

1998 SESSION OF THE GEORGIA GENERAL ASSEMBLY
General County Government
[Staff: Jim Grubiak]

HB 32 Contracts with DOAS/Clarification Per Lease-Purchase Agreements (Rep. Roger Byrd)

HB 32 requires counties and cities to give notice of proposed contracts for renovation or construction of buildings or other real property which is intended for lease to the Georgia Department of Administrative Services for use by state agencies. Any construction contract covered by this new statute must be awarded to the lowest responsible bidder in the same fashion as required under current law for other county public works projects. A second, unrelated, provision of the bill incorporates ACCG-requested language which corrects a technical flaw in current law relative to lease purchase financing arrangements by making it clear that a vendor who enters into a lease-purchase agreement with a county or city may transfer title to the local government during the term of the agreement thereby being able to avoid having to build in the cost of ad valorem taxes on the value of the lease.

Status: Vetoed

HB 458 Oath of Office by Public Officers/Peace Officers (Rep. Greg Hecht)

This bill expands the oath of office taken by a public officer that he or she is not the holder of any unaccounted for public money due the state to include language that he or she is not the holder of any unaccounted for public money due any political subdivision or local authority. It goes on to make it clear that peace officers must take the oath of office and specifies where the oaths taken by public officers must be filed.

Status: Effective April 2, 1998

HB 942 Recall Procedure: Authorize Evidentiary Hearing (Rep. Bob Holmes)

This ACCG-sponsored legislation authorizes the judge who reviews a recall application to hold, at the request of the elected official who is the target of a recall campaign, an evidentiary hearing to determine if there is a factual basis for the grounds for recall alleged by the sponsors of the recall campaign.

Status: Effective July 1, 1998

HB 1098 Water and Sewage Systems Subject to Utility Protection Center Program (Rep. Roger Byrd)

HB 1098 expands the definition of utility systems required to participate in the Utility Protection Center program which acts as a clearinghouse for information intended to protect underground utilities, fiber optic cable, conduits, gas and other lines from damage during excavation or blasting. Under HB 1098, public and private water and/or sewer systems will be required to participate.

Status: Effective July 1, 1998

HB 1160 Contracts to Provide Gas, Power, Water to Specified Customers (Rep. Larry Walker)

This bill authorizes counties, cities and local authorities to contract for the provision of gas, electricity or water to one or more customers at specified rates for periods of up to 10 years.

Status: Effective July 1, 1998

HB 1202 County Officers' Qualifying Fees: Fix According to Minimum Salary Statute (Rep. Louise McBee)

Current law calls for the fee to qualify to run for a county position to equal 3 percent of the gross salary paid to the official in the previous year. HB 1202 provides that qualifying fees for superior court judge, clerk of court, sheriff, probate judge, tax commissioner and magistrate be 3 percent of the minimum salary provided by general law for the office excluding longevity and COLA increases.

Status: Effective April 2, 1998

HB 1323 Indigent Defenses: Additional Funding to Counties (Rep. Jim Martin)

Under current law, the Indigent Defense Council, which underwrites part of counties' cost of indigent defense services, can only distribute whatever public funds it receives to counties in the form of grants. Under HB 1323, the Council can include any private funds it receives to the total "pot" to be distributed statewide as part of its county distribution formula.

Status: Effective July 1, 1998

HB 1337 Building Permit Information (Rep. Frank Stancil)

This legislation expands current law pertaining to information which must appear on building permits to similarly require counties and cities to display information on construction permits including, but not limited to, mechanical, electrical or plumbing permits. The additional information would specify that the permit authorizes work on improvements which may be subject to mechanics and materialmen's liens. The bill also specifies that any person or entity which is issued a permit for new or existing residential or commercial property is required to post a copy of the permit in a conspicuous place in the vicinity of the property where the improvements are being undertaken or deliver a copy of the permit to the property owner within ten days after the permit is received.

Status: Effective January 1, 1999; however, the bill specifies that no county or city is required to implement the requirements of this new law until such time as all permit forms on hand as of January 1, 1999 have been consumed

HB 1364 Grants to Local Governments / Local Government Budget Law Revisions (Rep. Steve Stancil/Rep. Richard Royal)

This bill addresses two matters: First, it requires that each grant of state funds to a local government from the Governor's emergency fund or from a special project appropriation would be conditioned upon the receipt by the state auditor of a properly completed grant application form. Secondly, the bill also revamps the local government budget process by defining the legal level of control for budgeting purposes to be, at a minimum, expenditures for each department for each fund for which a budget is required. In addition, an amendment was added in the Senate committee, per ACCG policy, to clarify procedures counties must follow in reviewing, publicizing and adopting their annual budgets.

Status: Effective July 1 1998

HB 1373 Prohibition of Strikes by Public Employees (Rep. Robert Irvin)

This legislation prevents any county employee providing essential public services from promoting, encouraging or participating in a strike. Any county employee violating this law will be deemed to have terminated his or her employment and forfeited his or her civil service status. Additionally, violators will be ineligible for public employment for three years unless the new employment is at-will and probationary for five years and certain compensation restrictions are met.

Status: Effective July 1, 1998

HB 1413 County Officers Compensation: Revise to Reflect past COLAs (Rep. Roy Barnes)

HB 1413 simply updates the minimum compensation schedules and supplements for sheriffs, probate judges, clerks of court, tax commissioners and magistrates to reflect the four cost of living adjustments applied since 1994, the last time the schedule was adjusted. The revised amounts do not reflect any increase in compensation. The intent of the new law is to simplify the process of calculating the minimum salaries due. In addition to the COLA adjustments, HB 1413 also includes an ACCG-requested provision which clarifies that when a deputy tax commissioner is appointed to fill a vacancy in the position of tax commissioner, he is entitled to the salary of the tax commissioner exclusive of any longevity increases to which the tax commissioner who vacated the position may have been entitled.

Status: Effective July 1, 1998

HB 1499 Open Records: Personal Information of Law Enforcement, Correctional and Court Personnel Confidential (Rep. Roy Barnes)

HB 1499 allows for personal information such as home addresses, telephone numbers, social security numbers, and insurance or medical information of law enforcement officers, correctional employees, judges, scientists employed by the Division of Forensic Sciences of the GBI, prosecutors and their immediate family members and dependents to be kept confidential.

Status: Effective July 1, 1998

HB 1522 Intangible Recording Tax: Collecting Officer Defined (Rep. Jim Martin)

Revises current law by providing that the "collecting officer" relative to collecting the intangible recording tax shall be the clerk of the superior court of the county except that in counties with less the 50,000 population, the tax commissioner of the county may serve as the intangible tax collecting officer at the

discretion of the clerk of superior court. Under current law, the tax commissioner is the collecting officer in all counties with a population of less than 50,000.

Status: Effective January 1, 1999

HB 1540 Transfer of Development Rights (Rep. Steve Stancil)

This bill statutorily authorizes the transfer of development rights by counties and cities between parcels of land owned by private parties. In essence, the intent is to allow the owner of property in an area of the county where protection from more intense development is warranted to transfer his rights to develop his property to property owned by some other person in area that is slated for development or where development needs to be encouraged. In doing so, the property owner who transfers his rights is compensated for the use restriction on his property. The bill contains mandatory provisions which must be included in any ordinance implementing a transfer of development rights program.

Status: Effective July 1, 1998

HB 1542 Conflicts: Sale of Property by Public Officials (Rep. Bob Snelling)

This bill amends the criminal code provisions in current law which prohibit the sale of property by an official or employee of a political subdivision to his or her employing government except where certain disclosures are made, the value of the property sold is less than \$200 per quarter, or the sale is made pursuant to sealed, competitive bid. HB 1542 expands current law to cover officials or employees of local authorities and other boards which are created by the General Assembly or by constitutional amendment.

Status Effective July 1, 1998

HB 1549 Open Meetings/Open Records: Enforcement by Attorney General (Rep. DuBose Porter)

HB 1549, requested by the Attorney General of Georgia, provides independent authority for the Attorney General to bring civil and criminal enforcement actions for violation of the open meetings law and to bring civil actions to enforce the open records law.

Status: Effective July 1, 1998

HB 1550 Lease of Real Property by Schools from Counties and Cities (Rep. Doug Teper)

This bill would allow school systems to build schools and other education facilities on property that is leased from the county, the state, other political subdivisions, and other public entities.

Status: Effective July 1, 1998

HB 1557 Local Government Authority Registration (Rep. Doug Teper)

HB 1557 amends the existing authorities registration law, which requires that certain basic information on each local authority operating within the state be annually reported to the Department of Community Affairs (DCA). It expands the required data to include the names of authority members. The bill also requires DCA to forward to the judge of the probate court in each county the registration information pertaining to each registered authority operating within the county.

Status: Effective July 1, 1998.

HB 1603 Annexation by Local Act: Effective Date (Rep. Richard Royal)

This bill specifies that the effective date of any local act of the General Assembly which annexes property to a city would be effective on the effective date of the act or as otherwise specified in the act. The bill was also amended, per agreement of ACCG and GMA, to make it clear that every annexation is contingent on the resolution of any bona fide land use objections raised by the county under the process that must be adopted by counties and cities by July 1, 1998 per HB 489. It also requires cities to complete or substantially complete the zoning process for property proposed for annexation prior to the annexation ordinance being adopted. This latter requirement gives counties some idea as to what the city is proposing before the annexation so that bona fide objections, if applicable, can be properly raised by the county.

Status: Effective July 1, 1998

HB 1604 Housing Authorities: Loans/Barring Persons Suspected of Committing Criminal Act From Authority Property (Rep. Roy Barnes)

This bill provides that no loan made by a housing authority to any entity with whom it has entered into a private enterprise agreement shall be deemed usurious so long as it complies with federal law. In addition,

the bill authorizes any housing authority to prohibit any person who is reasonably suspected of committing a criminal act on the premises of a housing project, and who is not a resident of the facility, from entering, loitering, or remaining upon the common areas of the project.

Status: Effective July 1, 1998

HB 1650 State Service Delivery Regions (Rep. Terry Coleman)

HB 1650 establishes a standard set of 12 service delivery regions for the purpose of delivering state services to local governments. However, current mental health districts would not be affected.

The regions are as follows:

- *Region 1:*
Bartow, Catoosa, Chattooga, Dade, Fannin, Floyd, Gilmer, Gordon, Haralson, Murray, Paulding, Pickens, Polk, Walker and Whitfield counties
- *Region 2:*
Banks, Dawson, Forsyth, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union and White counties
- *Region 3:*
Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry and Rockdale counties
- *Region 4:*
Butts, Carroll, Coweta, Heard, Lamar, Meriwether, Pike, Spalding, Troup and Upson counties
- *Region 5:*
Barrow, Clarke, Elbert, Greene, Jackson, Jasper, Madison, Morgan, Newton, Oconee, Oglethorpe and Walton counties
- *Region 6:*
Burke, Columbia, Glascock, Hancock, Jefferson, Jenkins, Lincoln, McDuffie, Richmond, Screven, Taliaferro, Warren, Washington and Wilkes counties
- * *Region 7:*
Chattahoochee, Clay, Crisp, Dooly, Harris, Macon, Marion, Muscogee, Quitman, Randolph, Schley, Stewart, Sumter, Talbot, Taylor and Webster counties
- *Region 8:*
Baldwin, Bibb, Crawford, Houston, Jones, Monroe, Peach, Pulaski, Putnam, Twiggs and Wilkinson counties
- *Region 9:*
Appling, Bleckley, Candler, Dodge, Emanuel, Evans, Jeff Davis, Johnson, Laurens, Montgomery, Tattall, Telfair, Toombs, Treutlen, Wayne, Wheeler and Wilcox counties
- *Region 10:*
Baker, Calhoun, Colquitt, Decatur, Dougherty, Early, Grady, Lee, Miller, Mitchell, Seminole, Terrell, Thomas and Worth counties
- *Region 11:*
Atkinson, Bacon, Ben Hill, Berrien, Brantley, Brooks, Charlton, Clinch, Coffee, Cook, Echols, Irwin, Lanier, Lowndes, Pierce, Tift, Turner and Ware counties
- *Region 12:*
Bryan, Bulloch, Camden, Chatham, Effingham, Glynn, Liberty, Long, and McIntosh counties.

Status: Effective July 1, 1998

HB 1666 Withdrawal of Bids (Rep. Alan Powell)

HB 1666 addresses bond requirements relative to public works contracts currently required by law and the circumstances under which a bidder can withdraw his bid without penalty. Specifically, the bill provides that a county, city or a state agency shall permit a bidder to withdraw his bid from consideration after the bid opening without forfeiture of his bid bond if: (1) the bidder has clearly made a mistake in the bid offer; (2) the error can be supported by objective evidence; (3) notice of the error is served on the government no later than 48 hours after the bid was opened; (4) the error was due to clerical error or a calculation error rather than an error in judgment; and, (5) the withdrawal of the bid will not result in undue prejudice to the government. If, due to the bid being withdrawn, the contract is rebid, the withdrawing bidder is barred from

rebidding or otherwise supplying labor or materials or performing any work via subcontract with a successful rebidder.

Status: Effective July 1, 1998

SB 111 Local Alcoholic Beverage Licenses: Local Residence Requirements Voided (Sen. Steve Thompson)

SB 111 amends OCGA § 3-2-2 which requires any person who sells or distributes alcoholic beverages to obtain a permit from the county or city. This bill specifies that local governments may not require residency of the permit applicant within the jurisdiction of the permitting local government as a condition of granting the permit so long as the applicant designates a resident of the city or county to be responsible for any matter relating to the license. A second provision of the bill amends OCGA § 3-2-21 which limits the sale of alcoholic beverages in the vicinity of churches and school buildings by further defining schools to include both public and private schools.

Status: Effective July 1, 1998

SB 460 E911: Interfering With Calls a Criminal Offense (Sen. Chuck Clay)

This bill enacts a new criminal offense. It declares that any person who verbally or physically obstructs, prevents, or hinders another person from making or completing a 911 call or a call to any law enforcement agency to request assistance or report a crime is guilty of a misdemeanor punishable by a fine not to exceed \$1,000 or imprisonment not to exceed 12 months, or both.

Status: Effective July 1, 1998

SB 572 E911: Fees Applied to Wireless Phones/Regional Incentive (Sen. Eddie Madden)

This ACCG-supported bill was one of the top priorities of the 1998 session for counties. SB 572 extends the authority of counties and cities to impose a 911 charge on wired phones by authorizing a similar fee on wireless phones. Initially, the fee for wireless phones is capped at \$1.00 per phone. After October 1, 2001, when enhanced 911 (otherwise known as Phase II) will be available for wireless phones, the cap on wireless phones will increase to \$1.50. Enhanced wireless 911 will allow the 911 system to pinpoint the location of the cell phone precisely. Present wireless technology (Phase I) can only identify the cell from which the call is made. Out of the \$1.00 wireless fee, counties will have to place \$.30 in a separate reserve account to pay for current and future wireless services and upgrades necessary to implement wireless 911. The balance of the charge (i.e. \$.70) goes into the regular 911 trust fund for the general support of the 911 system. Note that to be eligible for the wireless charge, a county must presently operate or have a contract to operate a Phase I wireless identification system. Essentially, this means that a county has to have an enhanced wired 911 system in operation. To trigger the wireless charge, a county will have to adopt a resolution imposing the charge. The governing authority can hold a referendum on the subject or simply hold a public hearing to solicit citizen input. As to timing, the earliest the resolution imposing the wireless charge can be adopted is July 1, 1998. The earliest the charge can be imposed is 120 days after the date the resolution is adopted. On a related matter, at ACCG's request, a provision authorizing a regional incentive was added to SB 572. It allows two or more counties that are not currently providing 911 services to impose a \$2.50 per month 911 charge per line for up to 18 months. The intent is to allow those counties to generate additional revenues to finance the up-front costs of initiating 911 services while taking advantage of the cost efficiencies inherent in the regional approach. After 18 months, the cap would be reduced to \$1.50 per line like any other system.

Status: Effective July 1, 1998

SB 573 Zoning: Authorize County to Set Time Limits for Presentations Regarding Special Use Permits (Sen. Billy Ray)

This bill expands the definition of the term "zoning decision" to include consideration of a special use permit application as a final action of the county governing authority. The intent of the bill is to allow counties and cities to limit the time for presenting arguments in favor or against a permit request to 10 minutes in the same manner as rezonings.

Status: Effective July 1, 1998

SB 600 Annexation: Automatic Zoning; Notice and Hearing on Rezoning of Property for Halfway Houses or Drug Rehabilitation Centers (Rep. Mike Crotts)

This bill specifies that a qualified municipality into which property has been annexed may provide, through its zoning ordinance, that all annexed property is to be zoned by the municipality, without further action, for the same use for which that property was zoned immediately prior to such annexation. A municipality is a qualified municipality only if the municipality and the county in which the property to be annexed have a common zoning ordinance with respect to zoning classifications. The reverse would be true if property was deannexed from a city. A floor amendment to the bill added an additional hearing to a county's or city's rezoning procedure when the proposed rezoning relates to the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The additional public hearing will have to be held at least six months and not more than nine months prior to the date of final action on the rezoning decision by the governing authority. In addition, public notice will have to be given by posting a sign on the affected premises and publishing a notice of the hearing in a newspaper of general circulation at least 15 days and not more than 45 days prior to the date of the hearing.

Status: Effective July 1, 1998

SB 638 Year 2000 Computer Problems (Sen. Sonny Perdue)

SB 638 provides absolute immunity to the state and local governments for Year 2000 malfunctions caused directly or indirectly by failure of computer hardware or software or any other information technology system to accurately or properly recognize or process dates.

Status: Effective July 1, 1998

SR 544 Franchise Fee Study Committee (Sen. Sonny Perdue)

Consistent with ACCG policy, the Franchise Fee Study Committee is charged with investigating the regulation and taxation of private utilities by local governments. It will look at the impact of fees assessed for use of public rights-of-way on competition and the need for franchise fees to compensate local governments for the use of public rights-of-way. A report to the General Assembly is to be completed by December 31, 1998.

Status: Effective upon appointment of members

SR 566 Senate Study Committee on Cable TV (Sen. Mary Margaret Oliver)

This Cable TV Study Committee will examine a number of concerns relative to rates, signal quality, timeliness of response to complaints, and whether or not state regulation is needed to prompt better service and rates. A report to the General Assembly is to be completed by December 31, 1998.

Status: Effective upon appointment of members

Economic Development & Transportation

[Staff: Marguerita Lance]

HB 155 Condemnation Procedures Revised (Rep. Denny Dobbs)

HB 155 amends the Official Code of Georgia relating to condemnation procedures in Title 22. The bill does several things: (1) it provides that assessors be classified real estate appraisers; (2) it provides that the condemnor and the condemnee shall each be liable for the costs of the assessor they select and that they be equally liable for the cost of the third assessor; (3) it requires that the condemnor who appeals an assessor's award to superior court be liable for the condemnee's reasonable expenses, unless the judgment is at least 20 percent less than the assessor's judgment. Also, the condemnee must pay the condemnor's expenses if the judgment on appeal is not at least 20% greater than the assessors' award. If both parties appeal, neither is liable for expenses; and, (4) it gives the condemnee the option of having the issue of valuation heard by a "special master panel" instead of just a special master. The special master would serve as the chairperson of the special master panel, and would decide all issues other than value.

Status: Effective July 1, 1998

HB 236 Provision of Transit Services Outside Transit Service Area (Rep. Kathy Ashe)

This bill allows all transit agencies to contract with local governments outside their present county service areas for the provision of transit services and/or transit facilities. Voters will have to approve any tax increases to subsidize the service if fares alone would not cover cost.

Status: Effective April 14, 1998

HB 1219 MARTA: Authorize Investments (Rep. Richard Royal)

HB 1219 allows MARTA to use any investment instrument available to local governments for investing of MARTA funds.

Status: Effective March 27, 1998

HB 1470 Designated Truck Routes On County Roads (Rep. Jimmy Benefield)

HB 1470 allows any county road constructed to state route standards by local governments be designated as a local truck route, and subject to approval by the DOT commissioner. The route would be posted to allow a maximum weight limit of 80,000 pounds according to the state bridge formula as opposed to the current county road weight of 56,000 pounds. Also, the bill requires pre-posting of the weight limitations for posted bridges at each approach road leading to such bridge to provide adequate warning to drivers.

Status: Effective July 1, 1998

HB 1486 Allow Building of Private Toll Roads/Bridges By Private Companies (Rep. Mark Burkhalter)

This bill allows private concerns to build roads and bridges and collect tolls for their own profit under agreement with the local government.

Status: Effective July 1, 1998

HB 1635 Tax Increment Financing (Rep. Jeanette Jamieson)

HB 1635 amends the redevelopment powers' law to streamline the process and allow consolidated governments to use tax increment financing. Local governments can designate a tax allocation district and issue special bonds called tax allocation bonds to finance redevelopment within the district. The repayment of indebtedness will be from a special fund made up of dedicated or pledged revenues generated from tax allocation increments from within the district; general funds derived from within the district; and lease and contract payments. HB 1635 was incorporated into HB 1485.

Status: Effective July 1, 1998

HB 1667 BEST: Export Tax Credit (Rep. Tom Bordeaux)

HB 1667 gives any business that qualifies under BEST and which increases port traffic in Georgia by more than 10% of its base year port traffic, tier 1 exemption. The job tax credit will be given for jobs added at any time between January 1, 1998 and July 1, 2002.

Status: Effective April 6, 1998

SB 249 Removal, Storage, & Liens of Abandoned Vehicles (Sen. Rene Kemp)

This bill amends Chapter 11 of Title 40 of the Official Code of Georgia Annotated related to abandoned motor vehicles. The new law specifies that the person who removes a vehicle from public property at the request of a law enforcement officer must notify the owner by letter if the owner or his agent is not present at that time. Any person who does not provide the notice or process the vehicle accordingly will be guilty of a misdemeanor. Also, if the abandoned vehicle was removed at the request a county sheriff, deputy sheriff, county police officer, or Georgia State Patrol, the moneys arising from the fine shall be paid into the general fund of the county in which the offense was committed.

Status: Effective July 1, 1999

SB 444 Conduct on Public Transit (Sen. Mary M. Oliver)

SB 444 amends the public transit code to expand the list of illegal behaviors on public transit property to include eating or drinking on transit vehicles, failure to leave the vehicle after it has completed its scheduled route, fare evasion and parking violations. Revenue derived from the parking violations will go to the local government within which the citation is issued.

Status: Effective April 14, 1998

SB 537 Allow Alcoholic Beverage Sale on Sunday: Race Tracks (Sen. Steve Henson)

SB 537 allows sunday alcoholic beverage sales at race tracks located in counties having a population of 58,000 or more and with a seating capacity in excess of 10,000 persons.

Status: Effective April 10, 1998

Health & Human Services

[Staff: MaxineChriszt]

HB 1086 Osteoporosis Screening (Rep. Michelle Henson)

The legislation requires insurance companies to offer coverage for bone density testing for osteoporosis, a disease that mainly strikes older women. This bill, and several others, originally started as a mandate for coverage but were ultimately enacted as “offerings” instead.

Status: Effective July 1, 1998

HB 1131 Reauthorization of “HB 100” Mental Health/Mental Retardation/Substance Abuse Restructuring (Rep. Buddy Childers)

The legislation repeals the “sunset” provisions of the original HB 100 legislation so that the reforms in the delivery of mental health, mental retardation and substance abuse services can continue. The sunset date was included in HB 100 to insure that a future Legislature would examine the changes in the delivery of those services and whether such changes were having a positive impact. This legislation was not opposed by any organized association or advocacy group related to these populations.

Status: Effective July 1, 1998

HB 1140 Child Support Enforcement (Rep. Larry Smith)

The legislation requires the deduction of child support payments from unemployment compensation checks of persons who are in arrears for child support payments.

Status: Effective upon signature of the Governor

HB 1165 Victims Rights; Restitution (Rep. Larry Walker)

The legislation requires persons convicted of criminal damage to property to make restitution directly to crime victims who have not otherwise been compensated by insurance. See also **SB 409**.

Status: Effective July 1, 1998

HB 1253 State Nutrition Assistance Program (SNAP) (Rep. Lynmore James)

The bill creates a grant program, to be operated by the Department of Agriculture, to address hunger in Georgia. The grants will be given to regional food banks within the state for the purchase, transportation, storage and distribution of food to emergency food providers. The food must be procured from Georgia based sources and be purchased at wholesale, competitive bid prices.

Status: Effective July 1, 1998

HB 1420 Fraudulent Telemarketing (Rep. Mike Polak)

The bill provides for criminal and civil penalties for specified types of schemes and acts that would constitute fraudulent telemarketing. Telemarketers are prohibited from misrepresenting the location of their business; requesting advance payment to remove unfavorable information from a person’s credit record; requesting advance payment to recover items lost in a prior telemarketing transaction; or sending a courier to pick up payments before the purchaser has an opportunity to view or inspect the merchandise.

Status: Effective July 1, 1998

HB 1513 Caregiving Expenses for Seniors (Rep. Tom Sherrill)

House Bill 1513 allows families to deduct up to ten percent of medical caregiving expenses for senior family members. The tax cut allows individuals to deduct up to \$150 of the cost from their income taxes.

Status: Effective January 1, 1999

HB 1565 Chlamydia Screening Coverage (Rep. Buddy Childers)

The legislation requires insurance companies to cover the cost of annual chlamydia screening tests for women under the age of 29. Tests show that this disease, which is often asymptomatic in women, exacerbates the spreading of other sexually transmitted diseases such as AIDS and causes significant health problems, including pelvic inflammatory disease, infertility and ectopic pregnancy.

Status: Effective July 1, 1998

HB 1621 Homes with Disabled-Accessibility Features (Rep. Jeannette Jamieson)

This bill provides for a \$500 tax credit for purchasing a single-family home that contains accessibility features, including one no-step entrance into the residence, interior passage doors with a thirty-two inch wide clear opening, light switches and outlets placed in accessible locations, and reinforcements in bathroom walls allowing later installation of grab bars around the toilet, tub, and shower. A tax credit of \$125 can also be received for retrofitting a home with any of the above features, up to a total tax credit of \$500.

Status: Effective January 1, 1999

HR 1251 House Ovarian Cancer Study Committee (Rep. Dorothy Pelote)

This study committee will examine the issue of ovarian cancer and its impact on Georgia women. An estimated 300 Georgians die each year from ovarian cancer. The committee will consist of three House members and has until December 1, 1998 to issue a report on its findings.

Status: Effective upon appointment of members

SB 110 Brain & Spinal Injury Trust Fund (Sen. Charles Walker)

The bill creates a Brain and Spinal Injury Trust Fund which would be used to provide for the care and rehabilitation of DUI victims who have survived head or spinal cord injuries. The Trust Fund is contingent upon the passage of a constitutional amendment (see **SR 144**) on the ballot as referendum in November. The funds would come from a 10 percent add-on to DUI penalty assessments for violations involving driving under the influence of alcohol or drugs.

Status: Upon the approval of the constitutional amendment

SB 409 Victims Rights; Probation Fees to Fund (Sen. Charles Walker)

Senate Bill 409 requires that \$3 per month of any probation supervision fee go to the Georgia Crime Victims Emergency Fund, which is used to help pay claims of damages for victims of violent crimes who are not otherwise compensated by insurance.

Status: Effective July 1, 1998

SB 410 Children's Health Initiative (Senator Charles Walker)

The bill was significantly modified from its original form to create a "look-alike" Medicaid program, called PeachCare, which will be administered by the Medicaid department, rather than the original private insurance plan to be administered by the Merit System. The program will provide health care benefits for children in families with income below 200 percent of the federal poverty level, who are not already eligible for medical assistance under Medicaid. Families who participate will be required to pay a low premium and a co-pay, not to exceed five percent of their income. The final version includes language which specifies that the program will not be an entitlement and that every effort to ensure cost effective and efficient delivery of services will be made.

Status: Effective April 6, 1998

SB 421 Juvenile Fingerprinting (Sen. Sonny Perdue)

The legislation requires that all juvenile criminals charged with a crime that would be considered a felony if committed by an adult to be fingerprinted upon conviction. The prints will then be forwarded to a comprehensive law enforcement data base to enhance future crime solving capabilities. If the juvenile criminal is convicted again of an adult crimes, judges will have the authority to unseal the records of the prior convictions to help determine proper sentencing.

Status: Effective July 1, 1998

SB 531 Temporary Assistance for Needy Families Act (Sen. Charles Walker)

The bill expands eligibility for TANF services for legal immigrants for an additional 12 months, to August 1999.

Status: Effective July 1, 1998

SB 594 Essential Rural Provider Access Act (Sen. Guy Middleton)

This legislation requires that health insurers give “essential rural providers” the opportunity to participate in health plans within defined service areas if the essential rural provider meets certain criteria and meets applicable qualifications and standards established by the plan. The commissioner of Insurance has the responsibility of overseeing due process for any essential rural provider denied, rejected or terminated as a participating provider.

Status: Effective upon signature of the Governor

SB 603 Child Cancer Treatment Coverage (Sen. Sonny Perdue)

The bill requires insurance companies to offer coverage to insured children for routine patient care costs such as blood tests, bone scans, and MRI tests, as well as hospital stays and other similar treatments, when such services would otherwise be covered, when the child is enrolled in an approved clinical trial program for treatment of children’s cancer.

Status: Effective July 1, 1998

SB 666 County Boards of Health (Sen. Rick Price)

The legislation allows the school superintendent to designate someone to serve on a county board of health as their representative, who may serve for a time period not exceeding the superintendent’s contract term.

Status: Effective July 1, 1998

SR 144 Brain and Spinal Injury Trust Fund (Sen. Charles Walker)

The resolution requires a referendum on the November ballot for approval to amend the Constitution to provide for additional penalties for offenses involving driving under the influence of alcohol or drugs and provide for the allocation of such additional penalties to the Brain and Spinal Injury Trust Fund.

Status: Subject to ratification in November 1998 general election

Natural Resources & Environment

[Staff: Daniel Hogan]

HB 844 Borrow Pits not Regulated as Surface Mines (Rep. Johnny Floyd)

This bill eliminated any borrow pit of 1.1 acres or less from the provisions of “Georgia Surface Mining Act of 1968.” The definition of “Borrow Pit” is amended to mean an excavated area where naturally occurring earthen materials are to be removed for use as ordinary fill at another location. Any pit smaller than the 1.1 acre minimum will no longer be subject to the permitting process.

Status: Effective July 1, 1998

HB 1161 Low Emission Vehicles (Rep. Larry Walker)

This bill provides a \$1500.00 income tax credit to anyone who purchases a low emission vehicle or converts a conventionally fueled vehicle to a low emission fuel source.

Status: Effective upon signature of the Governor

HB 1163 Privatization of Public Waste-water Treatment Facilities (Rep. Larry Walker)

This bill establishes a requirement for owners of large waste-water treatment facilities to privatize the maintenance of their systems if they have violated their permits. These facilities are defined as any operation with average monthly flow limits of twenty million gallons per day or more. This measure also creates a State Waste-Water Privatization Oversight Committee which will monitor the privatization process from the initial proposal through the issuance of contracts.

Status: Effective July 1, 1998

HB 1295 Soil and Water Conservation District Supervisors (Rep. Jeanette Jamieson)

This bill slightly amends the duties of these Supervisors. As a result of this bill an annual audit will not be required by the Soil and Water Conservation Commission. Supervisors instead may file summary financial data listing cash receipts and disbursements for each state fiscal year.

Status: Effective July 1, 1998

HB 1301 Soil Conservation; Promotion and Education (Rep. Jeanette Jamieson)

This bill expands the duties of Supervisors to include the promotion of conservation and the development of conservation education.

Status: Effective July 1, 1998

HB 1432 Additional Grounds of Refusal to Grant Certain Permits (Rep. Ann Purcell)

This bill was designed to allow EPD to refuse to permit groups with a history of environmental infractions from establishing or expanding operations in Georgia. It is a so-called “Bad Actor” provision to existing environmental law. It is specifically targeted towards large scale animal feeding operations that have attempted to relocate in south Georgia.

Status: Effective upon signature of the Governor

HB 1551 Increase and in the Real Estate Transfer Tax (Rep. Larry Walker)

House Bill 1551 increases the Real Estate Transfer Tax from its current rate of one dollar per thousand on the sale price of the property to two dollars per thousand. This legislation dedicates the increase to the Land, Water, Wildlife, & Recreation Heritage Fund. Twenty-five percent of this fund is earmarked for local government recreation projects. The position of ACCG has traditionally been to oppose any increase in the Real Estate Transfer Tax when revenue is used to fund projects other than local governments and school systems. This bill however, offers counties some unique opportunities without impacting the revenue stream this tax currently offers to local governments. This measure sunsets on December 31, 2002 and is contingent upon the public’s support of SR 532.

Status: Effective upon ratification of the constitutional amendment

HB 1707 Additional Powers and Duties of the Department of Natural Resources(Rep. Tom McCall)

This measure provides certain additional powers and duties of the Department of Natural Resources and the Board of Natural Resources with respect to compliance with the federal Clean Air Act. Expanded duties shall include enforcement of vehicle emission standards, regulation of vehicle emission inspections, and enforcement of vehicle emission standards and regulations.

Status: Effective upon signature of the Governor

SB 486 Water Systems Serving Under 10,000, penalties & Brownfields Redevelopment (Senator Hugh Gillis, Rep. Denny Dobbs)

This bill increases civil penalties imposed for violation of a water system’s environmental permits. Systems serving less than 10,000 customers will be fined \$1000 for the first day of violation and \$500 for each subsequent day. Larger systems are subject to \$1000 per day fines. This bill simply aligns the State’s guidelines with pre-existing federal regulations. SB 486 was amended on the House floor to include the provisions of HB 1813. This amendment applies specifically to the Hazardous Site Reuse and Redevelopment Act. The revised language eliminates the idle or abandoned property provision of the previous act. It greatly streamlines the process of redevelopment of a property and reduces the red tape.

Status: Effective July 1, 1998

SB 496 Creation Of the Land, Water and Wildlife Heritage Fund (Senator George Hooks)

This bill is the enabling legislation that establishes the structure of the Land, Water and Wildlife Heritage Fund. This fund and it’s Advisory Council are charged with acquiring, conserving, managing, and preserving Georgia’s natural and historic resources. For counties, this will mean historic courthouses, jails, and other county-owned rehabilitation projects will be eligible for these funds in addition to the twenty-five percent of the entire fund already relegated to local governments for recreation projects. The Heritage Fund will provide state revenues to match local government dollars targeted to acquire lands that meet the fund’s criteria. These lands would then be owned wholly by the local government. This bill is contingent upon the public’s support of SR 532.

Status: Effective upon ratification of the constitutional amendment

SB 661 Amend the “Metropolitan River Protection Act”: Extend Corridor (Sen. Chuck Clay)

This measure, initiated by the Atlanta Regional Commission, extends the river corridor affected by the 1973 legislation, southward. Newly affected areas include southern Cobb and Fulton counties, Douglas County, and Douglasville. This legislation addresses development and other topics pertinent to the maintenance and upkeep of what is commonly held as a “forgotten” stretch of the Chattahoochee.

Status: Effective July 1, 1998

SR 532 Land, Water, Wildlife & Recreation Heritage Fund Constitutional Amendment (Sen. George Hooks)

This constitutional amendment, if ratified in the November general election, authorizes the increase in the Real Estate Transfer Tax (HB 1551) and the creation of the Land, Water, Wildlife & Recreation Heritage Fund (SB 496). Unless this voter referendum passes in November the aforementioned pieces of legislation will be void.

Status: Subject to ratification in November 1998 general election

SR 552 Joint Study Committee on Historic Preservation (Sen. George Hooks)

This resolution renews the Study Committee on Historic Preservation. The conclusions of the previous committee led to the Creation of the Land, Water, Wildlife, & Recreation Heritage Fund as well as a bill encouraging state offices to occupy historic structures. The trend towards historic preservation may result in increased funding available to local governments for these types of projects.

Status: Effective upon appointment of the members

Public Safety & the Courts

[Staff: Kelly Pridgen]

HB 812 Communications Officers and Dispatch Centers (Rep. Grace Davis)

Beginning January 1, 1999, county dispatch centers employing more than ten communications officers that receive, process or transmit public safety information and dispatch law enforcement officers, firefighters, medical personnel or emergency management personnel must have at least one communications officer trained and certified in the use of telecommunications devices for the deaf (TDD) on duty at all times. Dispatch centers with ten or less communications officers will be exempt from this requirement. However, after January 1, 1999, all county dispatch centers will be prohibited from hiring communication officers who are not TDD certified. TDD training will become a part of the basic training course for communications officers after July 1, 1998. Failure to comply with TDD requirements could result in a county's inability to collect the monthly 911 charge.

Status: Effective July 1, 1998

HB 1164 No First Offender Treatment for Serious Violent Offenders (Rep. Larry Walker)

This bill was introduced in response to a recent court ruling allowing serious violent offenders (i.e., murder, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, and aggravated sexual battery) to receive first offender treatment, which suspends a prison sentence as long as the offender successfully completes a probationary period. Ordinarily, serious violent offenders are subject to minimum mandatory sentences. This legislation will not allow serious violent offenders to receive first offender treatment.

Status: Effective March 27, 1998

HB 1200 New Magistrate Training (Rep. Louise McBee)

This legislation increases the training required for new magistrate judges to become certified. After July 1, 1998, new magistrates must complete eighty hours of training within the first two years of becoming a magistrate. Additionally, new magistrates must complete a program of orientation activities conducted under the supervision of a mentor magistrate or experienced adviser.

Status: Effective July 1, 1998

HB 1206 Municipal Courts Jurisdiction for Shoplifting Cases (Rep. Tom Campbell)

Currently, municipal courts have jurisdiction over the first two offenses of shoplifting for property valued at \$100 or less. The third and fourth offense must be heard in a state or superior court. HB 1206 will allow municipal courts to try cases involving the third offense of shoplifting property valued at \$100 or less. While this may reduce the backlog and expense in the superior and state courts, it may also reduce the fine revenue received by counties.

Status: Effective July 1, 1998

HB 1254 Reduction of Number of Sentence Packages (Rep. Denny Dobbs)

The clerk of court will be required to prepare and submit two, rather than three, packages of documents certifying the sentence of an offender to the state under this legislation. Within 15 days of receiving all of these packages, the Department of Corrections must either pick up the inmates or begin paying counties \$20 per diem. In addition to saving copying and postage costs, this legislation also reduces the potential for mishaps in supplying the Department of Corrections with what it considers “proper documentation” necessary before retrieving their inmates or paying the per diem.

Status: Effective July 1, 1998

HB 1270 Minimum Requirements for Local Fire Departments (Rep. Ralph Twiggs)

This bill allows the Georgia Firefighter Standards and Training Council to establish minimum requirements to operate a fire department provided that the new requirements are equal to or more stringent than the minimum requirements already established by statute. The Council is made up of seven members: the Safety Fire Commissioner (or his designee), one county commissioner, one city council member, one city or county manager, one fire chief and two certified firefighter training officers. Failure to comply with these rules and regulations will subject a fire department to suspension or revocation of its license to act as a fire department.

Status: Effective July 1, 1998

HB 1288 Appointment of Guardian Ad Litem in Deprivation Cases (Rep. Greg Hecht)

This legislation allows for the appointment of a court appointed special advocate or an attorney to represent the best interest of a child in a deprivation hearing. The court appointed special advocates are volunteers screened and trained in deprivation, child development and juvenile court procedures.

Status: Effective July 1, 1998

HB 1290 Juvenile Court Judges Training and Rehearings (Rep. Greg Hecht)

Juvenile court judges will be entitled to reimbursement for actual, rather than reasonable, expenses incurred while attending training seminars. The reimbursement will come from state and federal funds appropriated to the Council of Juvenile Court Judges for this purpose. Additionally, HB 1290 allows an associate juvenile court judge to sign and file orders on hearings conducted by the associate juvenile court judge rather than merely submitting a recommendation to be signed by the judge of the juvenile court. However, either party may still request a rehearing before the judge of the juvenile court.

Status: Effective July 1, 1998

HB 1391 Street Gangs Act of 1998 (Rep. Ron Crews)

The Street Gangs Act of 1998 will criminalize certain types of gang activity relating to intimidation of informants, witnesses and victims. HB 1391 broadens the list of crimes that indicate criminal gang activity to include stalking, certain sexual offenses, certain offenses related to escape from confinement, assisting a child to escape from custody, and tampering with the security of correctional facilities. Additionally, it allows property used for criminal gang activity to be treated as a public nuisance and subject to abatement. Counties may bring action under Georgia’s Racketeer Influence and Corrupt Organizations Act (RICO) to enjoin criminal gang activity.

Status: Effective April 1, 1998

HB 1410 Hepatitis C Shots for Public Safety Employees (Rep. Roy Barnes)

Local governments will be required to make hepatitis C vaccinations and screening available upon request to public safety employees who may be exposed to the disease in the course of their job duties. Hepatitis B vaccinations and screenings are already required to be provided to these employees under current law. Counties will be responsible for any cost not paid by a third party payer such as an insurance company. Additionally, SB 599 was added to this bill which requires local governments to provide law enforcement officers copies of psychiatric or psychological evaluations that law enforcement officers submit for the purpose of assessing the officers’ fitness for duty, employment status or assignment of duties.

HB 1425 Firearm Possession Restriction Exemptions; The Sadie Act (Rep. Mitchell Kaye)

Peace officers from other states will be exempt from certain Georgia firearm possession (e.g., carrying a concealed weapon, carrying a weapon in a public gathering, carrying a weapon in a school zone and carrying a pistol without a license) while in Georgia so long as their state offers the same exemption for Georgia peace officers. This bill will enable Georgia peace officers traveling in other states with reciprocity requirements to be exempt from firearm possession restrictions. HB 1425 also expands the firearm possession restriction exemptions to include Georgia city and municipal court judges, members of the Georgia State Patrol (current and retired), and law enforcement chiefs engaging in or retired from the management of a county, municipal, state, state authority or federal law enforcement agency. The Sadie Act, formerly HB 1204, was also added to HB 1425. Currently, it is a felony to intentionally destroy or cause serious physical injury to a police dog or horse. The Sadie Act makes it a felony to destroy or injury search and rescue dogs used by fire departments and the state fire marshal to detect individuals who are lost, are trapped under debris, or are drowning victims.

Status: Effective July 1, 1998

HB 1674 Fulton Superior Court Atlanta Court Division Pilot Program (Rep. Jim Martin)

The Atlanta Judicial Circuit has been selected to participate in a family court pilot program. The new Family Court Division of the Superior Court of Fulton County will have jurisdiction over divorce cases and cases involving children such as child support, child custody, visitation, abuse, molestation, domestic violence, paternity, adoption, abandonment, deprivation, delinquency, truancy and termination of parental rights. As a pilot project, the Family Court Division will only operate until July 1, 2001.

Status: Effective July 1, 1998

HB 1730 Attorneys' Fees for Local Governments Providing Representation to Judicial Officers (Rep. Larry Walker)

Counties providing legal representation to judicial officers for certain civil actions arising out of the performance of the judicial officer's official duties may be entitled to recover attorneys' fees and costs if the action is concluded in favor of the officer and the court finds that the action lacked substantial justification or was brought for purposes of delay or harassment. The attorneys' fees that may be recovered include those incurred by outside counsel, as well as in-house counsel.

Status: Effective upon the signature of the Governor

SB 30 Local Volunteer Fire Departments (Sen. Edward Boshears)

Two or more volunteer fire departments from the same or adjacent counties may form nonprofit corporations and qualify for state grants to the same extent as a local government entity pursuant to SB 30. To be eligible, at least one of the volunteer fire departments must provide firefighting services pursuant to a contract with a local government. Additionally, the nonprofit corporations will be subject to annual audits.

Status: Effective January 1, 1999

SB 39 Registration of Sexually Violent Predators (Sen. Edward Boshears)

Sexually violent predators will be required to register with the local sheriff's department, rather than the Georgia Bureau of Investigation Office in Atlanta: (1) within 10 days of release from prison or from placement on parole, supervised release or probation; (2) annually for up to 10 years or until it is determined that they no longer suffer from a mental abnormality or personality disorder making them likely to engage in a predatory sexually violent offense; and (3) within 10 days of changing residence. The sheriff's department must, in turn, notify the Georgia Bureau of Investigation through the Criminal Justice Information System of any change in residence address. Most of the information collected under the registration program will be confidential. However, the sheriff may post a list of the names, addresses and photographs of all registered sexual predators in the sheriff's office and each city hall located within the county. Additionally, the sheriff must provide the list to any public or private school located in the county. Individuals failing to comply with the registration requirements will be guilty of a misdemeanor on the first offense. Any subsequent offenses will be punished by a fine up to \$100,000 and/or 3 years imprisonment.

Status: Effective July 1, 1998

SB 142 Sheriff's Qualifications (Sen. Paul Broun)

This bill requires newly elected sheriffs to become POST certified within six months of taking office, rather than at the time of qualifying, as originally proposed by the bill.

Status: Effective July 1, 1998

SB 158 Pandering (Sen. Robert Brown)

Superior court clerks will be required to publish a photograph of any individual convicted of pandering (i.e., soliciting a person to perform an act of prostitution) in the legal organ. The cost of the publication must be paid by the defendant. Additionally, those convicted of pandering will be required to submit to testing for sexually transmitted diseases, a copy of the test results to be released to the defendant's spouse, if married.

Status: Effective July 1, 1998

SB 409 Probation Supervision Fees (Sen. Charles W. Walker)

This bill will require individuals on probation to pay an additional \$3.00 per month in supervision fees designated for the Georgia Crime Victims Emergency Fund, which is used to compensate victims of crime. There is concern that counties will be required to make up any portion of this \$3.00 per month if the judge reduces the probation supervision fee due to undue hardship, inability to pay or any other extenuating factors prohibiting the collection of the fee.

Status: Effective July 1, 1998

SB 411 Electronic Arrest Warrants (Sen. Joe Burton)

This legislation will allow law enforcement officers to obtain arrest warrants while out in the field. Judges may conduct video conferences with the affiants and necessary witnesses and issue the arrest warrant electronically, rather than at a hearing in the courthouse.

Status: Effective upon the signature of the Governor

SB 421 Juvenile Criminal Records (Sen. Sonny Perdue)

Juveniles who have been charged with a felony or whose cases have been transferred from juvenile court to another court for prosecution will be required to be fingerprinted and photographed when taken into custody. The fingerprints will be maintained in the GCIC database to be used for criminal justice purposes. The records and evidence from previous juvenile cases may be used when sentencing a juvenile in a felony case.

Status: Effective July 1, 1998

SR 633 Study Committee on Municipal Law Enforcement Employment (Sen. Vincent Fort)

This resolution creates a Senate Study Committee on Municipal Law Enforcement Employment composed of five members of the Senate. The Committee will study the conditions, needs, issues and problems of municipal law enforcement officers - particularly, enhancing the working conditions and compensation through contract negotiating structures similar to those currently available to firefighters. While this resolution does not address the employment practices of county police departments and sheriffs' offices, it is likely that any legislation introduced as a result of this Committee's findings will likely include county officers.

Status: Effective upon appointment of members

Revenue & Finance

[Staff: Richard Cathy]

HB 609 Amendments to Hotel/Motel Tax (Rep. Mike Polak)

This proposal reconciles the county/city hotel-motel tax under the same definition as sales and use taxes. Legislation also creates a Hotel/Motel Tax Study Committee to look at the tax structure. Industry proponents are interested in preventing increased taxes on room stays and will try to use the study committee to justify their stance.

Status: Effective July 1, 1998

HB 1174 Homestead Exemptions for Homeowners Absent due to Illness (Rep. Richard Royal)

For persons who are ill and not capable of filing homestead exemptions, this legislation allows family members or friends to file the exemption on the ill homeowner's behalf.

Status: Effective April 2, 1998

HB 1189 Amendments for Property Held in Conservation Use Covenants (Rep. Larry Walker)

House Bill 1189 requires that a copy of all applications for preferential or conservation use assessments, which are approved on or after July 1, 1998, be filed with the Clerk of Superior Court by the County Board of Tax Assessors. The clerk shall then file and index such applications in the real property records in their office. If such application is not so filed, any transferee of the property in the covenant will not be subject to any penalties associated with a breach of the covenant. The filing fee for this action is to be collected from the applicant by the Board of Tax Assessors and forwarded to the clerk with the application. These funds are to be returned to the applicant by the Board of Tax Assessors if the application is denied. All applications received prior to July 1, 1998 (dating back to 1992) must be similarly filed with clerk no later than Aug. 14, 1998. The filing fees for these applications are to be paid out of the general funds of the county.

Status: Effective July 1, 1998

HB 1350 Authorizing Ad Valorem Exemption on Fruit Trees & Livestock (Rep. Robert Ray)

This legislation authorizes a voter referendum to grant an ad valorem tax exemption on all fruit trees, nut trees and greenhouse items grown for transplant. Additionally, bill was expanded to cover all livestock including dairy cattle. Supporters of the legislation pointed to the lack of uniformity in tax practices in Georgia's counties on these items.

Status: Effective upon the Governor's Signature

HB 1324 Exemption of Heavy Duty Equipment Dealer Inventory (Rep. Jeanette Jamison)

This legislation proposes to exempt heavy equipment dealers from ad valorem taxes on inventory and passes the tax on to the purchaser. However, unlike other tax exemptions, legislation fails to require a voter referendum. A recent court case, in keeping with the state Constitution. Under provisions of this legislation, the tax is passed on to equipment purchasers and is discounted by 1/3rd. The tax is further prorated based on the month the equipment was purchased. Unlike most ad valorem tax exemptions, this bill does not include a voter referendum. A recent court case held that motor vehicles are already a separate subclass of property and can be treated differently for tax purposes. The court, furthermore, concluded that the voter referendum required to exempt real or personal property from taxation can be waived for motor vehicles. Since a bulldozer or dump truck etc.. is also a motor vehicle, they, too, can be exempted from ad valorem without the referendum.

Status: Effective January 1, 1999

HB 1365 Penalties for Breach of Conservation Use Covenants (Rep. Richard Royal)

This legislation amends the penalties for breach of conservation use covenants. Any landowner who breaches a ten-year conservation use covenant after the property has been renewed in a covenant at least once, can remove the property in any of the 6th through the 10th years. The landowners' penalty amounts to a pay back of the taxes saved plus interest.

Status: Effective July 1, 1998

HB 1388 Ad Valorem Tax Exemption for Places of Religious Worship (Rep. Tommy Smith)

This proposal authorizes a voter referendum to expand the exemption of ad valorem taxes on places of religious worship to include headquarters and administrative buildings of religious organizations.

Status: Subject to ratification in November 1998 general election

HB 1433 SPLOST Audit Requirements (Rep. Richard Royal)

This proposal clarifies the reporting requirements on annual SPLOST audits. Counties will have to file a schedule with each annual SPLOST audit which must include: (1) each project in the SPLOST resolution, (2) the original estimated cost of each project, (3) the current estimated cost of each project (4) the amounts spent on each project in prior years, and (5) the amounts spent on each project in the current years. The State Auditor will then certify whether the reporting schedule is presented accurately.

Status: Effective July 1, 1998

HB 1464 Amend Filing Deadline for Homestead Exemptions (Rep. Mickey Channell)

This bill designates the filing deadline for all homestead exemptions to be June 1, or May 1 for counties who allow tax payments in installments. However, the legislation allows the county governing authority to establish a different date by ordinance if the county chooses.

Status: Effective January 1, 1999

HB 1469 SPLOST Proceeds for Voting Equipment (Rep. Richard Royal)

This legislation allows counties to purchase voting machines with SPLOST proceeds.

Status: Effective July 1, 1998

HB 1522 Reporting Intangible Recording Tax (Rep. Jim Martin)

This legislation provides that the clerk of court shall be the collecting officer for the intangible recording tax for any county whose population was less than 50,000 in 1990. For those counties whose populations were above that threshold, the collecting officer shall be the tax commissioner. This bill was introduced to clear up confusion experienced in a few counties.

Status: Effective January 1, 1999

HB 1656 Omnibus Package of Sales Tax Exemptions

This bill is a package of sales tax exemptions. Under the legislation, these items will be exempt from sales and use taxes: (1) Blood glucose strips (for diabetics), (2) food and beverages sold by Girl or Boy Scouts, (3) printed advertising inserts placed in publications that were manufactured out of state, (4) grass sod when sold by a grower or producer, (5) funeral merchandise paid for by the Georgia Crime Victims Emergency Fund.

Status: Effective July 1, 1998

HB 1784 Authorizing Disbursement of Sales Tax Backlogs (Rep. Richard Royal)

This legislation was drafted in negotiations with the Department of Revenue in accordance with policy adopted by ACCG Board of Managers. This bill would require the DOR to distribute the "unprocessable or unattributable" sales tax returns dating back to June of 1997. In order to simulate point-of-origin for these funds, the backlog distribution will be based on a pro-rata share of sales tax monies distributed to each county over these past 6 to 8 months. Additionally, DOR would distribute any new unprocessable funds on a monthly basis using a formula based on the monthly distribution pattern. ACCG believes this legislation is the best option available to distribute these funds which, due to vendor error, have not been processed

Status: Effective upon governor's signature

HR 1164 House Study Committee on Insurance Premium Taxes (Rep. David Lucas)

This proposal establishes a committee to look at the taxation of insurance premiums by state and local governments. This committee will meet several times over the summer and fall and shall file a report of its findings by December 31, 1998. ACCG is aware that there are several members of the House and Senate that would like to either repeal or decrease the taxation on insurance premiums. This study committee will probably submit several ways to accomplish these tax reductions or elimination.

Status: Effective on the appointment of members

SB 529 Ad Valorem Tax Refunds and Disclosures to Taxpayers (Sen. Steve Langford)

This bill was amended in the House at the last minute by substituting the text of HB 1657. The substitute mandates that any property whose value was appealed and which for sells less than the appraised value is due a refund of the difference in the property tax. By law, refunds could be demanded as far back as three years. This affects counties, school boards, cities and, to a small degree, the state. There are also several provisions regarding assessment notices that we find difficult to administer or extremely expensive. Particularly troublesome is a provision that could require reassessment notices to be sent by registered mail. The authors of the amendment intend to protect homeowners from having their property over-valued for tax purposes; however, in doing so, several loopholes are established creating negative consequences which go beyond the intent of the bill. While ACCG is agreeable with the goal of protecting homeowners from being erroneously taxed or assessed, we remain concerned that this proposal creates more problems that it solves.

Status: Effective January 1, 1998

FY 99 APPROPRIATIONS

General County Government

Indigent Defense:

Economic Development and Transportation

Local Assistance Road Program (LARP): \$38,641,836

City/County Contracts: \$28,500,000

Airport Aid Program: \$2,241,866

Federal Funds - FHWA: \$616,119,996

Health & Human Services

Restoration of the \$5 million redirection in county grant-in-aid for public health

\$543,845 to help communities achieve a federal match requirement to obtain federal Abstinence Education Grants.

\$2,950,000 to expand Family Connections statewide to the remaining 73 counties currently not participating in Family Connections.

\$353,400 for the state Office of Regulatory Services to take over the inspection and licensure of personal care homes.

\$20,000 additional dollars for the treatment of indigent cancer patients.

Restoration of the Georgia Baptist Life Flight service.

Restoration of \$427,220 for the Rome Outpatient Tuberculosis unit.

(\$68,074,509) reduction in public assistance dollars due to a reduction in cases.

A redirection of (\$21,389,235) in institutional care for the mentally ill by closing Georgia Mental Health Institute and using the funds to 1) expand community based services to the chronically mentally ill; 2) expand substance abuse services for pregnant and post-partum mothers statewide; 3) provide home and community based services to 150 mentally retarded persons currently on waiting lists; and 4) allocate to other hospitals for the continuation of needed services.

\$3,896,400 to fund additional slots in the Community Care for the Elderly Program.

\$3,020,896 to fund one adoption "gala" in each of the 12 DFCS regions to promote and publicize adoptions.

\$800,000 to provide childhood lead poisoning screening and care coordination.

\$6,000,000 in federal TANF dollars to expand teen pregnancy prevention efforts.

\$15,000,000 to expand the number of child care slots to support families moving from welfare to work and other low income families who may be at risk of going on welfare.

\$7,000,000 in federal TANF dollars to purchase transportation services for clients transitioning from welfare to work.

\$4,000,000 in federal TANF dollars to expand job training and work partnerships with the Department of Technical and Adult Education.

\$300,000 to increase funds for the Court Appointed Special Advocate (CASA) program.

\$1,095,000 to increase the foster care per diem from \$10.70 to \$11.10.

\$297,000 additional dollars for domestic violence shelters.

\$400,000 to provide for a Sickle Cell screening program.

\$400,000 to provide start-up funding for a statewide trauma system.

\$300,000 for child advocacy centers.

\$1,750,000 for 50 positions and related costs to establish a fraud and abuse unit in the Department of Medical Assistance.

\$57,243,596 to fund PeachCare for Kids children's insurance program.

\$250,000 for 4 positions and related costs for a pilot program in "Strengthening Georgia's Families and Communities" at the University of Georgia.

Natural Resources and Environment

GEFA: \$20,000,000 water & sewer bond funds (low interest loans)

DNR: \$1,000,000 to EPD for a Coastal Groundwater Study

\$46, 000,000 in bonds for the West Georgia Reservoir
\$811,853 for 26 new positions in the Water Resources Branch
\$20,000,000 for RiverCare 2000

Public Safety and the Courts

State Inmates in County Correctional Institutions: Per diem increase from \$12.50 to \$15.00.