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## **2013 SESSION OF THE GEORGIA GENERAL ASSEMBLY LEGISLATION PASSED**

This document is our final report of all legislation passed by the 2013 Georgia General Assembly, with the exception of local legislation. It contains summaries of passed legislation, an index of interim study committees, an index of vetoed legislation, and FY '14 General Budget talking points. If further detail on legislation is needed, please contact the Senate Research Office.

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## AGRICULTURE AND CONSUMER AFFAIRS

### **Senate Bill 81**

#### **Ginseng Harvesting Season**

##### **Effective Date: Governor's Signature**

This bill shortens the length of the legal ginseng-harvesting season by changing the start date from August 15 to September 1. The season will continue to end on December 31.

### **Senate Bill 87**

#### **Repeal of the Roadside Markets Incentive Program**

##### **Effective Date: July 1, 2013**

This bill repeals the roadside market incentive program, which was established under the Department of Agriculture in 1967 to improve the quality of roadside markets and to promote fair and sanitary marketing practices.

### **Senate Bill 91**

#### **Emerging Crops Fund Act**

##### **Effective Date: Governor's Signature**

This bill makes changes to the Emerging Crops Fund Act, which is intended to promote development by encouraging production of plant or animal crops in Georgia that are commercially produced, and to make available to consumers emerging crops grown in Georgia. This bill amends the definition of emerging crop by no longer limiting them to crops that have not yet reached their potential for economic development. It also amends the provisions related to interest loans made to farmers by the Georgia Development Authority.

### **Senate Bill 97**

#### **Agricultural Commodity Commission for Beef**

##### **Effective Date: Governor's Signature**

This bill authorizes the creation of the Agricultural Commodity Commission for Beef. This bill also allows for the review of existing commodity commissions every three years.

### **House Bill 101**

#### **Food Sales Establishment Exemptions**

##### **Effective Date: July 1, 2013**

Currently, the law exempts certain establishments from the definition of "food service establishment" if the food is prepared or served as part of, and occurs at, a fair or festival that is sponsored by a political subdivision or a non-profit organization and lasts no longer than 120 hours. This bill amends the fair or festival language to allow the exemption to apply to events sponsored by political subdivisions and non-profit organizations. The bill requires that the events be held on the property of the eligible sponsor or on the property of a party that has consented, in writing, to the use of its property for the event.

This bill also clarifies that counties and municipalities may delegate their authority to authorize operation permits for these events to the county board of health.

### **House Bill 234**

#### **Automatic Renewal Contract Provisions**

##### **Effective Date: July 1, 2013**

This bill requires that any seller that sells, leases, or offers to sell or lease any service to a consumer under a service contract with an automatic renewal provision, is to disclose the automatic renewal provision clearly and conspicuously in the contract or contract offer. Under this bill, a consumer can be a natural person or a nonprofit organization.

The notice provisions of this bill do not apply to the following entities: a financial institution or depository institution and any subsidiaries or affiliates; a foreign bank maintaining a branch or agency licensed under the law of any state and any subsidiaries or affiliates; an electric utility; an entity regulated under Georgia

pest control laws; and any county, municipal corporation; authority; or local government or governing body.

#### **House Bill 268**

##### **License and Bond Requirements for Dealers of Agricultural Products**

**Effective Date: July 1, 2013**

This bill amends the license and bond requirements for grain dealers and agricultural products dealers. The bill also repeals the laws related to the registration of pecan dealers and processors with the county probate judge.

#### **House Bill 298**

##### **Agricultural Commodity Commission for Georgia Grown Products**

**Effective Date: July 1, 2013**

This bill authorizes the creation of the Agricultural Commodity Commission for Georgia Grown Products.

### **APPROPRIATIONS**

#### **House Bill 45**

##### **Writing Off Certain Debts of State Agencies**

**Effective Date: July 1, 2013**

Debts of \$100.00 or less, that have been unsuccessfully pursued and deemed not in the public's financial interest to continue collection efforts, may be written off of the financial records of any such state agency. Additionally, debts of \$3,000.00 or less may be written off of the financial records of institutions of the Board of Regents or the Technical College System of Georgia.

This bill extends the repeal date of such Code section from July 1<sup>st</sup>, 2013 to July 1<sup>st</sup>, 2016.

Finally, this bill extends the repeal date for Code sections allowing the University System of Georgia and the Technical College System of Georgia to have non-lapsing funds from tuition revenue of 3 percent and 15 percent, respectively. Current language repeals June 30<sup>th</sup>, 2013. This bill delays the repeal date to June 30<sup>th</sup>, 2016.

#### **House Bill 105**

##### **Supplemental Appropriations; State Fiscal Year July 1, 2012 - June 30, 2013**

House Bill 105 amended appropriations for the State Fiscal Year beginning July 1, 2012 and ending June 30, 2013. HB105 assumes revenue collections of approximately 4% over FY2012 tax revenue receipts. Approximately \$170 million was utilized from the revenue shortfall reserve for K-12 education. The amended budget was necessary because of shortfalls in Medicaid and enrollment growth in K-12 education that arose since the general budget was passed in the spring of 2012. Approximately \$200 million was needed in Medicaid to meet projected expenditures and \$167 million was needed in K-12 education.

The summary for House Bill 105 is provided by the Senate Budget and Evaluation Office.

#### **House Bill 106**

##### **General Appropriations; State Fiscal Year July 1, 2013 - June 30, 2014**

House Bill 106 set appropriations for the State Fiscal Year beginning July 1, 2013 and ending June 30, 2014. HB106 assumes revenue collections of approximately 5% over FY2013 projected receipts. Items of interest are (line item numbers are in parenthesis)

- Adds \$146.6 million to cover 1.36% enrollment growth in students and training/experience for teachers. (#143.6)(Dept. of Education)
- Increased funding for Charter Systems by \$7.2 million to account for increased enrollment and to include Fulton and Madison school districts. (#143.11)(Dept. of Education)

- Adds \$62.9 million for increases in enrollment and square footage at University System of Georgia Institutions. (#284.5)
- Fully restores the Governor's proposed reduction to the special appropriation for Georgia Gwinnett College. (#284.9)
- Transfer \$3.9 million in state general funds and ten positions from the Secretary of State to the Board of Regents for the Georgia Archives. (#273.1)
- Adds \$17.1 million to meet projected need for HOPE-Public Schools Scholarship while increasing the award amount by 3%. (#325.1)
- Reduces \$22.3 million to meet projected need for the HOPE Grant while increasing the award amount by 3%. (#323.1)
- Adds \$6.5 million for the Strategic Initiatives Workforce Development Grant. (#323.2)
- Adds \$34.2 million to the Department of Behavioral Health and Developmental Disabilities as part of the settlement funding agreement with the U.S. Dept. of Justice. (Dept. of Behavioral Health and Developmental Disabilities)
- Adds \$225 million for growth in Medicaid and PeachCare. (#85.1, 85.28, 86.1, 86.23, 87.1, 87.14)(Dept. of Community Health)
- Adds \$9.5 million for Regional Economic Business Assistance (REBA). (#77.5) (Dept. of Community Affairs)
- Increases funds for OneGeorgia Authority by \$20 million.(#80.2) (Dept. of Community Affairs)

The summary for House Bill 106 is provided by the Senate Budget and Evaluation Office. Additionally, they have provided talking points for the FY '14 General Budget, which begin on Page 41.

#### **House Bill 454**

##### **Tax Expenditure Review Submitted to the Office of Planning and Budgeting**

##### **Effective Date: Upon Governor's Approval**

This bill allows, not requires, the tax expenditure review prepared by the Department of Audits to also include a regularly produced annex to include analysis of specific tax expenditures.

The analysis must include, when possible: a description of the objective of the tax expenditure taken from the original legislation; relevant information in determining whether the tax expenditure is meeting its stated purpose; an analysis of the tax expenditure's effect on the administration of the tax system; and an analysis of the persons, corporations, or other entities that are directly benefited by the tax expenditure.

#### **House Resolution 73**

##### **Compensating Mr. Lathan Rydell Word**

This resolution authorizes the Department of Administrative Services to pay the sum of \$400,000.00 to Mr. Lathan Rydell Word. Payments will be made over a 20-year period, with an initial lump sum of \$100,000.00. The compensation will not be subject to state income taxes.

Mr. Word was wrongfully convicted of armed robbery and possession of a firearm, and sentenced to 15 years in prison. Mr. Word was exonerated after serving more than 11 years in prison, when the Georgia Court of Appeals overturned his conviction. At the new trial, the victim of the crime testified that he had not been truthful and that Mr. Word was not the man who robbed him.

HR 73 was amended on the Senate Floor adding language stipulating that remaining payments would cease if Mr. Word is convicted of a felony subsequent to the passage of HR 73.

## **BANKING AND FINANCIAL INSTITUTIONS**

### **Senate Bill 139**

#### **Closing Fees on Money Advances or Credit Extensions**

##### **Effective Date: Upon approval of Governor/Upon becoming law**

Under this bill, lenders and sellers are allowed to charge closing fees, in addition to other permitted charges, for money advances or credit extensions. Closing fees can be up to 4 percent of the face amount of the loan or contract, but cannot be more than \$50.00. The closing fees can be paid from the amount borrowed, or they can be added to the principal of the loan or credit extension.

This legislation only applies to certain industrial loans, retail installment and home solicitation sales contracts, motor vehicle financing contracts, and insurance premium finance agreements. Closing fees cannot constitute interest or be considered an additional charge, time price differential, finance charge, or service charge.

### **House Bill 289**

#### **Remittance Transfers**

##### **Effective Date: July 1, 2013**

This bill clarifies the relationship between Uniform Commercial Code (UCC) Article 4A and the federal Electronic Fund Transfer Act (the "EFTA") and confirms Article 4A's applicability to remittance transfers under the EFTA. The enactment of Section 1073 under the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank) caused some difficulties about the way that the UCC Article 4A applied to wire transfers.

Prior to Dodd-Frank, Article 4A stated that a payment was not a wire transfer subject to 4A if any part of that payment was subject to the EFTA. Furthermore, before Dodd-Frank, EFTA stated a consumer payment made by means of a wire transfer system was not an electronic funds transfer subject to the EFTA and Regulation E. Under this bill, the EFTA will be the governing law between the consumer sender and the remittance transfer provider, and international wire transfers will be subject to UCC 4A as long as the transfers do not fall within the definition of an electronic fund transfer and such coverage is not inconsistent with the EFTA.

## **ECONOMIC DEVELOPMENT**

### **Senate Bill 137**

#### **Opportunity Zones: Less Developed Areas; Sales Tax Refunds**

##### **Effective Date: Upon Governor's Signature**

This legislation authorizes the Commissioner of Economic Development to designate certain areas as Opportunity Zones; these already exist in law.

The Commissioner of Community Affairs is also authorized to make these designations. Regarding erroneously paid sales taxes, refunds may be sought by filing a written request from the dealer and file a claim to the DOR Commissioner.

### **Senate Bill 177**

#### **Georgia Tourism Foundation: Membership**

##### **Effective Date: July 1, 2013**

This legislation alters the membership of the Georgia Tourism Foundation by removing members from various authorities as well as Commissioners of Economic Development and Natural Resources.

Those deleted include the: Jekyll Island-State Park; Stone Mountain Memorial Association, Lake Lanier Islands, Agricultural Exposition, North Georgia Mountains, and Southwest Georgia Railroad Excursion Authorities; plus the Aviation, Music, Sports and Gold Halls of Fame.

### **Senate Resolution 9**

#### **Encourage Strengthened Ties with African Nations**

This resolution urges the Georgia Department of Economic Development to promote and strengthen beneficial ties with African nations, as is authorized by law and subject to available funds. The resolution further urges several specific actions to help meet the goal of strengthened relations.

### **House Bill 338**

#### **Georgia Council of the Arts; Azaleas**

**Effective Date: July 1, 2013**

This legislation finds that arts fuels tourism.

The Georgia Council of the Arts will be an advisory body consisting of nine members appointed by the Governor and will serve two three-year terms. The Council will continue to advise the Governor through the Department of Economic Development for the purpose of advancing the arts in education, tourism, community development, and economic development.

Under current law, the azalea is designated as the state wild flower. This would clarify that native azaleas (*Rhododendron sp.*), collectively, are designated as the state wild flower. From HB 297.

## **EDUCATION AND YOUTH**

### **Senate Bill 100**

#### **Reestablish the Career Education Advisory Commission**

**Effective Date: July 1, 2013**

This bill reestablishes the Career and Technical Education Advisory Commission. The Commission, which was originally enacted in 2006, was repealed by a sunset provision on December 31, 2012.

### **Senate Bill 115**

#### **Student Performance Data & Residential Treatment Centers**

**Effective Date: July 1, 2013**

Currently, the student performance data and other data related to statutory accountability programs for students receiving services in state residential treatment centers is included in the performance data of the school system where the facility is located. Under this bill, these facilities will be treated as a single local education agency (LEA) for the purposes of accountability programs; therefore, the students receiving services in the facilities will be included in the new LEA rather than the LEA where the facility is located.

### **Senate Bill 212**

#### **CPR and AED Training in Schools**

**Effective Date: July 1, 2013 (Begins 2013-2014 School Year)**

Under this bill, beginning with the 2013-2014 school year, each local board of education that operates a school with grades nine through twelve will be required to provide instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) as part of its existing health or physical education courses.

### **House Bill 70**

#### **Georgia Special Needs Scholarship Qualification & Payments**

**Effective Date: July 1, 2013**

Under this bill, the State Board of Education (BOE) will be authorized to waive the prior year public school attendance requirement necessary to qualify for a Georgia Special Needs Scholarship and to require a local school board to expedite the development of a student's Individualized Education Program (IEP). This authority, which is at the sole discretion of the BOE, is to be exercised on a case-by-case basis for specific medical needs of the student at the request of the parent or guardian. If the BOE requires an expedited IEP, it may also require that the process be completed prior to the beginning of the school year.

The bill also requires DOE to allow for specific application deadlines that allow students to transfer and specifies the dates on which equal quarterly scholarship payments must be made to parents of scholarship recipients.

#### **House Bill 115**

##### **Suspension and Removal of Local School Board Members; Use of Public Funds for Legal Expenses; HOPE Eligibility for Graduates of Unaccredited High Schools**

###### **Effective Date: Governor's Signature**

This bill makes changes to the processes that are triggered when a local board is placed on a level of accreditation immediately preceding loss of accreditation and extends the time period in which the State Board of Education (BOE) must conduct a hearing after receiving notification of this from the local board from 30 to 90 days. The BOE will be allowed to deliberate and formulate recommendations to the Governor in a meeting that is closed to the public; however, testimony and a vote on the recommendations must be made in an open meeting.

The bill prohibits local boards of education from expending public funds on attorney's fees and litigation expenses on proceedings initiated after the State Board of Education makes its recommendation on board member removal.

The bill also allows students in school districts that lose accreditation to remain eligible for the HOPE Scholarship.

#### **House Bill 116**

##### **BOE Transfer of Trust Assets to Georgia Foundation for Public Education**

###### **Effective Date: July 1, 2013**

This bill allows the State Board of Education to transfer any donation, gift, devise, or bequest of property to the Georgia Foundation for Public Education to be managed and otherwise administered.

#### **House Bill 131**

##### **Dual Credit Courses for HOPE Eligibility**

###### **Effective Date: July 1, 2013**

This bill clarifies that dual credit courses will be treated the same as AP and IB courses for the purposes of determining HOPE eligibility.

#### **House Bill 244**

##### **Teacher and Administrator Evaluation System**

###### **Effective Date: July 1, 2014 (Begins 2014-2015 School Year)**

This bill establishes a uniform statewide annual evaluation system for teachers of tested subjects and school leaders to be implemented no later than the 2014-2015 school year. The bill authorizes the BOE to develop the system, which emphasizes student achievement growth, and specifies certain measures that shall be included. Every teacher of record, assistant principal, and principal evaluated under the system will receive a rating of exemplary, proficient, needs development, or ineffective.

The bill also sets up requirements and procedures related to the implementation of the evaluation system and excludes the individual evaluations from open records laws.

#### **House Bill 283**

##### **Title 20 Changes and Student Scholarship Organization Requirements**

###### **Effective Date: July 1, 2013 (Sections 1-33); Governor's Signature (Sections 33A-33E)**

This bill implements recommendations made by the State Education Finance Study Commission, changes to QBE funding, charter system, funding, accountability, and other Title 20 clean-up items.

This bill also expands the distribution and reporting requirements and accountability/transparency measures that apply to Student Scholarship Organizations with regards to the Georgia Education Tax Credit. Furthermore, this bill increases the total annual tax credit allowance from \$50 million to \$58

million, and removes the provisions that currently allow this amount to be adjusted based on the Consumer Price Index. This bill also clarifies the allowable credit limits for individuals who are members of a limited liability corporation, shareholders of an “S” corporation, or partners in a partnership.

#### **House Bill 284**

##### **Return to Play Act of 2013**

**Effective Date: January 1, 2014**

This bill requires each local board of education, nonpublic school administration, and charter school governing body to adopt and implement a concussion management and return to play policy, and establishes the minimum components included in such a policy. The bill further requires public recreation facilities to provide information to the parents and guardians of youth athletes regarding the nature and risk of concussion and head injury. The bill also requires the Department of Public Health to endorse, and make available online, at least one concussion-related education course.

#### **House Bill 337**

##### **Auto-Injectable Epinephrine in Public and Private Schools**

**Effective Date: Governor’s Signature**

This bill allows doctors to prescribe auto-injectable epinephrine (epi-pens) to allow public and private schools to keep a stock on hand. The prescribing doctor and any school personnel who administer the drug in good faith or choose not to administer the drug will have immunity from liability. Furthermore, the bill allows the school to designate an employee or agent who is trained in the possession and administration of the drug, to be responsible for the storage, maintenance, and distribution of the auto-injectable epinephrine stocked by the school.

#### **House Bill 350**

##### **Background Check for Directors and Employees of Childcare Centers**

**Effective Date: July 1, 2013 & January 1, 2014**

Currently, only the director of a childcare center is required to pass a national fingerprint records check, while employees must only pass a Georgia name-only records check. Under this bill, all childcare center directors and employees will be required to pass a national fingerprint records check every five years.

#### **House Bill 354**

##### **Child Care Learning Centers**

**Effective Date: July 1, 2013**

This bill amends terminology associated with early care and learning in Georgia by renaming day-care centers as child care learning centers, and authorizes the Department of Early Care and Learning (DECAL) to administer any program that has been assigned or has been designated to it by the Governor as the lead state agency for federal programs.

## **ETHICS**

#### **House Bill 87**

##### **Restricted Access Communities as Precinct Boundaries and Polling Places**

**Effective Date: Upon the Governor’s Signature**

This bill allows boundaries of restricted access residential communities to be used as precinct boundaries. It also requires restricted access residential communities to be open to the public on Election Day if a polling place is established within such a community.

#### **House Bill 139**

##### **Qualification Requirements for Sheriff**

**Effective Date: July 1, 2013**

This bill revises the qualification process for candidates for sheriff. Among these changes, this bill clarifies that a person qualifying for the office of sheriff is to have his or her fingerprints taken under the direction of the judge of the probate court of the county in which the person is qualifying. The bill also



removes the requirement that candidates for sheriff file a certified copy of their high school diploma, instead requiring that candidates submit an affidavit stating that they completed high school or the recognized equivalent.

House Bills 142 and 143, Ethics Reform, passed from the Rules Committee. Please see Page 34.

## FINANCE

### **Senate Bill 145**

#### **Agritourism: Farm Weddings & Equestrian Events**

**Effective Date: July 1, 2013**

This legislation expands the definition of "agritourism" under the banner of Conservation Use Property to specifically allow farm weddings and equestrian events on CUVA property which has been so designated for at least one year.

### **House Bill 164**

#### **Sales Tax Exemption: Aircraft Parts**

**Effective Date: July 1, 2013**

This legislation extends the sales tax exemption for aircraft parts used specifically in maintenance or repair.

### **House Bill 197**

#### **Forest Land Protection**

**Effective Date: July 1, 2013**

This legislation amends existing language governing Conservation Use covenants under the Georgia Forest Land Protection Act of 2008.

It includes language regarding wood pulp use not violating the underlying covenant. Clarification is provided to the exclusion for a residence by specifying underlying land and will apply for new covenants or renewals commencing January 1, 2014.

Easements for ingress and egress will be allowed without breaching the covenant. Properties under Forest Land Protection that fail to maintain qualification can switch to a covenant for bona fide conservation use properties; these properties may change covenant qualification only once.

### **House Bill 210**

#### **Gas Tax Suspension: Ratify Executive Order**

**Effective Date: Upon Governor's Signature**

This legislation codifies the Executive Order issued by Governor Deal on June 8, 2012, which suspended the automatic increase due to price fluctuation. The suspension concluded on December 31, 2012.

### **House Bill 211**

#### **Motor Fuel Excise Tax Exemption: School Buses**

**Effective Date: July 1, 2013**

This legislation authorizes a motor fuel excise exemption for school systems when used for buses; the exemption runs from July 1, 2013 through June 30, 2015.

### **House Bill 250**

#### **Local Energy Excise Tax**

**Effective Date: Upon Governor's Signature**

This legislation amends and provides new language regarding local excise taxes on the sale of energy that was authorized under HB 386 (2012). Dealers are required to collect the excise tax on the sale of energy. They will be allowed a percent of tax due in the following manner: 3% of first \$3000 and .5% of the remainder, but only if it is not delinquent.

Distributions under intergovernmental agreements become effective in the quarter after 80 days of their respective executions. The same applies for local ordinances governing the excise tax.

#### **House Bill 266**

**IRS Code Update; TAVT: Leases, TSPLOST Exemption, Self-Financing Dealers; Out-Of-State Purchases; R&D Income Tax Credit; Sales Tax Exemptions: Agriculture and Manufacturers**

**Effective Date: Varies**

This legislation updates Georgia Revenue Code to reflect changes in IRS Code; modifies new sales tax exemptions for energy and agricultures; restores Good Faith standard for retailers regarding sales tax due on bill of sale goods; and extends R&D credit back to 2012.

It removes sales tax on leases; provides administrative procedures for payment of TAVT and electronic title registration; exemptions to title requirements; exempts TSPLOST from car purchases. Allows GDOR to determine whether self-financing dealers are eligible for TAVT which would be 2.5% less if approved; extends Opt-In through 2014; and eliminates the out-of-state purchase penalty.

#### **House Bill 304**

**Freeports: Fertilizers and Aircraft Parts**

**Effective Date: January 1, 2014**

This legislation amends existing Freeport exemption language by expressly codifying and expanding “substantial modification” to include aircraft engines and parts and fertilizer bulk mixtures.

#### **House Bill 318**

**Sales Tax Exemption: Zoo; Georgia Tourism Development Act Revisions; Invest Georgia Fund; Angel Investor Tax Credit**

**Effective Date: Upon Governor’s Signature**

This legislation provides a sales tax exemption for Zoo Atlanta; it runs from July 1, 2013 through June 30, 2015. This legislation amends the existing tourism act by changing some definitions specifically limiting one approved company per tourism attraction project. This legislation establishes the Invest Georgia Fund within Georgia Tech’s Advanced Technology Development Center (ATDC) to provide access to seed capital for Georgia-based, high-tech and innovation companies. The Angel Investor Tax Credit is extended through 2015; the aggregate amount of the credit available for 2014 and 2015 is \$5 million.

#### **House Bill 359**

**Unclaimed Property: DOR**

**Effective Date: Upon Governor’s Signature**

This legislation requires the GDOR Commissioner to deposit funds from unclaimed property into the general treasury. Deleted are requirements that the Commissioner maintain a separate trust fund. Further, language is deleted regarding retention by GDOR of certain collection fees.

Claims for legal malpractice will be un-assignable.

#### **House Bill 371**

**Motor Fuel Tax: Liquefied Natural Gas**

**Effective Date: July 1, 2013**

This legislation amends existing law regarding the motor fuel excise tax by defining liquefied natural gas for motor fuel tax purposes.

#### **House Bill 463**

**Ad Valorem Tax: IRP Trucks; Motor Vehicles FMV**

**Effective Date: Upon Governor’s Signature**

This legislation increases annual fees for motor vehicles licenses which are apportioned under the International Registration Plan (IRP); the IRP involves vehicles that travel in interstate commerce and were not subject to the new title ad valorem tax fee (TAVT) system enacted under HB 386 (2012) and revised under HB 266 (2013).

This legislation adds new language to the definition of Fair Market Value (FMV) regarding motor vehicles, and the Title Ad Valorem Tax (TAVT). It allows the local tax commissioner to deviate from the book value determination if the value is requested by the owner; supporting documentation to set value may include mileage, condition, odometer, bill of sale, and pricing guides.

## HEALTH AND HUMAN SERVICES

### **Senate Bill 14**

#### **Georgia Alzheimer's and Related Dementias State Plan Task Force**

##### **Effective Date: Upon the Governor's Signature**

This bill creates the Georgia Alzheimer's and Related Dementias State Plan Task Force. This task force will be required to create a comprehensive state plan for Georgia to address Alzheimer's and related dementias, to be presented to the executive and legislative branches by March 31, 2014. The bill establishes minimum criteria for the plan and provides for the task force to be composed of the following six officials: the director of the Division of Aging Services (who is to serve as chairperson); the commissioner of community health or his or her designee; the state health officer or his or her designee; and the chairpersons of the House Committee on Health and Human Services, the Senate Health and Human Services Committee, and the House Committee on Human Relations and Aging. In addition, the task force is to invite other advisory members who have experience with Alzheimer's and other stakeholders to assist the committee.

### **Senate Bill 62**

#### **Federal and State Funded Health Care Financing Programs Overview Committee/ Hospital Authorities**

##### **Effective Date: Upon Governor's Signature**

This bill establishes the Federal and State Funded Health Care Financing Program Overview Committee, a joint legislative committee. It also clarifies that a joint hospital authority that operates a hospital with more than 900 beds may only utilize revenues to pay principal and interest on certificates and obligations of the authority, to pay pension obligations, and for funding projects leased by the authority to a lessee pursuant to a contract entered into in accordance with Georgia law. Senate Bill 62 also repeals a provision of the hospital provider fee bill (SB 24), which had required the Board of Community Health to cease to impose the provider fee if the Department of Community Health alters payment policies.

### **Senate Bill 158**

#### **Physician Order for Life-sustaining Treatment**

##### **Effective Date: July 1, 2013**

This bill provides that a Physician Order for Life-sustaining Treatment may be executed by a patient OR his or her authorized person as defined by Georgia law.

### **House Bill 57**

#### **Schedule I Controlled Substances**

##### **Effective Date: Upon Governor's Signature (February 26, 2013)**

In recent years, the General Assembly has enacted legislation to add synthetic marijuana and narcotic drugs known as "bath salts" to the list of Schedule I Controlled Substances. However, manufacturers of these substances have changed their formulas so as to avoid the legal effects of these provisions. This bill seeks to once again ban these substances by adding to the definition of Schedule I controlled substances.

### **House Bill 68**

#### **Orthotists and Prosthetists**

##### **Effective Date: July 1, 2013**

This bill revises continuing education requirements for licensed orthotists and prosthetists.

**House Bill 178**  
**Georgia Pain Management Clinic Act**  
**Effective Date: July 1, 2013**

This bill requires all pain management clinics in Georgia to be licensed by the Georgia Composite Medical Board, effective July 1, 2013. A "pain management clinic" means a medical practice that advertises the treatment of pain and that has more than 50 percent of its annual patient population being treated for chronic pain for nonterminal conditions with the use of Schedule II or III controlled substances. Clinics that are owned in whole or in part by a hospital, health system, ambulatory surgical center, skilled nursing facility, hospice, or home health agency are excluded from this definition. While hospital-owned clinics are excluded from the requirements for pain management clinics, any hospital which operates an outpatient clinic with greater than 50 percent of such clinic's annual patient population being treated for chronic pain for nonterminal conditions by the use of Schedule II or III controlled substances is to annually notify the board of such clinic.

All pain management clinics must be owned by physicians licensed to practice in Georgia, except that such clinics in existence on June 30, 2013, that are jointly owned by one or more physician assistants or advanced practice practical registered nurses and one or more physicians are exempt from the ownership requirement, but subject to all other provisions related to pain management clinics. No person who has been convicted of a felony may have an ownership interest in a pain management clinic. The board may establish minimum standards for continuing medical education for all physicians owning a pain management clinic; all other health care professionals practicing in a pain management clinic may be subject to minimum standards of continuing education established by their respective licensing boards. The bill requires the board to conduct an investigation, including a criminal background check, of new license applicants before issuing pain management clinic licenses, and it sets requirements for when a license must be denied or revoked.

Pain management clinics may only provide medical services if a physician or certain other medical providers are on-site. Pain management clinics must notify the board of certain occurrences, including, but not limited to, a change in ownership or location and certain criminal convictions. Any person who operates a pain management clinic in Georgia without a license is guilty of a felony.

The bill authorizes state law enforcement and medical examiners, when investigating deaths that may be related to pain management clinics, to send pertinent records to the board. The bill also gives the board the authority to establish minimum standards for prescribing controlled substances for pain management and to accept funds, including funds from the disposition of forfeited property.

**House Bill 192**  
**Podiatry**  
**Effective Date: July 1, 2013**

This bill revises the definition of podiatric medicine to include the diagnosis and treatment of cosmetic conditions regarding the foot and leg. Cosmetic conditions include, but are not limited to, skin problems such as blemishes, spider veins, and scar revisions.

**House Bill 208**  
**Influenza Vaccinations for Nursing Home Employees**  
**Effective Date: July 1, 2013**

This bill requires nursing homes to annually offer influenza vaccinations to employees who have direct contact with patients, at no cost to the employees. Nursing homes must keep on record a signed statement from each employee indicating whether the employee has accepted or declined this vaccination. The bill also limits the liability of nursing homes and health care providers who comply with these requirements in good faith.

**House Bill 209**  
**Prescription Drug Orders and Pharmacies**  
**Effective Date: July 1, 2013**

This bill makes various changes to Georgia pharmacy law. These changes include the following:

Security Paper

Georgia law currently requires all prescription drug orders to be written on security paper, which must include certain characteristics. This bill provides that any prescription pad or paper approved by the Centers for Medicare and Medicaid Services will qualify as security paper.

License Transfers for Pharmacists Licensed in another Jurisdiction

This bill provides that pharmacists licensed in other jurisdictions may be required to pass more than one examination, one of which is to include an examination on Georgia pharmacy law, in order to become licensed in Georgia.

Liability of Pharmacists

Pharmacists are to have the same liability for prescriptions as issuing practitioners have under current rules of the federal Drug Enforcement Administration.

Remote Order Entry

This bill requires the rules of the Board of Pharmacy (“the board”) to authorize hospital pharmacies to use remote order entry when a licensed pharmacist is not physically located in the hospital, the hospital is closed, and a licensed pharmacist will be physically present within 16 hours (changed from 24); or at least one licensed pharmacist is physically present in a hospital that remotely serves another hospital or hospitals on weekends, provided the other hospital or hospitals are under the same ownership and have an average daily census of less than ten acute patients.

Change of the Pharmacist in Charge of a Licensed Pharmacy

A pharmacy that has had a change in the pharmacist in charge must name a replacement pharmacist in charge or else stand suspended.

Nonresident Pharmacy Permits

The board is to establish an application for these permits that requires certain information. The board must also establish an application fee and a biennial renewal fee for the permits. The bill sets requirements for issuing or renewing a permit and establishes minimum requirements for permit holders.

Electronic Database of Prescription Information

For purposes of Georgia’s law on the electronic database of prescription information, “dispenser” includes any pharmacy or facility located in another state or foreign country that delivers a dispensed controlled substance into Georgia.

Compounding

This bill modifies the current definition of compounding and provides that the compounding of sterile drugs to be provided to practitioners for use in patient care may only be conducted as allowed under federal law and board rule, among other requirements.

**House Bill 235**  
**Optometrists**  
**Effective Date: July 1, 2013**

This bill makes revisions to the types of pharmaceutical agents that may be used by optometrists for treatment purposes. These revisions include, but are not limited to, allowing for the use of hydrocodone, provided that it is used for no more than 48 hours without consultation with the patient’s physician, as well as the use of oral corticosteroids. When using oral corticosteroids for treatment purposes, an optometrist must take a complete case history and determine whether the patient has had a physical examination within the past year; the optometrist must not prescribe oral corticosteroids for a patient with any condition

for which oral corticosteroids are contraindicated, and oral corticosteroids may not be prescribed for more than 14 days.

#### **House Bill 302**

##### **Controlled Substances**

##### **Effective Date: Upon the Governor's Signature**

This bill adds to and revises the lists of drugs classified as Schedule I or Schedule III Controlled Substances, and it adds to and revises the definition of dangerous drugs. It is the annual drug update bill.

#### **House Bill 315**

##### **Nurses/ Massage Therapists**

##### **Effective Date: The provisions related to mandatory reporting requirements are to go into effect only upon funds being specifically appropriated for that purpose. All other provisions go into effect on July 1, 2013.**

This bill requires registered professional nurses and licensed practical nurses to meet certain continuing competency requirements as a condition of license renewal, beginning with the 2016 license renewal cycle. Options for meeting the continuing competency requirements are delineated in the bill. The bill also allows a registered professional nurse to request that his or her license be placed on inactive status.

Under this bill, nurses and health care entities must report certain suspected professional violations to the Board of Nursing or the Board of Examiners of Licensed Practical Nurses. The bill provides exceptions to the reporting requirements and voluntary alternatives to discipline. The bill also provides civil and criminal immunity to organizations or persons who report or fail to report information to the Board in good faith. Similarly, physicians and other health care professionals who, at the request of the Board, examine a nurse and act in good faith are protected from civil immunity.

This bill also revises the criteria for receiving a provisional permit to practice massage therapy.

#### **House Bill 317**

##### **Administrative Medicine Licenses/ Educational Certificates**

##### **Effective Date: July 1, 2013**

The bill provides for the Georgia Composite Medical Board to issue administrative medicine licenses. The bill also allows the board to issue an educational certificate to out-of-state physicians to participate in educational training in this state that requires patient care.

#### **House Bill 332**

##### **Nursing Boards**

##### **Effective Date: For purposes of making initial appointments to the reconstituted Georgia Board of Nursing, effective upon the Governor's signature. For all other purposes, effective July 1, 2013.**

This bill abolishes the Georgia Board of Examiners of Licensed Practical Nurses. It also reconstitutes the membership of the Georgia Board of Nursing and provides for this board to regulate licensed practical nurses.

## **HIGHER EDUCATION**

#### **Senate Bill 82**

##### **University of North Georgia**

##### **Effective Date: July 1, 2013**

This bill changes all references of North Georgia College to the University of North Georgia. The University of North Georgia was formed as a result of a merger by the Board of Regents on January 8, 2013, between North Georgia College and Gainesville State College.

**House Bill 287****Division of Archives and History****Effective Date: July 1, 2013**

This bill transfers the Division of Archives and History from the Secretary of State to the University System of Georgia, effective July 1, 2013. The board of regents will manage and control the Division of Archives and History, and all rights and ownership of assets are transferred to and vested in the board.

**House Bill 324****Exemption for Georgia Student Finance Commission****Effective Date: July 1, 2013**

This bill exempts the board of commissioners of the Georgia Student Finance Commission and the board of directors of the Georgia Student Finance Authority from requiring verification of lawful presence within the United States in order to receive postsecondary benefits.

**House Bill 372****HOPE Grants****Effective Date: July 1, 2013**

This bill lowers the eligibility requirements for the HOPE grant by lowering the grade point requirements from a 3.0 to a 2.0. Grant scholars must achieve the 2.0 after attempting 30 or 60 semester hours; there is no grade point requirement for initial eligibility.

**INSURANCE AND LABOR****Senate Bill 1****Health Insurance – Allow Parent to Review Child’s Records****Effective Date: July 1, 2013**

This legislation requires health insurers to provide a parent the right to inspect, review, or attain copies of health insurance records relating to his or her own child. If the parent is not the named insured or the owner of the policy, then he or she must provide to the insurer a certified copy of his or her divorce decree, parenting plan, or any other court document establishing that the parent has access to such records. Health insurance records and information pertaining to the child must not be withheld from the custodial or noncustodial parent unless a court order has specifically removed the right of the noncustodial parent to such information or unless parental rights have been terminated.

This legislation also requires that access to a child’s health insurance records be included in parenting plans.

**Senate Bill 140****Extended Warranties for Specific Auto Repairs****Effective Date: July 1, 2013**

This legislation allows certain auto services and repairs to be offered as an extended warranty and, therefore, as a form of property insurance. The specific services involve:

- The repair of rips, burns, tears, holes, and punctures to interior fabric or carpet;
- The cosmetic repair of minor scuffs, scratches, scrapes, or rash on exterior plastic surfaces;
- The cosmetic repair to aluminum or painted wheels when the normal appearance of the wheel is altered with minor curb scuffs, scratches, scrapes, or rash; and
- Exterior reconditioning of foggy or yellowed headlights to restore clarity and luster.

**Senate Bill 234****Travel Insurance****Effective Date: July 1, 2013**

This legislation authorizes the Insurance Commissioner to issue to an individual or business entity a limited lines travel insurance producer license which allows the producer to sell, solicit, or negotiate travel insurance.

## **Senate Bill 236**

### **Premium Increases and the Affordable Care Act**

**Effective Date: July 1, 2013**

This legislation requires health insurers to provide, concurrently with any notice of a premium increase or offer of new coverage because of discontinuance of an existing plan, an estimate explaining the amount or percentage of any premium increase which is attributable to the Affordable Care Act. This notice requirement also applies to the State Health Benefit Plan.

Each notice must also include the following statement:

**“These increases are due to the federal Patient Protection and Affordable Care Act and not the enactment of any laws or regulations of the Governor of Georgia, the Georgia General Assembly, or the Georgia Department of Insurance.”**

This legislation sunsets on December 31, 2014.

## **House Bill 103**

### **Discretionary Group Life Insurance**

**Effective Date: July 1, 2013**

Current law authorizes group life insurance coverage to be issued to narrowly defined groups or associations. This legislation authorizes the creation of discretionary groups. No discretionary group policies will be issued in Georgia unless the Commissioner finds that:

- The issuance of such group policy is not contrary to the best interest of the public;
- The issuance of the group policy would result in economies of acquisition or administration; and
- The benefits are reasonable in relation to the premiums charged.

This legislation also repeals the requirement that group plans can only be issued if at least 75 percent of the group's members choose to participate.

## **House Bill 154**

### **Workers' Compensation**

**Effective Date: July 1, 2013**

#### Section One – Cap on Medical Benefits

Section One establishes a 400-week cap on medical benefits for non-catastrophic injuries. There is currently no such cap.

#### Section Two – Mileage payments

Under current law, mileage reimbursements to claimants must be paid within 30 days. This section shortens the deadline to within 15 days.

#### Section Three – Interest on Lump Sum Payments

Under current law, the Workers' Compensation board may order the employer to pay out a lump sum of benefits equal to the sum of all future payments, but reduced to their present value upon the basis of interest calculated at 7 percent per year. This section decreases the annual interest rate from 7 percent to 5 percent.

#### Section Four – Trial Return-to-Work Period

This section establishes a minimum amount of time of eight hours or one workday, whichever is greater, that a claimant must attempt a suitable job during a 15-day trial return-to-work period. The employer may suspend benefits if the claimant does not fulfill this requirement.

#### Sections Five and Six – Maximum Weekly Benefits Increased

Section Five increases the maximum weekly benefit for a temporary total disability from \$500 to \$525, while Section Six increases the maximum weekly benefit for a temporary partial disability from \$334 to \$350.



**House Bill 179**  
**Pharmacy Audits**

**Effective Date: July 1, 2013**

This legislation addresses audits of pharmacy records conducted by a managed care company, insurance company, third-party payor, DCH under the Medicaid Act, or any entity that represents such companies, groups, or department. Under the current Pharmacy Audit Bill of Rights, any clerical or record-keeping error regarding a required document or record may be subject to recoupment.

This legislation provides that no recoupment of the cost of drugs or medicinal supplies properly dispensed will be required if an error has occurred and been resolved in accordance with this legislation. A pharmacy will be allowed at least 30 days after the conclusion of an on-site audit or receipt of the preliminary audit report in which to correct a clerical or record-keeping error or produce documentation to address any discrepancy found during an audit.

This legislation does not apply to the DCH conducting audits under the Medicaid Act.

**House Bill 198**  
**Health Insurance Exchange Navigators**  
**Effective Date: Varies, See Below**

The Affordable Care Act (ACA) requires the formation of health insurance exchanges in every state to be operated federally or by a state entity. These exchanges serve as an online insurance marketplace for individuals and small businesses. This legislation provides for the licensing of navigators who will provide insurance advice and guidance to uninsured individuals and groups seeking health insurance coverage through a health insurance exchange.

This legislation will become applicable only upon the notification by the responsible federal or state agency that a health insurance exchange has been created or approved to operate within Georgia, or upon the initiation of operation of any such exchange.

**House Bill 312**  
**Insurance Holding Companies**  
**Effective Date: July 1, 2013**

This legislation makes several updates to the statutes related to insurance holding companies and also codifies the authority of HMOs to purchase medical malpractice insurance for their provider group.

**House Bill 361**  
**Organized Labor and Collective Bargaining**  
**Effective Date: July 1, 2013**

Prohibited Acts Involving Collective Bargaining

This legislation prohibits the State and local governments from enacting any law or imposing any other condition that requires an employer or employee to waive rights granted under federal labor laws. Moreover, such governments are prohibited from enacting any law that requires an employer to accept any provisions that are mandatory or nonmandatory subjects of collective bargaining, including limitations on an employer's right to negotiate with a labor organization, limitations on lock outs, or limitations on operating during a work stoppage.

No employer or labor organization may be forced to enter into any agreement that subverts the established process by which employees may make informed and free decisions regarding representation and collective bargaining rights.

Union Dues

This legislation also requires annual written consent by every employee contributing union dues. The consent can be revoked by the employee. This provision does not apply to any collective bargaining agreement under the Railway Labor Act; and transit authority subject to Section 13(c) of the Federal

Transit Act; or to any professional associations composed of educators, law enforcement officers, or firefighters not engaged or engaging in contracting or collective bargaining.

#### **House Bill 389**

##### **Georgia Health Insurance Enhancement Act of 2013**

**Effective Date: January 1, 2014**

This legislation no longer requires insurers to offer conversion and enhanced conversion rights and coverage or policies under the Georgia Health Insurance Assignment System and Georgia Health Benefits Assignment System once the guaranteed issue coverage provision of the Affordable Care Act (ACA) goes into effect on January 1, 2014.

This legislation also allows each insurer to terminate, cancel, or nonrenew all such existing policies once the guaranteed issue coverage provision of the ACA goes into effect and once the insurer provides at least 90 days' notice prior to the discontinuance of the coverage to policyholders and to the Commissioner. An insurer may not terminate, cancel, or nonrenew any such policies if, at the end of the 90 day cancellation period, the insured would not have at least 90 days of remaining open enrollment to obtain insurance coverage through a health insurance exchange created from the ACA.

#### **House Bill 393**

##### **Workforce Investment Boards**

**Effective Date: Governor's Signature**

This legislation expands and clarifies the role and duties of the Georgia Workforce Investment Board. In general, the State Workforce Investment Board oversees the Governor's state workforce development initiatives.

This legislation also establishes local workforce investment boards to operate in one or more contiguous local governments; consistent with either a local labor market area or a metropolitan statistical area; and of a size sufficient to have the administrative resources necessary to provide for the effective planning, management, and delivery of workforce development.

After receiving the recommendations of the Georgia Workforce Investment Board, the Governor will publish a proposed designation of local workforce investment areas for the planning and delivery of workforce development. Local governments, business and labor organizations, and other affected persons and organizations will be given an opportunity to comment on and request revisions to the proposed areas. After considering all comments and requests for changes, the Governor will make the final designation of the local workforce investment areas.

#### **House Bill 458**

##### **Condominiums – Insurance Deductibles**

**Effective Date: July 1, 2013**

Current law limits the maximum allowable casualty insurance deductible allocated by a condominium association to any one unit holder to \$2,500 per casualty loss. This legislation increases the maximum deductible to \$5,000.

## **JUDICIARY**

#### **Senate Bill 66**

##### **Increased Court Fines for Contempt; Verification of Pleadings in Magistrate Court**

**Effective Date: July 1, 2013**

The fine that superior and state courts may impose for contempt is raised from \$500 to \$1,000. Superior courts may punish contempt by fine, imprisonment, or both, thereby aligning this power with that of state courts, which may punish contempt by fine, imprisonment, or both.

Verification of an answer or a counterclaim in an action in magistrate courts is no longer required.

### **Senate Bill 105**

#### **Transfers to Charitable Organizations; Bankruptcy Exemption for Motor Vehicles**

**Effective Date: July 1, 2013**

Fraudulent transfers, transferred to avoid creditors, are generally subject to avoidance, attachment, recapture, or other relief for the creditor(s). This bill allows most charitable organizations to keep property received so long as the charity was not aware that the transfer was made fraudulently. The statute of limitations for civil actions regarding such charitable organizations is two years after such transfer was made.

The exemption for motor vehicles for bankruptcy and intestate insolvent estates is raised from \$3,500 to \$5,000.

### **Senate Bill 113**

#### **Personal Service in an Action against a Domestic and Foreign Corporation**

**Effective Date: July 1, 2013**

This bill permits service in an action against a corporation to be made only upon the corporation's president or other officer, a managing agent, or a registered agent; if service cannot be made in such a manner, then it may be made upon the Secretary of State. Service in such an action may no longer be made upon the corporation's secretary, cashier, or other agent. A managing agent is an employee who has managerial or supervisory authority for the corporation or entity at issue.

### **Senate Bill 185**

#### **Modernization, Change and Creation of Definitions, and Correction of Errors and Omissions**

**Effective Date: July 1, 2013**

This bill modernizes Georgia's secured transactions code by codifying numerous modern provisions under Article 9 of Title 11 of the Uniform Commercial Code. Numerous definitions are changed; this includes electronic signatures and alternate certificates of title. Language regarding perfection of security interests including a mortgage lien among others--under existing and the new code are codified. Mortgages will be effective as a financing statement under certain security filings.

### **Senate Bill 193**

#### **Uniform Interstate Family Support Act Update**

**Effective Date: July 1, 2013**

This bill clarifies that the modifications of child custody judgments or orders may be directly appealed to the Supreme Court and the Court of Appeals.

### **Senate Bill 204**

#### **Child Custody Judgments Directly Appealable**

**Effective Date: Upon approval by the Governor or upon becoming law without such approval**

This bill removes unnecessary wording regarding the authorization to directly appeal judgments or orders in child custody cases, to directly appeal the refusal to change or modify child custody, and to directly appeal the holding or declining to hold persons in contempt of child custody judgment or orders. Further, it applies to modifications of child custody orders and judgments.

### **House Bill 21**

#### **Postadoption Contact Agreements**

**Effective Date: July 1, 2013**

This bill permits adopting parents and birth relatives to voluntarily enter into a written postadoption contact agreement with the adopted child, aged 14 or older, in order to allow for continuing contact. The agreement must be in writing and signed by all parties acknowledging their consent to the agreement, which may provide terms for visitation, contact, and other privileges, and which must include specific warning language in large, bold print. The court may modify, enforce, or terminate agreements under set standards, and it may require the party seeking court action to participate in mediation or alternative dispute resolution. Failure to follow the terms of an agreement may never be cause to set aside an adoption once the entry of a decree for adoption is final.

**House Bill 79**  
**Code Revision**

**Effective Date: Varied**

This bill revises the Official Code of Georgia to correct and clarify various Code sections.

**House Bill 94**

**Discretion Allowed for Discount Rate When Calculating Present Value of Future Damages**

**Effective Date: July 1, 2013**

A trier of fact may use a 5 percent discount rate or any other discount rate deemed appropriate by the trier of fact when determining the present value of future damages, including medical expenses, living expenses, lost wages, or other economic damages. Evidence relating to the cost of any specific private investment product, such as an annuity, may not be introduced.

**House Bill 160**

**Vacant Property Registries; Future Transfer Fees; Assignability of Legal Malpractice Claims**

**Effective Date: Varied**

Legal malpractice claims are no longer assignable.

Real property need not be issued a land disturbance permit to be considered “foreclosed real property” under the vacant property registry statute. A county or municipal corporation cannot require the transferee to register or pay any administrative fees on foreclosed real property if a properly documented deed is filed with the clerk of superior court within 60 days of the foreclosure sale or transfer of the deed in lieu of foreclosure.

This bill prohibits any restrictions or covenants running with the land from requiring a transferee or transferor of real property to pay any declarant a fee for a future transfer of the land. Such restrictions or covenants are void and unenforceable. An exception is made for homeowners’ and condominium associations, the Public Service Commission, tax-exempt community land trust and community development corporations, and certain fees or commissions paid to licensed real estate brokers for brokerage services.

**House Bill 161**

**The Oath of Bailiffs**

**Effective Date: July 1, 2013**

This bill expands the application of the oath of bailiffs from those bailiffs on duty in superior courts to bailiffs on duty in any court in the state conducting a jury trial. The outdated wording of the oath is updated and recognizes the use of modern technology in the courtroom.

**House Bill 175**

**Covenants Running with the Land**

**Effective Date: July 1, 2013**

Except for covenants recorded on property solely by the property’s owner, a covenant is deemed to run with the land when the property owner and a third party agree to a covenant which does not run for more than 20 years, the covenant is exchanged for consideration, and the covenant is recorded in the chain of title with an adequate description.

**House Bill 182**

**Appointment of Juvenile Court Judges**

**Effective Date: January 1, 2014**

The judge of a juvenile court may appoint any member of the State Bar of Georgia residing in the same judicial circuit who has practiced law for five years; any judge or senior judge of a superior court; any appointed juvenile court judge; or any appointed associate juvenile court judge to serve as judge pro tempore of the juvenile court in the event of such judge’s disqualification, illness, or absence. If this juvenile court judge is unable to make such an appointment, a superior court judge of the same county may make the appointment.

### **House Bill 194**

#### **Venue for Actions against Gas Companies**

##### **Effective Date: Upon Governor's Approval or Upon its Becoming Law Without Such Approval**

The bill incorporates the same venue rules for gas companies that already exist in this Code section for railroad and electric companies.

### **House Bill 242**

#### **Juvenile Justice Reform**

##### **Effective Date: July 1, 2014**

This bill substantially revises Georgia juvenile justice laws. A number of the changes reorganize existing statutory language. The bill renames "deprivation" cases to "dependency," bringing Georgia's terminology in line with all other states' terminology. Procedural protections for parents in involuntary termination of parental rights actions are strengthened, and children are able to stay connected to supportive adults after their parents' rights are terminated. Georgia's approach for intervening with children who are currently considered "unruly" is changed to considering those children as "children in need of services" (CHINS). The bill makes some substantive changes recommended by the Special Council on Criminal Justice Reform, including requiring the use of a standard assessment to aid courts in determining whether placing a delinquent child in secure detention is appropriate, and revising the designated felony act to create two classes of designated felonies with different disposition options that will allow courts to differentiate punishment according to the severity of the offense.

### **House Bill 336**

#### **Requirements for an Offer to Settle a Tort Claim for Death or Injuries from a Motor Vehicle Prior to Filing a Civil Action**

##### **Effective Date: July 1, 2013**

This bill requires that a party who offers to settle a tort claim for personal injury, bodily injury, or death arising from the use of a motor vehicle on or after July 1, 2013 prior to filing a civil action must put the offer in writing, and such writing must include:

- A time period of at least 30 days to accept;
- The amount of monetary payment; and
- The parties and claims to be released and the type of release.

The recipients of such an offer may accept by providing written acceptance of the above material terms. Attempts to seek reasonable clarification regarding terms, liens, subrogation claims, standing to release claims, medical bills, medical records, and other relevant facts are not deemed to be counteroffers.

A party is not prohibited from making an offer to settle by requiring payment within a specified period, although the period may not be less than ten days after the written acceptance of the offer to settle.

### **House Bill 382**

#### **Tort Liability of a Governing Authority of a School**

##### **Effective Date: July 1, 2013**

The governing authority of a school operating under a recreational joint-use agreement for recreational, physical or performing arts activities with a private entity will not be deemed to have waived its sovereign immunity with respect to damages arising out of such agreement. The private entity must maintain adequate liability insurance (\$1,000,000 or more) for the duration of the agreement.

### **House Bill 434**

#### **Value of Special Liens on Real Estate, Factories, Railroads, and Other Property for Certain Labor, Services, or Materials Furnished**

##### **Effective Date: July 1, 2013**

A special lien on the real estate, factories, railroads, or other property for which specific mechanics and materialmen furnish labor, service or materials must include the amount due and owed under the terms of

its express or implied contractual agreement. The special lien must include interest on the principal amount due.

#### **House Bill 437**

##### **Selection of, and Powers and Duties of, the Chief Judge of the Atlanta Judicial Circuit**

**Effective Date: July 1, 2013**

This bill provides that the chief judge of the Atlanta Judicial Circuit will be selected by an election of the majority of the judges of the circuit. If no majority is reached, then the judge with the most time of service who has not previously served as chief judge will be selected as the chief judge. The chief judge will serve a two-year term, and may only serve two consecutive terms. After a two-year break in service, a former chief judge may again be selected as the chief judge. This bill provides a list of powers and duties of the chief judge, including, but not limited to: case management, sentencing, operational efficiencies, appropriating workload, managing judges, and preparing and presenting the court's budget to state and local authorities.

#### **House Bill 441**

##### **Administration of the Budget of the Superior Court of Fulton County**

**Effective Date: Upon approval by the Governor or upon becoming law without such approval**

This bill provides that the court administrator of the Superior Court of Fulton County will have oversight of the court's budget. The Fulton County Finance Department must make all payroll adjustments upon notification by the court administrator. Any unexpended county appropriated funds remaining with the court at the end of a fiscal year shall lapse to the general fund of Fulton County.

#### **House Bill 446**

##### **Petitioning Guardians and Conservators Must Give Notice to Parties in Other States Where the Ward was Physically Present**

**Effective Date: July 1, 2013**

This bill requires the petitions for both guardians and conservators to name any state in which the proposed ward was physically present for at least six months prior to the filing of the petition. If the petition names another state, then the court will give notice to those persons who reside in the other state who are named in the petition.

#### **House Bill 451**

##### **Changes to Chattahoochee Circuit, Griffin Circuit, and Oconee Circuit**

**Effective Date: Parts I and II shall become effective upon its approval by the Governor or upon its becoming law without such approval. Part III shall become effective on January 1, 2014. For all other purposes, this Act shall become effective on July 1, 2013.**

This bill adds one superior court judge to the Chattahoochee Circuit and one superior court judge to the Oconee Circuit. The terms of court for the Griffin Circuit are now the second Monday in March and the second Monday in September for Fayette County, Pike county, Spalding County, and Upson County.

#### **House Bill 499**

##### **Medical Standard of Care**

**Effective Date: July 1, 2013**

This bill provides that the appropriate standard of care or duty of care, owed by a health care provider to a patient in a civil action for medical malpractice or product liability, must come from competent expert testimony. Neither a guideline by any public or private payor, nor the establishment of a payment standard or reimbursement criteria under any federal law or regulation related to healthcare, will be construed to establish the appropriate standard of care or legal basis for negligence.

#### **House Bill 506**

##### **Selection of Chief Judge of the Chattahoochee Judicial Circuit**

**Effective Date: July 1, 2013**

This bill provides that the chief judge of the Chattahoochee Judicial Circuit will be elected by a majority of the active judges in the circuit by secret ballot. If no judge obtains a majority after three ballots, then the

chief judge will be the eligible judge with the most seniority. The term for a chief judge will be two years, and a person may be elected to successive terms. If the chief judge position becomes vacant during a term, through resignation or otherwise, the next most senior judge will assume the duties of the position for the remainder of the term.

#### **House Resolution 4**

##### **Settlement of the Georgia-Tennessee Boundary Dispute**

This resolution seeks to resolve a dispute with the State of Tennessee regarding the Georgia-Tennessee boundary. A flawed survey will be corrected by moving a portion of the current Georgia-Tennessee boundary and authorizing the Governor of Georgia to enter into negotiations with the State of Tennessee.

### **JUCIDIARY NON-CIVIL**

#### **Senate Bill 86**

##### **Family Violence Orders**

###### **Effective Date: Upon approval by the Governor or upon becoming law without such approval**

Family violence orders may be either civil or criminal; a civil family violence order means any temporary or permanent protective order, and a criminal family violence order means any pretrial release order that stems from an arrest for an act of family violence or any probation order that stems from a conviction or plea of guilty, nolo contendere, or first offender to an act of family violence.

A law enforcement officer does not need a warrant to arrest someone who the officer has probable cause to believe has violated a criminal family violence order, so long as the officer does not have a prior or current familial relationship with the victim or offender.

A person who is arrested for violating a criminal family violence order is not eligible for bail without first having a hearing before a judicial officer.

#### **Senate Bill 120**

##### **Prosecuting Attorneys Provided in Probate Courts of Counties that have no State Court**

###### **Effective Date: Upon approval by the Governor or upon becoming law without such approval**

This bill allows a probate court judge in a county with no state court to request the circuit's district attorney to prosecute criminal cases in probate court jurisdiction. A county with no state court is authorized to create the office of and hire a prosecuting attorney of the probate court if the district attorney cannot assist the probate court. A prosecuting attorney of a probate court must be a member in good standing of the State Bar of Georgia, admitted to practice before the appellate court of Georgia, and will be compensated by the county as provided by local law. Full-time prosecuting attorneys of probate courts and their full-time employees will not engage in the private practice of law, but part-timers may practice outside of their probate court.

#### **Senate Bill 170**

##### **Medical Identity Fraud**

###### **Effective Date: July 1, 2013**

This bill creates the offense of medical identity fraud by including health care records in the list of identifying information that may not be used fraudulently. Veteran and military medical identification numbers are added to the definition of "Identifying Information," as are other numbers or information which can be used to access a person's health care records. Health insurance, health savings accounts, health spending accounts, flexible spending accounts, Medicare accounts, Medicaid accounts, dental insurance, vision insurance, and other forms of health insurance and health benefit plans are added to the definition of "resources."

#### **Senate Bill 204**

##### **Child Custody Judgments Directly Appealable**

**Effective Date: Upon approval by the Governor or upon becoming law without such approval**

This bill removes unnecessary wording regarding the authorization to directly appeal judgments or orders in child custody cases, to directly appeal the refusal to change or modify child custody, and to directly appeal the holding or declining to hold persons in contempt of child custody judgment or orders. Further, it applies to modifications of child custody orders and judgments.

#### **Senate Bill 225**

##### **Bailman's Bonds: Forfeiture and Surety Liability**

**Effective Date: July 1, 2013**

This legislation amends existing law regarding criminal bonds and subsequent forfeiture for failure to appear. Failure to appear due to an involuntary treatment and mental/physical disability will not be considered a reason of forfeiture. A surety will not be liable for bond forfeiture for failure to appear if the surety was detained and released, and the request for hold on that detainee was placed with 10 days of a request to hold that person. A certain amount of the bond will be remitted to the surety if the principal is apprehended or appears before court within a set window of time. Under specific circumstances, the judgment will be satisfied if the surety requests authorization for extradition but is denied by the court or prosecuting attorney.

#### **Senate Bill 231**

##### **Georgia Driver's Education Commission**

**Effective Date: July 1, 2013**

This bill decreases the additional penalty on traffic fines from 5 percent of the original fine to 1.5 percent of the original fine. The sunset date for the Georgia Driver's Education Commission is changed from June 30, 2013 to June 30, 2016. The Commission will provide a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairpersons for committees in the Senate and House of Representatives that are assigned issues related to motor vehicles, which includes information regarding the funds collected from the additional penalty for the previous three fiscal years.

#### **House Bill 55**

##### **State-Wide Application of Warrants Using Surveillance Devices**

**Effective Date: Upon approval by the Governor**

This bill provides that an investigation warrant permitting the use of surveillance devices issued by a judge of a superior court with jurisdiction over the crime under investigation has state-wide application. Interception of communications with the device(s) is permitted anywhere in the state. Pen registers and trap and trace devices are treated the same as surveillance devices with respect to state-wide warrants and interception of communication.

#### **House Bill 78**

##### **Protection of Disabled Adults and Elder Persons**

**Effective Date: July 1, 2013**

This bill expands the coverage of protection to include, not only persons 65 years of age or older, but also disabled persons 18 years of age or older and residents of long-term care facilities. The penalty for neglect of a disabled adult, elder person, or resident of a long-term facility is expanded to include a fine of not more than \$50,000 as an addition or alternative to incarceration of one to twenty years. Exploitation of a disabled adult, an elder person, or a resident of a long-term care facility is a separate crime with the same penalty. The list of mandatory reporters of neglect and exploitation is expanded as well.

#### **House Bill 122**

##### **Records Available to the Sexual Offender Registration Review Board; Executioners Confidential**

**Effective Date: July 1, 2013**

This bill authorizes the Sexual Offender Registration Review Board to obtain information from supervision records of the Board of Pardons and Paroles regarding a sexual offender in order to classify the sexual offender under Level I risk, Level II risk, or as a sexually dangerous predator. The records obtained will



remain confidential state secrets and will not be made available to any person or entity, and will not be subject to subpoena, unless they are declassified by the Board of Pardons and Paroles.

Any identifying information of a person or entity administering the execution of a death sentence or a person or entity who manufactures, supplies, or otherwise contributes to the supplies or equipment used in the execution of a death sentence are classified as confidential state secrets and are not subject to the Open Records Act or judicial process.

#### **House Bill 141**

##### **Human Trafficking Postings**

###### **Effective Date: Upon the Governor's Approval or upon its Becoming Law without Such Approval**

This bill requires a notice to be posted in certain businesses and establishments that provides information of how human trafficking victims can obtain help and services from the National Human Trafficking Resource Center. The businesses and establishments must post the notice in English, Spanish, and other languages deemed appropriate by the director of the Georgia Bureau of Investigation, in public restrooms and in a conspicuous place of the establishment. A law enforcement officer must notify any business or establishment that is not compliant with this requirement. If the business or establishment does not come into compliance within 30 days, such an entity may be found guilty of a misdemeanor punishable by a fine less than \$500. The owner will be guilty of a high and aggravated misdemeanor, punishable by a fine less than \$5,000, upon a second or subsequent conviction.

#### **House Bill 146**

##### **Issuance of Arrest and Search Warrants by Video Conference**

###### **Effective Date: July 1, 2013**

Current law allows judges of any court in Georgia to issue both arrest warrants and search warrants by video conference. This bill makes it clear that the warrant will be valid irrespective of the physical location of the judge at the time of the video conference, so long as the judge's location is within Georgia.

##### Issuance of Good Behavior Bonds

As an alternative to a temporary restraining order, a judge may require a good behavior bond. This will primarily be used in potential domestic violence situations where a superior court judge is not available immediately to issue a TRO. This method will prevent the alleged violator from being arrested when it is unnecessary.

#### **House Bill 156**

##### **Child Pornography and Exploitation Prevention**

###### **Effective Date: July 1, 2013**

This bill adds an exemption from the sexual exploitation of children for any person who creates or possesses a sexually explicit visual medium of himself or herself only. Possession of sexually explicit visual medium by a defendant age 18 or younger, which depicts a minor age 14 or older, who consented to the defendant's possession of the material, is a misdemeanor.

#### **House Bill 187**

##### **Update to Drug-Free Commercial Zones Adopted by Municipal or County Ordinances**

###### **Effective Date: July 1, 2013**

This bill incorporates all drug-free commercial zones which have been adopted by municipal or county ordinances and entered in the register of the Department of Community Affairs on or before July 1, 2013. The current law only incorporates ordinances entered into the register on or before March 28, 2011.

#### **House Bill 349**

##### **Criminal Justice Reform**

###### **Effective Date: July 1, 2013**

The second portion of criminal justice reform incorporates a number of recommendations of the Council on Criminal Justice Reform. The state may directly appeal any pre-trial motion excluding evidence at least thirty days prior to trial. Mandatory minimum sentences for the crime of drug trafficking may be

reduced based on the defendant's criminal history, use of violence in committing the crime, and leadership position in the criminal conduct. Mandatory minimums may be reduced for certain violent crimes to allow for "truth in pleading." The law relating to unsupervised probation is clarified to allow probation resources to be focused on high-risk, noncompliant probationers.

The Georgia Council on Criminal Justice Reform is created for the purpose of conducting periodic comprehensive reviews of related laws.

An individual who becomes eligible for the HOPE GED voucher while incarcerated may use the voucher within 24 months from the date of release from the penal institution.

An out of court statement made by a child younger than 16 years of age which describes any act of sexual contact or physical abuse is admissible into evidence if the proponent of the statement provides notice to the adverse party prior to trial and such child testifies at trial. The child does not have to testify at trial if the adverse party forfeits or waives the child's testimony and the person to whom the child made the statement is subject to cross-examination.

An individual, whose felony charge is dismissed, nolle prossed, or adjudicated not guilty, but who is convicted of a misdemeanor that was not a lesser included offense of the felony charge, may petition the court to restrict access to criminal history record information for the felony charge. The court must order such restricted access if the harm resulting to the individual clearly outweighs the public interest in the criminal history record information being publicly available.

A judge may grant and suspend restricted drivers' licenses to participants in accountability courts.

The court may provide that a probationer must pay for his or her own drug screening.

#### **House Bill 480**

##### **Victim Assistance Personnel Allowed in Courtroom When Person Under Age 16 Testifies Concerning a Sex Offense**

**Effective Date: July 1, 2013**

This bill allows victim assistance coordinators, victims' advocates, and such other victim assistance personnel as provided for by Code Section 15-18-14.2 to remain in the courtroom while a person under the age of 16 testifies concerning a sex offense.

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

#### **Senate Bill 136**

##### **Kyle Glover Boat Education Law; Jake and Griffin Prince BUI Law**

**Effective Date: June 15, 2013**

This bill: (1) Reduces the legal blood alcohol limit from 0.10 to 0.08 for hunting or boating while under the influence; (2) Increases the penalties for boating while under the influence; and (3) Requires certain persons to complete a boating education course prior to operation of a vessel.

#### **Senate Bill 156**

##### **Borrow Pits**

**Effective Date: July 1, 2013**

Current law defines a "borrow pit" as an excavated area where naturally occurring earthen materials are to be removed for use as ordinary fill at another location. This bill revises the definition to clarify that the term does not include excavated areas of fewer than five acres which are incidental to forestry land management and from which no earthen material is removed for sale.

**Senate Bill 194****Historic Barns****Effective Date: July 1, 2013**

This bill allows the restoration of certain barns used to promote Georgia tourist destinations. The Department of Natural Resources (DNR) must approve applications for these structures so long as no public funds from the State of Georgia are used in connection with the restoration or utilization of the structures.

**Senate Resolution 531****Congestion Mitigation and Air Quality Funding****Effective Date: July 1, 2013**

This resolution supports House Bill 348 and encourages the Department of Transportation in its efforts to maximize the use of Congestion Mitigation and Air Quality funding that is directed to be used to reduce diesel emissions.

**Senate Resolution 502****Wind Energy****Effective Date: July 1, 2013**

This resolution: (1) Encourages local governments to recognize wind energy as an important source of clean energy and a significant job-creating industry; (2) Invites members of the wind energy industry to meet with Georgia public officials; and (3) Requests educational institutions and developers to utilize the local workforce to build the industry.

**Senate Resolution 267****Noyes Cut****Effective Date: July 1, 2013**

This resolution urges the U.S. Army Corps of Engineers to implement the proposed project for plugging Noyes Cut within the Satilla River System.

**House Bill 36****Red Drum Fish****Effective Date: Approval of Governor**

Under this bill, the Red Drum fish is now considered a Game Fish.

**House Bill 126****Park Rangers****Effective Date: July 1, 2013**

This legislation provides a new Code section which prohibits a person from knowingly or willfully obstructing or hindering any park ranger in the lawful discharge of his or her official duties.

**House Bill 155****Shooting Preserves; Use of Suppressors****Effective Date: July 1, 2013**

This bill revises provisions concerning the licensing and operation of shooting preserves, the definition of "pen raised game birds"<sup>[1]</sup> and changes the types of licenses and requirements for shooting preserves. This bill contains the language of Senate Bill 93, which allows an authorized person to hunt game using a registered suppressor. It further defines suppressors and establishes a three-year hunting suspension as the consequence for violating hunting restrictions.

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<sup>[1]</sup> "Pen raised game bird" means any bobwhite quail, chukar or red-legged partridge, coturnix or Japanese quail, ring-necked pheasant, mallard duck, or black duck which is raised in captivity and is more than two generations removed from the wild.

**House Bill 177****Oconee River Greenway Authority****Effective Date: July 1, 2013**

This legislation revises the composition of members of the Oconee River Greenway Authority.

**House Bill 189****Change in Services; State Parks****Effective Date: July 1, 2013**

House Bill 189 requires DNR to provide 60 days' notice to the governing authority of each municipality and county in which there is any part of a state park, historic site, or recreational area in which a specific proposed change in services is occurring. The definition of "change in services" is also revised. Additionally, this bill authorizes a city to exchange property dedicated as a city park with an institution owning property in, or abutting, a federal National Historic Site.

**House Bill 207****Special Turkey-Hunting Permits for Mobility Impaired People****Effective Date: July 1, 2013**

This legislation allows DNR to regulate an additional weekend of open turkey season for children 16 and younger and all mobility impaired persons. The use of center-firearms of .17 caliber or larger is authorized for hunting fox and bobcat.

**House Bill 226****Scrap Tires****Effective Date: July 1, 2013**

House Bill 226: (1) Requires EPD-issued decals for used tire and scrap tire carriers; (2) Clarifies certain scrap tire processing permit exemptions; and (3) Revises the number of tires that may be stored by a person in this state. The Senate Floor Amendments remove a definition for "compost", clarify exemptions, and add an exemption for farms with certain scrap tires in storage or in use for agricultural purposes.

**House Bill 274****Falconry Permits****Effective Date: July 1, 2013**

This legislation creates a new Code section which regulates falconry permits. No falconry permit may be issued until the applicant's raptor housing facilities and equipment have been inspected and certified by DNR.

**House Bill 276****Department of Natural Resources; Collection of Fees and Appropriations****Effective Date: July 1, 2013**

This bill removes a provision in current law that requires certain appropriations to DNR be transferred annually to the Georgia Hazardous Waste Management Authority. House Bill 276 also extends the sunset date for the collection of fees for the Solid Waste Trust Fund and Hazardous Waste Trust Fund to July 1, 2018. Under current law the authorization is set to expire on July 1, 2013.

This bill clarifies that certain solid waste disposal surcharges and fees are subject to revision. Further, the Office of Planning and Budget is required to determine the base amount and the new appropriation amount to EPD, along with the procedure for when the new appropriation amount is less than or more than the base amount as it relates to a reduction or increase of the solid waste disposal surcharge fee and the tire disposal fee.

**House Bill 320****Landfill Permit Exemption; Effective Date of DNR Rules/Regulations****Effective Date: July 1, 2013**

This bill narrows the waste landfill permitting exemption to only include inert waste landfills owned and operated by a local government or authority and updates effective date of rules/regulations of the Board of Natural Resources.

**House Bill 381****Nonprofits and the Board of Natural Resources****Effective Date: July 1, 2013**

This legislation requires the board of directors of a nonprofit corporation to include three members of the Board of Natural Resources (Board) as nonvoting members. It also restricts members of the Board from serving as voting members on the board of directors for such nonprofits and removes language prohibiting such members from serving as officers or directors.

**House Bill 402****Shore Protection and Coastal Marshland Permits****Effective Date: July 1, 2013**

This legislation enables DNR to issue letters of permission, for six months, related to shore protection and coastal marshlands, and to impose a reasonable fee for processing these letters. House Bill 402 also permits activities, including maintenance of a project, pursuant to a letter of permission, instead of requiring an additional permit.

**House Bill 497****Georgia Boat Safety Act****Effective Date: July 1, 2013**

House Bill 497: (1) Revises provisions regarding vessel numbering and registration; (2) Revises application procedures and expiration provisions; (3) Provides for vessel registration renewal; and (4) Yields DNR the ability to issue several types of permits.

**PUBLIC SAFETY****Senate Bill 121****Special License Plates****Effective Date: July 1, 2013**

This legislation makes the following changes to special license plates:

1. Expands the eligibility for many military-related special plates so that all former members of the military who were not dishonorably discharged can qualify for such plates. Under current law, only retired veterans qualify;
2. Creates the AID Atlanta plate (previously AIDS Survival Project);
3. Codifies the Appalachian Trail Conservancy so that funds from the plate will be used to protect, maintain, and conserve the Georgia portion of the Appalachian Trail and connecting trails;
4. Creates the Atlanta Braves Foundation plate to help fund the foundation's philanthropic activities; and
5. Creates a special license plate for former State Legislators who had served at least eight years in the General Assembly.

**Senate Bill 122****Temporary Driving Permits or ID Cards for Authorized Noncitizens****Effective Date: January 1, 2014**

Currently, eligible authorized noncitizens are issued a temporary driver's license or ID card that remains valid for the duration of their stay in the U.S., or for five years, whichever is shorter.

This legislation allows noncitizen applicants who have filed a request for an extension to stay in the U.S. with the Department of Homeland Security and whose Georgia driver's license or ID card has expired, or will expire within 30 days, to be issued a 120 day temporary driving permit or ID card.

The applicant must present evidence of the application for the extension by submitting a copy of documentation designated by DDS. A temporary driving permit or ID card will be issued upon submission of: the required documentation; and an application fee to be determined by DDS, which is not to exceed \$200. No further consecutive temporary permits will be authorized unless a future driver's license or ID card has been issued and expires.

**Senate Bill 216**  
**Hospital Pharmacies and Remote Order Entry; and**  
**Emergency Service Providers**  
**Effective Date: Governor's Signature**

Current law authorizes hospital pharmacies to use remote order entry when the hospital's pharmacist is not physically present in the hospital, the hospital pharmacy is closed, and a licensed pharmacist will be physically present in the hospital pharmacy within 16 hours. This legislation extends the allowable time of absence from the current 16 hours to 24 hours. This legislation also authorizes hospital pharmacies to use remote order entry when at least one licensed pharmacist is physically present in a hospital that remotely serves only on weekends four or less other hospitals under the same ownership that have an average daily census of less than 12 acute patients.

Finally, this legislation allows a medical director of an emergency service provider to contract with more than one pharmacy as a provider of drugs and consultant services. Current law only allows one contractual relationship.

**House Bill 59**  
**Alarm Verification of Specific Alarm Signals**  
**Effective Date: July 1, 2013**

This legislation requires alarm monitoring companies to utilize a system providing for alarm verification of specific alarm signals.

"Alarm verification" involves a reasonable attempt by an alarm monitoring company to contact the alarm site or alarm user, by telephone or other electronic means, to determine whether a burglar alarm signal is valid prior to requesting law enforcement to be dispatched to the location. When the initial attempted contact cannot be made, a second reasonable attempt to make such contact, utilizing a different telephone number or electronic address or number, must be made.

Alarm verification will not be required in the case of a fire alarm or a panic or robbery-in-progress alarm or in cases where a crime-in-progress has been verified to be true by video or audible means.

**House Bill 254**  
**Proof of Required Minimum Motor Vehicle Liability Insurance**  
**Effective Date: Governor's Signature**

This legislation allows drivers to produce proof of required minimum motor vehicle liability insurance coverage in either paper or electronic format. Acceptable electronic formats include a display of electronic images on a mobile electronic device such as a smart phone or tablet.

**House Bill 255**  
**Transfer Responsibilities of the Unified Carrier Registration Act**  
**Effective Date: July 1, 2014**

This legislation transfers the administrative responsibilities of the federal Unified Carrier Registration Act of 2005 from the Department of Revenue to the Department of Public Safety.

### **House Bill 323**

#### **Motor Carrier Compliance**

**Effective Date: July 1, 2013 AND January 1, 2014**

This legislation updates state law to reflect changes in the Federal Motor Carrier Safety Improvement Act. This legislation also codifies rules and regulations currently in place.

### **House Bill 366**

#### **Law Enforcement Training**

**Effective Date: July 1, 2013**

Current law requires POST-certified officers to achieve at least 20 hours of training annually. This legislation requires each officer to provide confirmation of his or her training for the previous year to POST council. Failure to provide the council with confirmation of training in a timely manner, or failure to obtain required training in a timely manner, will result in an emergency suspension of the officer's certification by the executive director.

The order of emergency suspension issued by the executive director will be made in writing and specify the basis for the determination. The suspension will continue in effect until the training requirements are confirmed or a waiver is issued pursuant to existing law.

Section 2 of this legislation also shortens the waiting period in which an applicant, who failed an academy entrance exam, must wait in order to retake the exam from six months to 30 days.

### **House Bill 407**

#### **Ignition Interlock Devices**

**Effective Date: July 1, 2013**

Under current law, a driver's license suspended as a result of a second DUI conviction will remain suspended until the driver completes a DUI Alcohol or Drug Use Risk Reduction Program. The driver must also provide proof of the installation and use of an ignition interlock device on his or her vehicle for six months, coinciding with the issuance of an ignition interlock device limited driving permit. This legislation increases the period that the ignition interlock device must be operational from six months to one year.

### **House Bill 475**

#### **Driver's License Test Exemptions**

**Effective Date: July 1, 2013**

This legislation authorizes DDS to negotiate and enter into a reciprocal agreement with another country that exempts the citizens of such country from taking the knowledge test and the on-the-road driving test required in Code Section 40-5-27, as long as the citizen holds a valid and equivalent driver's license issued by the foreign country and DDS determines that the driving laws of such foreign country are sufficiently similar.

This legislation does not exempt such drivers from any other legal requirement for the issuance of a driver's license, including the requirement that the applicant demonstrate lawful presence within the U.S., and does not apply to commercial or motorcycle licenses.

DDS will make a notation on such driver's license, permit, or identification card, stating "Limited Term" or such other notation as determined by DDS. Any driver's license or other identifying document that is so noted will not be used as voter identification.

No such agreement will be entered into unless the Department of Economic Development has certified that persons or entities from such country have made or are likely to make a substantial economic investment in this state that has or will lead to the substantial creation of jobs in Georgia. DDS is prohibited from entering into any reciprocal agreement with any country that is designated as a state sponsor of terrorism by the U.S. Department of State.

**House Bill 482****Retiring Employees of the Department of Corrections and the State Board of Pardons and Paroles  
Effective Date: July 1, 2013**

This legislation allows retiring employees of the Department of Corrections and the State Board of Pardons and Paroles to retain their department issued weapon. The retiring employee must have at least 20 years of service and leave under honorable conditions.

**REGULATED INDUSTRIES****Senate Bill 24****Hospital Medicaid Program Financing Act****Effective Date: February 13, 2013**

This bill authorizes the Board of Community Health to assess a fee to hospitals for purposes of obtaining federal funds for Medicaid. The amount of the fee will not exceed the amount necessary to obtain federal funds.

**Senate Bill 61****Storage Facilities****Effective Date: July 1, 2013**

This legislation amends the Self-service Storage Facility Act of 2013 by enabling an owner to enforce the lien without judicial intervention and defines the language that must be used in a rental agreement between these two parties regarding the sale of property in that storage facility.

**House Bill 83****Mortgage Lenders and Brokers Licenses: Exemptions****Effective Date: July 1, 2013**

This legislation applies to licenses for mortgage lenders and brokers; it extends an existing exemption by requiring real estate brokers to be Georgia licensed or a real estate salesperson who provides information relating to short sales in which there is no fee.

The legislation stems from concerns that realtors who provide information to a lender on behalf of their client in a Short Sale, are violating current law.

**House Bill 99****Home Brews****Effective Date: July 1, 2013**

This legislation allows that Home Brew may be produced in the following amounts: up to 100 gallons annually, per person in the house of legal drinking age, with a limit of 200 gallons. Federal law limits home brewing to 200 gallons.

**House Bill 124****Alcohol: Sunday Sales Votes****Effective Date: July 1, 2013**

This legislation specifies existing Sunday sales language by affirming that a "no" vote on the sale of distilled spirits does not nullify existing approval for Sunday sales on wine and beer.

**House Bill 132****Pharmacists and Dentists: Department of Community Health****Effective Date: July 1, 2013**

This legislation transfers administrative oversight of two professional areas:

- 1) Pharmacists and Pharmacies; and
- 2) Dentists, Dental Hygienists, and Dental Assistants.

They are transferred from the Secretary of State to the Department of Community Health.



### **House Bill 188**

#### **Professional Licensure: Military Certifications**

**Effective Date: July 1, 2013**

This legislation authorizes current and former military personnel in Georgia to apply for professional licensure due to his/her having obtained a military specialty and presenting certificate demonstrating that skill. Military spouses will be eligible for the same licensure if he/she holds a license in another state.

### **House Bill 487**

#### **Coin Operated Amusement Machines: Hope Scholarship**

**Effective Date: Upon Governor's Signature**

The Legislature finds that operation of bona fine coin operated amusement machines is a privilege in Georgia—not a right.

This legislation makes changes to existing legislation which regulates Class B coin operated amusement machines. Administration and enforcement of these machines are transferred from the Georgia Department of Revenue (GDOR) to the Georgia Lottery Corporation (Corp).

For the first fiscal year after the network is operational, machine owners and location owners must apportion net receipts as follows:

- Retain 47.5 percent;
- Provide 52.5 percent to the Corp.

The Corp will retain 5 percent and provide 47.5 percent to the master licensees.

The Corp's share will rise to and cap at 10 percent over the next five years.

Local governments may audit machines, and may limit a business to six machines. The Corp can audit and report repeat offenders to local governments which may then ban the machines in their jurisdiction.

Titles 16, 48, and 50

### **House Bill 517**

#### **Alcohol Distance Requirements: College Campus**

**Effective Date: July 1, 2013**

This legislation amends existing law regarding alcohol distance requirements by allowing the sale of wine and beer within 100 yards of a college campus at a grocery store, if permitted by the local government.

The grocery store must have 85 percent of retail space reserved for food and non-alcoholic beverages and all sales must be inside store.

## **RETIREMENT**

### **Senate Bill 142**

#### **JRS Member Benefits and Return to Service**

**Effective Date: July 1, 2013**

This bill authorizes the board of trustees for the Georgia Judicial Retirement System (JRS) to determine the time and circumstances of paying member benefits, to the extent necessary, to preserve the System's status as a qualified plan under federal law.

Currently, the payment of retirement benefits will cease if a JRS member who has not yet reached the normal retirement age returns to the service of the state in any position other than as a member of the General Assembly.<sup>1</sup> This applies to a return to direct service and indirect service, including as or for an independent contractor. This bill would amend this provision so that it applies to all JRS members, not just those who have not yet reached the normal age of retirement.

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<sup>1</sup> Under OCGA §47-23-103, the normal retirement age for JRS members is 60.

**Senate Bill 143****Duties of Public Retirement Systems' Board of Trustees****Effective Date: July 1, 2013**

This bill clarifies that the duties of the boards of trustees of public retirement systems are in addition to, and not in limitation of, the common law duties of trustees in Title 53 of the Georgia Code. Title 53 relates to wills, trusts, and the administration of estates. This does not apply if the duties are inconsistent.

**Senate Bill 178****LRS Member Benefits and Return to Services****Effective Date: July 1, 2013**

This bill authorizes the board of trustees for the Georgia Legislative Retirement System (LRS) to determine the time and circumstances of paying member benefits, to the extent necessary, to preserve the System's status as a qualified plan under federal law.

Currently, the payment of retirement benefits will cease if any retired LRS member who has not yet reached the normal age of retirement returns to the service of the state and performs more than 1,040 hours of such service in a calendar year, unless he or she returns to service as a member of the General Assembly. Under this bill, the prohibition on receipt of benefits upon a return to service is extended to all LRS retirees, not just those who have yet to reach the normal age of retirement. This bill also requires the board to discontinue payment of retirement benefits to all members who return to the service of a public employer, not just the state, and perform more than 1,040 hours of service in a calendar year.

**House Bill 71****Georgia Municipal Employees Benefit System Real Estate Investments****Effective Date: July 1, 2013**

Currently, the Georgia Municipal Employees Benefit System and any association of like political subdivisions that contracts with its members for the pooling of assets may invest up to 5 percent of the total assets of its fund in real estate. This bill increases the maximum permissible real estate investment percentage from 5 to 10 percent of the fund's total assets.

**House Bill 232****Regents Retirement Plan Employee Contribution Rates****Effective Date: July 1, 2013**

Currently, the Teachers' Retirement System board of trustees determines the required employee contribution rate for members of the Regents Retirement Plan. However, the TRS board of trustees may not set the rate at less than 5 percent, nor more than 6 percent of the employee's earnable income. This bill transfers the duty of determining the required employee contribution rate to the Board of Regents and eliminates the limitations on rate amount.

**House Bill 238****Georgia Firefighters Pension Fund Monthly Membership Dues****Effective Date: July 1, 2013**

Currently, firefighters and volunteer firefighters who are members in the Georgia Firefighters' Pension Fund must pay \$15 for each month of service in a fire department. This bill would increase the monthly dues to \$25 per month.

**House Bill 345****Definition of Teachers under TRS****Effective Date: July 1, 2013**

This bill clarifies and consolidates the definition of teachers as it applies to membership in the Teachers' Retirement System (TRS). The bill does not affect eligibility for membership in TRS.

## RULES

### **House Bill 142**

#### **Ethics Reform**

**Effective Date: January 1, 2014**

This bill makes several revisions to Georgia's ethics laws. Among its most notable provisions, the bill prohibits a lobbyist from making an expenditure exceeding \$75 on any individual public officer. Excluded from this gift cap are food and beverages at group events to which all members of standing legislative committees are invited, but not for more than one group event per committee per calendar year, for the majority or minority caucuses of the House or Senate, and for other legislative caucuses as approved by the House or Senate Ethics Committees. Also excluded from the gift cap is reimbursement for a public officer's travel expenses related to the officer's attendance at an educational, informational, charitable, or civic meeting or conference directly related to the official duties of that public officer (excludes foreign travel). The bill also revises the requirements for who must register as a lobbyist. Under this bill, any person who receives more than \$250 in compensation or reimbursement of expenses specifically for undertaking to promote or oppose passage of legislation before the General Assembly qualifies as a lobbyist.

### **House Bill 143**

#### **Disclosure Reports**

**Effective Date: January 1, 2014**

This bill revises certain definitions related to disclosure reports. It also requires candidates for county or municipal offices to file disclosure reports with the county election superintendent or municipal clerk, as opposed to the Georgia Government Transparency and Campaign Finance Commission as is currently required. The bill also allows candidates for local offices to file a written notice upon qualification stating that the candidate or campaign committee does not intend to accept campaign contributions or make expenditures in excess of \$2,500, during the calendar year in which the candidate qualifies. Other changes include, but are not limited to, revisions of the requirements for how notification of late fees are to be sent.

## SPECIAL JUDICIARY

### **Senate Bill 96**

#### **Part-Time and Assistant Solicitors-General Other Employment**

**Effective Date: July 1, 2013**

This bill allows part-time solicitor-generals and part-time assistant solicitor-generals of the state courts to practice law in their State Court; however, they may not represent defendants in criminal matters in their State Court, or appear on behalf of any client other than the State when acting as solicitor-general.

### **House Bill 150**

#### **Removal of Booking Photographs from Internet Sites**

**Effective Date: Upon Governor's Approval/Upon Becoming Law**

This bill provides that any person using a computer or computer network, who publishes an individual's arrest booking photograph for purposes of commerce, must remove the photograph upon written request and may not charge a fee for the removal.

An exemption is made for the publisher, owner, agent, or employee of a newspaper, periodical, radio or television station, or website in the publication or dissemination of news or commentary, and for a mistaken advertisement where there was no knowledge of the mistake.

### **House Bill 256**

#### **Sale of Tobacco Products to Minors**

##### **Effective Date: Upon Governor's Approval/Upon Becoming Law**

This bill prohibits the sale to, and possession by, minors of "cigar wraps," which are defined as individual wrappers made of reconstituted tobacco leaf.

## **STATE INSTITUTIONS AND PROPERTY**

### **Senate Resolution 113**

#### **Restrictive Easements on State Owned Property**

##### **Effective Date: July 1, 2013**

This resolution authorizes the granting of restrictive easements to: Citizens Telephone Company; Wind Stream Standard LLC; Snapping Shoals Electric Membership Corporation; Flint Electric Membership Corporation; Habersham Electric Membership Corporation; Georgia Power; the Georgia Department of Transportation; the City of Marietta; the City of Gainesville; Augusta, Georgia; and Mark B. Shipp, and J. Cliff Shipp. The easements granted are for access and egress over land owned by the State of Georgia, typically for a \$10.00 fee, and for a period of three years from the date of when the SR 113 becomes law. The easement to Cobb County is revocable by the State at no cost. Additionally, the City of Marietta has agreed to pay for the removal of any easements should their future removal be required.

### **House Resolution 205**

#### **State Owned Property Annual Conveyance Bill**

##### **Effective Date: July 1, 2013**

This resolution authorizes the conveyance of certain state owned real property located in Appling, Baldwin, Ben Hill, Bibb, Butts, Chatham, Chattooga, Crawford, Dougherty, Floyd, Haralson, McDuffie, Mitchell, Columbus-Muscogee, Paulding, Polk, Putnam, Richmond, Spalding, Tattall and Wilkes Counties. It also authorizes the placement of certain restrictions on state owned real property located in Paulding County.

This resolution conveys land to the: Georgia Department of Transportation; City of Fitzgerald; Bibb County; the City of Thompson and McDuffie County; City of Eatonton; Stanley Farms, LLC; and Wilkes County. The easements granted are for access and egress over land owned by the State of Georgia, typically for a \$10.00 fee or market value, and for a period of three years from the date of when HR 205 becomes law.

## **STATE AND LOCAL GOVERNMENTAL OPERATIONS**

### **Senate Bill 83**

#### **Cremation – Deceased Indigents**

##### **Effective Date: July 1, 2013**

Under current law, whenever a family is indigent and unable to provide for a deceased family member's burial, the county wherein the death occurred will fund the burial. This legislation authorizes counties to choose between a burial and cremation, whichever is the least expensive.

### **Senate Bill 104**

#### **Comprehensive Local Plans**

##### **Effective Date: July 1, 2013**

Under current law, DCA is required to establish minimum standards and procedures for coordinated and comprehensive local planning. As part of such standards and procedures, DCA is required to establish minimum elements that must be addressed and included in comprehensive plans. These elements include, but are not limited to, housing, human services, natural resources, the environment, vital areas, historic and cultural resources, infrastructure, land use other than zoning, recreation, transportation, and economic development. This legislation repeals these elements.

The legislation also repeals the requirement that a regional commission make a recommendation of whether a large-scale or regional project should be approved.

Finally, this legislation eliminates language that prohibits a local government from taking any action to adopt a local plan or take steps to implement a plan before the regional commission or state reviews the plan.

### **Senate Bill 160**

#### **Verification of Lawful Presence – Business Licenses and Public Benefits**

**Effective Date: July 1, 2013**

This legislation clarifies and streamlines the verification process when applying for or renewing business licenses and public benefits. Its significant provisions include the following:

- **Exemption of Certain Contracts** – Contracts under \$5,000 are exempt from the E-Verify requirements.
- **Annual Reports** – Clarifies how every public employer must annually submit a report to the Department of Audits regarding their compliance with the federal E-Verify Program. State agencies and local governments issuing public benefits must also annually submit a compliance report to the Department of Audits.
- **Renewal of Business License** – Currently, an individual seeking to apply for or renew a business license must demonstrate their lawful presence in the United States through E-Verify. This section exempts the renewal of a business license from the E-Verify requirements if such business or person has previously complied with its requirements. Any exempt businesses or persons must attest in an affidavit that they will register and utilize E-Verify.
- **Public Benefits** – Amends the list of public benefits in which each applicant is required to demonstrate their lawful presence in the United States to include grants, public or assisted housing, retirement benefits, and state issued driver's licenses.
- **Applying for Public Benefits** – Allows applicants for public benefits to submit a copy or facsimile of their secure and verifiable documentation demonstrating their lawful presence. The documents can be submitted in person, electronically, or by mail. Such document will not be required when an applicant is applying for or renewing an application for a public benefit within the same agency or local government and the applicant has previously complied with the documentation requirements.
- **Immigration Compliance Reports** – Directs the Department of Audits to establish an Immigration Compliance Reporting System and details which information state agencies and local governments must include in their Immigration Compliance Reports.

### **Senate Bill 168**

#### **State and Local Public Works Contracts**

**Effective Date: Governor's Signature**

This legislation prohibits the state or a local government from disqualifying or penalizing a bidder for a public works contract based upon a lack of previous experience with a job of the size for which the bid or proposal is being sought if:

- The bid or proposal is not more than 30 percent greater in scope or cost from the bidder's previous experience in jobs;
- The bidder has experience in performing the work for which bids or proposals are sought; and
- The bidder is capable of being bonded by a surety which meets the qualifications of the bid documents for a bid bond, a performance bond, and a payment bond as required for the scope of the work for which the bid or proposal is being sought.

**Senate Bill 179**  
**Public Works Construction Contracts**  
**Effective Date: Governor's Signature**

This legislation:

- Eliminates the need for bid bonds and also authorizes state and local public works construction contracts to include both liquidated damages provisions for late construction project completion and incentive provisions for early construction project completion; and
- Prohibits the State and local governments that contract for public works from requiring or prohibiting contractors from entering into agreements with labor organizations.

**Senate Bill 226**  
**Coroners**

**Effective Date: July 1, 2013**

This legislation allows a coroner to elect to be compensated by death investigation fees in lieu of their current compensation in the event their current compensation is less than the fees. The current fee is \$175.00 if no jury is impaneled and \$250.00 if a jury is impaneled.

This legislation only applies if the coroner's salary is established by a local act. If the current salary is established under O.C.G.A. § 45-16-11(a)(1), then the coroner will collect the fees in addition to their compensation.

**Senate Bill 242**  
**Downtown Development Authorities**  
**Effective Date: July 1, 2013**

This legislation authorizes downtown development authorities to provide financing to property owners citywide for the purpose of installing or modifying improvements to their property in order to reduce energy or water consumption or to install an improvement to such property that produces energy from renewable resources.

**House Bill 414**  
**Columbus – Redevelopment Powers Law**  
**Effective Date: Governor's Signature**

This legislation submits a local ballot initiative to authorize the consolidated government of Columbus to exercise all redevelopment and other powers permitted under the Redevelopment Powers Law under Chapter 44 or Title 36. Such powers include undertaking and carrying out community redevelopment, creating tax allocation districts, and issuing tax allocation bonds.

**House Bill 473**  
**Multiyear Contracts**  
**Effective Date: July 1, 2013**

Under current law, counties and municipalities are authorized to enter into multiyear lease, purchase, or lease-purchase contracts based on the calendar year. This legislation provides the option to base such contracts on the local government's fiscal year.

**House Resolution 281**  
**Tift County**  
**Effective Date: July 1, 2013**

This resolution declares Tift County to be renamed in honor of the late Henry Harding Tift. In 1905, the General Assembly created and named Tift County in honor of Nelson Tift, Henry's uncle.

## TRANSPORTATION

### **Senate Bill 70**

#### **Design-Build Procedure**

**Effective Date: July 1, 2013**

This bill authorizes the Department of Transportation (DOT) to utilize the design-build procedure for additional types of projects. Further, DOT may use either a two-step procurement process with requests for qualifications and request for proposals, or a one-step procurement process through the issuance of a request for proposal from which DOT may select the lowest qualified bidder.

### **Senate Bill 218**

#### **Commercial Wrecker Emergency Tow Permits**

**Effective Date: July 1, 2013**

This bill authorizes DOT to issue commercial wrecker emergency tow permits for additional vehicles.

### **Senate Resolution 293**

#### **Road and Bridge Dedications**

**Effective Date: July 1, 2013**

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

### **House Bill 202**

#### **DOT Housekeeping Bill**

**Effective Date: July 1, 2013**

This bill increases the cost limit of projects for which DOT must perform value engineering studies from \$10 to \$50 million, with certain exceptions. Further, the bill specifies certain funds in DOT budgeting that relate to earmarked federal funds, the interstate system, and freight corridors.

### **House Bill 384**

#### **Motorized Carts**

**Effective Date: July 1, 2013**

This bill requires local governments that permit the operation of motorized carts to erect signs at the point on every highway that intersects with its boundaries.

### **House Resolution 46**

#### **Road and Bridge Dedications**

**Effective Date: July 1, 2013**

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

### **House Resolution 411**

#### **Road and Bridge Dedications**

**Effective Date: July 1, 2013**

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

## VETERANS, MILITARY, AND HOMELAND SECURITY

### **Senate Bill 76**

#### **Returning Veterans Task Force**

**Effective Date: July 1, 2013**

This legislation creates the Returning Veterans Task Force within the State Department of Veterans Services. The seven-member Returning Veterans Task Force will consist of one representative each of the following agencies: the Department of Veterans Service, the Department of Community Health, the Department of Behavioral Health and Developmental Disabilities, the Department of Defense, the Department of Labor, the Board of Regents, and the Technical College System of Georgia.

**Senate Resolution 201**

**Programmatic Environmental Assessment for Army 2020 Force Restructuring**

This resolution requests that the Department of the Army carefully consider the socioeconomic impact that the Programmatic Environmental Assessment for Army 2020 Force Restructuring will have on Fort Benning, Georgia, and the surrounding region.



## **2013 STUDY COMMITTEES**

### **Senate Study Committees**

SR 72	Senate State FairTax Study Committee
SR 247	Senate Expungement Reform Study Committee
SR 340	Senate Study Committee on Independent Physician Practices in Georgia
SR 345	Senate Select Alternative Funding for Medicaid and Other Health Care    Federal Funding Committee; create
SR 427	Senate Study Committee on Brewpubs and Alcoholic Beverage Tastings
SR 499	Senate Free Hunting and Fishing Licenses for Veterans Study Committee
SR 597	Georgia Program Integrity Senate Study Committee
SR 598	Senate Public-Private Partnership Study Committee
SR 618	Senate Study Committee on Public Transportation in the Metropolitan Atlanta Region
SR 623	Senate Select Study Committee on Erin's Law

### **Joint Study Committees**

HR 107	Joint Study Committee on Medicaid Reform
HR 502	Joint Study Committee on Mental Health and School Violence

## **2013 VETOED LEGISLATION**

(Does not include local legislation)

SB 11	Re-establishes the Georgia Geospatial Advisory Council
HB 193	Sales Tax Exemptions: Non-Profit Agencies; Georgia Film Income Tax Credit: Pass Through Entities
HB 240	Medicaid and PeachCare

# FY14 General Budget Talking Points (CC Version)

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## K-12 Education

- Adds \$2.6 million for School Nurses based on recommendation by the State Education Finance Commission. (#143.3)(Dept. of Education)
- Adds \$146.6 million to cover 1.36% enrollment growth in students and training/experience for teachers. (#143.6)(Dept. of Education)
- Restored \$50,000 for the Georgia Youth Science and Technology Program and moved the program to the University System of Georgia in the Public Service/Special Funding Initiative program. (#135.1)(Dept. of Education)
- Increased funding for Charter Systems by \$7.2 million to account for increased enrollment and to include Fulton and Madison school districts. (#143.11)(Dept. of Education)
- Fully restores the Governor's proposed reduction of \$2.6 million for Sparsity Grants. (#138.1)(Dept. of Education)
- Fully restores the Governor's proposed reduction of \$1.3 million for Nutrition. (#139.1)(Dept. of Education)

## Higher Education

- Adds \$138,000 for Public Libraries in the New Directions formula based on an increase in state population. (#279.6)
- Adds \$2 million for the Health Professions Initiative to address graduate medical education. (#280.1)
- Adds \$5 million for cancer research to the Georgia Regents University Cancer Center. (#280.3)
- Adds \$62.9 million for increases in enrollment and square footage at University System of Georgia Institutions. (#284.5)
- Adds \$15.8 million for the employer share health insurance and retiree health benefits. (#284.6)
- Fully restores the Governor's proposed reduction to the special appropriation for Georgia Gwinnett College. (#284.9)
- Transfer \$3.9 million in state general funds and ten positions from the Secretary of State to the Board of Regents for the Georgia Archives. (#273.1)
- FY2014 Lottery funded programs. (Georgia Student Finance Commission)

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- Reduces \$22.3 million to meet projected need for the HOPE Grant while increasing the award amount by 3%. (#323.1)
- Adds \$6.5 million for the Strategic Initiatives Workforce Development Grant. (#323.2)
- Reduces \$4.1 million to meet projected need for the HOPE-Private Schools Scholarship while increasing the award amount by 3%. (#324.1)
- Reduces \$2.6 million to meet projected need for the Zell Miller Scholarship for recipients at private schools. (#324.2)
- Adds \$17.1 million to meet projected need for HOPE-Public Schools Scholarship while increasing the award amount by 3%. (#325.1)
- Reduces Tuition Equalization Grant by \$776,371 to maintain the current award amount and meet projected enrollment. (#330.1)(Georgia Student Finance)

## Health and Human Services

- Adds \$34.2 million to the Department of Behavioral Health and Developmental Disabilities as part of the settlement funding agreement with the U.S. Dept. of Justice. (Dept. of Behavioral Health and Developmental Disabilities)
  - \$1.8 million for developmental disabilities consumers the community and \$21.5 million for mental health consumers in the community. (#54.5,56.4)
  - \$11.9 million to fund 250 new waiver slots for the NOW (New Options Waiver) and COMP (Comprehensive) waivers and to annualize the cost of 250 waiver slots added in FY13. (#54.7)
- Adds \$500,000 in start-up funds through the Georgia Association for Primary Health Care for two Federally Qualified Health Centers in Dawson and Chatham counties. (#82.4)(Dept. of Community Health)
- Adds \$225 million for growth in Medicaid and PeachCare. (#85.1, 85.28, 86.1, 86.23, 87.1, 87.14)(Dept. of Community Health)
- Reflects \$2.8 million in savings in Medicaid and PeachCare for eliminating hospital reimbursements for preventable admissions. (#85.3, 86.4, 87.4)(Dept. of Community Health)
- Reflects \$2.6 million in savings in Medicaid: Aged, Blind, and Disabled for patient-centered outcome incentives for Case Care and Disease Management. (#85.4)(Dept. of Community Health)
- Restores \$34 million in Medicaid and PeachCare from the new Medicare based pricing methodology in Ambulatory Payment Classification Outpatient Services Grouper. (#85.7, 86.6, 87.6)(Dept. of Community Health)

- Restores \$4.6 million in Medicaid and PeachCare for the proposal to eliminate consultation Current Procedural Terminology (CPT) codes for replacement with Evaluation and Management (E&M) codes and reflects E&M codes to be reimbursed at an increased rate. (#85.9, 86.8, 87.8)(Dept. of Community Health)
- Restores \$13.4 million in savings in Medicaid and PeachCare from reducing provider reimbursement by 0.74%, excluding hospitals, primary care, FQHC, RHC, and hospice. (#85.10, 86.9, 87.9)(Dept. of Community Health)
- Restores \$1.2 million in Medicaid: Low-Income Medicaid to eliminate the revision of supplemental drug rebates to include Care Management Organization claims. (#86.12)(Dept. of Community Health)
- Adds \$330,374 for 20 additional Independent Care Waiver Program (ICWP) slots in Medicaid: Aged, Blind and Disabled. (#85.16)(Dept. of Community Health)
- Adds \$966,159 to implement a wastage policy in Medicaid: Aged, Blind and Disabled to reimburse for single-dose vials administered in the physician office effective January 2014. (#85.17)(Dept. of Community Health)
- Adds \$300,000 in Medicaid to create a SOURCE Quality Incentive Program based on client satisfaction measures. (#85.20)(Dept. of Community Health)
- Restores \$275,551 to the Georgia Board for Physician Workforce for funding of medical residency slots. (#91.1)(Dept. of Community Health)
- Restores \$647,733 for the Mercer School of Medicine operating grant. (#92.1)(Dept. of Community Health)
- Restores \$329,627 for the Morehouse School of Medicine operating grant and transfers \$262,169 from Undergraduate Medical Education to the Operating Grant to maximize federal matching funds. (#93.1, 93.2)(Dept. of Community Health)
- Adds \$150,000 for the sickle cell disease treatment contract. (#244.5)(Dept. of Public Health)
- Adds \$1.6 million to the Department of Public Health for the third phase-in of the new grant-in-aid formula to hold harmless all counties. (#248.3) (Dept. of Public Health)
- Adds \$477,493 to the Trauma Commission for uncompensated care and trauma readiness costs. (#251.3)(Dept. of Public Health)

## **Economic Development, Transportation, Agriculture and Natural Resources**

- Adds \$9.5 million for Regional Economic Business Assistance (REBA). (#77.5) (Dept. of Community Affairs)
- Increases funds for OneGeorgia Authority by \$20 million.(#80.2) (Dept. of Community Affairs)
- Adds \$500,000 for Regional Water Councils. (#223.4)(Dept. of Natural Resources)
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- Adds \$3.6 million in state motor fuel funds to State Road and Tollway Authority to fund the CID Grant and Loan program of the State Transportation Infrastructure Bank. (#353.3)(State Road and Tollway Authority)
- Adds \$15 million in state motor fuel funds to the Local Maintenance and Improvement Grant program for local road and bridge projects. (#345.2)(Dept. of Transportation)
- Adds \$8.1 million in operating funds to replace lost local and federal funding in the Georgia Regional Transit Authority (GRTA). (Dept. of Community Affairs)

### **Corrections and Public Safety**

- Adds \$1.9 million for new Youth Detention Center to open January 2014. (#213.6)(Dept. of Juvenile Justice)
- Adds \$2.9 million for operations and 107 positions for a new Regional Youth Detention Center to open July 2013. (#214.4)(Dept. of Juvenile Justice)
- Adds \$5 million for Juvenile Incentive Funding Grant aimed at community based options for juvenile offenders. (#210.4)(Criminal Justice Coordinating Council)
- Adds \$1.2 million for the second installment of the law enforcement career ladder within the Forensic Scientific Services program. (#208.3)(Georgia Bureau of Investigation)
- Adds \$1.7 million for the second installment of the law enforcement career ladder within the Regional Investigative Services program. (#209.8)(Georgia Bureau of Investigation)

### **Other**

- Adds \$69.8 million for the annual required contribution to the Teachers Retirement System. (TRS)
- Adds \$60.1 million for the required contributions in the Employees Retirement System. (ERS)
- Adds \$1.2 million in Fraud Detection and Prevention program. (#292.1) (Dept. of Revenue)
- Increases funds for two new superior court judgeships in the Chattahoochee and Oconee judicial circuits beginning January 1, 2014, as well as new assistant public defender and assistant district attorney positions in those circuits. (#24.8, 28.8, 237.4)(Judicial)

## Bonds

	Principal
<b>Department of Corrections</b>	
GDC multi-projects: Fund facility repairs and purchase equipment statewide.	\$1,500,000
GDC multi-projects: Fund facility renovations, security upgrades, and improvements statewide.	\$6,940,000
GDC multi-projects: Purchase 175 replacement vehicles statewide.	\$3,500,000
Phillips State Prison: Fund the guaranteed energy savings performance contract.	\$4,500,000
<b>State Board of Pardons and Paroles</b>	
State Board of Pardons and Paroles Multi-Projects: Purchase 40 vehicles for virtual office initiative statewide.	\$775,000
<b>Department of Defense</b>	
National Guard Armories: Fund renovations of armories statewide and match federal funds.	\$2,000,000
National Guard Armories: Fund facility repairs and sustainment statewide and match federal funds.	\$500,000
National Guard Armories: Fund the Rome motor pool area expansion and match federal funds.	\$205,000
National Guard Armories: Fund renovations of the Toccoa Maintenance Training Building and match federal funds.	\$175,000
National Guard Armories: Fund renovations and upgrades to Building #2, Hinesville and match federal funds.	\$145,000
National Guard Armories: Fund the Calhoun motor pool area expansion and match federal funds.	\$200,000
National Guard Armories: Fund the Swainsboro vehicle storage building renovation and roof replacement and match federal funds.	\$70,000
<b>Georgia Bureau of Investigation</b>	
Savannah Branch Crime Lab: Fund replacement of the HVAC system at the crime lab building.	\$345,000
GBI Multi-Projects: Fund facility repairs and sustainment statewide.	\$305,000
GBI Multi-Projects: Purchase 30 investigative replacement vehicles statewide.	\$945,000
<b>Department of Juvenile Justice</b>	
DJJ Multi-Projects: Fund facility repairs and sustainment statewide.	\$3,090,000
DJJ Multi-Projects: Fund major facility improvements and renovations statewide.	\$3,285,000
DJJ Multi-Projects: Fund security upgrades and enhancements statewide.	\$3,300,000
Eastman Youth Development Campus: Purchase equipment for newly constructed support facilities.	\$105,000
Muscogee Youth Development Campus: Fund the design of new housing units.	\$445,000
Muscogee Youth Development Campus: Fund the design of a vocational education facility.	\$100,000
Macon Youth Development Campus: Fund the design of new housing units.	\$365,000
<b>Department of Public Safety</b>	
Patrol Posts Various: Purchase 106 replacement law enforcement patrol vehicles statewide.	\$2,500,000
Patrol Posts Various: Purchase 10 replacement enforcement vehicles for the Motor Carrier Compliance Division statewide.	\$285,000
Patrol Posts Various: Fund facility repairs and sustainment statewide.	\$790,000
Patrol Posts Various: Purchase one replacement helicopter statewide.	\$3,000,000
<b>Public Safety Training Center</b>	
Public Safety Training Center: Fund major facility repairs, renovations, and construction.	\$1,655,000
Public Safety Training Center: Fund replacement of shoothouse training facility.	\$400,000
Public Safety Training Center: Construct a building for fire protection training.	\$425,000
Public Safety Training Center: Fund the resurfacing of the skid pad for driver training. (CC:Fund the skid pad and equipment)	\$235,000
Public Safety Training Center: Purchase one replacement fire truck.	\$395,000
<b>Department of Community Affairs</b>	
Reservoirs: Fund reservoirs statewide.	\$4,500,000

	<b>Principal</b>
<b>Georgia Environmental Finance Authority</b>	
Local Government Infrastructure: Fund the State Funded Water and Sewer Construction Loan Program.	\$15,050,000
Local Government Infrastructure: Fund the state match for the federal Clean Water State Revolving Fund Water and Sewer Construction Loan Program.	\$4,600,000
Local Government Infrastructure: Fund the state match for the federal Drinking Water State Revolving Fund Water and Sewer Construction Loan Program.	\$4,600,000
Local Government Infrastructure: \$0 in principal for 20 years at 5.5%: Fund Water Supply and Reservoir Construction Loan Program. (CC:Utilize Authority reserve funds to provide \$20,750,000 in new loans for the Water Supply and Reservoir Construction Loan Program)	\$0
<b>Department of Economic Development</b>	
Georgia World Congress Center: Fund infrastructure improvements related to the College Football Hall of Fame. (H and S:Fund infrastructure improvements)(CC:Fund infrastructure improvements)	\$11,750,000
Georgia World Congress Center: Fund renovations and upgrades to Building B.	\$3,250,000
<b>Georgia Ports Authority</b>	
Ports Authority: Fund the Savannah Harbor Deepening Project and match federal funds.	\$50,000,000
<b>Department of Transportation</b>	
Rail Lines: Fund continuance of the Nunez to Vidalia Line Rehabilitation project, the rehabilitation of the line from Summerville to Lyerly (Summerville to Chattooga County), replace the failing closed wood deck bridge with an open bridge timber structure on the Georgia Central Railway in Laurens County and replace the failing closed wood deck bridge with an open timber bridge on the Georgia Central Railway in Twiggs County.	\$2,760,000
<b>Department of Education</b>	
K - 12 Schools: Fund the Capital Outlay Program-Regular for local school construction.	\$148,050,000
K - 12 Schools: Fund the Capital Outlay Program-Regular Advance for local school construction.	\$29,510,000
K - 12 Schools: Fund the Capital Outlay Program-Low Wealth for local school construction. (S:Redirect sold but unused bonds for this project)	\$24,100,000
K - 12 Schools: Fund the Capital Outlay Program-Additional Project Specific Low Wealth for local school construction, Terrell County.	\$3,110,000
K - 12 Equipment: Purchase 328 school buses statewide. (CC:Purchase 262 buses using statewide contract with a preference given to Georgia-based companies per O.C.G.A 50-5-61)	\$20,000,000
K - 12 Equipment: Fund technology infrastructure upgrades for local school districts statewide.	\$7,000,000
K - 12 Equipment: Fund vocational equipment statewide.	\$3,600,000
State Schools: Fund facility improvements and repairs at the State Schools.	\$1,935,000
DOE Locations Statewide: Fund building construction and renovation at the FFA/FCCLA Center and Camp John Hope.	\$1,655,000
<b>Georgia Building Authority</b>	
GBA multi-projects: Fund facility improvements and renovations, statewide.	\$5,500,000
<b>Department of Revenue</b>	
Department of Revenue Equipment: Fund replacement of the Georgia Registration and Title Information System (GRATIS).	\$10,000,000
<b>Georgia Vocational Rehabilitation Agency</b>	
Roosevelt Warm Springs Institute for Rehabilitation: Fund electrical repairs at Kress, Founders, Builders, and Georgia Halls.	\$760,000
<b>Department of Behavioral Health and Developmental Disabilities</b>	
Central State Hospital: Fund replacement of the HVAC system in the Education and Work Activities Center Building. (S and CC:Redirect sold but unused bonds for this project)	\$820,000
Atlanta Regional Hospital: Fund a new food delivery system. (S and CC:Redirect sold but unused bonds for this project)	\$0

<b>Department of Veterans Services</b>	
Georgia War Veterans Nursing Homes, Various: Fund facility repairs and renovations.	\$525,000
<b>University System of Georgia, Board of Regents</b>	
Regents: Fund major improvements and renovations statewide.	\$49,120,000
	<b>Principal</b>
Abraham Baldwin Agricultural College: Design, construct, and purchase equipment for the Lab Sciences Building.	\$4,300,000
Armstrong Atlantic State University: Fund renovations at the Liberty Center. (CC:Design, construct, and equip the new Liberty Center at the Hinesville campus)	\$4,750,000
Atlanta Metropolitan College: Fund renovations of the Academic Sciences Building.	\$3,800,000
Bainbridge College: Design, construct, and purchase equipment for the classroom-lab building.	\$3,000,000
Clayton State University: Construct a new science building. (S:Construct a new science building and utilize \$395,000 in sold but unused bonds for this project)	\$19,800,000
College of Coastal Georgia: Fund minor repairs, renovations, and purchase equipment, Camden County Campus.	\$1,000,000
College of Coastal Georgia: Fund renovations of the Academic Commons South.	\$2,000,000
Columbus State University: Fund renovations at Howard Hall.	\$3,900,000
Dalton State College: Fund renovations of the Health Sciences Building.	\$4,600,000
Dalton State College: Purchase equipment for the new academic building.	\$2,100,000
Georgia College and State University: Purchase equipment for the renovation of Ennis Hall.	\$1,000,000
Georgia Gwinnett College: Fund renovations of additional space.	\$4,000,000
Georgia Gwinnett College: Purchase equipment for the new Allied Health Building.	\$3,000,000
Georgia Institute of Technology: Fund renovations of the Lloyd W. Chapin Building.	\$1,875,000
Georgia Institute of Technology: Purchase equipment for the new Engineered Biosystems Building.	\$5,000,000
Georgia Public Telecommunications Commission: Fund facility repairs and equipment.	\$3,760,000
Georgia Regents University: Construct the Cancer Research Building.	\$45,000,000
Georgia Regents University: Purchase equipment for the new Consolidated Medical Education Commons.	\$5,000,000
Georgia Research Alliance: Purchase equipment and fund research and development infrastructure.	\$12,500,000
Georgia Southern University: Design, construct and purchase equipment for the Health Services and Counseling Center.	\$10,000,000
Georgia Southwestern State University: Fund renovations for the Fine Arts Center.	\$1,950,000
Georgia State University: Construct the Humanities - Law Building.	\$58,800,000
Kennesaw State University: Fund renovations of the Sturgis Library.	\$4,400,000
Middle Georgia State College: Design, construct, and purchase equipment for a Military and Veterans Academic and Training Center.	\$10,000,000
Middle Georgia State College: Fund renovations of Haynes Hall, Cochran Campus.	\$3,800,000
Public Libraries: Construct an expansion of the Jefferson Branch/Regional Office in Jackson County of the Piedmont Regional Library System.	\$2,000,000
Public Libraries: Construct and fund renovations for the Hiawassee Branch of the Mountain Regional Library System.	\$900,000
Public Libraries: Fund minor repairs, renovations and purchase equipment statewide.	\$3,995,000
Public Libraries: Fund renovations of the Perry Library, Houston County.	\$1,600,000
Regents: Fund major improvements and renovations at Cooperative Extension and Agricultural Experiment Station facilities, statewide.	\$4,000,000
Regents: Purchase equipment for the Agricultural Experiment Station, statewide.	\$1,000,000
Rock Eagle 4-H Facility: Construct new cabins.	\$7,500,000
Southern Polytechnic State University: Fund renovations of the Academic Building D (Math).	\$2,500,000
University of Georgia: Fund renovations of the Fine Arts Building.	\$2,600,000
University of Georgia: Fund renovations of the Tift Building, Tifton Campus.	\$4,700,000
University of Georgia: Purchase equipment for the new Veterinary Medical Learning Center.	\$5,000,000
University of North Georgia: Fund renovations for the science building, Gainesville Campus.	\$1,000,000
University of West Georgia: Fund renovations of Murphy Field House.	\$3,500,000



Valdosta State University: Fund renovations at Martin Hall.	\$2,500,000
Valdosta State University: Purchase equipment for the new Health Science Building.	\$3,800,000
<b>Technical College System of Georgia</b>	
Altamaha Technical College: Construct the Golden Isles campus.	\$13,500,000
Altamaha Technical College: Fund design of a new academic building, Camden County Campus. (see Board of Regents, College of Coastal Georgia)	\$0
Lanier Technical College: Purchase equipment for the new classroom building, Barrow Campus.	\$2,500,000
Middle Georgia Technical College: Construct a new Health Services Center.	\$16,440,000
North Georgia Technical College: Design and construct the science addition to the Health Building.	\$3,955,000
Oconee Fall Line Technical College: Fund renovations of the acquired school campus.	\$0
Ogeechee Technical College: Fund renovations of the Joseph E. Kennedy Building.	\$2,910,000
South Georgia Technical College: Fund renovations of the Transportation and Energy Building.	\$3,485,000
Southeastern Technical College: Design and construct the Health Sciences Building, Swainsboro Campus.	\$8,260,000
Southwest Georgia Technical College: Fund renovations needed for flood control.	\$825,000
Technical College Multi-Projects: Fund construction, renovation or equipment for College and Career Academies.	\$9,000,000
Technical College Multi-Projects: Fund major repairs and renovations statewide.	\$12,000,000
Technical College Multi-Projects: Replace obsolete equipment.	\$7,000,000
Wiregrass Georgia Technical College: Design and construct the Allied Health and Public Safety Training Center, Coffee County Campus.	\$12,190,000
<b>State Forestry Commission</b>	
Forestry Equipment: Replace firefighting equipment statewide.	\$3,830,000
Forestry Buildings: Fund major facility improvements and renovations statewide.	\$1,000,000
<b>Department of Natural Resources</b>	
DNR multi-projects: Replace 13 law enforcement, administrative, and maintenance vehicles statewide.	\$300,000
DNR multi-projects: Fund facility repair and sustainment statewide.	\$800,000
DNR multi-projects: Fund facility improvements and renovations statewide.	\$6,570,000
DNR multi-projects: Fund land acquisition for wildlife management areas and parks and match federal funds.	\$11,460,000
DNR State Parks: Fund miscellaneous new construction at state parks statewide.	\$370,000
DNR multi-projects: Fund land acquisition for historic preservation statewide.	\$7,000,000
<b>Soil and Water Conservation Commission</b>	
Soil & Water Conservation Watershed: Rehabilitate flood control structures.	\$3,000,000
<b>Jekyll Island Development Authority</b>	
Jekyll Island: Fund renovation and new construction of the Jekyll Island youth facility, Glynn County.	\$12,000,000
<b>Department of Agriculture</b>	
State Farmers' Markets: Fund major repairs and renovations at state farmers' markets statewide.	\$1,000,000