



# Legislative Update

Volume # 6, Issue 14– May 14, 2015

## 2015 Session of the General Assembly

Each year, 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 2015 session of the Georgia General Assembly and includes a brief summary, effective dates and impact to counties for each bill and resolution. Please note that major pieces of legislation impacting counties have a more detailed summary in the **Appendix**. 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 106 Clean Up Legislation for HB 170, The Transportation Funding Act**

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

*Effective July 1, 2015* - This legislation was amended to correct errors found in HB 170, the Transportation Funding Act, after it was passed on March 31st. The changes made by this legislation along with the county impact analysis have been incorporated into the summary of HB 170. [For a more detailed summary see Appendix B.](#)

#### **HB 170 Transportation Funding Act 2015**

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

*Effective July 1, 2015* - This bill makes significant changes to taxation of motor fuel and creates a new single county local option TSPLOST. The county impact analysis has been incorporated into the summary. [For a more detailed summary see Appendix B.](#)

#### **HB 174 Amends Urban Redevelopment Law for Blighted Areas**

(Rep. LaDawn Jones, 62<sup>nd</sup>)

*Effective July 1, 2015* - This legislation amends the Urban Redevelopment Law to change "slum" to "pockets of blight". This legislation will make it easier for local governments and development authorities to draw on federal grants for redevelopment in blighted areas.

### **HB 213 MARTA - Suspends Restrictions of Sales and Use Tax Proceeds**

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

*Effective May 5, 2015* - This legislation repeals the requirement that MARTA's ratio of operations to capital expenditures does not exceed 50/50. It also provides for a representative from Clayton County to sit on the MARTA board and makes the GRTA executive director a voting member. This legislation also provides for a process of appeal for citations issued in violation of authority rules and regulations.

For the three participating MARTA counties, this legislation provides for board representation from Clayton County, as well as the northern part of DeKalb County. The removal of the 50/50 requirement on revenue spending for MARTA will provide the agency with more flexibility in its use of the revenue, which will benefit the residents of the three participating counties.

### **HB 225 Regulation and Registration Process of For-Hire Transportation Drivers**

(Rep. Alan Powell, 32<sup>nd</sup>)

*Effective July 1, 2015; Sections 2, 3, 5, 6, Effective July 1, 2016; Sections 4, 7 and Effective May 6, 2015; Sections 1, 8* - This legislation moves the registration, regulation, and licensing of all limo, taxicab, for-hire services, or transportation referral services to the Department of Public Safety if they begin operation after July 1, 2014. Local governments will be prohibited from adopting an ordinance requiring a certificate of public necessity or a medallion for taxicab, limo, or ride-share services after July 1, 2014. Counties and municipalities that have valid ordinances on or before July 1, 2014, that require certificates of public necessity and convenience or medallions to operate may continue to require such certificates or medallions. The provision for an annual registration fee will not go into effect until a distribution formula has been adopted. In the interim taxicabs, limos, and ride-share services shall pay state and local sales taxes.

This removes the registration and regulation of for-hire services from the local governments and centralizes it with the Department of Public Safety. Until such time that a distribution formula for the central registration fees has been agreed to, the for-hire services shall pay state and local sales taxes. Once fully implemented, projections are for more revenue as many for-hire services are not currently paying their share of sales taxes.

### **HB 477 Process for Abandoning a Road Within a Subdivision**

(Rep. Jan Jones, 47<sup>th</sup>)

*Effective May 12, 2015* - This legislation allows counties, when abandoning a road in a subdivision with a homeowners' association, to provide notice to the homeowners' association on the proposed abandonment, rather than the adjoining property owners. The homeowners' association could then exercise the option to buy the abandoned road back from the county. This legislation requires all municipal corporations formed on or after April 15, 2005 to assume the ownership, control, care, and maintenance of county road rights of way within the city unless agreed to otherwise by joint agreement between the county and city. This legislation impacts the counties by making it easier for a county to dispose of and/or abandon a public road within a subdivision by only requiring notice to the homeowner's association.

### **SB 59 Partnership for Public Facilities and Infrastructure Act**

(Sen. Hunter Hill, 6<sup>th</sup>)

*Effective May 5, 2015* - This legislation creates the Partnership for Public Facilities and Infrastructure Act which creates a framework by which local governments have the option to use for public-private partnership (P3) projects on buildings as well as for accepting and processing unsolicited bids for such projects.

This legislation provides a tool for local governments who wish to accept unsolicited bids for certain projects including a process for charging to review such bids and giving the option to deny the bid for any reason. It also establishes a framework for using public-private partnerships on vertical construction projects. [For a more detailed summary see Appendix C.](#)

### **SB 169 GDOT- Disposition of Property and Billboard Relocation on State Route Projects**

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

*Effective July 1, 2015* - This legislation affects how counties dispose of property used for roads and changes the way billboards are relocated on state routes. This legislation was amended to authorize the use of golf carts for delivery of packages in a subdivision under certain circumstances. The county impact analysis has been incorporated into the summary. [For a more detailed summary see Appendix D.](#)

**GENERAL COUNTY GOVERNMENT****[Staff: Todd Edwards]****HB 85 Beer and Wine Package Sales - Counties May Authorize within 100 Yards of School Buildings**(Rep. Brett Harrell, 106<sup>th</sup>)

*Effective July 1, 2015* - Respecting home rule, this legislation allows local governments to authorize the sale of package beer and wine from grocery stores within 100 yards of a school or school administrative building (which is currently prohibited by law).

Grocery stores must have at least 10,000 square feet of floor space and reserve at least 85 percent of their sales to food or other nonalcoholic items. To authorize said beer and wine package sales, counties must pass a resolution or ordinance.

**HB 110 Fireworks - Legalizing Those Not Prohibited by Federal Law**(Rep. Jay Roberts, 115<sup>th</sup>)

*Effective July 1, 2015; Licenses for temporary fireworks sales stands cannot be issued before January 1, 2016* - This legislation authorizes the sale of fireworks in Georgia that are not prohibited by federal law to anyone age 18 or older. Fireworks are subject to a 5 percent excise tax (in addition to other state and local sales taxes), which goes to the state. Fireworks may be used between 10 a.m. and 12 midnight, with hours extended to 2:00 a.m. on January 1, July 3-4, and Dec. 31. Local governments may authorize extended times on other dates via special use permits (the fee for which may not exceed \$100).

While there is no "opt-out" provision for counties wishing to prohibit fireworks sales or usage, counties may regulate the sale of fireworks from temporary locations, as well as require a permit or license for these sales. Permanent retail locations are licensed by the state. Local fire departments will license "temporary" sale locations for a \$500 fee that goes to the local governing authority, but must be spent on public safety purposes. The state fire marshal enforces this law, with local fire departments referring cases for enforcement. County zoning or other land use practices are not impacted by this law. Local sales taxes will apply to firework sales.

**HB 152 Counties Must Report Alcohol Citations**(Rep. Geoff Duncan, 26<sup>th</sup>)

*Effective January 1, 2016* - Counties with "bars" (defined as an establishment deriving 75% or more its annual revenue from the sale of alcoholic beverages) in unincorporated areas must adopt a policy and process to provide notice to the Department of Revenue (DOR) within 45 days of any disciplinary action against an alcoholic beverage permit or license holder. Disciplinary action is any citation or arrest on the premises against

the holder of an alcoholic beverage permit or license for violations of state law or local ordinance related to the manufacture, distribution or sale of alcoholic beverages at a bar. The DOR Commissioner will provide a reporting method. Bar bouncers must be 21 years of age or older. Nobody under age 21 can enter said bars. Lastly, this bill makes the sale of powdered alcohol (or "palcohol") illegal in Georgia.

**HB 192 County Purchasing/Credit Cards & Development Authorities May Spend on Hospital/Health Facilities**(Rep. Alan Powell, 32<sup>nd</sup>)*Effective January 1, 2016 and Effective July 1, 2015;*

*Development Authority provision* - If a local government issues purchase cards or credit cards to its elected officials, this bill requires cards to be used solely for public duties and officials to follow a written policy to be adopted via a local ordinance on or after January 1, 2016. Said policy must designate the officials authorized to use a card; require the user to sign a cardholder agreement with the county; set transaction limits; describe purchases that are authorized and not authorized; designate a card administrator; and set procedures for addressing violations of card policies and penalties for violations including, but not limited to, revocation of card privileges and misdemeanor prosecution. Penalties for public officials who misuse public funds are clarified and increased. Lastly, language was added clarifying that local development authorities are authorized to expend funds for hospital and health care facilities - which are defined rather broadly.

**HB 217 Mutual Funds - Counties Authorized to Invest Pension Assets**(Rep. Howard Maxwell, 17<sup>th</sup>)

*Effective July 1, 2015* - This legislation authorizes local governments to invest pension assets in mutual funds. While ACCG and counties have been doing this for many years, a recent letter by the Georgia Attorney General to the State Auditor casted doubt on whether this is a statutorily-authorized practice.

**HB 372 Charter Schools - No Business License or Occupation Tax**(Rep. Christian Coomer, 14<sup>th</sup>)

*Effective July 1, 2015* - This legislation prohibits counties from requiring charter schools to obtain a business license, professional license or occupation tax certificate. However, these schools remain subject to zoning, planning and building requirements. Any for-profit

vendor of a charter school remains subject to any applicable local requirements and regulations.

**HB 432 Deannexation - Create Unincorporated Island if Territory is Simultaneously Annexed by another City**

(Rep. Brad Raffensperger, 50<sup>th</sup>)

*Effective July 1, 2015* - This legislation allows the deannexation of territory by a local act of the General Assembly to create an unincorporated island if said territory is simultaneously annexed into another municipality on the same date as the deannexation - thus eliminating the island.

**HB 492 Guns - Clarity on Provisions of Georgia's Weapons Carry Law**

(Rep. Rick Jasperse, 11<sup>th</sup>)

*Effective July 1, 2015* - This legislation is intended to provide clarity on several provisions of Georgia's weapons carry law, including: the prohibition on carrying of weapons near polling places only applies when locations are being used as polling places; what constitutes a renewal license (if license has 90 or fewer days remaining or has expired within the last 30 days, regardless of county of issuance) and how to address fingerprinting on renewals; proof of serving in the Armed Forces for those between the ages of 18 and 21 years of age who seek a license; how judges report the

revocation of licenses and check for license verification; and authorizing counties to prohibit unpaid volunteers from carrying weapons during volunteer functions.

**HB 524 Creation of Trade Name Registry Housed with the Superior Court Clerk's Cooperative Authority**

(Rep. Barry Flemind, 121<sup>st</sup>)

*Effective July 1, 2015; Sections 1 and 3, and Effective January 1, 2021; Section 2-* This legislation requires the Georgia Superior Court Clerks' Cooperative Authority to create and maintain a trade name registry. This bill provides that \$5.00 of the \$15.00 registration fee be retained by the Superior Court Clerk's Cooperative Authority to create and maintain the statewide database until the year 2020. However, that is offset by the new \$15.00 renewal fee.

**SB 88 Pay Wages by Credit to Payroll Card**

(Sen. Burt Jones, 25<sup>th</sup>)

*Effective May 5, 2015* - This legislation allows employers to pay their employees by a credit to a payroll card account (i.e., an account accessed through a prepaid debit card). In order to pay employees in this manner, the county must provide the employee a written explanation of the fees, if any, entailed (30 days prior to the account being available, or at time of hiring); a form allowing the employee to opt out; and the ability to opt out.

**HEALTH & HUMAN SERVICES**

[Staff: Debra Nesbit]

**HB 177 Required Acknowledgement of Receipt of Report of Child Abuse and Completion of Investigation**

(Rep. David Wilkerson, 38<sup>th</sup>)

*Effective July 1, 2015* - This legislation requires the Department of Family and Children Services (DFCS) to acknowledge in writing to the informant within 24 hours of receiving information about suspected child abuse and the completion of investigation. This legislation specifies that in the absence of a DFCS agency, the law enforcement agency or prosecuting attorney must acknowledge receipt of report and the results of any investigation. This legislation should have no impact on the counties with DFCS offices. For those counties without a DFCS office, the responsibility will fall to local law enforcement.

**HB 268 Change in Procedures for Mandatory Reporters of Child Abuse**

(Rep. Mandi Ballinger, 23<sup>rd</sup>)

*Effective July 1, 2015* - This legislation requires law enforcement officers (and other mandatory reporters of child abuse) to report to the person in charge of a hospital, school, agency or facility, when he or she receives reliable information that child abuse has occurred involving a volunteer or employee that attends to a child pursuant to their duties at a hospital, school, social agency or similar facility. There will be no fiscal impact for counties.

**HB 512 Change Department of BHDD&AD Regional Planning Boards to Advisory Councils**(Rep. Rick Jasperse, 11<sup>th</sup>)

*Effective July 1, 2015* - This legislation allows the Department of Behavioral Health and Developmental Disabilities to create local mental health, developmental disabilities, and addictive disease offices, rather than requiring the Department to create regional offices. This bill also changes the regional boards to advisory councils. This legislation requires the county governing authority with a population of 50,000 or less TO appoint one person to the newly created advisory council and one additional person for every 50,000 of population by July 1, 2015.

**SB 131 Department of Behavioral Health and Developmental Disabilities to Certify Rather than License Facilities**(Sen. Mike Dugan, 30<sup>th</sup>)

*Effective July 1, 2015* - This legislation changes the role of the Department of Behavioral Health and Developmental Disabilities to certifying, rather than licensing, crisis stabilization units that provide short term residential psychiatric stabilization and detoxification services. This legislation will have no fiscal impact for the counties.

**NATURAL RESOURCES & ENVIRONMENT****[Staff: Todd Edwards]****HB 199 Timber Harvesting - Revision of Notice, Bond and Fee Procedures**(Rep. John Corbett, 174<sup>th</sup>)

*Effective July 1, 2015* - Current law stipulates that timber harvesters provide notice of their operations prior to cutting timber. This legislation requires notice prior to entering the property, if possible, but no later than 24 hours after entering the property, as well as a cessation notice within 24 hours after the job is completed. Only one \$5,000 bond is required of a harvester in each county, regardless of the number of tracts being harvested, so long as the bond remains in effect. However, if the bond is called, a harvester with multiple tracts must secure another bond within five business days. Counties remain authorized under O.C.G.A. § 32-6-1 to recover all costs from a party damaging a public roadway. Lastly, counties cannot require any kind of fee for receiving a harvest notification. Counties with timber harvesting notification ordinances will have to adjust them accordingly.

**HB 206 Garbage Trucks - Pass With Care**(Rep. Brett Harrell, 106<sup>th</sup>)

*Effective July 1, 2015* - This legislation requires drivers, when approaching and then passing a garbage truck, to either move over to a lane not adjacent to the truck or reduce their speed to 10 mph less than the posted speed

limit or 25 mph, whichever is more, and be prepared to stop. Violators can be fined up to \$250.

**HB 397 Move Soil and Water Conservation Commission to Department of Agriculture**(Rep. David Knight, 130<sup>th</sup>)

*Effective April 8, 2015* - This legislation moves the State Soil and Water Conservation Commission under the Department of Agriculture for administration purposes. While the Governor still appoints members of said commission, members no longer have to be conservation district supervisors.

**SB 101 Coastal Marshland Buffers**(Sen. Ben Watson, 1<sup>st</sup>)

*Effective December 31, 2015* - This legislation, a compromise from an array of stakeholders, is aimed at resolving an ongoing dispute on establishing and measuring marshland buffers. It establishes a 25-foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface. County transportation, utility, drainage and stormwater infrastructure are exempt so long as adequate erosion control measures are in place. The Department of Natural Resources (DNR) Board is charged with promulgating rules pertaining to buffer variance.

## PUBLIC SAFETY & the COURTS

[Staff: Debra Nesbit]

### **HB 233 Georgia Uniform Civil Forfeiture Procedure Act**

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

*Effective for seizures on or after July 1, 2015* - This legislation relocates and rewrites the civil procedure by which state and local law enforcement seizes and disposes of property or assets involved with illegal activity. This legislation will require the sheriff to report on a standardized form the assets and cash seized and forfeited, and submit to the county commission, as well as the Carl Vinson Institute of Government. Counties should continue to include this form with the budget submission to the Carl Vinson Institute. If the sheriff fails to comply with reporting requirements, their ability to seize assets and forfeitures will be suspended.

This legislation was amended to include the language from HB 418 that changes the qualifications for persons serving on the grand jury. [For a more detailed summary see Appendix E.](#)

### **HB 263 Expansion of Criminal Justice Coordinating Council (CJCC) to Include an Advisory Board on Juvenile Justice Issues and Planning and Transfer of Licensing of Domestic Violence Shelters to CJCC**

(Rep. Christian Coomer, 14<sup>th</sup>)

*Effective July 1, 2015* - This legislation transfers certain responsibilities for juvenile issues from the Department of Human Services (DHS) to the Criminal Justice Coordinating Council (CJCC). It also creates an advisory board to the CJCC for juvenile justice issues, consisting of 33 members appointed by the Governor, that is responsible for creating a three year plan and provide annual reports of progress annually. This legislation was amended to include the transfer of the licensing of domestic violence shelters from DHS to CJCC. This bill will have no fiscal impact on counties, but could create mandates in the future.

### **HB 279 State Salary Increase for Superior Court Judges, District Attorneys and Circuit Public Defenders and Creation of Three Additional Court of Appeals Judgeships**

(Rep. Jay Powell, 171<sup>st</sup>)

*Effective July 1, 2016; Section 1 and Effective April 1, 2016; Section 2* - This legislation provides for a state salary increase of 5 percent across the board for superior court judges, district attorneys and circuit public defenders. The bill also includes a state supplement of \$6,000 per year to superior court judges, district attorneys and circuit public defenders who have an accountability court operating within their judicial circuit. Language is

included to exclude other officials who are tied by local legislation from receiving the same supplement or having the state supplement used in calculating any other officials' salary that is tied to the superior court judge, district attorney or circuit public defender. However, if other officials are tied to the state salary, the 5 percent across the board in state pay will be used in calculating those officials' salaries. This legislation also provides for the establishment of the Judicial, District Attorney and Circuit Public Defender Compensation Commission to conduct periodic reviews of all aspects of compensation and workload assessment and resource utilization.

If other county employees or officials are tied to the superior court judges' salary, the 5 percent increase will apply to those tied. The salary increase for county officials is effective January 1, 2016.

### **HB 310 Consolidation of all Parole, Probation and Misdemeanor Probation Supervision into the Department of Community Supervision**

(Rep. Alan Powell, 32<sup>nd</sup>)

*Effective July 1, 2015* - This legislation creates the Board of Community Supervision to oversee the newly created Department of Community Supervision (DCS) and the Governor's Office of Transition, Support, and Reentry. All offender supervision activities will transfer from the Board of Pardons and Parole and the Department of Corrections to the new DCS. This legislation also transfers the County and Municipal Probation Advisory Council, the agency tasked with registration and oversight of private misdemeanor probation providers and governmental misdemeanor probation providers to DCS. The bill also includes requirements for increased transparency and financial reporting by the misdemeanor probation providers to the counties of fine collections, which was an ACCG priority. A county commissioner or manager is included as a mandatory board member for the new department. The board will adopt rules and regulations governing the management and treatment of probationers and parolees, and the operation of misdemeanor probation supervision.

Probation and parole offices will combine (some counties currently provide space to these entities). These offices collect fine revenue from probationers to be processed and sent back to local governments. Misdemeanor probation providers (county and private) will be required to submit an annual report to the county commission that contains the amount of fines and fees collected and the nature of such fees, including

probation supervision fees, rehabilitation programming fees, electronic monitoring fees, drug and alcohol detection device fees, substance abuse or mental health evaluation or treatment fees, and drug testing fees; the number of community service hours performed by probationer under supervision; and, a listing of any other service for which a probationer is required to pay to attend.

**HB 328 Criminal Justice Reform Council Recommendations Regarding Re-entry and Indigent Defense Services and Provides Authority for Counties to Contract with Companies to Collect Expired Fines**  
(Rep. Chuck Efstration, 104<sup>th</sup>)

*Effective July 1, 2015; Section 1 and May 5, 2015* - This legislation changes to the parole eligibility. It provides for employment assistance and public assistance eligibility for prisoners released back into the community. A committee substitute was adopted that makes changes to the Public Defender Standards Council, removing the word "standards" from the name of the agency, as well as the statute. This bill also proposes to remove the approval of the council procedures under which indigent defense services are provided. The council remains the fiscal officers for all CPD offices. This legislation was amended to include the language from HB 377 which clarifies that local governments may contract with a vendor to provide collection of expired fines. As passed this legislation will have no statewide fiscal impact to counties, but for those who contract to collect expired fines, it could generate revenue.

**HB 361 Criminal Justice Reform Council Recommended Changes to Juvenile Code**  
(Rep. Andrew Welch, 110<sup>th</sup>)

*Effective May 5, 2015* - This legislation changes the juvenile code to include recommendations made by the Georgia Council on Criminal Justice. The juvenile code rewrite inadvertently assigned all juvenile traffic cases to juvenile court, which caused a major increase in caseload. Juvenile courts do not have the administrative capability to handle traffic cases. This legislation corrects the statute to transfer jurisdiction for those traffic cases back to other local courts that handle traffic offenses. Additionally, this bill authorizes the district attorney to file petitions and prosecute Child in Need of Services (CHINS) cases in juvenile courts. This legislation enables district attorney's to prosecute juvenile cases.

**HB 461 Metal Theft Registry Requirements**  
(Rep. Jason Shaw, 176<sup>th</sup>)

*Effective July 1, 2015* - This legislation addresses catalytic converters and burial objects being sold to secondary metal recyclers. This legislation will have no fiscal impact on counties.

**SB 8 Creation of Safe Harbor For Sexually Exploited Children Fund and Rachel's Law**

(Sen. Renee Unterman, 45<sup>th</sup>)

*Effective July 1, 2015 and Effective January 1, 2017; Section 3* - This legislation creates a \$2,500 additional penalty assessed against those found guilty of sex crimes against children. This additional assessment is collected and remitted to the state in the same manner as other court fees and surcharges by the clerk of the superior court. The penalty will be remitted to the Safe Harbor for Sexually Exploited Children Fund to provide rehabilitation and treatment of sexually exploited children. See SR 7. This bill also includes language from HB 244, which requires all adult entertainment establishments to pay to the Department of Revenue a state operation fee equal to the greater of 1 percent of the previous year's gross revenue or \$5,000. This fee is in addition to any other fees required by the county. The fees collected will be remitted to the Safe Harbor for Sexually Exploited Children Fund Commission. Additionally, the legislation provides for forfeiture of property used directly or indirectly for the purposes of prostitution and/or pimping. This legislation will not require additional administrative duties from the counties, but local law enforcement can seize property used for the purposes of prostitution or pimping.

**SB 53 Authorization for Licensed Professional Counselors to Sign Involuntary Commitment Orders for Mental Health Patients**

(Sen. Greg Kirk, 13<sup>th</sup>)

*Effective March 10, 2015* - This legislation extends the sunset provision for licensed professional counselors (LPC) to sign involuntary commitment papers for mental health patients (1013s). This legislation also allows LPC's to withdraw involuntary commitment orders. This legislation can potentially save counties money by moving mentally ill inmates out of jail and hospital emergencies rooms quicker and eliminating the need for law enforcement to spend hours waiting on physicians.

**SB 62 Granting of Full Jurisdiction for Probate Courts over Game and Fish Violations**

(Sen. Tyler Harper, 7<sup>th</sup>)

*Effective July 1, 2015* - This legislation changes probate courts' jurisdiction over game and fish code violations. Under current law, probate judges have jurisdiction over violations of the game and fish code except for a first violation of hunting deer at night with the aid of a light and violation of any laws considered to be a high and aggravated nature. This legislation removes these exceptions. This legislation may increase the caseload in probate court, especially in the rural areas.

**SB 72 Changes Provisions Regarding Incest, Harassing Communications and Crimes against Police Dogs in Performance of Official Duties**

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

*Effective July 1, 2015* - This legislation was amended to include language from HB 534, which defines relationships between relatives that constitute incest, and HB 578, which changes making harassing telephone calls to a crime to make harassing, threatening or harassing telephone calls or electronic communications. The crime may be prosecuted either in the county where the communication is sent or received. This legislation will have no direct fiscal impact on counties.

**SB 94 Require Written Procedures for Enhancing Witness Identification Accuracy and Revision of Search and Seizure Law**

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

*Effective July 1, 2015 and Effective July 1, 2016; Section 5-* This legislation requires law enforcement agencies that conduct live lineups, photo lineups or show ups to adopt written procedures to determine whether a witness identifies someone as a perpetrator of an alleged crime. The procedures are subject to the open records law. This legislation was amended in the House Judiciary Non-Civil Committee to include HB 430, which is the revision of Georgia's search and seizure law. This legislation should have no significant fiscal impact on counties, but will require the adoption of policies and procedures for law enforcement.

**SB 134 Change in Reporting Requirements for Law Enforcement Agencies Using Radar**

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

*Effective July 1, 2015* - This legislation requires law enforcement agencies to include the fine revenue received from speeding tickets over 20 miles per hour above the speed limit when calculating total speeding fine revenue for the department. Currently, the total revenue from speeding fines under 17 miles per hour cannot be more than 40 percent of the overall budget. This legislation changes that ratio to 35 percent. This bill requires counties and municipalities to include in a separate section, all speeding fine revenue in the annual report submitted to the Department of Community Affairs.

**SB 135 Restricted Access to Clerk of Superior Court Records**

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

*Effective May 6, 2015* - This legislation restricts access to records of the superior court clerk. It provides that only the clerk of superior court can authorize release of records, thereby eliminating the potential for records request to vendors serving the clerk of court or the Clerk's Cooperative Authority. This bill also provides that the clerk can contract with any governmental agency, vendor, etc., to provide for records storage. This legislation specifically states that it shall have no impact or mandate on local government budgets.

**REVENUE & FINANCE**

[Staff: Shaun Adams and Clint Mueller]

**HB 48 Redefine Ad Valorem Tax Exemptions for Veterans**

(Rep. Brooks Coleman, 97<sup>th</sup>)

*Effective July 1, 2015* - This legislation expands the statewide homestead exemption for 100% disabled veterans by including veterans that may be less than 100% disabled but are compensated by the Veterans Administration at the 100% level due to the individual's unemployability because of their disability. This change will also apply to the exemption from vehicle ad valorem tax for a disabled veterans and the vehicle exemption is expanded to include an unmarried surviving spouse or minor child in the event of the death of the disabled veteran. According to the tax commissioner's association, this bill should have little to no fiscal impact on the county governments.

**HB 94 Vehicle Ad Valorem Tax Penalty Waiver**

(Rep. Chuck Williams, 119<sup>th</sup>)

*Effective July 1, 2015* - This bill excuses Georgia residents who unregister their vehicle from paying any penalties due on unpaid motor vehicle ad valorem taxes while the vehicle was unregistered. The underlying ad valorem tax liability remains in place. This legislation should have very little to no fiscal impact on county governments.

**HB 95 Authority to Separate Local Government Investment Pool (Georgia Fund 1) from State Pool**

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

*Effective July 1, 2015* - This legislation allows funds in the Local Government Investment Pool to be invested in a separate trust fund to be administered by the state treasurer. This change is needed for auditing purposes and should not have any impact on county funds invested in the LGIP.

**HB 147 Two Year Vehicle Registration**(Rep. Alan Powell 32<sup>nd</sup>)

*Effective July 1, 2015* - This legislation allows an initial two year registration for certain motor vehicles. The registration fee for new passenger cars for which the purchaser has paid state and local title ad valorem taxes is \$40. This change should provide a slight reduction in administrative burden in the county tax commissioner's office.

**HB 202 Property Tax Appeals and Administration Reform**(Rep. Paul Battles, 15<sup>th</sup>)

*Effective May 6, 2015; Sections 1, 2, 3 and 28, Effective July 1; Sections 13 and any provisions in Section 15 not related to a property appeal and Effective January 1, 2016; Sections 9, 12 and any provisions in Section 15 related to a property appeal* - This legislation is a comprehensive revision of processes and procedures regarding ad valorem taxation, assessment, and appeal. Major highlights include a revamping of appraisal staff procedures to allow for joint staffs and contracting for advice and assistance and a total overhaul of the appeal process and county boards of equalization. This legislation will have an administrative impact on the county tax assessor's office, office of the superior court clerk, tax commissioner's office and boards of equalization. [For a detailed summary see Appendix F.](#)

**HB 234 Taxes Deadline Extended When Federal Reserve Bank is Closed**(Rep. Dale Rutledge, 109<sup>th</sup>)

*Effective May 6, 2015* - This bill adds closure days of the Federal Reserve Bank to the list of days that excuse late filing or payment of taxes. This legislation may have a minimal impact on the administration of county tax collections.

**HB 277 Sales Tax Exemption on Flooring Samples**(Rep. Bruce Broadrick, 4<sup>th</sup>)

*Effective July 1, 2015* - This legislation broadens the current sales tax valuation methodology for carpet samples to now include all types of floor covering samples. This legislation will have little to no impact on local sales tax revenues.

**HB 374 Ad Valorem Tax Exemption for Forest Equipment in Dealer Inventory**(Rep. Randy Nix, 69<sup>th</sup>)

*Effective July 1, 2015* - This bill expands the current ad valorem tax exemption for farm equipment held for sale in dealer inventory to now include equipment used for forestry operations. The bill also clarifies that farm equipment purchased through a lease purchase agreement is eligible for the ad valorem tax exemption.

This legislation may have a financial impact on counties that have forest equipment dealers.

**HB 426 Sales Tax Exemption for Nonprofit Health Centers and Donated Food**(Rep. Darlene Taylor, 173<sup>rd</sup>)

*Effective July 1, 2015* - This bill reinstates, for a three year period, the previously expired state and local sales tax exemptions for: (1) sales to nonprofit health centers; and (2) sales to nonprofit volunteer health clinics. It also reinstates for five years the previously expired state and local sales tax exemption on food donated to a food bank. This legislation should have very little impact on local sales tax revenues.

**HB 428 Sales Tax Exemption for Aquarium and Zoo Expansions**(Rep. Ron Stephens, 164<sup>th</sup>)

*Effective July 1, 2015* - This bill reinstates, for a new 2 year period, the state and local sales tax exemption for sales for renovation or expansion of a zoological institution or an aquarium. This legislation will only impact local sales tax in Fulton County.

**HB 457 Renew Ad Valorem Tax Exemption on Boat Inventory**(Rep. Lee Hawkins, 27<sup>th</sup>)

*Effective January 1, 2016* - This bill reinstates, for a three year period, the previously expired ad valorem exemption for watercraft in dealer inventory beginning January 1, 2016. This legislation will have a fiscal impact next year on counties that have boat dealerships.

**HR 397 Resolution Supporting Sales Tax Fairness**(Rep. Larry O'Neal, 146<sup>th</sup>)

This legislation encourages the United States Congress to pass federal legislation that provides for the fair and constitutional collection of state and local sales taxes.

**SB 82 Motor Vehicles- Provide for an Allocation Benchmark for International Registration Plan (IRP) Revenues to Counties**(Sen. John Wilkinson, 50<sup>th</sup>)

*Effective March 31, 2015* - This legislation changes the method of distribution of alternative ad valorem tax proceeds of apportionable vehicles. The state revenue commissioner will determine a benchmark amount and qualified jurisdictions will receive that amount. This legislation was amended in committee to provide for a phase out of the benchmark over a five year period. It was also amended to delay the initial distribution set for April 1, 2015 until August 1, 2015 to give the Department of Revenue (DOR) time to adjust their system for the new formula.

This legislation impacts counties by preventing 48 counties from losing money on their April 1 International Registration Plan (IRP) distribution by pushing the distribution to August 1, 2015 and providing a benchmark that ensures each county will receive the amount they received in 2013 at a minimum. This legislation also changed the formula to an industry strength model that is more equitable to counties and thereby reducing the potential for lost revenue in the future.

### **SB 122 Repairs to Damage Caused By a Natural Disaster and State Projects Eligible for SPLOST**

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

*Effective July 1, 2015* - This legislation authorizes local governments to set aside a portion of SPLOST revenues in their next SPLOST referendum to pay for future repairs that are needed as a result of damage done during a natural disaster. It also clarifies that state owned projects can be included in the SPLOST referendum.

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## **Appropriations**

### **HB 75 FY2015 Amended Budget**

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

*Effective March 10, 2015* - Fiscal Year 2015 Amended Budget

### **HB 76 FY2016 Budget**

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

*Effective July 1, 2015* - State Fiscal Year 2016, the "Big Budget"

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## **2015 Study Committees**

### **HR 618 House Study Committee on Adult Day Services**

(Rep. Valerie Clark, 101<sup>st</sup>)

This legislation creates a House Study Committee on Adult Day Services. The study committee shall submit a report to the Governor and Legislature and be abolished December of 2015.

### **HR 640 Joint Study Committee on Health, Education, and School-Based Health Centers**

(Rep. Bruce Broadrick 4<sup>th</sup>)

This legislation creates the Joint Study Committee on Health, Education, and School-Based Health Centers. This study committee will be abolished December of 2015.

### **HR 641 Joint Study Committee on Children's Mental Health**

(Rep. Katie Dempsey, 13<sup>th</sup>)

This legislation creates the Joint Study Committee on Children's Mental Health.

### **HR 743 Create House Study Committee on Annexation, Deannexation and Incorporation**

(Rep. Jan Tankersley, 160<sup>th</sup>)

This legislation creates the House Study Committee on Annexation, Deannexation and Incorporation.

### **HR 744 House Study Committee on the Use of Drones**

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

This legislation creates the House Study Committee on the Use of Drones.

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## **2015 Subcommittees**

House Transportation Committee:

- Truck Weights

Ways and Means Committee:

- John Carson's HB 445
- Review of the Property Tax System
- Review of the Sales Tax System
- Vehicle TAVT and Boat TAVT

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## **2015 Vetoed Legislation**

### **HB 86 Creation of the Georgia Adult and Aging Services Agency**

(Rep. Tommy Benton, 31<sup>st</sup>) - **Vetoed May 12, 2015**

This legislation transfers the Division of Aging Services from the Department of Human Services to a newly created agency called the Georgia Adult and Aging Services Agency.

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