



Legislative Update

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Stay Alert – Major Issues Remain in Final Days

With just over two weeks left in the session most of the major issues still remain to be decided by the legislature, including approving the FY 2010 budget, eliminating the ad valorem tax on motor vehicles, dramatically reforming GDOT, and potentially passing enhanced transportation funding. This is the most dangerous time of the session when legislators need to hear from their commissioners to understand the impact of policies on which they are voting.

Please stay tuned for ACCG Action Alerts and be sure to get the best contact information for your Representatives and Senators – such as a cell phone number or email address that goes directly to them. Your voice makes a huge difference, especially in these final weeks.

Vehicle Tax Reform

House Bill 480 is getting a lot of attention in the Senate as House Leadership continues to promote the elimination of ad valorem tax and sales tax on vehicles replaced by a title transfer fee. Currently, both the Senate and the House are considering numerous changes to the bill. The data does not exist for ACCG to do a fiscal impact analysis on this bill by county. **ACTION ALERT: Therefore, we would like for each county to do their own fiscal analysis and submit the results to ACCG and your legislators. Please continue talking to your legislators about the potential impact this bill will have on your county.** Additional information is available at www.accg.org.

Transportation Governance Hearings Continue

Hearings on SB 200 – wide-sweeping GDOT reform – continued this week in the House Transportation Committee. The legislation creates a new state transportation agency that will manage the planning, funding and construction of transportation projects. Please be sure to review this legislation closely and discuss your county's perspective with your Representative. Additional information is available at www.accg.org.

Immediate Action Needed

HB 64 Death Certificates Signed by Coroners

(Rep. Chuck Sims, R-169)

Under current law, a physician is supposed to certify the cause of death for patients under their care or those on whom they have performed an autopsy. Some physicians are delaying or failing to do this in a timely manner, which unfairly delays the grieving family from being able to collect any life insurance or probate the estate. This bill puts the physician's duty to sign the death certificate on the coroner. This bill would include deaths from natural causes in a hospital. This legislation will impact county government budgets, as it would

entitle the coroners to a death investigation fee of \$175. Currently, this is the duty of a physician; the physician does not collect a fee for doing it. To shift the duty to the coroner will cost taxpayers for something a physician should be doing in the first place.

Status: Passed House; pending in Senate Health & Human Services Committee

ACCG Position: Opposed

Staff: Ashley Meggitt, ameggitt@accg.org

ACTION ALERT: Please contact your Senators today to express the potential impact this will have on county taxpayers.

HB 480 Comprehensive Revision of Taxation on Motor Vehicles

(Rep. Harry Geisinger, R-48)

Beginning on January 1, 2010, this bill will remove the ad valorem tax and sales tax on the sale of motor vehicles and replace it with a one time title fee in the amount of the lesser of \$2,000 or 7% of the value of the vehicle. Motor vehicles titled prior to January 1, 2010 will continue to pay ad valorem taxes until the title is transferred. The proceeds of this new tax will be initially split 52% to local governments and 48% to the State. The local government share will be increased to 60% over a five-year period. Reimbursement for lost property taxes will be made from the local share of revenue before allocating the remainder. The rest of the local proceeds will repay the lost local sales tax and will be distributed on a monthly basis. This bill also provides a mechanism for trauma funding under the state's share of the proceeds. ACCG has several concerns with this legislation.

Status: Passed House Ways & Means Committee; pending in Senate Finance Committee

ACCG Position: Under Evaluation

Staff: Clint Mueller, cmueller@accg.org

ACTION ALERT: Please review the summary information on our website and contact your Senator.

HB 516 Limit Local Control on Industrialized and Manufactured Homes

(Rep. Jay Roberts, R-154)

This bill nullifies and prohibits local ordinances that treat industrialized buildings any differently from buildings constructed on site so long as the former meet state code. All zoning, land-use, setback and other requirements are reserved to the local government, but no ordinances can apply strictly to industrialized homes that do not apply to stick-built. Additionally, local governments are prohibited from enacting any ordinances that conflict with or are more stringent than the state's for pre-owned manufactured homes. Furthermore, counties will not be able to prohibit manufactured homes from being brought into their community based solely on their age.

Status: Passed House; pending in Senate Agriculture Committee

ACCG Position: Oppose

Staff: Todd Edwards, tedwards@accg.org

ACTION ALERT: Please have your county attorney review this bill and provide comments to ACCG on possible impacts at your earliest convenience.

SB 83 Increase to Statewide Homestead Exemption

(Sen. Chip Rogers, R-21)

This bill calls for a statewide referendum this June to increase the statewide homestead exemption from \$2,000 to \$4,000 and index future annual increases to inflation. Counties will have to pay the cost of having a special election in June and local governments would lose approximately \$120 million in property tax revenues if the referendum passes.

Status: Passed Senate; failed on House floor; recommitted to House Rules Committee

ACCG Position: Oppose

Staff: Clint Mueller, cmueller@accg.org

ACTION ALERT: Contact your Representative and ask them to continue to oppose SB 83.

Progressing Legislation

HB 2 E-Verify and SAVE Compliance

(Rep. Tom Rice, R-51)

This bill prohibits the state from awarding LARP funds to any county or city that has not complied with the E-Verify and SAVE programs. The Department of Transportation is charged with verifying compliance. Several modifications have been made to the legislation which will prevent counties from being penalized if the Department of Homeland Security fails to process, register or respond to a local request, or if any entity other than the county governing authority is not in compliance. Further changes were made to delay the penalty provision until January 1, 2010 in order to allow

counties time to comply with the newly established requirements. The definition of local public benefits was altered dramatically in the final Appropriations Committee Substitute to the bill and will need to be revised in order to provide clear direction to counties on what constitutes a local public benefit.

Status: Passed House; pending in Senate Public Safety Committee

ACCG Position: Neutral

Staff: Michele NeSmith, mnesmith@accg.org

HB 181 Unidentifiable Sales Tax Proceeds

(Rep. Rick Austin, R-10)

This bill would eliminate the sunset date on the pro rata distribution formula for the Department of Revenue's (DOR) unidentifiable local sales tax proceeds, granted by the General Assembly in O.C.G.A. § 48-8-67. The pro rata formula noted the need for a fair way to redistribute the local monies to the appropriate taxing jurisdiction levied by consent of the local voters. By removing the sunset date, the Department of Revenue can continue to disperse these local sales tax funds which contribute to further tax relief for local property taxpayers.

Status: Passed House; pending in Senate Finance Committee

ACCG Position: Support

Staff: Ashley Meggitt, ameggitt@accg.org

HB 233 Assessment Cap Moratorium

(Rep. Ed Lindsey, R-54)

This legislation places a moratorium on inflationary growth in property reassessments for the next three years. Deflation, however, could be reflected in the tax digest. The state ¼ mill is not included in this moratorium so tax assessors will have to make costly upgrades to their software to track two values on each parcel of property. Counties performing county-wide revaluations for 2009 or under contract to perform county-wide revaluation before January 1, 2009 would be exempt from the moratorium until 2010.

Status: Passed House; passed Senate; pending action on the House floor

ACCG Position: Oppose

Staff: Clint Mueller, cmueller@accg.org

HB 325 Background Checks on EMS Personnel

(Rep. Austin Scott, R-153)

This bill would require the Department of Human Resources to require fingerprinting and criminal background investigations of all applicants for licensure and license renewal as emergency medical services personnel.

Status: Passed House; pending in Senate Health and Human Services Committee

ACCG Position: Support

Staff: Ashley Meggitt, ameggitt@accg.org

HB 396 Electronic Transmission of Traffic Citation Reports

(Rep. Tom Graves, R-12)

This Georgia Department of Driver Services bill was amended to allow counties to continue receiving 40 cents for each traffic citation report electronically transmitted to the Department of Driver Services within 10 days. Counties and cities receive approximately \$400,000 each year for electronically filing these reports.

Status: Passed House; passed Senate Public Safety and pending in Senate Rules

ACCG Position: Neutral

Staff: Matt Hicks, mhicks@accg.org

HB 438 Mega Tax Credit

(Rep. Larry O'Neal, R-146)

This bill expands the type of companies eligible to receive the benefits of the mega tax credit, which is for large, high-impact economic development projects that create at least 1,800 jobs and \$450 million in investment or a \$150 million payroll. By adding a qualification mechanism based on payroll, the credit will expand eligibility of projects to other than those in manufacturing, such as biosciences, energy, finance, services and more.

Status: Passed House; pending in Senate Finance

ACCG Position: Support

Staff: Matt Hicks, mhicks@accg.org

HB 439 Amend BEST Credits

(Rep. Larry O'Neal, R-146)

This bill updates the BEST tax incentive legislation the state uses to recruit businesses to Georgia. Specifically, the existing headquarters tax credit is simplified and broadened to offer incentives based on establishing jobs paying higher than the average wage in a proposed county. Job tax credits can now be applied to payroll withholding benefits once all other tax liability has been exhausted. The port tax credit now includes imports as well as exports. The retraining tax credit more strictly defines eligible companies and technology, and limits eligibility to a per-year award rather than a per-program award. The research and development tax credit is improved to support small, innovative companies by removing a current requirement that a company have positive net income for the previous three years – a challenge for most emerging technology companies.

Status: Passed House; pending in Senate Finance Committee

ACCG Position: Support

Staff: Matt Hicks, mhicks@accg.org

HB 464 Deductions from an Inmate Account to Pay for Medication Costs

(Rep. Barbara Massey Reece, D-11)

This bill would allow a state, county or private detention facility to be repaid for the cost of providing medication for certain outlined purposes to an inmate by deducting that amount from the inmate's account. It does not apply to the cost for medications relating to pregnancies or chronic illness.

Status: Passed House; pending in Senate State Institutions & Property Committee

ACCG Position: Support

Staff: Ashley Meggitt, ameggitt@accg.org

HB 529 Locals Preempted on Regulating Farm or Ag Production

(Rep. Tom McCall, R-30)

This bill prohibits local governments from adopting ordinances, rules or regulations regulating crop management or animal husbandry practices involved in the production of agricultural or farm products on any property where such agricultural use in compliance with applicable zoning.

Status: Passed House; pending in Senate Agriculture Committee

ACCG Position: Opposed; however, the author continues to work with ACCG on our concerns. Please contact ACCG at your earliest convenience with your comments on this bill.

Staff: Todd Edwards, tedwards@accg.org

SB 20 No State and Federal Funds for Counties not Signed up with SAVE Program

(Sen. Chip Pearson, R-51)

This legislation would prohibit local governments from having a policy protecting illegal immigrants, referred to as a "sanctuary policy." Since no Georgia counties have a sanctuary policy, ACCG does not oppose this portion of the legislation. However, SB 20 would punish counties that are not signed up and using the E-Verify program (i.e., checking new employees to insure that they are in the country legally) and the SAVE program (i.e., checking applicants for "public benefits" to insure that they are in the country legally) by withholding all state and federal funding. ACCG opposes this portion of the bill. Although many counties have applied for the SAVE program, only three counties have made it all the way through the Department of Homeland Security process. Apparently, applications are held up by the Department of Homeland Security because Georgia law is not clear as to what constitutes a "public benefit." ACCG opposes punishing counties by withholding of state and federal funds when they are, in good faith, trying to comply with state and federal law.

Status: Passed Senate; pending in House Governmental Affairs Committee

ACCG Position: Oppose

Staff: Kelly Pridgen, kpridgen@accg.org

SB 26 Open Records Exemption for Public Safety Employees' Personal Information

(Sen. David Shafer, R-48)

This bill adds volunteer firefighters, emergency medical technicians, and paramedics to the list of employees whose home address, telephone number, social security number, or insurance or medical information is excluded from the Open Records Act. This bill further adds account numbers, including utility account numbers and passwords to the list of information for an individual that is excluded from the Open Records Act.

Status: Pending in Senate Judiciary

ACCG Position: Support

Staff: Michele NeSmith, mnesmith@accg.org

SB 42 Restructuring the Georgia Public Defender Standards Council

(Sen. Preston Smith, R-52)

This bill would place the employees of the Georgia Public Defender Standards Council in a new state agency, known as the Georgia Public Defender Agency. They would no longer be overseen by the Georgia Public Defender Standards Council, but would be answerable to the Agency Director, who is appointed by and is answerable to the Governor. The Georgia Public Defender Standards Council would be redesignated as an advisory body. Four members of the council would still be county commissioners. ACCG is working with the author to get changes to address problems with the current system and still provide meaningful input from county commissioners.

Status: Passed Senate; pending in House Judiciary Non-Civil Committee

ACCG Position: Under Evaluation

Staff: Kelly Pridgen, kpridgen@accg.org

SB 82 Metal Theft

(Sen. Renee Unterman, R-45)

This legislation enhances several regulations on scrap metal sellers and recyclers, requiring that a photo be taken of the metal purchased, an oath from the seller that they are the owner or agent thereof, a vehicle title for vehicles sold, the photo identification of seller, and that sellers of copper wiring be paid by check if the amount exceeds \$100, among other provisions. It also increases penalties for metal theft.

Status: Passed Senate; pending in House Judiciary Committee

ACCG Position: Support

Staff: Todd Edwards, tedwards@accg.org

SB 96 Mandated Creation of County, City and School Board Ethics Commissions

(Sen. Kasim Reed, D-35)

Senate Bill 96 would require every county, city and school board in the state to establish an ethics panel to hear complaints from citizens regarding alleged ethical violations by county officials. These panels would have the power to investigate complaints, subpoena witnesses, issue reprimands, and levy fines. As such, counties would have to hire investigators and attorneys to implement the work of the panels.

Status: Passed Senate; pending in House Ethics Committee

ACCG Position: Oppose

Staff: Jim Grubiak, jgrubiak@accg.org

SB 141 Prompt Recording of Foreclosure Deeds

(Sen. Bill Hamrick, R-30)

SB 141 would impose a late filing fee for the purchaser of a foreclosed property who fails to file their deed on time ranging from \$250 to \$5,000. The superior court clerk would distribute the proceeds from the filing fees to counties if the property is in the unincorporated area, and to cities if the property is within the city, to be used for code enforcement, public safety or public development purposes. The funds generated by this penalty must be in addition to what is budgeted for these purposes. The clerk would be allowed to retain 3% of the amount collected as an administrative fee. The prompt filing of these deeds will also help local governments determine the owner of the property and hold them responsible for ordinance violations.

Status: Passed Senate; pending in House Judiciary Committee

ACCG Position: Support

Staff: Kelly Pridgen, kpridgen@accg.org

SB 188 Code Enforcement Official Certification

(Sen. Renee Unterman, R-45)

This bill establishes a certification program for Georgia's Code Enforcement Officials to be managed by the Georgia Association of Code Enforcement (GACE). Nothing in this bill requires a county to send its code officials through this training, obtain certification, or pay any costs if the county elects not to do so. ACCG has worked with GACE over the past year in the development of this legislation.

Status: Passed Senate; pending in House Judiciary Committee

ACCG Position: Support

Staff: Todd Edwards, tedwards@accg.org

SB 233 Certification / Recertification Exams for EMTs

(Sen. Doug Stoner, D-6)

This bill would allow for the Board of Emergency Medical Services to administer or approve an exam for certifying and recertifying, Emergency Medical Technicians (EMTs). In particular, this exam would need to more closely align with the scope of practice for technicians as previously outlined by the board.

Status: Passed Senate; pending in House Health & Human Services Committee

ACCG Position: Support

Staff: Ashley Meggitt, ameggitt@accg.org

SR 277 Trauma Care Network- \$10 Motor Vehicle Registration Fee

(Sen. Greg Goggans, R-7)

This bill authorizes the collection of a trauma charge of \$10.00 on all passenger motor vehicle registrations by constitutional amendment. Monies would be used as set forth by the Georgia Trauma Care Network Commission via the Georgia Trauma Trust Fund, which was established to improve trauma care in the state. The charge is to be collected by tax collectors or tax commissioners, in the same manner and at the same time as the license fee is collected and prior to the issuance of a license plate or revalidation decal.

Status: Passed Senate; pending in House Ways and Means Committee

ACCG Position: Support

Staff: Ashley Meggitt, ameggitt@accg.org

What's New

SR 522 Create Impact Fee Study Committee

(Sen. Bill Jackson, R-24)

This resolution creates a Senate Study Committee made up of five Senators. The charge is to study Georgia's Development Impact Fee Act generally and ensure that business interests are properly protected and that citizens are treated fairly. An advisory committee made up largely of developer interests is also created to advise the study committee.

Status: Passed Senate Local Government and Operations Committee; pending in Senate Rules

ACCG Position: Neutral

Staff: Matt Hicks, mhicks@accg.org

HR 624 Study Committee on Constitutional Officers' Fees

(Rep. Larry O'Neal, R-146)

This resolution would create a study committee to examine the Constitutional Officers' fines and fees. In particular, the committee will explore the relationship between the statutorily decided fee schedule, and the actual cost of service. The study committee will recommend any changes, as they see fit, in order to update these schedules. This includes fines and fees collected by sheriffs, probate judges, superior court clerks, tax commissioners, and magistrate judges. The committee will be appointed by the Speaker of the House and will be composed of four members of the House, one county commissioner, and one constitutional officer.

Status: Pending in House Ways & Means Committee

ACCG Position: Support

Staff: Ashley Meggitt, ameggitt@accg.org

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