



The State Senate
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2005 LEGISLATIVE SESSION HIGHLIGHTS

This document highlights selected legislation passed by the 2005 Georgia General Assembly and is intended to provide only a general overview. This document contains an index of passed legislation, Interim Senate Study Committees, as well as vetoed legislation. If further detail on legislation is needed, please contact the Senate Research Office.

This document is also available on the Senate Research Office Internet website at:
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APPROPRIATIONS

HOUSE BILL 84

2005 AMENDED APPROPRIATIONS

The 2005 Supplemental Budget increased spending from \$16.38 billion to \$16.57 billion. Most of this additional spending will go to education and public schools including money to design the Macon State College Professional Sciences Center, the Fort Valley State University Academic Classroom Building, the Georgia State University Teaching Laboratory Building, and the College of Pharmacy Facility at the University of Georgia. The 2005 Supplemental Budget also provided a mid-term adjustment of \$105.87 million to the Quality Basic Education (QBE) Formula for Education.

HOUSE BILL 85

2006 GENERAL APPROPRIATIONS

The level of budgetary control was moved from object classes to program budgeting for Fiscal Year 2006. Program budgeting gives program managers and agency heads more budget flexibility in order to produce more efficient and effective program results. In essence, the Legislature assumes more responsibility for defining a program's purpose and agencies assume more responsibility for how to achieve the stated purpose.

For the Fiscal Year 2006 Budget, the General Assembly appropriated \$17.4 billion in state funds and \$29.5 billion in total funds. The 2006 Budget includes \$500 million for K-12 education, which fully funds the QBE Formula for Education. The 2006 Budget also includes: \$3.5 million in local projects; and \$2 million for community and local programs that will be distributed by the Department of Community Affairs.

Department of Human Resources

- \$4 million in new funding for After School Programs using TANF (Temporary Assistance for Needy Families);
- \$300,000 for Child Advocacy Centers;
- \$100,000 in new funding for the Long-term Care Ombudsman Program;
- \$625,000 for "Healthshares" Volunteers in Medicine (House Bill 166);
- \$300,000 in new funding for rape crisis centers statewide;
- \$2 million for centers for developmentally disabled children;
- Funding for 500 additional Child Protective Service Workers;
- 625 new slots for children with mental and substance abuse problems;
- 600 additional slots for elderly at-home services;
- Restored \$1.3 million in cuts to nursing homes; and
- Restored \$16 million in cuts to state hospitals.

Department of Community Health

- Restored funding for the Katie Beckett Waiver and Independent Care Waiver Programs;
- PeachCare payments will be credited based on postmarks, not due dates and each family will receive one grace period per fiscal year, plus 30 days to pay for PeachCare premium;
- Assessed a monthly smoker surcharge of \$27 for the State Health Benefit Plan; however, the Department of Community Health Board increased the surcharge to \$40;
- Assessed a monthly spousal surcharge of \$25 for the State Health Benefit Plan; however, the Department of Community Health Board increased the surcharge to \$30; and
- \$590,000 for Area Health Education Centers.

Education

- 2 percent pay raise for teachers, bus drivers and food service employees (\$105.8 million);
- 4,000 additional Pre-K Slots;
- Funding for 1,334 new classrooms in 43 school districts;
- \$2 million for the Academic Coach Program (Senate Bill 34);
- \$1.3 million for Liability Insurance for Teachers;

- Restored \$325,000 for the Foreign Language Program; and
- Increased funding for Charter Schools by \$500,000.

Higher Education

- Restored \$100,000 in lost funding to North Georgia College due to deployment of National Guard Troops who were students;
- \$17.9 million in scholarship money to Mercer University; and
- \$10 million in scholarship money to Morehouse School of Medicine.

Economic Development

- \$1.5 million for Tourism Marketing;
- \$200,000 to bring more film industry to Georgia;
- \$200,000 for International Trade Marketing;
- \$690,000 for statewide branding campaign; and
- Appropriated \$47 million in tobacco settlement funds for the OneGeorgia Authority.

Criminal Justice

- \$2.1 million for two new State Trooper Schools to train 100 new State Troopers;
- \$1 million to purchase new patrol vehicles;
- Created an Office of Victim Services in Pardons and Paroles;
- Provided funds for five new Superior Court Judgeships and two new Juvenile Court Judgeships;
- Provided funds for 1100 new beds in existing prisons; and
- Moved Drug Courts to the Superior Courts.

Transportation

- \$284 million in road projects and transit;
- \$65 million in bonds for Port Facility upgrades and new construction;
- \$203,500 for a High-Speed Rail Study from Atlanta to Charlotte; and
- \$100,000 for the I-3 and I-14 Interstate Highway Association.

Bonds

- Reduced state debt by reducing bonds by \$101 million;
- Provided funds to the Board of Regents for construction, renovation, and rehabilitation projects among the colleges and universities throughout Georgia; and
- Provided funds for three libraries.

Miscellaneous

- Provided a 2 percent pay raise for all state employees;
- Decreased State Health Benefit Plan premiums increase from 13 percent to 9.4 percent by allocating \$31 million across state agencies;
- \$430 million in Homeowner Tax Relief Grants to help alleviate local property taxes; and
- Created a new State Accounting Office.

HOUSE BILL 509

PROGRAM BUDGETING AND REVENUE SHORTFALL

This legislation implements program budgeting and establishes that the head of each budget unit (except for the General Assembly and the Judicial Branch) will annually submit an estimated financial requirement to the Office of Planning and Budget (OPB). The Director of OPB will set a date, no earlier than August 1st of each year, for these estimated financial requirements to be submitted to OPB.

This legislation gives the Governor the option to withhold a percentage of an agency's allotment requests as necessary to maintain spending within actual revenues if appropriations are expected to exceed actual revenues.

Additionally, this legislation establishes the following changes to the Revenue Shortfall Reserve:

1. If the current revenue estimate is expected to exceed actual revenues, the Governor is authorized to require state agencies to reserve such appropriations for budget reductions to be recommended to the General Assembly during the next legislative session.
2. The General Assembly may appropriate up to 1 percent of the net revenue collections from the Revenue Shortfall Reserve to K-12 needs.
3. The Revenue Shortfall Reserve will not exceed 10 percent of the previous fiscal year's net revenue for any given fiscal year.

HOUSE RESOLUTION 108

COMPENSATION FOR MR. HARRISON

This resolution authorizes the Department of Corrections to pay \$1 million to Mr. Clarence Harrison as compensation for being wrongly convicted of rape, kidnapping, and robbery in DeKalb County. The \$1 million compensation payment for Mr. Harrison will be paid through a 20-year annuity with an initial lump sum payment of \$100,000.

AGRICULTURE AND CONSUMER AFFAIRS

SENATE BILL 13

GIFT CARD INTEGRITY ACT OF 2005

Senate Bill 13 creates the "Gift Card Integrity Act of 2005." This legislation requires any person, firm, partnership, association or corporation to: (1) include, at the time of purchase, the terms of the gift certificate, store gift card, or general use gift card in the packaging; and (2) conspicuously print the expiration date and dormancy/nonuse fees on the certificate or card. This legislation will only apply to gift certificates, store gift cards, or general use gift cards sold on or after October 1, 2005.

SENATE BILL 230

NOTIFICATION TO CONSUMERS BY INFORMATION BROKERS

Senate Bill 230 requires information brokers to give notice of a breach of the security system to any resident of the state whose personal information was acquired by an unauthorized person. An information broker is a person or entity who, for a monetary fee, furnishes personal information to nonaffiliated third parties. The notification required may be delayed if a law enforcement agency determines that the notification will compromise a criminal investigation. In the event that the information broker discovers circumstances requiring notification of more than 10,000 residents of the state at one time, the information broker must notify all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis.

HOUSE BILL 452

DOG AND CAT REPRODUCTIVE STERILIZATION FUND

This bill allows Georgia taxpayers the option of contributing to the Dog and Cat Sterilization Support Program. Taxpayers would have the opportunity to donate all or any part of their tax refund due, or any amount over tax due, to contribute to the program.

BANKING AND FINANCIAL INSTITUTIONS

SENATE BILL 82

FINANCIAL INSTITUTIONS

Senate Bill 82 defines 'Savings Bank' as a state-chartered bank that has powers no greater than a state bank but that may lend and invest in commercial loans in an aggregate amount that does not exceed 50 percent of its total assets. This legislation also provides numerous updated and new definitions for financial institutions.

SENATE BILL 100

THE GEORGIA RESIDENTIAL MORTGAGE FRAUD ACT

This legislation creates the "Georgia Residential Mortgage Fraud Act." The Act protects mortgage lending institutions and borrowers who have suffered hundreds of millions of dollars in losses due to residential mortgage fraud. It creates the offense of residential mortgage fraud, it provides for felony punishment and includes this crime as one which may constitute racketeering activity under the "Georgia RICO Act" (Racketeer Influenced and Corrupt Organizations Act).

ECONOMIC DEVELOPMENT

SENATE BILL 125

STATEWIDE TOURISM ACT

The bill establishes the “New Georgia Foundation for Tourism Act,” which: (1) promotes tourism through a statewide tourism marketing program; (2) provides for coordination of certain agencies by the Georgia Department of Economic Development (department); (3) provides for a Georgia Tourism Foundation and the solicitation and disbursement of contributions; (4) transfers certain venues and authorities with tourism roles to the department; and (5) provides for the appointment of the board of the Georgia Music Hall of Fame Authority.

Statewide Tourism Marketing Program

The bill establishes a Statewide Tourism Marketing Program (program) to promote tourism in Georgia and authorizes the department to exercise its powers: (1) to solicit and receive gifts, donations, and contributions; and (2) to participate in joint marketing projects and may authorize and delegate all or parts of such powers to agencies for their own implementation.

The Georgia Tourism Foundation

The bill establishes the Georgia Tourism Foundation (foundation) as a public corporation and instrumentality of the state to: (1) solicit and accept contributions for the program; and (2) make and disburse contributions to the department. The Commissioner of Economic Development will serve as foundation chairperson and the chairpersons of the House and Senate Economic Development Committees will serve as ex officio nonvoting members.

SENATE BILL 133

FIREWORKS

The bill provides that the term “fireworks” does not include: (1) wire or wood sparklers of not more than 100 grams of mixture per item; (2) other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 200 grams or less for multiple tubes; (3) snake and glow worms; nor (4) trick noise makers which include paper streamers, party poppers, string poppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture. The bill prohibits using any such product indoors; or selling it: (1) to any person under 18 years of age; or (2) to any person by any means other than an in-person, face-to-face sale and such person must provide proper identification to the seller at the time of the purchase. Any person or entity that knowingly violates any of these provisions may be punished by a fine not to exceed \$100. Each sales transaction in violation of this provision is a separate offense.

HOUSE BILL 539

GEORGIA ENTERTAINMENT INDUSTRY INVESTMENT ACT

The bill establishes the “Georgia Entertainment Industry Investment Act” which provides for a 9 percent income tax credit for any production company and its affiliates that invest in a state-certified production approved by the Department of Economic Development. Production companies that spend a minimum of \$500,000 in the state on qualified production and postproduction expenditures in a single year are eligible for the credit. The production companies may receive additional credits for the following: (1) if the base investment in this state is in a tier 1 or tier 2 county, the production company may receive an additional tax credit equal to 3 percent of such base investment; (2) if Georgia residents are employed in the production, the production company may receive an additional tax credit equal to 3 percent of the total aggregate payroll of Georgia residents; and (3) if the base investment in this state is in excess of \$20 million for multiple television projects, the production company may receive an additional tax credit equal to 2 percent of such base investment.

Any tax credits earned by a production company and previously claimed but not used against its income tax may be transferred or sold in whole or in part by such production company to another Georgia taxpayer.

The Department of Economic Development will determine what projects qualify for the tax credits authorized by the bill. Certification must be submitted to the State Revenue Commissioner. The State Revenue Commissioner will promulgate such rules and regulations that are necessary to implement and administer the bill.

EDUCATION

SENATE BILL 33

GEORGIA VIRTUAL SCHOOL

The State Board of Education is authorized to establish the Georgia Virtual School, wherein any Georgia student who is 21 years of age or younger will be able to enroll in state-funded courses via the Internet or in any other manner not involving on-site interaction with a teacher, at no cost to the student, provided that public school students must be given priority.

SENATE BILL 34

GEORGIA MASTER TEACHER PROGRAM

Senate Bill 34 creates the Georgia Master Teacher Program, which will be established by the Professional Standards Commission (Commission). The Commission will establish the criteria for a Master Teacher Certification that will include evidence of student achievement. Applications for such certification may be submitted to the Commission by public school teachers with at least three years of teaching experience in Georgia.

The Commission will review each application and determine whether a teacher meets the criteria. If a teacher's application meets the criteria, the teacher will be given a Master Teacher Certification. Certification will be for a maximum of seven years.

National Certification

Teachers who attain their initial national certification prior to July 1, 2006, or who have enrolled in the process of attaining their initial national certification on or before March 1, 2005, will receive at least a 10 percent raise in their state salary for each year their national certification is held. The Commission will annually provide the Department of Education (Department) with a roster of teachers who have attained and retained their national certification and who are eligible for the annual increase.

Academic Coach Program

The State Board of Education (State Board) will establish the Academic Coach Program to provide certificated public school teachers, who exhibit excellence in the classroom, with salary supplements or bonuses in exchange for mentoring other public school teachers. An academic coach must receive a Master Teacher Certification from the Commission and must participate in professional learning prior to working as an academic coach in a school.

Professional Liability Insurance

The Department of Administrative Services is authorized to purchase or provide policies of professional liability insurance, subject to appropriations by the General Assembly, insuring certificated personnel and student teachers who are employed by a local school system, at no cost to such individuals. Such policies must protect against damages arising out of the performance of their duties. The amount of such insurance and the appropriate coverage will be at the discretion of the Department of Administrative Services.

SENATE BILL 35

EXPENDITURE CONTROLS; CLASS SIZE; CHARTER SCHOOLS

Quality Basic Education

This legislation changes the Quality Basic Education (QBE) funding formula by redefining the program weights and teacher-student ratios for kindergarten and grades one through twelve.

Expenditures

By October 1, 2005, the State Board of Education (State Board) must develop rules and regulations requiring that each local board of education provide information to members of the school council and the general public that includes school site budget and expenditure information and site average class size by grade.

School systems will have flexibility from site-based expenditure controls through the 2005-2006 school year. During the 2005-2006 school year, school systems must spend 90 percent of the funds allocated for professional development at the system level. This proposed change would allow systems the flexibility to spend up to 10 percent of staff development funds on direct instruction.

Classroom Size

This legislation removes certain conditions for class size reductions, and provides that:

- The State Board must provide for a system average maximum class size for grades four through twelve that must not exceed the funding class size by more than 20 percent for mathematics, science, social studies, or language arts classes, unless specifically authorized by the State Board.
- For kindergarten and grades one through three, the system average maximum class size must not exceed 20 percent over the funding ratio except for art, music, or physical education classes. Furthermore, the State Board must set the system average maximum class size for special education, gifted, and English for speakers of other languages (ESOL) classes.
- For each instructional program, the maximum number of students who may be taught by a teacher in an instructional period must not exceed the system average maximum class size for the program by more than two students. However, a system average maximum class size which results in a fractional full-time equivalent (FTE) must be rounded up to the nearest whole number.
- An aide may be used in programs to increase class size allowed, until the 2007-2008 school year.
- The final phase-in date of the maximum class size requirements is extended to the 2007-2008 school year.
- Local school systems will be allowed to exceed the maximum class sizes set by the State Board for an additional two school years, 2005-2006 and 2006-2007, for kindergarten and grades one through twelve.

Education Information Steering Committee (Committee)

This section amends provisions relating to the Education Information Steering Committee and it provides that the statewide comprehensive educational information system be phased in, instead of completed by a specific date.

Minimum Requirements for Charter Petitions

This section revises provisions for charter schools by authorizing the State Board to promulgate rules and regulations: (1) to govern the contents of a charter petition; (2) for the receipt of charter petitions from a group of two or more local schools as a single charter petitioner to convert to conversion charter school status; and, (3) for charter petitions from two or more local school systems to jointly authorize a local charter school.

Charters for State Chartered Special Schools

A petitioner, who has been denied by the local board for a conversion charter school, may not apply to the State Board for a state chartered special school.

Requirements for Operating, Control, and Management of Charter Schools

In exchange for a waiver that exempts charter schools from the provisions of Title 20 of the O.C.G.A or any state or local rule relating to schools, the charter school must agree

to meet or exceed the performance-based goals included in the charter and approved by the local board, to include raising student achievement. However, the State Board may establish rules and regulations relating to charter schools.

The legislation provides that when determining whether to approve a charter petition or renew an existing charter, the local board and the State Board must ensure that the charter school meets the following stipulations, including requiring the school to be:

- Organized and operated as a nonprofit corporation. This stipulation does not apply to any charter petitioner who is a local school or state or local public entity; and
- Subject to an annual financial audit conducted by the state auditor, or if specified in the charter, by an independent certified public accountant licensed in Georgia.

Admission, Enrollment, and Withdrawal of Students

This section provides that a start-up charter school must enroll any student who resides in the charter attendance zone as specified in the charter. However, a start-up charter school may give enrollment preference to certain applicants.

A conversion charter school must enroll any student who resides in the attendance zone specified in the charter and who submits a timely application as specified in the charter. If the number of applying students who reside in the attendance zone does not exceed the capacity as specified in the charter, additional students must be enrolled based on a random selection process. However, enrollment preferences may be given to certain applicants.

Initial Term of Charter; Annual Report

The initial term of a charter must be a minimum of five years, not to exceed ten years. Previous language provided a minimum initial term of three years, not to exceed five years. The local board and the State Board may renew a local charter, upon the request of the charter school, for a period of time not to exceed ten years. Previous language provided a five-year renewal period for a local charter. The State Board may renew a state chartered special school, upon the request of the school, for a period not to exceed ten years.

A charter school must submit an annual report outlining the previous year's progress to: the authorizing local board or State Board; parents and guardians of students enrolled in the school; and the Department no later than October 1 of each year.

Application of the QBE Formula

The QBE formula earnings must include: the salary portion of direct instructional costs; the adjustment for training and experience; the nonsalary portion of direct instructional costs; and earnings for psychologists and school social workers, school administration, facility maintenance and operation, media centers, additional days of instruction, and staff development.

In addition to other earnings, local revenue must be allocated to a local charter school on the same basis as for any local school in the local school system. In the case of a start-up charter school, local revenue earnings must be calculated utilizing a certain formula whose product is the least amount of local funds that may be distributed to a local start-up charter school by the local board. However, a greater amount of local funds may be provided to the local start-up charter school, if specified in the charter and agreed to by all parties.

Unless the voters of a local school system have approved the use of revenue from local tax levies and funds from local bonded indebtedness to support a state chartered special school, the special school will not be included in the calculation and distribution of the local school system's equalization grant.

Levels of Intervention for Failing Schools; Transportation

Parents may choose from a list of available options provided by the local school system when opting to relocate their student to another public school within the local school system.

The local school system must provide transportation for students in Title I schools and may provide transportation for non-Title I schools. In any year in which the General Assembly does not appropriate funds for the provision of transportation for non-Title I students, the parent or guardian must assume responsibility for the transportation of that student.

Instructional Permits and Driver's Licenses

A minor who is: (1) younger than 18; (2) pursuing a General Educational Development (GED) diploma; or (3) enrolled in and not expelled from a public or private school or enrolled in a home education program, is allowed to receive an instructional permit or driver's license issued by the Department of Motor Vehicle Safety (DMVS).

The DMVS will notify a minor that his/her instructional permit or driver's license is suspended if the DMVS receives notice that such minor has:

- Ten or more school days of unexcused absences in the current or previous academic year; or
- Been found in violation by a hearing officer, panel, or tribunal for possession or sale of drugs or alcohol on school property or at a school sponsored event; or possession or use of a weapon on school property or at a school sponsored event and has received a change in placement for committing one of such offenses; or has waived his/her right to a hearing and pleaded guilty to one of such offenses.

However, minors pursuing a GED are exempt from having their license or permit suspended.

This section further amends the Code by providing that the suspension of such minor's permit or license will end once the DMVS receives proof that the minor is pursuing or has received a GED.

The Department of Technical and Adult Education will be responsible for compliance and noncompliance data for students pursuing a GED.

HIGHER EDUCATION

SENATE BILL 43

GEORGIA HERO SCHOLARSHIP

This legislation creates the Georgia Helping Educate Reservists and their Offspring Scholarship (HERO) grant. An eligible student must be enrolled as a full-time or part-time student in an approved school and be:

1. A person who: is a legal resident of Georgia and remains a citizen of the state while receiving the Georgia HERO Scholarship; and, is a member of the Georgia National Guard or a member of a reserve component of the Armed Forces of the United States, who has completed at least one qualifying term of service; or,
2. A child: whose parent was a member of the Georgia National Guard or a member of a reserve component of the Armed Forces of the United States, including a deceased member, who completed at least one qualifying term of service; who was born prior to such qualifying term of service or within nine months of the beginning of such qualifying term of services; and who is 25 years old or younger.

SENATE RESOLUTION 33

PUBLIC COLLEGE IN GWINNETT COUNTY

This bill creates a new four-year public college in Gwinnett County as a result of the Board of Regents determining that a four-year state college with its own leadership would better meet the higher education needs of the citizens of Gwinnett County and the surrounding area.

HOUSE BILL 272**GRANTS FOR FOSTER AND ADOPTED CHILDREN**

This legislation provides for the creation of a program of grants for the payment of postsecondary tuition, ancillary fees, and living expenses for Georgia's foster children and adopted children at any undergraduate program of any Georgia public institution as long as the student maintains eligibility requirements.

HOUSE BILL 340**PUBLIC DISCLOSURE OF RECORDS**

This legislation exempts from public disclosure information concerning donors to postsecondary educational institutions and associated foundations. However, the name of any donor and the amount of their donation will be subject to disclosure if the donor or any entity, in which the donor has substantial interest, transacts business with the public postsecondary education institution to which the donation is made within three years of the date of such donation.

ETHICS**HOUSE BILL 48****ETHICS IN GOVERNMENT ACT**

House Bill 48 expands the scope of the "Ethics in Government Act." The policy behind this legislation is to ensure that the public has reasonable access to the disclosure of significant private interests of the public officers of this State and campaign contributions/expenditures.

Increased Disclosures for Candidates

- Candidates and elected officials must disclose direct ownership of any business in which they have a 5 percent interest and, if they have actual knowledge, any business in which their spouse has a 5 percent interest.
- Candidates and elected officials must disclose direct ownership of property which has a value of \$10,000 or more and must disclose the range in which the value of the property falls. The same information is required of the candidate or elected official's spouse, if the candidate or official has actual knowledge.
- Additional information about the candidate or elected official's spouse, spouse's employer, and dependents are also required to be disclosed.

Increased Disclosures for Lobbyists

- Persons who lobby state agencies for state contracts and for favorable rules and regulations must register as lobbyists and file disclosure reports.
- Lobbyists must now disclose the names of any clients from whom they receive \$10,000 or more in a single year.
- Lobbyists must provide more detailed information about their lobbying expenditures.
- A list of delinquent filers, whether lobbyists or elected officials, will be published on the State Ethics Commission's website.

Revolving Door Provisions

- All constitutional officers, every state official, the executive heads of every state department or agency (whether elected or appointed), each member of the General Assembly, and the executive director of each state board, commission, and authority must wait one year after leaving office before engaging in lobbying.
- Lobbyists may not receive executive appointments to any board, authority, or commission that regulates the lobbyist's client until one year after their lobbyist registration expires.

- The Governor may not make a judicial appointment of anyone who has made a contribution to the Governor either in the 30-day period preceding the vacancy or after the date the vacancy occurs.

Miscellaneous Provisions

- The “Millionaire’s Clause”- candidates may loan themselves as much money as they wish, but they can only use campaign donations to repay themselves up to \$250,000.
- Elected officials are prohibited from seeking or accepting contributions or pledges of contributions during the legislative session.
- Public officials may not advocate for the hiring or promotion of members of their family for public service jobs.

Greater Enforcement Mechanisms

- The State Ethics Commission will now be a separate agency with a separate budget from the Secretary of State.
- The State Ethics Commission is authorized to impose a maximum fine of up to \$10,000 per incident on public officials who are repeat offenders.
- The fine for public utilities that violate the law by making contributions to candidates or incumbents to the Public Service Commission is increased from \$5,000 to \$10,000.
- The new 10-member Joint Legislative Ethics Committee, composed of minority and majority members of both Chambers, will assist the General Assembly in establishing rules and regulations and investigating complaints relating to conflicts of interest between private interests of the members or employees of the legislative branch and the duties of such members or employees. The committee has the authority to administer sanctions against legislative employees and issue advisory opinions.

HOUSE BILL 665

WHISTLEBLOWER ACT

Public employers are prohibited from: (1) making, adopting, or enforcing any policy preventing a public employee from disclosing or threatening to disclose a violation of a law, rule, or regulation to either a supervisor or government agency; (2) retaliating against a public employee for such disclosures; (3) retaliating against a public employee for objecting to, or refusing to participate in, any activity, policy, or practice the public employee has reasonable cause to believe is in violation of or noncompliance with a law, rule, or regulation. An employee who is subjected to retaliation may institute a civil action in superior court within the earlier of one year after discovering the retaliation and three years of its occurrence.

FINANCE

SENATE BILL 227

LOCAL GOVERNMENTS: BONDS

Local governments which issue a debt will be authorized to modify their qualified interest rate agreements. The bill requires that the local governments annually review their interest rate management plans and the interest rate risk, and provide a report of such to the public. This is sometimes known as a “Hedge fund.”

HOUSE BILL 5

SALES TAX HOLIDAY

The state sales tax holiday for school supplies and related items will be July 28, 2005 through July 31, 2005.

HOUSE BILL 22**AUTOMOBILE SALES/LEASE TAX**

The tax situs for vehicle sales and leasing for taxing purposes will now be the county of the purchaser's or lessee's vehicle registration rather than the county of the vehicle purchase or lease signature.

HOUSE BILL 191**CORPORATE TAXATION**

Corporate taxation has been revised by removing the payroll factor and property from the tax liability formula, and corporate taxation will be solely based on a single sales formula by 2008. This bill is expected to close the "Delaware holding company loophole" by preventing Georgia corporations from evading taxation by reporting their income through Delaware-based subsidiaries.

HOUSE BILL 263**TAX DEDUCTION: GEORGIA TEACHERS**

Georgia teachers will be allowed to deduct from their Georgia income tax liability for classroom supplies expenditures.

HOUSE BILL 282**INCOME TAX DEDUCTIONS**

Corporations and sole proprietorships will be eligible to deduct from Georgia corporate taxation certain expenses pertaining to tangible personal property purchases. This deduction mirrors federal provisions providing similar deductions. Georgia income tax returns will provide an opportunity to contribute tax refunds to the Georgia National Guard Foundation.

HOUSE BILL 306**TAXATION: CONSTRUCTION**

Tangible personal property absorbed into the identity of real property will be deemed to be consumed for taxable purposes. A government entity which furnishes tangible personal property to a contractor for incorporation into real property must provide advance written notice to the contractor of the tax owed on that tangible personal property. Failure to do so will render the government entity liable for such tax.

HOUSE BILL 341**TAX EXEMPTION: DELTA AIRLINES**

This legislation assists airlines by setting a cap on sales and use tax levied for jet fuel. Qualifying airlines become exempt from state and local tax when tax paid on fuel purchases exceeds \$15 million dollars. This exemption does not include Clayton County's Education Special Purpose Local Option Sales Tax (ESPLOST). This exemption will primarily assist Delta Airlines and will only apply from July 1, 2005, until July 1, 2007.

HOUSE BILL 389**TAX CREDITS: LESS DEVELOPED AREAS**

This legislation authorizes the designation of certain counties as less developed areas to allow tax credits for the following business enterprises: manufacturing; warehousing and distribution; processing; telecommunications; tourism; and, research and development. The tax credit will apply to taxable years after January 1, 2006, and ending no later than taxable years prior to January 1, 2011.

HOUSE BILL 487**TAX EXEMPTIONS: FARMS/CHILDREN**

The sale of electricity and other fuel for farms for exclusive use on irrigation systems will be exempt from sales tax from July 1, 2005, through June 30, 2007. Furthermore, an exemption is authorized for sales of tangible property to child-caring institutions and child-placing agencies provided that they are non-profit organizations. Additionally, sales by these organizations for charitable purposes and fundraising are exempt.

HOUSE BILL 538**TAX EXEMPTIONS: ARMED SERVICES**

Certain members of the Armed Forces who are called to active duty for at least 90 days will be eligible for state tax exemptions and credits. The bill also provides an extension for license registrations of all types and a tax credit for the amount of premiums paid to certain life insurance policies.

HOUSE BILL 559**ENERGY EFFICIENT APPLIANCES**

Energy efficient products will be exempt from state sales and use tax for the weekend of October 6, 2005, through October 9, 2005. The exemption will apply to products selling for \$2,500.00 or less, but will not apply to local sales taxes.

HEALTH AND HUMAN SERVICES**SENATE BILL 90****THE GEORGIA SMOKEFREE AIR ACT**

This bill enacts the "Georgia Smokefree Air Act of 2005." The intent of the bill is to protect the public health and welfare by providing comprehensive changes to the prohibition on smoking in Georgia. Persons violating the Act will be guilty of a misdemeanor and subject to a fine of not less than \$100.00 and no more than \$500.00. The bill does not preempt local laws or ordinances that are more restrictive.

The bill prohibits smoking in the following areas:

- Enclosed facilities owned or operated by the state of Georgia, including any political subdivision of the state; and
- Enclosed areas within places of employment, including common areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, cafeterias, and employee lounges.

The following areas are exempt from the smoking prohibition:

- Private residences, except when used as a licensed child care, adult day-care, or health care facility;
- Hotel rooms designated as such;
- Retail tobacco shops provided that secondhand smoke does not infiltrate areas where smoking is prohibited;
- Certain long-term care facilities;
- Outdoor areas of places of employment;
- Smoking areas in international airports;
- All workplaces of any manufacturer, importer, or wholesaler of tobacco products;
- Private and semi-private rooms in health care facilities where the occupants have a written authorization to smoke;
- Bars and restaurants that do not employ or deny access to persons under 18 years of age;
- Private rooms in restaurants and bars provided the room is enclosed and has an air handling system independent from the main air handling system and all air within the private room is exhausted to the outside;
- Convention facilities, meeting rooms and public and private assembly rooms within a convention facility, not associated with the state, while these rooms are being used for private functions and where individuals under the age of 18, whether attending or working, are denied access;
- Smoking areas designated by an employer that meets certain requirements;
- Common work areas, conferences and meeting rooms, and private offices in private places of employment, that are open to the public by appointment only, except not in the public reception area; and
- Private clubs, military officer clubs, and noncommissioned officer clubs.

Finally, the Department of Human Resources and the county boards of health are authorized to enforce the compliance of this chapter.

SENATE BILL 110**GEORGIA MASSAGE THERAPY PRACTICE ACT;
CREATES BOARD**

This bill creates the Georgia Board of Massage Therapy consisting of five members appointed by the Governor and confirmed by the Senate. The members of the board will have initial terms of office beginning July 1, 2005. There will be four professional members of the board and one consumer member. The board is administratively housed in the Secretary of State's Office. The board will have the power to issue, renew and refuse to issue or renew licenses for the practice of massage therapy.

Community Health. The commission must issue a final report with any proposed legislation no later than June 30, 2007, when the commission will be repealed.

The commission is charged with: (1) studying and evaluating the effectiveness and efficiency of Georgia's certificate of need program; (2) undertaking a comprehensive review of the certificate of need program as to its effectiveness, the costs associated with the program, and the benefits of continuing or discontinuing the program; (3) evaluating for consideration the experiences and results in other states which utilize and which have abolished certificate of need programs; (4) identifying findings and conclusions, including but not limited to recommendations as to whether the certificate of need program should be continued, discontinued, or modified; (5) evaluating the impact of continuing or discontinuing the certificate of need program on providing patient care in trauma care hospitals, critical access hospitals, and public hospitals; and (6) making recommendations for proposed legislation.

INSURANCE AND LABOR

SENATE BILL 174

ALTERNATIVE HEALTH BENEFIT PLANS

Current law requires any insurer offering group or individual accident and sickness policies to offer a health benefit plan that contains all state mandated health benefits. This legislation authorizes such insurers to offer a choice between a plan that contains all state mandated health benefits and an alternative health benefit plan. The legislation specifies 19 health benefit mandates that must be offered in the alternative health benefit plan.

On and after July 1, 2005, an employer who chooses to offer group health benefit plans to its employees must offer to each eligible employee a group health benefit plan that contains all state mandated health benefits and may also offer to each eligible employee a group alternative health benefit plan. However, the purchase of an alternative health benefit plan does not preclude the employee from purchasing additional limited benefit insurance policies or contracts.

HOUSE BILL 59

PREEMPTION OF LOCAL GOVERNMENT WAGE AND EMPLOYMENT BENEFIT MANDATES

This legislation prohibits local government entities, through their purchasing or contracting procedures, from seeking to control or affect the wages or employment benefits provided by vendors, contractors, service providers, or other parties doing business with the local government entities. Moreover, local government entities shall not, through the use of evaluation factors or qualification of bidders, award preferences on the basis of wages or employment benefits provided by vendors, contractors, service providers, or other parties.

HOUSE BILL 200

ACCELERATED DISSOLUTION OF THE SUBSEQUENT INJURY TRUST FUND

Current law dissolves the Subsequent Injury Trust Fund (Trust Fund) and provides that the Trust Fund will not reimburse a self-insured employer or an insurer for a subsequent injury for which a claim is made for an injury occurring after June 30, 2008. This legislation accelerates the dissolution of the Trust Fund by shifting the cutoff date for claims to June 30, 2006. However, the Trust Fund will continue to make reimbursements for claims for injuries occurring on and prior to June 30, 2006. Self-insured employers and insurers will continue to pay assessments to the extent necessary to fund claims for injuries occurring on and prior to June 30, 2006.

No later than December 31, 2020, the Trust Fund and the members of its board of trustees will be discharged from their duties, except for such personnel necessary to administer any remaining claims.

HOUSE BILL 520

EMPLOYMENT SECURITY

This legislation extends the suspension of the State-wide Reserve Ratio surcharge on employment security taxes through December 31, 2006. The current suspension

expires after December 31, 2005. However, in the event the State-wide Reserve Ratio is less than 1 percent, the Commissioner of Labor will have the option to impose an increase in the overall rate of up to 35 percent, as of the computation date, for each employer whose rate is computed under a rate table in O.C.G.A. § 34-8-155.¹

This legislation also provides that an individual will not be disqualified for unemployment insurance benefits if the Commissioner of Labor determines that the discharge occurred because of absenteeism and the absences were caused by illness of the claimant or a family member, unless:

- The claimant has, without justification, failed to notify the employer; or
- The absence for such illness which led to discharge followed a series of absences, the majority of which were in direct violation of the employer's attendance policy regarding which the claimant had been advised in writing, prior to any of the absences.

However, no waiver of an employee's rights under the federal Family and Medical Leave Act of 1993 or any other applicable federal law will be construed under this legislation.

HOUSE BILL 327

WORKERS' COMPENSATION

This legislation amends several areas of Georgia's workers' compensation laws. Significant changes include the following:

Drug-Free Workplace Program

Current law provides for a 7.5 percent premium discount for eight years on an employer's workers' compensation policy if the employer has been certified by the State Board of Workers' Compensation (Board) as having a drug-free workplace program. This section repeals the eight-year limit and allows the employer to maintain the 7.5 percent premium discount indefinitely, as long as the employer maintains the certified drug-free workplace program.

Transmission of Electronic Records

The Board is authorized to promulgate policies, rules, and regulations to allow for the electronic submission of documents and filings to and from the board.

Catastrophic Injury - Rebuttable Presumption

The definition of "Catastrophic Injury" is amended to provide that if the injury has not already been accepted as a catastrophic injury by the employer and the authorized treating physician has released the employee to return to work with restrictions, there will be a rebuttable presumption, during a period not to exceed 130 weeks from the date of injury, that the injury is not recognized as a catastrophic injury. During such period, in determining whether an injury is catastrophic, the board will give consideration to all relevant factors including, the number of hours for which an employee has been released.

In addition, once an employee who is designated as having a catastrophic injury has reached the age of eligibility for retirement benefits as defined in federal law, there will arise a rebuttable presumption that the injury is no longer catastrophic. However, this presumption will not arise upon reaching early retirement age as defined in federal law. When using this presumption, a determination that the injury is no longer catastrophic can only be made by the Board after it has conducted an evidentiary hearing.

Requesting a New Determination of an Employee's Injury

Subsequent to either an employer designating an employee's injury as catastrophic or a Board determination as to the catastrophic or noncatastrophic nature of an employee's injury, either party may request a new determination, based on reasonable grounds, as to the catastrophic or noncatastrophic nature of the employee's injury.

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

Temporary Total Disability Benefits

This legislation increases the weekly temporary total disability benefit that the employer must pay to the employee. The maximum benefit increases from \$425 to \$450 and the minimum increases from \$42.50 to \$45. However, if a weekly wage is below \$45, then the employer will pay a weekly benefit equal to the average weekly wage.

Temporary Partial Disability Benefits

The maximum weekly temporary partial disability benefit that an employer must pay to an employee has been increased from \$284 to \$300.

INTERSTATE COOPERATION

SENATE RESOLUTION 23

JASPER PORT STUDY COMMITTEE

This resolution creates the Jasper Port Study Committee. Both Georgia and South Carolina are dependant upon the economic benefits derived from the activities of each respective port authority and there may be certain benefits to be realized by both states by sharing information regarding a proposed port operation on both the north and south sides of the Savannah River. The committee will undertake a study of the conditions, needs, issues, and problems mentioned above and recommend any action or legislation the committee deems necessary or appropriate, including the need for the State of Georgia to maintain its obligation to the U.S. Army Corps of Engineers to provide an adequate spoil site.

JUDICIARY

SENATE BILL 3

CIVIL JUSTICE REFORM

The purpose of this legislation is fourfold: to avoid a diminution in the access of healthcare services, which diminution would adversely impact the health and well-being of the citizens of the state; to promote predictability and improvement in the resolution of healthcare liability claims; to provide general civil practice reform that would affect healthcare liability claims as well as other civil actions; and to review the licensure of physicians relevant to addressing the purposes of this Act.

Some of the key provisions of the bill include:

- *Caps on Non-Economic Damages:* A limit on noneconomic damages in medical malpractice actions, including wrongful death actions. Noneconomic damages are those damages for nonpecuniary losses, such as emotional pain, suffering and inconvenience. The term “noneconomic damages” does not include medical expenses; lost wages or earning capacity; income; funeral or burial expenses; the value of services performed by the injured in the absence of the injury or death including those domestic and other necessary services performed without compensation; or other monetary expenses. A claimant may recover only \$350,000 against any and all healthcare providers in the action, \$350,000 against any single medical facility, and \$700,000 against more than one healthcare facility, for an aggregate limit of \$1,050,000;
- *Immunity for Dedicated Emergency Department:* This addresses the conflict between the necessity to preserve citizens’ access to emergency care, while, at the same time, provide appropriate remedies for emergency patients who are negligently injured. Unless it is established that injuries or death were caused by gross negligence in an action involving a claim arising out of the provision of emergency medical care in the a hospital emergency department or obstetrical unit or in a surgical suite immediately following the evaluation or treatment of a patient in a hospital emergency room department, the physician or healthcare provider will not be held liable unless it is proven by clear and convincing evidence that the physician or healthcare provider’s actions showed gross negligence;

- *Apportionment of Damages:* In an action brought jointly against several tortfeasors, the plaintiff will now be able to recover damages for an injury caused by any of the defendants against only the defendant or defendants liable for the injury. This section revises the current rule on joint and several liability of defendants and provides for the reduction of damages based upon the contributory negligence of the plaintiff. The trier of fact, in the determination of damages to be awarded, will determine the percentage of negligence of the plaintiff and reduce the amount of damages otherwise awarded to the plaintiff in proportion to his or her negligence compared with that of the person or persons liable for the injury. If more than one defendant is liable, damages will be apportioned by the trier of fact among the defendants according to the degree of liability. Damages will no longer be a joint liability among defendants and will not be subject to contribution. The plaintiff will not be entitled to receive any damages if the plaintiff is 50 percent or more responsible for the injury or damages claimed;
- *Expert Opinion Evidence:* The “Daubert” Standard that is applied in Federal Courts for expert testimony is adopted for civil cases;
- *Offer or Demand for Judgment:* Allows a party in a tort action to recover reasonable costs and attorney’s fees when making an offer or demand for judgment if such offer is not accepted and the offeror receives a judgment that is 25 percent more favorable than was the original offer;
- *Reporting to Composite State Board of Medical Examiners:* Malpractice insurers must notify the Board when it pays a judgment or enters into an agreement to pay a settlement on behalf of a physician. Physicians must self-report to the Board any settlement or judgment involving allegations of medical malpractice, and the Board must conduct an assessment of a physician’s fitness to practice medicine if it has disciplined the physician three times in the last ten years.

SENATE RESOLUTION 161

JUVENILE LAW COMMISSION

This resolution creates the Juvenile Law Commission (commission). The commission is composed of 25 members who will undertake a study of the conditions, needs, issues, and problems of the juvenile justice and child welfare system in Georgia and will review the range of services or sanctions that are needed by the juvenile justice and child welfare system to best serve the needs of the community, families and children. The commission may appoint study committees composed of members of the commission as well as public officials and citizens who have expertise in this area. After a study committee has completed its work, it must submit its report and recommendations to the commission. The commission must make a report of its findings and recommendations by December 31, 2006.

HOUSE BILL 10

FEMALE GENITAL MUTILATION

This bill creates the crime of female genital mutilation. It provides that a person is guilty of female genital mutilation if such person:

- Knowingly circumcises, excises or infibulates, in whole or in part, the labia majora, labia minora or clitoris of a female under the age of 18;
- Is a parent, guardian, or has immediate custody or control of a female under the age of 18 and knowingly consents or permits the mutilation to occur; or,
- Knowingly removes or causes or permits the removal of a female under the age of 18 from this state for the purpose of circumcision, excision or infibulation, in whole or in part, of the labia majora, labia minora or clitoris of such female.

A person convicted of female genital mutilation will be punished by imprisonment for not less than five years and not more than twenty years.

HOUSE BILL 170

CRIMINAL JUSTICE ACT OF 2005

According to prosecutors, one of the most glaring imbalances in Georgia’s criminal justice system is the fact that the criminal defense has twice as many jury “strikes” as the prosecution in felony trials. In practice, this means that defense attorneys can

dismiss 12 potential jurors during the jury selection process, while the prosecution can only dismiss six. Forty-four states and the federal court system have equal strikes for the defense and the prosecution, and among the six other states with unequal strikes, Georgia is the most liberal with the defense being allowed six more strikes. To correct this imbalance, the Criminal Justice Act of 2005 provides the state with an equal number of strikes when impaneling a jury. To balance the "equal strikes" provision, the bill provides that, in a felony trial, the court must excuse for cause a juror, who, from the totality of the juror's answers on voir dire, is determined by the court to be substantially impaired in the juror's ability to be fair and impartial.

Closing Arguments

House Bill 170 amends other provisions of criminal procedure in an effort to address the inequities in Georgia law. Prior to House Bill 170, if the defense did not introduce any evidence, the defendant was entitled to make the opening and closing argument after the state rested. This bill provides that the defendant will make the closing argument before the state makes its closing argument.

Under current law in non-capital cases, the prosecuting attorney gives the first closing argument, and the defendant follows. This bill provides that the defense give the closing argument between the State's two closing arguments. In capital cases, the prosecuting attorney will open and the defendant will conclude the argument.

Discovery and Impeachment

This bill amends several provisions relating to discovery and impeachment of witnesses in criminal cases. A significant change is made to the admission of permissible testimony related to the past history of the victim of a sexually violent offense; prior to House Bill 170, the law protected the past history only of the victim, and only in prosecutions for rape, aggravated sodomy, aggravated child molestation, or aggravated sexual battery rape. This bill extends that protection to a prosecution for aggravated sexual battery.

HOUSE BILL 172

CRIME VICTIMS RESTITUTION ACT OF 2005

This bill amends the State's restitution policy to provide that restitution is a primary concern of both the criminal justice system and the juvenile justice system and that a judge must order an offender, both adult and juvenile, to make full restitution to a victim. Juvenile courts must order restitution in any case involving delinquent juveniles in the same manner as is authorized for adult offenders. Prior to House Bill 172, restitution was not a required part of the sentencing process, and was left to the discretion of judges whether to impose restitution on adult offenders.

The damages available under restitution are the same that a victim could seek in a civil suit, and must also be paid for the costs of services provided to the victim as a result of the crime, including shelter, food, clothing and transportation. The amount of the restitution may not exceed the victim's damages and may not include money for punitive damages or pain and suffering. The money from a restitution order is collected in the same manner as a judgment from a civil suit; if an offender does not pay the money as stipulated by the court agreement, a lien can be placed on the person's property or the offender's wages can be garnished.

Parental Responsibility

If the court determines that the juvenile is unable to pay all the restitution, after notice to the parents, the court may order the parents to pay any portion of the restitution that is outstanding where the court or a jury finds by clear and convincing evidence that the parent knew or should have known of the juvenile's propensity to commit such acts and the acts are due to the parent's negligence or reckless disregard for the juvenile's propensity to commit such acts. Upon the eighteenth birthday of the juvenile, the parental obligation to pay restitution is terminated. If the court orders a parent to pay restitution, the court must take into account the restitution guidelines that it considers when determining the restitution amount for an offender and the court must provide for payment in specified installments within a specified time period.

Guidelines for Determining Restitution

The following guidelines must be considered in determining restitution:

- The financial resources and other assets of the offender or person ordered to pay restitution, including whether any of the assets are jointly controlled. Financial resources include any previously ordered restitution;
- The earnings and other income of the offender or person ordered to pay restitution;
- Any financial obligations of the offender or person ordered to pay restitution, including obligations to dependants;
- The amount of damages;
- The goal of restitution to the victim and the goal of rehabilitation of the offender;
- Any restitution previously made;
- The period of time during which the restitution order will be in effect; and
- Other factors which the ordering authority deems to be appropriate.

HOUSE BILL 216

METHAMPHETAMINE

This legislation focuses on the sale, both retail and wholesale, of products containing pseudoephedrine.

Retailers

Products whose sole active ingredient is pseudoephedrine may be offered for retail sale only if:

- Sold in blister packaging;
- Sold from behind a counter or other barrier so that the products are not directly accessible by the public, but only by a retail store employee; and
- No more than three packages of any product containing pseudoephedrine as the sole active ingredient or in combination with other active ingredients may be delivered in a single sale. Any number of packages that contain a combined total of more than nine grams of pseudoephedrine or its base, salts, optical isomers, or salts of its optical isomers, may not be sold in any single over-the-counter transaction.

A retailer is prohibited from purchasing any product containing pseudoephedrine from any person or entity other than a manufacturer or a wholesaler licensed by the Georgia Board of Pharmacy.

These provisions preempt all local ordinances or regulations governing the retail sale of over the counter products of pseudoephedrine, except such local ordinances or regulations that existed on or before December 31, 2004. Effective January 1, 2006, the subsection will preempt all local ordinances.

A person convicted of any of the over-the-counter retail sale restrictions is guilty of a misdemeanor, which, upon the first conviction, is punishable by a fine of \$500, and upon the second or subsequent conviction, is punishable by six months' imprisonment, by a fine of \$1,000, or both. Completed training of Georgia MethWatch by all employees, compliance with Georgia MethWatch, and that the defendant did not knowingly, willfully or intentionally violate the provisions is a defense to a prosecution of a retail business or owner for an over-the-counter violation. A person convicted of the retail distributor/wholesaler restrictions will, upon the first conviction, be guilty of a misdemeanor, and upon subsequent convictions, be guilty of a misdemeanor of a high and aggravated nature.

Wholesalers

A wholesale distributor who sells, transfers, purchases for resale, or otherwise furnishes any product containing pseudoephedrine must first obtain an annual license from the State Board of Pharmacy. However, a wholesale distributor that has a valid license under the "Georgia Pharmacy Practice Act" is not required to obtain an additional license under this Code section.

Every wholesaler must submit reports accounting for all transactions dealing with products containing pseudoephedrine with persons or firms located in Georgia. Within seven days, a wholesaler must notify the Georgia Drugs and Narcotics Agency of any purchases of products containing pseudoephedrine which the wholesaler judges to be excessive.

Whenever any firm or person in Georgia purchases products containing pseudoephedrine from a wholesaler, the firm must maintain a copy of the wholesaler's license, all invoices, receipts, and other records for a minimum of three years from the date of purchase.

Additional Provisions

Any person who sells, transfers, receives, or possesses a product containing pseudoephedrine violates this Code section if the person:

- Knowingly fails to comply with the required reporting requirements;
- Knowingly makes a false statement in a required report or record; or
- Is required by this Code section to have a license or permit and knowingly or deliberately fails to obtain a license or permit.

A person who violates any of the above provisions will be guilty of a misdemeanor on the first offense and a misdemeanor of a high and aggravated nature on the second and subsequent offenses.

It is illegal for a person to possess, sell, transfer or otherwise furnish a product containing pseudoephedrine with the knowledge or intent that the substance will be used in the unlawful manufacture of a controlled substance. A person who violates this aforementioned provision will be guilty of a felony and will be punished by imprisonment from one to 15 years, or by a fine not to exceed \$100,000, or both.

It is illegal to possess, whether acquired through theft or other means, any substance with the intent to:

- Use such substance in the manufacture of a Schedule I or Schedule II controlled substance; or
- Knowingly convey such substance into another form for use in the manufacture of a Schedule I or Schedule II controlled substance.

Factors to be used in determining such intent are delineated. Persons who violate this provision will be guilty of a felony and upon conviction, are subject to punishment of imprisonment from one to 15 years, or by a fine of up to \$100,000, or both.

HOUSE BILL 221

CHILD SUPPORT

House Bill 221 revises child support guidelines, instituting an "Income Shares Model" of child support. The Income Shares Model works from the premise that the fairest way to apportion parental obligations to support a child begins with examining the pooled income of the two parents, and then arriving at an "adequate" level of support that will approximate the standard of living that a child would enjoy if the child lived in a two-parent home. Judges are provided a great deal of guidance in determining income, or whether to impute income. Income is then modified by two major expenses: work-related childcare and health insurance costs.

Adjustments to what is called the "basic support obligation" are made based on the amount of parenting time shared among the parents, split-parenting, as well as for hardship cases and the special case in which one or both parents have an exceptionally high income. The basic support obligation is adjusted upwards or downwards, based on the number of days that the non-custodial parent spends with the child.

The bill depends heavily on the Georgia Child Support Commission, which is charged with creating a new Basic Support Obligation Table. The table will pinpoint presumptive award amounts using Georgia-specific economic data to set levels in accordance with the policies noted above. The award amount will then be modified according to the

dictates of the statute, or by the court upon a finding that a deviation is necessary in the best interests of the child or in cases of hardship. The effect on child support awards, both individual awards and in the aggregate, will depend heavily on the Basic Support Obligation Table that is to be created by the Commission and approved by the General Assembly next year. The Commission will propose updates to the table and to the laws as it deems necessary. The Commission is also required to develop worksheets and computer software to enable lawyers and nonlawyers to compile their own worksheets and predict the likely level of support.

Other important provisions of the bill include:

- Limit the use of jury trial to the issue of gross income only, but provide for direct appeal of child support award;
- Reduce interest on arrearage from 12 percent to 7 percent, and allow judges to modify arrearage back to the date of filing for modification based on involuntary unemployment of either parent; and
- Maintain the two-year limit on filing for modification of child support, with some exceptions, in order to increase the stability of support to children and limit spending on litigation. Additionally, when a custodial parent prevails in an upward modification of child support based upon the noncustodial parent's failure to exercise visitation, attorney's fees will be awarded to the custodial parent.

The bill will become effective on July 1, 2006, except for the provisions relating to the Georgia Child Support Commission, which is to begin its research immediately.

HOUSE BILL 254

DRUG COURTS/PILOT FAMILY COURT

This bill authorizes the establishment of a drug court division and provides for establishment of a pilot Family Court Division of the Superior Court of Fulton County.

Drug Court Division

Any court that has jurisdiction over any criminal case which arises from the use, sale, possession, delivery, distribution, purchase, or manufacture of a controlled substance, noncontrolled substance, dangerous drug, or other drug, may establish a drug court division to provide an alternative to the traditional judicial system for disposition of such cases.

Each drug court division must adopt policies and procedures consistent with the Standards of Drug Courts adopted by the Judicial Council of Georgia and establish rules for referral of such cases to the drug court division. Each drug court must combine judicial supervision, treatment of drug court division participants and drug testing and must establish a planning group to develop a work plan. The planning group must include the judges, prosecuting attorneys, public defenders, probation officers, and persons with expertise in the field of substance abuse, and the work plan must address the operational, coordination, resource, information management, and evaluation needs of the drug court division and eligibility criteria for the division. The division must combine judicial supervision, treatment of participants and drug testing.

Expenses for salaries, equipment, services, and supplies incurred may be paid from state funds, funds of the county or political subdivision, federal grant funds, and funds from private donations.

If the participant successfully completes the program prior to the entry of the judgment, the case against the participant may be dismissed by the prosecuting attorney. If the participant successfully completes the program as part of a sentence imposed by the court, the participant's sentence may be reduced or modified. Any plea of guilty or nolo may not be withdrawn without the consent of the court.

Nothing in this Code section will be construed to permit a judge to impose, modify, or reduce a sentence below the minimum sentence required by law.

Pilot Family Court Division

This bill creates a pilot Family Court Division of the Superior Court of Fulton County in the Atlanta Judicial Circuit. This pilot court will last until July 1, 2010.

The chief judge of the superior court will designate one or more judges, successors and standby judges of the superior court to sit as judges of the family court division for terms of up to three years. The chief judge may require the judges to complete a planned program of instruction in family law, psychology, family dynamics, child development, nonadversarial techniques, and working with diverse populations. Expenses for salaries, equipment and supplies incurred in implementing this chapter will be paid from state funds appropriated for such purpose and from the funds of Fulton County.

The family court will have the jurisdiction of the superior court. When a petition or a case is filed in the superior court relating to divorce or where issues affecting children are involved, including, but not limited to, child support, child custody, visitation, child abuse, child molestation, domestic violence, legitimacy, paternity, adoption, abandonment, or contempt or modification relative to such cases, the chief judge of the superior court or an intake case manager may assign the case to the family court. In Fulton County, the Superior Court, State Court, Juvenile Court, Probate Court, Magistrate Court and City of Atlanta Municipal Court, are authorized to transfer ancillary cases related to the same family to the family court. Ancillary cases include, but are not limited to, cases involving deprivation, delinquency involving behavioral issues, truancy, unruliness, abandonment, neglect, or termination of parental rights cases pending in the Juvenile Court; cases involving domestic violence, abandonment, or child support enforcement cases pending in State Court; adult or minor guardianship cases pending in Probate Court; or domestic violence cases pending in Magistrate or Municipal Court. Additionally, any child support enforcement case from the jurisdiction of the State of Georgia will be considered an ancillary case subject to transfer to the family court.

The Administrative Office of the Courts must report annually to the chief judge of the Atlanta Judicial Circuit, the Chief Justice of the Georgia Supreme Court, the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons of the Judiciary Committees of the House of Representatives and the Senate regarding the activities of the Family Court Division, and must prepare a comprehensive report within 180 days following July 1, 2005 and within 180 days following July 1, 2009.

HOUSE BILL 378

PRE-MARITAL COUNSELING

This bill increases the fee for an application for a marriage license from \$10 to \$35 if the parties have not completed premarital education; if the parties have completed premarital education, the fee is waived. The premarital education must include at least six hours of instruction involving marital issues, which may include: conflict management, communication skills, financial responsibilities, child and parenting responsibilities and extended family roles. The education must be completed within 12 months prior to the application for a license and the couple must undergo the education together. The education may be performed by a licensed professional counselor, a psychiatrist, a psychologist or a member of the clergy (active or retired and trained).

NATURAL RESOURCES AND THE ENVIRONMENT

SENATE BILL 190

ENVIRONMENTAL PERMITS; STAY RULE

A person who is aggrieved or adversely affected by an order or action of the director of the Environmental Protection Division (EPD) may petition the director within 30 days and will then have a right to a hearing before an administrative law judge of the Office of State Administrative Hearings. The filing of a petition affected by the granting of a permit, permit amendment, or variance by the director of the EPD stays such order or action until such time as a hearing has been held. The petition must be transmitted to the judge no more than seven days after the date of the filing. The hearing must be held and the decision must be rendered no later than 90 days after the date of the filing

of the petition, unless such period is extended upon the consent of all parties. The judge may extend the 90 day period for good cause shown for a period not to exceed an additional 60 days. In cases involving water withdrawal permits, no stay is authorized.

SENATE BILL 283

DEADHEAD LOGGING

This bill allows a person, after receiving an annual permit from the Department of Natural Resources, paying the requisite permit fee of \$10,000, and posting a bond not exceeding \$50,000 per river segment, to recover deadhead logs along any navigable two-mile segment of the Altamaha or Flint Rivers. Deadhead logs are logs that were commercially harvested from forests in this state during the nineteenth or twentieth century and that sank in a river either while in the process of being floated to mill or market or intentionally for storage.

HOUSE BILL 98

GEORGIA LAND CONSERVATION ACT

House Bill 98 creates the “Georgia Land Conservation Act.” This legislation will promote partnerships for the conservation of land resources that are identified by cities or counties as locally valuable or identified by the Department of Natural Resources (DNR) as having state-wide significance. The Georgia Land Conservation Council will be composed of five state agency leaders and four members to be appointed by the Governor. This legislation also establishes the Georgia Land Conservation Trust Fund and the Georgia Land Conservation Revolving Land Fund.

These funds will consist of donations and appropriations. The Georgia Environmental Facilities Authority, attached to the council for administrative purposes, is directed to make competitive grants from these funds to approved projects based on ecological, historical, and cultural significance. This legislation also allows DNR to request that grants for state-sponsored projects be released to the Georgia Building Authority to purchase land fee-simple, place covenants restricting development, reselling land to private parties, and replacing the proceeds for reuse for additional grants or loans.

PUBLIC SAFETY AND HOMELAND SECURITY

SENATE BILL 178

BLUE LIGHTS ON MOTOR VEHICLES

The bill prohibits any person, firm, or corporation from operating any motor vehicle equipped with or containing a device capable of producing any blue lights, except antique, hobby, and special interest vehicles; motor vehicles owned or leased by any federal, state, or local law enforcement agency; or motor vehicles with a permit granted by a state agency to bear such lights. Any person who violates this provision shall be guilty of a misdemeanor.

The bill also prohibits any person from using any motor vehicle equipped with blue lights in the commission of a felony. Anyone found guilty of such offense will be punished by a fine of not less than \$1,000, or imprisonment of not less than one year, or both.

SENATE BILL 226

JOSHUA BROWN’S LAW

The bill creates the Georgia Driver’s Education Commission (commission) to facilitate and fund driver education and training in Georgia. The commission is authorized to accept federal funds, gifts and donations from individuals, private organizations, or foundations. The bill imposes an additional 5 percent to all traffic fines and it is the intent of the General Assembly to appropriate an amount equal to such proceeds received from such fines to the commission.

The bill increases the age in which a person may obtain a Class M motorcycle instruction permit or a Class D driver’s license from 16 to 17 years of age. However, a person who is at least 16 years of age may still obtain a Class M instruction permit if he/she meets all other qualifications for a Class M motorcycle instruction permit and completes an approved driver education training course. The bill also provides that the department shall not issue an initial Class D driver’s license, unless such person is: (1) at least 16 years of age and has completed an approved driver education course in a licensed private or public driver training school and a cumulative total of at least 40

hours of other supervised driving experience including at least six hours at night; or (2) at least 17 years of age and has completed a cumulative total of at least 40 hours of supervised driving experience including at least six hours at night.

A person who is 17 years of age or older shall also be entitled to receive a Class C license if he/she: becomes a Georgia resident; meets all the qualifications for issuance of a Class C license with the exception of the driver's training course or the supervised driving; and has a valid license equivalent to a Class C license issued by another state or country.

During the second six-month period immediately following issuance of a Class D license, the holder of such license shall not operate a motor vehicle with more than one other passenger who is under 21 years of age and who is not an immediate family member.

The parent or guardian who signed and verified a minor's successful application for an instruction permit or driver's license may subsequently request revocation of the minor's permit or license by written notice to the department. Upon such request for revocation and the payment of a fee equivalent to that required for issuance of the permit or license, the department shall revoke the minor's permit or license. The bill provides for a three-day mandatory waiting period in which the revocation request may be withdrawn. The revocation will remain in effect: (1) until the minor turns 18; or (2) for three months provided he/she obtains consent from a parent or guardian to reapply.

The portion of the Act which establishes the commission and traffic fines shall become effective this year and the remaining sections of this Act will become effective on July 1, 2007.

SENATE BILL 267

PARKING FOR THE DISABLED

Prior to the passage of Senate Bill 267, permanent parking permits for persons with disabilities were blue in color and expired every four years. The bill provides that permanent parking permits for persons with disabilities will vary in color each year and expire two years from the date of issue. The bill also requires special gold parking permits to vary in color from year to year and expire two years from the date of issue. Special gold permanent parking permits are issued to persons who are: (1) physically disabled and drive specially equipped motor vehicles; or (2) physically disabled due to the loss of the use of the upper extremities. The bill also provides that permanent permits or special permanent permits shall not be predominately red in color.

It is unlawful for an individual to park in a parking space designated for persons with disabilities unless: (1) the vehicle has a parking permit or a license plate designated for persons with disabilities; (2) the person with the disability is in the vehicle; or (3) such vehicle is being used for the transportation of disabled passengers on behalf of the institution to which such permit was issued. The bill also prohibits anyone from using any such parking permit issued to an institution for any purpose other than to transport disabled persons.

HOUSE BILL 20

WINDOW TINT RESTRICTIONS

On June 7, 2004, the Georgia Supreme Court ruled in *Ciak v. The State* that Georgia's motor vehicle window tint law was unconstitutional because it only applied to vehicles registered in Georgia. The bill provides that the current standards regarding window tint will apply to any person operating a motor vehicle in this state. The bill also prohibits any person from installing any material upon the windshield or windows of any motor vehicle which would result in a reduction of light transmission or an increase in light reflectance in violation of this bill. Any person who violates the provisions of this bill shall be guilty of a misdemeanor.

HOUSE BILL 501

THE DEPARTMENT OF DRIVER SERVICES

The bill creates the Department of Driver Services (department) as a successor agency to and continuation of the Department of Motor Vehicle Safety. The department will be the agency primarily responsible for the administration of the laws and regulations relating to: (1) drivers' licenses; (2) proof of financial responsibility; (3) ignition interlock

devices for use by DUI offenders; (4) driver training schools, driver improvement clinics, DUI Alcohol or Drug Use Risk Reduction Programs, and commercial driving schools; (5) motorcycle safety programs; and (6) issuance of limousine chauffeur permits.

Responsibility for the following functions formerly exercised by the Department of Motor Vehicle Safety will be transferred as follows:

The Department of Public Safety will be responsible for the:

- (1) Administrative enforcement of regulations regarding the size and weight of motor vehicles;
- (2) Enforcement of laws and regulations relating to licensing and fuel tax registration requirements;
- (3) Establishment of safety standards for motor vehicles and motor vehicle components;
- (4) Administration of laws relating to hazardous materials carriers;
- (5) Enforcement of all state laws on properties owned or controlled by the Department of Transportation or the State Road and Tollway Authority;
- (6) Enforcement relating to obstructing or hindering law enforcement officers;
- (7) Enforcement relating to designation of restricted travel lanes;
- (8) Enforcement relating to obstructing highways, streets, sidewalks, or other public passages, on any public road which is part of the state highway system;
- (9) Enforcement relating to littering public or private property or waters, on any public road which is part of the state highway system; and
- (10) Enforcement relating to interference with government property, on any public road which is part of the state highway system.

The Department of Transportation will be responsible for the promulgation of regulations relating to the size and the weights of motor vehicles, trailers, and loads. The Department of Transportation will also be responsible for accident reporting.

The Public Service Commission will be responsible for the administration of laws and regulations relating to nonconsensual towing, certification of certain motor carriers and limousine carriers.

The Department of Revenue will be responsible for carrier registration; registration and titling of vehicles; motor vehicle franchise practices; disabled parking permits; salvage inspection; and insurance compliance.

Drivers' Licenses

The bill provides that drivers' licenses and identification cards will be valid for five years and the applicant has the option of making them valid for ten years. A five-year driver's license or identification card will cost \$20 and a ten-year license or card will cost \$35. The bill provides for a \$5 discount for licenses and identification which are not renewed in person.

The bill gives the commissioner of the department regulatory authority to: (1) provide incentive discounts where a license or card is renewed by Internet, telephone, or mail; (2) contract with licensed driver training schools to conduct road tests or any other required tests; (3) allow issuance of licenses by county tag agents; (4) designate locations at which applications for change of address or name may be accepted; and (5) delegate responsibility for issuance of disabled parking permits to county tag agents.

The bill eliminates: (1) the requirement that out-of-state transfers with expired licenses must complete road and written exams; (2) all but an initial eye exam until the driver reaches age 64; (3) the examination requirements for anyone seeking to reinstate a suspended license; and (4) the reduced driver's license fee for organ donors.

Drivers' Licenses Reinstatement Fees

Prior to passage of House Bill 501, there was a \$210, or \$200 when processed by mail, driver's license restoration fee for any person convicted of: (1) DUI; (2) violating the implied consent law; (3) drug related offenses; (4) vehicular homicide; (5) any felony in

the commission of which a motor vehicle is used; (6) hit and run or leaving the scene of an accident; (7) racing on highways and streets; (8) using a motor vehicle in fleeing or attempting to elude an officer; (9) fraudulent or fictitious use of or application for a license; or (10) operating a motor vehicle with a revoked, canceled, or suspended registration. The bill increases the restoration fee for second and/or subsequent offenses to \$510, or \$500 when processed by mail.

HOUSE BILL 577 THE DRIVER'S LICENSE FINGERPRINT REQUIREMENT

The bill prohibits the department from requiring applicants to submit or otherwise obtain from applicants any fingerprints or any other biological characteristic or information which uniquely identifies an individual, including, without limitation, deoxyribonucleic acid (DNA) and retinal scan identification characteristics, but not including a photograph by any means upon application. This provision applies to applicants for drivers' licenses, identification cards, and identification cards for persons with disabilities.

The bill provides that no later than 30 days after the effective date of the bill, the Department of Motor Vehicle Safety (department) must destroy all records of fingerprints obtained on and after April 15, 1996. Prior to the bill's effective date, the department must destroy all records of fingerprints obtained from applicants for drivers' licenses, identification cards, and identification cards for persons with disabilities; and the department will compile and make available for public inspection a list of all persons or entities to whom the department provided such fingerprint records. Fingerprint images electronically stored on existing drivers' licenses will be destroyed upon application for a renewal of the driver's license.

The bill also provides that an applicant may be issued a temporary license, permit, or special identification card if he/she presents in person valid documentary evidence of: (1) admission to the United States in a valid, unexpired nonimmigrant status; (2) a pending or approved application for asylum in the United States; (3) admission into the United States in refugee status; (4) an approved application for temporary protected status in the United States; (5) approved deferred action status; or (6) other federal documentation verified by the United States Department of Homeland Security to be valid documentary evidence of lawful presence in the United States under federal immigration law. Such temporary license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States.

A driver's license or identification card issued on or after July 1, 2006, by any state or territory, to any person who is not lawfully present in the United States, may not be accepted as evidence of legal presence in the United States.

This Act shall become effective on July 1, 2006.

REAPPORTIONMENT AND REDISTRICTING

SENATE RESOLUTION 166 STATE AND FEDERAL DISTRICTS

This bill declares that the Senate resolves that any general bill which provides for the congressional apportionment of this state must meet the following criteria:

- All districts will comply with the US Constitution and Voting Rights Act of 1965;
- Districts must be contiguous other than solely by a single point;
- Districts must be compact without bizarre shapes;
- Communities of interest may not be divided unless necessary to comply with applicable law. "Communities of interest" may be defined by economic, social, and cultural factors, government services, and location;
- Few counties and recognized political boundaries should be divided unless necessary to comply with other requirements or law; and
- No district may be drawn for the purpose of diluting voting strength of any person, group or groups, or members of any political party. Voting history may not be a sole factor.

HOUSE BILLS 499**CONGRESSIONAL DISTRICTS**

The members elected under the new congressional district map will take office in January 2007. This Code section shall be in effect for the primaries and election in 2006 for members taking office in 2007. January 1, 2007, will be the effective date for appointed or elected members of boards and other bodies, which are based on congressional districts.

REGULATED INDUSTRIES AND UTILITIES**SENTE BILL 55****CERTIFIED PUBLIC ACCOUNTANTS**

Recognition of registered public accountants (RPAs) will cease under the State Board of Accountancy, and only certified public accountants (CPAs) will be recognized, but existing RPA's will now be CPA's.

SENATE BILL 124**GENERAL CONTRACTOR LICENSING**

The State Licensing Board for Residential and General Contractors is created to regulate general and residential contractors by the Secretary of State. There will be residential and general divisions. The residential division will have jurisdiction over two subcategories: residential-basic and residential-light commercial.

SENATE BILL 274**PUBLIC UTILITIES PROTECTION ACT**

The purpose of this legislation is to prevent injury to individuals and property and to prevent interruption in utility service when blasting or excavating activities commence. Sewer laterals, in addition to utility facilities, will have to be marked to prevent damage and harm.

Persons desiring to submit a locate request must do so through the Utilities Protection Center (UPC). A locate request must describe the tract or parcel of land to enable the facility owner to ascertain the precise tract or parcel involved. The facility owner or operator must provide the response to the UPC. The owners of water and sewer facilities will be required to install and maintain permanent markers identifying all water and sewer facilities.

No person may commence excavation activities unless that person has given 48 hours' notice via submission of a locate request to the UPC. Any person performing excavation is responsible for being aware of all information entered into the Positive Response Information System, which allows parties to determine the location of markers. Prior to the expiration of the 48-hour period, if all identified owners and operators have responded to the locate request and if there are no conflicts, the person planning excavation will be authorized to proceed.

Any person who *willfully* fails to comply with these provisions will be liable to the facility owner for \$100.00 or for the costs filed and approved by an elected authority, whichever is greater. An elected authority is the Public Service Commission, local government or any other elected person or body with jurisdiction over facility owners.

A facility owner or operator is not required to mark its own facilities within 48 hours if the facility owner, operator or its agents are the only parties performing the excavation; however, such facilities must be designated prior to the actual start of excavation. All sewer laterals installed after January 1, 2006, must be installed in a way to make them locatable by owners or operators using an acceptable electronic locating method.

The test of "good faith" compliance to locate utility facilities and sewer laterals will be used to determine an individual's level of compliance with the provisions of this bill.

HOUSE BILL 217**ATHLETIC TRAINERS IN SCHOOLS**

No person will be permitted to hold himself or herself out as an athletic trainer or perform the services of a trainer without first obtaining a license provided that nothing will prevent a person serving as a student trainer or an assistant trainer if the service is not for compensation and is performed under the supervision of a physician or an athletic trainer.

HOUSE BILL 470

9-1-1 EMERGENCY SERVICES

This legislation amends the Georgia Emergency Telephone Number Service Act by providing that the 9-1-1 Advisory Committee will be chaired by the Director of the Georgia Technology Authority rather than the Commissioner of Administrative Services.

If a local government contracts for an emergency 9-1-1 system which is capable of providing automatic number and location identification, a fee of not more than \$1.00 per month may be charged to the wireless subscriber. Each supplier that collects the fees is entitled to retain 3 percent of the gross charge receipts. The wireless reserve accounts are removed and all funds are to be deposited in the Emergency Telephone System Fund.

A home service provider must identify each customer’s place of primary use and provide a quarterly listing to the Georgia Emergency Management Agency. Each customer’s bill must contain the taxing jurisdiction to which each tax and fee is charged and contact information if the customer believes the charges are erroneous.

RETIREMENT

HOUSE BILL 319

PUBLIC RETIREMENT SYSTEMS INVESTMENT AUTHORITY LAW

This legislation amends provisions relating to the Public Retirement Systems Investment Authority Law by allowing ‘large investment systems’ to invest in securities issued by a unit investment trust or an open-end company, provided that:

- The unit investment trust or open-end company is listed on a securities exchange;
- The assets consist of securities managed so that the fund replicates a listed index or specific market sector;
- Continuous markets are quoted by market markers in the applicable unit investment trust or open-end company; and
- The unit investment trust or open-end company has the capability of creating or redeeming shares as necessary to reflect demand.

HOUSE BILL 373

TEACHERS RETIREMENT SYSTEM – MEMBERSHIP

This legislation amends provisions relating to membership under the Teachers Retirement System, repealing a provision that allows any teacher or school employee who is employed in a public school and covered by a local retirement system, to continue membership in the local retirement system if they become employed in a nonsectarian private school in this State that is attended by students who are eligible for grants from the State.

HOUSE BILL 459

EMPLOYEES’ RETIREMENT SYSTEM– DISABILITY BENEFITS

This legislation amends provisions relating to disability benefits under the Employees’ Retirement System authorizing the Board of Trustees (Board) to request relevant information from a disability beneficiary. If the beneficiary refuses to submit the requested information, the Board would be authorized to suspend the disability benefits until such information is provided. The legislation also allows the Board to reduce the disability benefits if the beneficiary is found to be earning more than the difference between the disability allowance and the earnable compensation used to calculate such allowances. The State Auditor has declared this a nonfiscal retirement bill.

HOUSE BILL 495

TEACHERS RETIREMENT SYSTEM – RETIREMENT BENEFITS

This legislation amends provisions relating to retirement benefits under the Teachers Retirement System by authorizing members who retired on or before December 31, 2003 to continue receiving benefits if they return to full-time service in any position covered under the Teachers Retirement System. Prior to passage of House Bill 495,

people who retired on or before such date could continue to receive benefits only if they returned to work as a classroom teacher, principal, superintendent, counselor, or librarian.

RULES

SENATE BILL 41

OFFICIAL STATE AMPHIBIAN; DESIGNATE THE GREEN TREE FROG

This bill designates and codifies in Georgia Code that the green tree frog is the official Georgia state amphibian.

SCIENCE AND TECHNOLOGY

SENATE BILL 46

WIRELESS SERVICE DIRECTORIES – SUBSCRIBER'S PERMISSION TO BE INCLUDED

This legislation prohibits wireless service suppliers (service suppliers) or any direct or indirect affiliate or agent of a service supplier from providing the name and dialing number of a subscriber for inclusion in any wireless telephone database which is or will be made publicly available without first obtaining the express consent of such subscriber.

SENATE BILL 62

GEORGIA SLAM SPAM E-MAIL ACT

This legislation provides that any person, who initiates a commercial e-mail that such person knew or should have known to be false or misleading, and that is sent from, passes through, or is received by a computer located in Georgia will have committed the crime of the initiation of deceptive commercial e-mail. Any person convicted of such a crime will be guilty of a misdemeanor and punished by a fine of up to \$1,000 or by imprisonment of up to 12 months or both. However, such person will be guilty of a felony and punished by a fine of up to \$50,000 or by imprisonment of up to five years or both when:

- The volume of commercial e-mail transmitted exceeds 10,000 attempted recipients in any 24-hour period;
- The volume of commercial e-mail transmitted exceeds 100,000 attempted recipients in any 30-day period;
- The volume of commercial e-mail transmitted exceeds one million attempted recipients in any one-year period;
- The revenue generated from a specific commercial e-mail exceeds \$1,000;
- The total revenue generated from all commercial e-mails transmitted to any e-mail service provider or its subscribers exceeds \$50,000; or
- Any person knowingly hires, employs, uses, or permits any minor to assist in the transmission of deceptive commercial e-mail.

SPECIAL JUDICIARY

SENATE BILL 6

GEORGIA CRIME INFORMATION

This legislation authorizes, but does not require, the exchange of national criminal history background checks with authorized agencies on behalf of qualified entities. The authorized agencies would be responsible for review of the criminal history to determine whether a provider has been convicted of or is under indictment for a crime that bears upon the provider's fitness to have responsibility for the safety and well-being of children, the elderly, or individuals with disabilities.

STATE AND LOCAL GOVERNMENTAL OPERATIONS

SENATE RESOLUTION 376

THE SENATE ATLANTA COUNTY AND MILTON COUNTY STUDY COMMITTEE

This legislation creates the Senate Atlanta County and Milton County Study Committee. The Study Committee will examine the factors involved in dividing Fulton County into two separate counties – Atlanta County in the south and Milton County in the north.

HOUSE BILLS 36 and 37

SANDY SPRINGS

These two pieces of legislation incorporate the City of Sandy Springs. House Bill 36 is the enabling legislation providing the proper mechanism for establishing a new incorporated city in Fulton County. House Bill 37 is the chartering Act.

HOUSE BILL 67

BENEFITS TO UNMARRIED PERSONS

This legislation prohibits the state and any local government from imposing any penalty on or withholding any benefits, rights, or privileges from any organization or person if such organization or person elects to or elects not to contractually or otherwise provide unmarried persons one or more benefits, rights, or privileges in the same manner that such organization or person provides benefits, rights, or privileges to married persons.

HOUSE BILL 244

ELECTIONS

This legislation is a comprehensive revision of the election code. Among its many provisions, this legislation requires each voter to provide one of the following forms of identification before being allowed to vote:

1. A Georgia driver's license properly issued by the appropriate state agency;
2. A valid identification card containing a photograph of the voter and issued by the State of Georgia, any other state, or the United States authorized by law to issue personal identification;
3. A valid United States passport;
4. A valid employee identification card containing a photograph of the voter and issued by the United States government, this state, or any county, municipality, board, authority, or other entity of this state;
5. A valid United States military identification card containing a photograph of the voter; or
6. A valid tribal identification card containing a photograph of the voter.

If a voter is unable to produce any of the items of identification listed above, the voter will be allowed to vote a provisional ballot upon swearing or affirming that he or she is the person identified in their voter certificate. The provisional ballot will only be counted if the registrars are able to verify current and valid identification within two days after the primary or election.

Free State Identification Card Provided for Voting Purposes

The legislation also allows an individual to obtain a free state identification card from the Department of Motor Vehicle Services (DMVS) if the individual swears under oath that he or she: (1) is indigent and cannot pay a fee for the card; (2) desires the card in order to vote; and (3) does not have any other form of identification that is acceptable to vote. The individual must also prove that he or she is a registered voter. This provision does not apply to anyone who has already been issued a Georgia's driver's license.

Nonpartisan Elections

The nonpartisan elections for Judge of the Superior Court, Judge of the Court of Appeals, Justice of the Supreme Court, a county judicial office, a local school board office, or an office of a consolidated government will now be held jointly with the general election in November.

Majority Vote

This legislation also repeals all provisions declaring the candidate receiving a plurality of votes the victor of an election, primary, or run-off. To be elected to public office in a general election, a candidate must receive a majority of the votes cast in an election to fill such public office. However, to be elected to the office of presidential electors, the slate of candidates which receives the highest number of votes cast will be elected.

Run-off Elections

This legislation also requires run-off elections, following an election or special election, to be held 28 days (instead of the current 21 days) after such election. Run-offs following a primary or special primary will continue to be held 21 days after the primary. In municipal elections and primaries in which no candidate receives a majority of the votes cast and the municipal charter or ordinances do not provide for nomination or election by a plurality vote, a run-off primary or election will be held on the twenty-eighth day (instead of the previous 21 days) after the day of holding the initial primary or election.

Reason for Absentee Voting no Longer Required

Absentee voters, who request an absentee ballot by mail or who cast an absentee ballot in person, are no longer required to provide a reason for voting by absentee ballot.

STATE INSTITUTIONS AND PROPERTY

SENATE BILL 158

STATE SPACE MANAGEMENT ACT

The bill repeals the “State Space Management Act of 1976” and transfers the powers, duties, and responsibilities regarding all state property to the State Properties Commission. The Georgia Building Authority (Authority) will be assigned to the State Properties Commission (Commission) for administrative purposes and the Governor will appoint a state property officer who will serve as the executive director of both the Authority and the Commission.

The Commission is authorized and charged with the duty of managing the utilization of administrative space by all state entities, except that the Board of Regents of the University System of Georgia and the Georgia Department of Labor may manage their own space, but only for leases that are within the State of Georgia and required for their core missions.

The Commission will receive all assets of and be responsible for any contracts, leases, agreements, or other obligations of the Department of Administrative Services (DOAS) under the former provisions of the “State Space Management Act of 1976.” Appropriations and other funds of the DOAS encumbered, required, or held for functions transferred to the Commission shall be transferred to the Commission. Personnel, equipment, and facilities previously employed by the DOAS for such transferred functions shall also be transferred to the Commission.

HOUSE BILL 58

WORKING AGAINST RECIDIVISM ACT

The bill enacts the “Working Against Recidivism Act” which authorizes work programs which employ inmates as voluntary, paid labor for privately owned profit-making employers producing goods, services, or goods and services for sale to public or private purchasers. The bill authorizes the Georgia Board of Corrections (board) to issue and promulgate rules and regulations for programs of voluntary labor by inmates which meet the requirements of the Prison Industry Enhancement Certification Program and will require:

- (1) Assurance that the inmates’ work is voluntary and that there will be no retribution against inmates who do not volunteer;
- (2) Payment of inmates’ wages at a rate not less than the prevailing local wage;
- (3) Provision of federal and state governmental benefits to participating inmates comparable to governmental benefits provided for similarly situated private sector employees;
- (4) Selection of participating inmates with careful attention to security issues;

HOUSE BILL 279**WEIGHT OF VEHICLE AND LOAD**

Georgia law provides for limitations on the weight of vehicles and loads when moving products. This bill further provides that these weight limitations be enforced when hauling forest products from the forest where they were cut to the first point of marketing or processing. This legislation also provides that when hauling the affected products covered by this legislation, or when hauling any other agricultural or farm product from a farm to the first point of marketing or processing, a vehicle will be permitted a 5 percent variance from the weight limitations covered in this legislation within a 100-mile radius of the farm or point of origin. Any person who violates the load limitations provided for in this paragraph by exceeding the 5 percent variance will be fined on the basis of the weight limitations previously set by this title.

HOUSE BILL 281**GEORGIA REGIONAL TRANSPORTATION AUTHORITY**

This bill provides for a sales and use tax exemption on property purchased or used by the Georgia Regional Transportation Authority (GRTA). Furthermore, based on reported sales tax payments made by GRTA, the Fiscal Note provided by the Department of Audits and Accounts estimated the annual revenue loss to the state and any local governments at \$600,000 each. The loss is expected to remain relatively constant over the next several years, based on patterns of coach purchases by GRTA.

HOUSE BILL 530**DEPARTMENT OF TRANSPORTATION CONTRACTS**

This Act revises the criteria for design-build contracts entered into by the Department of Transportation (department). It strikes the language relating to estimated bid costs not exceeding \$10 million relating to the design build process. Further, the legislation strikes the term “responsive” and replaces it with “qualified” as one of the definitions relating to bidders. The legislation allows that the department may provide for a stipulated fee to be awarded to the short list of qualified proposers who provide a responsive, successful proposal. The department may use any ideas or information contained in the proposals in connection with the project or any future project in consideration for having paid the fee to the company. The department may identify those projects eligible to be design-build contracts. The department may adopt a method for resolving issues and disputes through negotiations at the project level, including a dispute review board.

VETERANS AND MILITARY AFFAIRS**SENATE BILL 258****GEORGIA MILITARY SUPPORT ACT OF 2005**

Senate Bill 258 provides: an excusal or deferral from jury duty; extensions on a valid Georgia drivers’ license; extensions on expirations on professional licenses; honorary hunting and fishing licenses; and residential lease and cell phone contract termination provisions for service members (regular or reserve component of the US Armed Forces, the US Coast Guard, the Georgia National Guard, or the Georgia Air National Guard) who have been ordered on federal duty.

HOUSE BILL 404**UNEMPLOYMENT BENEFITS FOR SERVICEMEN**

Prior to passage of House Bill 404, Georgia law provided that a person who leaves a place of employment voluntarily and without good cause will be disqualified from receiving unemployment benefits. This law creates a presumption that a person has left for good cause if a person leaves an employer to accompany a spouse who has been reassigned from one military assignment to another. The employer’s account will not be charged for any benefits paid out.

PASSED LEGISLATION (LISTED BY COMMITTEE)

AGRICULTURE AND CONSUMER AFFAIRS

SB 13 Gift Card Integrity; unfair/deception in consumer practices
SB 87 Georgia Seed Law; preempt certain local ordinances; exemptions
SB 88 Georgia Fertilizer Act; preempt certain local ordinances; exemptions
SB 230 Consumer Reporting Agencies; notices of security breaches; definitions
SB 290 Leaf Tobacco; grading by Agriculture Marketing Service/alternatives
HB 196 Common-sense Consumption Act; amend provisions
HB 201 Veterinarians; boarders of animals; liens for treatment
HB 452 Dog and cat sterilization fund; contributions; licensing; exemptions

APPROPRIATIONS

HB 84 2005 Amended Appropriations
HB 85 2006 General Appropriations
HB 509 Program Budgeting and Revenue Shortfall
HR108 Compensation for Mr. Harrison

BANKING AND FINANCIAL INSTITUTIONS

SB 82 Financial Institutions; supplement definitions; personnel policies
SB 100 Georgia Residential Mortgage Fraud Act; define offense; provide penalties

ECONOMIC DEVELOPMENT AND TOURISM

SB 125 State-wide Tourism Act
SB 133 Fireworks
SB 144 Georgia Rural Development Council
SB 224 Georgia Athletic/Entertainment Commission
SR 163 Public-Private Infrastructure Project Study Committee
HB 374 Hotel-motel Tax
HB 526 International and Maritime Trade Center Authority
HB 539 Georgia Entertainment Industry Investment Act; provisions
HR 66 SBA Regulations of Nonprofit Corporations
HR 142 Implementation of Textile Agreements

EDUCATION

SB 33 Georgia Virtual School; authorize establishment; enrollment determination; provide for a grant account; rules/regulations
SB 34 Georgia Master Teacher Program; Academic Coach Program; establishment; regulations
SB 35 Education; expenditure controls; charter schools; revisions of provisions
SB 272 Ryan Boslet Bill; school athletic policy; physical examination form
SR 21 Joint Early Learning Initiative Commission; create
HB 26 Governor's authority to suspend compulsory attendance laws; repeal provisions
HB 27 Elementary and secondary education; grants; repeal provisions
HB 180 Human Resources; criminal history information; provisions
HB 372 Georgia Education Authority; private schools lease public property; prohibit
HB 669 Open meetings; certain athletic or fine art associations; encourage school participation
HB 678 Private schools; prayer at athletic events; public school participation
HR 50 Joint Agricultural Education Study Committee; create

HIGHER EDUCATION

SB 43 HERO Scholarship; establish; definitions; application procedures; rules/regulations
SR 33 Gwinnett University Center; approve creation of four-year college
HB 25 Board of regents; school or institution closing; repeal power of Governor
HB 272 Educational and living expense grants; foster and adopted children; eligibility
HB 298 Georgia Higher Education Assistance Corporation and Georgia Student Finance Authority; certain powers
HB 340 Public disclosure of records; donors; postsecondary educational institutions
HB 553 Education degree programs; professional associations not a condition of enrollment

ETHICS

HB 48 Ethics in government; amend provisions
HB 665 Public employees; fraud, waste, and abuse; complaints or information

FINANCE

SB 155 Recreational Vehicles
SB 227 Local Governments: Bonds
SR 302 Abolition of the Death Tax
HB 5 2005 Sales Tax Holiday
HB 22 Automobile Sales/Lease Tax
HB 116 Ad valorem tax of property; change definitions
HB 191 Corporate Taxation: Formula
HB 203 Tax Exemption: Farm Equipment
HB 211 Ad Valorem Exemption: Aircraft
HB 263 Tax Deduction: Georgia Teachers
HB 282 Income Tax Deductions; National Guard
HB 293 State Accounting Office
HB 306 Taxation: Construction Materials
HB 312 State Technology Authority: Procurement
HB 341 Tax Exemption: Qualifying Airlines/Delta
HB 384 Tax Exemption: Mass Transportation
HB 389 Tax Credits: Less Developed Areas
HB 406 Trust and Trustees
HB 431 EMC Dividend Donation
HB 487 Tax Exemptions: Farms/Child Care
HB 488 Corporate Taxation: Returns
HB 505 State Auditor Reports
HB 538 Tax Exemption: Armed Services
HB 556 Repeal of Obsolete Statutes
HB 558 Repeal of Obsolete Statutes
HB 559 Tax Holiday: Energy Efficient Appliances
HR 113 Repeal of Federal Excise Tax

HEALTH AND HUMAN SERVICES

SB 48 Renal Dialysis Advisory Council; revise; dialysis facilities;
SB 51 Clinical Laboratories; technicians; provide degree of supervision
SB 56 Tuberculosis Hospitalization; definition; confinement provision; revise
SB 81 Patient Access to Eye Care Act; blindness education, screening, treatment
SB 89 Controlled Substances, Schedule I; definition of dangerous drug, exceptions;
SB 90 Ga. Smokefree Air Act; definitions; exceptions; violations; penalties
SB 110 Georgia Massage Therapy Practice Act; create Georgia Board
SB 140 Patient's Right to Independent Review Act; revise; add definitions; references
SB 173 Physician's Assistant; temporary practice agreements; conditions/limitations
SB 204 Health Records; provide electronic format; conditions; legal rights; copies
SR 294 Cervical Cancer Elimination Task Force; create
HB 166 "Health Share" Volunteers in Medicine Act
HB 197 Abortion; Woman's Right to Know Act
HB 266 Chiropractors; board of examiners; additional authority
HB 309 Conform references to House and Senate committee names
HB 390 State Commission on the Efficacy of the Certificate of Need Program;
HB 392 Health care management organizations; quality assessment fee; provisions
HB 394 Disabled adults and elder persons; protective services;
HB 608 License to practice medicine; certain graduates; change licensure requirement
HB 643 Long-Term Care Partnership Program; establish

INSURANCE AND LABOR

SB 166 Credit Life Insurance; delivery of policy; indebtedness incurred
SB 167 Credit Life Insurance; notify of early payoff of indebtedness
SB 174 Establish "Ga. Consumer Choice Benefits Health Insurance Plan Act"
SB 217 Life Settlements Act; protect contractual/property rights of policy owner
SB 225 Insurers; loss reserves; liability insurance/workers' compensation
SB 284 Employees Health Benefits; create trust fund
HB 59 Minimum wage mandates by local governments; change certain Provisions
HB 183 State employees; payroll deductions; certain non-profit organizations; include corrections officers
HB 200 Subsequent Injury Trust Fund; reimbursement; dissolution

HB 240 Law enforcement officer or firefighter; temporary disability; filing claim
 HB 275 State employees; certain deferred compensation plans; transfer administration
 HB 291 Insurance; amend Code Chapters 20A, 27, 29, and 30
 HB 320 Georgia Health Insurance Risk Pool
 HB 327 Workers' compensation; electronic documents; injuries; designation; computation
 HB 407 Insurance; administrators; agents; insolvency pool; definitions and provisions
 HB 418 Insurance; electronic notice of cancellation of policies to lienholders
 HB 428 Property insurance; warranty service agreements; amend provisions
 HB 520 Employment security; amend certain provisions; Department of Labor; supplemental appropriation

INTERSTATE COOPERATION

SR 23 Creation of the Jasper Port Study Committee

JUDICIARY

SB 3 Civil Justice Reform
 SB 19 Class Actions; appellate procedures; limitations/conditions on certification
 SB 52 Child Support; unreimbursed payment; provide negotiation, waiver
 SB53 Legitimacy; petitions filed; address custody issues; provide for legitimation by voluntary acknowledgement of paternity in certain circumstances
 SB 134 Juvenile Justice; persons violate terms/conditions of probation; change provisions
 SB 139 Torts; liquefied petroleum gas providers; limit liability/damages
 SB 141 Gambling; prohibit pyramid promotional schemes; definitions; penalties
 SB 269 Pen Register; district attorney jurisdiction; apply for/extend order
 SR 161 Juvenile Code Rewrite; create Joint Study Committee
 SR 303 Supreme Court; urge U.S. Senators to support U.S. President's nominees
 HB 10 Female genital mutilation; define offense; penalties; exceptions
 HB 97 Appalachian, Cherokee, Flint, Gwinnett and Southern Judicial Circuits; add judge
 HB 106 Sex Offender Registry; sexually violent offense; redefine
 HB 170 Criminal Justice Act of 2005; enact
 HB 172 Crime Victims Restitution Act of 2005; enact
 HB 188 Registered sexual offender; publish photo in legal organ
 HB 195 Parental rights; petitions to terminate; change provisions
 HB 212 Juvenile courts; training of guardian ad litem for deprivation cases
 HB 216 Pseudoephedrine sales; limitations and restrictions
 HB 221 Child support; guidelines; basic obligation amounts
 HB 222 Criminal procedure; discovery in felony cases; change certain provisions
 HB 236 Theft; certain services or property knowingly obtained by deception
 HB 254 Courts; establish drug courts division; digital copies of court records; pilot family court division
 HB 307 Construction defect claim; fulfillment or settlement; provisions
 HB 334 Juvenile courts; salary Supplements; amend provisions
 HB 347 State crime Laboratory; private contract laboratories; reports
 HB 366 Indigents; legal defense; amend certain provisions
 HB 378 Marriage; premarital education; provide for
 HB 416 Torts; asbestos or silica claims; definitions and provisions

NATURAL RESOURCES AND THE ENVIRONMENT

SB 119 Sponge crabs; postpone dates of certain provisions
 SB 122 Tire Disposal; extend collection of fees
 SB 190 Environmental Advisory; judicial review of contested cases; filing of petition
 SB 206 Hunting Wildlife; season/bag limits; weapons; change provisions
 SB 277 Ga. Hazardous Site Reuse/Redevelopment; change provisions of definitions
 SB 283 Natural Resources, Dept; deadhead logging operations; establish program
 SR 54 "Future of Georgia Forestry"; Joint Study Committee
 SR 67 CA: Fishing/Hunting; managed by law/regulation
 SR 457 Senate Inverse Condemnation Study Committee; create
 SR 458 Senate Tree Ordinance Study Committee; create
 SR 469 Senate Environmental Program Privatization Study Committee; create
 SR 499 Senate Coastal Georgia Sound Science Initiative Study Committee; create
 HB1 Bona fide conservation use property; breach of covenant; exceptions
 HB 54 Septic tank waste; regulation & permitting; cert land disposal sites
 HB 98 Georgia Land Conservation Council; create
 HB 292 Game and fish; deer hunting; amend provisions
 HB 301 Fishing; authorize taking by hand under certain conditions
 HB 496 Dams; locations and information; DNR provide to superior courts
 HB 662 Game and fish; three-day nonresident big game license and fee

PUBLIC SAFETY AND HOMELAND SECURITY

SB 93	Motor Vehicles; use of material covering license plates; prohibit
SB 117	License Plates; issued in or before 1970; authentic; authorize display
SB 146	GBI; change director's title; Antiterrorism Task Force; change certain prov.
SB 168	License Plates; (NASCAR) logo; support Governor's Highway Safety Program
SB 175	Brady Law; regulations; comprehensive revision
SB 178	Emergency Vehicles Equipment; restrictions to use blue lights; exceptions
SB 226	Joshua's Law; create Georgia Driver's Education Commission
SB 255	License Plates, Special; family member serving in military
SB 257	License Plates, Special; supporting Georgia troops
SB 259	Firearms; discharging on Sunday; repeal provision
SB 267	Disabled Persons; parking permits; provide annual renewal
SB 273	Driver's Licenses; Class C; change definition for commercial/noncommercial
SB 308	Georgia Firefighter Standards/Training Council; powers/functions; provide definitions
SR 431	Security for State/County Buildings; create Senate study committee
HB 20	Motor vehicles; window tint restrictions; provisions
HB 151	Drivers' licenses; information available to insurers; extend pilot program
HB 289	Pardons and Paroles, Board of; allow certain employees assist law enforcement
HB 364	Motor vehicles; certificate of title
HB 455	Motor vehicles; new and used dealers; temporary license plates; amend provisions
HB 458	Commercial Transportation Advisory Committee; create
HB 501	Department of Driver Services; create as successor to Department of Motor Vehicle Safety
HB 521	Sheriffs; qualifications; certified peace officers
HB 557	County police; inspection of road and bridges; repeal
HB 577	Drivers' licenses; provide for destruction of certain fingerprint records; prohibit requirement
HB 613	Drivers' licenses; bioptic drivers; change renewal period

REAPPORTIONMENT & REDISTRICTING

SR 166	State and Federal District Guidelines
HB 499	New Congressional Districts

REGULATED INDUSTRIES & UTILITIES

SB 55	Certified Public Accountants
SB 124	General Contractor Licensure
SB 274	Georgia Utilities Protection
SR 297	Domestic Energy Policy
SR 298	Emerging Technologies Study Committee
HB 17	Private Detectives and Security
HB 207	Septic Tank Contactors
HB 217	School Athletic Trainers
HB 353	Hygiene Title Protection
HB 470	9-1-1 Emergency Service
HB 622	Repeal of Obsolete Statutes
HR 92	Natural Liquid Gas Study Committee

RETIREMENT

SB 161	Employees' Retirement; Housing/Finance Authority officer; payment to trustees
HB 319	Retirement; large retirement systems; invest in securities
HB 355	Class Nine Fire Department Pension Fund; secretary-treasurer renamed executive director
HB 373	Teachers Retirement System; members of local funds; non sectarian schools
HB 381	Employees' Retirement; optional retirement allowances; technical corrections
HB 459	Employees' Retirement; disability retirement and allowance; amend provisions
HB 460	Public retirement systems; compliance with Internal Revenue Code; provisions
HB 492	Judicial Retirement System; dates and election for participation; amend
HB 495	Teachers Retirement; reemployment of retired teachers

RULES

SB 41	Designate the green tree frog Official State Amphibian
SR 326	Encourage Support of Ten Commandments as Constitutional acknowledgement of God
HR 47	Rename Legislative Office Building in honor of Senator Paul D. Coverdell
HR 427	Designate the second week of March as "Extension Living Well Week" in Georgia

HR 563 Establishes Dahlonega/Lumpkin County as Georgia's Premier Sports Cycling Community
HR 566 Recognize Prater's Mill; Legacy of Georgia Tradition

SCIENCE AND TECHNOLOGY

SB 46 Mobile telephone service; publishing numbers; written consent of subscriber
SB 62 Georgia Slam Spam E-mail Act; deceptive commercial e-mail; criminal penalties
SB 106 Violent Video Game; display explanation of rating system; penalty
SB 121 Tollway Authority; motorist identity, travel history on project; exempt record
SB 127 Georgia Computer Security Act; definitions; deceptive acts; penalties
SR 111 Federal CAN-SPAM Act; urge Congress to allow states authority regulate
deceptive email

SPECIAL JUDICIARY

SB 6 Georgia Crime Information Exchange
SB 97 Juvenile Court Supervision Fees; used for truancy intervention services
HB 50 Georgia Crime Information Exchange
HB 95 Code Corrections
HB 178 Retirement and Pensions Code; corrections
HB 199 Code Corrections

STATE AND LOCAL GOVERNMENTAL OPERATIONS (GENERAL)

SB 49 Annual Reports, Budgets, Audits; General Assembly members; notification of
availability
SB 287 Permits; local government; operation of movie theaters/athletic events on
Sundays; repeal provisions
SR 88 Henry McNeal Turner Tribute Commission; creating
SR 213 Mclver III, Claud Lee; appointment to State Election Board
SR 376 Senate Atlanta County Study Committee; create
HB 36 Municipal corporations; creation; revise provisions
HB 37 Sandy Springs, City of; incorporate; new charter
HB 67 Unmarried persons; certain benefits; neutrality of state and local laws
HB 155 Managerial control over acquisition of professional services; amend provisions
HB 186 Counties and municipalities; expand purposes for using federal funds
HB 244 Elections and voting; amend provisions
HB 437 Public disclosure; exempt certain personal information
HB 570 Interlocal Cooperation Act; enact

STATE INSTITUTIONS AND PROPERTY

SB 158 State Space Management Act
SR 80 Utility Easements
HB 58 Working Against Recidivism Act
HB 420 National Infantry Museum Property
HR 48 Martha K. Glaze
HR 166 Public Property Conveyance
HR 193 Conveyance in Tennessee
HR 239 Cobb County Conveyance

TRANSPORTATION

SB 4 Public Funds; balancing of federal/state funds; change provisions
SB 99 MARTA Act; code of ethics; conflict of interest; board members; change provisions
SB 107 Developmental Highway System; additional route
SB 129 Public Transit; unlawful to solicit money/sell goods and services to
operators/passengers; penalties
SB 160 Highways; dimensions/weight of vehicles/loads; signs; primary system; prov.
SB 270 Ga. Highway Authority; additional powers; public-private initiatives
SR 81 Designate; J.G. McCalmon Highway; Carroll/Haralson counties
SR 116 Atlanta Belt Line Project; commend
SR 280 Designate; Thomas B. Darieng, Sr; Highway; Bryan County
SR 304 O'Neal, Ronnie; Georgia's troopers who have died in the line of duty; honoring
SR 305 Designate; Mack Mattingly Highway; Glynn County
SR 503 Asset Maintenance Project; urge Dept. of Transportation to proceed with initiation
HB 273 Flex Auto Lanes; authorize Dept. of Transportation to implement
HB 279 Highways; vehicles hauling certain products; weight limitation variance

HB 281 Georgia Regional Transportation Authority; amend provisions
 HB 530 Transportation, Department of; design build contracts
 HR 14 Hybrid or alternative fuel vehicles; urge Congress allow use in high occupancy vehicle lanes
 HR 91 DeWayne King, USMC, Memorial Bridge; designate
 HR 94 Jack Shearouse Bridge; designate
 HR 173 Blue Star Memorial Highway in Pembroke; designate
 HR 201 Wendell W. Thigpen Memorial Bridge; designate
 HR 231 A. L. Stepp Interchange; designate
 HR 269 Disabled American Veterans Intersection; designate
 HR 295 Byron Herbert Reese Memorial Highway; dedicate portion of U.S. Highway 129

VETERANS AND MILITARY AFFAIRS

SB 258 Georgia Military Support Act of 2005; enact
 SR 353 Urging Congress to oppose current budget proposals relating to Veterans nursing homes
 HB 404 Allow Unemployment Benefits due to Military Re-assignment of Spouse
 HB 438 Appointment of Executive Director of Georgia War Veterans Nursing Homes; amend provisions
 HB 440 Remove Resident Requirement for Interment in Georgia Veterans Cemeteries
 HB 442 Evidence Requirement for Exemption from Occupation Taxes

INTERIM SENATE AND JOINT STUDY COMMITTEES

SR 23 Creation of the Jasper Port Study Committee
 SR 54 "Future of Georgia Forestry"; Joint Study Committee
 SR 161 Juvenile Code Rewrite; create Joint Study Committee
 SR 163 Public-Private Infrastructure Project Study Committee
 SR 298 Emerging Technologies Study Committee
 SR 376 Senate Atlanta County Study Committee; create
 SR 431 Security for State/County Buildings; create Senate study committee
 SR 457 Senate Inverse Condemnation Study Committee; create
 SR 458 Senate Tree Ordinance Study Committee; create
 SR 469 Senate Environmental Program Privatization Study Committee; create
 SR 499 Senate Coastal Georgia Sound Science Initiative Study Committee; create
 HR 50 Joint Agricultural Education Study Committee; create
 HR 92 Natural Liquid Gas Study Committee

VETOED LEGISLATION

This list does not include local legislation.

SB 68 Real Estate Appraisers
 SB 98 Education; local boards; insurance/benefits; authorize expenditure of funds
 SB 254 Changes to Appropriations
 HB 264 Commission on Interstate Cooperation; amend provisions
 HB 367 Driver training and commercial driver training schools; licensing provisions
 HB 444 Professional engineers and land surveyors; change certification requirements