



Final Legislative Update

Volume # 3, Issue 14 – May 14, 2012

2012 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 2012 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 invaluable interest and involvement in the 2012 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, Georgia counties can and do have a meaningful impact on the outcome of specific legislation.

Guided by the 2011-2012 Amended 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 formulate positions for the 2013 legislative session during Policy Committee meetings.

ACCG encourages you to take time this summer to meet with your state legislators. Building relationships with your state-level counterparts will facilitate better communications when they are at the Capitol during the legislative session. Work with your cities and 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: Clint Mueller - Economic Development/Todd Edwards - Transportation]

HB 817 DOT Annual Clean Up Bill

(Rep. Chad Nimmer, 178th)

Effective July 1, 2012 - This is DOT's annual cleanup bill. Among other provisions it increases, from \$100,000 to \$250,000, the amount that DOT is allowed to contract for without having to go out to bid; allows posting a bid on their website to satisfy the public bid requirement and suffice for having read the bid; and sets out conditions on when, and under what conditions, DOT can close or limit access to state highways. Additionally, counties will no longer be required to get the DOT Commissioner's permission to designate local truck routes so long as they notify DOT of said designation within 90 days of doing so.

HB 835 Increase Weight Limits for Tow Trucks

(Rep. Jay Roberts, 154th)

Effective July 1, 2012 - This bill allows for a 5-percent weight variance for tow trucks carrying disabled, damaged or wrecked commercial vehicles within 100 miles of the initial emergency tow pick up location. Said variance requires the purchase of a \$500 annual permit from the DOT. Tow trucks could not exceed a single axle weight of 21,000 pounds, a load on any tandem axle exceeding 40,000 pounds, or a total load length exceeding 125 feet.

HB 868 Job Tax Credits Designated by Tiers

(Rep. Doug Collins, 27th)

Effective January 1, 2012 - This legislation is part of the Governor's Competitive Initiative to make Georgia's tax incentives for new job creation more competitive with other states. The bill expands eligibility and increases benefits for job creation.

HB 897 Georgia Workforce Investment Board

(Rep. Michael Harden, 28th)

Effective July 1, 2012 - This bill repeals the Georgia Work Ready Program and greatly revises the rule-making authority and overview of the Georgia Workforce Investment Board.

SB 371 Authorize Counties to Improve Airports with CID Funds

(Sen. Lindsey Tippins., 37th)

Effective July 1, 2012 - This bill authorizes cities and counties to enter into cooperative agreements with Community Improvements Districts (CIDs) for the improvement of airports and landing fields within the CID.

GENERAL COUNTY GOVERNMENT

[Staff: Todd Edwards and Jim Grubiak]

HB 110 Local Government Foreclosed and Vacant Property Registry

(Rep. Mike Jacobs, 80th)

Effective July 1, 2012 - HB 110 sets forth procedures to which a county or city must adhere in developing registries for foreclosed and vacant real property. The intent of these registries is to identify responsible parties that can be held accountable for properly maintaining the properties so that surrounding neighborhoods are not adversely affected. The bill defines foreclosed and vacant properties and imposes a cap on registration fees at \$100 per registration and fines for noncompliance at no more than \$1000. The bill also expressly allows local governments to require owners of the registered properties to update contact information for properties in the registry.

HB 397 Open Meetings/Open Records Comprehensive Rewrite

(Rep. Jay Powell, 171st)

Effective April 17, 2012 - HB 397 updates and re-organizes the open meetings and open records laws. While there are some significant substantive changes proposed in the bill, many of the amendments clarify the requirements of existing law. The bill defines a meeting as the "gathering" of a quorum of a board of commissioners or a committee created by the board. E-mail messages between commissioners will not be considered a meeting. The bill also enhances the attorney-client privilege relative to the open records act and revised the cost recovery provisions of the law by reducing the per copy fee for standard-sized paper from \$.25/page to \$.10/page. However, counties can recover the actual cost

of producing non-standard sized documents. [To read more see Appendix A.](#)

HB 683 Authorize Non-Attorneys to Answer Garnishment Procedures

(Rep. Wendell Willard, 49th)

Effective February 7, 2012 - HB 683 allows the county and other employers to designate someone other than an attorney to file an answer to a garnishment filed against an employee. This bill was introduced in response to a recent court decision that said that using non-lawyers to file an answer constitutes the illegal practice of law. The bill would also allow the designated person to pay into the court the funds required by the garnishment.

HB 685 Responsible Dog Ownership Law

(Rep. Gene Maddox, 172nd)

Effective July 1, 2012 - HB 685 extensively revises provisions relating to dangerous and vicious dogs, defining both, and providing for liability to owners for injuries and damage (to persons or property) caused by these dogs.

All counties and cities will have to designate an individual as a "dog control officer" to aid in the administration and enforcement of the act, with cities and counties being able to partner and provide one officer over multiple jurisdictions. The dog control officer will receive complaints, make a determination whether a dog is dangerous or vicious, notify owners of said determination and will participate in a hearing process if it occurs. They will also set out standards by which such dogs can be impounded or euthanized, maintain a registry of such dogs, and ensure the enforcement of other aspects of the law such as having these dogs micro chipped and that vicious dogs carry liability insurance of no less than \$50,000.

The bill expressly allows local governments to charge any and all reasonable fees for administering the law; to be more restrictive in their regulations on dangerous and vicious dogs than prescribed by these minimum standards; and stipulates that local governments cannot be held liable for their failure to enforce any of these provisions that result in a person suffering an injury by a dangerous or vicious dog.

HB 728 Clarifies Covenants Effect Created Prior to the Adoption of Zoning Laws

(Rep. Rick Jasperse, 12th)

Effective July 1, 2012 - HB 728 specifies that covenants that restrict property to certain uses that were created before zoning laws were adopted in a county or city will continue to be effective until the covenant expires according to its terms notwithstanding contrary provisions of the zoning ordinance. However, this

limitation applies only to those covenants where the zoning ordinance, upon its initial enactment, expressly acknowledged the continuing application of the covenant's restrictions on uses of the lands subject to the covenant.

HB 766 Authorize Counties to Display Foundation of American Law

(Rep. Tommy Benton, 31st)

Effective July 1, 2012 - Current state statute authorizes counties to display the Foundations of American Law and Government in judicial buildings. HB 766 expands this statute to authorize said display in any public building. Examples of the Foundations of American Law include the Ten Commandments, Mayflower Compact, Declaration of Independence, Magna Carta and Bill of Rights.

HB 822 Georgia Taxpayer Protection False Claims Act

(Rep. Edward Lindsey, 54th)

Effective July 1, 2012 - HB 822 establishes a procedure in equity that could be used whenever someone makes a false or fraudulent claim for payment from the state or a county or fails to deliver all or any property owed to the state or a county to the state or county. It allows the Attorney General to initiate an investigation or to delegate the investigation to the district attorney "or other appropriate official of a local government." If the Attorney General finds that a violation occurred, he may either initiate a civil action or give the local government the authority to initiate a civil action. Private citizens may also initiate a proceeding on the county's behalf. A private person winning such a case may be awarded between 25% and 35% of the proceeds of the action. The civil penalty is between \$5,000 and \$11,000 plus three times the amount of damages that the county sustains because of the fraud. This bill is similar to existing state Medicaid fraud law and brings the state law into compliance with federal Medicaid fraud law.

SB 92 Comprehensive Update of State Elections Law

(Sen. Joshua McKoon, 29th)

Effective May 2, 2012 - SB 92 is the Secretary of State's comprehensive elections bill much of which was developed in cooperation with local elections officials. The bill makes numerous changes throughout the election code including changes to: nonpartisan elections; minimum number of members to county election or registration boards; pauper petitions; write-in candidates; candidates selecting their political affiliation; registrar and deputy registrar qualifications; absentee ballot counting; special election voter registration; registration lists and deceased electors; election records storage; electronic device usage in a polling place; ballots; issuance of the call for elections held in conjunction with presidential preference primary;

General Assembly vacancies; provisional and challenged ballots; reopening of qualifying periods; and timing of nonpartisan consolidated government elections. SB 92 was a vehicle for several election bills including HB 725, HB 776 and HB 899. The bill has multiple effective dates.

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

SB 101 Create Student Teen Election Participant Program

(Sen. Jesse Stone, 23rd)

Effective May 2, 2012 - This bill creates a program whereby full-time public, private, and home-schooled high school students may volunteer to work as poll officers. The volunteer work shall not count as an absence from school.

SB 113 Procurement - Clarifying Performance Contracting Process

(Sen. Buddy Earl Carter, 1st)

Effective April 12, 2012 - This bill exempts energy savings performance contracts from the requirements of the local government public works construction law. Counties will still be required to follow the procedures established in the energy savings performance contract statute, but certain provisions that were not intended to apply to county government have been removed (i.e., requiring the use of the State's prequalified list of providers). Counties will be required to issue a request for proposals to at least two qualified energy service providers, as well as advertise the contract opportunity by posting it at the board of commissioners' office and on the county's website, if one exists.

SB 286 Tax Commissioners and Staff: Participation in State Retirement System if County Agrees

(Sen. Bill Heath, 31st)

Effective July 1, 2012 - Under current law, tax commissioners and their employees are members of the state retirement system. SB 286 would allow all tax commissioners presently in office and any current employees of a tax commissioner to remain in the state system but tax commissioners first taking office after July 1, 2012 and any employees of a tax commissioner first hired after that date will not automatically be participants in the state retirement system. The county board of commissioners may, however, agree to include them in the state system so long as the county pays to the state the employer's contribution for each such tax commissioner and employee. The county must also agree to collect any employee contributions from the employee and forward same to the state retirement system.

SB 402 Authorizes Alternative Investment Options for Public Retirement Systems

(Sen. Tim Golden, 8th)

Effective July 1, 2012 - This bill authorizes, but does not require, the state retirement system and other large retirement systems to invest trust assets in specified alternative investments subject to certain conditions and limitations. Examples of alternative investments include leveraged buyout funds, mezzanine funds, debt funds and venture capital funds. Alternative investments cannot in the aggregate exceed 5 percent of a retirement system's assets at any time.

HEALTH & HUMAN SERVICES

[Staff: Debra Nesbit]

SB 370 Chase's Law - Prohibition of Synthetic Marijuana

(Sen. Buddy Earl Carter, 1st)

Effective July 1, 2012 - This legislation updates the statutory drug formulations so as to outlaw the components of synthetic marijuana, bath salts, etc.

NATURAL RESOURCES & ENVIRONMENT

[Staff: Todd Edwards]

HB 684 Locals to Have Notice of State Park Closings

(Rep. Debbie Buckner, 130th)

Effective July 1, 2012 - Under this bill, whenever the Department of Natural Resources is considering closing or reducing (by 50 percent or more) the hours of operation of a state park or recreational area, they are

required to provide at least 90 days notice to the city or county in which the park or recreational area is located. The idea being that, with due notice, the local government would have ample time to decide whether it wanted to take over the control, operation and/or management responsibilities.

HB 1102 Hazardous Sites, Septage Land Disposal Permitting and Sewer Bill Collection

(Rep. Lynn Smith, 70th)

Effective May 1, 2012 - A multi-faceted bill, HB 1102 establishes a 30-day grace period for liability limitation for a purchaser of a hazardous site. It was amended late in the session to also address:

Septage Land Disposal Permitting Delay – providing a two-year extension for septage land disposal sites to have to obtain EPD permitting under the standing DNR septage disposal rules.

Calculating and Paying Sewer Bills –requiring any privately-owned public water supplier who is not providing sewer service to a location, but the sewer service is provided by a local government, to inform the public sewer provider of the water used by each

customer (to help calculate appropriate sewer bills). Furthermore, if the customer is not paying his or her public sewer bill, the private water provider must discontinue water service within 5 days of being informed by sewer provider of non-service.

SB 427 EPD Permits - Paying More to Expedite

(Sen. Ross Tolleson, 20th)

Effective July 1, 2013 -SB 427 calls for the Director of the state Environmental Protection Division (EPD) to establish procedures whereby EPD will expedite permits or variances if the applicant pays an additional fee. The EPD Director must also establish a process whereby all permit/variance applicants may track the status of their application via a secure connection to the EPD's website.

PUBLIC SAFETY & the COURTS

[Staff: Debra Nesbit]

HB 198 Eliminates Sunset for Superior Court Clerks Real Estate Filing Fees

(Rep. Tom Rice, 51st)

Effective July 1, 2012–Under current law, certain fees are collected by the superior court clerks in conjunction with recording certain property records that are given to the Georgia Superior Court Clerks' Cooperative Authority to help fund a state-wide uniform automated information system. This funding mechanism is scheduled to terminate on July 1, 2014. HB 198 eliminates this sunset.

HB 247 Department of Community Health Requirement to Fingerprint and Investigate EMS Personnel

(Rep. Jay Neal, 1st)

Effective July 1, 2012 - HB 247 requires anyone licensed as an emergency medical service provider to be fingerprinted based on a criminal history check from the Georgia Criminal Information Center and the Federal Bureau of Investigation when they are being licensed or having their licenses renewed. Emergency medical services employees who are currently licensed will only be required to pay a fee for the criminal history background check to renew their licenses. This bill was amended to allow employers to submit an affidavit stating a criminal background check was completed on employees. This bill was further amended to provide authority to the Firefighters Standards and Training Council to refuse to grant a certificate or to discipline a certified firefighter upon the determination that the

applicant or firefighter has been convicted of a felony offense.

HB 351 Increase in Probate Court Judges Retirement Surcharge - Include State Court

(Rep. Howard Maxwell, 17th)

Effective July 1, 2012 - This bill eliminates the tiered surcharge on traffic fines to fund probate judges retirement. There will now be a \$3.00 surcharge on every traffic case.

HB 534 Change in Population of Counties where Probate Judge Must be Attorney

(Rep. Carol Fullerton, 151st)

Effective July 1, 2012–HB 534 lowers the population threshold before which a probate judge must be an attorney from 96,000 to 90,000.

HB 541 Obstruction of Law Enforcement Officials

(Rep. James Epps, 140th)

Effective July 1, 2012–This bill makes it a crime to threaten or intimidate a law enforcement official for actions taken in his or her official capacity. Violation is a felony and punished by a fine between \$5,000 and \$20,000 and/or ten years imprisonment.

HB 665 Office of Clerk of Superior Court - Comprehensive Administrative Changes

(Rep. Billy Maddox, 127th)

Effective July 1, 2012 - This is a comprehensive bill that is meant to "modernize" the code sections dealing with the clerk of superior court duties. Among the provisions of

the bill are requirements to increase the bond executed by the clerk from \$25,000 to \$150,000, the cost of the bond is paid by the governing authority; all publications required by the clerk's office relative to federal, state and local law and digest shall be paid from law library fund; the clerk's office may close for up to eight hours every six months for training with 10 days public notice and approval of the chief superior court judge; no clerk may agree to acquire services, supplies, or equipment that requires expenditure of county funds unless the funds to be obligated are included in the budget of the county for the operation of the clerk's office; when a case is transferred from magistrate court to state or superior court, the filing fee shall also be transferred and the balance of the filing fee in state or superior court is due to the county within 30 days of the transfer; Part III of the bill is HB 763 which prohibits convicted felons from serving as a juror unless his or her civil rights have been restored.

HB 827 Fleeing or Attempting to Elude a Police Vehicle or Impersonating and Police Officer A Felony Offense
(Rep. Bill Hembree, 67th)

Effective July 1, 2012 - This bill would make it a felony for a driver to fail to stop when given a visual or audible signal from a law enforcement officer.

HB 872 Comprehensive Revision of Secondary Metal Theft Recyclers and Metal Theft Requirements
(Rep. Jason Shaw, 176th)

Section 1 Effective January 1, 2013; All other Provisions effective July 1, 2012 - HB 872 is a compromise bill which includes provisions from the Senate version SB 321. This legislation requires secondary metal recyclers to obtain a permit from the sheriff every year. The sheriff is required to keep a record of all permits, the date of issuance, as well as the name and address of the permit holder. All of the information must be entered into a statewide electronic database created by the GBI. The sheriff may impose a reasonable permit fee. [To read more see Appendix C.](#)

HB 900 Cancellation of Certificate of Title for Scrap Metal from Dismantled or Demolished Trailers
(Rep. Tom Rice, 51st)

Effective July 1, 2012 - HB 900 provides for cancellation of trailer titles when the trailer is scrapped, dismantled, or demolished. The bill seeks to prevent trailer theft for scrap metal purposes.

HB 991 Sheriffs Vacancy - Procedures for Filling
(Rep. Billy Maddox, 127th)

Effective July 1, 2012 - HB 991 revises the procedure for filling vacancies in the Sheriff's office. The revised procedure is clearly outlined in statute and allows for the chief deputy to fill the vacancy until the next election

is held. If there is no chief deputy the probate judge must appoint someone within three days.

HB 997 Makes Filing a False Lien Statement Against Public Officers a Crime

(Rep. B.J.Park, 102nd)

Effective July 1, 2012 - HB 997 creates the new felony crime of filing a false lien or encumbrance against a public officer or public employee. The maximum fine is \$10,000.

HB 1048 Statewide Process Server Certification - Removal of Sheriff's Approval

(Rep. Wendell Willard, 49th)

Effective July 1, 2012 - This bill amends who may serve process so that a person, 18 or over, who is not a party and has been appointed as a permanent process server by that court can no longer serve. It further removes the requirement that the sheriff must approve certified process servers for their county. This bill also sets a filing fee of \$58 for an application to be appointed as a certified process server.

HB 1049 Clarification of Definition Prepaid Cellular Service for Purpose of 911 Fees

(Rep. Wendell Willard, 49th)

Effective July 1, 2012 - This legislation requires that all Voice Over Internet Protocol (VOIP) service suppliers register as a provider with GEMA for purposes of paying required 9-1-1 fees. The bill provides a definition of prepaid cellular service to all forms of prepaid service, and clarifies that prepaid cellular service providers are not eligible to bill local government for cost recovery.

HB 1176 Criminal Justice Reform

(Rep. Rich Golick, 34th)

Effective dates range from July 1, 2012 to July 1, 2014 for various sections - This legislation is an attempt to reduce the prison population by implementing sweeping changes to Georgia's criminal justice system. The proposed changes will result in more cases handled at the local level and will impact local jails.

The bill amends the drug court and mental health court statute to facilitate the creation a statewide system of accountability courts for drug offenders and offenders with mental health issues. Funding was added to the FY 2012 budget to assist local governments in the implementation of new accountability courts and for existing programs.

The bill reduces prison terms for nonviolent offenses, and raises the threshold on a number of felony offenses, which will result in an increase in the county courts caseloads. There is also a revision of the punishment guidelines for a number of crimes, including burglary,

shoplifting, forgery and the sale or use of marijuana. Fine amounts were increased to generate additional support for these caseloads at the local level.

Expands the number of offenses to which the Drug Abuse, Treatment and Education (DATE) Fund surcharge attach. The surcharge will now be on an expanded list of felony drug offenses, misdemeanor offenses including DUI and underage alcohol possession. This surcharge will attach to cases at all levels of court, including municipal courts, and must be remitted to county governing authority for the DATE fund, these revenues can be used to operate DUI and Drug courts.

Maximum fees for pretrial diversion programs have been increased as well as fine amounts for various misdemeanor offenses. [To read more see Appendix D.](#)

HR 1731 House Motor Vehicle and Traffic Reform Study Committee

(Rep. Tom Rice, 51st)

Effective on July 1, 2012 - The study committee consists of seven members to be appointed by the Speaker of the House. The speaker shall designate a member of the committee as the chair. The committee will study the conditions, needs, issues and problems related to the traffic laws of the state and recommend action or legislation deemed necessary.

SB 50 Change in Priority Order for Partial Payments of Fines and Surcharges

(Sen. Bill Hamrick, 30th)

Effective on July 1, 2012 - Often times, criminal defendants do not pay all of their criminal fines, surcharges and other fees all at one time. When only a partial payment is made, Georgia law establishes priorities for how the funds are distributed to the various funds and agencies to which they are owed. SB 50 reorders the fees and adds funding of local victim assistance programs to the priority list. The list was reordered to place all fees that are kept locally or benefit local government ahead of all fees that are remitted to the state. The local governing authority has moved up to number 9 on this list from 14.

SB 350 Forfeiture of Firearms Used in Commission of a Crime

(Sen. Don Balfour, 9th)

Effective July 1, 2012 - SB 350 specifies that guns forfeited because of their use in the commission of a crime must be disposed of to the highest bidder once they are no longer of use to the law enforcement agency. Before

disposing of the gun, law enforcement must try to find the rightful owner, if it is suspected that the gun may have been stolen. Guns that belong to innocent owners must be returned to those owners.

SB 351 Requires Recorder's Court Judges to Complete Municipal Judge Training Program

(Sen. John Crosby, 13th)

Effective July 1, 2012 - This bill requires a judge "exercising municipal court jurisdiction" such as Recorder's Court to complete the same training as a municipal court judge at the expense of the governing authority where the judge presides. Probate, Magistrate, State and Superior Court Judges are exempt from this requirement.

SB 352 Appointment of Prosecutors In Lower Courts

(Sen. John Crosby, 13th)

Effective July 1, 2012 - This bill allows the probate court to hire a full time or part time prosecuting attorney (i.e., solicitor) to represent the county in prosecutions in the probate court. The board of commissioners must initially approve the decision to hire a solicitor. The cost of creating an office and personnel needs of the solicitor would be an expense of the county.

SB 431 Prohibition on Internet Cafes

(Sen. Judson Hill, 32nd)

Effective July 1, 2012 - SB 431 provides any promotion involving an element of chance which involves the playing of a game on a computer, mechanical device or electronic device at a place of business in this state shall be considered an unlawful lottery. Any prizes awarded from games shall be non-cash prizes and shall not be redeemable for cash.

SB 432 Counties Cannot Enact Any Ordinance More Restrictive Than General Law on Knife Sales

(Sen. Bill Heath, 31st)

Effective July 1, 2012 - This bill defines a "knife" as any cutting instrument with a blade. It further limits counties and cities from adopting ordinances or resolutions on knife sales and possession that are more restrictive than state law.

SB 441 Establishment of an Offense of Unlawful Pointing of a Laser Device at a Law Enforcement Officer

(Sen. John Crosby, 13th)

Effective July 1, 2012 - SB 441 creates the new crime of pointing a laser device at a peace officer. This offense is a high and aggravated misdemeanor.

REVENUE & FINANCE
[Staff: Clint Mueller]

HB 48 Expanded Options for the Freeport Exemption

(Rep. Jay Powell, 171st)

Effective July 1, 2011 - HB 48 designates the current freeport law as Level 1 Freeport. It provides for a new level of freeport which is designated as Level 2 Freeport. This new level of freeport applies to business inventory that does not otherwise qualify for a Level 1 Freeport. Other than this, Level 2 Freeport is imposed and operates in the same manner as Level 1 Freeport. It first requires approval by the governing authority. It can be set at 20, 40, 60, 80, or 100% of the value of the property. Finally, it requires voter approval in a local referendum. Level 2 Freeport is completely separate and distinct from Level 1 Freeport. A local jurisdiction has complete flexibility to choose the type of Freeport(s) it desires as well as the percentage value of each of the exemptions. A county could have a Level 1 only, a Level 2 only, or it could have both. It has the flexibility to have the same or to have different percentages of exemption percentage for the exemptions. For example, it could have Level 1 at 100% and Level 2 at 40%.

HB 386 Tax Reform

(Rep. Mickey Channell, 116th)

Effective January 1, 2013 Energy Excise Tax; Effective March 1, 2013 Vehicle Title Tax - HB 386 makes several changes to tax laws that will impact county governments. Part 1 replaces property tax and sales tax on vehicles with a new title tax ([See Appendix E for details](#)). Part 3 prohibits local governments from holding a conservation easement unless the encumbered real property is located at least partly within the boundary of the holding local government. Part 4 repeals the state and local sales tax exemption on film equipment and production. Part 5 phases out the state and local sales tax on energy used in manufacturing and authorizes local governments to replace their lost revenue with a local excise tax on energy used in manufacturing ([See Appendix F for more details](#)). Part 6 creates an affiliate nexus for companies that are not currently collecting state and local sales tax on remote sales to Georgia residents. This nexus will require these companies to begin collecting the sales tax. This part also renews the Back-to-School Sales Tax Holiday and the energy efficient sales tax holiday. **To read more see Appendix E and F.**

HB 743 Motor Fuel Tax Exemption for Public Transit and Public Campus Systems

(Rep. Tom Rice, 151st)

Effective July 1, 2012 - This bill extends the exemptions from the first and second motor fuel taxes for certain

public mass transit vehicles owned by public transportation systems and for vehicles operated by public campus transportation systems until June 30, 2015. The current exemptions are scheduled to sunset on June 30, 2012.

HB 916 Amendments to Conservation Use Special Assessments

(Rep. David Knight, 126th)

Effective May 1, 2012 - HB 916 removes the land up to two acres around a residential home from future CUVA covenants. The bill also prohibits counties from setting minimum acreage requirements and allows for newly acquired property less than 50 acres to be added to an existing covenant.

SB 284 Georgia Land Bank Act

(Sen. Tim Golden, 8th)

Effective July 1, 2012 - This legislation authorizes local governments to jointly participate in a land bank authority through intergovernmental agreement. It provides a self-financing mechanism for the land bank, at the option of the local governing authority. It expands the number of board members on the land bank authority to ensure an odd number of board members.

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

SB 293 Replaces County Name Decal with "In God We Trust" on License Plates

(Sen. Bill Heath, 31st)

Effective July 1, 2012 - This bill requires tag offices to offer vehicle owners a free decal with the county name or a decal with "In God We Trust" for their license plates.

SB 332 Changes in Contents of SPLOST Published Annual Report

(Sen. William Ligon Jr., 3rd)

Effective January 1, 2012 SPLOST Report; Effective January 1, 2013 Amendments to Energy Excise Tax - SB 332 changes the SPLOST annual published reporting requirements to include unexpended surplus funds for project/purposes, their estimated completion date, and actual cost upon completion. The bill also requires the report to be posted on the local government website if one is available. Further, the bill adds a new provision allowing for any person or entity to enforce compliance for any provision in the SPLOST statute as well as allowing the Attorney General to seek civil or criminal enforcement. After the Tax Reform Bill was passed, an amendment was added to this bill clarifying the process for counties and cities to share the optional excise tax on energy used in manufacturing.

Vetoed Legislation

- None to report, which were tracked by ACCG.

Appropriations

HB 741 FY2012 Amended Budget

(Rep. David Ralston, 7th)

Effective date March 15, 2012 - The supplemental appropriations bill provides for the midyear adjustment to the FY2011 budget. To view a summary of the appropriations that impact counties see listing below.

HB 742 FY2013 Budget

(Rep. David Ralston, 7th)

Effective date July 1, 2012 - This bill is the general appropriations for FY2013. To view a summary of the appropriations that impact counties see listing below.

Department of Agriculture

FY 2013

- Transfers \$3.5 million in funds and 63 positions from the Department of Labor to the Department of Agriculture for the Safety Inspections program

Department of Behavioral Health and Developmental Disabilities

FY 2013

- Increases state funding for community services - **\$44.5 million**

Department of Community Affairs

FY 2012

- Reduce funds to Regional Commissions for Coordinated Planning - **(\$51,000)**
- Provides funds for Express operation in the Transit implementation program due to loss of federal and local funds - **\$5.6 million**
- Provided payments to OneGeorgia Authority to provide for rural economic development - **\$10.6 million**

FY 2013

- Reduce funds to Regional Commissions for Coordinated Planning **(\$77,500)**

- Provide payments to OneGeorgia Authority to provide for rural economic development - **\$78.5 million**
- Includes \$22.3 million in bonds recommended for GEFA to re-capitalize the Georgia fund
- Includes recommendation for \$20.8 million in bonds for GEFA to continue funding the Georgia Water Supply Program

Department of Corrections

FY 2012

- Increases funding for the county jail subsidy program - **\$5.5 million**
- Provide funding for Bostick facility (located in Baldwin County) renovation to provide 150 beds for medically fragile offenders - **\$6 million**
- (Health) - Convert 3 Pre-Release Centers (PRC's) to Residential Substance Abuse Treatment Centers (RSATs) to provide 600 additional treatment beds for incarcerated offenders - **\$334,000**
- (State Prisons) - Convert 3 Pre-Release Centers (PRC's) to Residential Substance Abuse Treatment Centers (RSATs) to provide 600 additional treatment beds for incarcerated offenders - **\$4.2 million**

FY 2013

- Maintains \$9.6 million for the county jail subsidy program
- Annualizes the conversion 3 Pre-Release Centers (PRC's) to Residential Substance Abuse Treatment Centers (RSATs) to provide 600 additional treatment beds for incarcerated offenders - **\$5.2 million**
- Annualizes the cost of 2650 beds in private prison expansion - **\$35.2 million**

Department of Economic Development

FY 2013

- Consolidate the International Relations and Trade program into the Global commerce program - **\$2.1 million**
- Consolidate the Business Recruitment and Expansion into the Global Commerce program - **\$7.6 million**
- Reduce funding for the Plains and Sylvania Visitor Information Centers and eliminate state funding **(\$4,833)**
- Reduce state funding for the Bainbridge Welcome Center **(\$80,000)**
- Reduce state funding for the Georgia Historical Society and the Georgia Humanities Council **(\$22,000)**
- Provided **\$78.5 Million** REBA Funds

Georgia Bureau of Investigation

FY 2013

- Provides new funding and transfer funding for new and existing Accountability Courts to be administered through the Criminal Justice Coordinating Council - **\$11.6 million**
- Provides **\$1.2 million** for additional scientists and equipment for drug testing requirements of Criminal Justice Reform.

Governor's Office

FY2012

- Transfer \$68.1 million grant funds from the Department of Labor to the Governor's Office of Workforce Development

FY 2013

- Transfers \$68.1 million grant funds from the Department of Labor to the Governor's Office of Workforce Development

Department of Human Services

FY2013

- Reduce Family Connection county collaborative contracts **(\$140,000)**

Department of Juvenile Justice

FY 2012

- Provide funding for 60 new Evening Reporting Centers - **\$288,000**
- Provide funding for 50 non-secure residential beds - **\$1.9 million**

- Provide funding for operating expenses of the Atlanta YDC - **\$3.3 million**

FY 2013

- Provides funding for 60 new Evening Reporting Centers - **\$576,000**
- Provides funding for 50 non-secure residential beds - **\$2.7 million**
- Provides funding for operating expenses of the Atlanta YDC - **\$7.8 million**

Department of Natural Resources

FY 2013

- Provides funding from the Hazardous Waste Trust Fund to pay local government reimbursements - **\$3 million**
- Provides funding from the Solid Waste Trust Fund for solid waste management - **\$881,000**

Prosecuting Attorney's Council

FY 2013

- Provides two Assistant District Attorneys in Piedmont and Bell-Forsyth Judicial Circuits effective 1/1/13 - **\$104,522.**

Public Defender Standards Council (GPDSC)

FY 2012

- Provides additional funds for conflict cases - **\$339,000**

FY 2013

- Provides additional funds for conflict cases - **\$565,000**

Department of Public Health

FY 2012

- Reduce funds for the Georgia Trauma Care Network Commission to reflect revised revenue projection for super speeder and license reinstatement fees - **(\$1.7 million)**

FY 2013

- Reduce funds for the Georgia Trauma Care Network Commission to reflect revised revenue projection for super speeder and license reinstatement fees - **(\$1.7 million)**
- Provides **\$350,000** for assessment of traumatic brain injury
- Increases funds for tuberculosis detection, prevention and treatment - **\$350,000**
- Provides **\$2.5 million** to fund first year phase in for new public health grants to counties formula to hold harmless all counties

Department of Public Safety

FY 2013

- Public Safety Training Center – reduce contract with North Central Cobb Police Academy **(\$44,757)**
- Police Officer Standards and Training Council – provide mandatory training for newly elected sheriffs **\$401,905**

Board of Regents

FY 2012

- Cooperative Extension Service reduction in personal services - **(\$362,000)**
- Public Libraries reduction in personal services and operating expenses - **(\$645,000)**

FY 2013

- Public Libraries reduction in personal services and operating expenses - **(\$645,000)**
- Adds **\$394,218** in funds to New Directions formula based on increase in state population

Department of Revenue

FY 2013

- Forestland Protection Grants FY12 funding level of \$14.5 million reduced by **(\$400,000)** for FY 13 based on expenditures

- Provides **\$700,000** for initial step of a three year replacement schedule for county GRATIS printers for implementation of tax reform

Superior Courts

FY 2013

- Provides funding for new judgeships in the Piedmont and Bell-Forsyth circuits effective 1/1/13 - **\$350,207**

Department of Transportation

FY 2013

- Increase in Local Maintenance and Improvement Grants (LMIG) - **\$10 million**
- Transfers surplus funds from Payments to State Road and Tollway Authority program to the Capital Construction Projects program for capital outlay projects - **\$13 million**
- Provides contract funds for capital maintenance projects - **\$34.4 million**
- Provides **\$500,000** for grant funds for airport project including Blairsville, Hampton, North Georgia Regional Airports, Americus, Bainbridge, Griffin, Rome and Valdosta

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