



# Final Legislative Update

Volume # 2, Issue 16- June 10, 2011

## 2011 Session of the General Assembly Ends

Each year, the Association County Commissioners of Georgia (ACCG) compiles a final Legislative Update to summarize legislation of importance to counties passed by the Georgia General Assembly and signed or vetoed by the Governor. This Legislative Update is designed to serve as your guide to legislation from the 2011 session of the Georgia General Assembly and includes a brief summary as well as effective dates for each bill and resolution.

ACCG thanks county officials for their interest and involvement in the 2011 legislative session. The county network is a vital component of the ACCG legislative team. By staying informed about progressing legislation and keeping in touch with your state legislators, you can have a definite impact on the outcome of specific legislation.

Guided by the 2011-2012 County Platform, the ACCG legislative team had a successful year by addressing many priorities identified by county officials through the consensus building policy development process. The cycle continues this summer as county officials from throughout the state come together to discuss issues for the 2012 legislative session during Policy Committee meetings.

ACCG encourages you to take time this summer to meet with your state legislators. Building relationships with your counterparts at the state level will facilitate better communications when they are at the Capitol during the legislative session. Work with your surrounding counties to coordinate a roundtable between state and local officials to discuss issues and share perspectives.

The ACCG policy team stands ready to assist you in any way. Watch for the ACCG Capitol Connection electronic newsletter that will serve as your way to stay informed about the work of the policy staff and other legislative issues throughout the rest of the year.

## Bills Passed

### ECONOMIC DEVELOPMENT & TRANSPORTATION

[Staff: Matthew Hicks]

#### **HB 137 Revise GDOT Code on Several Matters**

(Rep. Donna Sheldon, 105<sup>th</sup>)

*Effective July 1, 2011* - This GDOT bill requires the county to notify GDOT when abandoning asbestos pipe and to retain ownership, similar to the abandonment of a county road.

#### **HB 179 Allow Clear Cutting in Front of Billboards**

(Rep. Jon Burns, 157<sup>th</sup>)

*Effective July 1, 2011* - This bill addresses removal or maintenance of trees and vegetation near billboards on the state road system. Billboard owners have to get a vegetation removal permit through GDOT. The law includes protection for trees that are considered historic or landmarks. For signs taller than 75 feet, in order to get a vegetation maintenance permit from the GDOT, the owner would have to agree to reduce the height of the sign to 75 feet unless lowering the sign is precluded by a county code or regulation. If the height reduction involves a new support mechanism, like a new pole, then the owner is required to get a written footer inspection from the county. GDOT may refuse to grant a vegetation maintenance permit for any signs with material that is considered "obscene" in accordance with state or local law.

#### **SB 54 Expand Truck Weight Limits for Poultry Waste and Allow GDOT to Issue Multi-trip Permits**

(Sen. Jeff Mullis, 53<sup>rd</sup>)

*Effective July 1, 2011* - This bill grants a 5% weight limit variance for poultry waste. It expands the current 100-mile limit for exceeding the variance in place for other industries to 250 miles for poultry waste. The bill also allows GDOT to issue multi-trip permits for overweight vehicles.

#### **SB 240 Change Regulations of Golf Carts and Similar Vehicles**

(Sen. Jeff Mullis, 53<sup>rd</sup>)

*Effective January 1, 2012* - This bill creates a new class of personal transportation vehicles that go no faster than 20 mph and weigh less than 1,375 pounds. The vehicles are required to meet minimum equipment standards as defined in the bill.

#### **SR 30 GDOT to Preauthorize Counties to Clear Snow and Ice from State Routes**

(Sen. Jeff Mullis, 53<sup>rd</sup>)

*March 29, 2011* - This resolution by the full General Assembly follows this year's snow storms that paralyzed significant parts of Georgia for a week in January. GDOT is urged to develop a list of qualified and responsible contractors willing to assist in weather or other emergencies and to develop and implement a procedure to preauthorize local governments to clear snow and ice from state routes during an emergency.

### GENERAL COUNTY GOVERNMENT

[Staff: Todd Edwards]

#### **HB 87 Illegal Immigration Reform and Enforcement Act of 2011**

(Rep. Matt Ramsey, 72<sup>nd</sup>)

*Effective July 1, 2011; secure and verifiable document requirements effective January 1, 2012; business compliance with E-Verify is phased in over next two years* - For a summary of the major provisions of the Illegal Immigration and Reform Enforcement Act of 2011, [see Appendix A.](#)

#### **HB 92 Reduce Early Voting Period**

(Rep. Mark Hamilton, 23<sup>rd</sup>)

*Effective upon preclearance by the United State Department of Justice* - This bill shortens the duration of in person, no

excuse, early voting from 45 days to 21 days, making the early voting period in Georgia consistent for all elections - from city (which is presently 21 days) to county, state and federal. It also brings Georgia closer to the national average of 24 days. To provide an increased opportunity to vote early for those who normally have to work, it mandates that polls must be open the second Saturday prior to an election for early voting. [To read more see Appendix B.](#)

#### **HB 158 Change Dates Related to Nonpartisan Elections**

(Rep. James Mills, 25<sup>th</sup>)

*Effective July 1, 2011* - This bill changes the election of judges back from the November general election to the

summer primary election. The author explains this will potentially save counties money by avoiding costly run-offs solely for judicial offices and it reverts the elections back to the dates in place prior to 2005.

**HB 223 No Building Codes for Manure and Dead Animal Storage Buildings**

(Rep. Rick Jasperse, 12<sup>th</sup>)

*Effective May 11, 2011* – This bill exempts structures on farms built primarily to store manure and dead animals from any building codes.

**HB 232 Improve State Ethics Requirements**

(Rep. Edward Lindsey, 54<sup>th</sup>)

*Effective January 10, 2011* – This bill addresses unintended consequences from the ethics reform law passed in 2010. First, local officials may now file Campaign Contribution Disclosure Reports and Personal Financial Disclosure Reports with the state either electronically or via paper. It removes the requirement that local officials submit a current email address to the state. The Campaign Finance Commission (formerly the State Ethics Commission) must notify local officials via mail rather than electronically about "the filing of a complaint; a technical defect in a filing; a failure to make a timely filing; or a late fee or other penalty." It removes the requirement that every county staff person that speaks with a legislator must register as a lobbyist. Now, county staff must register as lobbyists only if they spend more than 10% of their time lobbying or spend more than \$1,000 to influence a public officer.

[To read more see Appendix C.](#)

**HB 261 Certain Public Records Exempt**

(Rep. Alex Atwood, 179<sup>th</sup>)

*Effective May 12, 2011* – This bill allows counties to keep confidential any records relating to a government

sponsored program that provides training on governmental security measures.

**HB 302 Change Date of 2012 Primary**

(Rep. Donna Sheldon, 105<sup>th</sup>)

*Effective July 1, 2011* – This bill changes the date of the 2012 General Primary to July 31, 2012, which will be the date of the regional transportation sales tax referendum. The Secretary of State's office stated the date is being changed to accommodate the logistics of military and overseas voting.

**SB 10 Authorizes Sunday Package Sales**

(Sen. John Bulloch, 11<sup>th</sup>)

*Effective July 1, 2011* – This bill authorizes counties and cities (which already allow package sales) to approve the package sale of beer, wine and distilled spirits on Sunday from between 12:30 p.m. to 11:30 p.m. A county commission must first authorize via a resolution or ordinance, specifying the effective date. After a four-week notice in the county organ, the proposal then goes to a vote of the public with a simple majority prevailing. Elections can take place any time a special election is allowed under current law (O.C.G.A. §21-2-540) and are to be paid for by the county or city that puts the vote on the ballot. [To read more see appendix D.](#)

**SB 121 Public Golf Courses Can Sell Distilled Spirits**

(Sen. Butch Miller, 49<sup>th</sup>)

*Effective July 1, 2011* – This bill authorizes public golf courses (be they state, county or city) to sell wine and distilled spirits upon obtaining a retail consumption license. Current law only allows for the sale of malt beverages. Said sale must comply with all other applicable state and local laws/ordinances pertaining to the sale of wine and distilled spirits.

**HEALTH & HUMAN SERVICES**

[Staff: Debra Nesbit]

**HB 200 Human Trafficking Sentences and Provisions**

(Rep. Edward Lindsey, 54<sup>th</sup>)

*Effective July 1, 2011* – This bill requires that law enforcement training centers monitored by the Georgia Peace Officer Standards and Training Council and funded by the Georgia Public Safety Training Center include training on methods of identifying, combating and reporting incidents where a person has been trafficked for labor or sexual servitude. Training and materials will also be required to provide proper detention facilities or alternatives to detention facilities for those who have been trafficked for labor or sexual servitude.

**HB 214 Establishes Department of Public Health**

(Rep. Mickey Channell, 116<sup>th</sup>)

*Effective July 1, 2011* – This bill removes the public health duties of the Department of Community Health and re-creates the Department of Public Health.

**HB 307 Add Burn Centers to the Georgia Trauma Care Network**

(Rep. Ben Harbin, 118<sup>th</sup>)

*Effective July 1, 2011* – This bill adds burn centers that treat at least 300 burn patients annually to the list of designated trauma centers.

**HB 324 Revision and Amendment of Various Statutes Regarding Developmentally Disabled**

(Rep. Jay Neal, 1<sup>st</sup>)

*Effective July 1, 2011* – This bill revises numerous statutes regarding the care of the developmentally disabled by the state to reflect the implementation of community-based services.

**HB 343 Creation of Mental Health Psychiatric Stabilization Services to Replace State Hospital Services**

(Rep. Sharon Cooper, 41<sup>st</sup>)

*Effective July 1, 2011* - This bill allows the establishment of short term residential crisis stabilization to provide psychiatric stabilization and detoxification services. These services would be licensed by the Department of Behavioral Health and Developmental Disabilities instead of the Department of Community Health.

**SB 76 Revise Uncompensated Trauma Care Provisions - Georgia Trauma Care Network Commission**

(Sen. Jeff Mullis, 53<sup>rd</sup>)

*Effective July 1, 2011* – This bill requires criminal background checks for the initial certification of EMS personnel. This requirement will not apply to EMS personnel currently certified. This legislation changes the way that the Georgia Trauma Commission distributes funds during the first two fiscal years that funds are appropriated. It also allows EMS to receive payment for uncompensated care for transporting trauma patients to any medical facility; currently patients must be transported to a trauma center for EMS to receive payment.

**SB 178 Regulation and Licensing of Assisted Living Communities**

(Sen. Johnny Grant, 25<sup>th</sup>)

*Effective July 1, 2011* - This bill includes assisted living communities as a type of business from which counties can collect a regulatory fee.

**NATURAL RESOURCES & ENVIRONMENT**

[Staff: Todd Edwards]

**HB 90 State Parks - Transfer to Willing Local Governments - Heritage Trust**

(Rep. Timothy Bearden, 68<sup>th</sup>)

*Effective May 13, 2011* – This bill allows the state to convey property that is part of the Heritage Trust Program to local governments.

**HB 274 Yard Trimmings in Landfills and Extend Solid Waste Trust Fund**

(Rep. Randy Nix, 69<sup>th</sup>)

*Effective May 11, 2011* – This bill allows yard trimmings to be disposed of in a lined landfill (MSW) if it has a permitted gas collection system in operation that reuses the gas for electrical power generation, industrial end use or other beneficial use promoting renewable energy goals.

Additionally, this bill reauthorizes the scrap tire fee (Solid Waste Trust Fund) for three more years, allowing the General Assembly to continue redirecting this money to the state's general fund to balance the budget.

**SB 122 Public Private Partnership Bill for Reservoirs and Water Projects**

(Sen. Ross Tolleson, 20<sup>th</sup>)

*Effective May 2, 2011*– This bill authorizes local governments and the state (at local government discretion) to contract with private firms to procure permits and licenses, plan, finance, build, acquire,

operate and maintain a water reservoir, facility or system -- acting in concert with GEFA's Water Supply Division if they wish. The local government may pay the firm with the user fees, purchase payments and other revenue for these services. This bill also establishes a process that counties can partner with other governments to enter into agreements up to 50 years with a private partner. Unlike proposals from previous sessions, SB 122 ensures that local governments participate in all aspects of the process.

**SB 157 Solid Waste Management Reporting and Plan Updates - Make Optional**

(Sen. Rick Jeffares, 17<sup>th</sup>)

*Effective July 1, 2011* – This bill makes local Solid Waste Management Plan (SWMP) updates optional for counties and cities and removes the requirement of having to complete an annual, duplicative solid waste report. Counties without zoning and land use ordinances may, however, wish to complete these plans and adopt them by local ordinance as the plans will maintain their ability to effectively govern the siting of solid waste facilities within the community.

The bill further requires public notice any time a local SWMP is updated and require both public and private landfills to annually report to DCA the amount of waste disposed, the landfill's remaining capacity, recycling and

composting activities, and any other information as may be required by DCA. [To read more see Appendix F.](#)

### **SR 15 Joint Committee on Water Supply**

(Sen. Ross Tolleson, 20<sup>th</sup>)

*Effective May 13, 2011*

This resolution establishes a joint Senate/House study committee to analyze the current status of Georgia's reservoir system and strategic needs for additional water

supply. The study is to include the identification of creative financing options for reservoirs and water supply enhancement.

## **PUBLIC SAFETY & THE COURTS**

[Staff: Debra Nesbit]

### **HB 24 Evidence Code Rewrite**

(Rep. Wendell Willard, 49<sup>th</sup>)

*Effective January 1, 2013* - This bill re-writes and modernizes Georgia's nearly 150 year old evidence code. The new language largely tracks the Federal Rules of Evidence and applies to any motion, hearing or trial in Georgia's state courts on or after January 1, 2013.

### **HB 41 Superior Court Fees for Appellate Records**

(Rep. Richard Smith, 131<sup>st</sup>)

*Effective March 16, 2011* - This bill reduces the fee paid to superior court clerks for preparing trial records for appeal from \$10.00 per page to \$1.00 per page. This bill also provides that the judicial operations fund fee will not apply to the issuance of certificate of appointment or reappointment of notaries public.

The clerk of superior court is required to provide an exact copy of the record (not to include the transcript) in all capital criminal cases where there was a conviction at no cost to the Attorney General's Office.

### **HB 114 Sets Fee for Filing Lien Foreclosures on Abandoned Vehicles**

(Rep. Alan Powell, 29<sup>th</sup>)

*Effective July 1, 2011* - This bill provides that the fee for filing affidavits relating to the lien foreclosures on abandoned motor vehicles will be \$10, as is provided in current statute, and no additional fees, such as the judicial operations fund, and other surcharges will be added to the cost unless a full hearing is requested, upon which case the court may assess normal fees. It also adds a new section defining the contents of the vehicle that can be retrieved from an impounded motor vehicle.

### **HB 123 Defines Stun Gun as a Weapon when Removed from Law Enforcement Officer**

(Rep. Jay Powell, 29<sup>th</sup>)

*Effective July 1, 2011* - Under current law, it is illegal to remove a gun from certain public safety officers who are acting in the line of duty. This bill makes it illegal to

remove a stun gun or taser from these public safety officials.

### **HB 197 Limit Charges for Emergency Care of Detainees to Medicaid Rates**

(Rep. Barbara Sims, 119<sup>th</sup>)

*Effective May 11, 2011* - This bill requires any hospital or other licensed health care facility which is not a party to an emergency health care services contract with a sheriff or governing authority or its agent on July 1, 2011, to be reimbursed no more than the applicable Georgia Medicaid rate for emergency health care and follow-up health care service provided to a detainee.

### **HB 203 Georgia Peace Officers Standards and Training Council Notify when Investigating or Disciplining**

(Rep. Mack Jackson, 142<sup>nd</sup>)

*Effective July 1, 2011* - This bill requires the Peace Officer Standards and Training Council to provide notice of any investigation of a peace officer that may result in disciplinary action to the head of the employing law enforcement agency, the district attorney and the solicitor of the judicial circuit where the peace officer is employed.

### **HB 238 Restructuring of the Georgia Public Defender Standards Council**

(Rep. Rich Golick, 34<sup>th</sup>)

*Effective July 1, 2011* - This bill restructures the statewide public defender system by clarifying the roles and responsibilities of the Georgia Public Defender Standards Council (GPDSC) and the Director of the Agency. The legislation also reduces the size and responsibilities of the local supervision panels and has the local circuit public defender reporting to the Director of GPDSC. Reconstitutes the Council from a 15 member to a 9 member Council. The Governor has five appointments, three of which must be county commissioners, the Lt. Governor and Speaker each have two appointments.

**HB 256 Collection and Disbursement of 9-1-1 Fees  
Prepaid Wireless Service**

(Rep. Wendell Willard, 49<sup>th</sup>)

*Effective January 1, 2012* - This bill changes the method that 9-1-1 fees are assessed on prepaid wireless cellular phones and service, and sets forth a method for distribution of the fees to local governments. The bill provides for a 75 cent fee on each retail purchase of a wireless telephone or purchase of service. The fee will be remitted by the retailer along with sales tax to the Department of Revenue. Fees will be distributed to 9-1-1 centers based on the population of the Public Safety Answering Point. [To read more see Appendix G.](#)

**HB 265 Creation of Special Council on Criminal Justice Reform for Georgians - Creation of Joint Committee**

(Rep. Jay Neal, 1<sup>st</sup>)

*Effective April 22, 2011* - This bill creates the 2011 Special Council on Criminal Justice Reform for Georgians to study Georgia's criminal justice and correction system to enhance public safety, reduce victimization, hold offenders more accountable, enhance probation and parole supervision and better manage a growing prison population. The Council will create a report of its findings and recommend legislation no later than January 9, 2012. The Council's recommendations will then be considered by a Special Joint Committee on Georgia Criminal Justice Reform. The joint committee will call for legislation to be introduced incorporating the recommendations without significant changes.

**HB 266 Authorizes Constables to Carry Loaded Weapons**

(Rep. John Yates, 73<sup>rd</sup>)

*Effective July 1, 2011* - This bill allows constables for the magistrate court to carry loaded weapons.

**HB 280 Emergency Telephone Fund - Additional Uses for Funds**

(Rep. Ben Harbin, 118<sup>th</sup>)

*Effective July 1, 2011* - This bill expands the use of funds collected for 9-1-1 systems and operations to include indirect costs and additional equipment. It provides clean up language in O.C.G.A. § 46-5-124.1 to require all suppliers to register to ensure that telephone service connections are assessed a 9-1-1 fee. It also deals with contracts between local governments and vendors. [To read more see Appendix H.](#)

**HB 415 Jury Act of 2011**

(Rep. Alex Atwood, 179<sup>th</sup>)

*Parts I & II Effective July 1, 2012; Parts III & IV Effective May 3, 2011* - This bill creates a statewide jury list for use by all counties of the state. The Council of Superior Court Clerks will be responsible for providing an

accurate and up-to-date list of qualified jurors to each county. The cost is not to exceed .03 cents per name provided.

**HB 421 Plea of Mental Incompetency in Criminal Procedure**

(Rep. Andrew Welch, 110<sup>th</sup>)

*Effective July 1, 2011* - This bill changes the procedure when a criminal defendant enters a plea that they are mentally incompetent to stand trial.

**HB 503 Fund Medical Examinations for Victims of Sexual Offenses from the Crime Victims Compensation Fund**

(Rep. Amy Carter, 175<sup>th</sup>)

*Effective July 1, 2011* - This bill shifts the cost of medical examinations to collect evidence from a victim of a sexual offense to be paid for from the Georgia Crime Victim's Emergency Fund, rather than county law enforcement.

**SB 39 Enabling Statute for the Creation of Mental Health Courts**

(Sen. Johnny Grant, 25<sup>th</sup>)

*Effective July 1, 2011* - This is enabling legislation for the creation of Mental Health Courts at the county level. The statute is based on the drug court model currently in place. This bill does not mandate the creation of mental health courts, but leaves that decision to the local judicial circuits. The prosecutor is the gate keeper and will refer appropriate cases to the Mental Health Court. Mental Health Courts when implemented and operated properly can provide a huge savings to local governments in jail and medical costs while addressing public safety concerns.

With the closure of the state psychiatric hospitals these court programs can assist in diverting offenders with mental health issues to community mental health services instead of the jail.

**SB 47 Magistrate Judge Training Requirement Flexibility and Carry Over**

(Sen. John Crosby, 13<sup>th</sup>)

*Effective July 1, 2011* - This bill allows senior magistrates to be appointed to the Georgia Magistrate Courts Training Council. The Council has the authority to establish the minimum number of training hours (between 12 and 20 hours) required to be completed by every magistrate and senior magistrate each year. The bill expands the number of training hours that may be carried over from one year to the next to six training hours.

**SB 57 Red Light Cameras on School Buses**(Sen. Steve Gooch, 51<sup>st</sup>)

*Effective July 1, 2011* - This is enabling legislation allowing cameras to be placed on school buses to record drivers who illegally pass school buses. The first offense is a fine of \$300, the second offense is a fine of \$750, and \$1,000 fine for subsequent offenses. The local school board will enter into an Intergovernmental Agreement with the county or city for the implementation and operation of the enforcement tool.

**SB 80 Requires DNA Testing for All Persons Convicted of a Felony**(Sen. Joshua McKoon, 29<sup>th</sup>)

*Effective July 1, 2011* - This bill requires testing of all convicted felons in the custody of the Department of Corrections and the county jails at the expense of the state. It further provides procedures for a person to correct information contained in their criminal history and DNA info expunged.

**SB 95 Peace Officers; authority to investigate the employment history; appointment or certification; provide immunities**(Sen. Earl Buddy Carter, 1<sup>st</sup>)

*Effective May 12, 2011* - This bill requires that peace officers cooperate with investigations by the Peace Officers Standards and Training Council. It also requires that employers provide employment related information

(i.e., written information in an employer's records or personnel files relating to the behavior or performance of the applicant, candidate or peace officer) to another law enforcement agency when they are conducting an investigation to hire, certify or renew the certification of a peace officer. The information that the employer is required to disclose includes performance evaluations, disciplinary actions and eligibility for rehire. The law enforcement agency seeking the employment related information must include a copy of a signed and notarized statement from the applicant, candidate or peace officer releasing and holding the employer harmless for disclosing complete and accurate information to the law enforcement agency.

**SB 156 Removes Requirement for Additional 9-1-1 System Report**(Sen. Rick Jeffares, 17<sup>th</sup>)

*Effective May 12, 2011* - Rather than file an annual report of a county's collection and expenditure of 9-1-1 surcharges, this bill allows counties to document the amount of funds collected and spent. Counties are required to certify in their audit that the funds were spent in compliance with the 9-1-1 law.

**REVENUE & FINANCE****[Staff: Clint Mueller]****HB 95 Ad valorem tax; forest land conservation use property; revise certain provisions**(Rep. Jay Roberts, 154<sup>th</sup>)

*Effective May 11, 2011* - This bill defines contiguous property for the purposes of qualifying for the special tax assessment under the Forestland Protection Act. When a portion of the land under a covenant is sold, it restricts penalties and interest to the party that breaches the covenant on their share of the land owned under the covenant. The land of the non breaching owner remains in the covenant without penalty. If property of less than 200 acres is purchased that is contiguous to an existing covenant, it can may be added to the existing covenant for the remainder of the covenant period.

**HB 168 Conformance with Streamlined Sales Tax Agreement**(Rep. David Knight, 126<sup>th</sup>)

*Effective April 27, 2011* - This bill changes several definitions in the sales and use tax code to make Georgia eligible to be a full participant in the National Streamlined Sales Tax Agreement. This membership will

provide the state and local governments additional sales tax funds through collections from out-of-state retailers participating in the program.

**HB 234 Georgia Tourism Development Act and Continuation of Sales Tax Exemption on Aircraft Equipment**(Rep. Ron Stephens, 164<sup>th</sup>)

*Effective July 1, 2011* - This bill creates the Georgia Tourism Development Act to promote the development of new tourism attractions or expansions of existing tourism attractions that are supported by at least 25 percent from out of state visitors. It authorizes the incremental increase in state and county/city sales tax generated from the project to be applied toward a tax refund up to 25 percent of the project costs over a ten year period. To qualify the project must have a cost in excess of one million dollars, be approved by the local governing authority, the Governor and enter into an agreement with DCA. Tourism projects include cultural or historic sites, recreation or entertainment venues, and convention and hotel conference centers.

### **HB 240 Method of Removing Infeasible SPLOST Projects**

(Rep. David Knight, 126<sup>th</sup>)

*Effective May 11, 2011* – This legislation allows county commissions or city councils to determine if one of their previously approved special purpose local option sales tax (SPLOST) projects has become infeasible because it is impracticable, unserviceable, unrealistic or no longer in the best interest of the citizens. If a resolution is passed by the governing authority determining infeasibility, the project could be abandoned if approved by the voters in a county wide election held in conjunction with the next

SPLOST referendum. The money set aside for those projects could then be used to reduce general obligation debt and/or ad valorem taxes.

### **HB 322 Continuation of Unidentifiable Sales Tax Distributions**

(Rep. Jay Roberts, 154<sup>th</sup>)

*Effective April 27, 2011* - This bill authorizes the Department of Revenue to continue to make distributions of unidentifiable sales tax to local governments based upon a pro rata formula.

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## Vetoed Legislation

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This section of the Legislative Update provides the information released on legislation vetoed by Governor Nathan Deal, including his reasons for vetoing the legislation.

### **GENERAL COUNTY GOVERNMENT**

- **SB 86 Comprehensive Planning - Basic Plan Now an Option**

Senate Bill 86 attempts to address concerns of smaller cities and counties regarding the expense of developing and maintaining plans in order to obtain certification for "Qualified Local Government" status. While I am sympathetic to the desires of cities and counties to more easily attain such status, the Department of Community Affairs through the promulgation of its own internal rules and regulations, is already attempting to meet their needs. Accordingly, I do not believe this bill is necessary and therefore, **I VETO SB 86.**

- **SB 163 Require Publication of Sponsors of Campaign Communications**

Senate Bill 163 attempts to address the issue of campaign communications in campaigns for state or local office that apparently have failed to provide sufficient clarity on who paid for the communication and whether a candidate authorized such communication. The issue of campaign finance reform has been a consistent theme in Washington, DC and federal court decisions have shown that any type of limitation on the First Amendment right to engage in political speech will receive tough scrutiny. See *Citizens United v. Federal Election Commission*, 558 U.S. 50 (2010). Such tough scrutiny would be especially likely where a violation of limitations on political speech would constitute a crime - as this legislation provides. It is my assessment that, while the legislation is well intended, the potential vagueness in what constitutes "general public political advertising or literature" and "any colorable imitation of the name of an existing person or organization" would constitute significant First Amendment concerns. Furthermore, as has been the case at the federal level, this legislation would likely add significant operational burdens to producing and distributing campaign messages in the variety of mediums that candidates and citizens now use to engage in political speech. Accordingly, **I VETO SB 163.**

# Appropriations

## Judicial Council

- Increases funding for accountability courts (Drug & DUI) for ten additional courts - \$353,681.

## Juvenile Courts

- Reduces funds for state-funded coordination and supervision of the Permanent Homes for Children Program - (\$68,000)
- Maintains funds at 2011 level for grants to counties for juvenile court judges.

## Prosecuting Attorneys

- Eliminates state funds for victim advocates (\$824,169)

## Superior Courts

- Increase funds senior judge usage - \$104,755
- Reduce state funds for five vacant law clerk positions - (\$267,185)
- Increase funds for senior judge usage in circuits that have accountability court - \$300,000

## Administrative Services, Department of

- Reduces payments for Georgia Aviation Authority - (\$571,384)

## Behavioral Health and Developmental Disabilities, Department of

- Increases state funding to provide community services for Adult Developmental Disabilities Services and Adult Mental Health Services to comply with the Department of Justice Agreement - \$111,254,032

## Community Affairs, Department of

- Reduces funding to the 12 Regional Commissions for Coordinated Planning - (\$286,309)
- Increases funding for Regional Economic Business Assistance (REBA) Grants for economic development prospect "deal closing" - \$5 million
- Does not provide any appropriations to the OneGeorgia Authority
- No funds were appropriated for the Emergency 9-1-1 Assistance Fund for FY 2011 or FY 2012. Approximately \$23 million has been collected since the creation of this fee, but no funds have been allocated for the specified purpose. All of these funds have been sent to the General Fund.

This fee generates approximately \$8 million per year.

## Corrections, Department of

- Maintains funding for Jail Reimbursement to the Counties FY 2011 and FY 2012 at \$9.6 million
- Reduce funds and require counties and municipalities to contribute to the cost of correctional officers in local inmate construction projects utilizing the Department of Community Affairs "tier" system to grant waivers - (\$375,000)

## Economic Development, Department of

- Reduces funding for tourism marketing - (\$684,157)
- Reduces funding for business recruitment and expansion marketing - (\$684,156)
- Eliminates contract funding for the Georgia Humanities Council - (\$50,000)
- Reduces contract funding for the Georgia Historical Society - (\$20,000)
- Increases funds for Civil War Sesquicentennial - \$10,000
- Eliminates funding for the Civil War Commission - (\$10,000)
- Eliminates funding for the Aviation Hall of Fame - (\$22,000)
- Eliminates funding for the Georgia Music Hall of Fame Authority- (\$368,208)
- Eliminates funding for the Georgia Sports Hall of Fame Authority- (\$312,329)

## Human Services, Department of

- Transfer of the Family Connection Program and Contracts to Governor's Office of Children and Families was not done. (House and Senate: It is the intent of the General Assembly that these funds be administered solely by Family Connection Partnership and shall not be administratively transferred by memorandum of understanding to any other state agency) There were no reductions in the Family Connection Budget.

## Natural Resources, Department of

- Reduces funding for the Environmental Protection Division by eliminating 11 positions - (\$1.1 million)
- Reduces contract funds for the Regional Commissions' historic preservation planners - (\$118,000)

- Reduces funding for the Parks, Recreation and Historic Sites Division - (\$1.2 million)
- Reduces funding for the Wildlife Resources Division - (\$1.4 million)

**Public Defender Standards Council (Indigent Defense)**

- Maintains funding for the special project for payment of conflict attorneys in non-capital cases - \$1.1 million

**Public Health, Department of**

- Maintains funding for the grants to counties for public health funding - no reductions.

**Regents, Board of**

- Reduces funding for personal services and operating expenses for Public Libraries - (\$2.5 million)
- Reduces funding for personal services for the Cooperative Extension Service - (\$2 million)

**Revenue, Department of**

- Includes additional funding for the Forestland Protection Grants to reimburse counties for losses in tax collection from property placed in conservation use - \$4 million
- Includes \$5,984,996 in funding for Local Tax Officials' retirement benefits
- Reduces funding in Motor Vehicle Registration and Titling for county tag printers - (\$686,194)

**Transportation, Department of**

- Maintains LMIG funding at the FY2011 level - \$96,347,303
- Reduce operating expenses for transit - (\$93,948)
- Reduce grants to large, urban transit systems - (\$548,945)

**2012 Bonds**

**Reservoir Funding - \$46 million**

Governor Deal announced \$300 million in reservoir funding spread over four years, including funds for planning and design. For FY 2012 bond proposal includes \$46 million in bonds, with \$25 million going to DCA and \$21 million to GEFA. Governor Deal supports leveraging these funds in the form of local-state partnerships to ensure a sustainable water supply in light of Judge Magnuson's pending deadline which could halt Lake Lanier as a water source for over 3 million citizens in the Metropolitan North Georgia Region.

**Savannah Harbor Deepening - \$32 million**

This bond funding will serve as the state's next installment to help fund the deepening of the Savannah Harbor. Deepening is necessary in order to

accommodate the larger containerized ships that will seek access to East Coast ports after the expansion of the Panama Canal in 2014.

**State Soil and Water Conservation Commission - \$6 million**

This bond funding will help fund the rehabilitation of flood control structures (watershed dams) at multiple locations around the state.

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