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2014 SESSION OF THE GEORGIA GENERAL ASSEMBLY LEGISLATION PASSED

This document is our final report of all legislation passed by the 2014 Georgia General Assembly, with the exception of local legislation. It contains summaries of passed legislation, an index of interim study committees, and an index of vetoed legislation. If further detail on legislation is needed, please contact the Senate Research Office.

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AGRICULTURE AND CONSUMER AFFAIRS

HOUSE BILL 778

Exemption from “Food Service Establishment” Definition

This bill exempts organizations from being defined as a “food service establishment” when operating on its own property for the purpose of operating a house or other residential structure where seriously ill or injured children and their families are provided temporary accommodations in proximity to their treatment hospitals and where food is prepared, served, transported, or stored by volunteer personnel.

Current law provides exemptions for instances involving the preparation and service of food not required to be defined as a “food service establishment.” This bill adds an exemption to include residential property where ill or injured children are provided temporary housing and where food is prepared and served by volunteer personnel.

HOUSE BILL 825

Farm Winery Licenses

This bill creates a new license for a fruit grower already licensed as a farm winery to manufacture distilled spirits and fortified wines for sale exclusively through a licensed wholesaler. Further, Georgia farm wineries may have an on premise tasting room, provided that there is not more than one tasting room and that its wine is not sold in more than one tasting room.

HOUSE BILL 915

Consumer Credit Protection for Minors

This bill provides a mechanism whereby a parent or guardian of a minor can request a credit freeze with consumer credit reporting agencies in the case of identity theft.

APPROPRIATIONS

HOUSE BILL 743

Supplemental Appropriations

This bill provides Supplemental Appropriations for the State Fiscal Year July 1, 2013, through June 30, 2014.

HOUSE BILL 744

General Appropriations

This bill provides General Appropriations for the State Fiscal Year July 1st, 2014 through June 30th, 2015.

BANKING AND FINANCIAL INSTITUTIONS

HOUSE BILL 750

License Exemption for Nonprofit Corporation Employees Acting As Mortgage Loan Originators

This bill provides an exemption to mortgage loan originator licensing requirements for employees of certain nonprofit corporations acting as a mortgage loan originator only with respect to work duties. The exemption applies to bona fide nonprofit corporations that are tax-exempt under Section 501(c)(3) of the Internal Revenue Code, promote affordable housing, conduct activities that serve public or charitable purposes, receive funding and revenue, charge fees, and compensate employees in a manner that does not incentivize employees to act other than in the best interest of its clients, provide or identify mortgage loans with favorable terms for the borrower and comparable to mortgage loans and housing assistance provided under government housing assistance programs, and make mortgage loans to promote home ownership or improvements for the disadvantaged. The State of Georgia Department of Banking and Finance must periodically examine the books and activities of the nonprofit corporation, and the employee exemption from having a mortgage loan originator license no longer applies in the event the nonprofit corporation no longer qualifies for that status.

HOUSE BILL 809

Action for Bad Faith Assertions of Patent Infringement

This bill adds a new article to Title 10 relating to selling and other trade practices prohibiting bad faith assertions of patent infringement, providing factors for determining whether a bad faith assertion of patent infringement has been made, and requiring posting of bond in an amount (not to exceed \$250,000) equal to a good faith estimate of the target's expenses of litigation when a bad faith claim of patent infringement has been made. A finding of a bad faith assertion of patent infringement also constitutes an unfair and deceptive act or practice in the conduct of consumer transactions under the Fair Business Practices Act. Federal regulation of biological products does not apply to this article.

HOUSE BILL 824

Fees and Charges Not Considered Interest

This bill clarifies that certain fees and charges agreed to by financial institutions and depositors such as overdraft, nonsufficient funds, delinquency or default, returned payment, stop payment, and ATM charges are not considered interest with regard to the legal and maximum rates of interest and with regard to criminal penalties for charging excessive interest. The law is not applicable to litigation pending as of February 19, 2014 as to prevent the legislation from inviting or affecting litigation.

HOUSE BILL 883

Georgia Merchant Acquirer Limited Purpose Bank Act Cross-reference Corrections

This bill corrects cross-references in Code Section 7-9-2 relating to definitions and Code Section 7-9-13 relating to enforcement of rules and regulations. Cross-references to Code Section 7-9-11 are revised to cross-reference Code Section 7-9-12. Code Section 7-9-11 relates to capital stock and paid-in surplus requirements, while Code Section 7-9-12 relates to limitations on depositors and deposit-taking activities, deposit insurance, and self-acquiring activities not permitted.

HOUSE BILL 982

Repeal and Enactment of New Articles relating to Sale of Checks or Money Orders and Cashing of Checks, Drafts, or Money Orders for Consideration

This bill repeals Articles 4 and 4A of Chapter 1 of Title 7 and enacts modernized provisions regarding the licensure requirements of a person engaged in the sale of payment instruments (checks, money orders, and similar instruments), transmission of money, and cashing of payment instruments in light of new technology and as recommended in a study by the Department of Banking and Finance. This bill also authorizes the department to participate in the Nation-wide Multistate Licensing System and Registry to facilitate sharing of information and standardization of the licensing and application processes.

ECONOMIC DEVELOPMENT

SENATE RESOLUTION 820

Senate Entrepreneur in Residence Study Committee

This resolution creates the Senate Entrepreneur in Residence Study Committee.

Entrepreneurs create thousands of jobs in our economy and are a key to our economic recovery. The entrepreneur in residence program focuses attention on making sure that government is not an impediment to the success of entrepreneurs.

The entrepreneur in residence program will have two main objectives: (1) Identify inefficient and overlapping government programs that negatively impact the work of entrepreneurs and recommend solutions; and (2) To serve as an advocate and mentor for entrepreneurs within government and to address their needs and frustrations with regard to dealing with government.

An entrepreneur in residence would: provide outreach to entrepreneurs and small businesses; provide recommendations to streamline government; recommend ways to improve existing programs that help entrepreneurs; educate entrepreneurs on existing programs and requirements; and to help develop best practices by working with entrepreneurs in residence of other state agencies.

SENATE RESOLUTION 958

A Regulation Freedom Amendment to the U.S. Constitution

Senate Resolution 958 requests that members of this body request the United State Congress to enact a Regulation Freedom Amendment to the Constitution of the United States.

The United States currently has more than 300 independent and executive agencies, staffed by unelected officials, issuing thousands of rules and regulations each year that involve the everyday lives of people throughout this state and the nation. The Regulation Freedom Amendment provides a method to ensure that regulatory agencies remain accountable to the citizenry of the United States and encourage economic growth by reducing the costs associated with rules and regulations. The Regulations Freedom Amendment states, "Whenever one quarter of the members of the U.S. House or the U.S. Senate transmit to the President their written declaration of opposition to a proposed federal regulations, it shall require a majority vote of the House and Senate to adopt that regulation."

HOUSE BILL 128

Georgia Downtown Renaissance Investment Tax Credit Act

This legislation provides for a new revolving fund to be titled the "Georgia Downtown Renaissance Fund" and will be housed at the Department of Community Affairs. The fund will help cities with planning and revitalization of downtown areas through technical assistance and low interest loans.

The Commissioner of Community Affairs will be the director of the Georgia Downtown Renaissance Fund. The Department of Community Affairs will be authorized to promulgate any rules and regulations necessary to implement the fund. The initial investment into the fund will be capped on an annual basis of \$5 million per year for up to four years, not to exceed \$20 million.

EDUCATION AND YOUTH

SENATE BILL 288

QBE: High Schools Releasing Financial Reports; High School Overview Athletics Committee

This bill amends the "Quality Basic Education Act" to establish that no high school that receives funding under the QBE Act will participate in or sponsor interscholastic sports events unless the association releases financial reports. This bill also creates a "High School Athletics Overview Committee."

This bill states that high schools that receive QBE funding may not participate in athletic events sponsored by any athletic association unless that association publishes and provides to its members a financial report of its activities for the preceding calendar year. Such financial reports must include a complete financial statement, disclosing its assets, liabilities, income, and operating expenses.

This bill was amended to reinstate the High School Athletics Overview Committee found in Article 2 of Chapter 2 of Title 20 of the O.C.G.A. This article was repealed in 2006 by HB 1316. The High School Athletics Overview Committee will be composed of five members of the House of Representatives and five members of the Senate appointed by the Speaker of the House and the Lieutenant Governor. One of the members will be a member of the minority party; the chairperson of the House Committee on Education or their designee; and, the chairperson of the Senate Education and Youth Committee or their designee. All members will serve two-year terms, concurrent with their terms as members of the General Assembly. All associations will submit to the committee such reports and data as the committee will reasonably require. The committee will meet on or before the first day of January of each year and at other times that they deem necessary. The members of the committee will receive the same compensation, per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.

SENATE BILL 301

Allowing Wood Construction in Public School Facilities

This bill amends the statute relating to minimum facility requirements in public school facilities to disallow prohibitions on wood construction. Minimum facility requirements established by the State Board of

Education will not prohibit wood construction that is otherwise in compliance with state minimum standard codes as they existed on January 1, 2014.

SENATE RESOLUTION 875

Joint Study Committee on the “Property Tax Digest Impact on Education Funding”

This resolution forms a Joint Study Committee on the “Property Tax Digest Impact on Education Funding.”

The Joint Study Committee will be composed of 10 members. Five members will be of the Senate, appointed by the President of the Senate; and, five members will be of the House, appointed by the Speaker of the House of Representatives. This committee will study and evaluate the reporting of local tax revenues that impact the funding received by local school systems, specifically but not limited to equalization and five mill share. All findings must be reported to President of the Senate, Speaker of the House, and chairpersons of the House and Senate Committee on Appropriations on or before December 31, 2014, at which time the committee shall stand abolished.

SENATE RESOLUTION 1201

Integrating Braille Instruction into Classrooms

This resolution is urging the State Board of Education to integrate Braille instruction in the classroom. Instructional materials and textbooks in Braille is a primary means to providing a successful education to blind or visually impaired students. Readily available access to students would be available if publishers of textbooks sold to local boards of education, a furnished electronic version in the National Instructional Materials Accessibility Standard format to the National Instructional Materials Access Center. Teachers providing academic instruction to blind or visually impaired students should be able to read and write in Braille themselves and be properly trained in how to teach in Braille.

HOUSE BILL 405

Charter Schools, Governance Training; Uniform Reporting System for HOPE Scholarship

This bill requires members of governing boards of nonprofit organizations which are charter petitions, charter schools, and state charter schools to participate in initial governance training and requires that local school systems provide students with their HOPE eligibility GPA at the end of each school year.

Currently, local school board members of public schools must participate in and receive governance training. This bill establishes guidelines to create uniformity regarding the training. This bill also requires board members of charter schools to participate in governance training.

For charter schools that are college and career academies, the state board will provide or approve training in conjunction with the Technical College System of Georgia. The state board will be responsible for approving or providing for the initial annual training.

Also, this bill will require that at the end of each school year, the local school systems will provide all freshman, sophomore, and junior students, or their parent or guardian, with the students’ grade point average calculated by the Georgia Student Finance Commission for determining HOPE scholarship eligibility.

HOUSE BILL 766

Work Based Learning Act

This bill changes the provisions of and renames the Youth Apprenticeship Program to the Work Based Learning Program. Recognizing that employers can play an active role in shaping the quality of their future work force, this bill renames the Youth Apprenticeship Program as the Work Based Learning Program and further encourages participation by students and expands opportunity for employer participation. The Work Based Learning Program may include employability skill development, cooperative education internships and youth apprenticeships.

The Department of Education must establish guidelines for these programs that include:

- Any eligible student aged 16 or over, regardless of grade, may participate;

- Skill development must be focused on those skills related to the student's career pathway, not just on manufacturing and engineering technologies, office technology, and health care;
- Training plans must also include a training agreement between the student and employer;
- A minimum of one unit of credit in a career pathway course relating to the work based learning placement;
- A minimum number of hours of on-the-job training as required in the department's guidelines for awarding secondary credits;
- Local coordinators must be designated by the local school systems and college and career academies to oversee the work based learning programs established;
- Local coordinators will complete training programs that are collaboratively designed and delivered by the department and the Technical College System of Georgia; and
- College and Career Academies established pursuant to Code Section 20-4-37 will be eligible for funding assistance provided for the implementation of the work based learning program Act.

HOUSE BILL 826
Hazardous Objects

This bill addresses carrying hazardous objects within certain school safety zones at school and school functions and changes provisions relating to expulsion and disciplinary policies for students who bring hazardous weapons to school.

This bill revises the definitions of key terms, which are implemented throughout various parts of the O.C.G.A.

In existing law, a student faces criminal charges and expulsion from school for bringing hazardous objects within a school safety zone. This bill changes provisions to give local school boards the authority to regulate punishments as they deem appropriate.

This bill does not include firearms. Under current law, it is illegal for any person to possess a firearm or explosive compound other than fireworks within a school safety zone.

ETHICS

SENATE BILL 297

Declaration of Intent Requirement for Local Elections; Campaign Finance Disclosure Report Filing Exemption for Candidates Raising or Spending \$2,500 or less per Election Cycle

This bill requires candidates for local elections to file a declaration of intention to accept campaign contributions to be filed with the election superintendent, municipal clerk, or chief executive officer as applicable, which indicates to the filing clerk which candidates and officials will be responsible for filing campaign finance disclosure reports. All other campaign-related and qualifying-related forms are filed at the local level for local officials. This bill also clarifies that local officials are exempted from filing campaign finance disclosure reports if the official is not raising or spending more than \$2,500 per election cycle. Current law provides that the candidate's opportunity to request the exemption is the "date of qualifying" and thus elected local officials are unable to take the exemption until the next qualifying period. This bill amends the language to provide that the exemption notice requirement applies to each "election cycle" rather than date of qualifying.

HOUSE BILL 310

Revises Dates for Primaries, Elections, Runoff Elections; Revises times for Qualifying

Qualifying for the General Primary will be held beginning at 9 a.m. on Monday of the 11th week prior to the General Primary, and ending at 12:00 Noon on the Friday immediately following. Candidates for nonpartisan offices in the Nonpartisan General Election which is held in conjunction with the General Primary must qualify at the same time. The General Primary will be held on the 24th week preceding the November General Election. In 2014, that date will be May 20, 2014. The General Primary Runoff will be held on the Tuesday of the 9th week following the General Primary. In 2014, that date will be July 22,

2014. The General Election will be held on the Tuesday following the first Monday in November. In 2014, that date will be November 4, 2014. The General Election Runoff for federal offices will be held on the Tuesday of the 9th week following the General Election. For the 2014 elections, that date is January 6, 2015. The General Election Runoff for state and county offices will be held on the 28th day following the General Election. For the 2014 elections, that date is December 2, 2014.

FINANCE

SENATE RESOLUTION 415

Prohibit Increase in State Income Tax

This legislation proposes an amendment to the Georgia Constitution which would prohibit the General Assembly from raising the state income tax above the current rate of 6 percent.

HOUSE BILL 399

Local Government Air Facilities

This legislation changes existing law regarding local possession or use of properties for airports so that the parcel in question is not subject to ad valorem taxation, provided that the local interest in that specific parcel creates an estate in land.

HOUSE BILL 658

Repeal of Georgia Estate Tax

This legislation repeals the Georgia estate tax in its entirety. On and after July 1, 2014, there will be no estate taxes levied and no estate tax returns will be required. This bill will not affect tax, penalty, and interest liabilities and refund eligibility for prior taxable years. Also, any prosecution, punishment, penalty, administrative proceeding, or civil action related to any violation of law committed prior to July 1, 2014 will not be abated.

HOUSE BILL 719

Continuation of Joint County and Municipal Sales and Use Tax

A joint county and municipal sales and use tax levied and collected immediately prior to June 4, 2010 will continue to be collected. Any distribution certificate filed between June 4, 2010 and October 18, 2013 will be valid until a subsequent distribution certificate supersedes it.

HOUSE BILL 755

Forest Land Fair Market Value

This legislation expands the current definition of "forest land fair market value" to allow for a change in the 2008 fair market value of the forest land as the result of a successful appeal. This final fair market value will be used in the calculation of local assistance grants, and if the fair market value is reduced on an appeal, then the county or the municipality will reimburse the state, within 12 months, the difference between local assistance grants paid to the county and the amount which would have been due based on the final fair market value of the forest land.

Currently, before the superior court can take any action regarding a taxpayer's appeal of property tax, the taxpayer must pay the amount of property taxes assessed for the last year. This bill expands that provision to include the option for the taxpayer to pay the amount of the temporary tax bill if it is less than last year's assessed value. The temporary tax bill will be determined by the lesser of the valuation in the last year for which taxes were finally determined to be due on the property or 85 percent of the current year's valuation.

Current law does not require the disapproval of the county tax digest solely because appeals have been filed on the assessment of any property in the county. This bill requires the commissioner to not approve any county tax digest when the assessed value that is in dispute for any property exceeds 5 percent of the total assessed value of the total taxable digest of the county. Further, in any year in which a complete revaluation program is implemented, a county tax digest will not be approved if 8 percent or more of the assessed value is in dispute and 8 percent or more of the number of properties is in appeal.

If property owners have paid property taxes based on the fair market value and subsequently the fair market value is reduced on an appeal, then the county or municipality will reimburse the property owner the difference between tax remitted and the final tax owed for each year in which the incorrect fair market value of the land was used in the calculations. This bill provides that under no circumstances may a suit for refund be commenced more than five years from the date of the payment of taxes at issue.

HOUSE BILL 782

Facilitating Business Rapid Response to State Declared Disasters Act of 2014

This bill allows for utility contractors who come into the state from another state during times of a natural disaster to pay and file taxes in their home states. This only applies during times of a natural disaster and immediate clean-up and restoration of services.

Any out-of-state business that is in Georgia solely for the purposes of performing work or services related to a declared state of disaster or emergency will not be required to file state or local taxes. Further, this exemption extends to any state or local requirements including: business licensing requirements, employer income tax withholding, unemployment insurance, occupational licensing fees, PSC or Secretary of State licensing and regulatory requirements, and income tax. Also, any out-of-state employees will not be required to file and pay income taxes.

These exemptions will cease to exist when any out-of-state business or out-of-state employee remains in the state after the disaster or emergency period.

Any out-of-state business must provide a statement that it is in the state for purposes of responding to the disaster or emergency to the Georgia Emergency Management Agency.

HOUSE BILL 791

Tax Credits for Business Enterprises in Less Developed Areas

This bill provides that the redrawing of census tracts does not disqualify a designation as a less developed area for tax credit purposes. Current law allows for tax credits to be issued to a business located in an area that is adjacent to a federal military installation where pervasive poverty is evidenced by a 15 percent poverty rate or greater. This bill makes it possible for the business enterprise to maintain the tax credit if the redrawing of a census tract results in the enterprise no longer being adjacent to a federal military installation, provided that the area continues to have pervasive poverty.

HOUSE BILL 816

Sales and Use Tax for Delivery Charges

This bill adds an additional qualification for the "delivery charges" definition as it relates to sales and use tax. Current law defines "delivery charges" as charges by the seller for delivery to the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating, and packing. This bill defines what a "delivery charge" will not include, specifically, delivery charges will not include postage charges for the delivery of direct mail when the postage charge is passed on dollar-for-dollar without being marked up to the purchaser of the direct mail and separately stated on an invoice given to the purchaser.

HOUSE BILL 900

Consumable Supplies Sales Tax Exemption

This legislation exempts manufacturers' purchases of consumable supplies from sales and use tax.

HOUSE BILL 918

IRS Code Update

This is the annual Internal Revenue Code update. Because there have been no major tax actions on the federal level, the annual update contains no significant changes.

Additionally, the legislation includes a provision which requires all third-party payroll providers to submit all state withholding tax registration applications electronically.

HOUSE BILL 933

Out-of-State Aircraft Maintenance Sales and Use Tax Exemption; Civil Rights Museum Tax Credit

This bill eliminates the scheduled expiration of the current state sales tax exemption on the sale or use of engines, parts, equipment, or other tangible personal property used in the maintenance or repair of aircraft, provided that the aircraft is not registered in Georgia. Under current law, this exemption is set to expire on June 30, 2015, and this bill will make the exemption permanent.

This bill also provides a tax credit for a civil rights museum. This tax credit is similar to those given to The World of Coke and The College Football Hall of Fame. Current Code allocates the credit to a civil rights museum that is larger than 70,000 square feet. This bill allows the credit to be claimed by a civil rights museum that is larger than 40,000 square feet.

HOUSE BILL 954

Ad Valorem Tax: Fair Market Value Definition

This legislation changes the definition of "Fair Market Value" as it relates to assessment of real property. Current law provides that tax assessors must apply certain criteria to determine fair market value; the new language requires assessors to apply rent limitations and other restrictions placed upon the properties which are eligible for low-income housing tax credits authorized under the Internal Revenue Code.

HOUSE BILL 958

Extension of Certain Tax Exemptions

This bill includes extension and revision of the video game tax credit, sales tax exemptions for purchases made by food banks, food donated to food banks, donations of food during natural disasters, extension of the project of regional significance sales tax exemption, and back to school sales tax holidays.

The income tax credit for qualified interactive entertainment production companies now includes the following qualifications:

- Maintains a business location physically located in Georgia;
- Had a total aggregate payroll of \$500,000 or more for employees working in the state in the calendar year directly preceding the start of the taxable year;
- Has gross income less than \$100 million for the taxable year; and
- Is primarily engaged in qualified production activities related to interactive entertainment which are approved the Department of Economic Development.

The Department will issue a certification that the qualified company meets these requirements, but will not issue any certifications before July 1, 2014.

The timeline for the extension of the interactive entertainment production company tax credit will extend to the following schedule:

- January 1, 2014 to January 1, 2015: The amount of tax credits will not exceed \$12.5 million.
- January 1, 2015 to January 1, 2016: The amount of tax credits will not exceed \$12.5 million.
- The tax credits will not be available for taxable years beginning on or after January 1, 2016.

The following tax exemptions are extended:

- Sales of food and food ingredients to a qualified food bank are extended from July 1, 2014 until June 30, 2016.
- Purchases of back to school supplies commencing on August 1, 2014 and ending at Midnight on August 2, 2014.
- Purchase of energy efficient products or water efficient products with a sales price of \$1,500 or less per product purchased for noncommercial home or personal use commencing at 12:01 A.M on October 3, 2014, and ending at Midnight on October 5, 2104.
- Sales of tangible personal property used for and in the construction of a competitive project of regional significance are extended until June 30, 2016.

HOUSE BILL 983

Agricultural Tax Exemptions

This legislation clarifies the Georgia Agriculture Tax Exemption program by clearly defining what is to be exempt from sales taxes when used in conjunction with agriculture. Agriculture operations are delineated so as to provide a clear definition of what is to be deemed agriculture as well as the definition of who qualifies as a producer. The Commissioner of Agriculture is required to verify farming activity through certain tax filings of the applicant as well as work with the Department of Revenue to produce a list of exempted items.

This bill also outlines the tax exempt status of contractors. Contractors will not incur use tax on tangible personal property that a qualified agricultural producer purchases tax-exempt and furnishes to the contractor for use in the performance of an agricultural operation, provided the property is returned upon completion of the project. Further, use tax will not be incurred by the contractor for grain bins, irrigation equipment, and fencing which a qualified agricultural producer purchases tax-exempt and furnishes to the contractor for installation.

HOUSE BILL 1000

Setoff Debt Collection Utilizing the Administrative Office of the Courts

This legislation makes changes to existing setoff debt collection policies and provides new requirements for claimant agencies and courts to satisfy outstanding sums due. The bill gives courts the ability to collect debts owed through collection of a debtor's state income tax refund. It expands the scope of setoff debt collection to courts. A court means any trial, local, juvenile, magistrate, probate, municipal, police, civil or special courts. Debt means any liquidated sum relating to outstanding court judgments.

HEALTH AND HUMAN SERVICES

SENATE BILL 65

Licensed Professional Counselors and Emergency Examinations of the Mentally Ill

Georgia law authorizes physicians, psychologists, clinical social workers, and clinical nurse specialists in psychiatric/mental health to execute a certificate stating that he or she has personally examined a person within the preceding 48 hours and determined that the person requires involuntary treatment due to mental illness or alcohol or drug dependency. This bill authorizes licensed professional counselors to do the same. The term "licensed professional counselor" means any person authorized under the laws of this state to practice as a licensed professional counselor. This legislation will stand repealed in its entirety on March 15, 2015.

SENATE BILL 128

Professional Counselors, Social Workers, and Marriage and Family Therapists

This bill adds to the definition of "marriage and family therapy" to include diagnoses of emotional and mental problems as part of that specialty. It changes the definition of "Commission on Accreditation for Marriage and Family Therapy Education" to mean the national accrediting agency recognized by the Council for Higher Education Accreditation.

SENATE BILL 273

Maternal Mortality Review Committee

This legislation requires the Department of Public Health (DPH) to establish a Maternal Mortality Review Committee, specifically to review maternal deaths and to develop strategies for the prevention of maternal deaths. Under this bill, health care providers, facilities, or pharmacies providing access to medical records are not to be held liable for civil damages or be subject to any criminal or disciplinary action for good faith efforts to provide such records. Records, data, and notes collected under this legislation would not be admissible in any court or before any other tribunal board, agency, or person. Members of the committee are not to be questioned in any civil or criminal proceeding regarding collected information, expert opinions, or findings. Such records are not to be disclosed except for the narrow purpose of review by the committee and are to remain confidential.

SENATE BILL 352

Georgia Council on Lupus Education and Awareness

This bill creates the Georgia Council on Lupus Education and Awareness within the Department of Community Health (“DCH”). The Council will select a chairperson from among its members. The Council is to consist of six members:

- The commissioner of health, or the commissioner’s designee, as an ex officio member;
- Three members appointed by the Governor, including:
 - One physician who treats patients with lupus, and
 - One lupus patient;
- One member appointed by the Speaker of the House of Representatives; and
- One member appointed by the Lieutenant Governor.

The duties of the Council include: (1) initially investigating the level of education concerning lupus in Georgia, to be posted on its website; (2) developing information on lupus endorsed by government agencies, to be posted on its website; and developing a directory of lupus related health care services, to be posted on the DCH website.

DCH may distribute such information, subject to appropriations or access to other public or private funds. The Council is required to prepare an annual report on its activities and, as it deems appropriate, recommendations for legislative action. The Council may solicit and accept donations, gifts, grants, property, or matching funds from any public or private source for the use of the Council in performing its functions.

SENATE BILL 342

Disclosure of HIV Status to Certain Health Care Providers

This bill relates to the disclosure of AIDS confidential information. This bill allows DPH to disclose AIDS confidential information regarding a person who has been reported to be infected with HIV to a licensed health care provider whom that person has consulted for medical treatment or advice. Information would be provided for individuals who have yet to receive care, as well as those who have fallen out of care for HIV.

Current law allows administrators of an institution licensed as a hospital by DCH or a physician with a patient determined to be infected with HIV to disclose information to DPH. Current law also provides for the mandatory and nonanonymous reporting of confirmed HIV tests to DPH that are determined to be reasonably necessary by DPH. This bill allows DPH to use all the information it has received from other physicians to inform treating physicians. A treating physician who is seeing or has recently seen a patient for a medical reason unrelated to HIV can learn of a patient’s HIV status through DPH and initiate a process by which the patient can receive treatment for HIV. HIPAA standards will continue to apply outside of these provisions.

SENATE BILL 349

Department of Behavioral Health and Developmental Disabilities; Changes to Powers and Duties

This bill strengthens the delivery system for disability services following the recent transition from institutional care to community care in Georgia by providing that a governing board be established for every community service board (“CSB”) in Georgia. A CSB is defined under O.C.G.A. § 37-2-2 as a public body that delivers mental health, developmental disabilities, and addictive diseases services to an area designated by the Department of Behavioral Health and Developmental Disabilities (“DBHDD”). The governing board of each CSB is to consist of members appointed by the governing authorities of the counties within the CSB area. The number of members on a governing board is to be equal to the number of counties in the CSB area. The governing board of each CSB is permitted to appoint one additional member in an effort to address variations in population sizes within an area. Additionally, the number of elected or appointed officials serving on a governing board is to be equal to 33 percent of the number of members of such board.

Each CSB in existence on June 30, 2014 is to reconstitute the membership of its governing board in accordance with the provisions of this bill on July 1, 2014, and revise its bylaws to reflect any increases or

decreases in membership. After this effective date, established members continue to serve out their respective terms even if a governing board temporarily exceeds the maximum number of members provided for by this legislation.

SENATE BILL 358

Missing Child Reports for Foster Children

This bill broadens the definition of the term “parent or guardian” to include “a foster parent, a foster family member, or the Division of Family and Children Services (“DFCS”), in the case of a child who is in a foster home or in the foster care system.” By expanding the definition of “parent or guardian,” foster parents, foster family members, and DFCS are given the same authority to file a missing child report as parents or guardians who believe a child to be missing.

SENATE BILL 391

TRICARE Program

Taxable Income for Community Based Faculty Physicians

TRICARE Program

This bill requires medical facilities in Georgia to apply to the TRICARE program contractor for certification to participate in the TRICARE program. However, it does not require medical facilities to participate in or contract with TRICARE as a provider. TRICARE is a global health care program for military service members and their families. Medical facilities in Georgia will be required to apply to the TRICARE managed care support contractor for certification of its facilities by July 1, 2015.

If a medical facility fails to qualify for certification in the program, that facility must implement a plan to upgrade the facility, equipment, personnel, or other cause for the disqualification within one year of notice of such deficiency. Each medical facility will be required to submit reports to the commissioner detailing its efforts to join the TRICARE program. The commissioner will be required to maintain files on each medical facility and monitor each facility’s efforts to join the TRICARE program.

Taxable Income for Community Based Faculty Physicians

This bill adds a new paragraph to the subsection in O.C.G.A § 48-7-27 relating to the computation of taxable net income for Georgia income tax purposes. The bill adds amounts equal to \$1,000.00 for any physician who served as a community based faculty physician for a medical core clerkship, a physician core clerkship, and for a nurse practitioner core clerkship. This applies to all taxable years beginning on or after January 1, 2014.

SENATE RESOLUTION 746

State Plan for Alzheimer’s Disease and Related Dementias

This resolution encourages the adoption of the State Plan for Alzheimer’s Disease and Related Dementias (“Plan”), which was generated by the Georgia Alzheimer’s and Related Dementias State Plan Task Force (“Task Force”) pursuant to SB 14. The Plan developed by the Task Force is to serve as a blueprint to improve dementia prevention and treatment, community services, family support, and public awareness. The Plan is to ensure that people with dementia, as well as their families and caregivers, have reliable information, support, and services that are not only readily accessible, but are delivered as effectively and efficiently as possible. The Plan is a living document that is to undergo regular review and reassessment to ensure it is meeting the ever-changing needs of people living with dementia in Georgia.

SENATE RESOLUTION 828

Joint Study Committee on Emergency Relocation of Abused Adults

This resolution creates the Joint Study Committee on Emergency Relocation of Abused Adults. It recognizes that relocations of at-risk adults from substandard personal care homes have increased significantly over the past year, yet there is not a consistent process for relocating residents in the event of the closure of personal care homes or other residential facilities. Due to the lack of a consistent process, agencies are hindered in their efforts to transition residents from substandard, abusive situations to safer and more secure environments. In particular, the relocation process lacks: (1) an identified individual in charge of the relocation effort; and (2) formal protocol.

The committee will designate a lead agency, coordinator, and incident commander with the authority to undertake, direct, and coordinate agencies on the scene of relocation. The committee will also research legislation that creates a multidisciplinary team and address the needs, issues, and problems related to protecting at-risk adults during relocation. The multidisciplinary team, if developed through legislation, would serve to: develop protocol to be deployed each time an emergency relocation of residents is conducted; require training of personnel, including confidentiality and client sharing information; and provide immunity from liability to the team for its performance, so long as it is done in good faith.

The committee is to consist of nine members and will study and recommend any actions or legislation that it deems necessary or appropriate. The deadline for submitting a report of such findings and recommendations is December 31, 2014, the same date on which the committee stands abolished.

SENATE RESOLUTION 973

Senate Child Protection Study Committee

This resolution creates the Senate Child Protection Study Committee. The committee is to undertake a study of the conditions, needs, issues, and problems relating to ensuring the safety and welfare of Georgia's children. It will recommend any action or legislation the committee deems necessary or appropriate by submitting a final report of its findings.

This committee is to be composed of six members appointed by the President of the Senate. The President of the Senate is to designate one of the appointees as chairperson of the committee. The committee stands abolished on December 1, 2014, the deadline for submitting the final report.

SENATE RESOLUTION 981

Joint Study Committee on Violence Against Health Care Workers

Joint Study Committee on the Prescription of Medical Cannabis for Serious Medical Conditions

Part I of this resolution creates the Joint Study Committee on Violence Against Health Care Workers. The committee is to study the conditions, needs, issues, and problems related to violence committed against emergency department personnel.

Part II of this resolution creates the Joint Study Committee on the Prescription of Medical Cannabis for Serious Medical Conditions.

Each committee is to recommend any actions or legislation that the committee deems appropriate or necessary. Both committees will stand abolished on December 2, 2014.

SENATE RESOLUTION 1121

Georgia Diabetes Action Plan

This resolution encourages the Department of Community Health ("DCH") and the Department of Public Health ("DPH") to develop a report of Georgia's strategic action steps to prevent and control diabetes. The report is to include:

- An estimate of the financial impacts and reach that diabetes has on the programs administered by DCH and DPH and on individuals enrolled in those programs;
- An assessment of the benefits of existing programs and activities aimed at controlling and preventing diabetes, including the amount and source for any funding directed to DCH and DPH for these programs;
- A description of the level of coordination existing between DCH and DPH on activities on managing, treating, and preventing diabetes;
- The development or revision of detailed policy-related plans and budget recommendations for battling diabetes; and
- An estimate of savings and costs required to implement the plans and budget recommendations identified.

The Georgia Diabetes Action Plan is to serve as Georgia's blueprint for improving diabetes prevention and treatment. The plan is to undergo regular review and reassessment, changing as needed to meet the evolving needs of those living with diabetes in Georgia.

SENATE RESOLUTION 1175

Senate Study Committee on Medicaid Care Management Organizations Credentialing

This resolution creates the Senate Study Committee on Medicaid Care Management Organizations (“CMO”) Credentialing. In Georgia, the lack of a standardized credentialing application creates increased paperwork and delays in the credentialing process. This resolution stems from a need to establish a standardized credentialing application process, as well as a need to provide a reasonable application response time from the CMO and criteria for time extensions to such application response time. This resolution stresses the importance of adopting and using effective credentialing policies for CMOs.

The committee is to be composed of seven members appointed by the President of the Senate, one of the members to be designated as chairperson. This resolution directs all agencies of the state to provide the committee with assistance as needed for the study of the CMO credentialing process. After studying the issues described above, the committee is to submit a final report of its findings that recommends any action or legislation the committee deems necessary or appropriate. The committee stands abolished on December 1, 2014, the deadline for submitting the final report.

HOUSE BILL 251

Regulating E Cigarettes and Other Alternative Nicotine Products

This bill provides for the regulation of alternative nicotine products and vapor products for minors. This bill defines:

- “Alternative nicotine product” as any noncombustible product containing nicotine that is intended for human consumption;
- “Cigarette” as a roll for smoking made wholly or in part of tobacco when the cover of the roll is paper or any substance other than tobacco;
- “Tobacco product” as any kind and form of tobacco prepared to be suitable for chewing or smoking or both; or
- “Vapor product” as any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other means that can be used to produce vapor from nicotine in a solution or other form. This includes electronic cigarettes, electronic cigars, electronic pipe, or similar product or device.

These definitions are mutually exclusive and do not include any product regulated as a drug or device by the USDA. This bill adds alternative nicotine products, tobacco products, and vapor products to the list of cigarette and tobacco products banned from being sold to or possessed by minors as well as in vending machines. Under this bill, alternative nicotine products are to be included under the definition of “tobacco product sample.”

This bill mandates that the sign announcing the prohibition of selling cigarettes, tobacco products, or tobacco related objects to minors that is posted in places of business that sell these products, be updated to include alternative nicotine products and vapor products. This bill provides for the random, unannounced inspection of places where these products are sold to ensure compliance with these regulations.

HOUSE BILL 511

Coverage of Bariatric Surgery under the State Health Benefit Plan

In 2011, the State Health Benefit Plan (“SHBP”) ceased to offer coverage for bariatric surgery. This bill requires the Department of Community Health (“DCH”) to conduct a two-year pilot program on coverage for the treatment of obesity and related conditions under the SHBP, including coverage of medically necessary bariatric procedures for participants chosen for the program. The pilot program is limited to 75 members. To be eligible for participation, a member must have participated in the SHBP’s wellness program for at least 12 months, have a body mass index over 40 (or over 35 with one or more co-morbidities present), be a non-tobacco user, and have been covered under the SHBP for at least two years, among other requirements. Eligible individuals must apply to participate by completing, along with their physician, an obesity treatment program application by February 1 for each year of the pilot program.

Selected participants will receive a multi-disciplinary health evaluation at a Georgia facility designated by the American Society for Metabolic and Bariatric Surgery as a Bariatric Surgery Center of Excellence. Covered bariatric surgical procedures are gastric band, laparoscopic sleeve gastrectomy, and Rouen-Y gastric bypass. The SHBP's contracted health insurance carrier is to provide case management and patient follow-up services. Participants must agree to the pilot program's participation and reporting requirements, including a 12 month post-surgery case management program and to comply with all requests for postsurgical medical and productivity information.

A panel is to review the results of the pilot program every six months during the course of the program, and DCH is to provide a final report by December 15 of the last year of the pilot program to the chairpersons of House and Senate Committees on Health and Human Services and the House and Senate Committees on Appropriations.

HOUSE BILL 513

Georgia Medical Center Authority

This bill abolishes the Georgia Medical Center Authority by repealing Chapter 15 of Title 20 in its entirety. Upon abolishment, any funds held by the authority are to become a part of the general funds of this state, and any outstanding contracts, licenses, and obligations of the authority are to be transferred to the Board of Regents.

HOUSE BILL 772

Drug Testing for Applicants and Recipients of Public Assistance

This bill provides for drug testing for applicants and recipients of food stamps or temporary assistance for needy families ("TANF") benefits upon a reasonable suspicion of drug use. Drug testing under this Code section may not be required of individuals who are significantly hindered from doing so because of a physical or mental handicap or developmental disability. This bill also requires that all EBT cards used for food stamp benefits contain a photograph of one or more members of a household who are authorized to use the food stamp benefits. The effective date of the photo requirement on EBT cards is January 1, 2016.

A recipient of food stamps or TANF benefits who tests positive for controlled substances is ineligible for those benefits until he or she tests negative and for the following time periods corresponding with one's history of positive results:

- One month for a first positive result;
- Three months for a second positive result;
- One year for a third or subsequent positive result.

An individual who is denied benefits for one year may reapply for benefits after six months if the individual can document successful completion of a substance abuse treatment program offered by an approved provider. If a parent is deemed ineligible for benefits as a result of failing a drug test, the dependent child's eligibility is not to be affected, and an appropriate protective payee is to be designated to receive food stamps on behalf of the child. The parent may designate another individual, subject to drug testing based on a reasonable suspicion, to receive benefits for the minor child. This bill requires that the designated individual be an immediate family member, unless a family member is unavailable or declines. In such a case, the department may approve another individual.

Results of drug tests are not subject to public disclosure, and the results may not be used as part of a criminal investigation or criminal prosecution. Further, the results may not be used in a civil action or be otherwise disclosed to any person or entity without the express written consent of the person tested or his or her heirs or legal representative. Records must be destroyed and deleted five years after the date of the test.

HOUSE BILL 835

Schedules I, III, and IV Controlled Substances and Dangerous Drugs

This bill provides for the “annual revisions” of Schedules I, III, and IV controlled substances and dangerous drugs, including hallucinogenic “bath salts.”

HOUSE BILL 899

Penalties for Unlicensed Personal Care Homes

This bill revises penalties for owning or operating an unlicensed personal care home. Current law provides that owning or operating an unlicensed personal care home in Georgia constitutes a nuisance dangerous to the public health, safety, and welfare. This bill allows the commissioner or the district attorney to file a petition to abate the nuisance of an unlicensed personal care home in the jurisdiction corresponding to the location of the nuisance.

This bill provides that a person who owns or operates a personal care home without proper licensure is to be found guilty of a misdemeanor for a first violation. A violation that is in conjunction with abuse, neglect, or exploitation, constitutes a felony, punishable by imprisonment for one to five years following a conviction. Following a conviction for a second or subsequent violation, a person is to be found guilty of a felony, punishable by imprisonment for one to ten years.

HOUSE BILL 965

Georgia 9-1-1 Medical Amnesty Law; and Authorization to Prescribe and Administer Opioid Antagonists

Georgia 9-1-1 Medical Amnesty Law

This bill creates a Georgia 9-1-1 Medical Amnesty Law that is similar to other Good Samaritan Laws in 14 other states. This law gives immunity from arrest, charge, or prosecution for drug or alcohol violations to certain persons involved in overdose situations. Under this legislation, a drug violation is defined to limit immunity to those individuals holding a specified amount of a controlled substance. To encourage individuals to seek medical assistance for an overdose, this bill provides immunity to certain persons who access Georgia’s 9-1-1 system in good faith.

Those persons who are offered immunity under this law include:

- 1) Any person experiencing a drug overdose who, in good faith, seeks medical assistance for himself or herself by calling 9-1-1;
- 2) Any person who seeks medical assistance for another person experiencing a drug overdose by making a “good faith” 9-1-1 call; and
- 3) Any person under 21 years of age who seeks medical assistance for an alcohol related overdose.

A person may seek medical assistance by accessing the 9-1-1 system or otherwise contacting or assisting in contacting law enforcement or a poison control center, or providing care to a person experiencing an alcohol related overdose while waiting for medical assistance.

Authorization to Prescribe and Administer Opioid Antagonists

This bill also authorizes practitioners to prescribe and pharmacists to dispense an opioid antagonist for use when following a specified protocol to persons at risk of experiencing an opioid related overdose, as well as to a pain management clinic, first responder, harm reduction organization, family member, friend, or other person in the position to assist the person at risk of overdosing. First responders, family members, friends, or other persons in the position to assist a person at risk of an opioid related overdose are permitted to administer an opioid antagonist to a person at risk of overdosing while acting in good faith and in accordance with the protocol specified by such practitioner.

Pursuant to the order of licensed physician, EMS personnel and paramedics are also authorized to administer opioid antagonists. They are required to obtain appropriate training and notify the appropriate EMS system of the possession and maintenance of opioid antagonists by its personnel.

HOUSE BILL 966

The Department of Public Health; Alzheimer's Disease Registry

The State Alzheimer's Disease and Related Dementias Task Force recommended a central data base be developed by the Department of Public Health (DPH), whose goal is to gather statistics and maximize prevention of diseases. This bill requires DPH to establish procedures and promulgate rules and regulations for the establishment and operation of a State Alzheimer's Disease Registry.

HOUSE BILL 990

Prohibits the Expansion of Medicaid Eligibility without Prior Legislative Approval

This bill prohibits the Department of Community Health, the Board of Community Health, or any other representative of the state from expanding Georgia Medicaid eligibility by increasing the income threshold without prior legislative approval. Such legislative approval may only be by: (1) Act of the General Assembly; or (2) adoption of a joint resolution of the General Assembly. This bill only applies to expanding eligibility through increasing the income threshold for the Medicaid entitlement program. It does not apply to any increase in the federal poverty level that may result from a cost-of-living increase.

HOUSE BILL 998

The Georgia Board for Physician Workforce—Medical Student Scholarships and Loans

This bill provides new specifications for the repayment of medical student loans and scholarships. Such loans and scholarships are to be granted to applicants on a conditional basis, providing that the full amount of the loan or scholarship be repaid to the State of Georgia in the form of service.

This bill provides that an applicant's services are to be rendered by practicing in his or her profession in an area in the state that is:

- rural and underserved by primary care physicians, as determined by the board;
- in a regional area of this state composed of rural counties where an unmet need for certain primary care and other critical need specialty physicians exists, as determined by the board and approved by the commissioners of community health and public health; or
- located at any hospital or facility operated by or under the Department of Public Health, the Department of Behavioral Health and Developmental Disabilities, the Department of Corrections, or the Department of Juvenile Justice.

An applicant is to receive credit for the amount of scholarship received during any one year in medical school, with interest, for each year he or she practices in such a board approved location. This bill further provides that an applicant who is unable to obtain a license to practice medicine from the Georgia Composite Medical Board will be liable to the board for breach of contract and damages to the board for all sums advanced to the applicant with interest.

HIGHER EDUCATION

SENATE BILL 274

Agricultural History Museum

This bill designates an area within the Capitol Museum as the "Georgia Capitol Agricultural History Museum."

Being that agriculture plays a vital and essential role in Georgia's economic growth; this bill entails for certain areas within the capitol museum to be dedicated to the history of agriculture. The Capitol Arts Standards Commission, in cooperation with the Board of Regents of the University System of Georgia and the Commission on the Preservation of the State Capitol, will allocate these areas. The designated area will be maintained, operated, and managed in the same manner as the other areas of the museum.

The Capitol Arts Standards Commission can accept federal and private funds to maintain this artwork. All funds received for the artwork shall be maintained in a separate interest-bearing account, and this account should not lapse.

HOUSE BILL 490

Revised Library Personnel Health Insurance

This bill revises health insurance coverage for employees of county and regional libraries.

Currently, employees employed by county and regional libraries are required to work 17.5 hours per week to qualify for health insurance benefits through the State Health Benefit Plan (SHBP). This bill increases the number of hours that employees are required to work, to at least 30 hours per week, in order to qualify for health insurance benefits through the SHBP.

According to the fiscal note, approximately 164 library personnel will be impacted by this bill and it is estimated that there will be a savings of \$1.66 million annually for local governments affected by the bill. A precise estimate of the net fiscal impact of this bill to the State cannot be calculated as it would depend upon the actual amount of claims filed by the affected library personnel covered through the SHBP.

HOUSE BILL 697

Amending the Powers and Composition of GSFC, GHEAC, and GSFA; and Creating the Zell Miller Grant Scholarship

This bill:

- Revises the powers of the Georgia Student Finance Commission (“GSFC”);
- Revises the functions and composition of the board of directors of the Georgia Higher Education Assistance Corporation (“GHEAC”) and the Georgia Student Finance Authority (“GSFA”);
- Changes the distributions of funds contributed by taxpayers to student loan funds, and allows GSFA to establish nonprofit corporations for the distribution of those funds;
- Provides for Zell Miller Grant Scholars and eligibility criteria; and
- Renames Zell Miller Scholars as “Zell Miller Scholarship Scholars.”

Part I: Powers and Composition of the GSFC, GHEAC, and GSFA

This bill adds the power to solicit and accept funds from any source to GSFC and GSFA’s existing powers to receive funds from any source and use such funds on behalf of the respective institutions and their purposes.

This bill also strikes a 13-member cap from the board of directors of GHEAC and GSFA. Currently, these members are the same persons serving on the board of commissioners of GSFC, each chosen to represent a congressional district of Georgia.

This bill also allows GSFA to incorporate one or more nonprofit corporations to aid GSFA in carrying out its powers, duties, and functions. GSFA is not liable for the debts, obligations, bonds, actions, or inaction of any such nonprofit corporation.

This bill also adds to every Georgia income tax return form the opportunity for taxpayers to contribute to the nonprofit corporations created by GSFA to assist students with educational expenses. These funds will be evenly distributed among the nonprofit corporations established by GSFA.

Part II: Zell Miller Grant Scholarship

This bill defines Zell Miller Grant Scholars as students who: have met applicable eligibility requirements to receive a HOPE grant; and have earned a cumulative grade point average (“GPA”) of at least 3.5 at the end of any quarter or semester in which the student has attended courses toward a diploma or certificate.

For each semester or quarter following a semester or quarter that it is determined that a student is a Zell Miller Grant Scholar, a student shall be awarded an amount in addition to the HOPE award amount equal to the difference between the HOPE award amount and the then current academic year standard undergraduate tuition amount at the institution to be paid or the exceptional tuition rate amount in effect on January 1, 2014, for programs with exceptional tuition rates in effect on January 1, 2014.

Eligibility will be determined on a semester or quarter basis, and the grant will be paid for the next semester or quarter in which the student is enrolled. A Scholar will also receive one semester or quarter

of retroactive payment if the student was previously ineligible to be a Scholar because he or she had no cumulative GPA.

HOUSE BILL 763

Georgia Military College; Bachelor of Applied Science Degree Program

This bill adds provisions that students at the Georgia Military College (GMC) can go beyond the level of an associate degree education when studying for a Bachelor of Applied Science degree program. This allows GMC to be more competitive and offer students with an AAS degree a pathway to a four year BAS degree. These programs cannot be offered by an institution of the Board of Regents of the University System of Georgia that is located in the same county.

HOUSE BILL 788

Ad Valorem Tax Exemption for Private Interests in Property of the Board of Regents

This bill provides that property held by a private party on a campus of the Board of Regents primarily used for student housing or parking will be considered public property. This property is exempt from ad valorem tax and will not constitute a special franchise. The Secretary of State will call and conduct a referendum for the approval or disapproval of this Act in conjunction with the November 2014 general election. If approved, this Act shall become effective January 1, 2015.

HOUSE BILL 810

HOPE Eligibility Requirements

This bill revises eligibility requirements for HOPE scholarships for entering freshman students who obtained a GED or graduated from a home study program or a non-eligible high school.

Current law allows a student who is otherwise qualified for the HOPE scholarship and received a GED diploma, is a graduate from a home-study program, or is a graduate from a non-eligible high school to be eligible for the HOPE scholarship if that student earned a score in the 85th percentile or higher nationally on a standardized college admission test.

This bill revises current law to allow students who earned a score in the 80th percentile or higher to be eligible for HOPE.

INSURANCE AND LABOR

SENATE BILL 98

Abortion Coverage Prohibited

This legislation prohibits health plans offered through a state or federal health exchange within Georgia from offering abortion coverage except in the case of a medical emergency. The State Health Benefit Plan is also prohibited from covering expenses for abortion services, except to the extent permitted under the plan approved by the Board of Community Health as it existed on January 1, 2014.

"Abortion" is defined as the use or prescription of any instrument, medicine, drug, or any other substance or device with the intent to terminate the pregnancy of a female known to be pregnant. The term "abortion" does not include the use or prescription of any instrument, medicine, drug, or any other substance or device employed solely to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of a spontaneous abortion. The term "abortion" also does not include the prescription or use of contraceptives. "Medical emergency" is defined as any condition which, in reasonable medical judgment, so complicates the medical condition of a pregnant female as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial or irreversible impairment of a major bodily function of the pregnant woman or death of the unborn child. No such condition will be deemed to exist if it is based on a diagnosis or claim of a mental or emotional condition of the pregnant woman or that the pregnant woman will purposefully engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

The definitions are not new and are found in current law.

This legislation also authorizes the General Assembly to appoint one or more of this bill's sponsors to intervene as a matter of right in any case in which the bill's constitutionality is challenged.

SENATE BILL 304

Continuing Care

This legislation authorizes continuing care providers to offer continuing care at facilities in which a resident purchases a resident owned living unit as part of a continuing care agreement.

"Continuing care agreement" is defined as a contract or agreement to provide continuing care or limited continuing care. Such agreements include agreements to provide care for any duration, including agreements that are terminable by either party.

"Continuing care" is defined as furnishing pursuant to a continuing care agreement:

- Lodging that is not:
 - In a skilled nursing facility;
 - An intermediate care facility;
 - An assisted living community; or
 - A personal care home;
- Food; and
- Nursing care provided in a facility or other setting designated by a continuing care agreement to an individual not related to the provider furnishing such care upon payment of an entrance fee including skilled or intermediate nursing services and, at the discretion of the continuing care provider, personal care services.

A "resident owned living unit" is defined as a residence or apartment, the purchase or sale of which is not included in an entrance fee, which is a component part of a facility, and the resident has an individual real property ownership interest.

The legislation also amends current provisions that require each facility to maintain, as public information, a copy of its current and previous disclosure statements that have been filed with the state.

SENATE BILL 325

Fire Protection Sprinkler Contractors and Fire Suppression Contractors

This legislation strengthens provisions regulating fire protection sprinkler contractors and fire suppression contractors.

SENATE RESOLUTION 747

Biggert-Waters Flood Insurance Reform Act of 2012

This resolution urges Congress to enact legislation to repeal or amend the Biggert-Waters Flood Insurance Reform Act so as to make flood insurance more affordable for working families, individuals, and businesses, and eliminate the negative economic impact on home owners, the real estate market, the banking industry, and countless local and state economies.

HOUSE BILL 229

Property and Casualty Insurers

Under current law, each property and casualty insurer is required to submit an annual report to the Commissioner detailing its direct writing in Georgia. This legislation no longer requires this to be done statutorily, and instead allows the Commissioner to require the reports by rule or regulation.

HOUSE BILL 246

Georgia World Congress Center Authority – Employee Benefits

This legislation authorizes the Georgia World Congress Center Authority to establish a flexible employee benefit plan for its employees.

This legislation also authorizes the Authority to irrevocably elect or reject any optional plans for its employees no later than June 30, 2014. Any new optional plans or any contracting with new or additional insurers under existing plans must be approved by the Employee Benefit Plan Council.

HOUSE BILL 375

Cancellation of Insurance Policies

In lieu of existing cancellation provisions in state law, if the terms of a policy permit an audit, and the insured fails to submit to or allow an audit for the current or most recently expired term, the insurer may send a written notice of cancellation to the insured at least ten days prior to the effective date of cancellation. However, the insurer must first make two documented efforts to notify the policyholder and the policyholder's agent of the potential cancellation, via certified mail, and no cancellation notice can be mailed within 20 days of the first documented effort.

HOUSE BILL 610

Public Adjusters; and Excess Wear and Use Waivers

Public Adjusters

This legislation expands the definition for public adjusters while clarifying their contracts, licensing, roles, powers, duties, and prohibited acts. A public adjuster is an insurance claims adjuster who advocates for the policyholder in appraising and negotiating an insured's insurance claim.

Excess Wear and Use Waivers

This legislation provides a framework within which excess wear and use waivers are defined and may be offered within this state. Under this legislation, excess wear and use waivers are not considered insurance and are treated under Georgia law in the same manner as guaranteed asset protection waivers.

An excess wear and use waiver is defined as a contractual agreement wherein a creditor agrees for a separate charge to cancel or waive all or part of the excess wear and use charges owed by the borrower to the creditor under the lease contract when the borrower returns a leased vehicle to the creditor at termination of the lease, which agreement must be part of, or a separate addendum to, the lease contract.

HOUSE BILL 645

Insurance Transactions Conducted Electronically

This legislation allows insurance transactions to be executed electronically in a manner conforming with the "Uniform Electronic Transactions Act," found under Chapter 12 of Title 10, and only if the insured agrees to such provisions.

HOUSE BILL 714

Unemployment Compensation

Educational Service Workers

Under current law, teachers are prohibited from collecting unemployment compensation during certain periods, such as summer breaks between two successive academic years, or during an established and customary vacation or holiday recess.

This legislation extends this provision to educational service workers who perform services for an employer holding a contractual relationship with an educational institution, institution of higher education, or Pre-K program and there is a reasonable assurance of returning to work for the institution. If compensation is denied to the individual and that individual is not offered the opportunity to return to work, then he or she will be entitled to retroactive payment for each week during that period of unemployment, provided that they meet all other eligibility requirements.

This provision becomes effective on January 1, 2015.

Unemployment Compensation Compliance

This legislation also incorporates language from HB 1027 which places Georgia in compliance with federal unemployment compensation law. That bill's author has stated that failure to adopt its provisions could result in a loss of \$80 million from the Unemployment Trust Fund.

HOUSE BILL 828 Ambulance Chasing

This legislation prohibits any person in a capacity as a law enforcement officer, law enforcement records staff member, wrecker services staff member, emergency staff member, physician, hospital employee, or attorney from soliciting, releasing, or selling any information relating to the parties of a motor vehicle accident for personal financial gain. This prohibition does not apply to mass media advertisement and solicitation.

This legislation also prohibits:

- Any person firm, corporation, partnership, or association from acting as a capper, runner, or steerer for any attorney or health care provider. This does not prohibit an attorney or provider from making a referral and receiving compensation as is permitted under applicable professional rules of conduct;
- Any attorney or health care provider from compensating a person acting as a capper, runner, or steerer; and
- Any organization from recommending or securing an attorney or provider for a client, patient, or customer if such attorney or provider obtains or intends to obtain benefits under an insurance policy or asserts a claim against an insured or an insurer for providing services to the client, patient, or customer. This prohibition does not apply to mass media advertisement and solicitation.

A first time violation of this legislation by a natural person is a misdemeanor. Second and subsequent violations are felonies.

Finally, this legislation clarifies restrictions on releasing accident reports to the media by requiring the requesting media representative to submit a statement affirming that the use of the accident report will not violate this legislation.

HOUSE BILL 840 Insurance Professions

This legislation clarifies current law by using general terminology to reference licensed professions regulated by the Insurance Commissioner, instead of listing them individually.

HOUSE BILL 920 Unclaimed Life Insurance Benefits Act

This legislation requires life insurers to perform a comparison of their in-force policies, annuities, and retained asset accounts against a Death Master File, on at least a semiannual basis, to identify potential matches. An insurer may comply with this requirement by using the full Death Master File once and thereafter using the update files for future comparisons. This provision does not limit an insurer from requesting a valid death certificate as part of any claims validation process.

If an insurer learns of the possible death of a person, the insurer must within 90 days:

- Complete and document a good faith effort to confirm the death of the person against other available records;
- Determine whether the deceased person had purchased any other products with the insurer;
- Determine whether benefits may be due; and
- If the beneficiary has not communicated with the insurer within the 90 day period, take reasonable steps to locate and contact the beneficiary.

In the event the proper recipients cannot be found, the benefits will be transferred to the state as unclaimed property. However, payable interest will not be payable as unclaimed property.

The Commissioner may, in his or her reasonable discretion:

- Limit an insurer's Death Master File comparisons to the insurer's electronic searchable files or approve a plan and timeline for conversion of the insurer's files to electronic searchable files;
- Exempt an insurer from the comparisons or permit an insurer to perform such comparisons less frequently than semiannually upon a demonstration of financial hardship by the insurer; or
- Phase in this legislation's compliance according to a plan and timeline approved by the Commissioner.

Failure to meet the requirements of this legislation is considered a violation of Unfair Trade Practices Act.

In the event that an insurer has identified a person as deceased, but is unable to locate a beneficiary, the insurer is authorized to report and remit the proceeds to the state on an early reporting basis, without further notice or consent by the state. Once reported and proceeds remitted, the insurer will be relieved and indemnified from any additional liability. This legislation is applicable to policies issued or renewed on or after January 1, 2015.

HOUSE BILL 943

The Georgia Health Care Freedom Act; and The Cancer Treatment Fairness Act

The Georgia Health Care Freedom Act

This legislation prohibits state and local governments from advocating for the expansion of Medicaid coverage in Georgia. However, this does not prohibit public employees or officers from advocating for the expansion on personal time, as part of such person's official duties, or from providing bona fide educational instruction about the Affordable Care Act (ACA) in institutions of higher learning. This prohibition will be enforced by the Attorney General.

This legislation also prohibits state and local governments from establishing or operating a health care exchange or navigator program. Additionally, state and local governments are prohibited from applying for, accepting, or expending any money to operate an exchange. However, this prohibition does not apply to any navigator-related grant in effect on this bill's effective date.

Nothing in this legislation applies to the regulation and licensing of insurance navigators found in Article 3 of Chapter 23 of Title 33.

Cancer Treatment Fairness Act

This legislation also requires health insurance policies that provide coverage for intravenously administered chemotherapy to provide at least the same level of coverage for orally administered chemotherapy.

Insurers are prohibited from:

- Varying the terms of any policy in effect on December 30, 2014, to avoid compliance with this legislation;
- Providing any incentive, including a monetary incentive, or imposing treatment limitations to encourage a covered person to accept less than the minimum protections available under this legislation;
- Penalizing a provider or reducing or limiting their compensation for recommending or providing services or care to a covered person as required under this legislation;
- Providing any incentive to induce a provider to provide services that do not comply with this legislation; or
- Changing the classification of any intravenously administered chemotherapy or increasing the amount of cost sharing applicable to any intravenously administered chemotherapy in effect on January 1, 2015, in order to achieve compliance with this legislation.

An insurer that limits the total amount paid by an insured through all cost sharing requirements to no more than \$200.00 per filled prescription for any orally administered chemotherapy will be deemed to be in compliance with this legislation.

This provision becomes effective on January 1, 2015.

INTERSTATE COOPERATION

HOUSE BILL 898

Enacts the Interstate Compact for Juveniles

This bill enacts the Interstate Compact for Juveniles and authorizes the Governor to execute a compact on behalf of Georgia with any of the United States legally joining in the Compact. The Compact adopted by the participating states creates the Interstate Commission for Juveniles. Each state adopting the Compact must create a State Council for Interstate Juvenile Supervision. Its membership must include representatives from: the Legislative, Executive and Judicial Branches of government; victims groups; and the Compact administrator for the enacting state. Each compacting state has one vote on the issues before the Interstate Commission.

Georgia joined the original juvenile compact in 1955 and operated under its terms until its expiration on June 30, 2011. According to the Council of State Governments, forty-nine states, the District of Columbia, and the U.S. Virgin Islands have adopted the compact. Georgia will now be the last state to adopt the Compact.

Until Georgia adopted the Compact, there was no mechanism in place for Georgia to send juvenile offenders from other states back home or for registering teen offenders who cross the border into Georgia.

The Interstate Commission

The Interstate Commission is responsible for overseeing the administration and operation of the interstate movement of juveniles subject to the compact; and the courts and executive agencies of compacting states must enforce the compact. The Interstate Commission must attempt to resolve any disputes between states, including promulgating rules providing for both mediation and binding dispute resolutions.

The Interstate Commission collects an annual assessment from each compacting state to cover the cost of operations sufficient enough to cover its annual budget as approved.

A compacting state may withdraw from the compact by repealing the state statute enacting it.

JUDICIARY

SENATE BILL 125

Duty of Lawful Possessor of Land to Trespassers

This bill expresses the intent of the General Assembly to codify and preserve Georgia's common law regarding duties owed to trespassers by landowners. The bill specifically rejects application of the Third Restatement of Torts which imposes additional duties on landowners from those found in Georgia common law, including the duty to exercise reasonable care as to all trespassers. The bill also expresses the General Assembly's intent to preserve the attractive nuisance doctrine. The bill also adds new sections to the Code defining "possessors of land" and providing that possessors of land owe no duty of care to a trespasser except to refrain from causing a willful or wanton injury.

SENATE BILL 187

Victim Compensation

This bill clarifies the language in the Code relating to criminal procedure and victim compensation. This bill also extends the time frame for victims of certain crimes to request victim compensation from one year to three years. Further, this bill provides that when a forensic interview is conducted and funding is available, the cost of the interview for a minor or person who is developmentally disabled may be paid for by the fund in an amount determined by the Criminal Justice Coordinating Council.

SENATE BILL 282

Child Support and Enforcement of Child Support Orders

This bill enacts a number of changes recommended by the Georgia Child Support Commission relating to child support and the enforcement of child support orders. Changes include provisions relating to the process of calculating the child support obligation, proof of parental income, inclusion of veterans' disability benefits in gross income, resolution of disputes regarding income, adjustments to gross income of self-employed parents, grounds for deviation from the statutory presumptive child support obligation, case reviews, use of child support worksheets, and duties of the Georgia Child Support Commission.

SENATE BILL 290

Amending Dog Control Judicial Processes and Owner Responsibilities

This bill amends the statute relating to control of dangerous or vicious dogs by allowing local governments to designate multiple individuals as dog control officers. This bill also provides for the hearing of contested cases regarding dangerous or vicious dogs by local probate courts instead of animal control boards or local boards of health if an animal control board or board of health has not been established in the jurisdiction.

The bill provides for judicial review of decisions rendered by animal control boards, local boards of health, and local probate courts regarding dog control, and specifically provides for probate courts' appellate jurisdiction over cases originally heard by animal control boards or boards of health. The bill also adds provisions to the Code sections dealing with the jurisdiction of local probate courts to clarify that probate courts are empowered to hear dog control cases and to assess civil and criminal penalties in those cases. This bill also shortens the time an owner has to request a hearing regarding a dog confiscation from 15 days to 7 days after receiving notice of confiscation and requires dog owners to pay for reasonable confiscation, housing, and euthanasia expenses in certain cases, unless the confiscation of the dog is deemed to be in error. Under this bill, if a dog is deemed to be dangerous or vicious and no owner is found within 10 days following the date of confiscation, the dog may be released to an animal shelter or humanely euthanized. If an owner is located but does not recover the dog, pay all reasonable confiscation and housing costs, and provide proof of compliance with laws relating to care and housing of dangerous or vicious dogs within 12 days of the date the dog was confiscated, the dog must be released to an animal shelter or humanely euthanized. Under current law, the owner has 20 days to meet these requirements.

This bill also modifies the definition of "sterilization" of dogs and cats in shelters to include non-surgical methods or technologies.

SENATE BILL 340

Updates and Corrections Proposed by Code Revision Commission

This bill incorporates numerous updates and corrections to grammar, terminology, and punctuation to the Official Code of Georgia recommended by the Georgia Code Revision Commission (CRC). These revisions were proposed pursuant to the CRC's authority in O.C.G.A. § 28-9-3(17).

SENATE BILL 341

Powers of Probate Clerks Regarding Uncontested Matters; and Supplemental Salary of Probate Judges

Current law provides that the chief clerk of a probate court (or if there is no chief clerk, a clerk appointed by the probate judge) may exercise all the jurisdiction of the probate judge with regard to uncontested matters before the court if the clerk has been: (a) a member of the State Bar of Georgia for at least three

years; or (b) a clerk in the probate court for at least five years. Current law also provides that this authority may only be exercised by probate court clerks in counties with a population exceeding 90,000 persons according to the 2010 census. This bill repeals the population threshold in the current statute. Under this bill, all probate court clerks meeting these requirements will be permitted to exercise the power of probate judges in uncontested matters, regardless of the size of their county.

The bill adds language to Title 15 clarifying that a county is not required to pay a local supplement to a judge beyond the term of office for which the supplement was approved. The bill also adds language providing that in any county in which a probate judge serves as magistrate or chief magistrate, the county is not required to pay the compensation provided by statute beyond the term for which such probate judge serves as magistrate or chief magistrate. The bill also provides that for judges who hold and conduct elections, the county is not required to pay the compensation required by statute beyond the period in which the judge provides such services.

SENATE BILL 386

Redaction of Social Security Numbers, Taxpayer IDs, and Account Numbers in Court Filings; Terms of the Court Sessions of the Bartow County Superior Court (Cherokee Circuit)

This bill provides that unless the court orders otherwise, in court filings and garnishment summonses where social security numbers, taxpayer identification numbers, and/or financial account numbers are included, only the last four digits of any such number may be included in the filing. If birthdates are included, only the year of an individual's birth may be included. If a minor is identified, only the initials of the minor may be included. This bill applies to filings made by both parties and non-parties.

The bill provides that if an inadvertently unredacted document is filed, this failure to redact may be cured, and such failure is not a barrier to filing. The court may order that an unredacted copy of the document be sealed and that it be replaced in the public record with a redacted version. In addition, for filings made under seal, the court may order the filer to file a version of a document that complies with the redaction rules stated above. In addition, courts may require, upon a showing of good cause, sealing or redaction of additional information or may limit or prohibit a non-party's electronic access to documents filed in court. Filers making a redacted filing also have the option to file an unredacted copy under seal. The bill also provides that a person forfeits the protections provided by this bill to the extent he or she files documents publicly that contain unredacted personally identifiable information.

This redaction requirement does not apply to the following: (a) financial account numbers that identify property allegedly subject to forfeiture in a civil forfeiture proceeding; (b) records of a state or federal administrative or agency proceeding; (c) records of a state or federal court or tribunal, if that record was not subject to federal or state redaction requirements when originally filed; (d) filings made in probate court; and filings made under seal.

The bill also provides redaction rules applicable to magistrate court, including electronic filings and conforms forms used for garnishment filings to these redaction requirements.

This bill also provides that the terms of the Bartow County Superior Court shall begin on the first Mondays in February, May, August, and November. Current law provides that terms of the Bartow County Superior Court begin on the first Monday in February and August, the fourth Monday in April, and the third Monday in October.

HOUSE BILL 135

Notice of Specific Damages for Claim against Municipal Corporation

This bill adds a new Code section providing that a claimant who is seeking monetary damages from a municipal corporation, within six months from the date of the event giving rise to the claim, must provide notice to the municipal corporation indicating the specific amount of monetary damages being sought. This bill also adds a new Code section which provides that the amount of damages set forth in the notice constitutes an offer in compromise but is not binding on the claimant if the claimant litigates the claim. This bill requires the claim to be served upon the mayor or the chairperson of the city council or city commission.

HOUSE BILL 215

Requirements for Superior Court Clerk When Filing Conveyances of Real Property; and Office Hours for Clerks of Superior Court

This bill changes the duty of superior court clerk with regard to conveyances of real or personal property. Current law requires the clerk to note the date and time a conveyance is recorded in county records. This bill changes that requirement to instead require the clerk to note the date and time the conveyance is filed for recordation. Current law prohibits the clerk from recording any instrument or document conveying real or personal property unless the document is prepared in accordance with the filing statute. This bill adds an additional requirement by providing that the clerk may not record any instrument without receiving all required fees and taxes due in connection with the filing.

Current law generally requires superior court clerks' offices to be open for business Monday through Friday from at least 9:00 am until 5:00 pm, unless such office is closed for training, lunch breaks, holiday, or inclement weather. This bill provides that if a court clerk's office has fewer than two employees, that office is permitted to be open from 8:00 am until noon and from 1:00 pm until 5:00 pm.

HOUSE BILL 438

Collection of Legal Costs in Civil Actions

Current law allows superior, state, probate, and magistrate courts to assess a \$7.50 fee in each civil case that is filed. Such fees must be used to provide court-connected or court-referred alternative dispute resolution programs. This bill raises the maximum fee collected for these purposes to \$10.00 per case.

HOUSE BILL 449

Disclosure of Audio Recordings of 911 Calls

This bill provides that audio recordings of 911 calls to emergency authorities may not be disclosed pursuant to a request under the Georgia Open Records Act if the call: (a) contains distressed speech or cries of an individual who died during the call; or (b) contains speech or cries of a person who was a minor at the time the call was placed. The bill includes language which provides that this exemption from disclosure is in addition to the exemption in O.C.G.A. 50-18-72(26) which restricts access to records of 911 calls that identify the name, address, or phone number of the person placing the call unless such records are requested by the accused in a criminal case.

Such recordings may be disclosed to the following individuals, provided the person requesting the audio recording submits a sworn affidavit attesting to their eligibility to receive the recording: (a) appointed representatives of the deceased caller's estate; (b) parents and legal guardians of a minor caller; (c) accused in a criminal case, if the audio recording is relevant to the criminal proceeding; (d) parties to civil actions, if the audio recording is relevant to the civil proceeding; (e) attorneys for any of the foregoing parties; and (f) attorneys for any person who may pursue a civil action when the attorney believes in good faith that the audio recording of the call is relevant to the potential civil action.

HOUSE BILL 776

Master Jury Lists and Juror Selection

This bill requires the Department of Public Health, the Department of Corrections, the Georgia Crime Information Center, Department of Driver Services, and the State Board of Pardons and Paroles to provide certain information in order to compile state-wide master jury lists and county master jury lists. The information required to be provided includes lists of deceased persons, convicted felons, noncitizens, and persons declared mentally incompetent and other records. The information is to be provided to the Council of Superior Court Clerks of Georgia, the Administrative Office of the Courts, and/or the Secretary of State.

HOUSE BILL 790

Timber Removal and Land Boundaries

This bill amends language relating to damages for conversion or destruction, to provide a four-year statute of limitations after the cutting and/or carrying away of timber. The bill also amends laws relating to forestry investigators to include firefighters and foresters in provisions relating to enforcement of forestry laws. This bill adds that an arrest made by an appointed State Forestry Commission investigator may be

based from the information and observation of a commission firefighter or forester in addition to a law enforcement officer. This bill also authorizes these investigators to execute search and arrest warrants for criminal forestry law violations.

The bill requires timber purchasers to furnish the seller a scale ticket within 20 days of timber removal.

This bill creates a rebuttable presumption that a property owner selling timber should not be liable to adjoining landowners for trespass or conversion of property caused by a third party harvester where the boundaries have been clearly and accurately marked or agreed. Under this bill, damages for converted timber should be treble the fair market value of the trees cut as they stood, treble the diminished fair market value of any trees incidentally harmed, costs of reasonable reforestation activities related to the plaintiff's injury, and attorney fees and expenses of litigation. Further, when the defendant is a willful trespasser, the plaintiff may also recover punitive damages. The defendant should be presumed a willful trespasser when the boundary lines of the property have been clearly and accurately marked.

HOUSE BILL 820

Standing of Condominium Associations to Participate in Litigation

Current law provides that condominium associations have the capacity, power, and standing to participate in litigation of any kind concerning portions of units or common areas which the association has the responsibility to administer, repair, or maintain. This bill provides that such capacity, power, or standing cannot be waived, abridged, modified, or removed by any document or contract, including the condominium instruments, that were recorded, entered, or established prior to the expiration of the condominium declarant's right to control the condominium association. The bill also provides that it does not alter, modify, or remove the condominium association's obligation to comply with the provisions of Title 8 regarding alternative methods of dispute resolution in construction defect matters.

HOUSE BILL 842

Indigency Affidavits and Payments of Costs in Appeals

Current law provides that a filing fee of \$80.00 must be paid for all *habeas corpus* matters and appeals in criminal cases to the Court of Appeals or the Supreme Court. Current law also provides that a fee of \$300.00 must be paid for appeals in all other types of civil cases. Under current law, these fees are not required if counsel for the appellant files an affidavit of indigency or an affidavit stating that such counsel was appointed to represent the appellant because of the defendant's indigency.

This bill provides that these filing fees are not required when, at the time these fees are due: (a) the appellant is filing pro se and is incarcerated at the time of filing; (b) counsel was appointed to represent the defendant by the trial court because of the defendant's indigency (whether or not an affidavit of indigency is filed with the appellate court); or (c) an affidavit of indigency is filed by or on behalf of the appellant. The bill also provides that unless one of the exceptions above is satisfied, the clerk of court is prohibited from receiving an application for appeal until all fees are received.

HOUSE BILL 973

False or Fraudulent Medicaid Claims

This bill alters the provision on conspiracy to defraud the Georgia Medicaid program by broadening the definition of conspiracy. This bill also defines the "Georgia Medicaid Program" to include any contractor, subcontractor, or agent of the Georgia Medicaid program, including a managed care program operated, funded, or reimbursed by the Georgia Medicaid program.

The bill also narrows a provision regarding dismissal of civil actions brought by private individuals. The bill provides that courts can dismiss actions if substantially the same allegations or transactions are alleged in a legislative or other Georgia report, hearing, audit or investigation. This appears to limit current law which provides that actions can be dismissed if the same allegations or transactions are disclosed in a congressional or other federal report.

JUDICIARY NON-CIVIL

SENATE BILL 134

Definitions of “Dispenser” and “Prescriber” in Controlled Substances Act

This bill revises the definition of “dispenser” to mean any person licensed under the laws of Georgia, any other state or territory, or the United States to dispense or deliver a Schedule II, III, IV, or V controlled substance to an end user in Georgia. The bill revises the definition of “prescriber” to mean a doctor, researcher, or other person licensed, registered, or authorized under Georgia law or the laws of any other state or territory, or the United States to prescribe a controlled substance in the course of medical practice or research in Georgia.

SENATE BILL 320

Veterans Court Divisions and Programs

This bill provides that any Georgia court with jurisdiction over criminal cases may establish a veterans’ division to handle cases involving defendants who are veterans. If a defendant is eligible, the court may refer the case to the division prior to the entry of a sentence, as part of a sentence, or upon considering a petition to revoke probation. Under this bill, if a court creates a veterans’ division, it must establish a planning group to coordinate and review its work and policies and to create needs assessments used to identify the likelihood of recidivism. Defendants charged with violent crimes and crimes against children are not eligible to participate in a veterans’ division program except as part of a separate court-supervised reentry program following incarceration.

The Judicial Council of Georgia (JCG) is charged with adopting and updating flexible standards and practices for veterans’ court divisions based on available research and findings by agencies including the US Department of Veterans’ Affairs and the Georgia Department of Veterans Service.

The court establishing a veterans’ division may request that a prosecutor, defender, and specific court personnel be assigned to handle the work of the division. Each veterans’ division must establish written criteria that establish when a defendant has successfully completed a program. If the defendant completes a veterans’ program, the charges against the defendant may be dropped by the prosecutor, or the sentence may be reduced.

The bill provides that a defendant’s statements regarding his mental health made as part of participation in the veterans’ program are not admissible as evidence against the defendant. The bill also adds language which provides that access to the criminal records of a participant in a veterans’ court program must be restricted by the Georgia Crime Information Center if the participant successfully completes a veterans’ treatment program. Judges presiding over a veterans’ division may order that a defendant’s driver’s license be restored, suspended, or limited based on the behavior of the defendant while in the program.

SENATE BILL 324

Revised Definitions of “Peace Officer” and “Law Enforcement Officer”

This bill revises the definitions of “peace officer” and “law enforcement officer” to include persons who are charged with the supervision of delinquent children under intensive supervision in the community. These definitions are changed in Code provisions pertaining to the following: (a) employment and training of peace officers; (b) eligibility for the Georgia State Indemnification Fund; (c) eligibility for the Temporary Disability Compensation Program; and (d) power of arrest or commitment of delinquent children.

SENATE BILL 364

Juvenile Code Revisions; Notice of Testamentary Guardianship; Objection to Appointment of Nominated Testamentary Guardian

The revisions in the first portion of this bill are based on recommendations from the Georgia Council on Criminal Justice Reform. This bill revises the Juvenile Code to correct errors, omissions, and cross-references to provide conformity. This bill expands the definitions of “aggravated circumstances” and “solid substance.” This bill also expands the required documentation in recommendations from DFCS in permanency case plans, expedites custody hearings for children in need of services, and adds venue

provisions for petitions to terminate parental rights. This bill requires, rather than allows, the appointment of a guardian ad litem for a child in a termination proceeding. This bill provides that the court should appoint a court-appointed special advocate (CASA) to serve as guardian ad litem wherever possible. Under this bill, a CASA may be appointed as guardian ad litem in addition to an attorney who is serving as a guardian ad litem. This bill reduces the circumstances under which a juvenile may be detained and increases the circumstances under which a juvenile may receive credit for time served. This bill also limits the authority to file a petition for a child in need of services to a parent, guardian, legal custodian, law enforcement officer, guardian ad litem, or an attorney.

The second portion of this bill provides for notice of testamentary guardianship first to a minor's grandparents and adult sibling(s), if any, and if none, to a minor's great grandparents, aunts, uncles, and great aunts and great uncles, if any. Those served with such notice may file a timely objection within 10 days of service. If there is a timely filed objection, the court should conduct an expedited hearing within 30 days of the date of the filing of the last objection. Under this bill, the court should award guardianship to the testamentary guardian nominated in the will unless the objecting party establishes by clear and convincing evidence that the nominated testamentary guardian is unfit to serve. Further, any proceeding relating to the appointment of a testamentary guardian should not affect or delay the probating of a will.

SENATE BILL 365

Reforms Recommended by Georgia Council on Criminal Justice Reform; and "Journey Ann Cowart Act"

The first portion of this bill implements juvenile and adult offender reentry reforms recommended by the Georgia Council on Criminal Justice Reform.

The second portion of this bill removes the responsibility of coordinating and supervising the work of the Georgia Child Fatality Review Panel from the Child Advocate for the Protection of Children to the director of GBI. Under this Act, the director of GBI is to either: (1) coordinate and supervise the work of the Georgia Child Fatality Review Panel; or (2) designate a person from within GBI to serve as the coordinator and supervisor. Also, the director is to provide staffing and administrative support to the Georgia Child Fatality Review Panel. The director or designee is to report the death of any child to the chairperson of the review committee for the county in which the child resided at the time of death, providing the review committee with access to any GBI records relating to the child. The review committee is responsible for reviewing the death and determining the manner and cause of the death, including whether it was preventable. The director does not need to report a death if he or she knows the death has already been reported by the county medical examiner or coroner. Under current law, an adult may request information regarding investigations of child abuse or neglect in actual or near fatality cases. This Act provides that certain private information may be redacted from such records and from child abuse and dependency records.

SENATE BILL 382

Refund Fraud Crimes

This bill makes the following acts illegal in Georgia: (a) giving a false or fictitious name or address for the purpose of obtaining a refund for merchandise; (b) giving the name of another person without that person's permission for the purpose of obtaining a refund for merchandise; and (c) obtaining or attempting to obtain refunds by using a driver's license or ID card not issued to such person or containing false information. This bill establishes penalties for these offenses, including establishing higher penalties for thefts of higher value and for subsequent offenses. The bill also provides that restriction of criminal history records by the Georgia Crime Information Center is not appropriate for refund fraud offenses.

The bill also protects business owners who detain shoppers suspected of refund fraud if the owner had reason to believe the person was committing the offense or the manner of detention was reasonable under the circumstances. The bill also provides that in the event an owner's claim is for less than \$5,000, in addition to his compensatory damages, he may recover liquidated exemplary damages of \$300.00 or triple the amount of the entire loss sustained, whichever is greater, if certain requirements are met. Under current law, the amount of liquidated damages available is \$150.00 or twice the amount of the loss sustained.

SENATE BILL 383

Coroner's Obligations Regarding Unclaimed Property and Objects

Current law provides that coroners and county medical examiners, should they be unable to locate the next of kin of a deceased individual, are to take possession of all property found on such person, inventory such property, and surrender such property to the person entitled to its custody or possession. This bill provides that under no circumstance shall any property of value found on or belonging to the deceased be converted to the personal use of the coroner or medical examiner.

Current law also provides that coroners, medical examiners, and peace officers must take possession of any objects, anatomical specimens, or articles which may establish the cause or manner of death or the identification of the deceased. Coroners and medical examiners are permitted to dispose of such objects when the need for their retention ends. This bill provides that in lieu of disposal, such objects should be returned to the next of kin of the deceased when no longer needed for investigative or prosecutorial purposes. The bill provides that any coroner who converts property of the deceased to personal use is guilty of theft by conversion and subject to 1 to 15 years in prison and/or a fine of up to \$100,000.

HOUSE BILL 60

Safe Carry Protection Act

This omnibus bill contains provisions relating to the carrying of weapons in churches, bars, government buildings, commercial airports, and in and around K-12 schools. The bill also contains provisions relating to hunting with the use of a suppressor, the carrying of guns by judges, issuance of weapons carry licenses to persons under the age of 21 and persons who have been adjudicated mentally incompetent, and the enforcement of weapons laws during declared states of emergency.

HOUSE BILL 271

Form of Collateral Required for Professional Bonding Companies; Surety Fees; and Offense of Murder in the Second Degree

The first portion of this bill establishes new requirements with respect to cash escrow and/or other collateral requirements for professional bonding companies. Companies that have operated in a county for less than 18 months must meet collateral requirements established by the sheriff. Once a company has operated in the county for at least 18 months, the sheriff may require the company to keep a cash escrow or other collateral of up to 10 percent of the company's current outstanding bail bond liability. The bill also prohibits professional bonding companies from purchasing insurance policies in lieu of meeting the above collateral requirements, unless the company was using such an insurance policy as of December 31, 2013.

The second portion of this bill provides that sureties on criminal bonds may not charge or receive more than 15 percent of the face amount of the bond (including principal and surcharges). As an exception, the bill permits a surety to collect a minimum fee of \$50.00 per bonded charge or offense, regardless of whether that amount exceeds 15 percent of the face value of the bond. Under current law, for bonds of \$10,000 or less, the maximum fee is 12 percent, and for bonds of \$10,000 or more, the maximum fee is 15 percent.

The final portion of the bill creates the offense of murder in the second degree, which occurs when a person causes the death of another human being (irrespective of malice) while committing the offense of cruelty to children in the second degree. The bill provides that murder in the second degree is punishable by ten to thirty years in prison and provides cross references to murder in the second degree to numerous other Code sections, including provisions on mental health court participation, DFCS efforts to preserve and reunify families, termination of parental rights, jurisdiction of Superior Courts, forcible felonies, minimum sentences for repeat offenders, employment with and ownership of companies serving vulnerable populations, and eligibility for parole.

HOUSE BILL 742

Additional Judges on Coweta and Waycross Judicial Circuits

This bill establishes one additional judgeship for both the Coweta Circuit and the Waycross Circuit. In both cases, the judges serving in positions created by this bill will serve initial terms expiring on December 31, 2016 and for four-year terms thereafter commencing on January 1, 2017. The bill also establishes the duties and powers of the judges who will fill these positions.

HOUSE BILL 749

Crimes of Cargo Theft and Unlawful Possession and Use of a Fifth Wheel

This bill makes it a crime to unlawfully take or be in unlawful possession of a vehicle (including a railcar and any attachments, including trailers) that is engaged in commercial transportation of cargo or the cargo contained in such vehicle with the intent of depriving the rightful owner of such property. The bill provides that the value of any vehicle, cargo, or appurtenance taken shall be based on such property's fair market value. The bill establishes a schedule of fines and imprisonment limits based on the value of the property taken and contains special penalties when the cargo taken contains one or more controlled substances. The bill also provides that any person convicted of violating the provisions of the bill may face revocation of his commercial drivers' license, if applicable.

The bill defines "fifth wheel" as a device mounted on a truck tractor or similar towing vehicle, including a converter dolly, which interfaces with and couples to the upper coupler assembly of a semitrailer. This bill prohibits any person from modifying, altering, attempting to alter, and (if altered) selling, possessing, offering for sale, moving, or causing to be moved any fifth wheel on state highways for the purpose of using such fifth wheel to commit a cargo theft, as defined above. This bill provides that any person doing so will face jail time of 1 to 10 years and a fine of between \$10,000 and \$100,000. This bill repeals current penalties in Title 16 relating to theft of vehicles engaged in commercial transportation and any cargo or containers in or attached to such vehicles. These penalties are replaced by the schedules of fines and imprisonment noted above.

HOUSE BILL 770

Creation of Crimes of Home Invasion

This bill establishes the crimes of home invasion in the first degree and home invasion in the second degree in both the criminal code and the juvenile code. Under this bill, home invasion in the first degree occurs when a person unlawfully enters the home of another with intent to commit a felony and while in possession of a deadly weapon or instrument while others are present in the home. Home invasion in the second degree occurs when a person unlawfully enters the home of another with intent to commit a misdemeanor and while in possession of a deadly weapon or other instrument while others are present in the home. Both offenses are punishable as felonies under the criminal code. Home invasion in the first degree can be punished by: (a) imprisonment for life; or (b) imprisonment for 10 to 20 years and a fine of between \$10,000 and \$100,000. Home invasion in the second degree can be punished by imprisonment for 5 to 20 years and a fine of up to \$100,000.00

The bill provides that adjudication of guilt or sentencing for home invasion in any degree can be probated at the discretion of the judge, provided that such sentence cannot be suspended, deferred, or withheld. The bill provides that sentences for home invasion offenses may be imposed separately from and consecutive to sentences for other offenses relating to acts that occurred in relation to the home invasion. The bill includes home invasions in any degree in the list of prior offenses for which a subsequent offense involving crimes against persons, unlawful entry, theft, or certain narcotics offenses will result in a mandatory 15 year sentence, which will run consecutively to any other sentence the person has received. The bill also includes home invasions in any degree in the list of offenses that constitute a "forcible felony" in the sections of Title 16 that deal with possession of firearms by convicted felons and first offender probationers. This bill also adds crimes of home invasion to the list of offenses for which notification to crime victims of a perpetrator's impending release must be given.

The bill provides that it is unlawful for any person to possess or use a machine gun, sawed-off rifle, sawed-off shotgun, or a firearm equipped with a silencer during the commission or attempted commission of a home invasion in any degree. Persons who violate this provision are guilty of a felony, and will be

imprisoned for 10 years to run consecutively to any other sentence being served. Subsequent convictions under this provision result in life imprisonment.

The bill provides that all vehicles, tools, and weapons which are used or intended to be used for any home invasion are subject to forfeiture. Vehicles used by common carriers are exempt from forfeiture unless it appears that the owner or custodian of the vehicle is a consenting party or is privy to the home invasion. Property seized under this provision is not subject to replevin from the Superior Court and remains in the control of the court pending disposition of the case.

HOUSE BILL 773

Exceptions to Discharge of Firearm near Public Highways

Current law provides that it is unlawful for any person (without legal justification) to discharge a firearm on, or within 50 yards of, a public highway. This bill provides exceptions to the rule above if the discharge occurs at an indoor or outdoor shooting range, facility for firearm or hunting safety courses, or business location of a licensed firearm dealer and such discharge is shielded from the view of a traveler on the adjacent public highway.

HOUSE BILL 804

Testimony of Minors in Certain Criminal Cases

This bill repeals current law relating to in-court testimony of children who are 10 years old or younger and the persons who may be present when such testimony is given. This bill replaces such provisions with new requirements relating to the testimony of individuals who are under the age of 17 and the right for such individuals to give testimony outside the physical presence of the accused in certain criminal cases. This bill applies to all cases in which a child 16 years old or younger is a witness to or an alleged victim of offenses involving violence, sexual crimes, organized crime, or gang activity.

On its own or by motion by the prosecutor or a parent, guardian, or custodian for the child witness/victim, the court can hold an evidentiary hearing as to whether requiring the child to testify outside the presence of the accused is appropriate. The court may order the child to testify outside the presence of the accused if a court finds that a child is likely to suffer serious emotional distress or trauma impairing his ability to communicate if he testifies in front of the accused. The bill sets forth 11 factors that the court must consider in reaching this decision. If the judge determines that the child will testify outside the presence of the accused, the judge may determine the method by which the child will testify, based on guidelines set forth in the bill.

HOUSE BILL 838

Unauthorized Transmission of Sexually Explicit Images

This bill prevents any person from transmitting (or causing the transmission of) unauthorized photos or videos of another person that depict nudity or sexually explicit adult conduct when the transmission or post constitutes harassment or causes financial loss to the depicted person and serves no legitimate purpose to the depicted person. To constitute an offense, the person transmitting the image must know the content of the image being transmitted.

First offenses under this bill are punishable as a misdemeanor of a high and aggravated nature, but subsequent offenses are punishable as felonies with imprisonment of one to five years and/or a fine of up to \$100,000. The bill provides that these acts may be punished if they take place outside the State of Georgia so long as they concern an individual who resides in the state.

The bill provides exceptions for the following activities: (a) activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses; (b) legitimate medical, scientific, or education activities; (b) posting images of oneself in which nudity or sexually explicit behavior is depicted; (c) transmission of photographs or videos originally made for commercial purposes; (d) transmission of photos or videos depicting a person voluntarily engaged in nudity or sexually explicit conduct in a public setting; and (e) transmissions made pursuant to or in anticipation of a civil action. The bill also establishes a rebuttable presumption that an information service, system, or access software provider

that provides or enables computer access by multiple users to a computer server, including for internet access, does not know the content of an electronic transmission or post.

HOUSE BILL 845

Disclosure of Booking Photographs by Law Enforcement Agencies

This bill defines a “booking photograph” as an image of an individual taken by an arresting law enforcement agency for the purpose of identification or taken when such individual was processed into a jail. The bill prohibits law enforcement agencies from posting booking photographs to a website except with regard to: (a) posting to the State Sexual Offender Registry; (b) records requested in writing by a state or federal grand jury, taxing authority, law enforcement agency, or prosecuting attorney in conjunction with an ongoing administrative, criminal, or tax investigation; and (c) photographs required for publication by Title 16 (Crimes and Offenses) and Title 40 (Motor Vehicles).

The bill also prohibits law enforcement agencies from providing booking photographs in any format to any person if the photograph may be placed in a publication or posted to a website and removal or deletion of such photograph from the publication or website requires payment of a fee or other consideration. This bill also requires anyone requesting a booking photograph to submit an affidavit attesting to his or her intended lawful use of booking photographs received. The bill provides that any person knowingly making a false statement in such affidavit is guilty of the crime of making a false statement. Such crime carries a penalty of a fine of up to \$1,000.00 and one to five years in prison.

The bill also clarifies the exemptions in the Georgia Open Records Act by providing that release of booking photographs is only permissible under the Open Records Act if carried out in accordance with the provisions of the bill.

HOUSE BILL 863

Cruelty to Animals

Animals covered under this legislation do not include fish or a pest that may be exterminated or removed from a business, residence, or other structure. Under this bill, a person commits the misdemeanor offense of cruelty to animals when he or she: (a) causes physical pain, suffering, or death to an animal by any unjustifiable act or omission; or (b) having intentionally exercised custody, control, possession, or ownership of an animal, fails to provide the animal with adequate food, water, sanitary conditions, or ventilation based on a reasonableness standard for the particular type of animal and breed. A subsequent offense for cruelty to animals constitutes a misdemeanor of a high and aggravated nature. Further, a person is guilty of aggravated cruelty to animals, a felony, when he or she: (a) maliciously causes death or physical harm or pain to an animal’s body; (b) tortures an animal; (c) maliciously administers poison; or (d) having intentionally exercised custody, control, possession, or ownership of an animal, fails to provide the animal with adequate food, water, sanitary conditions, or ventilation based on a reasonableness standard for the particular type of animal and breed to the extent that death or a member of its body is rendered useless or seriously disfigured.

The bill provides that a person is justified in injuring or killing an animal when he or she reasonably believes that it is necessary to defend against imminent threat of injury or damage to any person, animal, or property. However, a person is not justified in injuring or killing an animal under the circumstances above when: (a) the person being threatened is attempting to commit, committing, or fleeing after the commission or attempted commission of a crime; (b) the person being threatened is trespassing, or committing other tortious interference with property; or (c) the animal being threatened is not lawfully on the property where the threat is occurring.

HOUSE BILL 870

Imposition of Additional Fine for Reckless Driving

This bill provides that in all cases involving a conviction for reckless driving, the court is to assess an additional penalty equal to 10 percent of the fine imposed by the court under the reckless driving statute. Such funds will be paid into the Brain and Spinal Injury Trust Fund. The effective date of the bill is January 1, 2015. However, the bill will not go into effect unless voters approve an amendment to the

Georgia Constitution to add reckless driving to the list of offenses for which additional fees and penalties can be assessed. This question will be on the November ballot (See House Resolution 1183).

HOUSE BILL 872

Privileged Communications between Law Enforcement Officers and Peer Counselors

This bill provides that, with limited exceptions, communications between a law enforcement employee or a law enforcement employee's immediate family and a peer counselor are privileged. Peer counselors are prohibited from disclosing any such communications and are not competent or compellable to testify with reference to any such communications in court. "Peer counselors" are defined as employees of law enforcement agencies who have received training to provide emotional and moral support to a client who was designated by a sheriff, police chief, or other chief law enforcement official to counsel law enforcement officers or their immediate family members. The privilege created by this bill will not apply when: (a) disclosure is authorized by the officer or his family member making the communication; (b) the officer or family member making the communication is deceased and the deceased's executor, administrator, or next of kin authorizes disclosure; (c) compelled by court order; (d) the peer counselor was an initial responding officer, witness, or party to an act that is the subject of counseling; (e) the communication was made when the peer counselor was not performing official duties; and (f) the officer or family member making the communication is charged with a crime. The bill also provides that the privilege it creates is not grounds for failure to comply with the mandatory reporting requirements set forth in current statutes regarding child abuse by caregivers and abuse and exploitation of elderly or disabled adults.

HOUSE BILL 911

Including Acts of Strangulation in Definition of Aggravated Assault

This bill defines "strangulation" as any act which impedes the normal breathing or circulation of blood of another person by applying pressure to the throat or neck of such person or by obstructing the nose or mouth of such person. The bill provides that a person commits an aggravated assault when he or she assaults a person with any object, device, or instrument that results in (or is likely to result in) strangulation.

HOUSE BILL 940

Terms of Office for New Judges on Chattahoochee and Oconee Judicial Circuits

New judgeships for the Chattahoochee and Oconee judicial circuits were created by two legislative acts during the 2013 session. This bill amends those acts to provide for the dates of election and terms of office for those judges. In both cases, the judges created by the 2013 acts will serve initial terms expiring on December 31, 2016, and for four-year terms thereafter commencing on January 1, 2017.

HOUSE BILL 985

Filing of False Liens and Other Documents against Public Employees

Current law forbids any person from knowingly filing a false lien or encumbrance in a publicly available record against the real or personal property of a public officer or employee on account of the performance of such officer's or employee's official duties, while knowing that such document is false or contains false or fraudulent statements. This bill revises those provisions to provide instead that no person shall knowingly file, enter, or record any "document" in a public record, or any Georgia or federal court, knowing or having reason to know that such document is false or contains false or fraudulent statements. The bill also prohibits knowingly altering, concealing, covering up, or creating a document and filing or recording it in a public record or with a court if the person doing so has reason to know that the document has been altered or contains false or fraudulent statements. The bill defines "document" to include liens, encumbrances, documents of title, instruments relating to security interests or title to real or personal property, and other statements of fact, law, right, or opinion. The bill contains a savings provision which provides that these prohibitions do not apply to court clerks, registrars of deeds, or other government employees acting in the course of official duty.

HOUSE BILL 1078

Juries and Grand Juries

This bill amends the following provisions in Title 15 to clarify that they apply to both trial jurors and grand jurors: (a) definition, compilation, and use of “county master jury lists,” the “state-wide master jury list,” and “venires;” (b) exemption from jury duty due to work for public health, safety, or good order; (c) ineligibility to serve as a juror in a judicial term until the next county master jury list has been received by the court clerk; (d) expense allowances for jurors; (e) refusal to appear as juror punished as contempt; (f) written questionnaires regarding juror qualifications; and (g) empaneling jurors. The bill deletes the provision in current law which limits a person’s annual jury service to no more than four weeks. The bill also permits the court, on application from the district attorney, to empanel one or more concurrent grand juries. The bill also provides for examination of potential jurors by the judge following administration of an oath to such jurors.

HOUSE RESOLUTION 1183

Constitutional Amendment Regarding Additional Fees and Penalties for Reckless Driving

Article III, Section IX, Paragraph VI of the Georgia Constitution currently permits the General Assembly to provide additional penalties or fees for offenses involving driving under the influence of alcohol or drugs. Such additional penalties or fees may be allocated by the General Assembly to the Brain and Spinal Injury Trust Fund. This resolution provides for an amendment to this provision to permit the General Assembly to assess additional penalties and fees for offenses involving reckless driving. This question will be before voters on the November ballot (See House Bill 870).

NATURAL RESOURCES AND THE ENVIRONMENT

SENATE BILL 213

Flint River Basin

This bill provides the Director of the Environmental Protection Division (EPD) with more flexibility in times of severe drought. Key provisions of the bill include: making irrigation reduction auctions optional, instead of a requirement, in the event of a drought declaration by EPD; requiring irrigation efficiencies of 80 percent by the year 2020 (60 percent for mobile and solid-set irrigation systems); clarifying what stream flows include and do not include for purposes of establishing acceptable Flint River Basin stream flows; requiring the state to identify opportunities for agriculture water efficiency measures; and allowing EPD to restrict flow downstream of any state-funded augmentation project.

SENATE BILL 296

Jekyll Island

Current law authorizes the Jekyll Island-State Park Authority to develop no more than 35 percent of the land area of Jekyll Island which lies above water at mean high tide. This percentage has been difficult to determine over the years. Therefore, this bill removes the 35 percent limitation and, instead, sets a maximum acreage limit of 1,675 acres of developable land (1,597 acres are deemed as already converted to developed land) to bring more certainty to the development process. Of the remaining acreage: (1) Twelve acres must be used solely for the expansion of the existing campground; (2) Forty-six acres must be used solely for public health, public safety, or public recreation (excluding residential and commercial development); and (3) Twenty acres remain available for unrestricted uses.

SENATE BILL 299

Watershed Protection Standards

Current law authorizes the Department of Natural Resources (DNR) to develop minimum standards and procedures for the protection of watersheds, including buffer areas. This bill clarifies and allows local governments to submit their own watershed protection plans with stream buffer areas different from those developed by DNR, so long as the watershed protection plans are approved by DNR and still contain the state-imposed buffer areas.

SENATE BILL 322

Protects Certain Wildlife Habitats

Current law prohibits a person from disturbing or destroying wildlife habitats, except for poisonous snake habitats. This bill removes this exemption, thereby prohibiting the destruction of poisonous snake habitats. The purpose of the bill is to remove one of the threats to the gopher tortoise identified by the federal government (the use of gas or other chemicals by rattlesnake hunters to extract snakes from tortoise burrows) to help conserve the tortoise and to prevent its listing as an endangered species.

SENATE BILL 333

Listings on the Hazardous Site Inventory

This bill provides a property owner with the right to an administrative hearing if the property is listed on EPD's hazardous site inventory on or after July 1, 2014.

SENATE BILL 361

Georgia Geospatial Advisory Council

The Federal Emergency Management Agency periodically releases new floodplain maps that are used as a basis to determine flood insurance rates. These new maps affect many Georgians, especially those in South Georgia, necessitating a need to ensure that property owners are aware of any changes made to floodplains. This bill re-establishes the Georgia Geospatial Advisory Council (the Council was repealed in 2012) to take inventory of county, regional, and state flood maps and gather data to ensure all are the same and accurate. EPD must coordinate with state executive branch departments and agencies to appoint members of the Council, which may consist of representatives from state departments, and agencies, local governments, universities, regional commissions, or other stakeholders. This bill stands repealed on June 30, 2017.

SENATE RESOLUTION 896

Joint Study Committee on the Georgia Legacy Program

This resolution creates the Joint Study Committee on the Georgia Legacy Program to examine funding options for the protection and conservation of the state's natural resources and land. Senate Bill 210, which was passed by the Senate last year, created a Georgia Legacy Council to approve projects for funding, and established two funds to provide loans/grants for the projects (these funds were formerly the Georgia Land Conservation Revolving Loan Fund and the Georgia Land Conservation Trust Fund).

HOUSE BILL 348

Alternative Fuel Vehicle Tax Credit

This bill provides a new tax credit for the purchase of an alternative fuel heavy-duty and/or medium-duty commercial vehicle, not to exceed \$20,000 per heavy-duty vehicle and \$12,000 per medium-duty vehicle. "Alternative fuel" is defined as electricity, liquid petroleum gas, natural gas, or hydrogen fuel. The tax credits are limited to \$2.5 million in each fiscal year beginning with FY 2016 and ending with FY 2017 and must not exceed \$250,000 per taxpayer. A taxpayer's application with the Department of Revenue must include: certification from DNR that the vehicle is an alternative fuel vehicle; a sworn affidavit that the vehicle will accumulate at least 75 percent of its mileage in Georgia in a five-year period, and the vehicle is registered in the state and will remain registered for five years.

HOUSE BILL 549

Water Emergency Response Procedures

This bill requires any person in charge of a substance that is discharged into state waters which would endanger the health or property of downstream users to notify EPD. EPD must establish a protocol, to be reviewed every five years, for coordinated responses with local emergency management agencies and the Georgia Emergency Management Agency, to discharges that create emergency situations. While this bill is in response to the 2011 Ogeechee River incident, which involved a major fish kill and an unauthorized wastewater discharge, its requirements apply statewide.

HOUSE BILL 715

Jekyll Island

Current law authorizes the Jekyll Island-State Park Authority to develop no more than 35 percent of the land area of Jekyll Island which lies above water at mean high tide. This percentage has been difficult to determine over the years. Therefore, this bill removes the 35 percent limitation and, instead, sets a maximum acreage limit of 1,675 acres of developable land (1,597 acres are deemed as already converted to developed land) to bring more certainty to the development process. Of the remaining acreage: (1) Twelve acres must be used solely for the expansion of the existing campground; (2) Forty-six acres must be used solely for public health, public safety, or public recreation (excluding residential and commercial development); and (3) Twenty acres remain available for unrestricted uses.

HOUSE BILL 741

Sludge Land Application Permits

Current law prohibits a person from operating a sludge land application system without obtaining permit approval from the Director of EPD. This bill requires the permit applicant to provide written verification of compliance with local zoning laws. Further, public hearings for permits must be held within the jurisdiction of the governing authority where the proposed site is located.

HOUSE BILL 740

Active Duty Military Personnel; Resident Hunting and Fishing Privileges

This bill allows active duty military personnel and their dependents to pay the resident rate for all lifetime hunting and fishing licenses, as well as the privilege to hunt or fish without a license on his or her property. However, the domicile requirement is a period of at least three months.

HOUSE BILL 777

Interstate Boating Violator Compact

This bill enacts the Interstate Boating Violator Compact, currently an agreement between Georgia and South Carolina, which allows the home state to treat a boating conviction of one of its residents in another state as if the conviction had occurred in the home state. DNR can suspend a person's boating privileges for violations of vessel laws of this state and any state that is a member of the Compact.

HOUSE BILL 783

Implied Consent Warning for Hunting under the Influence

This bill makes a technical change to the implied consent warning language for hunting under the influence to ensure that it corresponds to the provisions in current law regarding testing and license suspension. The warning must read that a person's hunting privileges will only be suspended if the person is convicted of hunting under the influence.

HOUSE BILL 786

Infant Lifetime Sportsman's License for Nonresidents

This bill creates an infant nonresident lifetime sportsman's license. The purpose of this bill is to encourage and recruit the younger generation to become sportsmen. HB 786 allows nonresident infants (under the age of two) to purchase a lifetime sportsman's license at the resident rate without the additional requirement of being a grandchild of a resident license holder. The bill also streamlines license procedures to be more customer friendly by only requiring a driver's license as proof of identification.

HOUSE BILL 904

Listings on the Hazardous Site Inventory

This bill provides a property owner with the right to an administrative hearing if the property is listed on EPD's hazardous site inventory on or after July 1, 2014.

HOUSE BILL 908

Tire Fees

Current law imposes a \$1 fee on each new replacement tire sold in this state, collected by retail dealers at the time the dealer sells a new tire to a consumer. The fee funds the Solid Waste Trust Fund which is

used for scrap tire management – cleanup, preventative measures, education, and administration. This bill extends the tire collection fee for five years.

HOUSE BILL 957

Brownfields; Limitation of Liability

The Georgia Brownfield Act, previously known as the Georgia Hazardous Site Reuse and Redevelopment Act, provides a limitation of liability for prospective purchasers of a property that has a preexisting release, so long as the purchaser receives EPD approval of a correction action plan. This bill: expands the limitation of liability to include tenants; broadens available sites to include federally-listed sites; and clarifies that the purchaser protection applies before EPD approval of a correction action plan. The purchaser may apply for protection within 30 days after taking title and must subsequently receive EPD approval of a correction action plan.

PUBLIC SAFETY

SENATE BILL 23

“Stacey Nicole English Act”

This legislation prohibits law enforcement agencies from implementing a minimum waiting period before initiating a missing person's report. However, the agency may use its discretion to determine what action, if any, is required in response to the report. This legislation also requires medically endangered persons to be included within the Mattie's Call alert system. The GBI director is also prohibited from implementing a minimum waiting period before activating the system. However, the Director may use his or her discretion to determine whether the system should be activated. When making such a determination, the Director and the requesting law enforcement agency must take into consideration the missing person's medical condition. Finally, this legislation allows vehicle owners to designate an emergency phone number when registering their vehicle. The number will only be made available to a law enforcement officer making a vehicle tag inquiry.

SENATE BILL 207

Revised Definition of Long-Term Care Facility for Purposes of Long-Term Care Ombudsmen Program

This bill adds private home care providers to the definition of “long-term care facility” in the Code section dealing with the Long-Term Care Ombudsmen Program. The ombudsmen program processes and investigates complaints by residents of long-term care facilities regarding the health, safety, and welfare of residents. This bill broadens the responsibility of the ombudsmen program to include work with private home care providers. Currently, the ombudsmen program only operates with respect to skilled nursing homes, intermediate care homes, assisted living communities, and personal care homes subject to regulation by the Department of Community Health.

SENATE BILL 298

Signed Doctor's Statements In Lieu of Affidavits for Vehicle Decals for Persons with Disabilities; Comprehensive Motor Vehicle and Traffic Reform; Providing Class E and F Drivers' Licenses Free of Charge to Qualified Volunteer Firefighters; and Content of Personal ID Cards and Commercial Driver's Licenses

Signed Doctor's Statements In Lieu of Affidavits for Vehicle Decals for Persons with Disabilities

Under Title 40, the Department of Revenue issues parking permits to persons with disabilities which allow such persons to park in specially designated parking spaces. Title 40 currently requires any applicant for such a parking permit to provide a notarized affidavit from a licensed medical doctor, doctor of osteopathic medicine, podiatrist, optometrist, or chiropractor stating: (a) that the applicant is disabled, (b) the specific disability that limits or impairs the applicant's ability to walk, and (c) that the applicant is a “person with disabilities.” Under the first portion of this bill, the Department of Revenue is required to accept, in lieu of the required affidavit, a signed and dated statement from the applicant's doctor which includes the same information as required in the affidavit. The signed and dated statement must appear on “security paper,” which the Code defines as a prescription pad or paper that has been approved by either the Composite Medical Board or the Centers for Medicare and Medicaid Services.

Comprehensive Motor Vehicle and Traffic Reform

The second portion of the bill adds comprehensive provisions relating to driver training schools, DUI fines, defensive driving programs, and DUI Alcohol or Drug Use Risk Reduction Programs. Under the bill, an authorized driver training school may administer the on-the-road driving skills testing provided that the applicant has successfully completed a driver training course including a minimum of thirty class hours of instruction and six hours of private in-car training. The department may also authorize public and private high schools to conduct knowledge tests required for issuance of instructional permits and/or driver's licenses.

Further, the bill removes the increased license restoration fee of \$500-510 for recidivist convictions, changing those fees to the general license restoration fee of \$200-210. This version increases the fee for defensive driving classes by \$20.00, and the DUI Risk Reduction assessment and intervention components and administrative fees are each increased by \$8.00-\$45.00. This version of the bill provides that a DUI Risk Reduction program must be completed within 120 days following a conviction; provided that if the defendant is incarcerated, it must be completed within 90 days of his or her release from custody. This version also updates advertising rules for DUI Alcohol/Drug Use Risk Reduction programs to include e-mail and internet, and these programs must be certified by the Department of Driver Services.

Finally, this portion of the bill also provides that individuals driving without a license are not guilty of that offense if the person has a valid driver's license, or has a license that has been expired for less than 31 days at the time of the offense, and produces in court a license that would have been valid at the time of the offense. A receipt issued by the Department of Driver Services (DDS) reflecting issuance, renewal, replacement, or reinstatement of a driver's license is to be considered possession of the license if it is confirmed to be valid by the department or the Georgia Crime Information Center. No receipt issued by DDS may be accepted for proof of identity such as voter identification or proof of age for the purchase of alcohol.

Providing Class E and F Drivers' Licenses Free of Charge to Qualified Volunteer Firefighters

The third portion of the bill provides for an exception to the general rule that state-issued drivers' licenses can only be issued upon payment of a required fee. Under this bill, the DDS is required to make available to qualified applicants who are also volunteer firefighters Class E and Class F drivers' licenses without charge. These provisions apply to both original and renewal applicants who are volunteer firefighters.

Content of Personal ID Cards and Commercial Driver's Licenses

The fourth portion of this bill removes the ability of the DDS to include: (a) on a personal identification card, the location where the card was issued; and (b) on a commercial driver's license, the license fee and any endorsements.

SENATE BILL 305

Written Notice and Opportunity to Remedy Building Code Violations

This bill provides that if a state fire marshal, local fire marshal, state inspector, or code official determines that building construction or plans are not in compliance with code, such official(s) may deny a permit or a request for a certificate of occupancy or a certificate of completion, or may issue a stop-work order for all or any portion of a project only by giving written notification of non-compliance and by providing an opportunity to remedy the violation. "Written notification" is defined in this bill as a typed, printed, or handwritten notice citing specific sections of applicable building codes and standards that have been violated. The written notice must describe specifically where and how the design or construction is non-compliant.

HOUSE BILL 459

Impeding Traffic Flow and Minimum Speed in Left Lanes

This bill repeals current provisions of Title 40 which provide that, on roads with two or more lanes in the same driving direction, a driver is not permitted to operate his or her vehicle in the left lane at less than the speed limit once the driver should reasonably know that he or she is being overtaken in the lane by a faster car coming from behind. This bill instead prohibits a driver from continuing to drive in a "passing

lane” once the driver should reasonably know that he or she is being overtaken in the lane by a faster car coming from behind. A “passing lane” is the left-most lane other than a high-occupancy vehicle lane. This restriction does not apply in certain circumstances, including during times of congestion, inclement weather, or emergency or when the driver is in the lane to turn or pay a toll. These restrictions also do not apply to emergency vehicles or highway maintenance or construction vehicles engaged in duties or operations.

HOUSE BILL 753

Tire Chain Requirement for Declared State of Emergency for Inclement Weather Conditions and Prohibited Interstate Travel; and

Addition of Fees to be Included in Liens upon Abandoned Motor Vehicles

Tire Chain Requirement for Declared State of Emergency for Inclement Weather Conditions and Prohibited Interstate Travel

This bill revises the Code by adding that access to roads may be closed or limited to certain motor vehicles due to a “declared state of emergency” for inclement weather conditions. This bill also requires motor coach operators to affix tire chains to at least two wheels before driving on a road with limited access due to the declared state of emergency for inclement weather conditions. Currently, this requirement applies only to buses and commercial vehicles.

This bill further revises the Code by restricting use of controlled-access roadways. Under this bill, commercial motor vehicles and any motor vehicle with more than six wheels are prohibited from traveling on any portions of Interstates 20, 75, or 85 and Georgia 400 that are located within the arc of Interstate 285. However, there are exceptions for drivers of these vehicles who are traveling on portions of Interstates 20, 75, or 85 located within the arc of Interstate 285 for the purpose of engaging in a pick up or delivery from or to a shipper, traveling to or from the motor vehicle’s terminal facility, traveling to or from a repair facility for service, or traveling to or from his or her residence located within the arc of Interstate 285. This bill provides for a fine of up to \$1,000.00 if a driver fails to comply with these requirements and causes an accident or blocks the flow of traffic during a declared emergency.

Addition of Fees to be Included in Liens upon Abandoned Motor Vehicles

The second portion of this bill provides that any person who removes or stores a vehicle which becomes abandoned shall have a lien on such vehicle for the reasonable fees connected with such removal or storage plus the cost of any notification or advertisement up to the date of retrieval or public sale of such vehicle. Current law does not clarify that the lienholder can recover for fees up to the date of sale or retrieval. The bill also provides for distribution of foreclosure proceeds.

HOUSE BILL 877

Regulation of Personal Transportation Vehicles

This bill provides local authorities with the ability to regulate the use of personal transportation vehicles (PTVs) upon roadways, designated paths, and designated lanes. This bill requires PTVs to have name plates, effective July 1, 2014.

This bill also authorizes local authorities to establish a PTV transportation plan for roadways and streets within the local authority’s jurisdiction to best serve the functional travel needs of the jurisdiction and to have the physical safety of the PTV occupants and property as a major planning component. Part of such safety plan is to require that PTVs only be operated where the speed limit does not exceed 25 miles per hour. Under this bill, PTV operators are required to have a valid driver’s license, with limited exceptions, and PTVs are to be equipped with certain safety features. Local ordinances may also provide for PTV paths where PTVs have the right of way. This bill also states that for a vehicle to be considered a golf cart, its average speed is less than 15 miles per hour, and the bill revises the definition of “all-terrain vehicle.”

HOUSE BILL 881

Special License Plates

This bill changes the allocation of manufacturing fees, license plate fees, and license plate renewal fees for the following special license plates, and repeals current Code sections regarding these special plates:

- Promote the Nongame-Endangered Wildlife Program of the Department of Natural Resources (DNR), with funds from sale to be distributed to the Nongame Wildlife Conservation and Wildlife Habitat Acquisition Fund of DNR;
- Promote conservation and enhancement of trout populations, with funds from sale to be disbursed to the Wildlife Resource Division of DNR to supplement trout restoration and management programs; and
- Support the Bobwhite Quail Restoration Initiative, with funds from sale to be disbursed to the Wildlife Resource Division of DNR to conduct programs designed to enhance Georgia's bobwhite quail population.

This bill provides that, with respect to the three special license plates listed above, the special license plate fee and renewal fee shall both be \$25.00 and shall be allocated as follows:

- \$25.00 Special License Plate Fee: \$5.00 allocated to general fund, \$1.00 allocated to local county tag agent, and \$19.00 dedicated to sponsoring agency, fund, or non-profit entity.
- \$25.00 Special License Plate Renewal Fee: \$5.00 allocated to general fund, and \$20.00 dedicated to sponsoring agency, fund, or non-profit entity.

This bill also provides for the issuance of a special license plate for the Grady Health Foundation to support and improve the quality of health care services. The bill provides that funds raised by the sale of the special license plates will be disbursed to the Grady Health Foundation. Per current law, this special license plate will be subject to the normal manufacturing fee, special license plate fee, and special license plate renewal fee.

REGULATED INDUSTRIES

SENATE BILL 117

Georgia Utility Facility Protection Act (Call Before You Dig: 811)

The Georgia Utility Facility Protection Act (GUFPA) was established to protect the underground utility infrastructure of Georgia; it was enacted by the General Assembly in July 2000 to provide for the protection of the buried utility facility infrastructure within the State of Georgia. Origins of GUFPA date back to the 1960s.

GUFPA mandates that, before starting any mechanized digging or excavation work, persons must contact Georgia 811 at least 48 hours, but no more than 10 working days, in advance to have utility lines marked. This law covers activities such as excavation, tunneling, grading, boring, demolition or any similar work. The call center dates back to 1974.

Persons conducting the process of white lining cannot obstruct signs, pavement markings, or other safety devices.

Facility owners will be strictly liable for costs associated with designation of utility facilities, sewer laterals, and any associated downtime.

If the precise underground location cannot be determined, the excavator and facility owner or operator must work together to find such location before work can continue. Location accuracy must be within 18 inches horizontally; it was previously 24 inches. Requirements of parallel excavations are deleted.

The protections under this Act will not be required on public roadways within the curb lines that are otherwise in compliance with the law and where there is not a utility facility in conflict with the proposed excavation.

The Advisory Committee excavator membership will grow from three to five members representing a licensed utility, general contractor, landscape and highway contractors, and a plumber. The committee must develop an attendance policy and may appoint interim members until the Governor appoints a replacement.

SENATE BILL 240

Production of Distilled Spirits by Non-Profit Museum

This bill authorizes the State Revenue Commissioner to issue a \$100 annual permit to a non-profit museum¹ to produce distilled spirits, regardless of whether or not the museum holds an annual license to sell malt beverages, wine, or distilled spirits for consumption on the premises. The museum; however, is prohibited from producing more than 800 liters of distilled spirits each year, the museum must be located in a county/municipality where the production of distilled spirits is authorized, and the production must be used for education purposes only. Alcohol must be stored on-premises.

The permit authorizes the museum to provide not more than one-half of an ounce as a complimentary sample of the distilled spirits produced by the museum, to a guest who has completed an educational tour of the distillery at the museum and is of legal drinking age. The museum must not impose a separate charge for the sample and must not provide more than one sample to a guest in one day. The sample must be provided in a designated tasting area and all open bottles must be visible at all times.

The museum is exempt from the occupational tax and bond requirement, and any distilled spirits produced by the museum are exempt from excise and import taxes.

SENATE BILL 286

Fortified Wine

This bill authorizes a winery to purchase distilled spirits² directly from a manufacturer³ of distilled spirits and blend with wine manufactured by the winery to produce fortified wine. The distilled spirits must not be used by the winery for any other purpose or used to create any other type of alcoholic beverage or product. Further, current law declares as contraband wine possessed, sold, or offered for sale by a retail dealer which was purchased or acquired from any person other than an authorized wholesale dealer. This bill exempts wineries which fortify wine and farm wineries from this provision.

SENATE BILL 318

Sale of Alcohol: Sunday Prior to St. Patrick's Day

This bill authorizes cities and counties that already allow the sale of alcohol for consumption on the premises to adopt a resolution or ordinance allowing the sale of alcohol for consumption on the premises from 12:30 P.M. until 12:00 Midnight on the Sunday before March 17 if St. Patrick's Day falls on a Monday.

SENATE BILL 336

Fines Imposed by the State Board of Cosmetology; Authorized Age

Under this bill, a fine imposed by the Board for the sixth violation (violating, or assisting in or abetting the violation of, any provision in law or a Board rule/regulation) that is not specifically delineated as one of the five previous violations, must not exceed: \$25 for the first violation; \$75 for a second violation; or \$300 for each subsequent violation. Further, the authorized age to engage in cosmetology is lowered to 16 from 17 years of age.

¹ "Non-profit museum" means a museum whose mission includes educating the public about the local, state, and national history of the United States of America that is owned and operated by a bona fide nonprofit civic organization which holds title to improved real property with a structure listed on the National Register of Historical Places.

² "Distilled spirits" now means any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol; "fortified wine" is any alcoholic beverage containing not more than 24 percent. Current law references 21 percent. "Dessert wine" also now means a wine having an alcoholic strength of more than 14 percent alcohol by volume, but not more than 24 percent alcohol volume.

³ The definition of "manufacturer" of distilled spirits is clarified to not include a vintner that blends wine with distilled spirits to produce a fortified wine.

SENATE BILL 337

Fines Imposed by the State Board of Barbers

Under this bill, a fine imposed by the Board for the eighth violation (violating, or assisting in or abetting the violation of, any provision in law or a Board rule/regulation) that is not specifically delineated as one of the seven previous violations, must not exceed: \$25 for the first violation; \$75 for a second violation; or \$300 for each subsequent violation.

SENATE RESOLUTION 953

Senate Mold and Mildew Remediation Contractor Study Committee

Senate Resolution 953 creates the Senate Mold and Mildew Contractor Study Committee.

Mold and mildew are ongoing problems in homes located in humid areas. It is a public health concern, and is very dangerous for people living in homes and apartments that are afflicted with mold and mildew contamination.

There are many hard-working contractors who seek to remediate these mold and mildew problems; however, there are also nefarious contractors who are not honest and take advantage of frightened and anxious people who seek to have their mold and mildew issues correctly resolved.

This study committee will look into ways to mitigate the damage caused by these dishonest contractors and further review ways to assist people who need mold and mildew remediation.

The study committee will have five members appointed by the President of the Senate. If the committee drafts a report, it must be submitted by December 1, 2014, when the committee is abolished.

HOUSE BILL 176

Mobile Broadband Infrastructure Leads to Development (BILD) Act

Current law provides for streamlined processing at the local level for previously approved wireless support structures and wireless facilities to be modified or collocated. This bill clarifies that within 30 days of the date an application for modification/collocation is filed, the local governing authority must determine if it is a complete application and, if it determines it is not a complete application, the local governing authority must notify the applicant of any information required to complete the application. Information requested to complete the application may only include the documents, information, and fees specifically enumerated in the local governing authority's regulations, ordinances, and forms pertaining to the location, construction, collocation, modification, or operation of wireless facilities.

This bill also limits the governing authority in its regulation of placement or construction of any new wireless facility or wireless support structure by prohibiting the governing authority from: conditioning the approval of any application on a requirement that a modification/collocation to the structure be subject to a review that is inconsistent with current law requirements; requiring removal of an existing wireless support structure/facility as a condition to approval of an application unless it is abandoned and owned by the applicant; or requiring the applicant to place an antenna or other wireless communications equipment on publicly-owned land or on a publicly or privately-owned water tank, building, or electric transmission tower as an alternative to the location proposed by the applicant. The bill specifies certain time restraints for notification and approval of an application for a new wireless facility or wireless support structure.

Finally, HB 176 places reasonable limitations on the amount of certain fees that may be charged by the local governing authority related to: zoning, permitting, or review/inspection; reimbursement of consultant fees; and rental, license, or other fees to locate a wireless facility or support structure on the government entity's property.

HOUSE BILL 291

Georgia State Board of Accountancy; Public Accountancy Act of 2014

This legislation transfers the State Board of Accountancy from under the jurisdiction of the Secretary of State to the State Accounting Office, which will fall under the newly-named Georgia State Board of Accountancy. The Board will not fall under the direction of either the Secretary of State or the

Professional Licensing Boards. There will be an Executive Director of the State Accounting Office appointed by the Board. The Executive Director will be a full-time employee of the State Accounting Office, maintain records, approve Board member travel, make reports to the Governor of the previous year's activities, and may hire necessary employees with the approval of the State Accounting Officer. The Executive Director will serve as the agent of service for out-of-state applicants who are nonresident holders of CPA certificates. The Executive Director may initiate investigations; results and findings will be available solely to the Board, and the Board will govern disciplinary actions. Individuals may file complaints.

Peer reviews may be utilized for licenses accountants, but may not be discoverable or used as evidence in civil actions except for hearings before the Board. Licensed reciprocity will be allowed so long as the out-of-state license remains current and equivalency standards are achieved. Licensees who are 70 or older will be exempt from Continuing Education requirements. Civil immunity will be provided for good-faith self-reporting errors and omissions. Reprimands and license denial will not rise to be a contested case under the Georgia Administrative Procedures Act, but the licensee may appear before the Board upon request. Any license reinstatements are at the discretion of the Board. The Board may impose specific sanctions against licensees following a hearing, including a civil penalty up to \$5000 for each violation. Service members on federal duty 90 days or longer will be allowed to continue public accountancy if their license expires while on active duty outside of Georgia, and will be entitled to renew the expired license without penalty for six months after discharge or return to Georgia.

HOUSE BILL 737

Transport of Home-brewed Beer

Current law allows a person to produce malt beverages in his or her private residence; however, the beverages may only be consumed at the residence where produced unless being transported and delivered by the producer in sealed/labeled containers, and in a quantity not to exceed 25 gallons, for use at home-brew special events. This gallon amount was authorized under HB 99 (2013).

This bill allows malt beverages to be removed from the residence where produced for transportation and delivery by the producer to a location that is not licensed; however, the purpose of removal is limited to consumption by: the producer; a member of the producer's family; or any owner of, or guest of, any owner at the location, in a quantity not to exceed 128 ounces. The malt beverages must be securely sealed and clearly labeled. If transported in a motor vehicle, the containers must be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk. HB 737 also clarifies that any governing authority desiring to allow home-brew special events must provide, by resolution/ordinance, for the issuance of permits and must specify the events that qualify as home-brew special events. Home-brew special events must not be held at any licensed location.

HOUSE BILL 1042

Auctioneers

This legislation redefines terms relating to auctions, and new language defines an auction to mean competitive bidding which may include sealed, silent, or internet-based bidding. Further, references to "apprentice auctioneer" and applicable requirements are deleted.

HOUSE RESOLUTION 1158

Encourage Congress to Establish National Energy Policy to Strengthen Access to and Removal of Impediment to Domestic Sources of Energy

This resolution urges the United States Congress, the U.S. Department of Energy, and the U.S. Environmental Protection Agency (EPA) to support efforts to research and develop Carbon Capture and Sequestration technologies which include exploration of geological storage opportunities for states like Georgia. The EPA is encouraged to work closely with Georgia and all states as it continues to develop greenhouse gas emission guidelines under the Clean Air Act. Further, all states should be given maximum flexibility by the EPA to implement carbon dioxide performance standards for fossil-fueled power plants within their jurisdictions.

Currently, the EPA is adopting stringent guidelines to reduce carbon dioxide emissions from existing fossil-fuel fired electric generating facilities under the federal Clean Air Act. Conversely, Congress has charged the states, not the EPA, with establishing performance standards.

It is in the best interests of Georgia's electricity consumers to continue to benefit from reliable, affordable electricity generated from coal-based electricity generating plants.

RETIREMENT

SENATE BILL 235

Georgia Firefighters' Pension Fund Eligibility; Part-time Firefighters

This bill allows part-time firefighters who are compensated, certified, perform the function of preventing and suppressing fires, and work 1,040 hours per year, to join the Georgia Firefighters' Pension Fund.

SENATE BILL 339

Revise, Modernize, and Correct Errors in Title 47

This bill revises, modernizes, and corrects errors and omissions in the Code section relating to retirement and pensions.

HOUSE BILL 292

Magistrates Retirement Fund of Georgia

This bill revises the final distribution benefit calculation for members of the Magistrate Retirement Fund by changing the monthly dues from a flat rate (currently \$150 per month) to a percentage (3.42 percent of the maximum average final monthly compensation based on county population size).

HOUSE BILL 460

Georgia Firefighters' Pension Fund Eligibility; Incarcerated Firefighters

This bill prohibits incarcerated firefighters from joining the Georgia Firefighters' Pension Fund. Further, current members that are incarcerated cannot accrue creditable service.

HOUSE BILL 477

Employees' Retirement System of Georgia

This bill allows a member of the Georgia Judicial Retirement System (JRS) to transfer service credit to the Employees' Retirement System of Georgia (ERS) one time. This bill is in response to situations in which a member of the JRS is not elected and, therefore, cannot vest. The member then becomes a state employee and a member of ERS. This bill allows this employee to transfer his or her service credit.

HOUSE BILL 580

Spousal Benefits under the Superior Court Clerks' Retirement Fund

This bill allows retired members of the Superior Court Clerks' Fund to elect spousal benefits. If the member predeceases the spouse, the spouse receives 50 percent of the member's benefits. If the spouse predeceases the member, the member receives 100 percent of his or her benefits. However, the bill requires the member and spouse to have been married at least six years.

HOUSE BILL 601

Judges of the Probate Courts Retirement Fund of Georgia

This bill simplifies benefit increase limits, leaving an increase limit of 1.5 percent in a six-month period, for members of the Judges of the Probate Courts' Retirement Fund. HB 601 also repeals the section of Code providing for annual cost-of-living benefits for these members.

HOUSE BILL 646

Magistrates Retirement Fund of Georgia

Under current law, the Board of Commissioners of the Magistrates Retirement Fund includes five members who are full-time chief magistrates, and allows for any vacancies on the Board to be filled by a

full-time chief magistrate for the unexpired term. This bill allows part-time chief magistrates to fill these positions and become members of the Magistrates Retirement Fund.

HOUSE BILL 761

Public Retirement Systems Standards Law

This bill makes technical changes to references in the Public Retirement Systems Law. Specifically, the bill changes references to the Governmental Accounting Standards Boards Statements No. 25 and 27 in relation to the annual required contribution so that the Code references the versions of these statements in effect on June 15, 2013.

HOUSE BILL 764

Georgia State Employees' Pension and Savings Plan

This bill requires new state employees to contribute at least 5 percent of his or her salary into his or her 401(k) account; however, employees may change their level of participation at any time. Current employees are required to contribute at least 1 percent, unless they elect otherwise.

HOUSE BILL 843

Retirement System Compliance with Federal Laws and Regulations

This bill makes technical changes to provisions in current law relating to the Employees' and Teachers' Retirement Systems so as to comply with IRS regulations.

RULES

SENATE BILL 206

Interstate Cooperation; Provide for Delegation from the State of Georgia to Certain Conventions

This bill codifies the appointment, eligibility, and responsibility of the delegates responding to the call of an Article V convention by the Congress of the United States. The seven delegates must meet the eligibility and qualification requirements for persons holding civil office, codified in Code Section 45-2-1 of the O.C.G.A., for example: appointees must be citizens of Georgia; must be 21 years of age; and not convicted of a felony involving moral turpitude. The Governor, Speaker of the House, and President of the Senate each will make two appointments to the delegation. The seventh delegate will be appointed by the affirmative vote of four of the six delegates.

SENATE RESOLUTION 371

U.S. Congress; Making Renewed Application to Call for a Convention for Purpose of Proposing an Amendment to U.S. Constitution

This resolution requests that Congress call for a convention to propose an amendment to the Constitution of the United States requiring a balanced budget. This resolution states that the General Assembly of Georgia requests Congress to call a convention for proposing an amendment to the Constitution of the United States with limited consideration of only proposing a balanced budget in the absence of a national emergency.

SENATE RESOLUTION 736

Convention of the States under Article V of the U.S. Constitution

The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent. It is the solemn duty of the states to protect the liberty of our people by proposing amendments to the Constitution of the United States through a convention of states under Article V of the United States Constitution to place clear restraints on these and related abuses of power.

Therefore, the General Assembly applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the United States Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

SENATE RESOLUTION 941

Korean Visas

This resolution recognizes the importance of the U.S. – Korea Free Trade Agreement of March 15, 2012, which brings new opportunities for U.S. exporters to sell U.S. goods and services to Korean customers, and the impact it will have on the U.S. Gross Domestic Product. Therefore, this resolution urges Congress to grow the United States economy by increasing the number of visas designed to permit Korean citizens possessing skills in a specialty occupation, to work in the United States.

SENATE RESOLUTION 1192

Senate Study Committee to Review and Recommend Necessary Changes to the Georgia Code of Military Justice

The current Georgia Military Code was enacted in 1955 and was based upon the federal Uniform Code of Military Justice of the same time. The federal Uniform Code of Military Justice has since been updated while the Georgia Military Code has not been substantially amended or updated. In 2005, the Department of Defense approved the Model State Code of Military Justice and has recommended that all states adopt it. Fourteen states have adopted a version of the Model State Code of Military Justice, and 23 are actively reviewing such adoption. The Study Committee will undertake a comprehensive study to consider whether enacting all or part of the Model State Code of Military Justice would benefit the Georgia National Guard.

The Study Committee is composed of three members of the Senate appointed by the President of the Senate. The Adjutant General of Georgia and his staff must work with the committee to provide the data required to facilitate the Committee's work and assist in the formulation of the recommendations. The Committee stands abolished on December 1, 2014, and any report of the Committee's findings, including any recommendations, will be due accordingly.

SENATE RESOLUTION 1200

Senate Study Committee on School Discipline

This resolution creates the Senate Study Committee on School Discipline to study the conditions, needs, issues, and problems related to disparities across the state as to how local school systems discipline their students.

The committee is to be composed of five members of the Senate appointed by the Lieutenant Governor, who will designate a member as chairperson of the committee. Members of the committee will receive allowances for not more than five days, unless additional days are authorized by the Lieutenant Governor. If the committee makes a report of its findings, it must do so by December 1, 2014. The committee will stand abolished on December 1, 2014.

SENATE RESOLUTION 1203

Senate Study Committee on 9-1-1 System Modernization

This resolution creates the Senate Study Committee on 9-1-1 System Modernization to study Georgia's 9-1-1 funding provisions.

The committee is to be composed of five members of the Senate appointed by the President of the Senate, who will designate a member as chairperson of the committee. The members will include: the Chairperson of the Senate Rules Committee; and at least two members of the Senate Regulated Industries and Utilities Committee.

The committee is authorized to appoint subcommittees. Members of the committee will receive allowances for not more than five days, unless additional days are authorized. The committee is directed to make a report of its findings and recommendations, if any, no later than December 1, 2014. The committee will stand abolished on December 1, 2014.

HOUSE BILL 794

Compact for a Balanced Budget

Georgia adopts the Compact for a Balanced Budget. Georgia agrees to perform and comply strictly with the terms of the Compact. Once three-fourths of the states have adopted the Compact, a declaration petitioning Congress, pursuant to Article V of the U.S. Constitution, to call a Convention for the purpose of adopting a balanced budget amendment to the Constitution of the United States, will be transmitted. Georgia will be one of the first states to adopt the Compact, and because of such, will have more input and decision making duties regarding the Article V Convention.

HOUSE BILL 930

Article V Convention Delegates and Alternate Delegates

This bill provides a method of selecting delegates and alternates to an Article V Convention and qualifications of delegates, recall of delegates, oath requirement, standards and instructions, method to replace delegates and alternates, void of votes of delegates or alternates under certain circumstances, forfeiture of appointment, revocation of the resolution calling for the Convention, prohibition of votes outside the instructions of the General Assembly, an advisory group and its composition, and penalties.

The amendment adopted by the House and the Senate prior to passing on Legislative day 40, delineated the process for the General Assembly to elect the five delegates and the alternates.

SCIENCE AND TECHNOLOGY

SENATE RESOLUTION 881

Senate Senior Technology Gap Study Committee

This resolution creates the Senate Senior Technology Gap Study Committee to understand the problems seniors face accessing technology.

A Pew Research poll finds that only 54 percent of Americans over age 65 have access to the Internet, and among those 77 and older, the proportion drops to about a third. The technology gap is even greater among seniors on the lower end of the economic scale.

The Senate Senior Technology Gap Study Committee will study the problems seniors face accessing technology.

SENATE RESOLUTION 986

Senate Unified Courts Technology Study Committee

This resolution creates the Senate Unified Courts Technology Study Committee because the efficient function of the judiciary system is of utmost importance to our state, and the key to such efficiency is the real time sharing of information among the court agencies.

This legislation is a result of the final report of the Senate Expungement Reform Study Committee which recommends the study of the cost and feasibility of a significant investment in state and local information technology systems, the cost of training state and local employees on new systems, and the feasibility of using add-on fees to fund system upgrades. System upgrades should be based on mandatory state-wide standards for criminal, civil, and domestic relations data which allow all justice system agencies to share data efficiently.

SPECIAL JUDICIARY

SENATE BILL 60

Official Written Communications to Officers, Members, or Employees of General Assembly

This bill requires all official communications that are sent to officers, members, or employees of the General Assembly as required by statute be sent in an electronic format that creates a record that may be retrieved, reviewed, and printed by the recipient.

STATE INSTITUTIONS AND PROPERTY

SENATE RESOLUTION 788

Conveyance of Specific State-Owned Real Property

This legislation authorizes the conveyance of specific state-owned real property throughout the state.

SENATE RESOLUTION 847

Panola Mountain State Park

This legislation authorizes the Department of Natural Resources to establish facilities for DNR staff and a historical and cultural preservation laboratory at Panola Mountain State Park in Rockdale and Henry Counties.

SENATE RESOLUTION 868

Granting of Nonexclusive Easements

This legislation grants nonexclusive easements for the construction, operation, and maintenance of facilities, utilities, and ingress and egress in, on, over, under, upon, across, or through property owned by the State of Georgia in the counties of Appling, Barrow, Bibb, Bryan, Fulton, Gordon, Jasper, Laurens, McIntosh, Monroe, Toombs, and Troup.

HOUSE BILL 495

Conveyance of State Property

This legislation expedites the sale of state property by removing the General Assembly from the conveyance process for any property appraised under \$500,000.⁴ The sale of such property must still be approved by the State Properties Commission. This legislation also allows conveyance resolutions to proceed through the legislative committee process while the legislature is not in session.

Conveyance of Properties under \$500,000

The commission is required to have a report prepared, which will allow the commission to arrive at a fair valuation of all properties to be conveyed. If the property is to be conveyed to a private entity, the report must include either an opinion of the value or one written appraisal of the property. If the value of the property to be conveyed is in excess of \$100,000.00, a second written appraisal is required.

The commission must give at least 30 days' written notice to the Speaker, Senate President, the relevant House and Senate committees, and all members of the General Assembly whose legislative districts contain all or a portion of the property. If any legislator objects to the sale of any specific property in their district, then the commission will no longer be authorized to convey such property without the approval of the General Assembly as provided in Code Section 50-16-40 of the legislation.

Contested Conveyances and Conveyances of Properties \$500,000 or more

The commission must prepare each conveyance of property with a value of \$500,000.00 or more for consideration by the General Assembly. A resolution containing a general description of the proposed conveyance must be introduced in the General Assembly and the resolution cannot be amended or considered for amendment after 20 days of its original filing. In addition, the resolution may not have any amendment at any time that pertains to matters unrelated to a state property conveyance.

Conveyances initiated prior to a Legislative Session

When the legislature is not in session, the commission may prepare and submit a conveyance resolution to the Speaker, Senate President, the relevant House and Senate committees, and all members of the General Assembly whose legislative districts contain all or a portion of the property.

The standing committees that regularly consider matters related to state property in the Senate and the House may meet up to twice per year during the interim to consider the property conveyance resolutions.

⁴ "Conveyance" is defined as the sale or other disposition of real property including a transfer of fee simple title, lease, and easement and the definition of "Property" is expanded to include any real property interest titled in the name of the state.

If both committees approve a resolution, then the resolution will be filed at the next legislative session. In order to become effective, the resolution must receive the same number of readings in both the Senate and the House and then be voted on as any other bill. However, such bills will not be subject to assignment to any committee and may not be amended.

HOUSE BILL 702

State Capitol Historic Monument

Subject to the availability of funds, this legislation provides for the placement within the State Capitol or grounds, a historic granite monument depicting:

- The Preamble to the Georgia Constitution;
- The part of the Declaration of Independence which states that “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”; and
- The Ten Commandments.

The monument will be designed, procured, and placed by the Capitol Art Standards Commission, subject to final approval by a monument committee composed of the following members of the General Assembly:

- Two members of the House appointed by the Speaker;
- Two members of the Senate appointed by the Lieutenant Governor; and
- One member from each house of the General Assembly appointed by the Governor.

The monument committee will stand abolished upon placement of the monument.

No public funds will be expended for the design or procurement of the monument; however, gifts and donations from private individuals, organizations, or foundations will be accepted and expended by the Capitol Art Standards Commission to carry out the requirements of this legislation.

HOUSE BILL 1080

Reverend Martin Luther King, Jr. Capitol Statue

This legislation provides for the placement of a statue of the Reverend Martin Luther King, Jr. on the Capitol grounds, subject to the availability of private funds. Unless public safety concerns warrant postponement, such monument will be procured and placed as soon as practicable, but not before the state has been granted any necessary intellectual property license.

STATE AND LOCAL GOVERNMENTAL OPERATIONS

(Does Not Include Local Legislation)

SENATE BILL 367

Metropolitan Area Planning and Development Commissions – Membership; and

Temporary Replacement Certain Suspended Public Officials

Metropolitan Area Planning and Development Commissions – Membership

This legislation allows the president, or the presiding officer, of the legislative body of the most populous municipality within a metropolitan area planning and development commission, to serve on that commission. Current law simply states that only a member of such legislative bodies may serve on such commissions.

Temporary Replacement of Certain Suspended Public Officials

This legislation also establishes the framework for the temporary replacement of persons serving as temporary replacements for suspended members of a governing authority. In the event the Governor appoints a member of a governing authority as a temporary replacement for a suspended public official, the governing authority must, by majority vote, select a temporary replacement to fill such member’s seat until the suspension is terminated or the member’s term expires. The governing authority must advertise once a week for two weeks its intention to select the temporary replacement.

HOUSE BILL 834

County-wide Bond Elections

Current law requires all counties having a population of 800,000 or more to hold county-wide bond elections only on the date of the November general election. This legislation repeals this requirement so that all counties are treated equally.

HOUSE BILL 979

DeKalb School Board Districts

Current law dictates that on and after January 1, 2015, county boards of education must consist of seven members elected from separate single-member districts of approximately equal population in counties collecting a homestead option sales tax, and a county sales and use tax for educational purposes. The number of members may be reduced to less than seven members by local legislation, but such members must always be elected from separate single-member districts.

This legislation abolishes the current DeKalb County school board districts (seven single-member districts plus two at-large districts) in favor of seven single-member districts, unless local legislation addressing the school board districts is enacted prior to the 2014 qualifying period. Those members currently serving from odd-numbered districts will serve for an initial term of two years and until their respective successors are elected. Those persons serving from even-numbered districts will serve for an initial term of four years and until their respective successors are elected.

After January 1, 2015, the composition of such districts, number of districts, and staggering of terms may be changed by local law consistent with the provisions of this legislation and current law.

HOUSE BILL 1108

Douglas County Board of Education Compensation

The Douglas County Board of Education chairperson's compensation is currently 20 percent of the base salary for a superior court judge as set forth in O.C.G.A. Section 45-7-4; which is currently \$99,862.00. The vice chairperson's compensation is 18 percent of such base salary. The remaining board members receive 16 percent of such base salary.

On January 1, 2015, this legislation reduces the compensation of the chairperson, vice chairperson, and each board member by 10 percent. After January 1, 2015, board compensation increases will be tied to the percentage increases to the minimum salary schedule for teachers.

This legislation also provides that board members will be reimbursed for actual expenses incurred in carrying out approved board business while outside the county. All incurred expenses will be paid from the general funds of the board on a monthly basis.

TRANSPORTATION

SENATE BILL 392

Registration/Title of Former Military Vehicles; Class D Licensing Restrictions

This bill allows former U.S. military vehicles to be registered and titled in Georgia. Further, SB 392 revises the time period during which a Class D license holder is prohibited from driving a Class C motor vehicle on public roads from 12:00 A.M. to 6:00 A.M. to 12:00 A.M. to 5:00 A.M.

HOUSE BILL 264

MARTA

This bill makes several changes to the MARTA Act of 1965. Of significance, HB 264 suspends the 50/50 restriction on MARTA sales tax proceeds until June 30, 2017 and allows Clayton and Gwinnett counties to join MARTA upon voter approval. The 50/50 restriction prohibits MARTA from using more than 50 percent of its annual sales tax proceeds for operating costs.

HOUSE BILL 265

MARTA; Exemption to Local Sales Tax Cap

This bill repeals language in current law which provides for the suspension of restrictions on MARTA sales tax proceeds, as well as the membership of the Board of Directors. Additionally, this bill includes the language of House Bill 1009, which also passed this Session, that extends the sunset date of the exemption to the local sales tax cap for a county that levied a tax for the purposes of a metropolitan area system of public transportation (now November 1, 2016). However, this bill will only go into effect on June 1, 2014, if another bill is enacted that provides for the suspension on restrictions on the use of sales tax proceeds and reconstitutes the Board of Directors (i.e., HB 264).

HOUSE BILL 494

Private Airstrips

This bill provides for adequate visual warning in the use of private airstrips by outlining the process for a private airstrip owner to pay the owner of a utility line to install security markers. HB 494 also contains the language of SB 127, which provides a limitation of liability for property owners in relation to use of the property by others for recreational purposes. The term "recreational purposes" now includes aviation activities.

HOUSE BILL 774

Transportation Clean-up Bill

This bill makes various changes in Code relating to the Department of Transportation's reporting requirements, local government contracting, Department of Driver Services' record-keeping, traffic signals, vehicular traffic at intersections, and maximum lawful speed limits. Of significance, HB 774 increases the maximum speed limit from 65 to 70 miles per hour on interstates in urban areas.

HOUSE BILL 1009

Levy of Taxes for Purposes of a Metropolitan Area System of Public Transportation

Current law prohibits the imposition of any state local sales taxes, local use taxes, or local sales and use taxes in excess of 2 percent. However, the limitation does not apply to a tax levied in a county for purposes of a metropolitan area system of public transportation in which the tax is first levied after January 1, 2010, and before November 1, 2012. This bill extends the date to November 1, 2016.

HOUSE RESOLUTION 1200

This bill dedicates various roads and bridges in memory of law enforcement officers.

HOUSE RESOLUTION 1544

This bill dedicates certain roads and bridges to various people.

HOUSE RESOLUTION 1573

Joint Study Committee on Critical Transportation Infrastructure Funding

Georgia's transportation leadership has predicted that current funding levels can, at best, cover 50 percent of our greatest needs. New sources and methods of funding transportation projects are needed to allow the transportation systems in Georgia to keep up with the needs of the population. This bill creates the Joint Study Committee on Critical Transportation Infrastructure Funding to determine funding mechanisms for road transportation projects in Georgia.

VETERANS, MILITARY AND HOMELAND SECURITY

SENATE BILL 276

Purple Heart State; and Purple Heart Day

This legislation designates Georgia as a "Purple Heart State," honoring our combat wounded veterans for their service and sacrifice in allowing the United States of America to maintain its sovereignty.

This legislation also designates August 7 of every year as "Purple Heart Day." The Governor may annually issue a proclamation designating August 7 as "Purple Heart Day." Public officials, schools,

private organizations, and all residents are encouraged to commemorate Purple Heart Day and honor those wounded or killed while serving in any branch of the United States Armed Services.

SENATE BILL 381

First Informer Broadcasters

This legislation directs the unified incident command system and the Georgia Emergency Operations Plan to establish planning for first informer broadcasters so that, during an emergency, such broadcasters may:

- Have access to areas affected by an emergency for the purpose of restoring, repairing, or resupplying any facility or equipment critical to the ability of a broadcaster to acquire, produce, or transmit emergency related programming, including but not limited to repairing and maintaining transmitters and generators and transporting fuel for generators;
- Have access to the distribution of fuel, food, water, supplies, equipment, and any other materials necessary for maintaining or producing a broadcast or broadcasting signal; and
- Not have vehicles, fuel, food, water, and any other materials seized or condemned that are essential for maintaining or producing a broadcast or broadcasting signal.

GEMA may develop or adopt courses of instruction for use in training personnel of first informer broadcasters on personal safety and navigation in an area affected by an emergency. The requirements of any such training must be established pursuant to rules and regulations promulgated by the director of emergency management. The costs of any such training will be paid by the first informer broadcasters participating in the training.

2014 SENATE AND JOINT STUDY COMMITTEES

Senate Study Committees

SR 820	Senate Entrepreneur in Residence Study Committee
SR 881	Senate Senior Technology Gap Study Committee
SR 953	Senate Mold and Mildew Remediation Contractor Study Committee
SR 973	Senate Child Protection Study Committee
SR 986	Senate Unified Courts Study Committee
SR 1175	Senate Study Committee of Medicaid Care Management Organizations Credentialing
SR 1192	Senate Study Committee to Review and Recommend Necessary Changes to the Georgia Code of Military Justice Study Committee
SR 1200	Senate Study Committee on School Discipline
SR 1203	Senate Study Committee on 9-1-1 System Modernization

Joint Study Committees

SR 828	Joint Study Committee on Emergency Relocation of Abused Adults
SR 875	Joint Study Committee on the Property Tax Digest Impact on Education Funding
SR 896	Joint Study Committee on the Georgia Legacy Program
SR 981	Joint Study Committee on Violence Against Health Care Workers; and Joint Study Committee on the Prescription of Medical Cannabis for Serious Medical Conditions
HR 1573	Joint Study Committee on Critical Transportation Infrastructure Funding

2014 VETOED LEGISLATION

(Does Not Include Local Legislation)

SB 281	State Health Benefit Plan
SB 326	Authorizing Teleconferences for the Private Colleges and Universities; Providing Limitations on and Reporting of Real Property; Revise Expense Allowances and Travel Cost for Certain Members; and Adds Language to the Definition of "Campus"
HB 670	Registration of Trade Names with the Clerk of Superior Court
HB 729	Title Fee Ad Valorem Tax (TAVT) Update
HB 837	Agreements for Probation Services