



Legislative Update

Volume # 1, Issue 12– April 1, 2016

2016 Session of the General Assembly Ends

Georgia lawmakers adjourned the 2016 legislative session at 12:30 a.m. on Thursday, March 24. Over the past three months, legislators have addressed major issues in policy topic areas. Many of these issues will have a direct impact on county operations.

Please review the summary of legislation below for more information on the 2016 General Assembly Session. ACCG will distribute a final report once the 40 days that the governor has to sign or veto the bills has expired, which falls on May 3. For the full text of any of the bills in the legislative update, click on the bill number.

ACCG staff has reviewed the final appropriations bills and has compiled a list of items of interest to counties by state agency. Items listed in black are increases to agency programs, while items listed in red are reductions to agency programs. For a complete overview, see Appendix A.

ACCG thanks all the commissioners and county staff that supported our legislative agenda this year by meeting with legislators and making personal contact through phone calls and emails. County officials serve as the critical component of the ACCG legislative network. Your involvement was instrumental in helping ACCG staff stop or modify several bills that would have been detrimental to Georgia's local governments. A complete list of the bills that did not pass this session begins on page eight of the update.

Bills Passed

ECONOMIC DEVELOPMENT & TRANSPORTATION [Staff: Shared by Policy Staff in 2016]

[HB 579 - ATV/Golf Carts and Other Vehicles Used for Farming on County Roads](#)

(Rep. Tom McCall, 33rd)

Effective July 1, 2016. This legislation allows farmers who are 16 years of age or older to drive all-terrain vehicles and personal transportation vehicles (i.e., motorized vehicles with three or more wheels that can travel up to 20 miles per hour) on public roads to transport agricultural products, livestock, farm machinery or supplies to or from a farm. They may also be used on public roads to transport farmers who are 16 years old or older from their residence to the farm where they work. Cities may prohibit or limit the use of such vehicles on public roads within the city if it is

determined that the use of the vehicles endangers the safety of the traveling public.

[HB 935 - Freeport Exemption for Fulfillment Centers](#)

(Rep. Brett Harrell, 146th)

Effective July 1, 2016. This legislation expands Level 1 Freeport by including stock of a fulfillment center. These centers are defined as business locations which pack, ship, or store property sold by remote means such as the Internet. The stock must actually be shipped to the customer from a location other than the location of the fulfillment center in order to qualify. To add this new exemption, the Board of Commissioners must vote to

place it on a local referendum and it must pass by a majority vote.

[HB 936 - Job Tax Credits](#)

(Rep. Brett Harrell, 146th)

Effective July 1, 2016. This legislation changes the requirements for companies to qualify for job tax credits in less developed areas and in tier one counties. Instead of requiring the average wage of the new jobs created to be higher than the average wage of the county, each new job created will be required to be higher than the average wage in the county.

[SB 379 - Sales Tax Exemptions for Certain Fire Districts and Job Training Organizations; TAVT for Water and Sewer Authorities and Recovery of HOA Fees in a Tax Sale](#)

(Sen. Frank Ginn, 47th)

Effective July 1, 2016. This legislation: 1) provides an exemption from both state and local sales and use tax for sales to fire districts that have elected governing bodies and are supported, in whole or in part, by ad valorem taxes; 2) provides a limited duration state, but not local, sales tax exemption for qualified job training organizations (Goodwill Stores); 3) authorizes delinquent Homeowner Association fees to be recovered in a tax sale; 4) requires a portion of TAVT be distributed to water and sewer authorities created by local constitutional amendment that levy a millage rate.

[SB 383 - Removal of Roadside Vegetation When Blocking the Visibility of a Commercial Building](#)

(Sen. Frank Ginn, 47th)

Effective July 1, 2016. This legislation gives the Roadside Enhancement and Beautification Council authorization to recommend to the Department of Transportation commissioner when removal or trimming of trees and vegetation is appropriate in target view zones between commercial or industrial properties and roadways. It also establishes procedures for applicants to obtain a permit to remove or trim trees and vegetation along state roadways. All local zoning and sign ordinances would apply.

[SB 307 - Electronic Advertising at Bus Stops](#)

(Sen. Brandon Beach, 21st)

Effective July 1, 2016. This legislation allows transit agencies to have multimedia signs on transit vehicles and bus shelters.

[SB 420 - Local Referendum for Fixed Guideway Transit](#)

(Sen. Lindsey Tippins, 37th)

Effective July 1, 2016. This legislation requires counties that participate in Georgia Regional Transportation Authority (GRTA), Metropolitan Atlanta Rapid Transit Authority (MARTA), or some other mass transportation regional system to hold a referendum prior to the spending of funds on establishing, maintaining or operating a fixed guideway transit (i.e., a public transportation system that uses and occupies a permanent, separate right of way reserved for the use by trains or a bus rapid transit systems).

GENERAL COUNTY GOVERNMENT

[Staff: Todd Edwards]

[HB 59 - Provide Waiver of Sovereign Immunity for Declaratory Judgment](#)

(Rep. Wendell Willard, 51st)

Effective upon Governor's signature. This legislation allows injunctions and declaratory judgment actions to be brought against the county (i.e., it waives sovereign immunity) when the county causes injury to a person by acting in violation of the Georgia Constitution or state law. This waiver of sovereign immunity does not allow the person bringing the lawsuit to obtain monetary damages, attorney's fees or litigation costs. HB 59 does not allow inmates or institutionalized individuals to bring injunctions or declaratory judgment actions against counties.

[HB 73 - Elections - Allow Local Law for District Durational Residency](#)

(Rep. Scot Turner, 21st)

Effective upon Governor's signature. This legislation allows the General Assembly to pass local legislation requiring that candidates for the board of commissioners reside within the district from which they are elected for at least 12 months.

[HB 216 - Workers' Compensation for Firefighters Who Contract a Disease in the Line of Duty](#)

(Rep. Micah Gravely, 67th)

Effective July 1, 2016. This legislation has been amended and it allows claims for workers' compensation benefits be provided to a firefighter who develops cancer, if proven by a preponderance of evidence, along with clear medical evidence, that there is a direct link to their employment as a firefighter as the cause of the cancer. This bill is the House version of SB 29.

[HB 370 - Authorize Ethics Commission to Waive Certain Penalties of Local Officials](#)

(Rep. Barry Fleming, 121st)

Effective upon Governor's signature, but various deadlines entailed. This legislation authorizes the Georgia Government Transparency and Campaign Finance Commission to waive penalties improperly assessed against local elected officials who did not file, filed late, or filed an incomplete contribution disclosure report or personal financial disclosure statement from Jan. 1, 2010 to Jan. 10, 2014. Said reports may again be filed in paper format for a fee of \$40. There is a grace period for those who did not file, filed late, or filed an incomplete report in that four-year period whereby the public official will be deemed in compliance until Dec. 31, 2016.

[HB 513 - Elimination of Verification Requirement in Suits Filed for Infringement of First Amendment Rights](#)

(Rep. Ron Stephens, 164th)

Effective July 1, 2016. This legislation no longer requires individuals filing suit against the county for an alleged infringement of their First Amendment rights to verify that the lawsuit is grounded in fact, is warranted by existing law (or has a good faith argument for the extension, modification or reversal of existing law), as well as to verify that the lawsuit is not filed to harass, cause unnecessary delay or needless increase in the cost of litigation to the county. This verification requirement protects county taxpayers from defending frivolous lawsuits filed with the intention to harass or waste time.

[HB 727 - Fireworks – More Local Control](#)

(Rep. Paul Battles, 15th)

Effective upon Governor's signature. This legislation revises many of the issues created by the new fireworks law adopted last year. Fireworks can now be used on any day of the year between 10:00 a.m. and 9:00 p.m. (with the exceptions below). Local governments may allow/regulate their usage up until midnight. On July 3, July 4 and Dec. 31, fireworks may be used statewide from 10:00 a.m. to 11:59 p.m.) and on Jan. 1 fireworks may be used statewide from midnight to 1:00 a.m. and 10:00 a.m. to 11:59 p.m. For a more detailed summary of the legislation, please click [here](#).

[HB 767 - Utility Vehicles – Must Pass with Caution](#)

(Rep. Alan Powell, 32nd)

Effective July 1, 2016. This legislation requires drivers to slow down and change lanes, if possible, when a utility service vehicle (including those of a county) has flashing lights or traffic cones placed around the truck. If a lane change is not possible, one must slow down.

[HB 949 - Purchasing Cards and Credit Cards for Constitutional Officers](#)

(Rep. Alan Powell, 32nd)

Effective July 1, 2016. This legislation authorizes the sheriff, tax commissioner, superior court clerk and probate judge to develop their own credit card or purchasing card (p-cards) policy and user agreement, rather than being issued one by the county. The sheriff, tax commissioner, superior court clerk and probate judge will be required to develop their own specific guidelines for the use of credit cards or p-cards by their department beginning on July 1, 2016. The policy must designate the officials or employees who are authorized to use a credit card or p-card, specify a user agreement and transaction limits for the use of the card, include a description of authorized and unauthorized purchases, designate a credit card/p-card administrator, establish a process for auditing and reviewing the purchases made with the cards and outline procedures for addressing a violation of the credit card/p-card policies. A copy of the specific policies promulgated by each constitutional officer must be filed with the board of commissioners.

A provision requiring counties to name all of its employees granted p-cards and credit cards in their local ordinance was removed from the bill before final passage.

[HB 1004 - Electronic Filing of Maps, Plats, and Plans with Superior Court Clerk](#)

(Rep. Rick Jasperse, 11th)

Effective January 1, 2017. This legislation changes the requirements for the filing of maps and plats with the superior court clerk. Under current law, all maps and plats are filed and recorded in the superior court clerk's office. HB 1004 no longer requires that physical maps and plats be maintained in the superior court clerk's office. Instead, digital images will be maintained by the Georgia Superior Court Clerks' Cooperative Authority (GSCCCA). The superior court clerk is required to keep a public computer terminal to provide access to the maps and plats.

[HB 1060 - Guns – Omnibus 2016 Legislation](#)

(Rep. Alan Powell, 32nd)

Effective July 1, 2016. This is the General Assembly's 2016 omnibus gun carry legislation, making many revisions to current statute. Among its many provisions, the bill addresses fairness in financial transactions with firearms dealers; honors out-of-state gun licenses in Georgia for 90 days for those that move here; allows hunters and fishermen to carry knives; revises school safety zone carry; allows probate courts to distribute gun safety information; addresses the suspension of a carry application; renewing licenses; exempting certain law enforcement officers from license requirements and allowing carry in a courthouse; carrying weapons at a

commercial service airport; and appealing the denial of a license to those declared mentally incompetent.

The provision which would have made it impossible to prohibit weapons in government buildings leased to third parties (e.g. arenas, football domes, baseball fields, concert halls, etc.) was removed from the bill.

SB 184 - Animal Control - No Higher Local Fees for Intact Hunting Dogs

(Sen. Ellis Black, 8th)

Effective July 1, 2016. This legislation prohibits counties and cities from charging higher registration, licensing or permitting fees for intact hunting dogs than would be charged for spayed or neutered animals.

SB 191 - Call Before You Dig - Local Governments with Stricter Standards Cannot Impose Fines

(Sen. Lindsey Tippins, 37th)

Effective July 1, 2016. This legislation revising Georgia's Call Before You Dig law was scaled back significantly after one year of intense negotiations. Local governments which have different white lining, marking or other utility locate procedures than the state Department of Transportation or Public Service Commission cannot impose fines on those failing to follow the local procedures. The bill also extends, from 21 to 30 days, the time by which blasting or excavating must occur after providing notice.

SB 199 - Elections - Omnibus Bill

(Sen. Rick Jeffares, 17th)

Effective upon Governor's signature. SB 199 became host to several elections bills in the waning hours of the legislative session. First, it clarifies what "campaign material" may not be displayed or distributed at or near polling places. It also allows for the reopening of qualifications in city elections under certain circumstances and provides that local Acts by the General Assembly can require candidates for the county commission to reside in their respective districts for at least 12 months prior to their qualifying for election.

Next, if candidates for local office exceed \$2,500 in campaign contributions, but do not exceed \$5,000, the two dates on which campaign reports can be filed are June 30 and December 31 (formerly June 30 and October 25).

Lastly, in 2015, the "second Saturday" of advanced primary runoff voting fell on the 4th of July, reducing voter participation and making it difficult to staff the polling stations. Under this bill, if the second Saturday of advance voting in any general, primary, or runoff election falls on a federal holiday or holiday weekend, then the third Saturday prior to these elections will become the Saturday for advanced voting.

SB 269 - Immigration Sanctuaries - Locals Must Certify Non-Sanctuary Compliance to Get State Funds

(Sen. Jesse Stone, 23rd)

Effective July 1, 2016. Under this legislation, cities and counties must "certify" that they are in compliance with Georgia's prohibition on immigration sanctuary law before receiving any state funds. To certify, cities and counties must sign and submit a certificate of non-sanctuary compliance along with their annual immigration compliance report to the Department of Audits.

SB 270 - Impersonating Military Service or Award, and False Public Alarms

(Sen. P. K. Martin, IV, 9th)

Effective July 1, 2016. In addition to including various provisions of HB 1060, this legislation makes it unlawful for a person to make a false or fictitious statement/claim that they are military veteran or recipient of a military decoration in order to receive a tangible benefit. It is also unlawful to wear a military uniform in court unless so authorized, or wear a military decoration which a person has not been awarded. This bill also makes it a crime to knowingly and intentionally transmit a false public alarm.

SB 275 - School Boards Cannot Limit Expression of their Members

(Sen. Michael Williams, 27th)

Effective July 1, 2016. To the author's and General Assembly's credit, this legislation no longer applies to counties. It prohibits school boards from adopting policies or rules that have the effect of preventing board members from discussing policies and actions of the board. Items discussed in executive session as well as any items that are not subject to open records disclosure are exempted.

SB 327 - Purchasing - Can't Do Business with those that Boycott Israel

(Sen. Judson Hill, 32nd)

Effective July 1, 2016. This legislation mandates that the state obtain certification on every contract over \$1,000 for construction, services, supplies or information technology that the other party does not presently conduct a boycott of Israel.

It had earlier applied to city and county contracts as well; however, that language was stripped out of the bill in committee.

SB 335 - Retirement - Further Ensures ACCG and Counties can Invest Pension Investments in Commingled Funds

(Sen. Ellis Black, 8th)

Effective July 1, 2016. This legislation expands the type of commingled funds and collective investment funds that public retirement systems can invest to include those funds maintained by state chartered banks or trust companies.

SB 350 - Fireworks - Dedicating the State's 5-Percent Excise Tax

(Sen. Jeff Mullis, 53rd)

Effective January 1, 2017, conditioned on the passage of a constitutional amendment. SB 350 dedicates the proceeds of the 5-percent state excise tax on fireworks as follows: 1) 55 percent goes to the Georgia Trauma Care Network Commission; 2) 40 percent goes to the Georgia Firefighter Standards and Training Council to be used for grants to aid local fire departments with equipment and training; and 3) 5 percent goes to local government 9-1-1 systems, to be dispersed proportionally as are, and along with, prepaid cell phone proceeds. The bill is

contingent upon voter approval of a companion constitutional amendment, SR 558, that would truly dedicate this state money as aforementioned.

SB 356- Animal Control - Counties to be Reimbursed for Cost of Care

(Sen. Michael Williams, 27th)

Effective upon Governor's signature. SB 356 establishes a process for animal control agencies to recover costs for caring for an animal impounded for violation of the Georgia Animal Protection Act. If an animal owner refuses to relinquish custody, counties that are sheltering an animal (e.g., in dog fighting or animal hoarding cases) have the *option* to charge a bond to the owner to pay the costs of emergency medical care, rehabilitation, food and shelter. For more information, please click [here](#).

HEALTH & HUMAN SERVICES

[Staff: Debra Nesbit]

HB 219- Exemption from Department of Public Health Inspection Requirements for Small Condominium Complex Pools

(Rep. Jeff Jones, 167th)

Effective July 1, 2016. Current law subjects public swimming pools to government inspection and licensing requirements. Private pools are not subject to the same requirements. In 2000, however, 88 counties were grandfathered in to have their Boards of Health continue to regulate pool issues such as fences, chemical levels, suction drains, etc., on private pools (apartment, subdivision, county club and other like pools). The current version of this bill allows condominiums, with pools that are for 75 persons or less, to opt out of state inspections, but requires inspection with a private inspector certified by the Department of Public Health. Counties retain the ability to assess a fee for the cost of providing inspections. All local ordinances in place remain in force.

HB 768- Establishment of ABLE Act and Tax Exemption for Certain Accounts

(Rep. Lee Hawkins, 27th)

Effective upon Governor's signature. This legislation creates the Georgia Achieving Better Life Experience (ABLE) program that allows the creation of Section 529A accounts to pay for qualified disability expenses of an individual. The bill also excludes the program from the definition of agency for purposes of the Georgia Administrative Procedures Act.

HB 853- Update Current Systems of Levels of Certified Stroke Centers

(Rep. Lee Hawkins, 27th)

Effective upon Governor's signature. This legislation amends the Coverdell-Murphy Act by updating the levels of certification for stroke centers throughout the state.

HB 897- Allow Establishment and Operation of Drug Repository Program for the Elderly Indigent

(Rep. Betty Price, 48th)

Effective July 1, 2016. This legislation allows the Department of Public Health to implement a program by which the donation of certain unused prescription drugs can be made for use by indigent patients.

SB 230- Uniform Emergency Volunteer Health Practitioners Act

(Sen. Chuck Hufstetler 52nd)

Effective July 1, 2016. This legislation allows the use of volunteer health practitioners during emergencies.

SB 271- Creation of Standards for Mental Health Patient Notice

(Sen. Dean Burke, 11th)

Effective July 1, 2016. This legislation establishes a procedure for a mental health patient receiving involuntary treatment to object to a petition by their doctor to continue the involuntary treatment. If the patient cannot afford an attorney to represent him or her, the court may appoint an attorney.

[SB 402 - Moratorium on Narcotic Treatment Program Licensure](#)

(Sen. Jeff Mullis, 53rd)

Effective June 1, 2016. This legislation enacts a moratorium on issuing new licenses to narcotic treatment programs.

NATURAL RESOURCES & the ENVIRONMENT

[Staff: Todd Edwards]

[HB 1028 - Landfills - EPD to Provide Local Governments Notice of Dangerous Releases](#)

(Rep. Bill Werkheiser, 157th)

Effective July 1, 2016. This legislation requires the owner of a municipal solid waste landfill to notify (within 14 days of confirmation by the state Environmental Protection Division) the governing authority of the county or city where the landfill is located of any confirmed release from the landfill site of a contaminant which is likely to pose a danger to human health. The landfill owner must also post notice in the legal organ of the county in which the landfill is located.

within 10 business days of receipt of such request. The failure of a water supplier to provide such statement within 10 business days shall cause any lien for unpaid charges to be extinguished, and, in addition, water suppliers cannot deny water services to the new property owner or tenant.

[SB 346 - Roads - Exempt Projects Less than \\$100 Million from the Environmental Policy Act](#)

(Sen. Brandon Beach, 21st)

Effective July 1, 2016. Under this bill, a state or local government road or airport project that does not exceed \$100 million does not have to go through the stringent requirements of the Environmental Policy Act. However, an environmental evaluation shall be considered in the decision-making process when it is probable to expect significant adverse impact on historical sites or buildings and cultural resources.

[SB 206 - Water Liens](#)

(Sen. William Ligon, Jr., 3rd)

Effective July 1, 2016. This bill allows property owners, tenants, real estate closing attorneys or potential lenders to request and be provided a statement from the water provider indicating the amount of water charges past due. A response is required from the water supplier

PUBLIC SAFETY & the COURTS

[Staff: Debra Nesbit]

[HB 738 - Revisions to County Law Library Fund](#)

(Rep. Johnnie Caldwell, Jr., 131st)

EFFECTIVE DATE. This legislation adds the district attorney to the board of trustees of the county law library for each county in his or her judicial circuit.

(Rep. Wendell Willard, 51st)

Effective January 1, 2017. This legislation creates a new Judicial Qualifications Commission if voters approve a statewide referendum to amend the Georgia Constitution proposed by HR 1113.

[HB 779 - Regulation of Drones](#)

(Rep. Kevin Tanner, 9th)

Effective July 1, 2016. Pre-empts counties from adopting a resolution or ordinance to regulate drones, unless a no fly zone approval has been granted by the FAA. Once approval is obtained from the FAA, ordinances regarding the use of drones within the no fly zone are allowed. The bill does allow a county to prohibit take off, recovery, or use of a drone from or on public property, allows the use of drones by local governments for certain purposes, such as law enforcement (with a subpoena), EMS, mapping, emergency management, utilities, rescue, etc.

[HB 851 - Revisions to the Local Law Library Statute and Requirement that Funds Be Audited](#)

(Rep. Alex Atwood, 179)

Effective upon Governor's signature. This legislation requires the county law library board of trustees to have an annual audit; include the District Attorney on the Board; and allows for equipment purchases from the fund for the courthouse. The bill also clarifies that the law library fee charged on all civil filings is an add-on to the filing fee, not a deduction from the county portion of the filing fee.

[HB 808 - Creation of New Judicial Qualifications Commission](#)

[HB 941 - Grand Jury Review of Peace Officer's Use of Deadly Force](#)

(Rep. Rich Golick, 40th)

Effective July 1, 2016. This bill makes procedural improvements for grand juries investigating police use of deadly force. Currently officers may attend the entire proceedings, provide statements, and rebuttals. Under the new procedure a court reporter is required to take down the entire proceeding and the officer may provide a statement to the grand jury, but will not be allowed to attend the entire proceeding. This legislation also provides for a 20 day notice to the officer of the proceeding, but eliminates a notice requirement to elected officials of a grand jury proceeding regarding alleged unprofessional conduct.

HB 976 - Records Retention Requirements for Law Enforcement Body Camera or Dash Camera Video

(Rep. Bill Hitchens, 161st)

Effective July 1, 2016.

This legislation establishes a records retention schedule for video recordings of law enforcement surveillance devices, body worn devices and devices located on law enforcement vehicles. Videos from law enforcement surveillance devices are required to be kept for 30 days unless the recording is part of a criminal investigation, shows a car accident, shows the arrest or detainment of an individual, shows a law enforcement officer's use of force, or can reasonably be anticipated to be necessary for pending litigation, in which case it must be kept for 30 months. Videos from body cameras or cameras on vehicles must be kept for 180 days unless it is part of a criminal investigation, shows a car accident, shows the arrest or detainment of an individual, shows a law enforcement officer's use of force, or can reasonably be anticipated to be necessary for pending litigation, in which case it must be kept for 30 months. If a lawsuit is filed, the video must be kept until the lawsuit is completed. Counties may charge an additional \$12 to make copies of videos.

HB 1025 - Service of Citation for Violations of Ordinance Violations

(Rep. Tom Taylor 79th)

Effective July 1, 2016. This legislation allows local legislation permitting county ordinance violations that deal with the condition of real property to be served by leaving a copy of the citation at the property, mailing a copy to the property owner shown in the records of the tax commissioner or tax assessor, and filing a copy with the magistrate court clerk. If the owner of the property fails to attend the trial, a fine against the property (i.e., "in rem") is the only penalty permitted.

HR 1113 - Judicial Qualifications Commission

(Rep. Wendell Willard, 51st)

Effective upon Governor's signature. This resolution, along with HB 808, calls for a statewide referendum to

consider a change to the Georgia Constitution creating a new Judicial Qualifications Commission.

SB 64 - Revision of Juvenile Code Regarding Legitimation and Disqualification of Judges in Certain Circumstances

(Sen. Chuck Hufstetler, 52nd)

Effective July 1, 2016. This legislation changes the requirements for records involving paternity. This bill was amended to include the language from SB 262 which deals with disqualification of judges in cases where there may be a conflict due to a familial relationship.

SB 255 - Reform Garnishment Proceedings

(Sen. Jesse Stone, 23rd)

Effective 30 days following Governor's signature. This legislation is a rewrite of garnishment law necessitated by a recent federal court ruling that struck down a portion of Georgia's garnishment law. Garnishment is a court order used when an individual owes money. It requires an employer (or other third party) to take a portion of salary (or other money held by a third party belonging to the debtor) and pay it to the person who obtained the garnishment order. SB 255 addresses how counties will handle garnishments filed against their employees, as well as how county retirement plans respond to garnishments filed.

SB 262 - Disqualification of Judges, Judicial Officers, Grand Jurors for being related to a Party and E-filing

(Sen. Jesse Stone, 23rd)

Effective July 1, 2016. This legislation disqualifies judges, grand jurors and trial jurors from serving on a case where they are related within three degrees of anyone interested in the outcome of the case. This includes relations as a child, parent, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, great-grandparent or great-grandchild. Current law requires disqualification if there is a relationship of four degrees (which would include up to second cousins, great-aunts and uncles, great-great-aunts and uncles, great-nieces and nephews, and great-great-nieces and nephews).

This bill was amended to include HB 1027 which provides that by court rule or standing order any state court may accept electronic filings and for the acceptance of payments and remittances by electronic means.

SB 263 - P.O.S.T. Certified Officers May Keep Weapon Upon Retirement Upon Resolution of Governing Authority

(Sen. Bruce Thompson, 14th)

Effective July 1, 2016. This legislation allows commissioners to adopt policies allowing their sworn

peace officers to retain their weapons and badge upon retirement.

SB 304 - Pursuing Justice for Rape Victims Act

(Sen. Elena Parent, 42nd)

Effective July 1, 2016. This legislation addresses the backlog of sexual assault evidence, commonly referred to as “rape kits”, that can be used to identify rapists. It requires medical professionals, who collected evidence for rape kits prior to July 1, 2016, to notify law enforcement by July 15, 2016. Law enforcement must collect the rape kits by July 31, 2016. The evidence must be submitted to the GBI by August 31, 2016.

Law enforcement must also create a list of evidence from these forensic medical examinations in their possession on August 1, 2016, and submit it to the GBI by August 15, 2016.

To prevent a future or continuing backlog, SB 304 requires medical professionals to notify law enforcement when they have conducted a medical examination that produced evidence for a rape kit. Law enforcement has 96 hours to obtain the rape kit from the medical professional. Within 30 days of collecting the rape kit,

law enforcement must submit it to the GBI Division of Forensic Sciences.

SB 367 - Georgia Council on Criminal Justice Reform Recommendations

(Sen. John Kennedy, 18th)

Effective July 1, 2016; Part IX Effective upon Governor's Signature. This legislation enacts the recommendations made by the Georgia Council on Criminal Justice Reform. For a summary of the legislation, click [here](#).

SB 416 - Establishment of Georgia Information Sharing and Analysis Center

(Sen. Bill Cowsert, 46th)

Effective July 1, 2016. This legislation creates the Georgia Information Sharing and Analysis Center under the management of the Georgia Bureau of Investigation. The center will combine resources, expertise and intelligence from state and local governments to maximize the ability to detect, prevent and respond to criminal activities or homeland security activities, such as terrorist attacks, hostile military or paramilitary actions, extraordinary law enforcement emergencies or fire or medical emergencies requiring resources beyond the capabilities of a county or city.

REVENUE & FINANCE

[Staff: Clint Mueller]

HB 364 - Tax Digest Violation Penalty

(Rep. David Knight, 130th)

Effective July 1, 2016. This legislation gives the Department of Revenue the authority to revoke a county's qualified local government status if the Board of Tax Assessors fails to comply with an order to remove a property that the department determines is illegally on the tax digest. Once the qualified local government status has been revoked, the Board of Commissioners is given the authority to remove and reappoint the Board of Assessors to correct the tax digest and reinstate the county's qualified local government status. The tax tribunal is also given jurisdiction over refund petitions filed under the new requirements and can award attorney fees and interest along with any refunds.

HB 547 - Year's Support

(Rep. Barry Fleming, 121st)

Effective July 1, 2016. This legislation changes the way that unpaid property taxes of a surviving spouse are collected as a part of year's support. When there is a homestead property, no other properties can be set aside. If there is no homestead property, then other types of properties can be set aside.

HB 763 - Sales Tax Exemption on Donated Food

(Rep. Penny Houston, 170th)

Effective July 1, 2016. This legislation amends the exemption for the sale of food to a qualified food bank and the exemption from the use of food donated to a qualified nonprofit agency by removing the sunset from each exemption and making them both permanent. Both exemptions apply to state as well as local sales and use taxes.

HB 769 - Exempt Watercraft and ATVs Held in Dealer Inventory from Property Tax

(Rep. Lee Hawkins, 27th)

Effective January 1, 2017. This legislation makes permanent the current exemption from ad valorem tax for watercraft held for sale or resale in dealer inventory. It also creates a new ad valorem tax exemption for ATVs held in dealer inventory.

HB 862 - Redefine Disabled Veterans for Tax Exemptions

(Rep. David Knight, 130th)

Effective upon Governor's signature. This legislation standardizes and clarifies the definition of a disabled veteran for purposes of their exemption from vehicle taxes, homestead exemption and free license plate and registration.

HB 866 - Exempt Multiple Employer Self-Insured Health Plans from Insurance Premium Tax

(Rep. Shaw Blackmon, 146th)

Effective upon Governor's signature. This bill provides that multiple employer self-insured health plans are exempt from insurance premium taxes.

[HB 937 - Extend Sunsets on Sales Tax Exemption for Projects of Regional Significance and Rental Car Excise Tax](#)

(Rep. Brett Harrell, 146th)

Effective July 1, 2016. This bill extends the sunset on the state and local sales and use tax exemption for competitive projects of regional significance from June 30, 2016 until June 30, 2019. It also extends the sunset on the rental car excise tax from 2038 to 2047.

[HB 951 - Sales Tax Holiday and Exemption on Tickets to Major Sporting Events](#)

(Rep. Chad Nimmer, 178th)

Effective July 1, 2016. This legislation reauthorizes for 2016 only, the two-day, back-to-school sales tax holiday and the two-day energy star sales tax holiday. It also provides a state and local sales tax exemption for the sale of admissions to major sporting events. It includes sports championships or events determined by the commissioner of economic development and the state revenue commissioner to generate at least \$50 million of revenue to the host locality.

[HB 960 - Penalties and Interest on Delinquent Taxes](#)

(Rep. Trey Kelley, 16th)

Effective July 1, 2016. This legislation requires the Department of Revenue to notify a local government when a refund request has been made that exceeds 10 percent of their average annual sales tax distribution. It also changes the interest rate owed on tax overpayment and delinquent taxes to the bank prime loan rate plus 3 percent. The penalty for delinquent property taxes is reduced initially to 5 percent after 120 days passed the due date then an additional 5 percent penalty is added for every additional 120 days passed due until a maximum penalty of 20 percent has been reached. Any penalties collected on city ad valorem taxes must be sent to the city. Finally, automatic transmittal of refund request that remain pending for over a year to the Georgia Tax Tribunal.

[HB 987 - CUVA Breach Exemption for Not-for-Profit Rodeos and Residential Homes](#)

(Rep. Tom McCall, 33rd)

Effective July 1, 2016. This legislation allows the owner of a property in CUVA to host a not-for-profit rodeo without breaching their covenant. It also allows a property owner 24 months to occupy a residential home that has been removed from a CUVA covenant.

[HB 991 - Military Service in a Combat Zone; Waive Penalty and Interest on Delinquent Property Taxes](#)

(Rep. Bill Hitchens, 161st)

Effective July 1, 2016. This legislation authorizes the tax commissioner to waive the penalty and interest on delinquent property taxes if it is determined that the owner was in the military serving in a combat zone and there was no gross negligence or willful neglect to not pay the taxes when due. The taxes must be paid in full within 60 days of the taxpayer's return from such military service.

[SB 258 - Property Tax Appeals](#)

(Sen. Fran Millar, 49th)

Effective upon Governor's signatures; tax becomes effective January 1, 2017. This legislation: 1) restricts the assessed value from increasing beyond the initial assessment value established by the board of tax assessors when the property is appealed unless it is under a two year lock; 2) provides for rural health care organizations and establishes an income tax credit for contributions made to them; 3) changes the definition of disabled veteran for purposes of the free license plate and homestead exemption; and 4) changes the conditions for establishing the two-year lock on assessments established on appeal.

[SB 283 - Bank Pool to Collateralize Public Deposits](#)

(Sen. John Kennedy, 18th)

Effective upon Governor's signature. This legislation establishes a mandatory pool for collateralizing public deposits for the 10 largest banks in the state. Other banks can participate voluntarily. The pool allows for cross collateralization to address new federal regulations implemented this year on the larger banks that increase their required collateralization of public deposits.

Appropriations

[HB 750 FY 2016 Amended Budget](#)

(House Speaker David Ralston, 7th)

Effective February 17, 2016. This legislation is the state's supplemental budget for July 1, 2015 through June 30, 2016.

Full summary on items of interest to counties provided in Appendix A.

[HB 751 FY 2017 Annual Budget](#)

(House Speaker David Ralston, 7th)

Effective July 1, 2016. This legislation is the state's budget for July 1, 2016 until June 30, 2017.

Full summary on items of interest to counties provided in Appendix A.

Bills that Failed to Pass in 2016 Session

ECONOMIC DEVELOPMENT & TRANSPORTATION

- **HB 411** - Highways- Increase Truck Weight for Hauling Unprocessed Wood

GENERAL COUNTY GOVERNMENT

- **HB 381** - Rewrite of Georgia Law on Notaries
- **HB 535** - Alcohol - Sell Earlier for Sunday Brunch
- **HB 677** - Legalize Casino Gaming in Georgia
- **HB 699** - County Commissioners - Dramatically Change Term in Office
- **HB 711** - New Cities - Paying off Pension Obligation of County Workers
- **HB 734** - Lost in Space - Local Noise Ordinances
- **HB 749** - Regional Commission Councils - Allow to Meet by Teleconference
- **HB 781** - County Boards and Authorities - Restrictions on Who May Serve
- **HB 785** - Townships - Create with Zoning, Land Use and Building Code Powers
- **HB 838** - Insurance - Mandated 5 Percent Commissions on Premium Payments
- **HB 849** - Georgia's Civil Rights Act
- **HB 1031** - Elections - Winners by Less than 1 Percent May Also Request Recount
- **SB 264** - Horse Racing - Legalize in Georgia
- **SB 267** - Guns - Reduce Local Licensing Fee by Half
- **SB 272** - Townships - Create with Zoning, Land Use and Building Code Powers
- **SB 276** - Georgia Personal Data Security Act
- **SB 375** - New Cities - Reforms, Predictability and More Adequate Information in the Process
- **SB 394** - Campaign Contributions - Prohibitions on Vendors Doing Business with County

HEALTH & HUMAN SERVICES

- **HB 722** - Medical Marijuana Registry and Cultivation

NATURAL RESOURCES & ENVIRONMENT

- **HB 693** - Georgia Legacy Trust Fund
- **HB 966** - Stream Buffers - Change from Point of Wrested Vegetation to "Ordinary High Water Mark"
- **HB 1022** - Inert Landfills - Simplify the Permitting Process
- **HR 502** - Trust Funds - Allow General Assembly to Create
- **SB 321** - Public Utility Data - Locals Cannot Publicize Usage Data
- **SB 326** - Soil Erosion and Sedimentation - Shorten Time for LIA to Act on Permits

PUBLIC SAFETY & THE COURTS

- **HB 93** - Requirement That All Law Enforcement Destroy Captured License Plate Data after One Year
- **HB 499** - Driver's License Sanctions from Automated Traffic Control Devices on School Buses
- **HB 832** - Delay of Civil Forfeiture Proceeding until Conclusion of Criminal Proceedings
- **HB 856** - Increase Bond Requirements for Probate Courts
- **HB 909** - Prohibition of Insurance Companies Setting Fire Insurance Rates Based Solely on ISO Ratings
- **HB 939** - Allows Administrative Office of the Courts to Transfer Debt Setoff Collections to Local Courts
- **HB 973** - Commissioner of the Department of Public Safety to Regulate Towing Providers on Interstate
- **HB 996** - Reinstates Cash Payments by Secondary Metal Recyclers for Regulated Metal Property
- **HB 1026** - Property Owner Fines for Code Violations
- **HB 1059** - Creation of Local Government 9-1-1 Authority
- **SB 6** - Georgia Road Safety and Driver's License Integrity Act
- **SB 77** - DNA Collection by Local Jails of Anyone Charged with a Felony
- **SB 325** - Preemption of County Regulation of Drones
- **SB 387** - Creation of Local Government 9-1-1 Authority

REVENUE & FINANCE

- **HB 158** - Revisions to TAVT
- **HB 471** - Property tax recovery fees on construction, industrial, and other equipment
- **HB 487** - Sales Tax Exemption for Data Centers
- **HB 496** - Solar Farm Exemption for CUVA and FLCUP
- **HB 789** - Franchise Fees - Authorize Counties to Collect
- **HB 894** - School Impact Fees
- **HB 898** - Sales Tax Exemption on Aviation Fuel
- **HB 911** - Georgia Agriculture Tax Exemption (GATE) Oversight
- **HB 1005** - LOST Renegotiations
- **SB 253** - Exempt Local Governments from State Motor Fuel Excise Tax
- **SB 259** - Statewide Floating Homestead Exemption
- **SB 286** - Clarify Use of Insurance Premium Tax

2016 Study Committees

[HR 978 - House Study Committee on Historic Site Preservation](#)

(Rep. Debbie Buckner, 137th)

[HR 1363 - House Special Study Committee on Judicial Qualifications Commission Reform](#)

(Rep. Wendell Williard, 51st)

[HR 1605 - House Study Committee on Regional Transit Solutions](#)

(Rep. Chuck Martin, 49th)

[SR 467- Senate Higher Education Access for Homeless Foster Youth Study Committee](#)

(Sen. Donzella James, 35th)

[SR 876 - Joint High-Speed Broadband Communications Study Committee](#)

(Sen. Steve Gooch, 51st)

[SR 1032 - Senate Sexual Offender Registry Study Committee](#)

(Sen. Jeff Mullis, 53rd)

[SR 1085 - Senate Regional Transit Solutions Study Committee](#)

(Sen. Steve Gooch, 51st)

[SR 1098 - Senate Crime Study Committee](#)

(Sen. JaNice VanNess, 43rd)

[SR 1171 - Senate Judicial Qualifications Commission Study Committee](#)

(Sen. Joshua McKoon, 29th)

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Appendix A

OVERVIEW OF FY AMENDED 2016 AND FY 2017 GOVERNOR'S RECOMMENDED BUDGETS

The broad numbers contained in FY Amended Budget include a revised revenue estimate, with a total of \$22,990,473,796 increasing overall revenues by \$1,157,594,289, with an overall amended budget for FY2016 of \$19,796,146,041.

The overall broad numbers for the FY 2017 revenue estimate is \$23,739,409,078, with an FY 17 Budget of \$20,428,002,694.

Listed below are the items within agencies and programs that are of most interest to county governments. To view the full budget documents follow the links to the [Amended FY 2016 Final Bill](#) and [The Budget Conference Committee Report and Final Budget Numbers](#).

ACCG will continue to update the overview as the House and Senate make their recommendations.

Judicial Council of Georgia

FY 2017

- Increase funds for the Cold Case Project to identify children most likely to age out of foster care without a family (\$75K).

Prosecuting Attorney's Council

FY2017

- Increase funds for personal services for recruitment, retention, and career advancement of assistance district attorneys (\$1.8 million). Provide funds for one additional assistance district attorney for six newly established accountability courts in the following circuits: Cordele, Houston, Middle, Paulding, Rome, and Toombs.
- Increase funds for 10 assistant district attorney positions to support juvenile courts across the state (\$727K). Fifteen positions were funded last year in the 2016 budget.

Department of Behavioral Health and Developmental Disabilities (DBHDD)

FY 2017

- Add 100 additional slots for the New3 Options Waiver (NOW) (\$1.2 million)
- Increase funds for 93 additional direct care staff at the Gracewood Campus in Augusta (\$2.8 million).
- Increase funds to provide for an additional salary increase for health aides to address recruitment and retention issues (\$8.7 million across all divisions).
- Provide six months of funding to reflect a provider rate increase for the Comprehensive Supports Waiver Program (\$11.9 million).
- Increase funds for one Behavioral Health Crisis Center to provide community-based emergency/urgent mental health services (\$5.7 million).
- Provide funds to implement the juvenile code rewrite (\$1.2 million)

Department of Community Affairs

FY 2016

- Increase Payments to OneGeorgia Authority (\$18,400,243)

FY 2017

- Increase funds for environmental project (\$100K)
- Increase funds for Coastal Regional Commission of Georgia grants for coastal infrastructure (\$100K)
- Increase funds for the Second Harvest of South Georgia Food Bank (\$25K)

- Increase funds for Central State Hospital Redevelopment Authority Phase I study (\$25K)
- Use new and existing funds for small film production business grants (\$300K)
- Reduce one time funds for the Metropolitan North Georgia Water Planning Contract (\$250K)
- Increase funds for Georgia Rural Water Association(\$50K)
- Increase funds for the grants for Resource Conservation and Development Districts (\$55K)

Department of Community Health

FY 2016

- Increase funds to provide the state match for Disproportionate Share Hospital (DSH) payment (\$14,668,976). Total funds for FY 2016 \$44,996,858.
- Increase funds to cover expenses related to higher pharmacy costs of Hepatitis C drugs (\$23 million) and Cystic Fibrosis drugs (\$3.4 million).
- Increase funds for Medicaid based on projected need (\$72.3 million).

FY 2017

- Increase funds for growth in Medicaid based on projected need (\$92 million).

Department of Corrections

FY 2017

- Provide funds for merit based pay adjustment and employee recruitment and retention initiatives across all divisions (\$7.8 million).
- Increase funds to incentivize county correctional facilities to provide educational opportunities and graduate inmates from GED and vocational programs. Provides for a \$1,000 per student performance based funding to the CI's, with a total (\$1.3 million) available.
- County jail subsidy (\$5K).

Department of Economic Development

FY 2016

- Increase funds for contractual services for the economic development outreach initiative in China.

Department of Human Services

FY 2016

- Increase funds for Child Welfare Services (\$13.2 million).
- Increase funds for Out-of-Home care (\$64.4 million).

FY2017

- Increase funds for 10 Parent Accountability Court Positions with staggered start dates (\$185K)
- Provide funds for 175 additional child protective caseworkers (\$7.3 million).
- Provide funds for 10 additional kinship navigators (\$550K).
- Increase funds for 10 parent accountability court positions with staggered start dates (\$185K)
- Increase funds for an additional 11 adult protective services caseworkers (\$761K).
- Increase funds to hire 180 additional eligibility caseworkers and for operational costs to avoid further federal penalties and sanctions (\$5.4 million).
- Increase funds for out-of-home care utilization (\$51.5 million).
- Provide funds for 10 additional kinship navigators(\$584K)
- Provide funds to the Court Appointed Special Advocates (CASA) to enhance state-wide capacity for the program (\$750K)
- Increase funds to the DFCS Special Assistant Attorney Generals for a \$4 per hour increase (\$1.5 million)
- Provide funds for a 1.5% provider rate increase for Child Caring Institutions, Child Placing Agencies, foster parents and relatives.
- Provide funds to increase each county's allocation from \$46,000 to \$47,000 (\$159K)

Georgia Bureau of Investigation

FY 2017

- Increase funds for five toxicology scientist positions with staggered start dates (\$763K)
- Increase funds for four toxicology scientist positions with staggered start dates (\$468K)
- Increase funds for 22 investigator positions to address increased investigative caseloads statewide with staggered start dates (\$3 million).
- Increase funds for two new analysts to work in the Georgia Information Sharing and Analysis Center (\$200K)
- Provide additional funds to retain law enforcement officers (\$760K)

Criminal Justice Coordinating Council (administratively attached to GBI)

FY 2017

- Increase funds for the Accountability Court Grants Program to expand and create adult felony drug courts (\$1.5 million).
- Increase funds for the Accountability Court Grants Program to expand existing courts and provide the state match to implement and support new veteran's courts (\$460K).
- Increase funds for the Accountability Court Grants Program to expand and create mental health courts (\$639K).
- Increase funds for the Accountability Court Grants Program to expand and create county DUI courts (\$390K).
- Increase funds for the Accountability Court Grants Program to expand the Juvenile Incentive Funding Grant program to provide fiscal incentives to communities to create and utilize community based options for juvenile offenders (\$250K).
- Increase funds for the Accountability Court Grants Program to provide fidelity review and technical monitoring for treatment providers (\$247K).
- Increase funds for the Accountability Court Grants Program to enter into an agreement with the Department of Driver Services to provide one position for a dedicated call center for driver's license reinstatement (\$50K).
- Provide funds for a 3% increase in grants for domestic violence shelters and sexual assault centers (\$361K)

Department of Juvenile Justice

FY 2017

- Increase funds for an additional salary increase for security officers to address recruitment and retention issues (\$5.5 million).
- Increase funds to add 63 positions and operational funds for security management, education, and medical services at the Terrell Regional Youth Detention Center (\$2.7 million).
- Provide funds for a 1.5% provider rate increase for Child Caring Institutions
- Redirect funds from the Milan Youth Development Campus to support facility sustainment costs (\$461K)

Department of Law

FY 2017

- Increase funds to implement a new salary structure to target attorney with up to 15 experience and address salary compression for more experienced attorneys (\$2.4 million)
- Increase funds to retain key attorneys and develop future agency leaders (\$570K)
- Increase funds to establish a fellowship program to recruit top talent for the agency (\$293K)

Department of Natural Resources

FY 2016

- Increase funds for the Hazardous Waste Fund (\$3 million).
- Increase funds for the Wildlife Endowment Fund based on license revenues (\$290K).

FY 2017

- Provide additional funds to retain law enforcement officers (\$571K)
- Provide funds for raising sunken vessels causing navigational hazards in Lake Lanier (\$25K)

Public Defender's Standards Council

FY 2016

- Increase funds for conflict cases (\$3 million).

FY 2017

- Increase funds to assign the investigator to the Atlanta office (\$65K).
- Increase funds for one additional attorney position in the Office of Mental Health Advocate (\$113K).
- Increase funds to provide salary and operating expenses in accordance with the Cordele settlement agreement (\$118K).
- Increase state funds for 15 additional juvenile public defenders with staggered start dates (\$923K).
- Increase funds to hire an additional trial team for the Georgia Capital Defender (\$350K)
- Increase funds for personal services for recruitment, retention, and career advance of assistant public defenders (\$741K)

Department of Public Health

FY 2017

- Provide funds for the Positive Alternatives for Pregnancy and Parenting Grant Program (\$2 million)
- Increase funds for the Biomedical Prevention Clinic (\$100K)
- Provide funds for merit based pay adjustments and employee recruitment and retention initiatives (\$7.3 million).
- Increase funds for the Georgia Poison Center to support additional staffing needs (\$150K)
- Provide funds for therapies for children with congenital disorders (\$1.7 million)
- Provide funds to complete the phase-in of the new general grant-in-aid formula to hold harmless all counties (\$1.4 million).
- Increase funds to provide for an additional salary increase for registered nurses to address recruitment and retention issues (\$1.8 million).

Vital Records

- Provide funds for a new vital records facility real estate rent (\$522K).

Department of Public Safety

FY 2017

- Increase funds for a 50 man trooper school (\$5.9 million)
- Increase funds for training courses at the Fire Academy (\$240K)

Department of Public Safety (Peace Officer Standards Training Council)

FY 2017

- Increase funds for one curriculum development position (\$50K).

Department of Public Safety (Governor's Office of Highway Safety)

FY2016

- Increase funds for driver education to reflect the intent of SB 321 (2013 Session) (\$820K).

Department of Revenue

FY 2016

- Increase funds for Forestland Protection Act grants to meet projected need (\$15 million), for a total of \$29 million for FY2016.

FY 2017

- Forestland Protection Act grants remain at \$14 million.

Department of Transportation

FY 2016

- Increase funding for general transportation projects (\$759 million) resulting from HB 170

FY 2017

- Increase and allocate funds in accordance with the Strategic transportation Plan for Capitol Construction Projects (\$475 million)
- Increase and allocate funds in accordance with the Strategic transportation Plan for Capitol Maintenance Projects (\$302 million)
- Increase funds to recognize additional revenue from HB 170 (15 session) for construction administration (\$12.6 million)
- Increase funds for departmental administration (\$8.5 million)
- Increase LMIG (\$41 million)
- Increase funds for routine maintenance (\$204.7 million)
- Increase funds for Traffic Management and Control (\$3.7 million)

GEFA

FY 2017

- \$30 million in bonds for water supply projects.