Administrative Law

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I. INTRODUCTION

This Article surveys cases from the Georgia Supreme Court and the Georgia Court of Appeals from June 1, 2012 through May 31, 2013,[1] in which principles of administrative law were either illuminated or formed an important piece of the decision making. The Article begins with a discussion on the exhaustion of administrative remedies requirement and then covers a series of cases discussing statutory construction. The next topic is the standard of review of an agency decision, which is followed by a discussion on sovereign immunity. The Article concludes with a brief review of enactments from the 2013 regular session of the Georgia General Assembly.

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

This year's Article begins with the court's reinforcement of the well-established rule that judicial review of a final agency decision is available only when all administrative remedies have been exhausted.

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1. For analysis of Georgia administrative law during the prior survey period, see Martin M. Wilson, Jennifer A. Blackburn & Courtney E. Ferrell, *Administrative Law, Annual Survey of Georgia Law*, 64 MERCER L. REV. 39 (2012).

In *Ass'n of Guineans in Atlanta, Inc. v. DeKalb County*,[2] the supreme court affirmed the Superior Court of DeKalb County's dismissal of a constitutional challenge to a local zoning ordinance based on religion by the Association of Guineans in Atlanta (Association).[3] A landowner must raise all constitutional challenges to a zoning ordinance before the local governing body in order to afford the body the opportunity to amend the ordinance to bring it within constitutional limits.[4] Such a challenge cannot be made for the first time in superior court.[5] The Association alleged that it raised the constitutional challenges by verbally stating at the hearing before the DeKalb County Board of Commissioners (BOC) that it intended to use the property as a place of worship. However, the Association never used the words "constitutional" or "unconstitutional"—either verbally or in writing—at any time during the BOC hearing. The mere assertion that the Association intended to use the property as a place of worship was insufficient to give the BOC proper notice of a challenge to the constitutionality of the zoning ordinance.[6] Accordingly, the Association failed to exhaust all the available administrative remedies, and the supreme court affirmed the superior court's dismissal of the constitutional challenge to the zoning ordinance.[7]

Similarly, in another case, the court of appeals held that the appellant, Excelsior Electrical Membership Corporation (Excelsior), also failed to exhaust its administrative remedies by not properly raising an issue in writing during administrative proceedings before the Georgia Public Service Commission (PSC).[8] Section 50-13-19(b) of the Official Code of Georgia (O.C.G.A.)[9] provides that appeals of an agency decision should be made by written petition to be filed and served on all parties.[10] The petition should define the dispute, contain facts showing the petitioner is aggrieved, and include the ground on which the decision should be reversed or modified.[11] Because Excelsior only raised the issue verbally

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2. 292 Ga. 362, 738 S.E.2d 40 (2013).
3. *Id.* at 362-63, 738 S.E.2d at 41.
4. *Id.* (citing Shockley v. Fayette Cnty., 260 Ga. 489, 490, 396 S.E.2d 883, 884 (1990)).
5. *Id.* at 363, 738 S.E.2d at 41 (citing Cooper v. Unified Gov't of Athens-Clarke Cnty., 277 Ga. 360, 361, 589 S.E.2d 105, 107 (2003)).
6. *Id.*
7. *Id.*
8. Excelsior Elec. Membership Corp. v. Ga. Pub. Serv. Comm'n, 322 Ga. App. 687, 745 S.E.2d 870, 875 (2013).
9. O.C.G.A. § 50-13-19(b) (2013).
10. *Id.*
11. *Id.*

before the PSC and not in writing, the issue was not properly raised, and the superior court correctly determined the issue was waived.[12]

While the exhaustion of administrative remedies requirement is well-settled law, there are limited exceptions where the courts will find it futile, and therefore unnecessary, for petitioners to exhaust their administrative remedies.[13] The court of appeals considered whether the administrative remedies available to the Georgia Society of Ambulatory Surgery Centers (GSASC) were inadequate.[14] Where the administrative remedy available would result in loss of livelihood, the remedy is deemed inadequate under the law.[15] However, this is a very limited exception and is to be strictly construed.[16] GSASC's argument that administrative remedies were inadequate because its members could be criminally prosecuted for giving false information was not persuasive.[17] The Georgia Department of Community Health (DCH) had procedures in place that were available to GSASC's members prior to the agency taking any final adverse action. Therefore adequate administrative remedies were available to aggrieved parties, and the exception did not apply.[18]

The futility exception to the doctrine of administrative exhaustion was considered in *Marietta Properties, LLC v. City of Marietta*,[19] where the court of appeals held the administrative remedy of applying to the zoning board for a permit was not futile.[20] Exhaustion of administrative remedies is futile only where additional administrative review would result in the same body deciding the same issue that is being appealed.[21] Because Marietta Properties, LLC had never applied for a building permit, nor had the city denied such a permit, the court determined it would be premature for a superior court to rule on vested rights.[22]

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12. *Excelsior*, 322 Ga. App. at 693, 745 S.E.2d at 875.
13. Ga. Soc'y of Ambulatory Surgery Ctrs. v. Ga. Dep't of Cmty. Health, 316 Ga. App. 433, 434, 729 S.E.2d 565, 566 (2012).
14. *Id.* at 433-34, 729 S.E.2d at 565-66.
15. *Id.* (citing Moss v. Cent. State Hosp., 255 Ga. 403, 404, 339 S.E.2d 226, 227 (1986)).
16. *Moss*, 255 Ga. at 404, 339 S.E.2d at 227.
17. *Ga. Soc'y of Ambulatory Surgery Ctrs.*, 316 Ga. App. at 434 n.1, 729 S.E.2d at 566 n.1.
18. *Id.* at 434, 729 S.E.2d at 566.
19. 319 Ga. App. 184, 732 S.E.2d 102 (2012).
20. *Id.* at 188, 732 S.E.2d at 106.
21. *Id.*
22. *Id.*

III. STATUTORY CONSTRUCTION

The next series of cases explores the long-standing rules of statutory construction. In *Brantley Land & Timber, LLC v. W & D Investments, Inc.*,[23] the court of appeals looked to determine whether the Superior Court of Brantley County properly interpreted the statute as it related to the underlying case.[24] The goal of statutory interpretation is to determine the legislative purpose.[25] When the text of the statute is plain and has but one reasonable meaning, the court must follow the meaning of those words; however, if the text is ambiguous, the court must construe the statute based on its legislative purpose and intent.[26] Because the text of the statute at issue was "perfectly plain, and its meaning [was] neither absurd, impossible [to enforce], or unreasonable," the court determined there was no need to defer to the legislative history of the statute.[27]

The court of appeals got "down and dirty" with an in-depth look at statutory interpretation in a case focusing on water-quality issues. In *Upper Chattahoochee Riverkeeper, Inc. v. Forsyth County*,[28] the court reviewed the Superior Court of Forsyth County's interpretation of Georgia's water-quality anti-degradation rule.[29] On appeal, the interpretation of a statute or regulation is a question of law and requires a de novo review.[30] The basic rules of statutory construction require the court to look at the plain language of the statute to determine the meaning and to read the words in the context of the whole regulation rather than in isolation.[31] Furthermore, the court must defer to the agency's interpretation and enforcement.[32] Applying these rules, the court held that the administrative law judge incorrectly interpreted the statute at issue and affirmed the superior court's reversal of that decision.[33]

In the final case in this section, the court applied the rules of statutory interpretation to the award of attorney fees. *Lakeview Behavioral*

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23. 316 Ga. App. 277, 729 S.E.2d 458 (2012).
24. *Id.* at 279, 729 S.E.2d at 460.
25. *Id.*
26. *Id.*
27. *Id.* at 280-81, 729 S.E.2d at 461 (quoting Kerese v. State, 10 Ga. 95, 97 (1851)).
28. 318 Ga. App. 499, 734 S.E.2d 242 (2012).
29. *Id.* at 500, 734 S.E.2d at 244.
30. *Id.* at 502, 734 S.E.2d at 245.
31. *Id.*
32. *Id.*
33. *Id.* at 504, 734 S.E.2d at 246-47.

Health System, LLC v. UHS Peachford, LP[34] centers on the Superior Court of Fulton County's interpretation of the jurisdictional exception to O.C.G.A. § 31-6-44.1(c)'s[35] mandatory award of attorney fees.[36] Applying the standard rules of statutory construction, the court of appeals examined what the legislature intended by the term "jurisdiction" in reference to the DCH.[37] In interpreting statutes, courts must presume the legislature "meant what it said and said what it meant."[38] To do so, the court must try to discern the legislative intent from both the plain terms of the language used as well as the legislative history surrounding the statute, reviewing both in the context of the statutory scheme as a whole.[39] Construing the statutory provisions together, the court determined the legislature intended that a jurisdictional challenge to the DCH question whether the DCH has the power to act in a given situation, rather than how it actually acted in that situation.[40]

IV. STANDARD OF REVIEW

Although Georgia courts have recognized the doctrine of collateral estoppel in criminal as well as civil cases,[41] it was unclear until this year whether administrative proceedings in Georgia could have a preclusive effect on subsequent criminal proceedings. In *Malloy v. State*,[42] the supreme court evaluated this issue and held that a determination made in an administrative proceeding will not preclude later criminal charges.[43] The court noted that administrative decisions are generally not granted the effect of collateral estoppel in later judicial proceedings unless the following requirements are met:

> (1) both proceedings involve the same parties . . . ; (2) the issue was actually litigated and determined in the first proceeding; (3) the determination was essential to the judgment in the first proceeding;

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34. 321 Ga. App. 820, 743 S.E.2d 492 (2013).
35. O.C.G.A. § 31-6-44.1(c) (2012).
36. *Lakeview Behavioral Health Sys., LLC*, 321 Ga. App. at 822, 743 S.E.2d at 494.
37. *Id.* (quoting O.C.G.A. § 31-6-44.1(c)).
38. *Id.* at 823, 743 S.E.2d at 495 (quoting Citibank (S.D.), N.A. v. Graham, 315 Ga. App. 120, 122, 726 S.E.2d 617, 619 (2012)).
39. *Id.*
40. *Id.* at 825, 743 S.E.2d at 496-97.
41. *See, e.g.*, Waldroup v. Greene Cnty. Hosp. Auth., 265 Ga. 864, 866, 463 S.E.2d 5, 7 (1995) (civil case); Lindsey v. State, 227 Ga. 48, 52, 178 S.E.2d 848, 851 (1970) (criminal case); Harris v. State, 193 Ga. 109, 119, 17 S.E.2d 573, 580 (1941) (criminal case).
42. 293 Ga. 350, 744 S.E.2d 778 (2013).
43. *Id.* at 353, 744 S.E.2d at 782.

> and (4) the party against whom the doctrine is asserted had a full opportunity to litigate the issue in question.[44]

Applying these prerequisites, Georgia courts have held that questions of fact ruled upon by an administrative body are precluded from being relitigated in later civil suits.[45] Malloy asserted that the requirements for the application of collateral estoppel were met, mandating preclusion of his criminal matter; however, the court disagreed, holding that the fourth requirement was not met.[46]

Noting the differences in the nature and purpose of an administrative and criminal proceeding, the court determined the State lacked a full opportunity to litigate whether the appellant knowingly and willfully committed fraud.[47] Therefore, the court held that the determination made in Malloy's favor in the administrative proceeding would not preclude later criminal charges.[48]

In *Laskar v. Board of Regents of the University System of Georgia*,[49] the court of appeals evaluated the differences between quasi-judicial and administrative functions in the context of a hearing committee's recommendation for the termination of employment of Joy Laskar, a university professor.[50] The court noted that "the first step in weighing whether a trial court properly can hear a petition for certiorari is to determine whether the petition is seeking review of a judicial or quasi-judicial action or merely an administrative one."[51] Generally, the difference between an administrative action and a judicial or quasi-judicial action turns on whether the parties were granted notice and the opportunity to be heard.[52]

During the employment review, Laskar was given notice of the hearing, the right to counsel, and the right to present testimony and evidence, after which the hearing committee made its findings and recommendation.[53] However, the findings and recommendation were

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44. *Id.* at 354, 744 S.E.2d at 783 (citing Swain v. State, 251 Ga. App. 110, 113, 552 S.E.2d 880, 882-83 (2001)).

45. *Id.* at 355, 744 S.E.2d at 783 (citing Jordan v. Bd. of Pub. Safety, 253 Ga. App. 339, 342, 559 S.E.2d 94, 97 (2002); Blackwell v. Ga. Real Estate Comm'n, 205 Ga. App. 233, 234, 421 S.E.2d 716, 717-18 (1992)).

46. *Id.* at 355, 358, 744 S.E.2d at 783, 785.

47. *Id.* at 357-58, 744 S.E.2d at 784-85.

48. *Id.* at 358, 744 S.E.2d at 785.

49. 320 Ga. App. 414, 740 S.E.2d 179 (2013).

50. *Id.* at 414-16, 740 S.E.2d at 180-81.

51. *Id.* at 416, 740 S.E.2d at 181.

52. *Id.*

53. *Id.* at 418, 740 S.E.2d at 182.

not binding on the faculty member.[54] Rather, the decision to terminate employment was left to the university president, who was not required to follow the hearing committee's recommendation.[55] The court held that "the final act resulting in Laskar's discharge was not the [h]earing [c]ommittee's report, but rather the president's finding that good cause existed to revoke Laskar's tenure and terminate his employment, and that decision was an administrative one."[56] Despite the procedures for notice and hearing being present in Laskar's case, the court of appeals held that the function of the hearing committee's findings and recommendation, the president's decision, and the Board of Regents' subsequent review of the president's decision was administrative in nature.[57] Therefore, the Superior Court of Fulton County properly dismissed for lack of jurisdiction.[58]

V. SOVEREIGN IMMUNITY

By overruling its previous holding in *Keenan v. Plouffe*,[59] the supreme court provided clarity surrounding official immunity as it relates to physicians acting within the scope of their employment.[60] In *Shekhawat v. Jones*,[61] the court granted certiorari to determine whether physicians employed as faculty members at the Medical College of Georgia were entitled to official immunity related to the treatment of a newborn.[62] The court of appeals determined that a genuine issue of material fact existed regarding whether the physicians were acting within the scope of their employment in treating the child.[63]

The supreme court noted that Georgia's "appellate jurisprudence on official immunity in the context of state-employed physicians has for the past decade and a half strayed considerably from [a] straightforward analysis," and that the "genesis of this misguided path was this [c]ourt's opinion in *Keenan v. Plouffe*."[64] The court in *Keenan* held that a state-employed physician did not enjoy official immunity because his conduct in treating patients called for "'the exercise of his medical (as opposed to governmental) discretion' and involved 'distinct obligations to [the

54. *Id.*
55. *Id.*
56. *Id.* at 420, 740 S.E.2d at 184.
57. *Id.* at 419-20, 740 S.E.2d at 183-84.
58. *Id.* at 421, 740 S.E.2d at 185.
59. 267 Ga. 791, 482 S.E.2d 253 (1997).
60. Shekhawat v. Jones, 293 Ga. 468, 746 S.E.2d 89 (2013).
61. 293 Ga. 468, 746 S.E.2d 89 (2013).
62. *Id.* at 468-69, 746 S.E.2d at 90.
63. *Id.* at 468, 746 S.E.2d at 90.
64. *Id.* at 471, 746 S.E.2d at 92.

patient] that were independent of his official state duties.'"[65] This led the court to determine that the physician was not acting within the scope of his official state duties in treating the patient.[66] However, in *Keenan*, the court posed an important (but confusing) caveat, stating that because the case involved the exercise of medical discretion

> on a private-pay patient that was not controlled by the government employer or by statute, [they did not need to] consider whether immunity is appropriate for state-employed physicians who are required to treat particular patients, or who are alleged to have violated governmental, as opposed to medical, responsibilities, or whose medical discretion is controlled or impacted by governmental standards or constraints.[67]

Since the *Keenan* decision, courts have struggled with the scope and application of its holding. Shortly after *Keenan*, the court held that the "key factor in *Keenan* [that] prevented reliance on official immunity was that the patient was a private patient."[68] More recently, the court of appeals interpreted *Keenan* as holding that official immunity is abrogated only where the state-employed physicians are treating private-pay patients and those patients have sought care from those particular physicians, rather than simply from the state facilities at which they worked.[69]

The court in *Shekhawat* determined that post-*Keenan* cases have shown that the straightforward official immunity analysis for state-employed physicians had "devolved from the straightforward 'scope of employment' test to a convoluted analysis examining the nature of the discretion exercised, the identity of those to whom duties are owed, and the payment sources and arrangements involved."[70] In *Keenan*, the court had "conflated the test for official immunity with that for sovereign immunity in distinguishing between medical and governmental discretion and between the physician's duty to the patient and his duty to the [s]tate."[71] With the rationale of *Keenan* effectively dismantled, the court held that the analysis of a physician's official immunity under the Georgia Tort Claims Act (GTCA)[72] "shall proceed exclusively on the

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65. *Id.* (alterations in orginal) (quoting *Keenan*, 267 Ga. at 793, 796, 482 S.E.2d at 255, 257).
66. *Keenan*, 267 Ga. at 795, 482 S.E.2d at 257.
67. *Id.* at 796 n.17, 482 S.E.2d at 257 n.17.
68. Harry v. Glynn Cnty., 269 Ga. 503, 505, 501 S.E.2d 196, 199 (1998).
69. Porter v. Guill, 298 Ga. App. 782, 786-87, 681 S.E.2d 230, 233-34 (2009).
70. *Shekhawat*, 293 Ga. at 472-73, 746 S.E.2d at 92-93.
71. *Id.* at 473, 746 S.E.2d at 93.
72. O.C.G.A. ch. 50-21 (2009 & Supp. 2012).

basis of whether the physician was acting within the scope of his state employment in performing the treatment that is the subject of the malpractice action."[73] Under that analysis, the court held that the physicians were acting within the scope of their employment and were entitled to official immunity.[74]

In *DeKalb County School District v. Gold* (*Gold*),[75] the court of appeals evaluated the claims of county teachers who brought suit after the school district suspended its contributions to the employee annuity plan.[76] While there is no blanket waiver of sovereign immunity in declaratory judgment actions, declaratory judgments against the state have been recognized in certain contexts.[77]

The teachers argued that the declaratory-judgment claim was sustainable because it arose from the breach of a written contract.[78] The teachers pointed to the court's decision in *Upper Oconee Basin Water Authority v. Jackson County* (*Upper Oconee*)[79] to support this argument.[80] In that case, in evaluating whether the water authority had breached an inter-governmental water-supply contract, the court noted that the state constitution specifically waived immunity for "any action *ex contractu* for the breach of any written contract."[81] In *Upper Oconee*, the court, relying on the plaintiff's claim for breach of the agreement and explaining that "the fact that [Jackson County] ha[d] expressly asked for the [Upper Oconee Basin Water] Authority's obligations under the [a]greement to be determined and enforced [did] not change the essential nature of the claim," held that the Superior Court of Jackson County did not err in refusing to dismiss the county's lawsuit on the basis of sovereign immunity.[82]

However, the court noted that because the teachers in *Gold*, unlike the parties in *Upper Oconee*, sought to recover damages for the breach of the contract and desired a clarification about school system budgeting "moving forward," the relief sought by the teachers went "far beyond an

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73. *Shekhawat*, 293 Ga. at 474, 746 S.E.2d at 93.
74. *Id.*
75. 318 Ga. App. 633, 734 S.E.2d 466 (2012).
76. *Id.* at 633, 734 S.E.2d at 468.
77. *Id.* at 637, 734 S.E.2d at 471.
78. *Id.* at 637-38, 734 S.E.2d at 471.
79. 305 Ga. App. 409, 699 S.E.2d 605 (2010).
80. *Gold*, 318 Ga. App. at 637-38, 734 S.E.2d at 471.
81. *Upper Oconee*, 305 Ga. App. at 412-13, 699 S.E.2d at 608 (emphasis added for style) (quoting GA. CONST. art. I, § 2, ¶ 9(c)).
82. *Id.* at 413, 699 S.E.2d at 608.

'action *ex contractu* for the breach of any written contract.'"[83] As such, the teachers could not rely on *Upper Oconee* to show that the State had waived its immunity to their declaratory judgment action.[84] The court held that because sovereign immunity barred the teachers' "claims for declaratory judgment, money had and received, unjust enrichment, promissory estoppel, and conversion," the Superior Court of DeKalb County should have dismissed these claims.[85]

As for the teachers' claims for breach of contract and the associated implied covenant of good faith and fair dealing, the trial court did not err when it denied the school district's motion to dismiss those claims.[86] This rested on the fact that "the legislative acts of the [school board in] establishing a retirement plan for the [s]chool [d]istrict employees may become part of the employees' contract of employment."[87] Because the school board had resolved in 1979 to give its employees two years' notice before terminating or reducing funding to the plan, the court held that the teachers could possibly introduce evidence sufficient to warrant a grant of relief for breach of a written contract.[88]

In *Lockhart v. Board of Regents of the University System of Georgia*,[89] the court of appeals distinguished between a claim for assault and battery, which is excepted from the GTCA's waiver of sovereign immunity, and a claim for negligence, which falls under the GTCA's general waiver of immunity.[90] In that case, Lockhart sought dental treatment from Dr. Nelson, a dentist at the Medical College of Georgia School of Dentistry. Lockhart believed the dentist was going to place implants in her upper left jaw, but the dentist also drilled down several of her bottom teeth and installed temporary crowns. Dr. Nelson told the patient that someone from his office would call Lockhart when she needed to return to the office to have permanent crowns installed, but no one followed up with the patient. After four months, Lockhart contacted the dental clinic. However, by that time, her lower teeth had turned to "bloody, stubby, soft-looking things."[91]

Prior to the decision in *Lockhart*, no Georgia appellate case had examined the technical battery of unauthorized medical touching in the

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83. *Gold*, 318 Ga. App. at 638-39, 734 S.E.2d at 472 (emphasis added for style) (quoting GA. CONST. art. I, § 2, ¶ 9(c)).

84. *Id.* at 639, 734 S.E.2d at 472.

85. *Id.* at 633-34, 734 S.E.2d at 468-69.

86. *Id.* at 634, 734 S.E.2d at 469.

87. *Id.* at 644, 734 S.E.2d at 476.

88. *Id.* at 644-45, 734 S.E.2d at 476.

89. 316 Ga. App. 759, 730 S.E.2d 475 (2012).

90. *Id.* at 760, 730 S.E.2d at 477 (citing O.C.G.A. §§ 50-21-23, -24(7) (2009)).

91. *Id.* at 759, 730 S.E.2d at 476.

context of the GTCA's assault and battery exception.[92] The court of appeals recognized two distinct injuries to Lockhart: (1) the unauthorized grinding down of the patient's lower teeth and (2) the failure to ensure removal of the temporary caps in time to prevent damage to the teeth.[93]

The court then held that the Superior Court of Richmond County was correct in dismissing Lockhart's claim of negligence regarding Dr. Nelson's work on her lower teeth, as that action fell within the purview of the assault and battery exception of the GTCA.[94] Unconvinced by the patient's argument that the battery exception applies only to intentional batteries, the court noted that performing unauthorized dental work is a battery sounding in tort.[95]

However, the plaintiff's claim that the defendant failed to follow up and schedule an appointment to remove the temporary caps required a separate analysis.[96] The court stated that "new acts of negligence may occur" and that a complaint may allege "more than one act of professional negligence resulting in a new injury, where physicians failed timely to warn a patient about preventative measures."[97] The court held that the doctor's failure to contact the patient for a new appointment and to remove the temporary crowns was not battery; it was negligence, for which the state had waived immunity.[98] As such, the patient had met her burden of establishing a waiver of sovereign immunity.[99]

VI. RECENT LEGISLATION

Although there were over twenty different enactments from the 2013 regular session of the Georgia General Assembly addressing the composition and powers of agencies, the following legislation contains the major highlights:

1. There has been established an Agricultural Commodity Commission for Beef.[100]

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92. *Id.* at 760, 730 S.E.2d at 477.
93. *Id.* at 761, 730 S.E.2d at 478.
94. *Id.* at 761-62, 730 S.E.2d at 478.
95. *Id.* at 762, 730 S.E.2d at 478.
96. *Id.* at 763, 730 S.E.2d at 479.
97. *Id.* at 763-64, 730 S.E.2d at 479.
98. *Id.* at 764, 730 S.E.2d at 479-80.
99. *Id.* at 764-65, 730 S.E.2d at 480.
100. Ga. S. Bill 97 § 1, Reg. Sess., 2013 Ga. Laws 65 (codified at O.C.G.A. § 2-8-13 (2000 & Supp. 2013)).

2. The Agricultural Commodity Commission for Georgia Grown Products has also been formed.[101]

3. A requirement has been imposed upon the Department of Natural Resources that at least three members of the Board of Natural Resources must be included on the board of directors of any nonprofit corporation created by the department.[102]

4. The membership of the Oconee River Greenway Authority has been changed to let counties within the authority's boundaries appoint no more than four residents.[103]

5. The Georgia Driver's Education Commission received an extension of the time periods for the imposition of fines funding the commission and for driver education.[104]

6. The State Board of Education may now transfer properties held in trust to the Georgia Foundation for Public Education, but only for administrative purposes.[105]

7. The Division of Archives and History has been transferred to the University System of Georgia from its prior home at the Office of the Secretary of State.[106]

8. There is once again a Career and Technical Education Advisory Commission.[107]

9. Public-officer filings and filings by candidates and elected officials will now be handled by the Georgia Government Transparency and Campaign Finance Commission instead of the Secretary of State.[108]

10. The Georgia State Board of Pharmacy and the Georgia Board of Dentistry have been transferred for administrative purposes from the

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101. Ga. H.R. Bill 298 § 1, Reg. Sess., 2013 Ga. Laws 74 (codified at O.C.G.A. §§ 2-8-90 to -105 (Supp. 2013)).

102. Ga. H.R. Bill 381 § 1, Reg. Sess., 2013 Ga. Laws 269 (codified at O.C.G.A. § 12-2-6 (2012 & Supp. 2013)).

103. Ga. H.R. Bill 177 § 1, Reg. Sess., 2013 Ga. Laws 777 (codified at O.C.G.A. § 12-3-402 (2012 & Supp. 2013)).

104. Ga. S. Bill 231 § 1, Reg. Sess., 2013 Ga. Laws 741 (codified at O.C.G.A. § 15-21-179 (2012 & Supp. 2013)).

105. Ga. H.R. Bill 116 §§ 1, 2, Reg. Sess., 2013 Ga. Laws 769 (codified at O.C.G.A. §§ 20-2-14(b), -14.1(a)(3) (2012 & Supp. 2013)).

106. Ga. H.R. Bill 287 pt. I, § 1-1, Reg. Sess., 2013 Ga. Laws 594 (codified at O.C.G.A. § 20-3-41 (Supp. 2013)).

107. Ga. S. Bill 100 § 1, Reg. Sess., 2013 Ga. Laws 675 (codified at O.C.G.A. § 20-14-91 (Supp. 2013)).

108. Ga. H.R. Bill 143 §§ 1, 8, Reg. Sess., 2013 Ga. Laws 173 (codified at O.C.G.A. § 21-5-6(b)(19) (Supp. 2013)).

Secretary of State to the Department of Community Health, following in the footsteps of similar past health-related transfers.[109]

11. There is now created the Federal and State Funded Health Care Financing Programs Overview Committee as a part of the legislative branch of government.[110]

12. The Georgia Alzheimer's and Related Dementias State Plan Task Force has now been created.[111]

13. The Georgia Workforce Investment Board received amendments, including the creation of local workforce investment boards that will help in assigned areas.[112]

14. There is now a Returning Veterans Task Force to improve services rendered to military service veterans.[113]

15. Designated within the Motor Carrier Compliance Division of the Department of Public Safety is a section to be called the Regulatory Compliance Section.[114]

16. The Department of Public Safety will now administer the responsibilities given under the federal Unified Carrier Registration Act of 2005 instead of the Department of Revenue.[115]

17. The Georgia Board of Nursing has been updated regarding its membership, and there is no longer a Georgia Board of Examiners of Licensed Practical Nurses.[116]

18. An entity to be known as the Invest Georgia Fund has been created to provide a source of capital for start-up ventures.[117]

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109. Ga. H.R. Bill 132 pt. I, §§ 1-1 to -17, and pt. II, §§ 2-1 to -18, 2013 Ga. Laws 192 (codified in various provisions of O.C.G.A. ch. 26-4, ch. 43-11 (Supp. 2013)).

110. Ga. S. Bill 62 § 3, Reg. Sess., 2013 Ga. Laws 1037 (codified at O.C.G.A. § 31-8-210 (Supp. 2013)).

111. Ga. S. Bill 14 § 1, Reg. Sess., 2013 Ga. Laws 586 (codified at O.C.G.A. §§ 31-8-301, -302 (Supp. 2013)).

112. Ga. H.R. Bill 393 § 2, Reg. Sess., 2013 Ga. Laws 573 (codified at O.C.G.A. §§ 34-14-20, -28 (Supp. 2013)).

113. Ga. S. Bill 76 § 1, Reg. Sess., 2013 Ga. Laws 563 (codified at O.C.G.A. §§ 38-4-90 to -92 (Supp. 2013)).

114. Ga. H.R. Bill 323 § 2, Reg. Sess., 2013 Ga. Laws 838 (codified at O.C.G.A. § 40-1-52 (Supp. 2013)).

115. Ga. H.R. Bill 255 § 2, Reg. Sess., 2013 Ga. Laws 756 (codified at O.C.G.A. § 40-2-140 (Supp. 2013)).

116. Ga. H.R. Bill 332 §§ 1, 3, Reg. Sess., 2013 Ga. Laws 643 (codified at O.C.G.A. §§ 43-26-4, -32(2), (3) (Supp. 2013)).

117. Ga. H.R. Bill 318 § 5, Reg. Sess., 2013 Ga. Laws 243 (codified at O.C.G.A. §§ 10-10-10 to -20 (Supp. 2013)).

19. The Georgia Lottery Corporation will now administer and enforce provisions related to coin-operated amusement machines and licenses, a task previously performed by the Department of Revenue.[118]

20. The Georgia Tourism Foundation has an updated membership selection.[119]

21. The Georgia Council for the Arts has a change in membership structure, along with provisions for meetings and responsibilities.[120]

118. Ga. H.R. Bill 487 pt. I, § 1-1, Reg. Sess., 2013 Ga. Laws 37 (codified at O.C.G.A. §§ 50-27-70 to -89 (2013)).

119. Ga. S. Bill 177 § 1, Reg. Sess., 2013 Ga. Laws 685 (codified at O.C.G.A. § 50-7-17(e) (2013)).

120. Ga. H.R. Bill 338 §§ 3, 4, Reg. Sess., 2013 Ga. Laws 1042 (codified at O.C.G.A. §§ 50-12-22, -23 (2013)).