



*Jill C. Fike*  
*Director*

*Brian Scott Johnson*  
*Deputy Director*

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

*Telephone*  
*404.656.0015*

*Fax*  
*404.657.0929*

## **2010 SESSION OF THE GEORGIA GENERAL ASSEMBLY LEGISLATION PASSED**

This document is our final report of all legislation passed by the 2010 Georgia General Assembly with the exception of local legislation. It contains summaries of passed legislation, and an index of vetoed legislation. If further detail on legislation is needed, please contact the Senate Research Office.

• <b>AGRICULTURE AND CONSUMER AFFAIRS</b>	<b>Page 2</b>
• <b>APPROPRIATIONS</b>	<b>Page 5</b>
• <b>BANKING AND FINANCIAL INSTITUTIONS</b>	<b>Page 10</b>
• <b>ECONOMIC DEVELOPMENT</b>	<b>Page 11</b>
• <b>EDUCATION AND YOUTH</b>	<b>Page 12</b>
• <b>ETHICS</b>	<b>Page 18</b>
• <b>FINANCE</b>	<b>Page 20</b>
• <b>GOVERNMENT OVERSIGHT</b>	<b>Page 27</b>
• <b>HEALTH AND HUMAN SERVICES</b>	<b>Page 28</b>
• <b>HIGHER EDUCATION</b>	<b>Page 32</b>
• <b>INSURANCE AND LABOR</b>	<b>Page 33</b>
• <b>JUDICIARY</b>	<b>Page 38</b>
• <b>NATURAL RESOURCES</b>	<b>Page 42</b>
• <b>PUBLIC SAFETY</b>	<b>Page 46</b>
• <b>REGULATED INDUSTRIES AND UTILITIES</b>	<b>Page 49</b>
• <b>RETIREMENT</b>	<b>Page 53</b>
• <b>RULES</b>	<b>Page 56</b>
• <b>SCIENCE AND TECHNOLOGY</b>	<b>Page 57</b>
• <b>SPECIAL JUDICIARY</b>	<b>Page 57</b>
• <b>STATE INSTITUTIONS AND PROPERTY</b>	<b>Page 60</b>
• <b>STATE AND LOCAL GOVERNMENTAL OPERATIONS</b>	<b>Page 62</b>
• <b>TRANSPORTATION</b>	<b>Page 63</b>
• <b>VETERANS, MILITARY, AND HOMELAND SECURITY</b>	<b>Page 68</b>
• <b>LIST OF VETOED BILLS</b>	<b>Page 69</b>

## **AGRICULTURE AND CONSUMER AFFAIRS**

### **SENATE BILL 237**

#### **Prohibits Certain Pricing Practices during Abnormal Disruption**

Under this bill, it will be an unlawful, unfair, and deceptive trade practice for any person, firm, or corporation doing business in any area of this state in which a state of emergency has been declared, for as long as the state of emergency exists, to sell or offer for sale at retail any goods or services necessary identified by the Governor to preserve, protect, or sustain the life, health or safety of people or their property at a price higher than the price at which such goods were sold or offered for sale immediately prior to the declaration of an abnormal market disruption; however, the price may only be increased in an amount which accurately reflects an increase in the cost of such goods to the person selling the goods or an increase in the cost of transporting the goods into the area.

### **SENATE BILL 384**

#### **Fire Safety Standards for Pre-Owned Manufactured Homes**

This bill requires counties and cities to establish by rule and regulation an inspection program for pre-owned manufactured homes. On or after September 1, 2010, no pre-owned manufactured home that is relocated from its existing location to a new location may be occupied unless it has been inspected and a certificate of compliance has been issued for the home. The standards will include the conditions of the exterior; interior; roof; the utilities in the bathroom and kitchen; the hot water heater; and the central heating system for adequate venting.

No government entity inspecting a pre-owned manufactured home will be liable for any injuries to persons resulting from any defects or conditions in the pre-owned manufactured home. The person requesting the inspection of the pre-owned manufactured home must pay a fee not to exceed \$100, including reinspections to determine if the items listed in a notice of deficiencies have been corrected.

If a pre-owned manufactured home is sold on an "as is" basis, the sales agreement or contract will specifically and prominently state on its face in at least 12 point type that a purchaser understands and agrees that the pre-owned manufactured home is not habitable in its present condition and must be brought into compliance with the standards promulgated by the city or county. The owner will be required to obtain a certificate of compliance with all standards prior to the home being relocated and occupied for residential purposes.

A county or municipality must not impose standards or conditions, including any standard or condition based upon the age of the manufactured home.

### **SENATE BILL 447**

#### **State Preference for In-State Businesses & Requirements for Work Authorization**

This bill creates a requirement that whenever the state contracts for the doing of a public work, it must give preference in the purchase of materials and in the letting of contracts to materialmen, contractors, builders, architects, engineers and laborers who reside within this state whenever the materials or services from these individuals or entities can be purchased or employed at no greater expense than what the state would incur if the purchase was made from, or the contract was awarded to, a Georgia resident business.

Whenever these types of Georgia resident businesses are competing for public works contracts, they will be granted the same preference that Non-Georgia resident businesses receive in their state of residence to the extent that a preference is given by the particular state for its resident businesses.

Also, this bill requires that the State Board of Education, for contracts or purchases over \$100.00, give vendors residing in the State of Georgia the same preference over vendors resident in another state in the same manner, on the same basis and to the same extent that preference is granted by the other state to its resident vendors.

No public employer can enter into a contract for the physical performance of services within this state unless the contractor registers and participates in the federal work authorization program to verify information of all newly hired employees or subcontractors. Before a bid for any such service is considered by a public employer, the bid must include a signed, notarized affidavit from the contractor attesting to the following:

- (A) The affiant has registered with and is authorized to use the federal work authorization program;
- (B) The user identification number and date of authorization for the affiant; and
- (C) The affiant is using and will continue to use the federal work authorization program throughout the contract period.

An affidavit will be considered an open public record once a public employer has entered into a contract for physical performance of services; provided, however, that any information protected by privacy laws will be redacted. Affidavits must be maintained by the public employer for five years from the date of receipt.

This legislation encompasses language from SB 460.

#### **HOUSE BILL 516**

##### **Ordinances Related to Industrialized Buildings**

This legislation prohibits counties and municipalities from enacting ordinances and regulations that exclude residential industrialized buildings from being sited in the county or municipality in a residential district solely because the building is a residential industrialized building. All residential industrialized buildings bearing an insignia of approval by the Commissioner of the Department of Community Affairs will be deemed to comply with the state's minimum standards codes and with all ordinances and regulations enacted by any local government which are applicable to the manufacturing or installation of residential industrialized buildings.

Areas of county and municipal authority include local land use and zoning, building setback, side and rear yard requirements, utility connections, and subdivision regulation, as well as the regulation of architectural and esthetic requirements. These types of authority are specifically and entirely reserved to the county, if it is in the unincorporated area, or the municipality where the industrialized or residential industrialized building is sited.

#### **HOUSE BILL 883**

##### **Sanitary Activity for Food Processing Enterprises**

This bill provides civil and criminal penalties for food processors not following the "Sanitary Activity for Enterprises" (SAFE) Act of 2009.

This bill makes it a felony to knowingly introduce adulterated finished foods or to knowingly introduce finished food ingredients containing a poisonous or deleterious substance as defined by the 2009 Safe Act into commerce. Upon the felony conviction, the person will be punished by imprisonment for not less than one nor more than 20 years, a fine not to exceed \$20,000.00, or both.

Under this legislation, the Department must adopt rules and regulations that establish a schedule of civil penalties to be imposed for failing to follow an approved food safety plan or the required testing regimen. Civil penalties cannot exceed \$5,000 per violation; however, a food processing plant that knowingly fails to comply with the requirements of the Department will be

punished with a \$7,500 civil penalty. In addition to the civil penalty, within 30 days of the Commissioner determining a violation has occurred, the processing plant must submit a written food safety plan to the Commissioner. Each day a violation continues after the period established for compliance will be considered a separate violation.

Also, any person who knowingly fails to make a report of a positive test or does not follow the record retention requirements result will be guilty of a misdemeanor.

The punishments provided for in this legislation will be supplemental to any other applicable provisions of law.

#### **HOUSE BILL 1090**

##### **Abolish the Georgia Agrirama Development Authority**

This bill abolishes the Georgia Agrirama Development Authority (Authority). After June 30, 2010, the Board of Regents will be the successor to and a continuation of the Authority. The Board of Regents will continue the mission of the Authority. The change of the governance of the State Museum of Agriculture and its continuation will in no way affect any existing obligations, liabilities, or rights of the Authority as such existed on June 30, 2010. All such obligations, liabilities, and rights are transferred to, vested in, and assumed by the Board of Regents of the University System of Georgia. All existing contracts and agreements between any party and the Authority will not be affected by legislation, but will continue in full force and effect, without interruption, as contracts or agreements of the Board of Regents. All rights, title, interest, and ownership of all assets, including all real estate of the Authority will be transferred to and vested in the Board of Regents.

#### **HOUSE BILL 1106**

##### **Requires Animal Shelters to Scan for Microchips Prior to Euthanasia**

This bill requires that when any dog, cat, or other large animal traditionally kept as a household pet is brought to an animal shelter or other facility operated for the collection and care of stray, neglected, or abandoned animals, the operator of the facility must, if the owner of the animal is not known, within 24 hours or as soon as possible scan for the presence of an identifying microchip through the use of a microchip reader. If a microchip is found, the operator must make a reasonable effort to contact the owner of the animal. Prior to the euthanization of any animal traditionally kept as a household pet, any facility must again scan for the presence of an identifying microchip through the use of a microchip reader.

Shelters and facilities and their employees and the Department of Agriculture will not be liable for failing to detect a microchip or failing to contact the owner of the animal. Shelter personnel will not be required to scan any animal they deem to be too vicious or dangerous to handle.

#### **HOUSE BILL 1345**

##### **Georgia Kosher Food Consumer Protection Act**

This bill repeals Georgia's existing laws relating to standards, labeling and adulteration of kosher foods as contained in Title 26, entitled "Food, Drugs, and Cosmetics."

This bill amends the "Fair Business Practices Act of 1975" by inserting a disclosure scheme for kosher food and applying already existing civil penalties. Under this bill, no person may make a written representation regarding a place of business as being kosher, kosher for Passover or under rabbinical supervision unless the written communication clearly and conspicuously, in type no smaller than the smallest type contained on the communication, identifies the name of the rabbi, agency, or other person who supervises or otherwise certifies the food or place of business as kosher or kosher for Passover. Additionally, any person who makes a representation regarding kosher food must prominently and conspicuously display on the premises on which the food is sold, in a location readily visible to the consumer, a completed

kosher food disclosure statement which shall be updated within 14 days of any changes in the information. This bill sets forth requirements for the disclosure statement related to: rabbinical supervision; identification of all of the types of food sold at the establishment; and separation of foods, utensils and preparation areas.

It will be illegal for any applicable person to fail to conspicuously display the disclosure statement or knowingly or intentionally, with intent to defraud, make a false affirmation or disclosure in a kosher food disclosure statement. Enforcement for this legislation includes civil fines as well as cease and desist orders as already stated in the "Fair Businesses Practices Act of 1975."

## **APPROPRIATIONS**

### **SENATE BILL 206**

#### **Tax Expenditure Reports**

This bill requires that the Governor's budget report, prepared by the Office of Planning and Budget (OPB) that is to be provided to the General Assembly within five days after organization, include a tax expenditure review for the state. The review must be prepared by the Department of Audits unless the Department contracts out the preparation of the review to a member institution of the University System.

The report must detail for each tax expenditure item:

- ▶ The amount of tax revenue forgone for a three-year period;
- ▶ A citation of the statutory or other legal authority for the tax expenditure; and
- ▶ The year it was enacted and the tax year it became effective.

Additionally, the bill provides that the definition of "tax expenditure" is any statutory provision which exempts, in whole or in part, any specific class or classes of persons, income, goods, services or property from the impact of established state taxes. It includes: tax deductions; tax allowances; tax exclusions; tax credits, preferential tax rates; tax exemptions; and expenditures of state tax proceeds to local governments for homeowner tax relief grants and local assistance grants.

Finally, the bill delineates that the Department of Revenue must track and compile the tax expenditure information required and provide it to the Department of Audits in a timely manner.

### **SENATE BILL 421**

#### **Revenue Shortfall Reserve**

This bill increases the Revenue Shortfall Reserve cap from 10 to 15 percent of the previous fiscal year's net revenue.

### **HOUSE BILL 947**

#### **2009–2010 Supplemental Appropriations**

The Fiscal Year (FY) 10 Amended budget is based on State General Fund and Motor Fuel Revenues equal to \$15.2 billion (not including reserves).

- The FY10 Amended revenue estimate represents a 23 percent decline from the original FY09 General budget of \$20.1 billion, or a \$4.6 billion shortfall. The final FY10 budget is \$1.7 billion below the FY10 General budget.
- The FY10 Amended budget includes \$2.2 billion in additional cuts from FY09 and \$1.2 billion in new cuts from the FY10 General budget.
- The median cut in the FY10 budget is 17.8 percent from the FY09 budget and 8 percent from the original FY10 General budget.

- In March 2010, the Governor revised his original estimate downward by \$342 million. This deficit was filled using stimulus originally intended for FY11.

#### *Major Additions*

- Provides an additional \$17.4 million for Quality Basic Education Equalization to eliminate the cuts recommended by the Governor.
- Adds \$20.3 million in additional funds for the Department of Behavioral Health to assist in improvements in state hospitals.
- Provides \$27.3 million in funds for disaster assistance for the two major storms that flooded parts of south and north Georgia in 2009.
- Provides \$17.9 million in funds for the Disproportionate Share Hospital (DSH) payments for private deemed and non-deemed hospitals.
- To meet increased growth in enrollments, FY10A HOPE program includes the following increases in Lottery funds:
  - ▶ \$2.8 million for Accel
  - ▶ \$646,963 for HOPE GED
  - ▶ \$59.3 million for HOPE Grant
  - ▶ \$2.9 million for HOPE Scholarships – Private Schools
  - ▶ \$49 million for HOPE Scholarships – Public Schools

#### *Major Statewide Reductions*

##### *Furloughs*

- Total savings from furloughs: \$271.3 million:
  - ▶ \$203 million for 6 days of teacher furloughs
  - ▶ \$40.4 million for all other state employees
  - ▶ \$27.5 million for Regents and TCSG
- All state employees, including teachers, are asked to take an additional 3 days of furlough, bringing them to 6 total days.

#### *Other Major Changes*

- Liquidates the Other Post Employment Benefit reserve which was set aside for the health benefits for future retirees generating approximately \$140 million in savings.

#### *Reductions/Additions in Specific Policy Areas*

##### K-12 Education

- Provides an additional \$17.4 million for Quality Basic Education (QBE) Equalization to eliminate the cut recommended by the Governor.
- Although the QBE formula is increased by \$92.8 million for K-12 enrollment growth, the budget reduces the QBE formula by \$203 million for 6 furlough days and makes \$281 million in across the board reductions, a 5.79 percent reduction over the FY10 General base (adjusted for SHBP and Local Five Mill Share).
- To meet the Governor's Revised Revenue Estimate, \$201,916,717 in ARRA funds were pulled into the budget and offset with a reduction in state funds.

##### Higher Education

- Unwinds the \$33.7 million fund source swap for the scholarship programs, most significantly for the Tuition Equalization Grants.
  - ▶ The Governor proposed to fund several of these scholarships with Lottery funds, most notably \$32 million for Tuition Equalization Grants. The February 15th, 2010 Attorney General's letter indicates that this swap could be interpreted as "supplanting" state funds raising Constitutional concerns.
- Reduces the Board of Regents funding formula by \$23 million for furloughs as well as a \$185.6 million cut, but adds \$47.6 million in ARRA funding to reach a net cut of 8.3 percent.

- Cuts the Technical Colleges funding formula by \$4.6 million for furloughs as well as a \$28.4 million cut, but adds \$8.3 million in ARRA funding to reach a net cut of 7.97 percent.
- To meet the Governor's Revised Revenue Estimate, \$117,019,016 in ARRA funds were pulled into the Regent's budget and \$23,690,491 in the Technical Education budget and offset these additions with a reduction in state funds.

#### Health

- Appropriates \$250,000 for one new start-up Federally Qualified Health Center (FQHC).
- Replaces \$10.6 million in state funds in Medicaid with reserves from Certificate of Need penalties.

#### Fiscal Management

- Provides \$600,000 for motor vehicle license plates that are set to run out at the end of May 2010. Digital flat plates are estimated to be cheaper and faster to produce.
- Adds \$1.8 million to restore the second and third shift for tax processing. This money is intended to alleviate the revenue processing backlog experienced last spring and summer.
- Adds \$973,283 in state funds that when matched with federal and agency funds, will cover a projected \$1.5 million deficit in the state unemployment trust fund.

#### Corrections and Juvenile Justice

- Continues the closure of Scott State Prison (closed August 2009) for a savings of \$8.9 million and provides for the closure of Bostick State Prison (May 2010) for a savings of \$1.5 million.
- Adds \$9.8 million in state and agency funds to the County Jail Subsidy program to help the Department of Corrections with the jail backlog.
- Reduces \$1.9 million for the closure of three probation detention centers in April 2010.
- Provides for the reduction of 20 beds at the Macon Youth Detention Center for a savings of \$624,137 and for the closure of the Bill Ireland Juvenile Facility (January 2010) for a cost savings of \$9.5 million.

#### Other Agencies

- Restores \$300,000 in funds for the statewide network of domestic violence shelters and sexual assault centers using TANF funds and adds \$250,000 in TANF funds for Child Advocacy Centers.
- Adds \$9.8 million in TANF Emergency Contingency Funds for food banks, domestic violence shelters, and a variety of short-term benefits programs, including a new Wheels-to-Work and youth summer activities program.
- Restores \$225,000 in funds for Alzheimer's respite services.
- Provides \$55,283 for statewide strategic rail planning in the Transit program of the Department of Transportation.
- Adds \$200,000 in additional funds for marketing in tourism in the Department of Economic Development.

This information was provided by the Senate Budget and Evaluation Office.

### **HOUSE BILL 948**

#### **2010-2011 Appropriations Act**

The FY11 General Budget is based on State General Fund and Motor Fuel Revenues equal to \$16.5 billion.

- The FY11 revenue estimate reflects a 17.9% decline from the original FY09 General budget of \$20.1 billion or a \$3.6 billion shortfall.
- The FY11 budget recognizes several sources of new revenues including:
  - ▶ \$288 million in funds from the securitization of funds in GEFA
  - ▶ \$96 million in funds from user fees
  - ▶ \$229 million in funds from the hospital provider payment

- ▶ \$23.5 million in funds from passing legislation on the streamlined sales tax
- ▶ \$40 million in funds from increases in tax compliance and fraud prevention
- The median cut to agencies in the Conference Committee version of the budget is 7% from FY10, with a cumulative cut of 18% from FY09.
- Spending overall has declined by 12.5% from FY09 and is projected to decline by 16.6% by 2012.

#### *Major Additions*

- Restores \$28 million in state funds for Tuition Equalization Grants, a program the Governor had recommended eliminating, giving students at private schools a \$750 grant
- Provides \$15 million for the new needs based College Opportunity Grant to assist middle and lower income students with rising tuition
- Adds \$42.1 million in additional funds for the Department of Behavioral Health and Developmental Disabilities to assist in improvements to the state hospitals
- Restores \$26 million in cuts to doctors and other Medicaid providers
- Recognizes \$229 million in revenue from the hospital provider payment to help cover the nearly \$300 million hole in the Medicaid program and adds a \$57.8 million increase in rates for hospitals that will draw over \$600 million in federal funds
- Adds \$121.1 million in funds for enrollment growth and training and experience for teachers (0.67% enrollment growth)
- Adds \$113.2 million for growth in Regents and \$27.5 million for growth in Technical Colleges

#### *Reductions/Additions in Specific Policy Areas*

##### Health

- Recognizes \$86.3 million in savings from changes to the “clawback” Medicare drug payments that the state makes to the federal government.
- Provides \$478,181 for six new state licensure inspector positions to improve state oversight of health care facilities (Implements HB994).
- Restores start up funds for two Federally Qualified Health Centers (FQHCs).
- Provides \$600,000 for operations for the Erlanger Life Force Air Ambulance Program offering critical trauma care services in Northwest Georgia.
- Restores \$3.1 million for additional Public Health programmatic grant-in-aid cuts made by the House.
- Reduces \$24 million in state funds for Peachcare due to savings from:
  - ▶ Lower enrollment trends (\$15.6 million)
  - ▶ Reductions to CMOs (\$6 million)
  - ▶ Increases premiums for Peachcare members aged six and above (\$2.2 million)

##### Pre-K

- Increases funds for 2,000 Pre-K slots, bringing total enrollment to 84,000.
- Restores \$5 million for Resource Coordinator grants over the Governor’s recommendation, providing \$9.25 million for the program.

##### K-12 Education

- Restores \$9.3 million for RESAs, a program that the Governor recommended eliminating:
  - ▶ Eliminates separate funding for Education Technology Centers and provides \$1.5 million to RESAs to continue this function
  - ▶ Eliminates the Academic Coach program, moving \$1.8 million to the RESA program
- Reduces funds for AP and PSAT exams, providing free exams only for the neediest students.
- Reduces funds for the Central Office by 9%, including reductions for personnel, administrative functions, and contracts.
- Reduces funds for Pupil Transportation by \$30 million, but includes a \$50 million bond for new school buses.

### Higher Education

- Increases HOPE programs using Lottery funds:
  - ▶ Increases HOPE Grant by \$75.9 million
  - ▶ Increases HOPE Scholarships – Private Schools by \$35.6 million
  - ▶ Increases HOPE Scholarships – Public Schools by \$84.5 million
- Reduces funds for the Teaching Program by \$165 million from FY10, a 9% net cut.

### Economic Development and Community Affairs

- Adds \$3.5 million to REBA as deal closing grants to attract growth to the state.
- Adds \$10 million in bond funding for the College Football Hall of Fame.
- Restores \$790,735 in funds for the Council of the Arts to fund the federal National Endowment for the Arts grants.
- Adds \$2.15 million in additional funding for the Georgia Aviation Authority.
- Restores \$286,358 to the Georgia Rural Water Association.
- Restores \$50,000 in the Georgia Humanities Council for local humanities grants.
- Restores \$25,000 to the Georgia Historical Society for maintenance of the Georgia Historical Society Library and Archives in Savannah.
- Restores \$25,000 to the Georgia Historical Society for the Historical Marker program.
- Restores \$100,000 to the Georgia Commission on the Holocaust.

### Transportation

- Funds a \$189 million bond package for growth at the Georgia ports.
- Funds a \$200 million bond package for strategic road projects.
- Recognizes savings from FY10 and FY11 bonds to add \$7.5 million in motor fuel funds to assist with state highway construction.

### Corrections and Juvenile Justice

- Provides for \$25.9 million in additional funds for private prison bed expansions at Wheeler (991 beds) and Coffee (991 beds) correctional facilities.
- Provides \$1.6 million for the ramp up of a new private prison facility opening in July 2012.
- Adds \$12.4 million for 896 new fast track bed expansions at Telfair, Central, and Augusta Medical State Prisons and the Georgia Diagnostics and Classification Prison.
- Provides \$5.1 million for the continued operation of the Montgomery State Prison.
- Continues the closure of the Scott State Prison (August 2009), Bostick State Prison (May 2010), and Men's State Prison (January 2011) for a savings of \$25.4 million.
- Realizes \$7.4 million in savings by closing three probation detention centers in April 2010.
- Reduces \$28 million due to the loss of the D. Ray James Private Prison contract.
- Provides for the reduction of 40 beds at the Macon YDC for a savings of \$1,450,000.
- Continues the closure of the Bill Ireland Juvenile Facility (January 2010) for a cost savings of \$19 million.

### Public Safety

- Adds \$850,000 for continued operations at the Columbus and Moultrie Crime Laboratories.
- Adds \$437,602 for three new special agents with in the Georgia Drugs and Narcotics Agency to investigate prescription drug abuse.
- Provides for the merger of the Georgia Information Sharing and Analysis Center into Regional Investigative Services in the Georgia Bureau of Investigation for a savings of \$200,000.
- Provides for the merger if the Office of Homeland Security into the Georgia Emergency Management Agency for a savings of \$94,040.

### Human Development

- Adds \$5.6 million to annualize developmental disabilities waivers to help families keep the severely disabled out of nursing homes and \$3.3 million for a 150 new Money Follows the Person waivers.

- Restores \$250,000 in TANF funds for Child Advocacy Centers.
- Restores \$1.8 million to the Division of Aging for Alzheimer's respite services, non-Medicaid home and community based respite services, and the Center for the Visually Impaired.
- Adds \$16.3 million in TANF Emergency Contingency Funds for food banks, domestic violence shelters, and a variety of short-term benefits programs, including a new Wheels-to-Work and youth summer activities program.

#### Fiscal Management

- Adds \$10.5 million to provide forest land conservation use assistance grants to counties, municipalities, and county or independent school districts as determined in the Forestland Protection Act.
- Adds \$9.85 million to enhance revenue collections, including funds to stop fraud as well as perform additional audits. The Department of Revenue has estimated that these additions will result in \$141 million in extra annual collections.
- Adds \$3.9 million in state funds, to be matched with federal and agency funds, to cover a projected \$6 million deficit in the state unemployment trust fund.
- Adds \$200,000 to hire an outside asset management consultant to develop a comprehensive plan for lowering the state's real estate costs by consolidating space, disposing of surplus assets, eliminating unnecessary leases, and undertaking other efficiency measures. This will result in increased revenues and lower budgetary costs.

This information was provided by the Senate Budget and Evaluation Office.

## **BANKING AND FINANCIAL INSTITUTIONS**

### **SENATE BILL 131**

#### **Revised Georgia Trust Code**

This bill provides for a comprehensive revision of provisions relating to trusts, charitable trusts, trustees and trust investments, including provisions related to creditors' claims and spendthrift provisions, trust investments, trustee's appointment, removal and compensation and trustee liability.

The bill allows an agent under a power of attorney to create a trust for the principal if the power of attorney expressly authorizes the agent to do so. A transfer of legal title of property must be made to the trustee in order for property to become trust property. This bill allows a settlor to create a trust for animals (e.g., pets). A trust will not be considered to be revocable merely because the life beneficiary has a reversion in or a power of appointment over assets of the trust or because the life beneficiary's heirs or estate have a remainder interest. The bill also allows nonprofit corporations and other entities to act as a fiduciary.

### **HOUSE BILL 926**

#### **Renewal or Restructuring of Certain Loans**

This bill creates an exception allowing banks to renew or restructure certain loans to a single person or corporation that under current law would exceed lending limits. Such renewal or restructuring must conform to safe and sound banking practices and may not be used to evade the bank's lending limit.

## **ECONOMIC DEVELOPMENT**

### **SENATE BILL 339**

#### **Allowance for Utility Contractors' Bidding**

Under this legislation, any utility contractor holding a valid utility contractor's license is authorized to bid for and perform work on any utility system in this state without obtaining a license under Chapter 41 of Title 43, which is entitled "Residential and General Contractors." It will be unlawful for the owner of a utility system or anyone soliciting work to be performed on a utility system to refuse to allow a utility contractor holding a valid utility contractor's license to bid for or perform work on a utility system on the basis that such contractor does not hold a residential or general contractor license. This legislation allows electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors to bid upon and perform work on any utility system.

### **SENATE BILL 368**

#### **Fair Business Practices Act of 1975- Deceptive Practices**

This bill amends the "Fair Business Practices Act of 1975." Specifically, this bill amends the section of the Act which addresses local telephone classified advertising directories.

It will be unlawful:

- 1) For any nonlocal business to cause to be listed in any local telephone directory a local telephone number for the business if calls to the local telephone number are routinely forwarded or otherwise transferred to the nonlocal business location that is outside the calling area covered by such local telephone directory or to a toll-free number which does not have a local address and the listing fails to state clearly the principal place of business of the nonlocal business;
- 2) For any person operating a business to cause to be listed in any local telephone directory a toll-free number for the business if the listing fails to state clearly the principal place of business; or
- 3) For any person to use an assumed or fictitious name in the conduct of such person's business, if the use of such name could reasonably be construed to be a misrepresentation of the geographic origin or location of such person's business.

Punishments and relief for violating this portion of the Fair Business Practice Act can include:

- A temporary restraining order or temporary or permanent injunction;
- A civil penalty of up to a maximum of \$5,000.00 per violation of this part;
- A declaratory judgment;
- Restitution to any persons adversely affected by a defendant's actions in violation of this Act;
- The appointment of a receiver, auditor, or conservator for the defendant or the defendant's assets; or
- Other relief as the court deems just and equitable.

### **SENATE BILL 523**

#### **Reconstitution of Hall of Fame Authorities' Governance**

This bill modifies the governance of the Georgia Sports Hall of Fame Authority. The number of members is reduced to five appointed by the Governor, two appointed by the President of the Senate, and two appointed by the Speaker of the House of Representatives. The members will take their appointed office on July 1, 2010 and will serve until December 31, 2011 until their respective successors are appointed and qualified. Successors will be appointed to serve four-year terms of office. A member may be appointed to succeed himself or herself. Members of the authority will receive a per diem for attendance at meetings of the authority and reimbursement for mileage incurred in furtherance of official business of the authority from the authority's funds.

Also, this legislation creates a joint committee of the General Assembly, the Georgia Halls of Fame Authority Overview Committee, and eliminates the name Music Hall of Fame Overview Committee. The structure of the overview committee remains with five representatives appointed by the Speaker of the House and five senators appointed by the President of the Senate. The members serve two-year terms concurrent with their terms as members of the General Assembly. The committee must periodically inquire into and review the operations of the Georgia Music Hall of Fame Authority and the Georgia Sports Hall of Fame Authority, as well as periodically review and evaluate the success with which each authority is accomplishing its statutory duties and functions.

No later than December 31, 2010, each hall of fame authority must issue a request for proposals for a new location or alternative ownership, management and operation at the same location for the respective hall of fame facility. The requests for proposals will be disseminated to each county and municipal governing authority in the state and will require that any proposal be submitted not later than July 1, 2011. Any county or municipality where a hall of fame authority is located will be eligible to submit a proposal; and it is the intention of the General Assembly that such a proposal will be required as a condition for continued state funding in a current location.

### **SENATE RESOLUTION 801**

#### **Resolution Opposing Federal Cap and Trade Legislation**

This resolution recognizes the negative economic impact of federal Cap and Trade legislation on Georgia and requests that the U.S. Congress avoid passing an energy tax that will hurt all Americans. Specifically, this resolution requests that the Georgia congressional delegation oppose Cap and Trade legislation, which will excessively tax the energy consumption of citizens; cause significant harm to the state's agricultural industries; encourage further deforestation; and hinder the free market, while doing little to slow global warming.

### **HOUSE BILL 1388**

#### **Change Definition of "Project" relating to Downtown Development Authorities**

This bill amends the definition of "project" as used in the chapter related to downtown development authorities. The definition will now include "the provision of financing to property owners for the purpose of installing or modifying improvements to their property in order to reduce the energy or water consumption on such property or to install an improvement to such property that produces energy from renewable resources."

The purpose of downtown development authorities is the revitalization and redevelopment of central business districts by financing projects that will develop and promote the public good and general welfare, trade, commerce, industry, and employment opportunities.

## **EDUCATION AND YOUTH**

### **SENATE BILL 84**

#### **Local Boards of Education Governance**

This bill revises election eligibility requirements for local boards of education members. Additionally it:

- Limits the size of local boards;
- Revises the current per diem expenses for members;
- Designates the superintendent of the district as the secretary of the local board;
- Provides the fundamental role of school boards and local superintendents;
- Defines and prohibits certain conflicts of interests for members;
- Provides for the removal of members of the board; and

- Requires that a training and ethics program be established for local board members by the State Board of Education.

### **SENATE BILL 299**

#### **Zero Tolerance Policy**

The carrying or possession of a weapon at school or school activity by a child is no longer automatically included in the legal definition of "designated felony act" except for:

- Second offenses;
- Possession of a weapon on campus together with an assault;
- The weapon is considered dangerous or a machine gun as defined by law; or
- The weapon is carried by a convicted felon.

Additionally, the courts will now have discretion when dealing with a child who, as a first offender, violates legal prohibitions against having weapons in schools.

### **SENATE BILL 387**

#### **Web Based Counseling and Advisement**

This bill directs the Georgia Student Finance Commission by the 2010-2011 school year to:

- Provide web based counseling, career awareness inventories and career interest tools for students in 6<sup>th</sup>-12<sup>th</sup> grades; and
- Provide web based resources for students in 8<sup>th</sup>-12<sup>th</sup> grades to develop a graduation plan, and information on successfully transitioning to postsecondary education or the workforce.

### **SENATE BILL 427**

#### **Georgia Foundation for Public Education**

This bill establishes the Georgia Foundation for Public Education, which will exist as a public, tax-exempt, charitable instrument of the state. It will be empowered to solicit and accept money and other in-kind contributions of services and property to support educational excellence in Georgia schools and at the Georgia Academy for the Blind, Georgia School for the Deaf, and the Atlanta Area School for the Deaf.

### **SENATE BILL 457**

#### **Conversion Charter for a High School Cluster**

This bill establishes additional alternative procedures for converting a high school to a charter school within a high school cluster<sup>1</sup>. Under this legislation, a charter school can be established within a high school cluster if it is approved by a majority of the school councils in the high school cluster and by secret ballot, by at least 60 percent of the faculty, staff, parents and guardians in the cluster present at a public meeting.

The petition must be approved by a majority vote of the local school board.

### **SENATE BILL 518**

#### **Study of the Pledge of Allegiance and the Georgia Flag in Schools**

This bill amends O.C.G.A. § 20-2-142 to include in elementary and secondary schools' history curriculum, the study of the Pledge of Allegiance to the United States flag and the Georgia flag, including their institutions and ideas.

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<sup>1</sup> Attendance zones are determined by geographical boundaries, called clusters. Within each cluster, there are elementary schools, middle schools, and high schools. Attendance lines drawn within the cluster's boundaries determine which elementary or middle school in the cluster a student attends.

## **SENATE RESOLUTION 886**

### **Nutritional Quality and Options in School Meals**

This resolution recognizes that children are entitled to a healthy school meal and that recent studies have found that one in three American children are overweight or obese which can lead to significant health problems. Many national health associations recommend a greater emphasis on a healthier diet and recent studies show that many children are not eating the daily recommended allowance of fruits and vegetables.

The resolution urges the United States Congress to include plant-based meals and nondairy healthful alternatives as an option for all students in their school meals. It also encourages the Georgia Departments of Community Health, Agriculture, Education and the Georgia School Food Services to develop nutritionally sound school menus encompassing these same choices in order to assure that students will be afforded a nutritionally balanced diet.

## **SENATE RESOLUTION 1085**

### **Urges Georgia School Boards Association to Emphasize Best Practices**

This Resolution recognizes the vital role school boards play in system-wide performance. The Resolution urges the Georgia School Boards Association to continue to emphasize best practices in local board governance and recommend any legislation to support its efforts.

## **HOUSE BILL 400**

### **The “BRIDGE” Act**

This legislation enacts the “Building Resourceful Individuals to Develop Georgia’s Economy Act” as a part of the “Quality Basic Education Act.”

The legislation develops programs to improve graduation rates, improve the preparedness of students for post-secondary education through career academies, choice technical high schools, small learning communities and individual graduation plans.

Students who are enrolled and successfully complete any articulated or dual enrollment course will be awarded secondary or postsecondary credit. An articulated course is an agreement between a high school and postsecondary institution regarding the awarding of both secondary and postsecondary credit for a dual enrollment course.

Students in grades six through eight will be provided counseling, advisement, career awareness, career interest inventories and information to assist them in evaluating their academic skills and career interests. Before a student’s second semester in eighth grade, they will develop an individual graduation plan that will enable them to complete a seamless transition to postsecondary study, further training, or employment. The graduation plan will align educational and broad career goals and a student’s course of study.

The Board Of Education (BOE) will develop an evidence based model program for chronically low-performing high schools receiving a reform grant for addressing at-risk students. The program will focus on strengthening retention of ninth grade students, improving student’s performance to grade level standards in reading and math and assisting students in learning and applying study skills, coping skills, and other habits that produce successful students and adults. (A ‘Chronically low-performing high school’ is a public school with a graduation rate less than 60 percent for three consecutive years.)

Subject to appropriation by the General Assembly, the BOE will establish a competitive grant program for local school systems to implement school reform measures pursuant to this legislation. Priority for these grants will be given to chronically low-performing high schools.

## **HOUSE BILL 493**

### **Georgia Youth Conservation Corps**

This bill allows the Georgia Youth Conservation Corps (Corps) the ability to assist in home weatherization projects that seek to reduce energy consumption for home heating and cooling. This bill authorizes the commissioner of the Corps to contract with the Georgia Environmental Facilities Authority and the Department of Labor for management and installation of energy saving materials or devices on approved projects. Pursuant to this bill, projects can only occur on private residential property and only federal funds made available to the state can be used for these projects.

## **HOUSE BILL 651**

### **Sexual Offender Reporting**

This requires the Georgia Department of Education to provide to each school in the state, access to a list of all registered sex offenders.

## **HOUSE BILL 905**

### **Extending the Sunset Date of Capital Outlay Funds**

The sunset date for low-wealth capital outlay grants is extended to June 30, 2015.

## **HOUSE BILL 906**

### **Annual Contracts for Certified Personnel in Education**

This bill gives local boards of education an extension from April 15 to May 15 for the purpose of offering an employment contract to employees certified by the Professional Standards Commission. This extension would be for the 2010-2011, 2011-2012 and 2012-2013 school years only.

Additionally, a local board must inform a teacher or employee who is certified by the Professional Standards Commission by May 15 of the current school year if they are not being offered a contract. If such notice is not given by the above date, the employee will continue employment for the next year. This applies to the school years listed above only.

## **HOUSE BILL 908**

### **Waiver of Certain Expenditure Controls**

The bill allows local school systems to waive expenditure controls for direct instructional costs<sup>2</sup>, media center costs and staff professional development costs without penalty for the 2009-2010, 2010-2011, 2011-2012 and 2012-2013 school years only.

Local boards can waive the maximum class size for their specific instructional programs as long as the system average does not exceed the mandated class size. For example, if a kindergarten class has 20 children and another has 16, this would be in compliance with the current maximum of 18 kids per classroom as allowed by law due to the averaging of the two classrooms. The State Board of Education may also issue a blanket waiver or variance of class size requirements for all local school systems if a condition of financial exigency occurs.

Additionally, local school systems can waive, without penalty, the expenditure control that requires the system to designate a certain amount of monies for additional days of instruction for the academic needs of low-performing students.

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<sup>2</sup> Current law provides that the local system shall spend a minimum of 90 percent of funds designated for direct instructional costs on the direct instructional costs.

## **HOUSE BILL 910**

### **Gender Equity Reporting**

The Department of Education must annually publish a gender equity report of local school systems. Previously, the Department had to submit a gender equity report of all school systems to the Georgia General Assembly.

## **HOUSE BILL 923**

### **State Salary Placement Schedule for a Leadership Degree**

This legislation amends the provision which establishes that an educator who has earned a leadership degree in conjunction with a leadership preparation program approved by the Professional Standards Commission would not have their placement on the salary schedule based on this degree, unless they were in a leadership position as defined by the State Board of Education.

The provision that provides an exception was amended by this bill to allow for certified personnel under the "Quality Basic Education Act," to be placed on the state salary schedule based on a leadership degree even if they are not in a leadership position is expanded to include: an educator who holds a master's level leadership degree prior to July 1, 2012; an educator who holds an education specialist level leadership degree prior to July 1, 2013; or an educator who holds a doctoral level leadership degree prior to July 1, 2014, as long as he or she was enrolled in such leadership preparation program on or before April 1, 2009.

## **HOUSE BILL 936**

### **Replacement for Refurbished School Buses and School Bonding**

This legislation allows local boards to use state funds to refurbish existing school buses. Bus replacement funds do not have to be used for the purchase of new school buses only. Each local board of education that refurbishes a school bus pursuant to this subsection is strongly encouraged to apply for federal funds to retrofit the engine.

The bill also allows smaller local school systems to become enjoined for bonding purposes only under the "Georgia Education Authority (Schools) Act," in order to qualify for the federal American Recovery and Reinvestment Act (AARP).

## **HOUSE BILL 977**

### **Salary Increases at the Local School Level**

If a local board of education has furloughed non-administrative positions<sup>3</sup>, then no state funds may be used to increase the salaries of local school superintendents or administrators during that school year. This does not apply to any step increases on the state salary schedule.

## **HOUSE BILL 1079**

### **Additional Methods to Pay Certification Fees for Educators**

The bill allows educators to use a credit or debit card when paying for their teacher certification application fees.

The bill repeals a portion of the Code section that dealt with background checks for personnel holding certificates with the Professional Standards Commission (PSC). It adds a new Code section which creates a Clearance certificate issued by the PSC that verifies an educator has completed fingerprint and criminal background check requirements and that the individual does not currently have a certificate that is currently revoked or suspended in Georgia or in any other state; a Clearance certificate will be valid for five years and will be subject to fees. A Clearance

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<sup>3</sup> Teachers, paraprofessionals, cafeteria workers, bus drivers, custodians, support staff and any other non-administrative position.

certificate will need to be obtained for all educators after January 1, 2011, unless the educator currently holds a professional educator certificate.

A local unit of administration (Unit) will ensure that all non-educator personnel that are employed after January 1, 2011, have been fingerprinted and undergone a criminal background check. A Unit can employ an educator who does not hold a clearance certificate or non-educator who has not had fingerprints done or a background check done for a maximum of twenty days.

Additionally, state chartered special schools and commission charter schools are now included in the definition of a local unit of administration (Unit).

### **HOUSE BILL 1086**

#### **Disclosure of Public Records for School Employees**

This bill exempts certain private information of public and non-public school employees from public disclosure. Additionally, it also exempts certain information relating to tests administered by the Professional Standards Commission from public disclosure.

### **HOUSE BILL 1103**

#### **Clearance Certificates and Background Checks for Education Employees**

The bill repeals portions of the law that dealt with background checks for personnel holding certificates with the Professional Standards Commission (PSC). It adds a new Section which creates a Clearance certificate, issued by the PSC that verifies an educator has completed fingerprint and criminal background check requirements and that the individual does not currently have a certificate that is revoked or suspended in Georgia or in any other state. A Clearance certificate will be valid for five years and will be subject to fees. Additionally, state chartered special schools and commission charter schools are now included in the definition of a 'local unit of administration (Unit).'

Additionally, this legislation requires local boards of education to file an annual report by August 1<sup>st</sup> of each year with the Department of Education regarding students disciplined for bringing a weapon to school in the prior year. The data will be reported separately for each school in the local system and can be included in the annual disciplinary report that is currently sent to the Department of Education. This Code section does not authorize the public release of personally identifiable information regarding any student or school personnel.

Such reports must include:

Number of students subject to disciplinary or placement action;

Age and grade level of students;

Race and gender;

Special education status;

Type of weapon involved; and

Type of placement given to the student if applicable.

This bill includes provisions from SB 332.

### **HOUSE BILL 1200**

#### **Donations for Educational Purposes**

This legislation allows local boards of education to solicit and accept donations, contributions and monies from any source to assist in funding field trips for students and other purposes.

## **HOUSE BILL 1307**

### **Temporarily Suspend Professional Learning Requirements**

The bill suspends the professional learning requirements for certificate renewal for certified personnel and paraprofessionals from July 1, 2010 to July 1, 2015.

Additionally, it eliminates a computer course that was previously required for educators to demonstrate computer skill competency.

## **ETHICS**

### **SENATE BILL 17**

#### **Ethics Reform**

This bill creates the Georgia Government Transparency and Campaign Finance Commission which has the powers and duties granted to the State Ethics Commission.

Civil penalties for violations of the Ethics in Government Act are increased, and the bill allows the awarding of attorneys' fees for frivolous suits.

The bill requires disclosure of campaign contributions greater than \$100 and details the reporting procedure for campaign contribution disclosure reports.

The bill also changes when financial disclosure statements must be filed as well as what must be disclosed in financial disclosure statements. Filers must list:

- Real property with a fair market value of \$5,000 or more,
- Business entities or investments where the filer has an ownership interest of more than Percent or which has a net fair market value of \$5,000 or more, and
- Annual payments from the state which are greater than \$10,000.

Fees for filing financial disclosures late are increased.

Annual lobbyist registration fees and fees for lobbyist identification cards are increased. Fees for filing lobbyist reports late are increased, and the times for filing are changed.

State employees who ask for or receive anything of value in return for an agreement to influence legislative action will be guilty of a felony and will be punished by a fine of up to \$100,000 or imprisonment, or both.

Abuse of official power, improper conduct, and sexual harassment are defined, and the bill outlines the process for filing a complaint against a member of the General Assembly.

### **HOUSE BILL 540**

#### **Primaries and Elections**

This bill makes several changes to Georgia election law, including the following:

- The qualifications for poll officers are expanded to allow county and municipal employees who are not residents of that county or municipality to qualify for the position of poll officer.
- Chief registrars and absentee ballot clerks appointed prior to January 1, 2010, must meet the certification requirements currently required of county and municipal election superintendents. They must complete this certification by December 31, 2011.
- Current law prohibits candidates from filing a nomination petition if the petition contains material errors or alterations or if the petition did not contain the required signatures.

Under this legislation, if the candidate submitted such an improper petition, the candidate would not qualify.

- This legislation amends the procedure for appointing county registrars.
- This legislation permits voters to send their voter registration forms back to the Secretary of State or the board of registrars in their resident county.
- This legislation requires the electors list to note whether the elector registered to vote for the first time in this state and whether the elector is required to comply with §21-2-216.
- This legislation only requires the year of an elector's birth to be available for public inspection; previously, the law required the date of birth to be available for inspection.
- This legislation changes the method for casting a challenged vote.
- Under this legislation, electors who appear on the inactive list may be returned to the active list by a valid signature to a petition.
- This legislation amends the procedure for unopposed candidates.
- This legislation requires superintendents to make available for demonstration direct recording units (DRE) only upon request. Previously, the law required DREs to be made available for inspection and demonstration throughout the county/municipality during the month preceding an election. This legislation also requires sample ballots to be on display 45 days prior to a general primary or election and at least 21 days prior to a municipal general primary or election and 10 days prior to a municipal special primary or election.
- The requirement that counties with a population between 88,000 and 90,000 to designate their courthouse as an additional registrar's office is removed. This legislation requires counties of 550,000 or more to use their courthouse as an additional registrar's office or absentee ballot clerk's office.
- If DRE voting systems are used on an election day in a jurisdiction, this legislation requires these systems to also be used for absentee ballots.
- An elector may apply in person for an absentee ballot. Under this legislation, the elector may choose to vote immediately after receiving the ballot or to have the ballot mailed.
- This legislation extends the time from two to three days for registrars to validate provisional ballots.
- In the event that a special election is held at the time of a general primary, any special election runoff shall be held at the time of the general primary runoff.
- Previously, the law required state-wide special elections to be called 60 days prior to the general or primary election. This legislation extends that deadline to 90 days.
- The Governor is granted the authority to seek preclearance of any change affecting voting, including the authority to institute litigation in the name of the state and to designate legal counsel for the state in such case.

## **HOUSE BILL 665**

### **2010 Pilot Program**

This bill requires the Secretary of State to develop a pilot program for the electronic transmission of absentee ballots by military and overseas citizens. The pilot program must be used in the first general election and general election runoff following inclusion in the Appropriations Act and certification by the Secretary of State that such program is feasible.

## **HOUSE BILL 1073**

### **Absentee Ballots**

This bill allows eligible overseas voters to register to vote by a write-in absentee ballot provided for by the Uniformed and Overseas Citizens Absentee Voting Act. In addition, eligible overseas voters may make an application for an official ballot by electronic transmission.

The board of registrars must send ballots by mail or electronic transmission to electors eligible to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act at least 45 days before any non-municipal general primary or general election and 21 days before any municipal primary and municipal general election.

The State Election Board must establish procedures for sending blank absentee ballots by mail and electronic transmission for eligible voters. If the voter does not state a preferred method for receiving the blank absentee ballot, it will be sent by mail.

## **FINANCE**

### **SENATE BILL 194**

#### **State Purchasing; Guaranteed Energy Savings Performance Contracting Act**

The term “authority” is added to mean the Georgia Environmental Facilities Authority.

This bill revises state purchasing as it relates to benefit-based projects by adding the following:

- Vendors must guarantee to remedy any deficits in savings or revenue gains, and that these gains are not being generated to satisfy contractual obligations;
- If an agency determines that actual savings or incremental revenue is not satisfying obligation, the vendor will be required to remedy that deficit by providing the state that amount;
- The vendor will also be required to provide an energy savings guarantee bond, bank letter of credit, escrowed funds, corporate guarantee with good credit, or other surety instruments, or in cases of deficits send back to the state the amount equal to the deficit; and
- The term, and any renewals, of the contract cannot extend past the date that is ten years from the project completion date.

This bill adds that agencies have discretion to approve payments to vendors, and can agree that vendors can sign over payments to a third party provided that the agency is also a party. The agreement cannot alter the obligations of the agency. The agencies are excluded from terminating contracts when the agency determines that savings or revenue gains cannot be met under the contract or that the contract cannot exceed gains as calculated even if no savings or revenues are realized from the project.

### **SENATE BILL 296**

#### **Office of State Treasurer**

This legislation renames the “Office of Treasury and Fiscal Services” as the “Office of the State Treasurer.” It also renames the “Director of the Office of Treasury and Fiscal Services” as the “State Treasurer.” Finally, the term “State Treasurer” will replace the previous name, “Office of Treasury and Fiscal Services,” in all references within state law.

### **SENATE BILL 346**

#### **Ad Valorem Real Property Tax Assessments and Appeals**

This legislation revises numerous provisions relating to real property tax assessments and appeals. Current annual assessment notices must be provided to property owners regardless of changes in value, and conform to a statewide uniform assessment notice that will be drafted by the GDOR Commissioner. Counties will be authorized to create regional boards of equalization via inter-governmental agreement; these regional boards will operate the same as local boards. Bank sales, foreclosures, distress sales or determination of FMV in the first year after a property is sold cannot be included to determine uniformity. Property ownership as of April 15 of the current tax year will determine eligibility for who may appeal.

In appeals stemming from income-producing property where the FMV exceeds \$1 million, the taxpayer may elect for the appeal to be heard by a hearing officer. Taxpayers may choose to change the time and date of a scheduled hearing by showing for good cause. Real property may be returned for taxation, but personal property must be returned. All real and personal property, regardless if owned by resident or nonresident, will be taxed at FMV, and a return will not be necessary for real property owned by Georgia residents. Personal property owned by nonresidents must be returned for taxation, and tax liability will attach to personal property owned by nonresidents. Tax Commissioners must receive returns for personal property under the existing timeframe: January 1 to April 1. References to qualifying population criteria are deleted.

Local tax officials and staff including tax collectors and tax commissioners, appraisers, tax assessors, and equalizers will be required to receive instruction through education and training courses provided by GDOR.

Counties and cities may allow tax payments by multiple installments, set the due dates for those installment payments, and receive the tax payments by any form of payment.

#### **SENATE BILL 369**

##### **Investments: Housing Authorities; Local Governments**

This legislation revises provisions relating to investments by housing authorities and local governments by expanding the approved entities into which they may invest their funds. Housing authorities may further invest into bonds or obligations of other states, and other Georgia counties and cities.

#### **SENATE BILL 409**

##### **Legislative Intent: Raw Forest Product Economic Incentives**

This legislation express legislative intent that tax and other economic incentives for commercially using raw forest products are meant to be equitably extended to establish parity.

#### **SENATE RESOLUTION 277**

##### **Georgia Trauma Trust Fund**

This resolution proposes an amendment to the Constitution that transfers motor vehicle registrations to the state treasury for the purpose of funding a Georgia Trauma Trust Fund. There will be a \$10 annual charge on each licensed passenger vehicle. Only state department, agency, authority, and political subdivision vehicles are exempt. The trauma charge will be collected at the same time the law requires collection of license plate and decals for vehicles.

#### **SENATE RESOLUTION 1231**

##### **Multiyear Contracts: Energy Efficient or Conservation Improvement Project**

This Constitutional Amendment would allow for multiyear performance contracts for energy efficient or conservation improvement projects; however, the term of the contract cannot exceed 25 years.

#### **HOUSE BILL 277**

##### **Transportation Investment Act of 2010**

See [Transportation](#).

#### **HOUSE BILL 333**

##### **Sales Tax Exemption: Georgia Building Authority**

This legislation authorizes that property purchased, leased or used by the Georgia Building Authority will be exempt from sales tax.

## **HOUSE BILL 903**

### **Hotel/Motel Tax: City of Atlanta, Georgia Dome; Bibb County, Halls of Fame**

This legislation authorizes the extension via resolution by the levying city and county (City of Atlanta and Fulton County) of the local motel and hotel tax on public accommodations through December 31, 2050; however, the Georgia World Congress Center Authority must certify that a portion of tax collected during the extended time period will be used for the successor facility to the Georgia Dome and that the facility will be used pursuant to a contract with an NFL team franchise through the extended tax collection period.

Further, Bibb County will be authorized to devote 1 cent of its existing hotel/motel tax to support the Halls of Fame located in Macon.

An amount of 39.3 percent of the total tax collected must be spent on the successor facility to the Georgia Dome.

## **HOUSE BILL 963**

### **Real Property Tax Returns**

This legislation revises two provisions relating to ad valorem taxation of real property.

First, requirements that property tax returns be made in person or by mail are deleted.

Second, regarding homestead exemptions for educational purposes, requirements that all family household income be included while determining eligibility are deleted. The income threshold for owner and spouse remains at \$10,000.

## **HOUSE BILL 984**

### **Income Tax: Local Government Prohibition**

This legislation prohibits local governments from levying or collecting income taxes.

## **HOUSE BILL 991**

### **SPLOST Proceeds Distribution Certificates**

This legislation revises provisions relating to distribution of proceeds and new distribution certificates.

## **HOUSE BILL 994**

### **Community Health Fees**

This legislation requires the Department of Community Health (DCH) to establish a schedule of fees for licensure activities for institutions and other health care related entities required to be licensed by DCH. The fee schedule is to help defray costs incurred by DCH but may not exceed such costs. Moreover, the fee schedule may not be adjusted more than annually and may not be increased by more than the annual rate of inflation as measured by the Consumer Price Index.

## **HOUSE BILL 1005**

### **License Plates: Zoo Atlanta; "In God We Trust" decals; Temporary Permits**

This legislation authorizes special license plates to benefit Zoo Atlanta and to allow a decal for "In God We Trust" where the county would be displayed.

The definitions for limousines and taxicabs are updated to be distinguishable; registration is \$25 and a distinctive plate will be issued.

New language is added to provide for temporary permits for drivers who lose coverage of insurance, but requires such termination to be electronically provided quarterly by the insurer to the Department of Insurance. This does not apply to fleet policies. Fees for lapsed coverage

are \$25, and a \$60 restoration fee when registration is suspended due to failure to pay the lapse fee. Two suspensions within five years will rise to registration suspension; three suspensions in five years will result in registration revocation. Waivers are available for active duty personnel.

#### **HOUSE BILL 1012**

##### **License Plates: GoldStar Killed-in-Action Special Status**

This legislation authorizes family members of service personnel killed in action to be eligible for the Gold Star license plate. Eligible family members include a spouse, parents, children, siblings and stepparents. One free plate will be issued to a spouse, mother, or father. Renewal decals will be provided at no cost if a free license plate is granted. Siblings who move out of state will not be eligible.

#### **HOUSE BILL 1013**

##### **Education Sales Tax: Publication of Records**

This legislation requires local school districts that collect revenue through a sales tax for educational purposes to maintain records and publish annually a report that shows how the revenue is used, estimated costs, and plans for underfunded projects. This notice and publishing requirement currently applies to cities and counties levying a Special Purpose Local Option Sales Tax. Reporting must be made online on the Open Georgia site.

#### **HOUSE BILL 1055**

##### **Omnibus Fee Revisions and Updates; Provider Payment Agreement Act; State Ad Valorem Tax Elimination; Retirement Income Exclusion**

This legislation updates many state-authorized user fees and respective penalties. Further, the state will levy a hospital provider payment fee of 1.45 percent of the net patient revenue of that hospital; the provider payment ends on June 30, 2013. The revenues from this fee will be deposited into a segregated account in the newly created Indigent Care Trust Fund. The hospital provider payments will be paid at the end of each calendar quarter to the Department of Community Health (DCH), and will be based on the most completed and audited Medicaid and Medicare cost reports submitted by the DCH. Payments commence on September 30, 2010.

The provider payments will be collected for the sole purpose of obtaining federal medical assistance for Medicaid recipients. Hospitals must keep records for three years and the DOR will be authorized to inspect these records, and the records will remain confidential. Over or underpayments as determined by the DOR must be paid or refunded within 30 days of notice. Late penalties of 6 percent will accrue monthly; unpaid sums will accrue as debts due the State of Georgia and may be subject to civil actions and tax liens. DCH will report annually to the General Assembly about the uses of the collected funds. The collected revenues may be appropriated to DCH for the sole purpose stated above.

The state portion of the ad valorem tax will be phased out in .05 mil increments by 2016; and the state tax on seniors' retirement income will be phased out by 2016.

#### **HOUSE BILL 1069**

##### **Income Tax Credit: Energy or Water Efficient Equipment; Angel Investor Tax Credit; Low-Income Tax Credit; Atlanta MOST Energy Tax Credit**

This legislation authorizes an income tax credit for installation of energy and/or water efficient equipment (including rain tanks and gray water receptacles) for taxpayers who are the ultimate purchaser of an item for installation via new construction or retrofit; the credit must be taken in the taxable year of installation. The credit equals the lesser of 25 percent of the cost of installation or \$2500. The total amount of the credit can only equal funds made available by the federal government for this program. The DNR Commissioner will establish categories of equipment and draft rules and regulations.

A taxpayer taking this credit cannot take a clean energy property credit, and income tax liability cannot be exceeded, but unused credit amount may be carried forward for five (5) years.

Energy efficient equipment may include: dishwashers, clothes washers, air conditioners, ceiling fans, fluorescent light bulbs, dehumidifiers, programmable thermostats, refrigerators, and energy-saving doors and windows.

#### Investor Credit

The *Angel Investor Income Tax Credit* is established to encourage third-party investors to assist innovative wealth-creating businesses. The investments may include contributions of cash or equivalents in a qualified Georgia business for stock or debt that converts to stock upon its exercise or interest in partnerships via non-secured proceeds or cash and equivalents via pass-through Georgia entities. These investments cannot originate from tax incentive programs or have been raised prior to January 1, 2011, and pooled through capital placement agreements or hedge and/or commodities funds. Broker fees may de-qualify some investments.

The investor must be a Georgia taxpayer, and the Georgia business must employ less than 20 Georgia residents and has less than \$500,000 in gross annual sales. Investments made for tax years 2010 through 2014 will qualify for an income tax credit that cannot exceed in a single taxable year \$50,000 or an amount equal to 50 percent of the aggregate amount of the investments—whichever is less. The total amount of the allowable credits is \$10 million per taxable year. Total credits cannot exceed an investor's total income tax liability.

The credit may be recaptured of up to 50 percent of the amount of the total tax credit if the Georgia business is sold or the interest in that business is sold by the investor, but this does not apply if the Georgia business ceases operations.

#### Low Income Tax Credit

Further, this legislation prohibits a low income credit refund check if the tax liability equals zero. See HB 1219. The estimated net revenue is \$21.8 million annually.

#### Atlanta Municipal Option Sales Tax

The Atlanta MOST is amended to allow for its extension up to three times rather than two.

### **HOUSE BILL 1093**

#### **Occupation Taxes: Information Provided to Department of Revenue**

This legislation requires a city or county that levies occupation taxes or regulatory fees to collect specific information and provide same electronically to the Georgia Department of Revenue (GDOR). The city or county must first resolve to consent to participate in order to assist the GDOR to more effectively collect sales taxes by having a better list of business operating at the local level.

### **HOUSE BILL 1105**

#### **Ad Valorem Exemption: Watercraft Inventory**

This legislation extends the existing separate classification for watercraft inventory held for sale or resale. The watercraft must be owned by the dealer and are not required to be returned for ad valorem taxation.

### **HOUSE BILL 1138**

#### **IRS Code Update**

This legislation incorporates the 2009 changes to the federal IRS Code including provisions relating to Military Spouses Residency Relief Act (excludes income earned by spouse); Worker, Homeownership, and Business Assistance Act American Recovery and Reinvestment Act (Stimulus); and Defense Appropriations, and charitable contributions for Haiti earthquake relief.

Specifically excepted from these incorporations relate to deductions for sales tax on automobiles and \$2,400 exclusion for unemployment compensation.

## **HOUSE BILL 1170**

### **HMO: Medicaid**

The existing exemption to health maintenance organizations (HMOs) under contract with the Department of Community Health for health care services for the state's Medicaid program is repealed. Such taxes and fees are imposed on HMOs under Code Section 33-21-16.

## **HOUSE BILL 1186**

### **Ad Valorem Tax Exemption: Public-Private Partnerships**

This legislation exempts property which qualifies as a public-private transportation project from ad valorem taxation because it is deemed to be public property and it will not constitute a special franchise.

## **HOUSE BILL 1191**

### **Intangibles Tax: Multiple Counties**

This legislation authorizes the tax due from the recording of an instrument that conveys, encumbers or creates a lien in more than one county or across state lines to be prorated among all applicable counties that have jurisdiction over the subject real property. Currently, the county where the instrument is first recorded is where the tax is paid.

## **HOUSE BILL 1192**

### **Real Estate Transfer Tax: Multiple Counties**

This legislation authorizes for real estate transfer tax payments to be prorated amount applicable counties that have jurisdiction over the subject real property. The proration will be calculated via the ratio of the real property in that county according to the deed or instrument particularly describing the real estate to the total tax due.

## **HOUSE BILL 1198**

### **Income Tax: Nonresidents**

This legislation redefines the term "Taxable nonresident" to include persons who regularly engage in business activity for the purpose of financial gain within the state and earned deferred compensation income or income from stock options from said activity and the income exceeds the lesser of \$5000 or 5 percent of the person's income.

Generally, this legislation captures certain income for taxation when deferred compensation is realized for domiciles of another state casually conducting business in Georgia.

## **HOUSE BILL 1221**

### **Streamlined Sales Tax Agreement**

Generally, this legislation authorizes Georgia's participation with 23 other states under the Streamlined Sales Tax Agreement. It does not sunset.

### Sales and Use Tax Exemptions

The sales and use tax will not apply to (in addition to existing exemptions):

- The sale of prepared food and food ingredients consumed by pupils and employees of qualified private elementary and secondary schools;
- Jet fuel by qualifying airlines at qualifying airports<sup>4</sup>;
- The sale or use of controlled substances and drugs to nonprofit blood banks<sup>5</sup>;

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<sup>4</sup> This bill eliminates language which exempted the first 1.80 percent of the 4 percent state sales tax. It also eliminates language which applied the exemptions to transactions occurring on or after July 1, 2009, and prior to July 1, 2011. The bill does not change the definition of a 'qualifying airline' or 'qualifying airport.'

<sup>5</sup> This bill modifies the language 'dangerous drugs' to 'drugs.'

- The sale of food and food ingredients<sup>6</sup>; or
- The sale of all mobility enhancing equipment prescribed by a physician.

Current law does not apply the sales and use tax to hearing aids; this eliminates that exemption. Current law states the exemption of natural or artificial gas used directly in the production of electricity which is subsequently sold does not apply to any local sales and use tax. This bill eliminates the language which states the exemption does not apply to any local sales and use tax.

#### Limitations on Local Sales and Use Tax

This legislation eliminates the language that requires a county, municipality, school district, or other political subdivision to receive authorization from the General Assembly to impose or collect taxes on amusement admission or services included in § 48-8-6.

#### Source of Retail Sale

When the purchaser receives<sup>7</sup> the product at the seller's business location, the business location is the source. When the purchaser does not receive the product at the seller's business location, the sale is sourced to the delivery site.

If neither the business location or delivery site applies to the transaction, the sale is sourced to the purchaser's address. If none of the above applies, the sale is sourced to the location where the product was shipped. The retail sale, including lease or rental, of transportation equipment<sup>8</sup> will be sourced the same as a retail sale.

#### Source of Lease or Rental

For rentals with recurring periodic payments, the first payment is sourced the same as a retail sale. After the first payment, payments are sourced to the primary property location for each period covered by the payment. For rentals without recurring periodic payments, the payment is sourced the same as a retail sale.

### **HOUSE BILL 1284**

#### **Office of Planning and Budget**

This legislation requires the budget act to include a report of all fees collected and administered. The report will further detail each fee:

- The statute authorizing and applicable termination of the user fee;
- The services provided in exchange of the user fee;
- The current rate and date of the user fee; and
- The total amount collected in the previous two fiscal years.

The report must also contain a proposal for new, or changes to, termination of existing fees; each new or adjusted fee must show:

- The relationship of the revenue raised and the cost in the service;
- Inflationary pressures;
- Effect on budget if fees are not increased;

<sup>6</sup> Current law requires food to be sold for off-premises human consumption. This bill eliminates that language. The exemption for food and food ingredients does not apply to any local sales and use tax imposed at any time.

<sup>7</sup> 'Receive' and 'receipt' mean: taking possession of tangible personal property; making first use of services; or taking possession or making first use of digital goods, whichever comes first. These terms do not include possession by a shipping company on behalf of the purchaser.

<sup>8</sup> 'Transportation equipment' means any of the following: locomotives, railcars, and their containers that carry persons or property in interstate commerce; trucks and truck-tractors with a Gross Vehicle Weight Rating of 10,001 pounds or greater, trailers, semitrailers, or passenger buses and their containers that are registered through the International Registration Plan and operated under authority of a carrier authorized and certificated by the U.S. Dept. of Transportation or another federal authority; and authorized and certified aircraft.

- Comparable fees; and
- Policies affecting fee viability.

The report must be published on the Open Georgia website.

### **HOUSE BILL 1393**

#### **Sales and Use Tax: Public Transportation; Clayton County Transit**

This legislation authorizes a county to exceed the sales tax rate cap of 2 percent if the county levies a tax for public transportation that is first levied after January 2010, but the sales tax will not apply to jet fuel purchases or motor vehicle sales. Further, this legislation extends the motor fuel sales tax exemption for public and campus transportation systems.

### **HOUSE BILL 1405**

#### **2010 Special Council on Tax Reform and Fairness for Georgians; Special Joint Committee on Georgia Revenue Structure**

This legislation finds that it has been many years since there has been a systematic review of Georgia's revenue structure, and it creates the *2010 Special Council on Tax Reform and Fairness for Georgians* to be comprised of Drs. David Sjoquist, Jeffrey Humphreys, Roger Tutterow, and Christine Ries, Governor Sonny Perdue, Chairpersons of the Georgia Chamber of Commerce and National Federation of Independent Businesses, and two members each appointed by the Speaker and Lieutenant Governor. The Council will make a report of its findings and recommendations for legislation by January 10, 2011.

The *Special Joint Committee on Georgia Revenue Structure* (SJC) will consist of the President Pro Tempore of the Senate and the House Speaker Pro Tempore; Majority and Minority Leaders of the House and Senate; Chairpersons of the Senate Finance and the House Ways & Means Committees (who will serve as Co-Chairpersons); two members each from the Senate and the House representing both the majority and minority parties in each chamber. Legislation stemming from the Special Council will be introduced in the House and referred to the SJC; legislation receiving do pass and substitute recommendations will be sent directly to the House for an up-or-down vote with no amendments. Such legislation passed by the House will be reported directly to the Senate Floor, where it will receive an up or down vote. Legislation must be read by each chamber three times on three separate days.

These provisions will sunset on July 1, 2012.

## **GOVERNMENT OVERSIGHT**

### **SENATE BILL 363**

#### **Georgia Student Finance Authority**

This bill allows the Georgia Student Finance Authority to contract with the Board of Community Health for the inclusion of its employees in any state health insurance plan.

### **HOUSE BILL 122**

#### **Online Posting of Local Governments' Budgets**

This legislation requires governments with an annual budget in excess of \$1 million to submit a copy of their budget to the Carl Vinson Institute of Government of the University of Georgia no more than 30 calendar days following the budget's adoption. Such local governments are to also submit a copy of their audit at the close of each fiscal year. These documents are to be posted on a website operated by the Carl Vinson Institute that will allow the public to access this information at no cost. Subject to appropriation by the General Assembly, the Carl Vinson Institute is to develop the website and provide necessary training to local government officials. The posting requirements take effect for the fiscal year beginning on or after January 1, 2011.

## **HOUSE BILL 1019**

### **Replacement of Permits, Licenses, Certificates, or Identification Cards Destroyed in a Natural Disaster.**

This bill entitles citizens to a free replacement of any state-issued permit, license, certificate, or identification card if the original has been lost or destroyed in a natural disaster, provided that the application for the replacement is made within 60 days following a federal disaster declaration and that the citizen is a resident of the area included in the declaration.

## **HOUSE BILL 1260**

### **State Service Delivery Regions**

Georgia law establishes 12 state service delivery regions for purposes of delivering state services and establishing state agency regional boundaries. This bill provides that such regions do not apply to aging program planning and service areas.

## **HEALTH AND HUMAN SERVICES**

## **SENATE BILL 244**

### **Department of Behavioral Health and Developmental Disabilities/ Removal of a Child from Parental Custody/ Termination of Parental Rights/ Children and Mental Incompetency to Stand Trial**

This legislation addresses several subjects, including the Department of Behavioral Health and Developmental Disabilities, family law, and mental competency to stand trial.

#### Department of Behavioral Health and Developmental Disabilities

This legislation makes several corrections and clarifications related to the Department of Behavioral Health and Developmental Disabilities (DBHDD) in last year's reorganization of health and human services agencies.

#### Removal of a Child from Parental Custody

Additionally, the bill provides that within 30 days after the removal of a child from the custody of his or her parent or parents, the Department of Human Services is to exercise due diligence to identify another parent or relative of the child (current law provides for the search to be completed within 90 days). Any adult relatives that have been identified must then be served notice explaining that the child has been removed from parental custody, the options the relative has to participate in the care and placement of the child, the process for becoming a foster family, and any financial assistance that might be available.

#### Termination of Parental Rights

The bill also provides that upon entering an order terminating parental rights, a court may make a placement of the child if it is in the best interests of the child and in accordance with the child's court approved permanency plan.

#### Children and Mental Competency to Stand Trial

When a criminal defendant enters a plea that he/she is mentally incompetent to stand trial, courts have a duty to assign a special jury to determine the issue. Under this bill, if a child defendant is found by a special jury to be mentally incompetent, DBHDD will be authorized to place the child in a secure hospital or secure community facility. DBHDD will also have such authority if the child defendant is found to meet the criteria for involuntary civil commitment as an inpatient or outpatient. "Inpatient" and "outpatient," when referring to a child are defined as any child who is mentally ill or has a developmental disability, and is in need of involuntary placement.

The provisions related to DBHDD, removal of a child from parental custody, and termination of parental rights were contained House Bill 1324. The provisions related to children and mental incompetency to stand trial are contained in Senate Bill 391.

#### **SENATE BILL 252**

##### **Professional Health Program for Impaired Health Care Professionals**

This legislation authorizes the Georgia Composite Medical Board (“the Board”) to establish a professional health program to provide monitoring and rehabilitation of health care professionals whose ability to practice has been impaired because of illness, alcohol or substance abuse, or any other mental or physical condition. The Board may contract with other entities for the purpose of establishing and conducting the program, and may provide pertinent information regarding health care professionals to the entity for purposes of conducting the program. Information furnished to or produced by the entity is to be confidential and not subject to Open Records requests or court subpoenas or discovery proceedings. The bill also limits the criminal and civil liability of entities that contract with the Board for their performance in accordance with the contract and these provisions.

#### **SENATE BILL 344**

##### **Physician Assistants in Safety Net Clinics**

This legislation provides sovereign immunity protection to physician assistants working in safety net clinics that participate in the “Health Share” Volunteers in Medicine Act.

#### **SENATE BILL 353**

##### **Controlled Substances**

This bill makes several additions to Schedules I, II, and IV of controlled substances and to the list of dangerous drugs. It also exempts Lansoprazole from being classified as a dangerous drug when a single dosage unit is 15 milligrams or less.

#### **SENATE BILL 367**

##### **Consent for Surgical or Medical Treatment**

This bill makes additions to the list of persons authorized to consent to a surgical or medical treatment for an incapacitated person and grants such persons the right to hospital visits. The bill also authorizes hospitals or other health care facilities to initiate proceedings for expedited judicial intervention to appoint a temporary medical consent guardian. The bill also establishes a process for the petition for the appointment of a temporary medical consent guardian.

Note: This House Committee substitute replaces the original language of SB 367 in its entirety with the language of HB 742.

#### **SENATE BILL 435**

##### **Diabetes and Health Improvement Act of 2010/ Tanning Facilities**

This legislation establishes the Georgia Diabetes Control Grant Program, to be under the Division of Public Health of the Department of Community Health (DCH). Subject to appropriations, the Georgia Diabetes Control Grant Program will have the authority to administer two grant programs: (1) a program to provide grants to middle schools and high schools to promote the understanding and prevention of diabetes; and (2) a program to provide grants to health care providers for support of evidence based diabetes programs for education, screening, disease management, and self-management for populations at risk for diabetes, pre-diabetes, and the complications of diabetes; this grant also may be awarded to entities focused on policy, systems, and environmental changes that support treatment, and early detection.

Additionally, Effective January 1, 2011, no person may establish or operate a tanning facility without first registering with DCH and paying an annual registration fee. The bill also prohibits tanning facilities from allowing minors under age 14 from using tanning equipment. Minors ages

14 to 17 may only be allowed to use tanning equipment with the written consent of their parent or legal guardian. Also under this bill, tanning facilities are prohibited from advertising that the use of a tanning device is safe or free of risk or that the use of a tanning device will result in medical or health benefits. Violation of this provision will constitute an unfair or deceptive act under the Fair Business Practices Act of 1975.

The provisions on tanning facilities are from language contained in House Bill 853.

#### **SENATE BILL 493**

##### **Death Certificates for Burn Victims**

Under this bill, when a burn victim dies in a treating facility following his or her transportation from an incident that occurred in another state, only the attending physician is required to complete and sign the death certificate.

#### **SENATE RESOLUTION 915**

##### **USPSTF Guidelines for Breast Cancer Screenings**

With this resolution, the Senate urges Congress, the Department of Health and Human Services, and Centers for Medicare and Medicaid Services to ignore the guidelines on breast cancer screenings recently issued by the United States Preventative Services Task Force (USPSTF).

#### **SENATE RESOLUTION 986**

##### **Chronic Obstructive Pulmonary Disease**

With this resolution, the Senate urges the Department of Community Health to pass regulations requiring the collection of data related to chronic obstructive pulmonary disease (COPD).

#### **SENATE RESOLUTION 1222**

##### **Standards of Patient Care in Office-Based Surgery and Anesthesia**

With this resolution, the Senate urges the Georgia Composite Medical Board (Board) to promulgate regulations which establish medically accepted standards of patient care in office based surgery and anesthesia for health care providers licensed by the Board.

#### **HOUSE BILL 194**

##### **Substitution of Brand Name Drugs**

Effective October 1, 2010, a pharmacist who substitutes a generic drug for a brand name drug must display the names of both drugs on the prescription label, with an explanation indicating that substitution has occurred, unless the prescribing physician specified that the name of the drug may not appear on the label. This provision does not apply to medication dispensed for in-patient hospital services or to medications in specialty packages for dosing purposes.

#### **HOUSE BILL 361**

##### **Safe Medications Practice Act**

This legislation authorizes hospital pharmacists to collaborate with members of the medical staff in an institution on drug therapy management, as approved by an order from a physician member of the institution's staff or pursuant to a protocol established in accordance with medical staff policy. The bill directs the State Board of Pharmacy to establish rules and regulations governing a hospital pharmacist working in such a manner. Likewise, the Georgia Composite Medical Board is to establish rules and regulations governing physicians acting pursuant to these provisions.

#### **HOUSE BILL 866**

##### **Physicians for Rural Areas Assistance Act**

This legislation authorizes the State Medical Education Board to make grants to hospitals, other health care entities, local governments, and civic organizations in physician underserved rural

areas of Georgia, provided that the entities receiving grant money provide matching funds. Grant funds are to be used to enhance recruitment efforts in bringing physicians to these rural areas. The Board may make grants on a yearly basis, renewable each year at the discretion of the board. Other provisions of the bill include requiring physicians receiving a loan under the Physicians for Rural Areas Assistance Act to be U.S. citizens and changing language related to the education requirements for such physicians.

#### **HOUSE BILL 1021**

##### **Salvinorin A**

This bill adds Salvinorin A to the list of dangerous drugs. The bill further provides that the possession, growing, or harvesting of *Salvia divinorum* or *Salvia divinorum* A is allowed for aesthetic, landscaping, or decorative purposes only.

#### **HOUSE BILL 1040**

##### **Performance of Health Maintenance Activities by Unlicensed Caregivers**

This bill allows an unlicensed caregiver, known as a “proxy caregiver,” to perform health maintenance activities for a disabled individual pursuant to a written plan of care, provided that certain conditions are met. “Health maintenance activities” are activities that, but for a disability, a person could reasonably do for himself or herself and that do not require complex care. The written plan of care is to include the written orders of an attending physician, advanced practice registered nurse, or physician assistant and is to specify the frequency of training and evaluation requirements for the caregiver. The plan itself may be established by a registered professional nurse. The bill also gives rulemaking authority to the Department of Behavioral Health and Developmental Disabilities or the Department of Community Health, and limits the liability of health care professionals for a caregiver’s negligent performance.

#### **HOUSE BILL 1119**

##### **Georgia Arthritis Prevention and Control Act**

This legislation requires the Department of Community Health (DCH) to establish an “Arthritis Prevention and Control Program.” As part of the program, DCH is to periodically conduct a needs assessment to identify public health research being conducted in this state, available educational materials and programs, public and professional arthritis awareness, and the availability of services, among other matters. DCH may work with other groups with expertise in arthritis issues and may purchase educational materials, subject to appropriations or availability of public funds. The bill authorizes the DCH Commissioner to accept grants, services, and property from the federal government or other entities for purposes of fulfilling these provisions. Moreover, the commissioner is required to seek any federal waiver or waivers that may be necessary to maximize funds from the federal government.

#### **HOUSE BILL 1154**

##### **Influenza Vaccine Protocol Agreements**

This legislation expands the definition of “influenza vaccine” related to influenza vaccine protocol agreements to include the nasal spray version. The bill also prohibits this version of the vaccine from being administered to a person younger than 13 or older than 49. Moreover, the vaccine may only be administered to a person upon his or her signed informed consent (or parental consent if a minor) that he or she does not have a contraindication to the vaccine. The informed consent form is to list the contraindications to the vaccine.

#### **HOUSE BILL 1179**

##### **Influenza Vaccinations for Hospital Workers**

This bill requires hospitals to annually offer no-cost influenza vaccinations for health care workers and other employees who have direct contact with patients.

**HOUSE BILL 1309****Synthetic Marijuana**

This bill adds certain synthetic cannabinoids used in the production of synthetic marijuana to the Schedule I controlled substances list.

**HOUSE BILL 1310****Brain and Spinal Injury Trust Commission**

This bill authorizes the Brain and Spinal Injury Trust Commission to solicit federal funds and gifts and donations from individuals, private organizations, or foundations.

**HIGHER EDUCATION****SENATE BILL 238****Marriage License and Ceremony**

This bill authorizes the Governor of Georgia or any former Georgia governor to perform marriage ceremonies. The marriage license must be directed to the Governor who will then return the license to the judge of the probate court.

**SENATE BILL 340****HOPE Eligibility**

This legislation requires private and public schools to adopt a reporting system for determining HOPE eligibility for freshman, sophomore, and junior high students. Schools must report the complete high school transcript which includes courses, non-weighted grades, any state tests, and the grading scale used by the school. The Commission will use these transcripts to calculate a grade point average and notify parents and high schools of potentially eligible students.

**SENATE BILL 341****HOPE GED Voucher**

This legislation sets out the residency requirements for eligibility for a HOPE GED voucher. The requirements for private and public postsecondary institutions will be created by the Georgia Student Finance Commission. The public institution requirements will be based on the in-state tuition policies and guidelines set by the board of regents and the Technical College System of Georgia.

**HOUSE BILL 311****Georgia Higher Education Assistance Corporation**

This bill amends the definition for a qualified proprietary institution as it relates to Tuition Equalization Grants. Institutions are required to be in existence for fourteen years before becoming a qualified proprietary institution.

**HOUSE BILL 1128****Writing off Small Amounts Due the State**

This bill extends the repeal date from July 1, 2010 to July 1, 2013 for state agencies, state departments, the Board of Regents of the University System of Georgia, and the Technical College System of Georgia to be authorized to develop standards to administratively discharge obligations or charges of certain amounts which have been deemed not collectable.

This bill also extends the repeal date from June 30, 2010 to June 30, 2013 for provisions in current law which state revenues collected by all institutions in the university system or under the Technical College System of Georgia from tuition and other fees will not lapse. Institutions in the university system will be allowed to carry forward up to 3 percent of their tuition revenue,

and institutions under the Technical College System will be permitted to carry forward up to 15 percent of their tuition revenue.

## **INSURANCE AND LABOR**

### **SENATE BILL 310**

#### **Licensing of Pharmacy Benefit Managers (PBMs); and Multiple Employer Self-Insured Health Plans**

##### Licensing of Pharmacy Benefit Managers (PBMs)

Section One of this legislation requires PBMs to be annually licensed through the Insurance Commissioner's Office. Failure to hold a license will subject the PBM to the fines and other appropriate penalties as provided in Chapter 2 of Title 33 of the O.C.G.A.<sup>9</sup> A license will be suspended or revoked if the Commissioner finds that the applicant or holder of the license:

- Has intentionally misrepresented or concealed any material fact in the application;
- Has obtained or attempted to obtain the license by misrepresentation, concealment, or other fraud;
- Has committed fraud; or
- Has failed to obtain for initial licensure or retain for annual renewal a net worth of at least \$200,000.00.

If the Commissioner moves to suspend, revoke, or nonrenew a license, the Commissioner must provide notice of that action to the PBM and the PBM may invoke the right to an administrative hearing. A licensee whose license has been revoked is prohibited from filing another application within five years from the effective date of the revocation.

Whether licensed pursuant to this legislation or exempt from licensure, PBMs will be subject to "The Pharmacy Audit Bill of Rights," under Code Section 26-4-118 to the same extent and in the same manner as pharmacies.

A PBM license may not be sold or transferred to a nonaffiliated or otherwise unrelated party and a PBM may not contract or subcontract any of its negotiated formulary services to any unlicensed nonaffiliated business entity unless a special authorization is approved by the Commissioner prior to entering into an arrangement.

A PBM operating as a line of business or affiliate of a health insurer, health care center, hospital service corporation, medical service corporation, or fraternal benefit society licensed in Georgia or of any affiliate of such entities will not be required to obtain a license.

##### Multiple Employer Self-Insured Health Plans

Sections 2 through 6 of this legislation amend several existing provisions regarding the creation and operation of multiple employer self-insured health plans. Significant provisions include:

- Each plan must be licensed and possess a minimum surplus of at least \$200,000.00;
- Plans must maintain a \$100,000 security deposit with the Commissioner;
- Each plan must annually obtain an opinion from a qualified actuary as to the adequacy of its loss reserves;

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<sup>9</sup> 'Pharmacy benefits manager' means a person, business, or other entity that performs pharmacy benefits management for a health plan or covered entity. The term includes a person or entity acting for a pharmacy benefits manager in a contractual or employment relationship in the performance of pharmacy benefits management for a covered entity. The term does not include services provided by pharmacies operating under a hospital pharmacy license. The term also does not include health systems while providing pharmacy services for their patients, employees, or beneficiaries, for indigent care, or for the provision of drugs for outpatient procedures.

- Every plan must have an annual audit by an independent certified public accountant in accordance with Georgia Insurance Department Regulation 120-2-60 and instructions prescribed by the National Association of Insurance Commissioners;
- Plans must file financial statements with the Insurance Commissioner;
- Plans must obtain and thereafter maintain aggregate excess stop-loss coverage and individual excess stop-loss coverage;
- Each participating employer shall be jointly and severally liable for all legal obligations of the multiple employer self-insured health plans created on or after July 1, 2010;
- If the assets of a plan are at any time insufficient to enable the plan to discharge its legal liabilities and other obligations and to maintain the surplus required under this legislation, it must make up the deficiency or levy an assessment upon its participating employers for the amount needed to make up the deficiency. If the plan fails to make up the deficiency or make the required assessment within 30 days after the Commissioner orders it to do so or if the deficiency is not fully made up within 60 days after the date on which any such assessment is made, the plan will be deemed to be insolvent;
- If the liquidation of a plan is ordered, an assessment will be levied upon its participating employers to discharge all liabilities of the plan, including the reasonable costs of liquidation;
- Plans licensed before January 1, 2010 will have until December 31, 2011 to comply with the provisions of this legislation; and
- A plan that covers lives in other states may cover lives in this state only if the Commissioner deems the plan to be in compliance with the requirements of this legislation.

#### Effective Dates

Section One of this legislation becomes effective on January 15, 2011. All other Sections become effective on July 1, 2010.

#### **SENATE BILL 316**

##### **Expanded Eligibility for Medicare Supplemental Insurance**

This legislation requires insurers offering Medicare supplement policies in Georgia to persons 65 years of age or older to also offer Medicare supplement policies to persons who are eligible for and enrolled in Medicare by reason of disability or end-stage renal disease regardless of age. Except as otherwise provided in this legislation, all provisions that apply to persons 65 years of age or older, will also apply to persons that are eligible for and enrolled in Medicare by reason of disability or end-stage renal disease.

#### **SENATE BILL 411**

##### **Health Promotion and Condition or Disease Management Programs; and Prohibit Mandatory Participation in any Health Care System**

This legislation allows individual and group health plans to include and operate wellness and health promotion programs, disease and condition management programs, health risk appraisal programs, and similar provisions that provide for rewards or incentives.

Insurers that include such programs in their policies will not be considered to be engaging in unfair trade practices under Code Section 33-6-4 with respect to references to the practices of illegal inducements, unfair discrimination, and rebating if such programs are filed with and approved by the Insurance Commissioner.

This legislation also incorporates language from Senate Bill 317 prohibiting any law, rule, or regulation from compelling, directly or indirectly, any person, employer, or health care provider to participate in any health care system.

## **HOUSE BILL 128**

### **Eligibility Certificates for Tax and Fee Exemptions**

This legislation establishes a ten-year validation period for certificates of eligibility for persons exempted from payment of occupation taxes, administrative fees, or regulatory fees for peddling, conducting a business, or practicing a profession or semi-profession. Current law requires these certificates to be renewed annually.

Exempted persons include the following:

- Any disabled veteran of any war or armed conflict in which any branch of the armed forces of the U.S. engaged, whether under U.S. command or otherwise;
- Any blind person; or
- Any veteran of peace-time service in the U.S. armed forces who has a physical disability incurred during the period of such service.

## **HOUSE BILL 656**

### **Self-Insured Motor Vehicle Liability Coverage for Religious Groups**

This legislation allows a religious organization to self-insure its Georgia-registered motor vehicles for liability purposes. The Insurance Commissioner may, in his or her discretion, upon the application of such religious organization, issue a certificate when he or she is satisfied that such religious organization meets the qualifications of this legislation and has and will continue to have the ability to provide coverages, benefits, and claims-handling procedures substantially equivalent to those afforded by a policy of vehicle insurance in compliance with this legislation.

#### Requirements for Certification

In addition to any other rules or regulations established by the Commissioner, a religious organization seeking to obtain a certificate must meet the following qualifications:

- The religious organization must be a recognized sect or division of a recognized religious group having established tenets or teachings and must have remained in existence continuously since December 31, 1950, and whose members hold a common belief in mutual financial assistance in time of need;
- The religious organization must be a recognized sect or division of a religious group which has been a recognized religious group for purposes of exemption from federal Social Security and Medicare taxes since December 31, 1970; and
- The religious organization has filed with the Commissioner the required minimum security in the following amounts:

<b>Number of Vehicles</b>	<b>Required Security</b>
1-50	\$150,000.00
51-100	\$200,000.00
101-150	\$300,000.00
151-200	\$350,000.00
201-250	\$400,000.00
251-350	\$500,000.00
351 or more	\$600,000.00

An issued certificate will be valid for one year and may be renewed upon the religious organization's filing of an appropriate application, including a report of all claims incurred during the preceding calendar year, the number of covered motor vehicles, and proof that the organization continues to meet the requirements of this legislation. If, based upon the number of claims incurred by the organization during the preceding calendar year or the number of

covered motor vehicles, the Commissioner determines that the required minimum security under this legislation is inadequate, the Commissioner may require additional minimum security or reports, or both.

#### Revocation of Certificates

Upon a determination that any self-insurer, including a religious organization has failed to pay on any valid claim within 30 days of its submission or has failed to satisfy any judgment within 30 days after such judgment has become final, the Commissioner will revoke the insurer's certificate. Furthermore, the Commissioner may on reasonable grounds cancel a certificate of self-insurance and is authorized to promulgate rules and regulations prescribing such grounds for the cancellation of such certificates.

### **HOUSE BILL 1101**

#### **Workers' Compensation Program and the Self-Insurers Guaranty Trust Fund**

This legislation makes several changes to the workers' compensation program and the Self-Insurers Guaranty Trust Fund (Fund). Significant changes include:

- Authorizes the State Board of Workers' Compensation to publish administrative law judge and appellate decisions as long as the Board protects the privacy of all parties;
- Assessments for each new self-insured participant into the Fund is increased from \$4,000 to \$8,000, while the maximum subsequent annual assessments will increase from \$1000 to \$2000;
- If the fund falls below \$5 million, the trust may impose a special assessment of no more than \$10,000. The current threshold is \$7 million, with an \$8,000 maximum special assessment;
- The surety bond amount for all self-insured participants has been increased from \$100,000 to \$250,000;
- Requires each active participant to purchase excess insurance for statutory limits with a self-insured retention specified by the board; the excess policy must include the bankruptcy endorsement required by the board and board of trustees. For participants who are no longer active, security in an amount commensurate with their remaining exposure, as determined by the board, will be required until all self-insured claims have been closed and all applicable statutes of limitation have run; and
- Authorizes the fund to file a claim against a bankrupt participant and seek reimbursement for any payments made by the fund on behalf of the participant. The fund is subrogated to the claim of any employee whose benefits are paid by the fund. Further, the fund will have a lien against any reimbursement payments the participant is entitled to from the Subsequent Injury Trust Fund in an amount equal to the payments made by the fund to satisfy the participant's liability for workers' compensation benefits.

### **HOUSE BILL 1195**

#### **Georgia Workforce Investment Board and Governor's Office of Workforce Development**

##### Georgia Workforce Investment Board

This legislation creates the Georgia Workforce Investment Board pursuant to the federal Workforce Investment Act of 1998. The board will consist of members to be selected by the Governor consistent with federal law requirements, two members of the House of Representatives, appointed by the Speaker of the House, and two members of the Senate, appointed by the Lieutenant Governor. A majority of the members must be representatives of businesses in this state. Other members may include representatives of individuals and organizations that have experience and expertise in education, the economy, the workforce, and labor.

The board will have the powers and duties specified by the Governor and as provided by federal law; will be funded by federal law; and will be attached to the Office of Planning and Budget (OPB) for administrative purposes only.

### Governor's Office of Workforce Development

This legislation also creates the Governor's Office of Workforce Development to implement state workforce development policy as directed by the Governor and to serve as staff to the board. The Governor will appoint an executive director whose duties are to implement state-wide workforce development policy as directed by the Governor, to serve as workforce development policy advisor to the Governor, and to serve as executive director to the board. The Office will also be attached to OPB for administrative purposes only.

### Governor's Discretionary Funds

The annual allocation reserved by federal law for state-wide workforce activities and administration, known as the 'Governor's discretionary funds,' must be reserved for use by the Governor to support state-wide workforce activities recommended by the board and within parameters set forth in Section 128 of the Workforce Investment Act of 1998. This legislation does not require any appropriation of state funds.

### **HOUSE BILL 1268**

#### **Terminated Group Policies – Extended Coverage under Stimulus Act; and Notice of Insurance Premium Tax being Charged**

This legislation allows individuals who have lost group health coverage due to a job loss to continue coverage under the extended provisions of the federal Stimulus Act [Section 3001 of Title III of the federal American Recovery and Reinvestment Act (P.L. 111-5)]. Specifically, the legislation extends COBRA coverage for 15 additional months and also provides a 65 percent federal government subsidy toward COBRA coverage to employees who are *involuntarily terminated* between September 1, 2008 and February 28, 2010, as well as their family members who are eligible for COBRA due to such termination.<sup>10</sup>

Under no circumstances will the extended benefits for assistance eligible individuals become the responsibility of the State of Georgia or any insurer after expiration of the premium subsidy made available to individuals pursuant to the Stimulus Act.

### **HOUSE BILL 1364**

#### **Georgia Insurers Insolvency Pool – Workers' Compensation Claims**

The Georgia Insurers Insolvency Pool (Pool) protects insureds and their claimants from liability as a result of the insolvency of insurers. This legislation holds the Pool liable to emergency claimants and electing insureds as a result of emergency circumstances.<sup>11</sup>

In order for an electing insured to be shielded from liability by the Georgia Insurers Insolvency Pool and have any workers' compensation claims filed against such electing insured covered by the Pool, the electing insured must pay into the Pool before October:

- \$10,000 per claim when the electing insured's net worth is less than \$25 million as of December 31 of the year preceding the filing of a claim; or
- \$50,000 per claim when the electing insured's net worth is more than \$25 million as of December 31 of the year preceding the filing of a claim.

Claims of all emergency claimants will be covered by the Pool; however, claimants will retain the right to pursue claims against any insured that is not an electing insured.

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<sup>10</sup> The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) requires most employers with group health plans to offer employees the opportunity to continue temporarily their group health care coverage under their employer's plan if their coverage otherwise would cease due to termination, layoff, or other change in employment status.

<sup>11</sup> An "emergency claimant" is defined as any third-party workers' compensation claimant who is impacted by an emergency circumstance and whose employer has been declared bankrupt or insolvent. An "emergency circumstance" is defined as a circumstance in which an association or industrial insured captive insurance company that is or has issued workers' compensation policies has been declared insolvent.

All proceeds of the liquidation of an insurer under an emergency circumstance will be paid into the Pool without the necessity of the Pool having to pursue a claim against such insurer, and all claims of insureds filed in the liquidation proceeding will be denied.

## **JUDICIARY**

### **SENATE BILL 173**

#### **Criminal Justice Coordinating Council**

In addition to its current statutory duties, this bill clarifies that the Criminal Justice Coordinating Council will continue to assist the criminal justice system in improving response to crime and its effects, as well as administer gifts, grants, and donations in order to fulfill the council's mission. Any funds, property or services received as gifts, grants or donations must be kept separate from funds received by the Georgia Bureau of Investigation. Members of the Council will receive a daily expense allowance on dates of actual attendance, plus reimbursement for actual transportation costs.

### **SENATE BILL 313**

#### **Witness Oaths**

Current law requires that an oath be administered to witnesses in criminal cases before a grand jury. This bill will require that ALL witnesses swear the oath, without exception.

### **SENATE BILL 364**

#### **Massage Parlors**

It will be unlawful for any business to advertise massage therapy services combined with escort, dating services, or adult entertainment, or employ unlicensed massage therapists. It will also be unlawful for a person to practice massage therapy without a current or provisional license, and for any person, entity, employee, or representative to render or offer massage therapy for compensation unless provided by a licensed massage therapist.

Any place of business where massage therapy for compensation is performed will be subject to regulation by the Georgia Board of Massage Therapy *and* by local governing authorities.

### **SENATE BILL 371**

#### **Residential Mortgage Fraud**

All authorized law enforcement agencies will be entitled to conduct investigations and prosecute residential mortgage fraud. This bill also specifically authorizes the GBI to investigate residential mortgage fraud cases. Further, the GBI will be authorized to issue subpoenas, with the consent of the Attorney General, to compel production of any tangible evidence relating to an alleged fraudulent real estate transaction. If the person has no legally valid objection to complying with the subpoena, failure to obey the subpoena is punishable as contempt of court.

### **SENATE BILL 461**

#### **Estate Taxes**

This bill provides for the construction of wills and trust instruments referring to federal estate and generation-skipping transfer tax laws for testators and settlors dying on or after December 31, 2009, but prior to January 1, 2011 and allows judicial construction of such wills and trust instruments.

### **SENATE BILL 491**

#### **Personal Jurisdiction & Service of Process**

Georgia courts may exercise personal jurisdiction over any nonresident in the same manner as if he or she were a Georgia resident if he or she: maintains a matrimonial domicile here or if the defendant resided here relating to all domestic relation obligations if one party continues to live

here; has been subject to the jurisdiction of a Georgia court resulting in a domestic relations order, if the action involves modification of such order and the moving party remains in Georgia; or the action involves enforcement of such order notwithstanding the domicile of the moving party.

Also, this legislation incorporates the language of HB 545 by creating the profession of certified process server. Certified process servers will be entitled to serve for any court of the state, anywhere within the state, provided that the sheriff of the county for which process is to be served allows such servers to operate.

#### **HOUSE BILL 199**

##### **Denial of Warrant Application**

When an application for a criminal warrant is made by anyone other than a peace officer or law enforcement officer, the judge must hold a warrant application hearing. Before the hearing, an attempt must be made to notify the person whose arrest is sought. Under this bill, a warrant can be denied without such notice if there is insufficient probable cause. A judge may deny a warrant based on the application and testimony without requiring notice to the person whose arrest is sought.

#### **HOUSE BILL 303**

##### **Solicitors and Child Abuse Records**

This bill adds solicitors-general and assistant solicitors-general to the list of persons and agencies permitted access to DFCS child abuse records.

#### **HOUSE BILL 323**

##### **Death Penalty Review**

This bill increases the statutory period of time allotted for the Supreme Court to either grant or deny review of pretrial proceedings in death penalty cases from 20 days to 45 days.

The bill also removes language specifying the duties of the assistant to the Supreme Court, and instead states simply that the assistant will assist the Court in the review of all death sentences. The office of the assistant will no longer be attached to the office of the Supreme Court clerk.

#### **HOUSE BILL 329**

##### **Probation Revocation**

For the purpose of revoking probation, a felony offense is defined as a misdemeanor offense committed in another state that would constitute a felony in Georgia, or a misdemeanor offense committed in another state admitted to by the defendant, who also admits that the offense would have been a felony had it been committed in Georgia.

#### **HOUSE BILL 571**

##### **Amended Sexual Offender Registration**

This bill amends the sexual offender registration laws to ensure constitutionality and enforceability. The main provisions of the bill are:

- Registered sexual offenders may petition the court to be released from the registration requirements and the residency and employment restrictions.
- The bill re-writes the statute regarding sexual assault against persons in custody to include such assault happening in the teacher-student context. The victim's consent is *not* a defense.
- Current law defines incest solely as sexual intercourse with a person to whom he or she knows there is a relation by blood or marriage; this bill adds sodomy and amends the listed familial relationships to be more gender-neutral.
- Regarding definitions relating to the sexual offender registry, current law specifies that "homeless does not constitute an address". This bill will no longer require an address of

permanent or temporary residence. Instead, an offender will be required to register in person with the sheriff of the county where he/she sleeps within 72 hours of release.

- The bill amends residency, employment and volunteering restrictions based on when the offense was committed and its severity.

## **HOUSE BILL 889**

### **Pretrial Release Programs; Public Defender Conflict of Interest Cases**

Under this bill, anyone charged with a listed bail restricted offense cannot be released on bail for the purpose of entering a pretrial release, intervention or diversion program. However, the bill provides for an exception if an elected state or superior court judge enters a written order with specific reasons allowing release on bail in order to enter a pretrial release, intervention or diversion program.

The bill also allows public defenders to transfer conflict cases to other circuit public defenders rather than hire private attorneys as a cost-saving measure.

## **HOUSE BILL 901**

### **Capital Felonies**

Current law states that any person convicted in Georgia of a fourth or subsequent felony after having been convicted here or in any other state of three prior felonies must serve the maximum time as sentenced by the judge and will not be eligible for parole, *except for a capital felony*. This bill eliminates the exception for capital felonies, so that any fourth or subsequent felony conviction must result in the maximum sentence.

## **HOUSE BILL 1016**

### **Identity Fraud**

This bill amends the statutes defining identity fraud by changing the word “individual” to “person,” in order to be more inclusive of corporations and other entities.

## **HOUSE BILL 1085**

### **Family Reunification Plans**

When a child is removed from home under court order, the required report may contain a plan for family reunification. This bill creates new requirements for what must be contained in such a reunification plan. This bill also requires supplemental court orders relating to a child’s permanency plan to include a requirement that DFCS staff assist the child in developing a transition plan personalized by the child before he/she turns 18.

## **HOUSE BILL 1104**

### **Juvenile Offenders**

Under this bill, courts may require juveniles to participate in a probation management program as a condition of probation. Such programs will include graduated sanctions, which may consist of verbal and written warnings, increased restrictions and reporting requirements, community service, treatment and counseling, weekend programs, electronic monitoring, curfew, intensive supervision, or home confinement.

Also, any time spent by a juvenile in secure detention prior to being sent to the YDC will count toward his/her sentence. Also, offenders in juvenile court will receive credit for time served in confinement while awaiting trial or sentencing. The maximum number of days that a court may order a child to serve in a YDC will be increased from 30 to 60 days; however, this increase will not occur until July 1, 2013.

This bill creates the offense of smash and grab burglary, the intentional and without authority entering of a retail establishment with the intent to commit theft, in addition to causing more than \$500 of damage without the owner’s consent. Smash and grab burglary will be a felony

punishable by 2 to 20 years in prison and/or a \$100,000 fine. A second or subsequent conviction will carry a prison term of five to twenty years and/or the fine.

#### **HOUSE BILL 1140**

##### **New Superior Court Judges**

In 2008, House Bill 1163 was enacted, providing one additional superior court judge for each of the Alcovy, Atlanta and Brunswick circuits. That bill specified the initial term for those new judges as July 1, 2009 through December 31, 2010; this bill changes the term to begin on July 1, 2010 and end on December 31, 2012. Under HB 1163, these judges would then participate in the 2010 general election. Under this bill, these three judgeships will be up for election in 2012.

#### **HOUSE BILL 1322**

##### **Meredith Emerson Privacy Act**

This bill prohibits public disclosure of: law enforcement agency records, including 911 calls and public health agencies, when such records contain audio or video recordings of personal suffering or when public dissemination would cause emotional distress to the person in the recording or his/her family. Public disclosure is also prohibited for photos, videos and other depictions compiled by law enforcement of nudity, dismemberment, or of an injured or deceased individual.

The Georgia Bureau of Investigation and Board of Public Safety will create rules governing the viewing of such material by credentialed members of the press.

#### **HOUSE BILL 1387**

##### **Code Corrections**

This bill amends the Code in order to correct spelling and grammar errors and omissions, in addition to deleting statutes that have been superseded or become obsolete.

#### **HOUSE RESOLUTION 136**

##### **Constitutional Amendment**

As currently written, any person owning property in an industrial area may voluntarily remove the property by filing a certificate with the local clerk of superior court, *but* only if the property is located on an island. This amendment to the Constitution would strike the requirement that the property be located on an island. Once the certificate is filed, the property will be annexed to the city that provides water service to the property; if there is no water service, then the property will be annexed to the city providing fire service.

#### **HOUSE RESOLUTION 178**

##### **Constitutional Amendment**

Except as specifically provided, Georgia law cannot authorize contracts or agreements that defeat or lessen competition; such agreements are void. However, contracts and agreements restricting or regulating competitive activities between the following persons or entities are permitted within reasonable limits: employers and employees; distributors and manufacturers; lessors and lessees; partnerships and partners; franchisors and franchisees; sellers and purchasers of a business; and two or more employers. Reasonable restrictions may include time limits, geographic limits and scope of prohibited activities, and courts will have the authority to amend such agreements for enforceability.

## NATURAL RESOURCES

### **SENATE BILL 78**

#### **Voluntary Remediation Escrow Account; Georgia Lead Poisoning Prevention; Updates Certain Terms Relating to Hazardous Waste Management**

##### Voluntary Remediation Escrow Account

House Bill 248, which passed during the 2010 Legislative Session, established the Georgia Voluntary Remediation Program (Program) for the clean-up of hazardous waste sites. This legislation establishes the Voluntary Remediation Escrow Account (Account), which consists of the application and reimbursement fees collected by the Director of the Environmental Protection Division for participation in the Program. The Director is authorized to utilize this Account for administrative costs of the Program.

##### Childhood Lead Poisoning Prevention

This bill also adds language from Senate Bill 489 which expands the Georgia Lead Poisoning Prevention Act of 1994 by requiring the Board of Natural Resources to issue regulations for training programs and license requirements for the inspection and detection of hazards at additional lead-based paint activities that include renovation and abatement activities at target housing and child-occupied facilities constructed prior to 1978.

##### Updates Certain Terms Relating to Hazardous Waste Management

This bill contains language from Senate Bill 490 which revises and updates certain terms relating to hazardous waste management so as to make the terms consistent with federal regulations in effect in 2010.

### **SENATE BILL 99**

#### **Prohibits the Operation of Certain Vessels on Lake Sinclair; Boat Shelter/Dock Permits on High Falls Lake**

##### Large Vessels on Lake Sinclair

Current law prohibits the operation of large vessels on certain lakes. This legislation prohibits the operation of such vessels on Lake Sinclair as well. However, this bill does not apply to vessels already in operation prior to the effective date that are included on the tax roll of the county.

##### Boat Shelter/Dock Permits: High Falls Lake

This bill also contains the language from House Bill 367 which authorizes DNR to issue permits for boat shelters on the lake.

Further, in addition to the three-year duration permits, this legislation authorizes DNR to issue permits for boat docks and boat shelters on the lake of one or two-year duration with the fee prorated appropriately. Finally, the fee for a permit for each three-year period is increased from \$50 to \$75 for boat docks and now includes a fee of \$75 for boat shelters.

### **SENATE BILL 370**

#### **Water Conservation and Water Supply Enhancement**

This is Governor Perdue's bill which promotes water conservation in the state and plans for water supply enhancement during future extreme drought conditions and other water emergencies. The bill:

- Requires certain state agencies to identify opportunities to provide programs and incentives for voluntary water conservation and enhancement of the state's water supply;
- Allows local governments to impose more stringent water restrictions on outdoor water use during *nondrought* periods than those imposed by the state and establishes a new outdoor watering restriction;

- Requires EPD to promulgate minimum standards and best practices for monitoring and improving the efficiency and effectiveness of water use by public water systems to improve water conservation;
- Establishes three categories of farm use surface and ground water withdrawal permits: active, inactive, and unused;
- Requires all new multitenant residential, retail, and light industrial buildings to be constructed in a manner which will permit the measurement of water use;
- Creates the Joint Committee on Water Supply to study the status of the state's current reservoir system and identify creative financing options for additional water supply needs. The Joint Water Supply Committee will be composed of ten members as follows: five members of the House of Representatives appointed by the Speaker of the House with one being the chairperson of the House Natural Resources and Environment Committee and five members of the Senate appointed by the President of the Senate with one being the chairperson of the Senate Natural Resources and the Environment Committee. The House and Senate Natural Resources and Environment Committee chairpersons shall serve as co-chairpersons; and
- Requires the Department of Community Affairs to amend applicable state minimum standard codes to require the installation of high-efficiency plumbing fixtures in all new construction.

### **SENATE BILL 380**

#### **Expansion of Existing Reservoirs; Water System Interconnection, Redundancy, and Reliability Act**

By September 1, 2011, the Georgia Environmental Facilities Authority (GEFA) must develop an emergency plan covering every public water provider's system in the Metropolitan North Georgia Water Planning District (District). The emergency plan must identify sufficient emergency water supply sources and detailed steps required to modify system's operations to accept or share water with adjacent water providers within the District during emergencies to supply essential water needs. The term "essential water needs" means the minimum amount of water needed for residential and commercial means for food processing, drinking, toilet flushing, fire fighting, hospital use, and critical asset use and a portion of the system's unaccounted for water.

This legislation also contains the language of Senate Bill 442, the Water Systems Interconnection, Redundancy, and Reliability Act, which grants the WSD the power to make loans and grants to a local government to pay all or any part of the cost of expanding and increasing the capacity of existing reservoirs. Beginning in 2010, on July 1 of each year in which adequate funds are available, WSD must give public notice that it will accept applications for loans and grants. All requests must be submitted to WSD no later than September 1 of that year, and awards must be made by October of that year.

### **SENATE BILL 402**

#### **Land Conservation; Non-profit Entities**

This bill redefines certain terms relating to land conservation so as to allow GEFA to issue bridge loans to non-profit, non-governmental entities to purchase conservation land.

### **SENATE BILL 474**

#### **Roadkill; Weakfish; Fresh-water Turtles; Game and Fish Criminal Violations; Legal Weapons for Hunting Wildlife, Season and Bag Limits; Fertility Control; Hunting Operations: Nuisance and Criminal Civil Liability**

##### Roadkill

This bill allows a person to keep native wildlife, which does not include protected species that has been accidentally killed by a motor vehicle if the person notifies the Department of Natural

Resources (DNR) or a law enforcement officer within 48 hours after taking possession of the animal.

#### Weakfish

This bill also adds language from House Bill 1058 which decreases the maximum daily creel and possession limit of weakfish from 6 to one.

#### Fresh-water Turtles

This bill adds language from House Bill 1000 which prohibits a person from exporting, farming, or selling any fresh-water turtle except in accordance with the rules and regulations adopted by the Board of Natural Resources (Board). As the Board deems appropriate, it may promulgate such rules and regulations as are reasonable and necessary under sound wildlife management practices.

#### Game and Fish Criminal Violations

This bill adds language from House Bill 1000 which provides that, for purposes of establishing criminal violations of the rules and regulations promulgated by the Board of Natural Resources, the term 'rules and regulations' means the rules and regulations in force and effect on January 1, 2010. Current law references the date of January 1, 2008.

#### Legal Weapons for Hunting Wildlife; Season and Bag Limits

Current law authorizes the use of certain weapons during primitive weapon hunts or primitive weapon seasons. Under this legislation, youth under 16 years of age may hunt deer with any firearm legal for hunting deer during such hunts or seasons.

Further, current law authorizes the hunting of bear from September 8<sup>th</sup> until January 15<sup>th</sup>; however, the maximum daily limit is one bear and the maximum season limit is one bear. Under this legislation, up to two bears per managed hunt may be allowed on wildlife management areas without complying with the state-wide bag limit.

#### Hunting Operations: Nuisance and Criminal Civil Liability

This bill adds language from House Bill 1000 which prohibits a hunting operation from becoming a nuisance, either public or private, solely as a result of changed conditions in or around the locality of the hunting operation if the hunting operation has been in operation for at least one year. Further, this legislation prohibits a hunting operation from being subject to any action for civil or criminal liability, damages, abatement, or injunctive relief resulting from or relating to lawful hunting activities generated by the hunting operation if it remains in compliance with current law and rules and regulations adopted by the Board of Natural Resources.

### **SENATE BILL 490**

#### **Updates Certain Terms Relating to Hazardous Waste Management**

This legislation revises and updates certain terms relating to hazardous waste management so as to make the terms consistent with federal regulations in effect in 2010.

### **SENATE RESOLUTION 1094**

#### **Urges Increased Governmental and Industry Efforts to Increase the Availability and Use of Alternative Fuels at Filling Stations**

This resolution urges increased governmental and industry efforts and cooperation to increase the availability and use of alternative fuels and in particular urges that efforts be directed to make alternative fuels more readily available at filling stations.

#### **HOUSE BILL 169**

##### **Creates the Georgia Geospatial Advisory Council**

This bill creates the Georgia Geospatial Advisory Council (Council). The Environmental Protection Division (EPD) must coordinate with state executive branch departments and agencies to appoint members of the Council. The Council must audit Georgia's geospatial capabilities at county, regional, and state levels. This legislation will stand repealed on June 30, 2012.

#### **HOUSE BILL 207**

##### **Restricts the Operation of Off-road Vehicles within Any Perennial Stream**

This bill expands the current law definition of an "off-road vehicle" to include government vehicles used for official and agricultural purposes. Further, the bill provides for an additional operation restriction by prohibiting the operation of off-road vehicles within any perennial stream. Any person that violates an operating restriction is subject to a civil penalty of at least \$25.

#### **HOUSE BILL 406**

##### **Reservoirs; State Service Delivery Strategies**

This bill allows a proposed drinking water supply reservoir that has applied for a federal Section 404 permit to be permitted and to receive state financial assistance even though it is not included in a verified service delivery strategy. However, within one year after the reservoir becomes operational, the local governments and authorities in the affected county or counties must update their service delivery strategy to be consistent with water supply arrangements resulting from the operation of the reservoir.

#### **HOUSE BILL 1059**

##### **Minor Permit Modifications: Recovered Materials Processing Facility**

Under this legislation, all modifications of permits for existing municipal solid waste disposal facilities for the addition at the facility of a recovered materials processing facility are classified as a minor permit modification.

#### **HOUSE BILL 1199**

##### **Authorizes DNR to Incorporate One Nonprofit Corporation**

This legislation authorizes DNR to incorporate one nonprofit corporation that could qualify as a public foundation under the federal Internal Revenue Code to aid DNR in carrying out any of its powers and purposes.

#### **HOUSE BILL 1206**

##### **Geothermal Boreholes**

This legislation requires a person to obtain a water well contractor's license from the Council before drilling a geothermal borehole. However, a person drilling a water well or geothermal borehole is not required to act under the direction of a professional geologist or a professional engineer. This bill also provides certain standards for wells and boreholes. A geothermal borehole is any hole in the earth which is drilled for the purpose of installing piping for heating and air conditioning systems through which water, antifreeze, water mixtures, Freon, or other media are circulated to exchange heat with the earth for the purpose of heating or cooling, or both.

#### **HOUSE BILL 1359**

##### **Provides Exception from 25-foot Stream Buffer Requirement for Shoreline Stabilization at Lake Oconee**

Current law establishes a 25-foot buffer along the banks of all state waters with certain exceptions. This legislation provides for an additional exception where shoreline stabilization is installed; however, this exception is limited to the construction of bulkheads and sea walls only

to the extent required to prevent erosion of the shoreline. Further, this exception is limited to Lake Oconee and is limited to the duration of such construction.

## **PUBLIC SAFETY**

### **SENATE BILL 6**

#### **Restricted Driver's Licenses**

This legislation clarifies current law by allowing a court to order the Department of Driver Services (DDS) to impose up to a six-month suspension upon anyone violating the conditions of their restricted driver's license.

### **SENATE BILL 250**

#### **Prohibited Acts Relating to Public Schools**

This legislation clarifies current language to provide that it is unlawful to "knowingly and intentionally or recklessly" interfere with the operation of any public school, public school bus, or public school bus stop. Such a person will be guilty of a misdemeanor.

### **SENATE BILL 324**

#### **Georgia Peace Officer Standards and Training Council – Administrative Fees**

This legislation clarifies current language by authorizing the Georgia Peace Officer Standards and Training Council to impose administrative fees for any authorized services that it provides.

### **SENATE BILL 345**

#### **Organized Races on Public Roads**

This legislation legalizes organized racing on local public roads only when such races are sanctioned by the governing city or county, the relevant roads are closed to other traffic during the race, and certified medical personnel are on the location at all times. Notification of any such race must be published in the official county organ at least one month before the race. The sanctioning city or county will be exempt from any liability arising from the race.

### **SENATE BILL 360**

#### **Prohibited Texting While Driving – Adult Drivers**

This legislation prohibits drivers 18 years of age or older, or who possess a Class C driver's license,<sup>12</sup> from writing, sending, or reading a text-based communication on a wireless telecommunications device, including instant messages, e-mail, and Internet data, while operating a motor vehicle.<sup>13</sup> A conviction will result in a \$150.00 fine and an assessment of one point on the violator's driving record.

#### Exceptions

This prohibition does not apply to:

1. Reporting a traffic accident, medical emergency, fire, serious road hazard, or a situation in which the person reasonably believes a person's health or safety is in immediate jeopardy;
2. A public utility employee or contractor acting within the scope of his or her employment when responding to a public utility emergency;
3. Reporting the perpetration or potential perpetration of a crime;

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<sup>12</sup> Please see House Bill 23 for provisions that prohibit minor drivers from texting and talking on a cell phone while driving.

<sup>13</sup> "Wireless telecommunications device" is defined as a cellular telephone, a text-messaging device, a personal digital assistant, a stand alone computer, or any other substantially similar wireless device that is used to initiate or receive a wireless communication with another person. It does not include citizens band radios; citizens band radio hybrids; commercial two-way radio communication devices; subscription-based emergency communications, in-vehicle security, navigation, and remote diagnostics systems; or amateur or ham radio devices.

4. A first responder during the performance of his or her official duties; or
5. Engaging in a wireless communication while the motor vehicle is lawfully parked.

This legislation also clarifies current law by allowing the use of hands-free communication devices.

#### **SENATE BILL 397**

##### **Blue Alert System**

This legislation establishes the "Blue Alert" system which is activated when a suspect for a crime involving the death or serious injury of a peace officer has not been apprehended, and law enforcement personnel have determined that the suspect may be a serious threat to the public. This system will also be activated if an officer is missing under suspicious circumstances while on duty. The system will be operated in the same manner as "Mattie's Call Act," the statewide alert system for missing disabled adults.

#### **SENATE BILL 410**

##### **Ambulances and Emergency Lights**

This legislation exempts all ambulances, licensed by the State, from needing a permit to operate red emergency lights.

#### **SENATE BILL 419**

##### **Drivers' Licenses – Endorsement for Post Traumatic Stress Disorder**

This legislation allows members of the armed services and veterans who have been diagnosed with post traumatic stress disorder to request to have a notation of such diagnosis placed on their driver's license. The applicant must present a sworn statement from a person licensed to practice medicine or psychology in this state verifying the diagnosis.

#### **SENATE BILL 458**

##### **Seatbelts and Pickup Trucks**

Current law requires each occupant of the front seat of a car, van, or SUV to be restrained by a seatbelt. In addition, minors six years of age or older are required to be restrained in any seat. By redefining the term "passenger vehicle," this legislation requires all passengers in the front seat of a pickup truck, and all minors, six years of age or older in any seat, to be restrained by a seatbelt. The bill exempts off road and pickup trucks involved in farming operations.

#### **HOUSE BILL 23**

##### **Prohibited Wireless Communications while Driving – Minor Drivers**

This legislation prohibits minor drivers from using a cell phone, or similar device, to speak or text while driving.<sup>14</sup>

Specifically, drivers under 18 years of age who have an instructional permit or a Class D license are prohibited from operating a motor vehicle while engaging in wireless communication using a wireless telecommunications device.<sup>15</sup> Such drivers will be punished by a \$150.00 fine and assessed 1 point on their driving record. The fine will be doubled if the driver is involved in an accident at the time of a violation.

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<sup>14</sup> Please see Senate Bill 360 for provisions prohibiting adult drivers from texting while driving.

<sup>15</sup> "Engage in a wireless communication" means talking, writing, sending, or reading a text-based communication, or listening on a wireless telecommunications device.

"Wireless telecommunications device" means a cellular telephone, a text-messaging device, a personal digital assistant, a stand alone computer, or any other substantially similar wireless device that is used to initiate or receive a wireless communication with another person. It does not include citizens band radios, citizens band radio hybrids, commercial two-way radio communication devices, subscription-based emergency communications, in-vehicle security, navigation, and remote diagnostics systems, or amateur or ham radio devices.

Exceptions to the prohibition involve:

1. Reporting a traffic accident, medical emergency, or serious road hazard;
2. Reporting a situation in which the person believes his or her personal safety is in jeopardy;
3. Reporting or averting the perpetration or potential perpetration of a criminal act against the driver or another person; or
4. Engaging in a wireless communication while the motor vehicle is lawfully parked.

#### **HOUSE BILL 258**

##### **Instructional Permit**

This legislation allows any person holding a valid Class C instructional permit to drive a Class C motor vehicle when accompanied by a disabled parent or guardian who has been issued an identification card containing the international handicapped symbol.

This legislation also allows a judge to issue a limited driving permit to a minor whose license has been suspended due to speeding.

#### **HOUSE BILL 396**

##### **Driver's Licenses**

This legislation amends several provisions related to driver's licenses, violations, suspensions, and the Department of Driver Services (DDS).

#### **HOUSE BILL 958**

##### **Georgia Ports Authority Security**

Current law authorizes regular employees of the Georgia Ports Authority designated as security guards to enforce, issue citations, and make arrests for traffic offenses occurring on any property under the jurisdiction of the Ports Authority. This legislation requires that such individuals must be peace officers certified under the Georgia Peace Officer Standards and Training Act.

##### Grandfather Clause

This legislation does not apply to persons hired by the Georgia Ports Authority for security purposes on March 18, 1991 or August 8, 1997 and the provisions under current law at the time that this legislation is adopted will continue to apply to such persons.

#### **HOUSE BILL 981**

##### **State Patrol and Public Safety Vehicles**

This legislation allows State Patrol vehicles to be painted in a single solid color while prohibiting the use of "slick tops" for any State Patrol vehicles. This legislation also prohibits the use of retread tires on all state vehicles that may be used to respond to public safety emergencies unless the use of such tires is expressly approved by the agency responsible for the operation of the vehicle. These provisions will go into effect on July 1, 2010 and sunset on June 30, 2013.

Part II of this legislation repeals a June 30, 2011 sunset provision from 2006's House Bill 1209. That legislation provides that if a traffic arrest or citation was made or issued on an urban interstate system and by a member of the Uniform Division of the Department of Public Safety's motorcycle enforcement unit, any fines imposed, after costs, must be remitted to the Department of Public Safety and used for the maintenance and enhancement of the Department's motorcycle enforcement program.

#### **HOUSE BILL 1074**

##### **Capitol Police Division**

This legislation creates the Capitol Police Division within the Department of Public Safety (DPS). DPS will staff the Division with certified law enforcement officers designated capitol

police officers, security personnel under the employment of or contract with DPS, and any other certified peace officer employed by DPS. The Division will have jurisdiction to enforce all laws in Capitol Square and the property and buildings owned by GBA within a five-mile radius of Capitol Square.

#### **HOUSE BILL 1224**

##### **Driving Restrictions**

This legislation allows drivers, charged with violating a license's restricted vision endorsement, to have the charges dismissed by presenting admissible medical evidence to the court that demonstrates that he or she no longer suffers from the vision condition that resulted in the imposition of such restriction.

#### **HOUSE BILL 1231**

##### **Right and Left Turns; and Fleeing a Pursuing Police Officer**

This legislation establishes the proper manner in which a driver may execute a right and left turn.

##### Fleeing a Pursuing Police Officer

Code Section 40-6-395 currently states that any person who drives in excess of thirty miles an hour over the posted speed limit while fleeing a pursuing police officer is guilty of a felony; this bill lowers that standard to twenty miles an hour over the speed limit. The bill also adds that a person who commits a DUI as defined in Code Section 40-6-391 while fleeing a police officer will be guilty of a felony.

#### **HOUSE BILL 1338**

##### **Disabled Parking Enforcement**

Current law authorizes local governments to appoint any person who is a U.S. citizen, is of good moral character, has not previously been convicted of a felony, and is disabled, to enforce disabled parking laws within their local jurisdiction. This legislation repeals the disability requirement. Moreover, appointed persons will not be liable on account of any act or omission in connection with the enforcement of such laws.

### **REGULATED INDUSTRIES**

#### **SENATE BILL 149**

##### **Uniform Athlete Agents Act; Georgia Occupation Regulation Review**

This legislation deletes language pertaining to the Georgia Athlete Agent Regulatory Commission; this commission is disbanded. The Georgia Secretary of State will now regulate athlete agents.

Additionally, language from SB 148 is included in this bill requiring the regular analysis of current regulatory boards by the Georgia Occupational Regulation Review Council.

#### **SENATE BILL 162**

##### **Private Detective Businesses**

This legislation removes and reserved the Code section requiring that a surety bond for \$1000 be obtained relative to firearms dealers. Additionally, the bill requires persons seeking to be employed as an armed agent to meet certain pre-licensure requirements. An application to the Board must be made within 180 days of completing board mandated pre-licensure training. Guards, night watchmen, etc., that are not armed do not have to be licensed by the board.

Existing requirements regarding age, citizenship, moral character, clean criminal record remain statutory.

## **SENATE BILL 195**

### **Secretary of State: Professional Licenses**

This legislation amends numerous chapters relating to professional licensure. Significant provisions include:

- Electronic prescriptions may include digital prescriptions transmitted to a pharmacy and converted into digital image via facsimile. Generic prescriptions must be made via expressed consent when “brand necessary” is included on prescription forms.
- Pharmacists, license transfers, and interns are no longer required to submit a written application to apply for licensure.
- Restrictions on the type of firearm used by licensure investigators are deleted.
- Low-voltage electricians will not be required to have an experience-related affidavit sworn before a notary public.
- Landscape architects will be required to submit a licensure fee.
- Occupation therapists will no longer be required to file a written application.
- Ophthalmology licensees may be required to pass a board-approved examination.
- Opticians will only have to submit an affidavit disclosing continuing education hours.
- Podiatry licensees must only pass a Board-approved examination (rather than Board-given), if the Board requires the examination for that applicant.
- Private detective license applicants and subsequent registration will not be required to submit a written application.
- Psychology licensees must take a Board-approved examination, and the application may be either written or oral.
- The used motor vehicle and parts dealer’s examination does not have to be given by division director.
- Veterinarian and vet tech licensees will not be required to submit a written application to that Board.
- Treatment plant operators’ examinations will be Board-approved.

## **SENATE BILL 432**

### **Advanced Broadband Collocation Act**

“Collocation” refers to the placement of new wireless facilities on previously approved and constructed wireless support structures. This includes placement of accessory equipment on the existing equipment compound.

Applications for collocation or modification of wireless facilities will not be subject to issuance of additional zoning, land use or special permit approvals. This streamlined process applies to applications for collocation and modifications that do not increase the overall height or width of structure, increase dimensions of the equipment compound, exceed conditions of approval applied to the initial wireless facility or structure, or exceed applicable weight restrictions.

Local reviews of collocation applications will not include evaluation of technical or service characteristics and will not require radio frequency analyses or to demonstrate justification to collocate that facility or structure; however, the local government may require certification that the collocation will not interfere with emergency communications. Local governments have 90 days to consider and make a written decision regarding the application.

### **HOUSE BILL 168**

#### **Telecommunications: Universal Access Fund**

This legislation makes revisions to the 1995 Georgia Telecommunications Act and reflects enactment of the 1996 Federal Telecommunications Act.

Rates for all services will be set by the open market. This legislation also details how the Public Service Commission (PSC) will administer the Universal Access Fund (UAF). All PSC-certified telecommunications companies must contribute to the UAF under one of two methods: 1) number of working telephone numbers; 2) proportionate rate of gross intrastate revenue from services to end users. A local exchange carrier (CLEC) may seek relief from full contribution to the UAF, and a CLEC headquartered in Georgia with at least 750 Georgia employees may deduct up to 50 percent of its contribution to the UAF to match its operating losses.

It reduces and restricts payments from the UAF thereby lowering subsidies distributed from one company to another; any carrier seeking to utilize the fund after access charge parity is reached will bear a burden of proof in an adversarial setting before the PSC.

After 2010, rural carriers will be prevented from switching between rate of return and alternate regulation for five years. The UAF will sunset in 20 years.

The PSC will not have any jurisdiction over retail communications services which include wireless; however, this preemption will not affect consumer protection laws and consumer complaints.

Retail telecommunications service bills cannot contain a separate line item stemming from compliance costs to state laws or regulations without PSC approval—unless that line item is already authorized by state or federal law.

### **HOUSE BILL 231**

#### **Architecture: Interior Designers**

This legislation amends existing language to broaden coverage to all building plans—not just to office structures—that must be in full compliance with building codes on nonload-bearing construction. The legislation further defines allowable areas of practice for interior designers to include technical submissions and administration of interior construction for space planning, finishes, furnishings and modification of existing building structures for egress purposes. It also excludes from the area of practice for interior designers designs of building shells and shell systems and construction which materially affects building safety.

### **HOUSE BILL 579**

#### **Contractors Licenses: Agents**

This legislation allows an entity granted a general or residential contractor license, when the qualified agent had died prior to issue of the license, to remain eligible to receive the license upon submission of a new agent.

### **HOUSE BILL 788**

#### **Euthanasia: Cats and Dogs**

An exemption for counties with a population less than 25,000 is deleted; therefore, animal shelters in all Georgia counties will be prohibited from using gas to euthanize cats and dogs.

## **HOUSE BILL 863**

### **Charitable Solicitation Boxes**

New language requires collection receptacles operated by a nonprofit religious organization to have in boldface letters the name and contact information of the organization operating the receptacle and its registration status. If it is not owned by a nonprofit, then it must expressly state so, and if the items are to be sold then notice must be provided as well.

## **HOUSE BILL 1050**

### **Real Estate Appraisal Management Companies**

This legislation includes real estate appraisal management companies and services under the purview of the Georgia Real Estate Appraisers Board (Board).

A management company is defined as a third-party intermediary between appraisers and consumers where appraisers may serve as independent contractors. It does not include lawyers acting on behalf of clients, appraisal firms, government agencies, or persons acting independently to contract with an appraiser who cannot complete or who must cosign an appraisal report.

Upon findings of violations by appraisal management companies, the Board may refuse to grant or renew applications or registrations, suspend or revoke registrations, impose fines up to \$1,000 for each violation or up to \$5,000 for multiple violations within a single disciplinary proceeding.

## **HOUSE BILL 1072**

### **Automobile Dealer Franchises**

This legislation revises the existing Georgia Motor Vehicles Franchise Act. Changes include a new definition for “Line-make” which means a collection of models of motor vehicles by a manufacturer offered under a common brand name; however, multiple brands may constitute a single line-make when there is a common dealer agreement with the manufacturer that offers them to its authorized dealers.

Dealers may voluntarily enter into release agreements only if consideration is satisfied to resolve a specific claim between the franchisor and the dealer, but the franchise renewal itself cannot serve as the consideration. Waivers will only apply, too, if consideration is offered and accepted.

Regarding warranties, manufacturers cannot recover its costs from dealers which would include increasing wholesale price of vehicles or surcharges levied for the sole purpose of recouping costs stemming from recalls; however, this does not prevent the increase of cost in the normal course of business.

Termination of franchise agreements for good cause in light of current and forecasted economic conditions, and the franchisor must repurchase new and undamaged vehicles of current and one year prior models even if said vehicles were acquired from another dealer of the same line make in ordinary course of business. If termination results from the franchisor’s bankruptcy or reorganization, the franchisor must pay the goodwill value of the dealership on the date of notice or 12 months prior—whichever is greater; moreover, the dealer must be reimbursed for facility upgrades made within two (2) years of termination.

Franchisors cannot coerce dealers to construct or renovate facilities or showroom dedicated to a specific line make if it is unreasonable considering current and future forecast economic conditions. The franchisor will bear the burden of proof to show demand for exclusivity is justified, but this will not apply when consideration is satisfied.

It will be prohibited for a franchisor to cancel a franchise because the dealer failed to meet reasonable performance goals in light of current and forecast economic conditions. Also, the franchisor cannot charge back or deduct from sums due the dealer based on information obtained through other sources that relate to any transaction more than 12 months prior.

#### **HOUSE BILL 1196**

##### **Fire Sprinklers**

This legislation prohibits any applicable residential and fire codes from requiring fire sprinklers in single-family or duplex dwellings.

#### **HOUSE BILL 1233**

##### **Public Service Commission: Expert Charges**

This legislation authorizes the Georgia Public Service Commission (PSC) to charge utilities for the cost of expert testimony when that respective utility initiates proceedings before the PSC. The maximum fee is set to the Consumer Price Index (CPI) and will be adjusted annually by the PSC.

### **RETIREMENT**

#### **SENATE BILL 436**

##### **Repeals Obsolete Provisions and Makes Corrections to Title 47; and Retirement option for County DFACS Employees**

This bill repeals certain obsolete and inoperative provisions from Title 47. Also, this bill corrects typographical, stylistic, spelling, capitalization, and other errors or omissions within Title 47. This legislation states that nothing in this bill will deny, abridge, increase, renew, revive, or in any way affect any right, benefit, option, credit, or election to which any person was entitled pursuant to Title 47 on June 30, 2010. The board of trustees of each public retirement system is authorized and directed to provide for the continuation of any such right, benefit, option, credit, or election not otherwise covered in this legislation; provided, however, the aforementioned will be subject to the statutory provisions in effect on June 30, 2010.

Additionally, this bill amends provisions related to employees of county Departments of Family and Children Services (DFACS). Employees or former employees of a county DFACS who were in service on July 1, 1996, and who were eligible to obtain creditable service through prior service with a local retirement system by making a notification to the Employees Retirement System (ERS) and the local system by December 31, 1996 and who failed to exercise the option by notification in writing to the board of trustees of ERS, the local retirement system board of trustees or other managing body of the local retirement system, and to the county governing authority in a timely manner are forever barred from exercising the option.

This legislation in no way affects DFACS employees, who properly exercised the option to obtain creditable service prior to December 31, 1996, nor does it affect DFACS employees beginning service after July 1, 1996 who properly made or will make an election and notification to obtain creditable service within six months of becoming a member of ERS.

This bill encompasses provisions from House Bill 1237, which made corrections to Title 47.

#### **HOUSE BILL 172**

##### **Amends ERS Disability Benefit Provisions**

This bill amends provisions relating to the re-examination of persons receiving disability benefits under the Employees' Retirement System of Georgia (ERS). Specifically, this bill would remove the requirement that the examination be made at the disability beneficiary's place of residence or other mutually agreed upon place.

Additionally, this bill would amend provisions relating to disability allowances for persons who first or again become members of ERS on or after September 1, 2010. Under the provisions of this bill, the disability benefits of a person will include any income payment received from workers' compensation. In the event workers' compensation was paid as a lump sum, the monthly disability allowance will be reduced on an actuarial basis as determined by the actuary of ERS.

This bill is a non-fiscal retirement bill as defined in the Public Retirement Systems Standards Law.

#### **HOUSE BILL 249**

##### **Georgia Firefighters' Pension Fund**

This bill amends provisions relating to the Georgia Firefighters' Pension Fund. Specifically, this bill defines the term 'alternative investments' and would allow the Georgia Firefighters' Pension Fund to make such alternative investments. This bill provides limits regarding the amount of assets that may be invested in alternative investments. Under the provisions of this bill, alternative investments, in the aggregate, may not exceed 5 percent of the Fund's assets at any time. In the event the Fund is out of compliance with the limitations, this bill provides provisions for the Fund to come back into compliance. This bill also provides for confidentiality of certain documents that are used in determining which alternative investments to hold, and further provides that all funds invested pursuant to this legislation, including any return on such investments, must remain funds of the Georgia Firefighters' Pension Fund. Finally, this bill requires the Georgia Firefighters' Pension Fund to provide an annual report to the Governor and the chairpersons of the House and Senate Retirement Committees detailing the performance of investments made under the provisions of this bill.

This bill is a non-fiscal retirement bill as defined in the Public Retirement Systems Standards Law.

#### **HOUSE BILL 320**

##### **Georgia Environmental Facilities Authority renamed to Georgia Environmental Finance Authority under Applicable Retirement Laws**

This bill amends provisions relating to membership and creditable service under the Employees Retirement System. Specifically, this bill changes all references of the "Georgia Environmental Facilities Authority" to the "Georgia Environmental Finance Authority." This legislation will become effective on July 1, 2010.

#### **HOUSE BILL 486**

##### **Superior Court Clerks' Retirement Fund**

Under this legislation, any person who first or again becomes a member of the Fund on or after July 1, 2010 would no longer be entitled to receive creditable service for prior service as a deputy clerk. However, this bill allows any person who is serving as a chief deputy clerk on July 1, 2010, and who without a break in service became the clerk of the same court to receive creditable service for their service, provided the person pays the full actuarial cost of such service.

Additionally, this bill amends provisions relating to death benefits under the Fund. If this legislation is enacted, a death benefit in the amount of \$5,000 would be paid to the designated beneficiary of any member who dies in service. This benefit would be in addition to any benefits the surviving spouse may be eligible to receive under current law.

This bill is a fiscal retirement bill as defined in the Public Retirement Systems Standards Law.

## **HOUSE BILL 916**

### **Return to Service Requirements for Retired Employees**

This bill amends provisions relating to retirement and eligibility for a retirement allowance under the Employees' Retirement System. Specifically, this bill clarifies that retired state employees may not return to service, including service as an independent contractor, during the two calendar months following the effective date of retirement. If a retired employee returns to service during such time, the application for retirement will be nullified. Additionally, this legislation specifies that a retired employee who has reached normal retirement age may return to service at any time if they work as an independent contractor for another company. The employing agency would be required to certify that the contractual relationship with the company was not created to allow a retired employee to continue employment in a similar position to the one he or she held before retirement.

## **HOUSE BILL 969**

### **Compliance with Internal Revenue Service Code & TRS Return to Service Requirements**

This bill ensures that provisions within Title 47 are in compliance with requirements outlined in the Federal Internal Revenue Code.

Specifically, this legislation:

- Authorizes the payment of death benefits if a member of any state retirement system dies while performing qualified military service;
- Clarifies provisions regarding the distribution of benefits for persons who have reached the age of 70 1/2;
- Specifies that earnable compensation for members of the TRS will include deferral contributions as defined by the Internal Revenue Code;
- Clarifies the definition of "plan year" for TRS;
- Stipulates that "pick-up" contributions paid by employers as pre-tax employee contributions must be paid as retirement contributions that are 100 percent vested and cannot be received by the members in cash; and
- Requires the employer to certify the retirement date for a member of TRS and to certify that no agreement exists to allow the employee to return to service.

This bill also amends other provisions within TRS. Specifically, this bill requires members who wish to purchase additional creditable service to file their application and make their payment at the same time that they file their application for retirement. Currently, members of TRS are authorized to apply for the additional creditable service in advance of a pending retirement. By enacting this legislation, TRS avoids the need to recalculate a new cost for the member at the time of retirement.

Finally, this bill amends provisions relating to the return to service of retired members under the Public School Employees Retirement System. Currently, if a retired member returns to service before they have reached normal retirement age, the benefits being paid to the member will cease and the member must reestablish active membership. However, current provisions do not specifically address retired members who return to service after reaching normal retirement age. This legislation clarifies that those retired members have the option to continue receiving benefits and receive no additional creditable service or to discontinue receiving benefits and reestablish active membership in TRS. Furthermore, this legislation requires employers who employ retired members who have reached normal retirement age to notify the TRS Board of Trustees of the selected option.

## **HOUSE BILL 974**

### **Peace Officers' Annuity and Benefit Fund**

This bill amends provisions relating to membership under the Peace Officers' Annuity and Benefit Fund. Prior to this legislation, members who temporarily cease employment as a peace

officer are authorized to retain their membership and earn up to 12 months of creditable service. Now, members would only be entitled to obtain one month of such credit for each month of active membership performed after the period of unemployment. Additionally, this bill amends provisions relating to retirement benefits. Currently, members of the Fund are eligible to receive retirement benefits upon obtaining 10 years of membership service. All persons who become a member of the Fund on or after July 1, 2010 will be required to obtain 15 years of membership service in order to become eligible for retirement benefits.

This bill is a non-fiscal retirement bill as defined in the Public Retirement Systems Standards Law.

#### **HOUSE BILL 997**

##### **Changes Administration of the Social Security Benefits**

This bill amends provisions relating to social security coverage for employees of the State and political subdivisions of the State. Prior to this bill, the Employees' Social Security Coverage Group was under the jurisdiction and control of the Board of Trustees of the Employees' Retirement System. Now, the administration of the Group would be the State Personnel Board. Any expenses associated with the administration of the Group will be funded with State appropriations. This bill also repeals provisions within Chapter 18 of Title 47 of the Official Code of Georgia that are no longer applicable to the administration of this coverage.

#### **HOUSE BILL 1150**

##### **Georgia Firefighters' Pension Fund**

This bill amends provisions relating to retirement and pensions under the Georgia Firefighters' Pension Fund. Specifically, this bill clarifies definitions within the code section and makes some editorial corrections. It also changes the title of the Secretary-Treasurer to Executive Director. Also, this bill eliminates the one-year waiting period which is currently applied to persons who remarry and want to change their retirement benefits to Option A.

### **RULES**

#### **SENATE RESOLUTION 274**

##### **The Liberty Tree of Georgia**

This bill designates the tulip poplar planted adjacent to the City Hall in Dalton, Georgia on October 18<sup>th</sup> 2006 as the official Liberty Tree of Georgia. The tree is one of fourteen offspring of the last Liberty Tree located in Annapolis, Maryland. The American Forests organization and the Providence Forum coordinated a plan to place one of the offspring in each of the original 13 colonies and the remaining sapling was planted at Mount Vernon in honor of George Washington.

The tradition of Liberty Trees spread throughout the colonies as the American Revolution began when the 13 colonies adopted Liberty Trees to serve as gathering and rallying places at a time when the British Crown did not recognize Americans' right to peaceful public assembly.

The Liberty Tree in Annapolis, Maryland, on the campus of St. John's College was damaged during Hurricane Floyd in 1999. It stood for more than 400 years.

#### **SENATE RESOLUTION 1395**

##### **Securing America's Borders**

This Resolution urges the President and Congress to secure America's borders and reject demands to repeat the failed 1986 legalization program for illegal aliens for the protection of American jobs and our homeland.

On January 27<sup>th</sup> 2010, the President in his State of the Union address said that, "We should continue the work of fixing our broken immigration system – to secure our borders and enforce our laws, and ensure that everyone who plays by the rules can contribute to our economy and enrich our nation."

The Secretary of the Senate is directed to provide a copy of the resolution to the President and the Georgia's Congressional delegation.

## **SCIENCE AND TECHNOLOGY**

### **SENATE BILL 319**

#### **Revising the Definition of 'Textbook'**

This bill amends the definition of textbook to include digital, computer hardware and technical equipment.

### **SENATE BILL 470**

#### **File-Sharing Program Restrictions**

The legislation makes it illegal for any person to prevent reasonable efforts to block, install or disable a file sharing program in Georgia on a computer that is not their own. Additionally, it is illegal for a person to install, offer to install, reinstall or update a file sharing program, without the consent of the person who owns the computer.

## **SPECIAL JUDICIARY**

### **SENATE BILL 138**

#### **Civil Suits Based on New Legislation**

This bill makes it clear that a private right of action does not automatically arise when a legislative enactment occurs, unless expressly provided for therein. However, this will not prevent a person from pursuing an action based on a breach of duty under any theory of recovery recognized in Georgia, including tort or contract law.

### **SENATE BILL 308**

#### **Common Sense Lawful Carry Act**

Any person who is not legally prohibited from possessing a gun may carry a weapon<sup>16</sup> on his or her property and inside his/her home, motor vehicle or place of business without a carry license. He/she may also carry a long gun on his/her person without a carry license; if the long gun is loaded, it must be carried in an open and exposed manner.

The public gatherings law is changed to "unauthorized location." A person is guilty of misdemeanor carrying a weapon in an unauthorized location if he/she carries a weapon in specified locations, such as a place of worship or prison. Licensees will be authorized to carry a weapon into every location in Georgia not listed, *except* that private property owners or others in legal control of such property will have the right to forbid possession of a weapon on their property.

The bill eliminates the restriction that currently prohibits carrying a weapon within 1000 feet of any real property owned by or leased to any public or private elementary or secondary school, public or private college or university campus. Instead, "school safety zone" will be defined as carrying a weapon on or in any real property owned by or leased to schools.

Probate courts will retain jurisdiction over weapons carry licenses.

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<sup>16</sup> 16-11-125.1: 'Weapon' means a knife designed for offense or defense, or a handgun.

## **SENATE BILL 362**

### **Amended Mechanics/Materialmens Liens**

This bill allows a claim of lien to be amended at any time in order to *reduce* the amount claimed. Such amended claims of lien will relate back to the filing date for the original lien, and must be sent to the property owner.

## **HOUSE BILL 244**

### **Georgia Environmental Finance Authority**

This bill amends the Code so that all mentions of the Georgia Environmental Facilities Authority are changed to the Georgia Environmental Finance Authority (GEFA). GEFA currently has the authority to incorporate nonprofit corporations as subsidiary corporations for the purpose of carrying out any of GEFA's powers and purposes. Under this bill, any such subsidiary corporation must be a nonprofit corporation, a public body corporate and politic, a political subdivision of the state, and an instrumentality of the state and will exercise essential governmental functions.

## **HOUSE BILL 451**

### **Adopts Uniform Commercial Code**

The purpose of this bill is to adopt the revised Article 7 of the Uniform Commercial Code (UCC), relating to documents of title, in Georgia. Revised Article 7 of the UCC makes many changes, such as:

- Provides for the use of electronic documents of title;
- Clarifies effectiveness of warehouse liens and security interests as against persons other than a bailor;
- Allows a lessee from the transferor of a nonnegotiable document of title to defeat the rights of the transferee in certain circumstances; and
- In case of a lost, stolen or destroyed document of title, prevents a court from ordering delivery of the goods or issuance of a new document until certain conditions are met.

## **HOUSE BILL 567**

### **Victims' Rights**

This bill expands the laws relating to victims' participation in juvenile and state courts. The bill permits a victim to address the juvenile court and present any information about the impact of the allegedly delinquent act upon the victim. The bill further provides the victims with the right not to be excluded from any scheduled court proceedings, to reasonable notice of any scheduled court date and of the escape, release or arrest of the accused, to file written objection in a parole hearing, to confer with the prosecuting attorney related to the victim, to restitution provided by the law, and to be treated fairly by all criminal justice agencies.

A new code section gives victims the right to refuse to be interviewed by the accused or an attorney or agent of the accused. If the victim agrees to be interviewed, he/she will have the right to set conditions, such as time, date, location, who may be present and security arrangements.

Current law states that a crime victim may request not to receive mail from an inmate convicted of a crime against him/her. This bill extends that right to the victim's family and household during the inmate's sentence.

## **HOUSE BILL 858**

### **County Law Libraries**

This bill gives discretion to the board of trustees of a county law library to determine whether to pay for purchases made by the courts in that county. Current law allows chief superior and state court judges to request funding for county law libraries; this bill allows other chief judges in the county to make the same request.

Also, current law requires all counties with 700,000 residents to use some funds from their general treasuries for the maintenance of a county law library; this bill will raise the county population minimum to 950,000.

#### **HOUSE BILL 898**

##### **Notice of DUI Conviction**

Current law requires the clerk of court where a person has been convicted of a DUI for the second or subsequent time within 5 years to publish notice of the conviction in the legal organ of the county where the person lives. This bill requires that the notice contain the city, county, and zip code of the convicted person's residential address, in addition to his/her name, and the date, time, and place of the arrest. Current law requires the entire address be published.

#### **HOUSE BILL 1002**

##### **Crimes on Officers of the Court**

Under this bill, anyone who is convicted of knowingly committing aggravated assault upon an officer of the court while he/she is engaged in, or on account of the performance of, his/her official duties will be sentenced to five to twenty years in prison.

It is currently an aggravated misdemeanor for a person to knowingly disseminate information designed to encourage, solicit, or promote terroristic acts. If the defendant does so in retaliation for attending a judicial or administrative proceeding as a witness, attorney, judge, clerk of court, court reporter, probation officer or party, the crime will be a felony punishable by one to ten years in prison and/or a \$100,000 fine.

#### **HOUSE BILL 1015**

##### **Criminal Street Gangs**

This bill adds new crimes to the statutes relating to criminal street gang activity. It will be unlawful to communicate, directly or indirectly, any threat of injury or damage to another person, that person's property, or to any associate or relative of that person with the intent to punish him/her for gang-related occurrences.

All sentences imposed under these statutes will include a special condition that the defendant cannot knowingly have any contact with any criminal street gang member, cannot participate in any criminal street gang activity, and if the crime involves a victim, cannot knowingly have any contact with the victim or member of the victim's family or household.

#### **HOUSE BILL 1053**

##### **Solicitor-General Vacancies**

If a vacancy occurs in the office of solicitor-general, the Governor has the authority to appoint a new solicitor-general. However, after the vacancy occurs and before a qualified person is appointed, one of the following people will serve as acting solicitor-general: the chief assistant solicitor-general; if there is no chief assistant solicitor-general, then the assistant solicitor-general most senior in time of service; or if there is no assistant solicitor-general, then the chairperson of the county board of commissioners or sole commissioner will appoint an acting solicitor-general.

#### **HOUSE BILL 1095**

##### **County Medical Examiners**

The Division of Forensic Sciences of the GBI will no longer function as a central repository for medical examiner reports and coroner investigations; each medical examiner and coroner must maintain permanent records of such reports. When a report indicates foul play, a local forensic laboratory may undertake the analysis, instead of the Division of Forensic Sciences.

## **HOUSE BILL 1118**

### **Amended Child Support Rules**

This bill amends the responsibilities of the Child Support Enforcement Agency of the Department of Human Resources. All child support orders that are active TANF cases *must* be reviewed by the agency following the expiration of 36 months after the order was issued. Other orders enforced by the agency will be *eligible* for review upon application and payment of fees as required by the agency.

The bill revises the statutes relating to insurance coverage for children, so that a court may determine whether such insurance is reasonably available at a reasonable cost via the party's employment or union to *any party* to the court order, rather than referring solely to a child support obligor.

## **HOUSE BILL 1133**

### **Pretrial Diversion Programs**

Current law requires offenders to pay a \$300 administration fee to enter a pretrial intervention and diversion program; this bill increases the fee to \$500, which will include supervision fees. The fee cannot exceed the amount normally collected as a fine and supervision fee for the underlying offense. However, the bill also allows the fee to be waived or made payable in monthly increments upon a showing of good cause.

The bill also allows any applicant denied admission into such a program to petition the court for admission.

## **HOUSE BILL 1147**

### **Aircraft Liens**

Liens on aircraft or aircraft engines based on repair, storage, servicing, furnishing supplies, or providing indemnity contracts will be superior to all other liens, except for tax liens. Such liens may be asserted by the retention of the aircraft or aircraft engines; if so, the lienor will not be required to surrender the aircraft or aircraft engine to the holder of a subordinate security interest or lien. The bill also creates more stringent requirements for providing notice when possession of the aircraft or aircraft engine is surrendered by the person claiming the lien.

## **STATE INSTITUTIONS AND PROPERTY**

## **SENATE BILL 449**

### **Georgia Golf Hall of Fame**

This bill repeals and reserves those Code sections creating and relating to the Georgia Golf Hall of Fame and the Georgia Golf Hall of Fame Authority.

Additionally, the bill creates a new Code section relating to the Georgia Department of Economic Development (department), making the department responsible for any contracts, leases, agreements, or other obligations of the board or authority. All assets of the Georgia Golf Hall of Fame Board and the Georgia Golf Hall of Fame Authority, excluding all real property and statues, will be received by the department. . The statues will be transferred by the department to Augusta Georgia, for public use by the Augusta-Richmond County Commission.

Finally, the state, acting by and through the State Properties Commission is authorized to sell by competitive bid all real property owned or controlled by the Georgia Golf Hall of Fame or its authority or board for a consideration of not less than the fair market value as determined by the State Properties Commission and not less than the amount of the outstanding bond indebtedness associated with the Georgia Golf Hall of Fame.

## **SENATE BILL 455**

### **State Properties Commission**

This bill provides that acquisitions of real property by authorities or similar state instrumentalities, unless otherwise required by law to have approval of the State Properties Commission (Commission), do not have to be acquired through the Commission.

Additionally, the Commission is authorized to accept a donation or conveyance for nominal consideration of real property from a local governing authority with a reversionary interest, provided that any such real property may not revert while being used for a public purpose. Upon reversion of the state's interest in real property or a determination is made by the Attorney General that the state no longer has an interest in real property, the Commission is authorized to execute an appropriate instrument of conveyance to clear the record title.

Finally, the bill delineates that the Commission cannot convey interest in real property out of state.

## **SENATE RESOLUTION 1083**

### **Public Property Conveyance**

This resolution authorizes: the leasing of certain State owned real property in Baldwin and Ware Counties; the conveyance of certain State owned real property in Cherokee, Clinch, Colquitt, Henry, Lee, Muscogee, Richmond, Stephens, Tattnall and Thomas Counties; and the renting of certain State owned property in Fulton County.

## **SENATE RESOLUTION 1291**

### **Georgia Capitol Museum**

This resolution urges the Secretary of State and the Board of Regents to work together to explore the future of the Georgia Capitol Museum and the possibility of creating a State Museum of Georgia History.

Specifically, because of Georgia's long and rich history, the Senate urges the Office of the Secretary of State and the Board of Regents to work together, along with members of the General Assembly, the Office of the Governor, university leaders, corporate leaders, historical societies, and others, to explore the future of the Georgia Capitol Museum and the possibility of creating a State Museum of Georgia History.

## **SENATE RESOLUTION 1310**

### **Capitol Arts Standards Commission**

This resolution urges the Capitol Art Standards Commission to accept a replacement plaque for the sculpture entitled *Expelled Because of their Color* located on the northeast side of the state capitol. The sculpture memorializes 33 African American legislators expelled from the General Assembly in 1868.

## **HOUSE BILL 859**

### **Tolling of Probated Sentences**

This legislation clarifies the provisions related to tolling of probated sentences and requires probationers to keep his or her probation supervisor informed on their residence, whereabouts, and violations.

## **HOUSE RESOLUTION 1588**

### **Nonexclusive Easements**

This resolution grants nonexclusive easements for operation and maintenance of facilities, utilities and ingress and egress through property owned by the State of Georgia in Baker, Chatham, Clayton, Cobb, Columbia, Douglas, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton,

Hart, Lamar, Laurens, Liberty, Macon, Madison, Mitchell, Pulaski, Richmond, and Upson Counties.

## **STATE AND LOCAL GOVERNMENTAL OPERATIONS**

### **SENATE BILL 388**

#### **Electronic Publication**

If an agency is to provide or publish a publication, it will be in electronic format unless the State Officer or State Agency determines that a printed format is necessary.

### **SENATE BILL 389**

#### **Public Information**

This legislation revises requirements applicable to the public information website of the Department of Audits and Accounts. The department will develop and operate a searchable website that is accessible by the public at no cost. The website will provide pertinent information relevant to state fiscal year 2008 and thereafter.

### **SENATE BILL 390**

#### **City Conservation Easements**

This legislation provides that a municipal corporation can determine when it is appropriate to establish a conservation easement. If a governing authority of any municipal corporation determines the establishment of a conservation easement would benefit the municipal corporation and its citizens, such governing authority may sell or grant to any holder a conservation easement over any of its real property.

### **SENATE BILL 456**

#### **Urban Redevelopment**

This legislation authorizes directors and other public officers of a city or a county to serve as commissioners of urban redevelopment agencies. Previously, these persons were precluded from holding said position as commissioner.

### **HOUSE BILL 203**

#### **City of Dunwoody: Parks and Fire Services**

Primarily, this legislation applies to a county that financially supports a regional public transportation system and has a public safety and judicial facilities authority (DeKalb County) and to a city created in that county after July 1, 2008 (Dunwoody). That city that succeeds the county regarding control of local services may obtain control over parks and fire stations in the new city. The city may resolve to retain or remove from county fire services. The city may elect to continue receiving water and sewer services.

### **HOUSE BILL 703**

#### **Local Government and School Board Property**

This legislation applies to school and county property where the property is to be divested. If a school site becomes unnecessary, the state is added to existing language authorizing the school site to be sold to the state.

Further, this legislation regards county purchases of property for creation or development of a lake and where the county did not construct that lake. Specifically, when the county disposes of the applicable property, notices must be in writing and delivered to the appropriate owner, and that owner will have the right to purchase said property.

## **HOUSE BILL 980**

### **School Board Members and Bail Bondsmen**

This legislation allows local school board members to participate in bail bonds business; local school board members are currently not allowed to participate in bail bonds businesses within their jurisdiction.

## **HOUSE BILL 1007**

### **Local Government Purchases from Employees or Officers**

This legislation increases the value of the amount of the quarterly limit of personal property sales from an officer or employee to that local government from \$200 to \$800. Further, new language precludes an officer or employee engaged in a valid transaction from civil liability.

## **HOUSE BILL 1258**

### **Federal Stimulus Funds**

This legislation authorizes the State Financing and Investment Commission (Commission) to comply with requirements of the American Recovery and Reinvestment Act of 2009 (Stimulus funding) and may create criteria to ensure local governments use these funds compliantly. Further, the purpose of this legislation is to provide more flexibility for the state to better allocate the stimulus funds to the appropriate local governments.

## **TRANSPORTATION**

## **SENATE BILL 305**

### **Department of Transportation: Design-Build Contracting; Intermodal Division**

#### Design-Build

Under current law, in contracting for design-build projects, the Department of Transportation (DOT) is limited to contracting for no more than 15 percent of the total amount of construction projects awarded in the previous fiscal year. This legislation increases the allotted percentage to 30 percent until July 1, 2014. Thereafter, DOT is limited to 15 percent. The term "design-build procedure" means a method of contracting under which DOT contracts with another party to both design and build the structures, facilities, and other items specified in the contract.

#### Intermodal Division

Under current law, the DOT includes an Engineering Division, a Finance Division, an Administration Division, and a Local Grants Division. This legislation creates an Intermodal Division within DOT to be supervised by an appointee serving at the pleasure of the DOT Commissioner.

## **SENATE BILL 354**

### **Removal of Abandoned Roads**

Current law authorizes a local government to remove a section of a road system when it has determined that it has ceased to be used by the public to the extent that no substantial public purpose is served by it. This legislation authorizes the local government to also remove a section from the road system when it is otherwise in the best public interest.

## **SENATE BILL 392**

### **Motor Carriers: Certification of Insurance**

This legislation prohibits an educational institution that receives state funds from entering into an agreement with a motor carrier or contract carrier for the purpose of transporting students without first verifying that the carrier is certified by the Public Service Commission (PSC), as required under current federal law, or any similarly required certifying agency. "Educational institution" means any elementary or secondary school, any child care learning center, and any college, university, technical school, or other institution of higher learning. Additionally, before

any motor contract or common carrier may enter into a contract for transportation of passengers, the carrier must provide to all parties a copy of the carrier's proof of legally required minimum insurance coverage and a valid certification number

## **SENATE BILL 520**

### **Intermodal Division within the Department of Transportation; Recall of Transportation Board Members; Definitions; Medical Transportation Districts**

#### Intermodal Division

Under current law, the Department of Transportation (DOT) includes an Engineering Division, a Finance Division, an Administration Division, and a Local Grants Division. This legislation creates an Intermodal Division within DOT to be supervised by an appointee serving at the pleasure of the DOT Commissioner.

#### Recall of State Transportation Board Members

Under current law, members of the State Transportation Board (Board) are elected by a majority vote of the members of the House of Representatives and Senate whose respective districts are embraced within each Congressional District, meeting in caucus at the regular session of the General Assembly immediately preceding the expiration of the term of office of the Board member. This bill provides that any member is subject to recall at any time by a majority vote of the legislative caucus that elected the member.

#### Regional Roundtable Definition

The Transportation Investment Act of 2010, House Bill 277, provides for a 1 percent regional transportation sales and use tax to be imposed for a period of ten years in 12 newly created special districts, the geographical boundary of each corresponds with and is coterminous with the geographical boundary of the 12 regional commissions. This bill provides a new definition of "regional roundtable" that clarifies the procedure for election of representatives to composition of the roundtable as passed in House Bill 277.

## **SENATE RESOLUTION 821**

### **Department of Transportation: Multiyear Contracts**

This legislation proposes a Constitutional Amendment that will authorize the General Assembly to allow, by general law, the DOT to enter into multiyear construction agreements without obligating present funds for the full amount of obligation the state may bear under the full term of the agreement. Any agreement must provide for the termination of the agreement in the event of insufficiency of funds and limit the payments or other obligations of the state to not more than 10 fiscal years.

## **SENATE RESOLUTION 822**

### **Urges DOT to Seek a Waiver from the Federal Highway Administration to Allow Commercial Operations in Rest Areas**

States currently have the responsibility for creating and maintaining rest areas. One way to alleviate the cost to the state of maintaining and operating the rest stops would be to allow the commercial retail operations, excluding retail operations that store or dispense motor fuel, to operate within the rest areas and to assume the cost for the operation and maintenance of the rest areas. Therefore, this legislation urges the Georgia Department of Transportation to seek a waiver from the Federal Highway Administration to allow commercial retail operations in rest areas along the interstate highway system in this state.

## **SENATE RESOLUTION 1066**

### **Directs DOT to Synchronize Traffic Signals to Minimize Traffic Gridlock at Atlanta Motor Speedway**

The Atlanta Motor Speedway is host to two major NASCAR races each year that bring in millions of dollars of revenue to the State of Georgia. The traffic gridlock that engulfs the fans is

one major obstacle that seriously threatens the fans' continued enjoyment of these exciting events. Therefore, this resolution directs the Department of Transportation to synchronize the traffic signals on Tara Boulevard between I-75 and the Atlanta Motor Speedway in order to mitigate the traffic gridlock on race days. Further, the Department of Transportation and the Department of Public Safety are directed to use any available resources to further mitigate the traffic gridlock.

#### **SENATE RESOLUTION 1075**

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

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

#### **SENATE RESOLUTION 1159**

##### **Urges Congress to Help Fund C-Tran System**

This resolution urges the United States Congress to assist Georgia by continuing federal funding of public transportation for the elderly and disabled of Georgia and, particularly, to continue to help fund the much needed C-Tran system of Clayton County, Georgia.

#### **SENATE RESOLUTION 1298**

##### **Meadow Garden Signage**

Meadow Garden was the home of George Walton, one of the Georgia signers of the Declaration of Independence. It is one of Georgia's oldest dwellings and is a National Historic Landmark. Therefore, this resolution urges the Department of Transportation to place appropriate signage on the interstate highways close to Meadow Garden to invite visitors to this charming and educational site.

#### **SENATE RESOLUTION 1299**

##### **Urges the National Highway Traffic Safety Administration to Update Standard 302 of the Federal Motor Vehicle Safety Standards**

Federal Motor Vehicle Safety Standards (FMVSS) 302 specifies the required burn resistance level for materials used in the occupant compartments of motor vehicles. FMVSS 302 was adopted in 1975 and does not reflect the fire hazards of the modern automobile or the availability of technology that could slow the spread of fire throughout the vehicle. Therefore, this resolution urges the National Highway Traffic Safety Administration to update Standard 302 of the FMVSS to reflect the modern automobile content and available technology that would prevent the rapid spread of flames during a vehicle fire in order to adequately protect vehicle drivers and passengers.

#### **SENATE RESOLUTION 1376**

##### **Urges DOT to Require the Use of Advanced Communication and Intelligent Transportation Systems in Transportation Projects**

The Georgia Department of Transportation (DOT) is procuring private organizations to design, build, and operate the first phase of the Atlanta Managed Lanes project. One or more public-private partnerships will operate the project and an open standard system is needed that will allow for innovation and interoperability for all phases of the project. This resolution urges DOT to require the most advanced technology available for communications and other intelligent transportation initiatives that will relieve the Atlanta region's congestion and traffic issues.

#### **SENATE RESOLUTION 1377**

##### **Georgia Civil War Heritage Trails**

This resolution designates the six historic driving trails as the Georgia Civil War Era Heritage Trails of Georgia. Further, the Georgia Civil War Heritage Trails, a nonprofit organization, should have the sole authority to plan, construct, and maintain Civil War era historic driving trails upon any roadway in this state. The Department of Transportation, the Georgia Department of Economic Development, the Georgia Department of Community Affairs, the Georgia

Department of Natural Resources, and any other applicable state agencies are encouraged to work cooperatively with Georgia Civil War Heritage trails state-wide in the latter's creation and placement of appropriate historic interpretive markers, and other marketing materials, in all six regions, as well as any other areas not specifically mentioned in this resolution.

**SENATE RESOLUTION 1432**

**Urges DOT to Prioritize SR 20 as Part of a State-wide Transportation Network**

This resolution urges DOT to prioritize the necessary upgrades to SR 20 as part of its development of a state-wide transportation network.

**SENATE RESOLUTION 1441**

**Urges DOT to Prioritize Certain Roads as Part of a State-wide Transportation Network**

This resolution urges DOT to prioritize the necessary upgrades to SR 7, SR 20, SR 56, SR 140, SR 151, SR 411, the intersection of Belfast Road and I-95, and Windsor Spring Road as part of its development of a state-wide transportation network.

**SENATE RESOLUTION 1453**

**Urges DOT to Prioritize SR 411 as Part of a State-wide Transportation Network**

This resolution urges DOT to prioritize the necessary upgrades to SR 411 as part of its development of a state-wide transportation network.

**SENATE RESOLUTION 1459**

**Urges DOT to Prioritize the Intersection of Belfast Road and I-95 as Part of a State-wide Transportation Network**

This resolution urges DOT to prioritize the necessary upgrades to the intersection of Belfast Road and I-95 as part of its development of a state-wide transportation network.

**SENATE RESOLUTION 1463**

**Urges DOT to Prioritize SR 17 as Part of a State-wide Transportation Network**

This resolution urges DOT to prioritize the necessary upgrades to SR 17 as part of its development of a state-wide transportation network.

**SENATE RESOLUTION 1470**

**Urges DOT to Prioritize SR 56 as Part of a State-wide Transportation Network**

This resolution urges DOT to prioritize the necessary upgrades to SR 56 as part of its development of a state-wide transportation network.

**SENATE RESOLUTION 1471**

**Urges DOT to Prioritize Windsor Spring Road as Part of a State-wide Transportation Network**

This resolution urges DOT to prioritize the necessary upgrades to Windsor Spring Road as part of its development of a state-wide transportation network.

**SENATE RESOLUTION 1488**

**Urges DOT to Prioritize SR 140 as Part of a State-wide Transportation Network**

This resolution urges DOT to prioritize the necessary upgrades to SR 140 as part of its development of a state-wide transportation network.

**HOUSE BILL 277**

**Transportation Investment Act of 2010**

Regional Transportation Sales and Use Tax

If approved by the voters in a referendum, this legislation provides for a 1 percent regional transportation sales and use tax to be imposed for a period of ten years in 12 newly created

special districts, the geographical boundary of each corresponds with and is coterminous with the geographical boundary of the 12 regional commissions.

#### Transit Governance Study Commission

The newly created Transit Governance Study Commission (Commission) is composed of: four senators from the Atlanta Regional Commission (ARC) area to be appointed by the Lieutenant Governor; four representatives from the ARC area to be appointed by the Speaker; the Chairperson of the Metropolitan Atlanta Rapid Transit Oversight Committee; one staff member from the ARC; the Executive Director of the Georgia Regional Transportation Authority; the General Manager of MARTA; and the directors of any other county transit systems operating in the ARC area. The Commission must prepare a report on the feasibility of combining all of the regional public transportation entities into an integrated regional transit body.

#### Two Percent Tax Limitation

This legislation provides an additional provision which specifies that the exception to the prohibition on taxes in excess of 2 percent applies in a county in which the tax is first levied after January 1, 2010, and before November 1, 2012. The tax does not apply to the following:

- The sale or use of jet fuel to or by a qualifying airline at a qualifying airport; and
- The sale of motor vehicles.

Further, this legislation provides an additional exception to the 2 percent limitation for a regional transportation sales and use tax.

#### MARTA Tax Proceeds; MARTA Board Composition; MARTA Rapid Transit Contracts

Provisions in the Metropolitan Atlanta Rapid Transit Authority Act of 1965 which set forth restrictions on the use by public transit authorities of annual proceeds from local sales and use taxes are suspended for three years. Except as had been previously contracted to by the public transit authority prior to January 1, 2010, no funds newly available can be used to benefit any person or entity for: (1) Annual cost of living or merit based salary raises or increases in hourly wages; (2) Increased overtime due to the wage increases; (3) Payment of bonuses; or (4) To increase the level of benefits of any kind.

The bill also revises the composition of the Board of Directors of MARTA and authorizes the local governing bodies of Clayton, Cobb, and Gwinnett Counties may negotiate, enter into, and submit to the qualified voters of their respective counties the question of approval of a rapid transit contract between the county and MARTA.

#### Citizens Review Panel

This legislation creates a Citizens Review Panel (Panel) for each special district in which voters approved the tax to be composed of three citizen members appointed by the Speaker of the House of Representatives and two citizen members appointed by the Lieutenant Governor. Each member must be a representative of the special district.

Upon the completion of a project on the investment list, the Panel must annually review the specific public benefits identified in the investment list to ascertain the degree to which such benefits have been attained. This benefit review report must be delivered to the Director and the Commissioner of the Department of Revenue and must be published on the new website.

#### Georgia Coordinating Committee for Rural Human Services Transportation

The bill contains the language of Senate Bill 22 in which the newly-created Georgia Coordinating Committee for Rural Human Services Transportation of the Governor's Development Council (Committee) must establish the State Advisory Subcommittee for Rural and Human Services Transportation (Subcommittee) to be composed of the Commissioners of certain state agencies. The Committee is charged with examining the manner in which transportation services are provided by the participating agencies of the Subcommittee.

#### **HOUSE BILL 1174**

##### **Oversized Vehicles and Speed Limits**

This legislation amends various provisions related to oversized vehicles as well as updates statutes related to pedestrian hybrid beacons and variable speed limits.

#### **HOUSE RESOLUTION 1513**

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

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

#### **HOUSE RESOLUTION 1686**

##### **Road and Bridge Dedications; Military**

This legislation dedicates certain roads and bridges in honor of various Georgians who served in the military.

### **VETERANS, MILITARY AND HOMELAND SECURITY**

#### **SENATE BILL 136**

##### **Rapid Removal of Eligible Parolees Accepted for Transfer (REPAT) Program**

This legislation directs the Department of Corrections (DOC) and the State Board of Pardons and Paroles (board) to establish a process and agreements among multiple state, local, and federal agencies for the implementation of the United States Immigration and Customs Enforcement's (ICE) Rapid Removal of Eligible Parolees Accepted for Transfer (REPAT) Program for the purpose of deporting aliens in the state prison system who are eligible for parole and deportation. The Rapid REPAT program is a federal ICE program that provides for early conditional release of a state alien prisoner to the custody of ICE for deportation only.

#### **SENATE BILL 355**

##### **Disposition of Remains of Deceased Persons**

This legislation provides that if a person died while serving in Armed Forces, the individual designated by the deceased person as authorized to direct disposition as listed on the deceased person's U.S. Department of Defense Record of Emergency Data, DD Form 93, will possess the second priority, after a healthcare agent, to control the disposition of the deceased person's remains.

#### **SENATE BILL 454**

##### **Coin Operated Amusement Machines**

This legislation amends current statutes relating to coin operated amusement machines by establishing new provisions for location licenses, fees, procedures for collection and refunds, display of certificates, contents of certificates and stickers, duplicate permits, late fees, and revising definitions for various classes of machines.

## **VETOED LEGISLATION**

(This does not include local legislation)

SB 1	Zero-Base Budgeting
SB 148	Georgia Occupational Regulation Review Law; Legislative Sunset Committee
SB 239	Mandatory Attendance in School
SB 291	Carrying and Possession of Firearms
SB 373	Peace Officer Employment Background Checks
SB 374	Legislative Economic Development Council; create
SB 414	Jarrett Little Act
SB 415	Emergency Warning Systems
SB 480	State Council of Economic Advisors
SB 519	Motor Vehicles; motorized cart; modify definition; change hours of operation; provide local governments decide operators be licensed
HB 321	Group Accident and Sickness Insurance; and Plan Administrators and Prompt Pay
HB 417	Insurance Transaction in Language other than English
HB 827	Increases Indemnification Payments for State Highway Employees
HB 907	Quality Basic Education Act; organization of schools, programs, and scheduling; revise certain provisions
HB 990	Motor carriers; financial responsibility compatible with federal regulations; provisions
HB 1023	Jobs, Opportunity, and Business Success Act of 2010
HB 1028	Ad valorem tax; forest land conservation use property; revise provisions
HB 1082	Ad Valorem Exemptions: Freeport
HB 1236	Municipal Court Judges
HB 1251	Georgia Tourism Development Act
HB 1272	Income Tax Returns: Voluntary Contributions
HB 1321	Emergency Telephone System Fund: Additional Uses; Disclosure Restriction
HB 1407	Single Administrator for Dental Services for Medicaid and PeachCare