



# Final Legislative Update

Volume # 4, Issue 12- May 10, 2013

## 2013 Session of the General Assembly

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 a final guide to legislation from the 2013 session of the Georgia General Assembly and includes a brief summary as well as effective dates for each bill and resolution. **Bills with titles highlighted in yellow need your review because of potential impact to your budget and/or operations.** For the full text of any of the bills in the legislative update, click [here](#).

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.](#)

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: Shaun Adams]

#### HB 202 Value Engineering Studies

(Rep. Bubber Epps, 144<sup>th</sup>)

*Effective July 1, 2013-* This legislation requires the Department of Transportation to perform a value engineering study on any project over \$50 million except for design-build projects. Currently, a value engineering study is required on all projects over \$10 million.

This legislation also changes the total expenditures from the State Transportation Fund to exclude the following from budgeting by the department: funds for projects earmarked by Congress, funds for projects on the Interstate System, and funds for projects on state designated freight corridor.

#### HB 318 Georgia Tourism Development Act

(Rep. Ron Stephens, 164<sup>th</sup>)

*Effective April 29, 2013-* This legislation changes the procedures of the Georgia Tourism Development Act and the necessary agreements that provide sales tax exemptions for certain projects. This legislation was amended to now include the option for local governments to offer the tourism tax exemption by resolution in the jurisdiction where a tourism project exists.

#### HB 384 Motorized Cart Signage Clarification

(Rep. Jay Roberts, 155<sup>th</sup>)

*Effective July 1, 2013 -* This legislation requires counties that allow the use of motorized carts on public streets to post signs that are at least 24 inches by 30 inches on

every state highway that intersects with the county's and cities' boundaries to warn other drivers that motorized carts are permitted on public roads. Any ordinance by the county regulating motorized carts will not be effective until the signs are posted.

### **HB 393 Georgia Workforce Investment Board**

(Rep. Mark Hamilton, 24<sup>th</sup>)

*Effective July 1, 2013-* This legislation sets the procedure for establishing local workforce investment boards. It also makes counties, cities and regional commissions the fiscal agent/grant recipient for certain funds.

### **SB 137 Authorizes Commissioner of Economic Development to Designate Opportunity Zones**

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

*Effective July 1, 2013-* This legislation authorizes the Commissioner of Economic Development to designate areas as opportunity zones except for areas where one or more census tracts adjacent to a federal military installation where pervasive poverty is evidenced by a 15% poverty rate or greater as reflected in the most recent decennial census.

### **SB 218 Emergency Tow Permits**

(Sen. Steve Gooch, 51<sup>st</sup>)

*Effective July 1, 2013-* This legislation increases the weight limit for annual commercial wrecker emergency tow permits.

## **GENERAL COUNTY GOVERNMENT**

[Staff: Todd Edwards]

### **HB 71 ACCG and GMA Retirement; Increase Authorized Investment in Real Estate**

(Rep. Lynne Riley, 50<sup>th</sup>)

*Effective July 1, 2013-* Currently, retirement programs such as those offered by ACCG and GMA may only invest 5 percent of their holdings in real estate investments. This legislation increases the amount of permissible investment to 10 percent.

### **HB 124 Sunday Sales**

(Rep. Brett Harrell, 106<sup>th</sup>)

*Effective July 1, 2013-* Under this legislation, if the voters do not approve a ballot measure for Sunday sales of beer, wine and liquor by the package, it will not impact a previous vote to approve a ballot measure for Sunday sales of beer and wine only.

### **HB 142 Expand Lobbyist Definition**

(Rep. David Ralston, 7<sup>th</sup>)

*Effective January 1, 2014-* This legislation provides for changes relating to the Georgia Government Transparency and Campaign Finance Commission (formerly known as the Ethics Commission) as well as the definition of a lobbyist and expenditures. [For a more detailed summary see Appendix B.](#)

### **HB 143 Changes and Eliminates Certain Filing Requirements for County Offices**

(Rep. David Ralston, 7<sup>th</sup>)

*Effective January 1, 2014-* This legislation changes the manner in which candidates for local office file their campaign and finance disclosure statements. [For a more detailed summary see Appendix C.](#)

### **HB 160 Revises Vacant and Foreclosed Real Property Registry Requirements**

(Rep. Mike Jacobs, 80<sup>th</sup>)

*Effective July 1, 2013 Section 2-* This legislation revises the vacant and foreclosed property law enacted in 2012 by removing the limitation that only properties that have received a land use disturbance permit can be included on the foreclosed real property registry. It also clarifies that certain foreclosed properties are not subject to registration if the deed is filed with the clerk of superior court within 60 days of the foreclosure sale or transfer of the deed in lieu of foreclosure.

### **HB 361 Federal Labor Laws - Cannot Require Local Governments to Waive Them**

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

*Effective July 1, 2013-* This legislation prohibits the state, cities and counties from passing ordinances or requirements in contracts, permits, licenses or zoning, that would require an employer or employee to waive rights provided by the National Labor Relations Act. For instance, a county could not require a potential contractor or vendor to accept terms to a collective bargaining agreement with its employees in order to enter into a contract with the county.

### **HB 487 Coin Operated Amusement Machines - Regulating**

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

*Effective July 1, 2013-* This legislation moves the regulation of coin operated machines from the Department of Revenue to the Georgia Lottery Corporation. It allows the county to prohibit more than six Class B coin operated amusement machines that reward the player exclusively with non-cash

merchandise, prizes, toys, gift certificates, etc. Under the old law, counties could only prohibit more than nine Class B machines. This legislation also allows the county to require an annual audit of the verified monthly reports that location owners and operators must prepare showing the gross receipts from the Class B machines, gross retail receipts for the business location and the net receipts of the Class B machines.

#### **HB 517 Authorizing Sale of Beer and Wine within 100 Yards of College Campus**

(Rep. Chuck Williams, 119th)

*Effective July 1, 2013* - Current law prohibits the sale of package beer and wine within 100 yards of a college campus. This bill allows cities and counties, via local ordinance, to allow for the sale of package beer and wine within that 100-yard distance so long as the store has at least 85 percent of its floor space dedicated to the sale of food and other nonalcoholic items, and conducts all of its sales within the store (i.e., no gas pumps outside).

#### **SB 83 Authorizes the Use of Cremation for County Funded Burials of Paupers**

(Sen. Steve Gooch, 51st)

*Effective July 1, 2013* - Under current law, counties are required to provide for the decent interment of indigents who pass away within their jurisdiction, as is the Department of Corrections for inmates in their care. This legislation simply clarifies that decent interment allows for cremation.

#### **SB 104 Comprehensive Planning Revisions - Streamlining Requirements**

(Sen. Frank Ginn, 47th)

*Effective July 1, 2013*- This legislation results from a two-year stakeholder process whereby ACCG, GMA and others partnered on the Department of Community Affairs' Planning Rules Task force to revise Georgia's comprehensive planning requirements on local governments. While, to the credit of DCA, most of the task force's recommendations have been achieved via its rulemaking process, three changes in statute were necessary. This legislation covers these necessary changes by:

- making housing, human services, natural resources, vital areas, historic and cultural resources, infrastructure, recreation and other components of a comprehensive plan optional to the local government;
- not requiring Regional Commissions (RC) to issue a public finding on whether a development of regional impact is in the best interest of the region or state; and

-changing deadlines on when a local government must adopt a comprehensive plan and submit it to their RC.  
[For a more detailed summary see Appendix D.](#)

#### **SB 160 Illegal Immigration Reform to Create Regulatory Efficiencies**

(Sen. Frank Ginn, 47th)

*Effective July 1, 2013*- SB 160 is the major illegal immigration reform legislation passed this session and contains ACCG's top legislative priorities of allowing for secure and verifiable documents to be submitted by mail; allowing legal U.S. residents to renew their public benefits without having to annually submit those documents; and consolidating three county reporting requirements into one annual report due to one agency.  
[For a more detailed summary see Appendix E.](#)

#### **SB 168 Public Works Bids - More Mandates for Counties in Process**

(Sen. Lindsey Tippins, 37th)

*Effective April 24, 2013*- This legislation prohibits counties and cities, in awarding public works contracts, from disqualifying responsible bidders based on lack of previous experience with a job of the size for which the bid proposal is being sought if:

- the bid or proposal is 30 percent greater in scope or cost from the responsible bidder's previous experience;
- the responsible bidder has experience in performing the work; and
- the responsible bidder is capable of being bonded by a surety which meets the qualifications of the bid documents for a bid or performance bond.

#### **SB 179 Public Bids - Penalties, Incentives and Bid Bonds**

(Sen. Hunter Hill, 6th)

*Effective May 6, 2013*- This legislation allows counties to include provisions in construction contracts over \$100,000 to require the contractor to pay a penalty if the project is delayed. It also allows the contract to include an incentive for contractors to complete the contract early when the project needs to be completed as soon as possible. When a county issues a request for proposal for a construction project over \$100,000 and price is not one of the evaluation factors, this legislation allows the county to choose whether to have a bid bond or not. If the county requires a bid bond, the request for proposal must specify the dollar amount of the bid bond. This legislation also corrects a technical error in the law regarding notice of commencement required to be filed by the contractor.

Local governments cannot require or prohibit bidders to enter into union or collective bargaining agreements.

**SB 226 Coroners - Streamlining Salary Requirements in Law**

(Sen. Steve Gooch, 51<sup>st</sup>)

*Effective July 1, 2013-* This legislation corrects contradictory laws regarding coroners' salaries. It clarifies that coroners in counties with a population of less than 35,000 are entitled to receive the state minimum salary plus the death investigation fee. Coroners in a county with a population of 35,000 or more are entitled to the salary established in local legislation or the death investigation fee. If the death

investigation fee is more than the local legislation salary, the coroner may choose to receive the death investigation fee. The coroner must give the commissioners notice of the decision to receive the death investigation fee in writing no later than October 1, in order to become effective on January 1, on any given year.

**HEALTH & HUMAN SERVICES**

[Staff: Debra Nesbit]

**HB 101 Food Sales and Service Establishment Standards- Local Festivals, etc.**

(Rep. Bubber Epps, 144<sup>th</sup>)

*Effective July 1, 2013-* Under current law, festivals, fairs and events held by nonprofit organizations are not considered "food service establishments" subject to regulation by the department of health when the county issues a temporary permit to the nonprofit for food sales and service. This legislation allows the county to delegate the authority to issue such permits to the county board of health.

**HR 502 Joint Study Committee on Mental Health and School Violence**

(Rep. Kevin Tanner, 9<sup>th</sup>)

*Effective July 1, 2013-* This legislation creates a Joint Study Committee on Mental Health and School Violence.

**HB 284 Return to Play Act/Recreation Departments**

(Rep. Jimmy Pruett, 149<sup>th</sup>)

*Effective January 1, 2014-* This legislation requires counties that provide public recreation facilities that organize youth athletic activities for which a participation fee is charged to provide an information sheet to all coaches, officials, youth athletes and their parents and guardians informing them of the nature and risk of concussions and head injuries. The parents and guardians must sign an acknowledgment that they received the fact sheet. This bill purports to provide no liability to counties with public recreation facilities that comply with the requirements of this proposed law.

**SB 24 Hospital Medicaid Financing Program Act**

(Sen. Charlie Bethel, 54<sup>th</sup>)

*Effective February 13, 2013-* This legislation delegates the authority to levy the Medicaid assessment fee on hospitals to the Department of Community Health. The assessment of the fee on hospitals allows the state to draw down twice the amount collected in additional Medicaid funds resulting in a higher Medicaid reimbursement rate paid to the hospitals. The legislation dedicates the fees to Medicaid and the act will sunset in 2016.

**SB 216 Medical Directors of Emergency Services Providers May Contract With More Than One Pharmacy**

(Sen. Buddy Carter, 1<sup>st</sup>)

*Effective April 8, 2013-* This legislation allows the medical director of an emergency medical service provider to contract with more than one pharmacy to provide supplies.

**NATURAL RESOURCES & ENVIRONMENT**

[Staff: Todd Edwards]

**HB 189 DNR to Give Counties Notice of Park Closings**

(Rep. Debbie Buckner, 137<sup>th</sup>)

*Effective July 1, 2013-* This legislation requires the Department of Natural Resources to provide at least a 60-day notice to a county or city before the State closes a park or recreation area, decreases its operating hours or services by 50 percent or more, or permanently changes a primary operational function within the local's jurisdiction. This is simply to give notice, providing the county some time to decide whether it wants to assume

any responsibilities in operating the park or recreation area.

**HB 226 Revising Used/Scrap Tire Transportation Storage and Disposal Laws**

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

*Effective May 7, 2013-* This legislation adds several definitions to aid in EPD's enforcement of organics management and the hauling and storage of scrap tires. The bill defines compost and composting as an aerobic process and defines and limits who can transport used

and scrap tires, not new tires. It authorizes, but does not require, local law and code enforcement agencies to enforce Georgia's used/scrap tire laws and limits the amount of scrap tires that can be stored by tire retailers, tire retreaders, salvage yards and the general public. Local governments would be exempted from the tire hauling registration and quantity restrictions.

### **HB 276 Hazardous Waste Trust Fund - Fixing the Redirection of Fees**

(Rep. Chad Nimmer, 178<sup>th</sup>)

*Effective May 7, 2013-* This legislation renews the fees that make up the Hazardous Waste Trust Fund (hazardous waste transporting, disposal, and the state's 75-cent-per-ton solid waste tipping fees, among others) for five years, from July 1, 2013 to July 1, 2018. Since 2004, over 60 percent of these fees have been redirected to the state's general fund, not going toward their statutorily dedicated purpose of cleaning up hazardous sites, including old county landfills.

The House amended the bill with a fee-reduction mechanism to fix the redirection of HWTF and Solid Waste Trust Fund fees. If fees for these two trust funds are not appropriated for their designated purposes, then the fees will be proportionately reduced the following year. Addressing the redirection of these fees was one of ACCG's policy priorities this legislative session. [For more information on the breakdown of redirected fees please see Appendix F.](#)

### **Governor Nathan Deal Signing Statement No. 1**

I sign House Bill 276 because of the merits of Sections 1 and 2 which pertain to the extension of the Georgia

Hazardous Waste Trust Fund. However, I have significant concerns with the remaining language in the bill which attempts to dedicate fees and surcharges of this fund for a specific purpose. Despite the merits of such a concept, Article 3, Section 9, Paragraph 6 of the Constitution of Georgia specifically limits any attempt to dedicate revenues in a general bill unless specifically permitted by the Constitution of Georgia. Without such specific permission in our Constitution, I would deem this language in House Bill 276 as being nonbinding on any subsequent General Assembly as it goes about its yearly duty to appropriate funds.

### **HB 320 Inert Landfills - Exempt from DNR Rule**

(Rep. Buddy Harden, 148<sup>th</sup>)

*Effective July 1, 2013-* This year, the Board of Natural Resources adopted rules taking inert landfills out of the "permit-by-rule" category and now requires them to obtain a solid waste handling permit which entails additional, substantive regulations and costs. This bill exempts from that new rule any inert landfill, public or private, which as of January 1, 2014 has been certified by a professional engineer as being in full compliance with all permit-by-rule requirements as they previously existed before the DNR rule change.

### **HB 402 Shore Protection and Coastal Marshlands Protection Acts -Revisions**

(Rep. Ron Stephens, 164<sup>th</sup>)

*Effective July 1, 2013-* This legislation provides a variance procedure under the Coastal Marshlands Protection Act to allow for temporary activities within protected areas (i.e., television and movie sets/filming).

## **PUBLIC SAFETY & the COURTS**

[Staff: Debra Nesbit]

### **HB 55 Wiretapping by Law Enforcement - Statewide Application**

(Rep. Rich Golick, 40<sup>th</sup>)

*Effective February 13, 2013-* This legislation clarifies the existing statute regarding wiretapping and trace devices to specify that warrants issued to district attorneys or the Attorney General to use trace devices or intercept communications shall have statewide application and shall be permitted in any location of the state.

### **HB 59 Require Alarm Monitoring Services to Utilize Alarm Verification**

(Rep. Tom Taylor, 79<sup>th</sup>)

*Effective July 1, 2013-* This legislation requires alarm companies to attempt to verify alarm calls by calling or texting the property owner up to two times before sending the alarm signal to public safety for response.

The alarm companies would not be required to verify the alarm calls for fire alarms, panic alarms, robbery in progress alarms or alarms where the alarm company can tell from the audio or video that a crime is occurring.

### **HB 78 Mandatory Reporting of Elder and Disabled Adults Abuse - Criminal Penalties**

(Rep. Wendell Willard, 51<sup>st</sup>)

*Effective July 1, 2013-* This legislation requires coroners, emergency medical technicians, paramedics and first responders to report suspected abuse of elders and disabled adults. Provides for criminal penalties for abuse of elders and disabled adults.

**HB 141 Requirement to Post Notice Regarding Human Trafficking - Mandated Notices**

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

*Effective April 1, 2013-* This legislation requires bars, massage parlors, truck stops, rest areas, airports, hotels, emergency rooms, urgent care centers, job recruitment centers, farm labor contractors and day haulers to post notices on a form developed by the Department of Safety regarding a hot line for victims of kidnapping, slavery and human trafficking. Law enforcement is required to notify any of the businesses who fail to post the required sign in writing that failure to correct the deficiency within 30 days is a misdemeanor punishable by a fine of up to \$500. The legislation purports to exempt the costs of prosecution from taxes and additional penalties, fees or surcharges.

**HB 146 Issuance of Arrest and Search Warrants by Video Conference**

(Rep. Tom Weldon, 3<sup>rd</sup>)

*Effective July 1, 2013-* This legislation allows a judge to participate in a hearing for an arrest or search warrant by video conference, regardless of the judge's location at the time of the conference.

**HB 161 Required Oath for Bailiffs**

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

*Effective July 1, 2013-* This legislation changes the oath that bailiffs must take, which would allow them to give jurors water only to drink. The oath also requires the bailiffs to swear that they will not allow jurors to have books, papers or electronic communication devices.

**HB 182 Eliminate Rehearing on Decision of Associate Juvenile Court Judge by Juvenile Judge**

(Rep. Tom Weldon, 3<sup>rd</sup>)

*Effective July 1, 2013 Part I and effective January 1, 2014 Part II-* This legislation allows an associate juvenile court judge to be appointed as judge pro tempore of the juvenile court in cases where the juvenile court judge cannot sit. Additionally, it removes the provision where orders of the associate juvenile court can be re-heard by the juvenile court judge when one of the parties appeals.

**HB 187 Local Ordinances Creating Commercial Drug Free Zones**

(Rep. Pam Dickerson, 113<sup>th</sup>)

*Effective July 1, 2013-* Counties may designate certain commercial areas (including up to a half-mile of contiguous residential property) with a high rate of drug related crimes as "drug-free commercial zones." A copy of the ordinance must be filed with the Department of Community Affairs (DCA), with a map and report. This legislation would extend this felony designation to a drug crime occurring within a drug-free commercial zone adopted by a county and entered into DCA's registry on or before July 1, 2013.

**HB 238 Georgia Firefighters' Pension Fund**

(Rep. Howard Maxwell, 17<sup>th</sup>)

*Effective July 1, 2013-* The substitute to this legislation increases the amount of dues a firefighter or a volunteer firefighter must pay to be in the Georgia Firefighters' Pension from \$15.00 per month to \$25.00 per month. The legislation states that the responsibility for payments into the fund lies with the firefighter.

**HB 242 Juvenile Justice Reform/Juvenile Code Rewrite**

(Rep. Wendell Willard, 51<sup>st</sup>)

*Effective January 1, 2014-* This legislation is a combination of some of the provisions from the Juvenile Code Rewrite and the recommendations from the Criminal Justice Reform Council in regards to juvenile justice. The bill restructures the juvenile code to improve the process for practitioners and judges. [For a more detailed summary see Appendix G.](#)

**HB 349 Adult Criminal Justice Reform Clean Up Bill**

(Rep. Rich Golick, 40<sup>th</sup>)

*Effective July 1, 2013-* This legislation creates the Council on Criminal Justice Reform to continue to assess the impact of the Criminal Justice Reform Act. This legislation also provides for judges to deviate from mandatory minimums by following a procedure as outlined in the legislation and revises the process for removal of arrest records.

**HB 366 Certified Peace Officers Training/Application Requirements**

(Rep. Bill Hitchens, 161<sup>st</sup>)

*Effective July 1, 2013-* This legislation provides for the emergency suspension of Peace Officer Standards and Training (POST) certification when an officer fails to complete or show certification of required training.

**SB 66 Increase Penalties for Contempt of Court in Superior and State Courts**

(Sen. Jesse Stone, 23<sup>rd</sup>)

*Effective July 1, 2013-* This legislation increases the fine for contempt of court in State and Superior Court from \$500 to \$1,000 and/or 20 days of imprisonment. This bill also changes the requirements for filing a claim and answer in magistrate court.

**SB 96 Part-time Solicitor General - Prohibition of Representing Criminal Defendants In Court**

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

*Effective July 1, 2013-* Under current law, part-time solicitors may practice law, but may not practice in their state court. This legislation only prohibits solicitors from representing defendants in criminal matters in their state court.

**SB 120 Creation of Prosecutor Position for Probate Court Upon Approval of BOC**

(Sen. John Crosby, 13th)

*Effective July 1, 2013-* This legislation is a permissive bill that will allow counties to create a prosecutor position for probate courts which handle traffic. [For a more detailed summary see Appendix H.](#)

**SB 136 Creation of Hunting and Boating Under the Influence Offenses - Require Boater Education**

(Sen. Butch Miller, 49th)

*Effective May 15, 2013-* This legislation creates criminal offenses for boating and hunting under the influence of alcohol. Persons convicted of hunting while under the influence will pay a fine, and have their hunting license suspended. Person convicted of boating under the influence will suffer the same sanctions as those driving under the influence. The legislation also requires anyone

operating a watercraft to complete a boater education course certified by the Department of Public Safety.

**SB 225 Bonds - Relieve Surety From Liability Under Some Circumstances in Criminal Cases**

(Sen. Jesse Stone, 23rd)

*Effective July 1, 2013-* This legislation relieves surety (bail bondsman) from liability if a principal is unable to attend court due to a mental or physical disability or receiving inpatient treatment.

**SR 247 Creation of Senate Expungement Reform Study Committee**

(Sen. Joshua McKoon 29th)

*Effective July 1, 2013-* This legislation creates the Senate Expungement Reform Study Committee to examine the process for clearing an individual's record when he or she has been wrongfully accused or convicted of a crime.

**REVENUE & FINANCE****[Staff: Clint Mueller]****HB 164 Sales Tax Exemption on Aircraft Maintenance**

(Rep. Alex Atwood, 179th)

*Effective July 1, 2013-* This bill extends the sunset for two year on the sales tax exemption for engines, parts, or equipment used in the maintenance and repair of aircraft registered out of state.

**HB 197 Changes to Forest Land Conservation Use Program**

(Rep. Jay Powell, 171st)

*Effective July 1, 2013-* This legislation makes changes related to property in a Forest Land Protection Covenant (FLPA), the Department of Revenue Performance Review Boards and the interest owed on taxes due after an appeal is settled. [For a more detailed summary see Appendix I.](#)

**HB 250 Energy Excise Tax Revisions**

(Rep. Tom Rice, 95th)

*Effective July 1, 2013-* This legislation makes administrative changes to the implementation, collection and distribution of the energy excise tax. [For a more detailed summary see Appendix J.](#)

**HB 266 Changes to the New Process for Taxing Motor Vehicles**

(Rep. Allen Peake, 141st)

*Effective March 5, 2013-* This legislation makes several changes to the new system for taxing motor vehicles. [For a more detailed summary see Appendix K.](#)

**HB 304 Apply Freeport to Fertilizer Production Processes**

(Rep. Tom McCall, 33rd)

*Effective January 1, 2014-* This bill extends the level 1 freeport to now include the blending of fertilizer bulk materials into a custom mixture whether performed at commercial fertilizer blending plant, retail outlet, or any application site. This extension will apply to all existing level 1 freeport exemptions.

**HB 454 Tax Expenditure Review Requirements in Budget Report for State Government**

(Rep. Chuck Martin, 49th)

*Effective July 1, 2013-* This legislation requires additional information to be included in the state budget report regarding tax expenditures. When possible, the tax expenditure report will include a description of the objective of the tax expenditure, information that shows whether the tax expenditure is meeting it's intended purpose, an analysis of the tax expenditure's effect in the administration of the tax system and an analysis of the people, companies or other entities that directly benefit from the tax expenditure.

**HB 463 Tax Commissioner Discretion on Used Vehicle Values and New Process for Taxing IRP Trucks**

(Rep. Tom Rice, 95th)

*Effective January 1, 2014 Section 1-3; Effective April 10, 2013 Section 4-* This legislation allows the tax commissioner some discretion when valuing a used vehicle that sells for less than the value in the Department of Revenue Assessment Manual. Upon the request of the vehicle owner and supporting documentation, the tax commissioner could consider mileage, condition, the bill of sale and values from a reputable pricing guide to

determine a value that more closely reflects the current condition of the vehicle. This discretion may help address the taxpayers concerns with the DOR value and prevent the owner from making an appeal to the Board of Assessors.

This legislation changes the way interstate commercial trucks that register under the International Registration Program (IRP) are taxed by the local governments. Currently they are required to pay a proration of the ad valorem taxes due based upon the percent of total miles driven in Georgia. Under the new system they will pay a local alternative ad valorem tax based upon a proration of miles driven in Georgia to the Department of Revenue (DOR). The DOR will then distribute the local revenues back to the counties, schools and cities based upon their pro rata share of total ad valorem taxes collected statewide. The industry estimates that the new system will increase local revenues from \$9 million to just under \$17 million per year. IRP truck owners will also be authorized to pay the local ad valorem taxes due on their trailers to DOR or the county. Any local trailer

taxes collected by DOR will be distributed back to the local governments where the trailers are domiciled.

#### **HB 473 Option to Renew Multi-Year Agreements with Fiscal Year**

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

*Effective July 1, 2013* - Under current law, counties can only enter into multi-year agreements if they automatically terminate at the end of each calendar year (unless renewed). This legislation allows the contracts to terminate either at the end of each calendar year or at the end of the county's fiscal year unless renewed.

#### **SB 145 Additional Permitted Uses of Conservation Use Covenant (CUVA) Property**

(Sen. Bill Heath, 31<sup>st</sup>)

*Effective July 1, 2013*- This bill would permit farm weddings and not for profit equestrian performance events on property in a Conservation Use Covenant without violating the terms of the covenant. The property must have been enrolled in the covenant for at least one year.

## Appropriations

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#### **HB 105 FY2013 Amended Budget**

(Rep. David Ralston, 7<sup>th</sup>)

*Effective date March 15, 2013* - The supplemental appropriations bill provides for the midyear adjustment to the FY2012 budget.

#### **HB 106 FY2014 Budget**

(Rep. David Ralston, 7<sup>th</sup>)

*Effective date July 1, 2013*- This bill is the general appropriations for FY2014.

## Vetoed Legislation

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#### **HB 193 Extend Sales Tax Exemption for Certain Non-profits**

(Rep. Ron Stephens, 164<sup>th</sup>)- **Vetoed May 7, 2013**

This bill reinstates the sales tax exemption for several charitable purposes. These include exemptions for food purchased by qualified food banks, food donated for disaster relief, purchases by certain nonprofit health clinics and purchases by Goodwill Industries Inc. The restored exemptions will sunset in two years.

#### **SB 11 Reauthorize the Georgia Geospatial Advisory Council**

(Sen. Buddy Carter, 1st)- **Vetoed May 7, 2013**

This legislation reauthorizes the Georgia Geospatial Advisory Council to audit Georgia's geospatial capabilities at the county, Regional and state level.

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