

## **Bills that Impact County Government Effective on July 1<sup>st</sup>**

For more information, please see the final Legislative Update located here:

[http://www.accg.org/library/leg\\_update\\_051412.pdf](http://www.accg.org/library/leg_update_051412.pdf)

### **ECONOMIC DEVELOPMENT & TRANSPORTATION**

#### **HB 817 DOT Annual Clean Up Bill**

(Rep. Chad Nimmer, 178th)

*Effective July 1, 2012* - This is DOT's annual cleanup bill. Among other provisions it increases, from \$100,000 to \$250,000, the amount that DOT is allowed to contract for without having to go out to bid; allows posting a bid on their website to satisfy the public bid requirement and suffice for having read the bid; and sets out conditions on when, and under what conditions, DOT can close or limit access to state highways. Additionally, counties will no longer be required to get the DOT Commissioner's permission to designate local truck routes so long as they notify DOT of said designation within 90 days of doing so.

#### **HB 835 Increase Weight Limits for Tow Trucks**

(Rep. Jay Roberts, 154th)

*Effective July 1, 2012* - This bill allows for a 5-percent weight variance for tow trucks carrying disabled, damaged or wrecked commercial vehicles within 100 miles of the initial emergency tow pick up location. Said variance requires the purchase of a \$500 annual permit from the DOT. Tow trucks could not exceed a single axle weight of 21,000 pounds, a load on any tandem axle exceeding 40,000 pounds, or a total load length exceeding 125 feet.

#### **HB 897 Georgia Workforce Investment Board**

(Rep. Michael Harden, 28th)

*Effective July 1, 2012*—This bill repeals the Georgia Work Ready Program and greatly revises the rule-making authority and overview of the Georgia Workforce Investment Board.

#### **SB 371 Authorize Counties to Improve Airports with CID Funds**

(Sen. Lindsey Tippins., 37th)

*Effective July 1, 2012* - This bill authorizes cities and counties to enter into cooperative agreements with Community Improvements Districts (CIDs) for the improvement of airports and landing fields within the CID.

### **GENERAL COUNTY GOVERNMENT**

#### **HB 110 Local Government Foreclosed and Vacant Property Registry**

(Rep. Mike Jacobs, 80th)

*Effective July 1, 2012* - HB 110 sets forth procedures to which a county or city must adhere in developing registries for foreclosed and vacant real property. The intent of these registries is to identify responsible parties that can be held accountable for properly maintaining the properties

so that surrounding neighborhoods are not adversely affected. The bill defines foreclosed and vacant properties and imposes a cap on registration fees at \$100 per registration and fines for noncompliance at no more than \$1000. The bill also expressly allows local governments to require owners of the registered properties to update contact information for properties in the registry.

### **HB 685 Responsible Dog Ownership Law**

(Rep. Gene Maddox, 172nd)

*Effective July 1, 2012* - HB 685 extensively revises provisions relating to dangerous and vicious dogs, defining both, and providing for liability to owners for injuries and damage (to persons or property) caused by these dogs. All counties and cities will have to designate an individual as a "dog control officer" to aid in the administration and enforcement of the act, with cities and counties being able to partner and provide one officer over multiple jurisdictions. The dog control officer will receive complaints, make a determination whether a dog is dangerous or vicious, notify owners of said determination and will participate in a hearing process if it occurs. They will also set out standards by which such dogs can be impounded or euthanized, maintain a registry of such dogs, and ensure the enforcement of other aspects of the law such as having these dogs micro chipped and that vicious dogs carry liability insurance of no less than \$50,000.

The bill expressly allows local governments to charge any and all reasonable fees for administering the law; to be more restrictive in their regulations on dangerous and vicious dogs than prescribed by these minimum standards; and stipulates that local governments cannot be held liable for their failure to enforce any of these provisions that result in a person suffering an injury by a dangerous or vicious dog.

### **HB 728 Clarifies Covenants Effect Created Prior to the Adoption of Zoning Laws**

(Rep. Rick Jasperse, 12th)

*Effective July 1, 2012* - HB 728 specifies that covenants that restrict property to certain uses that were created before zoning laws were adopted in a county or city will continue to be effective until the covenant expires according to its terms notwithstanding contrary provisions of the zoning ordinance. However, this limitation applies only to those covenants where the zoning ordinance, upon its initial enactment, expressly acknowledged the continuing application of the covenant's restrictions on uses of the lands subject to the covenant.

### **HB 766 Authorize Counties to Display Foundation of American Law**

(Rep. Tommy Benton, 31st)

*Effective July 1, 2012* - Current state statute authorizes counties to display the Foundations of American Law and Government in judicial buildings. HB 766 expands this statute to authorize said display in any public building. Examples of the Foundations of American Law include the Ten Commandments, Mayflower Compact, Declaration of Independence, Magna Carta and Bill of Rights

### **HB 822 Georgia Taxpayer Protection False Claims Act**

(Rep. Edward Lindsey, 54th)

*Effective July 1, 2012* - HB 822 establishes a procedure in equity that could be used whenever someone makes a false or fraudulent claim for payment from the state or a county or fails to deliver all or any property owed to the state or a county to the state or county. It allows the Attorney General to initiate an investigation or to delegate the investigation to the district attorney "or other appropriate official of a local government." If the Attorney General finds that a violation occurred, he may either initiate a civil action or give the local government the authority to initiate a civil action. Private citizens may also initiate a proceeding on the county's behalf. A private person winning such a case may be awarded between 25% and 35% of the proceeds of the action. The civil penalty is between \$5,000 and \$11,000 plus three times the amount of damages that the county sustains because of the fraud. This bill is similar to existing state Medicaid fraud law and brings the state law into compliance with federal Medicaid fraud law.

### **SB 92 Comprehensive Update of State Elections Law**

(Sen. Joshua McKoon, 29th)

*Multiple Effective Dates (Sections 1-4, 6, 12-45 effective on July 1<sup>st</sup>)*- SB 92 is the Secretary of State's comprehensive elections bill much of which was developed in cooperation with local elections officials. The bill makes numerous changes throughout the election code including changes to: nonpartisan elections; minimum number of members to county election or registration boards; pauper petitions; write-in candidates; candidates selecting their political affiliation; registrar and deputy registrar qualifications; absentee ballot counting; special election voter registration; registration lists and deceased electors; election records storage; electronic device usage in a polling place; ballots; issuance of the call for elections held in conjunction with presidential preference primary;

### **SB 286 Tax Commissioners and Staff: Participation in State Retirement System if County Agrees**

(Sen. Bill Heath, 31st)

*Effective July 1, 2012* - Under current law, tax commissioners and their employees are members of the state retirement system. SB 286 would allow all tax commissioners presently in office and any current employees of a tax commissioner to remain in the state system but tax commissioners first taking office after July 1, 2012 and any employees of a tax commissioner first hired after that date will not automatically be participants in the state retirement system. The county board of commissioners may, however, agree to include them in the state system so long as the county pays to the state the employer's contribution for each such tax commissioner and employee. The county must also agree to collect any employee contributions from the employee and forward same to the state retirement system.

### **SB 402 Authorizes Alternative Investment Options for Public Retirement Systems**

(Sen. Tim Golden, 8th)

*Effective July 1, 2012* - This bill authorizes, but does not require, the state retirement system and other large retirement systems to invest trust assets in specified alternative investments subject to certain conditions and limitations. Examples of alternative investments include leveraged buyout funds, mezzanine funds, debt funds and venture capital funds. Alternative investments cannot in the aggregate exceed 5 percent of a retirement system's assets at any time.

## **HEALTH & HUMAN SERVICES**

### **SB 370 Chase's Law - Prohibition of Synthetic Marijuana**

(Sen. Buddy Earl Carter, 1st)

*Effective July 1, 2012* - This legislation updates the statutory drug formulations so as to outlaw the components of synthetic marijuana, bath salts, etc.

## **NATURAL RESOURCES & ENVIRONMENT**

### **HB 684 Locals to Have Notice of State Park Closings**

(Rep. Debbie Buckner, 130th)

*Effective July 1, 2012* - Under this bill, whenever the Department of Natural Resources is considering closing or reducing (by 50 percent or more) the hours of operation of a state park or recreational area, they are required to provide at least 90 days notice to the city or county in which the park or recreational area is located. The idea being that, with due notice, the local government would have ample time to decide whether it wanted to take over the control, operation and/or management responsibilities.

## **PUBLIC SAFETY & the COURTS**

### **HB 198 Eliminates Sunset for Superior Court Clerks Real Estate Filing Fees**

(Rep. Tom Rice, 51st)

*Effective July 1, 2012*—Under current law, certain fees are collected by the superior court clerks in conjunction with recording certain property records that are given to the Georgia Superior Court Clerks' Cooperative Authority to help fund a state-wide uniform automated information system. This funding mechanism is scheduled to terminate on July 1, 2014. HB 198 eliminates this sunset.

### **HB 247 Department of Community Health Requirement to Fingerprint and Investigate EMS Personnel**

(Rep. Jay Neal, 1st)

*Effective July 1, 2012* - HB 247 requires anyone licensed as an emergency medical service provider to be fingerprinted based on a criminal history check from the Georgia Criminal Information Center and the Federal Bureau of Investigation when they are being licensed or having their licenses renewed. Emergency medical services employees who are currently licensed will only be required to pay a fee for the criminal history background check to renew their licenses. This bill was amended to allow employers to submit an affidavit stating a criminal background check was completed on employees. This bill was further amended to provide authority to the Firefighters Standards and Training Council to refuse to grant a certificate or to discipline a certified firefighter upon the determination that the applicant or firefighter has been convicted of a felony offense

### **HB 351 Increase in Probate Court Judges Retirement Surcharge – Include State Court**

(Rep. Howard Maxwell, 17th)

*Effective July 1, 2012* – This bill eliminates the tiered surcharge on traffic fines to fund probate judges retirement. There will now be a \$3.00 surcharge on every traffic case.

### **HB 534 Change in Population of Counties where Probate Judge Must be Attorney**

(Rep. Carol Fullerton, 151st)

*Effective July 1, 2012*–HB 534 lowers the population threshold before which a probate judge must be an attorney from 96,000 to 90,000.

### **HB 541 Obstruction of Law Enforcement Officials**

(Rep. James Epps, 140th)

*Effective July 1, 2012*–This bill makes it a crime to threaten or intimidate a law enforcement official for actions taken in his or her official capacity. Violation is a felony and punished by a fine between \$5,000 and \$20,000 and/or ten years imprisonment.

### **HB 665 Office of Clerk of Superior Court – Comprehensive Administrative Changes**

(Rep. Billy Maddox, 127th)

*Effective July 1, 2012* - This is a comprehensive bill that is meant to "modernize" the code sections dealing with the clerk of superior court duties. Among the provisions of the bill are requirements to increase the bond executed by the clerk from \$25,000 to \$150,000, the cost of the bond is paid by the governing authority; all publications required by the clerk's office relative to federal, state and local law and digest shall be paid from law library fund; the clerk's office may close for up to eight hours every six months for training with 10 days public notice and approval of the chief superior court judge; no clerk may agree to acquire services, supplies, or equipment that requires expenditure of county funds unless the funds to be obligated are included in the budget of the county for the operation of the clerk's office; when a case is transferred from magistrate court to state or superior court, the filing fee shall also be transferred and the balance of the filing fee in state or superior court is due to the county within 30 days of the transfer; Part

III of the bill is HB 763 which prohibits convicted felons from serving as a juror unless his or her civil rights have been restored.

**HB 827 Fleeing or Attempting to Elude a Police Vehicle or Impersonating and Police Officer A Felony Offense**

(Rep. Bill Hembree, 67th)

*Effective July 1, 2012* - This bill would make it a felony for a driver to fail to stop when given a visual or audible signal from a law enforcement officer.

**HB 872 Comprehensive Revision of Secondary Metal Theft Recyclers and Metal Theft Requirements**

(Rep. Jason Shaw, 176th)

*Section 1 Effective January 1, 2013; All other Provisions effective July 1, 2012* - HB 872 is a compromise bill which includes provisions from the Senate version SB 321. This legislation requires secondary metal recyclers to obtain a permit from the sheriff every year. The sheriff is required to keep a record of all permits, the date of issuance, as well as the name and address of the permit holder. All of the information must be entered into a statewide electronic database created by the GBI. The sheriff may impose a reasonable permit fee.

**HB 900 Cancellation of Certificate of Title for Scrap Metal from Dismantled or Demolished Trailers**

(Rep. Tom Rice, 51st)

*Effective July 1, 2012*- HB 900 provides for cancellation of trailer titles when the trailer is scrapped, dismantled, or demolished. The bill seeks to prevent trailer theft for scrap metal purposes.

**HB 991 Sheriffs Vacancy - Procedures for Filling**

(Rep. Billy Maddox, 127th)

*Effective July 1, 2012*- HB 991 revises the procedure for filling vacancies in the Sheriff's office. The revised procedure is clearly outlined in statute and allows for the chief deputy to fill the vacancy until the next election is held. If there is no chief deputy the probate judge must appoint someone within three days.

**HB 997 Makes Filing a False Lien Statement Against Public Officers a Crime**

(Rep. B.J.Park, 102nd)

*Effective July 1, 2012* - HB 997 creates the new felony crime of filing a false lien or encumbrance against a public officer or public employee. The maximum fine is \$10,000.

**HB 1048 Statewide Process Server Certification - Removal of Sheriff's Approval**

(Rep. Wendell Willard, 49th)

*Effective July 1, 2012* - This bill amends who may serve process so that a person, 18 or over, who is not a party and has been appointed as a permanent process server by that court can no longer serve. It further removes the requirement that the sheriff must approve certified process

servers for their county. This bill also sets a filing fee of \$58 for an application to be appointed as a certified process server.

### **HB 1049 Clarification of Definition Prepaid Cellular Service for Purpose of 911 Fees**

(Rep. Wendell Willard, 49th)

*Effective July 1, 2012* - This legislation requires that all Voice Over Internet Protocol (VOIP) service suppliers register as a provider with GEMA for purposes of paying required 9-1-1 fees. The bill provides a definition of prepaid cellular service to all forms of prepaid service, and clarifies that prepaid cellular service providers are not eligible to bill local government for cost recovery.

### **SB 50 Change in Priority Order for Partial Payments of Fines and Surcharges**

(Sen. Bill Hamrick, 30th)

*Effective on July 1, 2012* - Often times, criminal defendants do not pay all of their criminal fines, surcharges and other fees all at one time. When only a partial payment is made, Georgia law establishes priorities for how the funds are distributed to the various funds and agencies to which they are owed. SB 50 reorders the fees and adds funding of local victim assistance programs to the priority list. The list was reordered to place all fees that are kept locally or benefit local government ahead of all fees that are remitted to the state. The local governing authority has moved up to number 9 on this list from 14.

### **HB 1176 Criminal Justice Reform**

(Rep. Rich Golick, 34th)

*Effective dates range from July 1, 2012 to July 1, 2014 for various sections* - This legislation is an attempt to reduce the prison population by implementing sweeping changes to Georgia's criminal justice system. The proposed changes will result in more cases handled at the local level and will impact local jails.

The bill amends the drug court and mental health court statute to facilitate the creation a statewide system of accountability courts for drug offenders and offenders with mental health issues. Funding was added to the FY 2012 budget to assist local governments in the implementation of new accountability courts and for existing programs.

The bill reduces prison terms for nonviolent offenses, and raises the threshold on a number of felony offenses, which will result in an increase in the county courts caseloads. There is also a revision of the punishment guidelines for a number of crimes, including burglary, shoplifting, forgery and the sale or use of marijuana. Fine amounts were increased to generate additional support for these caseloads at the local level.

Expands the number of offenses to which the Drug Abuse, Treatment and Education (DATE) Fund surcharge attach. The surcharge will now be on an expanded list of felony drug offenses, misdemeanor offenses including DUI and underage alcohol possession. This surcharge will attach to cases at all levels of court, including municipal courts, and must be remitted to county governing authority for the DATE fund, these revenues can be used to operate DUI and Drug

courts. Maximum fees for pretrial diversion programs have been increased as well as fine amounts for various misdemeanor offenses.

### **SB 350 Forfeiture of Firearms Used in Commission of a Crime**

(Sen. Don Balfour, 9th)

*Effective July 1, 2012* - SB 350 specifies that guns forfeited because of their use in the commission of a crime must be disposed of to the highest bidder once they are no longer of use to the law enforcement agency. Before disposing of the gun, law enforcement must try to find the rightful owner, if it is suspected that the gun may have been stolen. Guns that belong to innocent owners must be returned to those owners.

### **SB 351 Requires Recorder's Court Judges to Complete Municipal Judge Training Program**

(Sen. John Crosby, 13th)

*Effective July 1, 2012* - This bill requires a judge "exercising municipal court jurisdiction" such as Recorder's Court to complete the same training as a municipal court judge at the expense of the governing authority where the judge presides. Probate, Magistrate, State and Superior Court Judges are exempt from this requirement.

### **SB 352 Appointment of Prosecutors In Lower Courts**

(Sen. John Crosby, 13th)

*Effective July 1, 2012* - This bill allows the probate court to hire a full time or part time prosecuting attorney (i.e., solicitor) to represent the county in prosecutions in the probate court. The board of commissioners must initially approve the decision to hire a solicitor. The cost of creating an office and personnel needs of the solicitor would be an expense of the county.

### **SB 432 Counties Cannot Enact Any Ordinance More Restrictive Than General Law on Knife Sales**

(Sen. Bill Heath, 31st)

*Effective July 1, 2012* - This bill defines a "knife" as any cutting instrument with a blade. It further limits counties and cities from adopting ordinances or resolutions on knife sales and possession that are more restrictive than state law.

### **SB 441 Establishment of an Offense of Unlawful Pointing of a Laser Device at a Law Enforcement Officer**

(Sen. John Crosby, 13th)

*Effective July 1, 2012* - SB 441 creates the new crime of pointing a laser device at a peace officer. This offense is a high and aggravated misdemeanor.



## **REVENUE & FINANCE**

### **HB 743 Motor Fuel Tax Exemption for Public Transit and Public Campus Systems**

(Rep. Tom Rice, 151st)

*Effective July 1, 2012* - This bill extends the exemptions from the first and second motor fuel taxes for certain public mass transit vehicles owned by public transportation systems and for vehicles operated by public campus transportation systems until June 30, 2015. The current exemptions are scheduled to sunset on June 30, 2012.

### **SB 284 Georgia Land Bank Act**

(Sen. Tim Golden, 8th)

*Effective July 1, 2012* - This legislation authorizes local governments to jointly participate in a land bank authority through intergovernmental agreement. It provides a self-financing mechanism for the land bank, at the option of the local governing authority. It expands the number of board members on the land bank authority to ensure an odd number of board members.

### **SB 293 Replaces County Name Decal with “In God We Trust” on License Plates**

(Sen. Bill Heath, 31st)

*Effective July 1, 2012* - This bill requires tag offices to offer vehicle owners a free decal with the county name or a decal with "In God We Trust" for their license plates.