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, 2014 through May 31, 2015 in which principles of administrative law were a central focus of the case.[1] The Article begins with a discussion of cases on exhaustion of administrative remedies, followed by a series of cases discussing standard of review for an agency decision, a review of sovereign immunity cases, and a brief review of enactments from the 2015 regular session of the Georgia General Assembly.

This Article is dedicated to the illustrious Martin M. Wilson, who authored this Article for countless years and served as an invaluable mentor to each of us as we were shepherded on board. In light of his recent retirement, Marty will now likely be found reading this article with his toes in the sand.

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1. For an analysis of Georgia administrative law during the prior survey period, see Martin M. Wilson, et al., *Administrative Law, Annual Survey of Georgia Law*, 66 MERCER L. REV. 1 (2014).

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

This year saw no major changes in the well-established doctrine of exhaustion of administrative remedies and had an unusually low number of cases addressing this principle. Perhaps this doctrine has, in fact, become so well-established as to garner few challenges.

Of the two cases to be reviewed, the first involves a two-decade-old, highly litigated landfill dispute in Bartow County. In *Southern States-Bartow County, Inc. v. Riverwood Farm Property Owners Ass'n,*[2] Southern States again found itself defending its asserted vested right to build a landfill on the subject property.[3] This fight dates back to a 1991 Georgia Supreme Court decision[4] when the court declared that because the Bartow County zoning ordinance did not comply with the Zoning Procedures Law,[5] it was invalid.[6]

Over twenty years later—with ground still unbroken on the landfill—a local neighborhood association challenged the county's issuance of a 2012 certificate of zoning compliance to Southern States, alleging the proposed landfill violated the county's zoning ordinance. While in the midst of this litigation, the Georgia Environmental Protection Division issued a permit to allow for the landfill.[7] The neighbors subsequently challenged that grant under section 12-2-2(c)(2)(A) of the Official Code of Georgia Annotated (O.C.G.A.),[8] which provides adversely affected parties with a thirty day appeals period before an administrative law judge.[9] Southern States asserted that, based on the statute, the neighbors should have been required to exhaust their administrative remedies before being heard in superior court.[10] The court swiftly rejected this argument, finding instead that the remedy provided in the statute would not have resolved the neighbors' primary claim—that the proposed landfill violates the county's zoning ordinance—so it could not be considered an adequate remedy and, thus, the superior court had jurisdiction to issue an injunction.[11]

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2. 331 Ga. App. 878, 769 S.E.2d 823 (2015).
3. *Id.* at 879, 769 S.E.2d at 824-25.
4. *See* Tilley Props., Inc. v. Bartow Cnty., 261 Ga. 153, 401 S.E.2d 527 (1991).
5. *See* O.C.G.A. §§ 36-66-1 to -6 (2012).
6. *Southern States*, 331 Ga. App. at 879, 769 S.E.2d at 824; *see also Tilley Props., Inc.*, 261 Ga. at 154-55, 401 S.E.2d at 528.
7. *Southern States*, 331 Ga. App. at 879-80, 769 S.E.2d at 825.
8. O.C.G.A. § 12-2-2(c)(2)(A) (2012).
9. *Southern States*, 331 Ga. App. at 882, 769 S.E.2d at 826; *see also* O.C.G.A. § 12-2-2(c)(2)(A).
10. *Southern States*, 331 Ga. App. at 882, 769 S.E.2d at 827.
11. *Id.* at 882-83, 769 S.E.2d at 827.

The second case articulates the importance of both parties following the applicable statutory requirements related to the exhaustion of administrative remedies. In *United Cerebral Palsy of Georgia, Inc. v. Georgia Department of Behavioral Health & Developmental Disabilities*,[12] the superior court granted the defendants' motion to dismiss based on the plaintiffs' failure to exhaust their administrative remedies.[13] On appeal, the plaintiffs argued they were excused from the exhaustion requirement because the defendants never provided them with the required notice of the agency decision.[14] While the defendants countered that the plaintiffs had actual notice and no requirement of formal notice existed, the court disagreed with the defendants' interpretation of the manuals.[15] The court distinguished that although an administrative body's interpretations of applicable statutes and administrative rules are entitled to deference, its interpretation of manuals are not.[16] Based on the applicable provisions of the manual, the court concluded that mailed, written notice by the defendants to the plaintiffs was required.[17] Because the defendants failed to give such notice, "they were not entitled to dismissal for the plaintiffs' failure to exhaust administrative remedies."[18]

III. STANDARD OF REVIEW FOR AN AGENCY DECISION

Georgia courts considering judicial review issues this year primarily focused on a number of issues: (1) the application of the "any evidence" standard to administrative decisions; (2) whether the decisions of certain administrative bodies should be reviewed de novo; (3) whether new evidence can be considered when a trial court reviews a "quasi-judicial" decision by an administrative body; and (4) whether arguments or objections not first raised before an agency could be raised in the reviewing court.

C.P.R. v. Henry County Board of Education[19] was the most significant decision discussing and applying the any evidence standard this year. In this case, the court of appeals affirmed that the any evidence standard of review, not the Administrative Procedure Act (APA),[20]

12. 331 Ga. App. 616, 771 S.E.2d 251 (2015).
13. *Id.* at 617, 771 S.E.2d at 252.
14. *Id.*
15. *Id.* at 618, 621, 771 S.E.2d at 253, 254.
16. *Id.* at 621, 771 S.E.2d at 254.
17. *Id.*
18. *Id.* at 621, 771 S.E.2d at 255.
19. 329 Ga. App. 57, 763 S.E.2d 725 (2014).
20. O.C.G.A. §§ 50-13-1 to -44 (2013).

applied to decisions that involve local boards of education, including the subject decision involving the appellant-student's long-term suspension.[21] As the court of appeals stated, "it is well established that appeals from final decisions reached by local boards of education do not fall within the APA because local boards are 'not included within any of the definitions of "agency" contained in the statute.'"[22] The court noted that it was immaterial that the General Assembly amended the APA in 1990 to specifically include the State Board of Education within the APA's definition of an "agency."[23] Local boards were not specifically included within the amended definition and, thus, the court of appeals "must presume that the General Assembly's decision to include the State Board but not local boards within that definition 'was a matter of considered choice.'"[24] The court of appeals held explicitly that the appellant's reliance on the APA's framework for judicial review was "misplaced."[25]

C.P.R. also involved an analysis of whether the local board of education's decision should be reviewed de novo.[26] Specifically, the appellant relied on a recent court of appeals decision, *Fulton County Board of Education v. D.R.H.*,[27] to argue the local board's determination that he violated the student handbook was an erroneous decision of law that should be reviewed de novo.[28] The court of appeals held that *D.R.H.* was clearly distinguishable because it involved a legal question—whether the student's disciplinary appeal was moot—that would be reviewed de novo, and *C.P.R.* involved a "quintessentially factual question" that must be reviewed under the any evidence standard.[29]

In *Druid Hills Civic Ass'n v. Buckler*,[30] the Georgia Court of Appeals determined that new evidence could not be considered when a trial court reviews a quasi-judicial decision from an administrative body.[31] Specifically, the court of appeals held that because the DeKalb County Planning Commission was making a quasi-judicial determination when it approved the sketch plat at issue, "the superior court was bound by the record as developed before the commission, and could not consider

21. *C.P.R.*, 329 Ga. App. at 62, 62-63, 763 S.E.2d at 730, 731.
22. *Id.* at 63, 763 S.E.2d at 731.
23. *Id.* at 63-64, 763 S.E.2d at 731.
24. *Id.* at 64, 763 S.E.2d at 731.
25. *Id.* at 64, 763 S.E.2d at 732.
26. *Id.* at 64-65, 763 S.E.2d at 732.
27. 325 Ga. App. 53, 752 S.E.2d 103 (2013).
28. *C.P.R.*, 329 Ga. App. at 64, 763 S.E.2d at 732.
29. *Id.* at 64-65, 763 S.E.2d at 732.
30. 328 Ga. App. 485, 760 S.E.2d 194 (2014).
31. *Id.* at 494-95, 760 S.E.2d at 202.

the issue of the Association's standing," which had not been raised before the Planning Commission.[32] Because the trial court reached the contrary conclusion and granted a motion to dismiss for lack of standing, the court of appeals reversed and remanded the case for further proceedings consistent with its opinion.[33]

Finally, in *Georgia Peace Officer Standards and Training Council v. Hodges*,[34] the court of appeals discussed whether proof of procedural irregularity in an agency hearing could be considered by a reviewing court if the irregularity was not first raised before the agency.[35] Citing O.C.G.A. § 50-13-19(c),[36] the court of appeals held that "objections or arguments must first be raised before the agency prior to raising the issue in the reviewing court."[37] This requirement was not obviated by the exception in O.C.G.A. § 50-13-19(g)[38] allowing superior courts to hear evidence of alleged procedural irregularities in an administrative proceeding that are not in the record.[39]

IV. SOVEREIGN IMMUNITY

The topic of sovereign immunity received an unusual amount of attention from the Georgia Supreme Court during this survey period. The court devoted particular attention to the topic of the transposition of official immunity issues into the analysis of sovereign immunity.

In *City of Atlanta v. Mitcham*,[40] the Georgia Supreme Court reversed the holding of the court of appeals and held that "the care of inmates in the custody of a municipal corporation is a governmental function for which sovereign immunity has not been waived."[41] In this case, a diabetic inmate alleged that the city was negligent in failing to monitor his blood sugar levels.[42] The trial court denied the city's motion to dismiss, which was based on sovereign immunity grounds, and the court of appeals affirmed, holding sovereign immunity was waived under

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32. *Id.* at 495, 760 S.E.2d at 202.
33. *Id.*
34. 330 Ga. App. 145, 767 S.E.2d 286 (2014).
35. *Id.* at 149-50, 767 S.E.2d at 288-89; *see also* Clayton Cnty. Bd. of Educ. v. Vollmer, 328 Ga. App. 894, 897, 763 S.E.2d 277, 280 (2014) ("Because Vollmer failed to raise the issue prior to his appeal to the superior court, the court was prohibited from considering the issue; it was also prohibited from reviewing the decision of the State Board de novo.").
36. O.C.G.A. § 50-13-19(c).
37. *Hodges*, 330 Ga. App. at 150, 767 S.E.2d at 289.
38. O.C.G.A. § 50-13-19(g).
39. *Hodges*, 330 Ga. App. at 150, 767 S.E.2d at 289.
40. 296 Ga. 576, 769 S.E.2d 320 (2015).
41. *Id.* at 576, 769 S.E.2d at 322.
42. *Id.*

O.C.G.A. § 36-33-1(b)[43] and "the provision of medical care to inmates in the City's . . . custody was a ministerial act."[44] The Georgia Supreme Court reversed and endeavored to clear up any misunderstanding with respect to sovereign immunity issues.[45]

The court acknowledged that municipal corporations have "dual functions, performing in the exercise of its corporate functions two classes of service, governmental duties and private corporate, or ministerial, duties."[46] The court also acknowledged that there exists a "difficulty in determining to which of the two classes a function belongs, the proper classification depending in each case on an interpretation of the powers and duties delegated to the corporation and the character of the function being performed."[47] The court of appeals erred when it transposed the issue of official immunity into the sovereign immunity analysis.[48] The supreme court explained as follows:

> The determination of whether a function is governmental or ministerial in character for purposes of municipal sovereign immunity focuses broadly on the nature, purpose, and intended beneficiaries of the function performed by the municipal corporation. In comparison, the term "ministerial act," as it applies to the waiver of an individual's official immunity under *Article I, Section II, Paragraph IX (d) of the Georgia Constitution*, is defined by the character of the specific action taken by the government official or employee and the amount of discretion and judgment applied in executing a specific duty. While both terms share the ministerial modifier, whether an act performed by a municipal employee is ministerial or discretionary is not a consideration in the analysis of whether a municipality's sovereign immunity has been waived. This is because municipal sovereign immunity applies equally to, i.e., bars claims arising from, both ministerial and discretionary acts.[49]

The court concluded that the court of appeals also incorrectly relied on *Cantrell v. Thurman*,[50] a case that involved the waiver of a county's sovereign immunity—a waiver that neither applies to municipal corporations nor involves an analysis of the performance of a governmental function.[51]

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43. O.C.G.A. § 36-33-1(b) (2012).
44. *Mitcham*, 296 Ga. at 576-77, 769 S.E.2d at 322.
45. *Id.* at 583, 769 S.E.2d at 326.
46. *Id.* at 579, 769 S.E.2d at 324.
47. *Id.* at 580, 769 S.E.2d at 324.
48. *Id.* at 582, 769 S.E.2d at 326.
49. *Id.* at 581-82, 769 S.E.2d at 325-26.
50. 231 Ga. App. 510, 499 S.E.2d 416 (1998).
51. *Mitcham*, 296 Ga. at 582-83, 769 S.E.2d at 326.

In *Primas v. City of Milledgeville*,[52] the Georgia Supreme Court again held that the Georgia Court of Appeals had not used the proper analysis in evaluating the definition of "ministerial acts" under official immunity.[53] In this case, the plaintiff was injured while driving a prison work detail van owned by the city. The plaintiff sued the city, claiming it was negligent in failing to inspect and maintain the vehicle's brake lines. The trial court denied the city's motion for summary judgment, which argued that maintenance and inspection of a brake line is a discretionary act for which sovereign immunity had not been waived, and the court of appeals reversed.[54]

The Georgia Supreme Court held that the court of appeals erred in addressing the immunity issue as one involving *official immunity* and incorrectly stating that the sovereign immunity of a municipal corporation is "waived for ministerial acts, but not for discretionary acts" and therefore misapplying the definition of official immunity's "ministerial acts."[55] The court of appeals neglected to make any determination regarding "whether the alleged negligence arose out of the performance, or non-performance, of a governmental function."[56] Further, the court held that the "definition of 'ministerial act' for purposes of official immunity is not applicable in determining whether, for purposes of sovereign immunity, a municipal corporation was engaged in a 'ministerial duty or function.'"[57] Neither the trial court nor the court of appeals gave any "consideration to whether the alleged negligence by the City occurred in the performance of a governmental function and [did] not acknowledge or apply the definitions of governmental and ministerial functions as those terms relate to the City's sovereign immunity," and, as such, the court vacated and remanded the case back to the court of appeals in compliance with the evaluation followed in *Mitcham*.[58]

In *SJN Properties, LLC v. Fulton County Board of Assessors*,[59] the Georgia Supreme Court reaffirmed the holding and rationale of its 2014 decision in *Georgia Department of Natural Resources v. Center for a*

52. 296 Ga. 584, 769 S.E.2d 326 (2015).

53. *Id.* at 585, 769 S.E.2d at 328.

54. *Id.* at 584, 769 S.E.2d at 327. "Both parties concede[d] . . . that the Court of Appeals' analysis was flawed." *Id.* at 584, 769 S.E.2d at 328.

55. *Id.* at 585, 769 S.E.2d at 328 (quoting City of Milledgeville v. Primus, 325 Ga. App. 553, 555, 753 S.E.2d 146, 148 (2013)).

56. *Id.*

57. *Id.*

58. *Id.* at 585-86, 769 S.E.2d at 328.

59. 296 Ga. 793, 770 S.E.2d 832 (2015).

Sustainable Coast[60] that injunctive relief against the State and its employees is barred unless expressly authorized by the Georgia State Constitution[61] or a statute;[62] confirmed that the plaintiff had standing to seek mandamus relief; and declined to make a holding on whether actions seeking declaratory judgment are generally barred by sovereign immunity.[63]

In this case, SJN Properties, LLC (SJN) filed a class action petition that sought declaratory, injunctive, and mandamus relief with respect to a property valuation methodology used by the Fulton County Board of Assessors (FCBOA), which SJN alleged resulted in a valuation of developers' leasehold estates at less than their fair market value.[64] Using the rationale in *Sustainable Coast*, the court determined that sovereign immunity barred SJN's claim for injunctive relief.[65] However, the court reaffirmed that sovereign immunity did not preclude SJN's claims for mandamus relief, which sought relief for a public official's failure to perform official duties, and that SJN, as a citizen and taxpayer, had standing.[66] The court noted that while it had previously held that O.C.G.A. § 9-6-24[67] and its predecessor statute conferred standing not only through mandamus but also by injunction, none of those previous cases addressed sovereign immunity issues; thus, the court held that

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60. 294 Ga. 593, 755 S.E.2d 184 (2014).

61. GA. CONST. art. I, § 2, para. 9.

62. In *SJN Properties, LLC*, the court cited its earlier decision in *Georgia Department of Natural Resources v. Center for a Sustainable Coast*, holding that "sovereign immunity, in its current incarnation under the State's Constitution, may be waived only by an act of the General Assembly." *SJN Props., LLC*, 296 Ga. at 798-99, 770 S.E.2d at 837. By way of the decision in *Sustainable Coast*, the court "overruled precedent that had previously recognized a common law exception to sovereign immunity for suits seeking injunctive relief against the State." *Id.* at 799, 770 S.E.2d at 837.

63. 296 Ga. at 798, 802, 770 S.E.2d at 837-38, 840.

64. *Id.* at 795, 770 S.E.2d at 835. As originally filed, plaintiff John Sherman, a citizen and taxpayer, filed a class action against the FCBOA as well as its members and chief appraiser. Sherman v. Fulton Cnty. Bd. of Assessors, 288 Ga. 88, 701 S.E.2d 472, 473 (2010). In 2009, the trial court granted the defendants' motion to dismiss and judgment on the pleadings, and the Georgia Supreme Court reversed, holding that dismissal was improper because Sherman should have had an opportunity to present evidence that the valuation method was arbitrary and unreasonable. *Id.* at 89, 95, 701 S.E.2d at 474, 478. On remand, SJN was added as a plaintiff, and in December 2013, Sherman moved to be dropped from the case. *SJN Props., LLC*, 296 Ga. at 795 n.2, 770 S.E.2d at 835 n.2.

65. *SJN Props., LLC*, 296 Ga. at 799, 770 S.E.2d at 837.

66. *Id.* at 799, 770 S.E.2d at 837-38; *see also* O.C.G.A. § 9-6-20 (2007 & Supp. 2015). The court ultimately held SJN's claims for mandamus relief failed due to lack of proof. *SJN Props., LLC*, 296 Ga. at 801-02, 770 S.E.2d at 839.

67. O.C.G.A. § 9-6-24 (2007).

> Insofar as these and similar cases permitted the *prosecution of injunction actions* against state officials, they now stand abrogated by *Sustainable Coast*; however, to the extent these cases simply confirmed a taxpayer's *standing* to seek to enforce a public duty by way of some viable cause of action, they remain good law.[68]

The court then, admitting that it had "expressly sidestep[ed] [the] issue of whether declaratory judgment actions against the State are generally barred by sovereign immunity," looked again to the rationale of *Sustainable Coast*.[69] Using that reasoning, the court noted that "absent a statutory provision affording claimants an express right to seek declaratory relief against the State, sovereign immunity would bar such claims;" however, the court stated,

> Because this significant legal issue has received little attention in these proceedings and because [SJN's] claims can be disposed of on other grounds, [namely that SJN faced no uncertainty or insecurity as to any of its own future conduct, but sought a judgment on the future conduct of the FCBOA] . . . we decline to definitively resolve [the issue of whether sovereign immunity bars claims for declaratory relief against the State] here.[70]

In last year's survey, the Authors covered a case of first impression before the Georgia Court of Appeals involving whether the doctrine of sovereign immunity protected the Department of Corrections from a surety's subrogation claims.[71] In *Georgia Department of Corrections v. Developers Surety & Indemnity Co.*,[72] the Department of Corrections (the Department) entered into a construction contract with Lewis Walker Roofing (Walker Roofing) to reroof certain buildings at the Valdosta State Prison. After a two-year-long delay in completing the work, the Department, as obligee, declared the contract in default, and the payment and performance bonds of the Department issued by Developers Surety and Indemnity Company (Developers Surety) were invoked. Developers Surety then filed suit against the Department, alleging that the Department had breached its contract with Walker Roofing and sought declaratory judgment that the Department's breach negated Developers Surety's obligations under the payment and performance

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68. *SJN Props., LLC*, 296 Ga. at 799 n.7, 770 S.E.2d at 838 n.7.

69. *Id.* at 802, 770 S.E.2d at 839.

70. *Id.* (noting that O.C.G.A. § 50-13-10 provides for a specific waiver of sovereign immunity for declaratory judgment actions that challenge administrative rules of state agencies).

71. Wilson, *supra* note 1, at 11-12.

72. 324 Ga. App. 371, 750 S.E.2d 697 (2013).

bond it issued to Walker Roofing on behalf of the Department.[73] The Georgia Supreme Court affirmed the decision of the court of appeals that the Department had waived sovereign immunity by entering into the contract and the doctrine of equitable subrogation gave Developers Surety the ability to "step into the shoes" of Walker Roofing and file suit against the Department.[74]

The supreme court confirmed the importance of strict compliance with ante litem notice requirements of the Georgia Tort Claims Act (GTCA)-[75] and reiterated that failure to state the amount of loss claimed to the extent of the claimant's knowledge rendered ante litem notice insufficient. In *Board of Regents of the University System of Georgia v. Myers*,[76] the court upheld the trial court's ruling and reversed the decision by the court of appeals, holding that ante litem notice providing "the amount of [the plaintiff's] loss is yet to be determined as she is still incurring medical bills and does not yet know the full extent of her injury" did not satisfy the strict statutory requirements.[77] In the same vein, the Georgia Court of Appeals held that a notice stating "the amount of the loss suffered" is the "monetary value of [the decedent's] life in an amount sufficient to appropriately penalize State's deliberately indifferent, negligent breach of State's duty, and also in an amount sufficient to appropriately penalize State's deliberately indifferent, negligent violation of [the decedent's] rights" was also insufficient notice of the dollar amount of the loss claimed.[78] In another case, the Georgia Supreme Court also held that campus police officers employed by a private college do not qualify as "state officer[s] or employee[s]" who may assert immunity from torts suits under the GTCA, as the officers are "not acting for any state government entity" during the commission of alleged torts.[79]

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73. *Id.* at 371-72, 750 S.E.2d at 698. The Department argued that the State's waiver of sovereign immunity for contract actions did not apply because Developers Surety was not a party to the construction contract between the Department and Walker Roofing. *Id.* at 374, 750 S.E.2d at 700. However, Developers Surety argued the Department waived sovereign immunity by entering into a contract with Walker Roofing and the doctrine of equitable subrogation gave Developers Surety the ability to "step into the shoes" of Walker Roofing and file suit against the Department once Developers Surety incurred liability by paying the obligations of its principal under the bond. *Id.* at 374-75, 750 S.E.2d at 700.

74. State Dep't of Corr. v. Developers Sur. & Indem. Co., 295 Ga. 741, 744, 763 S.E.2d 868, 871 (2015).

75. O.C.G.A. §§ 50-21-20 to -37 (2013).

76. 295 Ga. 843, 764 S.E.2d 543 (2014).

77. *Id.* at 844, 764 S.E.2d at 545.

78. Dorn v. Ga. Dep't of Behavioral Health & Developmental Disabilities, 329 Ga. App. 384, 765 S.E.2d 385, 386 (2014).

79. Hartley v. Agnes Scott Coll., 295 Ga. 458, 458-59, 759 S.E.2d 857, 858-59 (2014).

In *Department of Transportation v. Jarvie*,[80] the Georgia Court of Appeals rejected a plaintiff's claim that when the Department of Transportation approved a contractor's request to stockpile material in a highway median, it waived sovereign immunity after a traffic collision fatality involving a dump truck.[81]

V. RECENT LEGISLATION

This year saw a large number of enactments with major changes to administrative agencies at the Georgia General Assembly's regular session. The following are the more prominent measures that have been enacted:

1. The State Soil and Water Conservation Commission has been administratively reassigned and overhauled.[82]

2. The State Revenue Commissioner now has the ability to deny, suspend, cancel, or revoke any permit required under Title 3 relating to alcoholic beverages.[83]

3. The powers and responsibilities of the Governor's Office of Consumer Affairs have been transferred to the Attorney General's Office.[84]

4. The State Charter Schools Commission may now establish a nonprofit foundation to aid the commission.[85]

5. The Nonpublic Postsecondary Education Commission is now the appropriate entity for complaints against nonpublic secondary institutions.[86]

6. An advisory board to the Criminal Justice Coordinating Council for juvenile justice issues has been created.[87]

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80. 329 Ga. App. 681, 766 S.E.2d 94 (2014).

81. *Id.* at 681, 766 S.E.2d at 95. The court emphasized that its conclusion was premised on the plaintiff's claims not being based on a "failure to detect during a project inspection a hidden defect or a deviation from approved plans or regulatory standards" and, instead, coming from the "obvious risks associated with the decision to locate the stockpile in the median." *Id.* at 685, 766 S.E.2d at 98.

82. Ga. H.R. Bill 397 §§ 1-4, Reg. Sess. (2015) (amending O.C.G.A. §§ 2-6-23, -27, 12-7-3, -7.1 (Supp. 2015)).

83. Ga. S. Bill 63 § 2, Reg. Sess. (2015) (amending O.C.G.A. §§ 3-1-2, 3-2-3, 3-3-46, 3-4-24, -24.1, -180, 3-5-36, -38 (Supp. 2015)).

84. Ga. S. Bill 148 §§ 1, 4, Reg. Sess. (2015) (amending various provisions of O.C.G.A. tits. 2, 10, 16, 18, 31, 33, 35, 36, 43, 44, 45, 46, & 51 (Supp. 2015), and repealing O.C.G.A tit. 37 ch. 57 & tit. 46 ch. 10 (Supp. 2015)).

85. Ga. S. Bill 156 § 1, Reg. Sess. (2015) (amending O.C.G.A. § 20-2-2092 (Supp. 2015)).

86. Ga. H.R. Bill 353 §§ 2, 24, 45, Reg. Sess. (2015) (amending O.C.G.A. §§ 20-3-250.2 to -250.5, -250.8, -250.10, -250.14, -250.15, -250.27, 50-13-2 (Supp. 2015)).

87. Ga. H.R. Bill 263 § 1, Reg. Sess. (2015) (codified at O.C.G.A. §§ 35-6A-7, -11, -12 (Supp. 2015) (amending O.C.G.A. § 35-6A-7 (Supp. 2015)).

7. The state treasurer may now place local government investment pool funds in a separate trust fund to be administered by him or her pursuant to policies established by the State Depository Board.[88]

8. The Partnership for Public Facilities and Infrastructure Act passed, which includes the creation of the Partnership for Public Facilities and Infrastructure Act Guidelines Committee.[89]

9. Two additional members have been added to the Behavioral Health Coordinating Council.[90]

10. The Board of Community Supervision, the Department of Community Supervision, and the Governor's Office of Transition, Support, and Reentry have been created as part of the state's massive criminal justice reform overhaul.[91]

11. The State Board of Pardons and Paroles procedures related to the granting of pardons, clemency, and the commutations of a death sentence have been revised.[92]

12. The State Board of Accountancy switched from being a division of the State Accounting Office to being administratively attached to the State Accounting Office.[93]

13. The State Board of Barbers and the State Board of Cosmetology merged into the State Board of Cosmetology and Barbers.[94]

14. The Georgia World War I Centennial Commission has been created.[95]

15. The Transportation Funding Act of 2015 passed, which created the Special Joint Committee of Georgia Revenue Structure.[96]

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88. Ga. H.R. Bill 95 § 1, Reg. Sess. (2015) (amending O.C.G.A § 36-83-8 (Supp. 2015)).

89. Ga. S. Bill 59 § 1, Reg. Sess. (2015) (codified at O.C.G.A. §§ 36-91-110 to -119, 50-5C-1 to -10 (Supp. 2015)).

90. Ga. H.R. Bill 288 § 1, Reg. Sess. (2015) (amending O.C.G.A. § 37-2-4 (Supp. 2015)).

91. Ga. H.R. Bill 310 §§ 2-1, 5-31, 5-72, 5-78 to -79, Reg. Sess. (2015) (codified at O.C.G.A. § 17-10-1.4 (Supp. 2015) (amending various provisions of the O.C.G.A. tit. 17 & tit. 42 (Supp. 2015), and repealing O.C.G.A. ch. 42-8, art. 1, 4, 5, 8, & 9 (Supp. 2015)).

92. Ga. H.R. Bill 71 § 3, Reg. Sess. (2015) (amending various provisions of O.C.G.A. tit. 42 (Supp. 2015)).

93. Ga. H.R. Bill 246 §§ 13, 18, Reg. Sess. (2015) (amending various provisions of O.C.G.A. tit. 43, ch. 3 & tit. 50 ch. 5B (Supp. 2015), and codified at O.C.G.A. § 43-3-24.1 (Supp. 2015)).

94. Ga. H.R. Bill 314 § 1, Reg. Sess. (2015) (amending O.C.G.A. §§ 43-10-1 to -20 (Supp. 2015), and repealing O.C.G.A. tit. 43 ch. 7 (Supp. 2015)).

95. Ga. S. Bill 203 § 1, Reg. Sess. (2015) (codified at O.C.G.A. § 45-13-40 (Supp. 2015)).

96. Ga. H.R. Bill 170 § 1-1, Reg. Sess. (2015) (amending various provisions of O.C.G.A. tit. 28 ch. 12 (Supp. 2015), and repealing various provisions of O.C.G.A. (Supp. 2015)).

16. Pursuant to a comprehensive review by the Governor's Child Welfare Reform Council, extensive reforms have been made to the state's child welfare system.[97]

97. Ga. S. Bill 138, Reg. Sess. (2015) (amending various provisions of O.C.G.A. tit. 49, ch. 2 (Supp. 2015), and repealing O.C.G.A. § 49-2-16, the provision relating to the Council for Welfare Administration (Supp. 2015)).