;
- Encourages the Georgia Ports Authority and the Georgia Department of Transportation to designate a network of Strategic Deployment-Distribution Corridors, incorporate this network in its state transportation plan, and seek assistance for implementing this network through federal funding;
- Encourages the Georgia Department of Economic Development and the Department of Agriculture to include the network of Strategic Deployment-Distribution Corridors in their promotional materials for the State of Georgia; and
- Requests the Georgia Congressional delegation to work to identify and designate Georgia transportation projects part of the Strategic Deployment-Distribution Corridors as candidates for federal funds.

**SENATE RESOLUTION 690  
STATE RAIL PLAN**

It has been more than a decade since Georgia has undertaken a comprehensive rail plan review. Other states have active rail planning efforts that examine freight and passenger rail in an integrated fashion and now stand ready to access federal stimulus funding.

Therefore, this resolution requests the Georgia Department of Transportation to develop a state rail plan within 24 months that meets federal requirements and will allow the state to access federal funds.

**HOUSE BILL 101  
TRANSIT VEHICLES ADVERTISING; ASBESTOS PIPES**

This legislation authorizes the commercial advertisements on or in transit vehicles or facilities owned or operated by a transit agency. It allows local governments to remove or leave asbestos pipes in right of ways in contained existing utility facilities owned by the local government.

**HOUSE BILL 440  
RIDESHARE PROGRAMS**

Rideshare programs, including government endorsed rideshare programs (vans and carpools), such as those of the Georgia Regional Transportation Authority, are not considered private carriers.

**HOUSE RESOLUTION 336  
ROAD AND BRIDGE DEDICATIONS**

This resolution dedicates roads and bridges in honor of various people.

**URBAN AFFAIRS**

**SENATE BILL 89  
PROHIBITED ACTS ON PUBLIC TRANSIT**

This bill removes the statutory prohibition of the consumption of food or beverage in a rapid rail station or intermodal bus station.

## STUDY COMMITTEES CREATED DURING THE 2009 LEGISLATIVE SESSION

SR 57	Senate Study Committee on Vulnerable Adults
SR 83	Senate Study Committee on Green Information Technology
SR 140	Senate Study Committee on Consolidation of Institutions of Higher Education
SR 184	Senate Study Committee on Boating Safety
SR 334	Senate Health Care Transformation Study Committee
SR 399	Senate Study Committee on Nonprofit Organizations and Their Governmental Partnerships
SR 456	Senate Study Committee on Blood Pressure Down Shift Program
SR 476	Senate Study Committee on Advance Directives Assessment, Planning, and Oversight
SR 506	Senate Study Committee on Mental Health Continuum Care
SR 522	Senate Comprehensive Development Impact Fee Study Committee
SR 579	Senate Biomass/Bioenergy Study Committee
SR 595	Senate Study Committee on Regional Educational Service Agencies
SR 615	Senate Georgia State Fire Services Study Committee
SR 622	Senate Dangerous Dogs Study Committee
SR 627	Senate Study Committee on the Merger of Georgia Technical and Two-year Colleges
SR 628	Senate Study Committee on Health Care Provider Rental Network Contract Arrangements
SR 635	Senate Study Committee on Georgia Health Disparities for Asian and Pacific Islander Americans
SR 641	Senate Study Committee on Roosevelt Warm Springs Institute for Rehabilitation
SR 642	Senate Study Committee on the Consolidation of Services for Crime Victims
SR 654	Senate Study Committee on Legislative Solutions for the Safe Use of Cellular Telephones in Motor Vehicles
SR 664	Senate Study Committee on the Patient Centered Medical Home
SR 665	Senate Study Committee on the Administration of Dental Benefits for Medicaid and PeachCare
SR 667	Joint Study Committee on the Retrofit of Diesel Engines
SR 672	Senate Study Committee on Autism
SR 685	Senate Study Committee on Property Tax Assessments and Appeals
SR 686	Senate Study Committee on the Self-sufficiency of State Museums, Parks, and Golf Courses

## VETOED LEGISLATION

(This list does not include local legislation.)

SB 123	Pharmacy Benefits Managers; provide for regulation and licensure by the Commissioner of Insurance; definitions; license requirements/filing fees
SB 159	Hemophilia Advisory Board Act; create; provide for duties, reporting, membership, selection of officers
SB 178	Education; advance funding, exceptional growth, low-wealth capital outlay grants; embed/extend a sunset date
SB 211	State Purchasing; exempt certain purchases from having to go through Dept. of Administrative Services
SR 431	Georgia Civil War Heritage Trails; designate
HB 56	Sales and use tax; renegotiation of distribution certificates; change certain provisions
HB 100	Education; student scholarship organizations; provisions
HB 481	Jobs, Opportunity, and Business Success Act of 2009; enact
HB 553	Local Government Equipment Financing Authority Act; create
HB 662	Public Safety, Department of; Capitol Police Division; create