

1999 SESSION OF THE GEORGIA GENERAL ASSEMBLY
Final Legislative Report

Association County Commissioners of Georgia
April 25, 1999

This is the final status on all bills of county interest that appeared during 1999 legislative session. In the issue, we report on all bills that passed with their effective dates and show you all bills are carried over for consideration next year.

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GENERAL COUNTY GOVERNMENT

[Staff: Jim Grubiak]

HB 140 Sale of Alcohol on Sunday By Bowling Alleys, Private Clubs, and Technical Institutes with Conference Centers (Rep. Richard Reichert)

HB 140 makes several changes to the state alcoholic beverage laws. First, a county or city governing authority of a county or city where alcoholic beverages may be sold may further authorize the sale of alcoholic beverages on Sundays from 12:30 p.m. to midnight by bowling alleys that derives at least 50% of their revenues from lane and equipment rentals and food sales. Second, a private club which is currently authorized to serve distilled spirits by the drink for consumption on the premises on Sundays is authorized to sell beer and wine on Sundays as well. Third, HB 140 also authorize state technical schools that operate a business conference center to serve

alcoholic beverages in conjunction with the operations of the conference center.

Status: Effective upon signature of the Governor

HB 238 Write-in Candidacy: Prohibit Notarizer from Circulating (Rep. Mary Squires)

This bill prohibits a notary public from circulating write-in candidate petitions and also notarizing the affidavit of any page of such petition. The legislation provides that any affidavit that was notarized in this manner and all signatures on the sheet bearing the affidavit would be invalid and disregarded.

Status: Effective July 1, 1999

HB 250 Open Records: Exemption for Engineer Cost Estimates / Certain Personnel Records Exempted (Rep. Tom Campbell)

Presently, engineers' cost estimates and rejected or deferred bid proposals received or prepared by the state Department of Transportation are exempt from disclosure under the public record law. This exemption is expanded to apply to estimates received or prepared by a county or a municipality for road projects. In addition, a provision was added to HB 250 narrowing the exemption of certain personnel records from the disclosure requirements of the open records law that was passed via HB 279. Assuming the Governor signs HB 279 before HB 250, only social security, medical and insurance information of public personnel would be exempt from disclosure rather than the above information plus home addresses, telephone numbers, and names of parents of public employees which would be exempt under the as passed version of HB 279.

Status: Effective July 1, 1999

HB 278 Open Meetings: Expand Definition/Require Agenda/Certify Only Exempt Subjects Covered (Rep. Charlie Smith)

HB 278, part of Governor Barnes' legislative package, tightens up the open meetings act in the following ways: First, the bill expands the definition of meetings covered by the act to include gatherings

of a quorum of the board or any other agency at which “any public matter” is discussed “or presented”. Second, it requires the posting of an agenda of items to be discussed at a meeting some time within the two-week period prior to the meeting. Note that HB 278 does not preclude adding new items to a final agenda after the preliminary agenda is posted if it becomes “necessary” for the county to discuss the matter during the meeting. Finally, any time a meeting is closed to discuss an exempt topic, the chairman or other person presiding will be required to execute an affidavit, to be attached to the minutes, stating under oath that the subject matter of the closed meeting was devoted to matters exempted by law and identifying the exempt topics.

Status: Effective July 1, 1999

HB 279 Open Records: Records Maintained by Private Firms/Response Time/Computer Access/Citing Exemption/Criminal Penalties (Rep. Charlie Smith)

A second component in the Governor’s legislative package codifies existing case law specifying that records held by a private firm which performs a service for a public agency are considered open. It also clarifies that requested records must be provided within three business days if available. If not available, the public agency would be required to specify which records would be available and when. The bill also provides that the three-day requirement may be stayed by order of a judge of superior court. Furthermore, the bill requires that records maintained by computer must be made available where practicable by electronic means, including internet access, when so requested. Records accessed by computer are essentially to be made available at no cost to the person accessing the records. Where a public agency denies access to a requested record, the requestor must be notified within three days as to the specific provision in law upon which the denial was based. Perhaps most importantly HB 279 provides that failure to comply with the open records law is a criminal misdemeanor violation. However, the bill further specifies that a public official or employee can not be arrested for alleged violations of the act. Instead, a citation would be issued by a judge ordering the accused person to appear in court—very much like a traffic citation. Nonetheless, the bill is particularly onerous in that it potentially subjects all public employees and officials including commissioners, judges, sheriffs, DA’s, clerks, and anyone who maintains records to criminal sanctions for failure to turn over public records when requested—even where there is simply a difference of opinion as to whether or not they should be open.

Status: Effective July 1, 1999

HB 459 Business and Occupation Taxes (Rep. Jeanette Jamieson)

HB 459 seeks to clarify provisions of the business and occupation tax law. The bill makes it clear that contract employees are considered employees of entity issuing the individual IRS W-2. Second, the bill clarifies that rental properties do not constitute a "location or office" for the real property's owner for occupation tax purposes. Third, the bill expressly states that no fee by any name can be added to a regulatory fee. Fourth, the bill specifically exempts state regulated coin operated machines from local regulation. The bill also adds a new provision which enables local governments to report to the Department of Revenue entities not providing a taxpayer identification number when required by the local government. The bill also clarifies provisions related to nonpayment of taxes by attorneys and other professionals. The bill expressly states that gross receipts information is confidential. Finally, the bill allows payment of regulatory fees within two business days for emergency services that are necessary for health and safety reasons and prevents local governments from levying a fee on merchants or dealers as defined in OCGA 48-5-354 for their deliveries to businesses in areas zoned for commercial use.

Status: Effective July 1, 1999

HB 548 Probate Judges Serving as Magistrate: Compensation Increase (Rep. Gerald Greene)

This bill increases compensation for probate judges serving as magistrates from \$5199 per year to \$8500 per year.

Status: Effective January 1, 2000

HB 627 Tax Commissioner Salary Increase (Rep. Gerald Greene)

HB 267 would increase the minimum salary schedule in a two steps over two years by 8% more than they would receive under current law. This bill is intended to allow tax commissioners to catch-up to clerks of court in terms of minimum salary.

Status: Effective January 1, 2000

HB 699 Service Delivery Strategies: Amendments (Rep. Richard Royal)

This legislation was recommended by GMA, ACCG, and the Department of Community Affairs and is a product of the Joint ACCG-GMA Task Force. The bill does four things: (1) clarifies that every county and each municipality located within the county would have to have a process to resolve land use classification disputes when a county objected to the proposed land use of an area to be annexed into a municipality; (2) provides that only cities with a

population of 500 or less would be punished by loss of eligibility for state grants, loans or permits for failing to have a land use dispute resolution process, so long as the county and all the other cities therein have such a process; (3) extends the land use/annexation dispute resolution process deadline from July 1, 1998 to July 1, 1999; and (4) enacts a “redemption” provision so that local governments which did not meet the July 1, 1999 deadline for a full service delivery strategy could have its eligibility restored on the first day of the month after the governments reach an agreement and achieve DCA certification. The first three amendments described above will become moot, however, if the Georgia Supreme Court upholds the decision of the Cobb County Superior Court declaring that OCGA § 36-70-24 (4) (C) is unconstitutional.

Status: Effective upon signature of the Governor

SB 20 Open Records Exemption for Accident Reports (Sen. Clay Land)

This legislation makes accident reports exempt from the open records law to a limited extent because of the private nature of some of the information that may be contained in the report, such as social security number, address and telephone number. The exemption does not apply to individuals named in the accident report, law enforcement and prosecution officers, insurers, media doing research, and others expressly authorized in the bill. The bill also provides that the reports shall not be available in bulk for inspection or copying and specifies that when public agencies seek public records from other public agencies specified in the bill such as law enforcement agencies or local governments, the requested records must be provided at no cost if needed for an ongoing administrative, criminal or tax investigation.

Status: Effective July 1, 1999

SB 28 County Officials’ Medical Benefits (Sen. Hugh Gillis)

This bill addresses a provision in state law which authorizes various county officials to join the state merit system’s health benefit plan—although it would be underwritten separately from the benefits provided to the state employees. There are two significant amendments. The first expands the authorization to include county officials in all counties—whether or not the county otherwise provides a health benefit plan for its employees. It addition it expands potential coverage to juvenile court judges and all members of the county governing authority. Note: While the law authorizing a medical benefits plan for county officials administered by the state merit system has been on

the books for several years, no such plan has yet been organized.

Status: Effective upon signature of the Governor

SB 150 Coroners: Reports / Compensation Increase / Limit on Number of Deputy Coroners (Sen. Steve Thompson)

This bill revises current law to provide that coroners and medical examiners shall file certain reports with the state for analysis. Where foul play is identified, follow-up reports are to be filed with the appropriate prosecuting attorney. In addition, SB 150 was used as a vehicle to carry HB 98 which substantially increases the investigation fees counties would be required to pay to coroners for their services. Under current law, a coroner is entitled to an investigative fee of \$100.00. Per SB 150, as amended, the fee is increased to \$125.00 per investigation if a jury is not impaneled and \$250.00 per investigation when a jury is impaneled. The bill also requires a coroner to be paid within 10 days after presenting a monthly statement to the county. Finally, SB 150 provides that there shall be no more than one deputy coroner per county unless the county governing authority approves a greater number. Under current law the coroner establishes the number of deputy coroners, each of whom requires training, irrespective of resources available from the county.

Status: Reporting provisions effective July 1, 1999; compensation and deputy coroner approval provisions effective January 1, 2000.

SB 179 Regional Economic Assistance Projects/REAPs (Sen. George Hooks)

SB 179, which was endorsed by ACCG, creates a special process for accommodating and facilitating certain projects with a regional economic development impact. Under the provisions of the bill, the state may recognize Regional Economic Assistance Projects (REAPs) as potentially producing significant high caliber economic development opportunities. They are defined as large-scale tourism and hospitality industry-related projects. Any project which meets the REAP criteria spelled out in the law would be submitted to the Department of Community Affairs for certification but only upon the recommendation of the county or city within which it would be located. Once certified, the project would be entitled to receive priority attention from state agencies regarding permits, loans and grants and, in addition, would be able to obtain a mixed drink license from the state in those counties or cities in which the sale of alcoholic beverage by the drink had not yet been authorized. In the event a state license is issued, the county or city in which the facility is located would still be entitled to collect

alcoholic beverages taxes levied on sales within the project.

Status: Effective July 1, 1999

SB 180 Drug Houses: Condemnation Proceedings (Sen. Vincent Fort)

SB 180 allows solicitors, county attorneys and city attorneys, in addition to district attorneys, to bring actions seeking to abate a public nuisance or enjoin as a nuisance a place used for unlawful sexual purposes or illegal drug-related activities.

Status: Effective July 1, 1999

SB 230 Year 2000 Readiness Act (Sen. Steve Thompson)

In order to ensure that "essential services" provided by public and private entities will work properly on January 1, 2000 year, the Governor proposed SB 230. The bill gives the Public Service Commission, the Environmental Protection Division, and the Department of Human Resources authorization to investigate certain entities under their regulatory jurisdiction with respect to their readiness and ability to operate without disruption due to Y2K bug. Regulated entities include utility service providers of electricity, natural gas, telecommunications, cable, water and wastewater. Also included are hazardous waste treatment systems, child-caring institutions, health care providers, hospitals and other facilities licensed to use radioactive materials or radiation generating equipment. The entities regulated under the provisions of this bill are required to develop contingency plans, respond to surveys, and furnish periodic reports and information related to their ability to operate without disruption due to Y2K problems. Public and private entities may be audited by the state and those who do not comply may suffer stiff penalties of up to \$1000 per day for failure to submit surveys and requested data and up to \$10,000 if any there is any "failure" of an essential service due to an entity's failure to reasonably and appropriately plan for Y2K compliance. This law will automatically be repealed December 31, 2001. Note that the Governor has created a Georgia Y2K Interagency Task Force to monitor, assess and assist affected agencies with Y2K preparations. The task force will include, among others, one person appointed by ACCG and one person appointed by GMA.

Status: Effective April 9, 1999

SR 184 Joint Study Committee on Regional Development Centers (Sen. Rick Price)

This resolution would create a joint House-Senate study committee to study the functions of RDCs to

determine if legislative changes would better enable such bodies to serve state and local governments.

Status: Effective upon appointment of study committee members

REVENUE & FINANCE

[Staff: Richard Cathy]

HB 33 Exempting Recording Fees on Preferential Use (Rep. Richard Royal)

This proposal seeks to eliminate certain recording fees for preferential use properties. Under the proposal, when a preferential assessment ceases to be eligible or when a ten-year covenant expires, the owner will file an application of release to the board of assessors. Once the application is approved and the assessor files with the clerk of court, the taxpayer will not have to pay a recording fee.

Status: Effective upon signature of the Governor

HB 283 Technical corrections to Ad Valorem tax for Heavy Equipment Dealers, Mobile Home Dealers and Staggered Tag Law (Rep. Jeanette Jamieson)

This bill was loaded with riders to make technical changes to three different laws. (1) First, HB 283 clarifies ambiguities to last year's law exempting heavy equipment dealers. Under this bill, the purchase price of the vehicle shall constitute the fair market value. The owner, not the dealer, will pay tax on 40% of the purchase price after the amount is further pro-rated by 33%. Second, there were amendments clarifying the staggered tag auto registration law. For the 14 counties who still use a four-month tag and registration system, January 1 was added back as the date for taxable value. Additionally, HB 283 requires that a person will pay tax on a vehicle if that vehicle is purchased prior the his birthday, and the initial registration period falls within the 30-day registration and tax deadline. Under existing practice, that person could have been exempt for the entire 13 month period. (2) HB 283 was amended to clarify that mobile home dealer inventory will be taxed like all other personal property. This means, that the dealer cost on a purchase invoice will serve as market value for taxation, the tax assessor will then assess 40% of that cost and the prevailing millage will then be applied. The practice

Status: Provisions dealing with heavy equipment dealer inventory are effective on July 1, 1999; provisions dealing with mobile home dealer inventory and amendments to the staggered tag law effective January 1, 2000

HB 553 Governor's Homestead Tax Exemption/Credit Plan (Rep. Charlie Smith)

This bill proposes a gradual phase-in of a homestead tax credit which will eventually equal up to \$20,000 of the assessed value of a person's home. This pass-through credit will be itemized on a homeowner's tax bill under a heading that reads "...tax relief enacted by the Governor and General Assembly...". This proposal will start with a \$2000 increase in the state homestead exemption for the first installment. As proposed, the county will report to the Revenue Department a dollar figure representing \$2000 of the total value of all homesteaded property times the prevailing millage rate. After the tax bills, which the itemized credit have been sent to the public, the State will reimburse the county out of a pre-appropriated grant. The sponsor and supporters claim that county revenue will not be affected and the funds will be appropriated by the state prior to the county adopting budgets and millage.

Status: Effective upon signature of the Governor

HB 618 SPLOST Tax Clarification—Purchase of Capital Equipment (Rep. Tom Buck)

HB 618 clarifies that Special Purpose Local Option Sales Taxes can be used to purchase capital equipment such as fire engines, dump trucks, etc. Although the bill was amended in the Senate to include indigent care services provided by hospitals, the House disagreed and had this amendment stripped.

Status: Effective upon signature of the Governor

SB 98 Explanatory Notices in Tax Bill (Sen. Greg Hecht)

SB 98 allows the county governing authority to direct the board of assessors to send special notices explaining tax or value increases when the overall value of the digest rises 15% or less. (If it is 15% or more, then the notices are mandatory as part of SB177) SB 98 only clarifies that the counties have the ability to require these notices. This is not a mandate, nor is there any required language in the notices. However, ACCG believes this legislation could be very beneficial to counties.

Status: Effective January 1, 2000

SB 177 Governor's Taxpayer's Bill of Rights (Sen. Steve Thompson)

This new law requires counties, cities and school boards to determine revenue neutral millage rates -- "rollback rates" -- whenever values of existing property increase over previous year's values, and would, therefore, result in an increase in tax revenue (new growth is excluded). Local governing authorities may either levy taxes at the rollback rate

or they can increase millage above the rollback rate after holding 3 public meetings, issuing a press release, and publishing an advertisement announcing a tax increase. Furthermore, taxpayer's must receive a written explanation of why their values increased if that increase is 15% or more. Additionally, counties must pay all court costs and attorney fees if, after an appeal, a residential property taxpayer has his value lowered by 15% or more, or if a commercial taxpayer has his property value lowered by 20% or more.

Status: Effective tax years beginning after January 1, 2000

PUBLIC SAFETY AND THE COURTS

[Staff: Kelly Pridgen]

HB 37 Inmate Visitation with Minors (Rep. Bobby Parham)

This legislation requires sheriffs and wardens to prevent an inmate, with a current or prior conviction of a sexual offense against minors, from visiting with individuals under the age of 18 years while incarcerated. Where the victim of the crime was under the age of 18 years at the time that the crime was committed, the list sexual offenses include: rape, sodomy, aggravated sodomy, sexual assault, incest and aggravated sexual battery. The sexual offenses include the following when the victim was under the age of 16 years at the commission of the crime: statutory rape, child molestation and enticing a child for indecent purposes. An inmate may visit with a minor who is the inmate's spouse, child, grandchild or sibling, so long as the minor was not the victim of the sexual offense.

Status: Effective July 1, 1999

HB 80 Notification of Bail Recovery Agents (Rep. Vernon Jones)

This bill requires bail recovery agents to notify the sheriff or police chief when entering a county to apprehend a principal on a bail bond or a fugitive who has escaped from bail or confinement in Georgia, unless the apprehension will occur in a public place. Out of state bail recovery agents will be required to submit to the sheriff proof that the agent is qualified to perform as an agent in his or her home state. Additionally, professional bail bondsmen must provide the sheriff of the county in which they reside or operate a list of all bail recovery agents used by the bail bondsman.

Status: Effective July 1, 1999

HB 126 Membership of Peace Officer Standards and Training Council (Rep. Larry Smith)

This legislation increases the membership of the Peace Officer Standards and Training Council

(POST) from 19 to 21 members. The president of the Association of Public Safety Communications Officers (or his or her designee) and one director of a public safety communications agency will fill the two new positions on the council.

Status: Effective upon signature of the Governor

HB 128 Jail Guard Lines (Rep. Sharon Cooper)

Sheriffs and city jailers are now authorized to establish "guard lines" around county and city jails beyond which no person may enter while possessing a weapon or under the influence of intoxicating liquor, marijuana or other controlled substance. Additionally, it is a separate offense for an individual to give an inmate a weapon or drugs, as well as for an inmate to possess such items.

Status: Effective July 1, 1999

HB 165 Volunteer Traffic Control (Rep. Anne Mueller)

This legislation allows police chiefs, with the approval of the governing authority, to designate, train and equip volunteers to provide traffic control in the event of an emergency, such as a fire, explosion, hurricane or tornado. The volunteers are not authorized to provide traffic control services without the approval of either the police chief or the fire chief. Although these volunteers do not have the power of arrest, failure to follow a lawful order from a volunteer is a misdemeanor.

Status: Effective July 1, 1999

HB 189 Preemption of Firearms Lawsuits by State (Rep. Curtis Jenkins)

Counties and cities are preempted from bringing lawsuits against gun manufacturers, trade associations and dealers for damages resulting from the lawful design, marketing and sale of guns to the public. Any such lawsuits must now be brought by the state. However, counties and cities are still permitted to file lawsuits against gun manufacturers and dealers for breach of contract or warranty on guns purchased by the county or city.

Status: Effective February 9, 1999

HB 289 Use of Part Time Officer to Operate Radar (Rep. Jeanette Jamieson)

This legislation allows counties and cities to use part-time officers to use speed detection devices (i.e., radar and laser) so long as law enforcement services are provided 24 hours per day, seven days per week (i.e., having a law enforcement officer on duty or on call). Whenever the Commissioner of Public Safety receives and investigates a complaint that a law enforcement agency is running speed traps with radar, there will be a rebuttable presumption that the

law enforcement agency is improperly using radar if the speeding fines levied based upon the use of radar are 40% or more of the law enforcement agency's budget. However, speeding fines collected when the driver was exceeding the speed limit by more than 17 miles per hour are not included in the calculation of the 40%.

Status: Effective upon signature of the Governor

HB 580 Training for Head of Law Enforcement Agency (Rep. Curtis Jenkins)

This bill require any peace officer designated as the head of a law enforcement agency after June 30, 1999, to successfully complete newly appointed chiefs of police training. This legislation will not apply to sheriffs or to peace officers acting as chief for less than 60 days.

Status: Effective upon signature of the Governor

HB 782 Legal Organ (Rep. Jim Martin)

The procedure for becoming the county legal organ is changed in this legislation. The selection of a legal organ still is in the power of the probate judge, sheriff, superior court clerk or a majority of the officers. The new law establishes specific standards regarding advertising content, frequency of publication and minimum paid circulation. Furthermore, it requires that, once a newspaper is made the legal organ, it must maintain the qualifications. Any change in the legal organ must be published for four weeks in the newspaper that was previously the legal organ. All changes in the legal organ shall be on January 1 unless the change is necessary because no other qualified newspaper exists. The requirements of the new law do not effect newspapers that are designated as the legal organ on or before July 1, 1999, and that meet the qualifications of the statute in force at the time of the newspaper's appointment.

Status: Effective March 24, 1999

SB 1 Special Drug Prosecutors (Sen. Terrell Starr)

Subject to state funding, this legislation provides the district attorney of each judicial circuit to appoint one additional assistant district attorney, paid by the state, to prosecute cases involving purchase, possession, manufacture or distribution of drugs. State funding was appropriated for FY 2000 for one-third of the judicial circuits. It is anticipated that funds will be appropriated for an additional one-third of the judicial circuits in FY 2001 and the remaining one-third of the judicial circuits in FY 2002. The Judicial Council of Georgia will designate which judicial circuits will receive the funding.

Status: Effective July 1, 1999

SB 13 Volunteer Firefighters Eligibility to Serve on Local Governing Authorities (Sen. Mike Crotts)

This bill specifically authorizes county commissioners and city council members to serve as volunteer firefighters in their county or city without violating state statutes prohibiting elected officials from holding two county or city positions.

Status: Effective July 1, 1999

SB 51 Appointment and Training of Local Emergency Management Agency Directors (Sen. Sonny Huggins)

This legislation changes the appointment process and training requirements for county emergency management agency (EMA) directors. Currently, EMA directors are nominated by the county governing authority, endorsed by the director of the Georgia Emergency Management Agency (GEMA), and appointed by the governor. EMA directors will still be nominated by the county governing authority and appointed by the director of GEMA. A certified emergency manager program will be established by GEMA, which new EMA directors, appointed after July 1, 1999, will be required to complete within six months of their appointment. Certified EMA director status will expire every two years unless the director completes continuing education provided by GEMA.

Status: Effective July 1, 1999

SB 82 Increased Jurisdiction of Magistrate Court in Civil Claims (Sen. Renee Kemp)

Currently, civil matters such as contract disputes, property damage, etc., may be handled in magistrate court only when the amount in controversy is \$5000 or less. This bill would increase the civil jurisdiction of the magistrate (i.e., "small claims court") from \$5000 to \$15,000.

Status: Effective July 1, 1999

SB 115 Use of Inmates' Accounts to Pay Habeas Corpus Fees of Indigent Inmates (Sen. Harold Ragan)

This legislation amends the Prison Litigation Reform Act of 1996 to allow the use of the inmate account to pay the court costs and fees from a habeas corpus petition filed by an indigent inmate.

Status: Effective July 1, 1999

SB 138 Expansion of Use of Monthly 911 Charge (Sen. Donzella James)

Under current law, the monthly 911 fee may only be used for certain items such as emergency telephone equipment, the cost of leasing or purchasing a building to be used as the public safety answering

point, the charges of the service supplier, the salaries of the employees used solely for the emergency 911 system, the training of the dispatchers, the office supplies directly related to emergency 911 system services, etc. This bill specifies that the monthly 911 charge may be used to fund employment benefits provided to the employees of the 911 department, computer aided dispatch equipment, devices that record telephone and radio traffic, supplies and 911 public education materials.

Status: Effective July 1, 1999

SB 148 Seizure and Condemnation of Vehicles Used in Prostitution (Sen. Vincent Fort)

This legislation provides a mechanism for the forfeiture and sale of vehicles used in prostitution through an action brought by the district attorney or solicitor's office. The proceeds of any such sale must first be applied to the costs of the forfeiture with the remaining amount to be used by the local governing authority for drug treatment, prevention, rehabilitation and education. Rather than sell the vehicle, the local government may petition the court for ownership of the vehicle to be used for law enforcement purposes.

Status: Effective July 1, 1999

SB 170 Wireless E911 (Sen. Eddie Madden)

This bill makes several technical corrections that will allow counties to implement enhanced 911 (i.e., the telephone number and location of the call displayed in the 911 center when a call is received from a cellular or other wireless telephone). First, it allows counties located along the borders of the state to implement wireless E911 for their citizens with cellular telephones assigned out of state area codes. Second, it requires cellular telephone companies and other wireless carriers to register with the Georgia Emergency Management Agency when they provide service in Georgia. When counties adopt the resolution to begin charging the E911 fee on cellular telephones, they must notify each of the nine to eleven different carriers authorized to provide cellular or PCS service within their county of the intent to provide wireless E911. However, counties attempting to implement wireless E911 experienced a great deal of difficulty identifying all of the carriers authorized to provide service in their county since there is not currently a central registry of the approximately 45 companies authorized to provide service in Georgia. This legislation requires the carriers to provide to GEMA a list of all counties that they are authorized to serve, the name and address of the appropriate company representative to send the wireless E911 resolution, the name and address of the appropriate company representative that coordinates

the technical aspect of wireless E911 implementation, and any other corporate name under which the company provides wireless service in Georgia. Third, the legislation further clarifies that a county may adopt a wireless E911 resolution that covers residents in the incorporated areas if the county actually provides 911 services to that area. Fourth, in those counties where a city provides 911 services independent of the county, if the city and/or the county adopt the wireless E911 resolution and the wireless carrier cannot identify the boundaries of the incorporated and unincorporated area, the carrier may temporarily collect and disburse the wireless E911 fee in an area as close as reasonably possible to the jurisdiction that adopted the resolution for a period of six months. During this six month temporary collection period, the carrier must bring its billing system up to date to recognize the boundaries. At the expiration of the temporary collection period, the wireless carriers must collect and disburse the funds according to the actual location (i.e., unincorporated area versus incorporated area) of the billing address of the subscriber.

Status: Effective July 1, 1999

SB 196 Jury Lists (Sen. Jack Hill)

After July 1, 2001, in making its list of trial and grand jurors, the board of jury commissioners must consider the list of registered voters, the list of all county residents with drivers' licenses or personal identification cards or any other list of county residents that the board of jury commissioners feels is appropriate. However, if any of these lists are not actually available to the board of jury commissioners, then the jury list will not be invalidated. Additionally, this legislation requires the board of jury commissioners to remove from the jury lists those persons convicted of felonies, as well as those persons who have been declared mentally incompetent and have had their voting rights removed.

Status: Effective July 1, 1999

SB 218 Probation Fee (Sen. Steve Thompson)

This legislation creates a one-time fee of \$25 to \$50 on individuals convicted of DUI, possession of a controlled substance or a felony and placed on probation or in a pretrial release or a diversion program.

Status: Effective July 1, 1999

SB 231 Laser Speed Detection Devices (Sen. Dan Lee)

In response to a recent case, SB 231 establishes by statute that laser speed detection devices are considered scientifically acceptable and reliable,

eliminating the need for prosecutors to provide expert testimony to establish this principle in every speeding case where laser speed detection devices are used.

Status: Effective March 25, 1999

SB 242 Board of Public Safety (Sen. Steve Thompson)

The number of members on the Board of Public Safety will be increased from ten to fifteen. The Governor will have an additional three appointments, and the Lt. Governor and the Speaker of the House will each have one appointment.

Status: Effective May 1, 1999

ECONOMIC DEVELOPMENT & TRANSPORTATION

[Staff: Marguerita Lance]

HB 381 Amend Enterprise Zone Employment Act of 1997 (Rep. Jo Ann McClinton)

This bill amends the Enterprise Zone Employment Act of 1997 to include new residential construction and residential rehabilitation of single and multi-family dwellings as eligible activities for tax abatement in enterprise zones.

Status: Effective July 1, 1999

HB 421 Motor Vehicles: Redefine Person (Rep. Alan Powell)

This bill redefines "person" in Title 40 of the Official Code of Georgia Annotated to include partnership and trust. The term co-partnership was deleted from the definition.

Status: Effective July 1, 1999

HB 585 DOT Participate in Mass Transportation Capital Projects (Rep. Doug Teper)

This legislation amends the state law to redefine "capital project" to conform to the federal definition, thereby allowing the state DOT more flexibility to assist local transit systems on either capital or operating expenditures. This bill passed as a rider to SB 57.

Status: Effective April 6, 1999

HB 678 Port Vehicles Exempt (Rep. Ron Stephens)

This bill allows cargo container vehicles at the Georgia ports to travel on public roads within the port vicinity.

Status: Effective July 1, 1999

HR 167 Create Metro Atlanta Rapid Transit Overview Committee (Rep. Billy McKinney)

This resolution creates the Metropolitan Atlanta Rapid Transit Overview Committee to periodically review the efficiency and effectiveness of the Metropolitan Atlanta Rapid Transit Authority (MARTA).

Status: Effective upon appointment of members

HR 442 Create Tourism Advertising Study Committee (Rep. Mickey Channell)

This resolution creates the House Tourism Advertising Study Committee to assist the General Assembly in evaluating matters relating to tourism in Georgia.

Status: Effective upon appointment of members

SB 47 Attach Amber Strobe Light and Flag at End of Log Loads (Sen. Hugh Gillis)

This proposal modifies the traffic code to require that either a red or orange flag and amber strobe light be attached to the load end of any motor vehicle or trailer carrying a load of logs, long pulpwood, poles or posts which extends more than four feet beyond the rear of its body or bed attach.

Status: Effective July 1, 1999

SB 57 Georgia Regional Transportation Authority (GRTA) (Sen. Steve Thompson)

This bill creates a new state authority to coordinate regional mass transit systems and coordinate overall transportation planning in the thirteen counties metropolitan Atlanta non-attainment region and other areas which will reasonably considered to be in non-attainment within seven years. The Georgia Regional Transportation Authority (GRTA) will initially have jurisdiction over the 13 non-attainment counties in metro-Atlanta. Fourteen more counties in the Augusta, Columbus, Macon, and Catoosa/Dade/Walker areas could be added to the non-attainment list by the summer of 2000. Some essential provisions of the bill are:

- The GRTA board, appointed by the Governor will initially start with 15 members. When a new non-attainment area comes under GRTA authority, the first new board member would come from that new area. Any additional member added to the board for population of more than 200,000 may, but does not have to come from that new area.
- The Governor can delegate to GRTA his/her powers to resolve disputes between MPO's and the DOT. GRTA would have the authority to block by a two-thirds vote huge 'developments of regional impacts' such as malls or large office parks. The county in which the development is

planned can override GRTA's decision with a three-fourths vote of the county commission. The vote by the county commission would not constitute failure or refusal by the county.

- GRTA also will have authority over "curb cuts" on all roads in areas under their jurisdiction except the interstate system, giving it the same power that DOT now has in granting or denying access to new developments.
- Authorizes GRTA to cooperate with metropolitan planning organizations (MPOs) in adjoining states if those MPOs include territory in Georgia under GRTA's authority.
- Local governments under GRTA's authority which fails or refuses to cooperate with the authority will be ineligible for any state grants except those directly related to physical and mental health, education, police protection, and safety-related maintenance for transportation systems. In case of a failure by any local government to repay its obligation in full, the authority can withhold all state funds to that local government except educational funds, until the local government has remedied all defaults.
- 100% of all state and federal transportation funds will be divided equally among the state's congressional districts over a three-year rolling average. Excluded from this formula are state and federal funds specifically designated for maintenance and operations or for projects of GRTA, MARTA, and the Georgia Ports Authority. The DOT board may override this allocation by a two-thirds vote if the board determines that there are not enough projects in the congressional district on which funds can be spent without lapsing appropriated funds. The legislation also requires an annual report from the state DOT board to the Governor, Lt. Governor, and Speaker of the House detailing the allocation of federal and state funds among congressional districts.

Status: Effective April 6, 1999

SB 236 Removing Vehicles From Roadway (Sen. Van Streat)

This bill requires any motorists that are involved in a traffic accident with no apparent serious personal injury or death to remove the accident vehicle from the roadway.

Status: Effective upon signature of the Governor

SB 256/HB 880 Change Permit Fees For Vehicle Lengths (Sen. Van Streat)

This bill standardizes the fee structure for annual and single permits regardless of the commodity being haul. The bill also brings Georgia into compliance with federal law for width, length, and height for all types of truck trailers.

Status: Effective October 1, 1999

SR 184 Joint Study Committee On Regional Development Centers Metropolitan Area Planning and Development Commissions (Sen. Rick Price)

This resolution creates the Joint Study Committee on Regional Development Centers (RDC's) and Metropolitan Area Planning and Development Commissions to study their organizational structure, authority, and functions for any necessary legislative changes.

Status: Effective upon appointment of members

SR 194 Senate Small Business Jobs Creation and Training Study Committee (Sen. Diane Johnson)

This resolution creates the Senate Small Business Jobs Creation and Training Study Committee to study the conditions, needs, issues, and problems of small businesses for ways in which government can help small businesses.

Status: Effective upon appointment of members

SR 196 Senate Transportation Revenues Study Committee (Sen. Diane Johnson)

This resolution creates the Senate Transportation Revenue Study Committee to study the conditions, needs, issues and problems in amending the Constitution to allow other transportation uses of the motor fuel tax. The study committee will also look at other sources of revenues for supporting public transit systems, including such revenues as vehicle registration fees.

Status: Effective upon appointment of members

HEALTH AND HUMAN SERVICES

[Staff: Maxine Chriszt]

HB 263 Family Support Registry (Rep. Jim Martin)

The bill was part of the legislative package of the Department of Human Resources, necessary to meet federal child support compliance guidelines. Federal law requires each state to establish a family support registry for the purpose of collecting and processing payments of all child support orders that are enforced by the Office of Child Support Enforcement and those that are subject to income deduction orders. The registry will not apply to those privately agreed

upon orders, unless the court must at some point get involved for non-compliance. A related budget item in the FY 2000 budget moves 661 regional child support enforcement management to local DFCS management.

Status: Effective upon signature of the Governor.

HB 406 Housing Authority Board Composition (Rep. Jimmy Skipper)

This legislation was also introduced to bring Georgia into compliance with federal law. The bill will require an additional one or two commissioners be appointed to city, county and regional housing authorities, at least one of whom will be a "resident commissioner;" a person is directed assisted by public housing in that county, city or region.

Status: Effective July 1, 1999

HB 713 Children's Trust Fund Commission (Rep. Don Wix)

The legislation extends the "sunset" date for the Children's Trust Fund Commission from July 1, 2000, until July 1, 2010. The Trust Fund Commission, utilizing proceeds from an add-on of \$1 to birth, death, and divorce certificates, funds child abuse prevention grants at the local level.

Status: Effective July 1, 1999

SB 110 Temporary Assistance for Needy Families Act (Sen. Charles Walker)

The legislation extends the time period for which qualified aliens who enter the country after August 22, 1996 may receive cash assistance from July 1, 1999 until July 1, 2001.

Status: Effective July 1, 1999

SB 139 Mental Health Service Boards (Sen. Eddie Madden)

The bill prohibits actions being taken against an employee of a community service board who makes a complaint or discloses information to the board or to a member of the General Assembly about possible fraud, waste or abuse relating to the board's operation.

Status: Effective July 1, 1999

SB 195 Rural Hospital Authorities Assistance Act (Sen. Jack Hill)

The bill creates a grant assistance program for rural hospitals administered by the State Health Planning Agency, now part of the new Department of Community Health. The funds can be used for the following purposes: infrastructure development; strategic planning (for health collaboratives, EMS networks, personnel retention/recruitment, etc...); and other nontraditional health care delivery systems

concepts. Grants may be conditioned on local matching funds. Although no funding was included in the FY 2000 budget for this program, it is anticipated that funds from the tobacco settlement will be utilized to provide the grants.

Status: Effective upon signature of the Governor

SB 197 ACCG Health Benefits Board Exemption (Sen. Jack Hill)

The bill exempts ACCG's health benefits board from regulations applied to insurers. The board oversees the ACCG health insurance program, which allows counties to pool together to negotiate terms with a third party administrator, currently Blue Cross/Blue Shield of Georgia. Because of the way that the Insurance regulations are written, there was concern that the five member board would have to adhere to the regulations and requirements applied to third party administrators, which BC/BS already meets. The ACCG program has 50 county/authority members, as of March 15, 1999.

Status: Effective upon the signature of the Governor

SB 241 Department of Community Health (Sen. Charles Walker)

The bill creates a new department initially to be composed of the following current agencies/divisions: the State Health Planning Agency; the Department of Medical Assistance and the health care division of the State Merit System of Personnel Administration. Public Health will likely be added next Session. In addition, the legislation removes the Composite State Board of Medical Examiners (the board responsible for reviewing complaints against physicians) from underneath the Secretary of State's office and places it, for administrative purposes only, with the new Department of Community Health.

Status: Effective upon signature of the Governor

SR 75 Certificate of Need for Long-Term Care Facilities Study Committee (Sen. Paul Broun)

The resolution creates a Senate study committee on long term care facilities to study the feasibility of congregate senior housing and continuing care retirement communities to attract retirees to the state. The committee will be composed of five senators.

Status: Effective upon the appointment of members

SR 116 Joint MH/MR/SA Service Delivery Study Committee (Sen. Eddie Madden)

This study committee was established to review the HB 100 changes to the MH/MR/SA system in 1993 and determine whether the goals of the initial legislation were being met. The committee will also review the current structure and process for the

provision of services and the effectiveness of the funding formulas in meeting community needs. This will be a legislative committee, composed of five House members and five Senate members.

Status: Effective upon the appointment of members

SR 193 Senate Welfare to Work Transition Study Committee (Sen. Diana Harvey Johnson)

This study committee, to be composed of five senators, will review employer participation in welfare to work programs and identify state laws, regulations and administrative requirements that may discourage firms from participating in public job training and placement.

Status: Effective upon the appointment of members

NATURAL RESOURCES & ENVIRONMENT

[Staff: Chris DeVinney]

HB 185 Underground Storage Tank (UST) Fund (Rep. Bob Hanner)

This bill gives the Georgia Environmental Protection Division the authority to receive funds generated by bonds to reduce the backlog of reimbursements to UST owners and operators. These funds will serve as a loan, which the EPD will repay with the continued collection of the \$.005/gallon UST fee. Currently, there is a three-year backlog for reimbursement from the UST Fund.

Status: Effective upon signature of the Governor

HB 399 Privatization Contracts for Water and Wastewater Systems (Rep. Randy Sauder)

Allows counties and cities to contract with private entities for up to twenty years for operation and maintenance of water and wastewater facilities owned by local governments. This is an effort to encourage privatization where feasible, and to allow corporations to recoup their investments.

Status: Effective upon signature of the Governor

HB 458 Prohibit Rock Quarry Operations (Rep. Buddy Childers)

This bill prohibits new rock quarry operations within eight miles of any well or spring if a review of scientific analysis by the Georgia EPD determines that the quarry would have a significant adverse impact on a local government's underground source of drinking water.

Status: Effective July 1, 1999

HB 502 Water Well Contractors; Bond or Letter of Credit (Rep. Robert Lane) / **Aquifer Storage and Recovery Moratorium** (Sen. Eric Johnson)

The first part of this bill requires that a water well contractor need only provide a bond or irrevocable letter of credit, which will be applicable statewide, to the state. The contractor shall not be required to provide any additional bond or letter of credit to any other political subdivision within the state. SB 48 was attached to HB 502 as a rider on the last day of the session. As amended by SB 48, the bill establishes a moratorium on wells drilled into the Floridan Aquifer for the purpose of storing treated surface water in the aquifer. The moratorium will continue through 2003.

Status: Effective July 1, 1999

HB 578 Five-Year Extension of Scrap Tire Fee (Rep. Dubose Porter)

HB 578 allows collection of the \$1.00 per tire fee to continue through June 30, 2005 to complete cleanup of nuisance scrap tire piles that still exist in Georgia. The money will also be used to grant local governments funds to assist in establishing programs that will contribute to the cleanup and proper management of scrap tires in the future.

Status: Effective July 1, 1999

HB 660 Environmental Testing of Property Acquired by Local Governments (Rep. Douglas Dean)

This bill requires local governments to conduct a Phase I Environmental Assessment on any real property intended for use as a park or recreational area. If contaminants are discovered, the local government would not be allowed to acquire the property until hazards are eliminated.

Status: Effective July 1, 1999

SR 211 Senate Study Committee on Coastal Water Resources (Sen. Rene Kemp)

This Senate study committee will examine a variety of issues related to low flowing surface water and how it affects ecosystems in Coastal Georgia.

Status: Effective upon appointment of the members

BILLS CARRIED FORWARD TO 2000:

GENERAL COUNTY GOVERNMENT

HB 98 Coroners Compensation (Rep. Robin Williams)

Status: Passed as a rider on SB 150

HB 87 Mandated Plaques on Public Buildings (Rep. Earl Ehrhart)

HB 87 would require that if a county or city governing authority decides to place a plaque on a public building, the plaque must include language that "this building paid for by the taxpayers of _____ county (or city)".

Status: Passed the House; pending in Senate State & Local Government Operations Committee

HB 133 Voting After Felony Convictions (Rep. Bob Holmes)

HB 133 would clarify the definition of the phrase "upon completion of the sentence" so as to clarify the meaning of completion of sentence for the purposes of voting after a felony of moral turpitude. The legislation defines the phrase to mean 'upon release by authority of the federal government, state, government, or a political subdivision of the state from confinement in a jail, prison, or other correctional institution, without regard to whether such release shall be the result of probation, parole, early release, suspended sentence, the serving of the entire sentence, or for any other reason.'

Status: Pending in the House Governmental Affairs Committee

HB 150 Required Building Code Inspector Training (Rep. Lynn Westmoreland)

This legislation has been substantially modified in subcommittee. As amended, HB 150 would require counties to post a notice as to whether or not inspectors employed by the county are "qualified inspectors." To be designated as a qualified inspector, an inspector would have to first complete a course of training related to the type of inspection that person is responsible for. Qualified inspectors may be either employees of the county or city or, per an ACCG amendment, private inspectors under contract to the county or city. If a qualified inspector, either employed or retained, is not available to inspect a particular job, the builder would be able to hire a private inspector to undertake the inspection. The county would still collect the inspection fee and could still reject the report of the independent inspector if done within 2 business days. HB 150 also would require cities and counties to notify permit applicants of the existence of local amendments to state minimum standard codes at the time building permits are issued would further be required to specify the particular code provision violated if a permit is denied as a result of an inspection.

Status: Passed House; pending in Senate Defense, Science & Technology Committee

HB 151 Building Code Inspections by Private Parties (Rep. Lynn Westmoreland)

A substitute has been agreed to by the author which resolves most of the problems with the original bill. As agreed, the new proposal will allow third party inspections but only when a builder cannot get an inspection scheduled within 2 business days. The private inspectors, however, can be prequalified by the county or city, and the local government would be authorized to reject the private inspector's report for objective reasons.

Status: Passed House; pending in Senate Defense, Science & Technology Committee

HB 152 Home Inspectors: Licensing and Regulation (Rep. Lynn Westmoreland)

This legislation would require private home inspectors to be licensed and regulated in a manner similar to the existing licensing requirements for electrical contractors, plumbers, conditioned air contractors, etc.

Status: Pending in House Industry Committee

HB 154 Residential Contractors: Licensing and Regulation (Rep. Lynn Westmoreland)

This legislation would require the licensing and regulation of residential contractors. Board.

Status: Pending in House Industry Committee

HB 160 Advertising Banners and Portable Signs (Rep. Lawrence Roberts)

This bill would bar counties and cities from prohibiting the installation of permanent or temporary advertising banners or portable signs.

Status: Pending in House State Planning & Community Affairs Committee

HB 281 Ethics: Recall & Campaign Statements (Rep. Jeanette Jamieson)

This legislation would impose sanctions for someone who falsely identified a source of an issue statement, falsely stated the endorsement or opposition to a candidate, or made false statements about the recall of a public officer or ballot proposition if they knew their statement was false. The Code Section would not apply to persons in the print or electronic media who publish, broadcast or prepare material without knowledge of the error or falsity of the material.

Status: Pending in the House Rules Committee

HB 391 Service Delivery Strategy (Rep. Randy Sauder)

The legislation would change the imposition of penalties for those governments which fail to become part of a service delivery strategy agreement by July 1, 1999. Under HB 391, any individual municipality

which reaches an agreement with a county would not be subject to the loss of state funds. In addition, the county with which the city has an agreement could receive financial grants and loans proportionate to the percentage of the county's population which lived within the boundaries of the city covered by the agreement. This legislation was not one of the recommendations of the GMA-ACCG HB 489 Task Force.

Status: Pending in House State Planning & Community Affairs Committee

HB 398 Recording of Subdivision Plats (Rep. Tom Shanahan)

This legislation would amend current law which requires approval of a city or county governing authority before a plat of subdivided property could be recorded by the county court clerk. It would repeal exemption language in the present law which provide that recording of a plat is not contingent on county or city approval where there is no utility improvements required or no sewer approval or septic tank approval is required.

Status: Pending in House Judiciary Committee

HB 401 Removal of Local Authority Members (Rep. Roger Byrd)

Per HB 401, proposed by ACCG, members of county and municipal authorities, such as downtown development, industrial development and other such authorities, could be suspended and removed from office under the provisions of this bill where an authority member had been indicted for a felony offense by a grand jury. This process parallels that which applies to indicted elected officials.

Status: Passed House; pending in Senate Judiciary Committee

HB 491 Nonpartisan General Assembly and County Official Races (Rep. Johnny Floyd)

This bill would provide that seats in the General Assembly and all county elected positions would become nonpartisan. The bill was held for study over the interim.

Status: Pending in House Governmental Affairs Committee

HB 504 Suspension of Tax Commissioners (Rep. Richard Royal)

Current law provides that tax commissioners make an annual accounting to the county commissioners regarding the status of their tax collections and records. If a tax commissioner fails to carry out this task, he or she can be suspended by the county governing authority. As introduced, HB 504 would

limit the ability of county commissioners to invoke a suspension.

Status: Pending in House Ways & Means Committee

HB 511 Open Records: Exempt 911 Records (Rep. Ken Birdsong)

HB 511 would provide that records, data bases and other information used in the operation of an emergency '911' system would be confidential.

Status: Pending in House Judiciary Committee

HB 572 Local Government Construction Projects: Competitive Bidding (Rep. Roger Byrd)

This legislation would specify procedures to be applicable to a county or municipal project involving the construction or renovation of a building for lease to the Department of Administrative Services (DOAS) or to other state agencies. The bill would require notice of the contract to be let by advertisement once a week

for four weeks and by posting a notice in an appropriate place in the courthouse. The work would have to be awarded to the lowest responsible bidder. Per ACCG policy, the legislation would also amend the multi-year lease/lease purchase contract statute. The amendment would remove the requirement that title to personal property must remain with the seller on a lease-purchase agreement until fully paid for by the county or the municipality.

Status: Pending in the House State Planning & Community Affairs Committee

HB 616 Public Retirement Systems: Minimum Funding Standards (Rep. Bill Cummings)

This legislation would amend the existing public pension funding standards to require compliance with various standards published by the Governmental Accounting Standards Board and would expand the definition of an actuary who was authorized to provide services to a public retirement system.

Status: Passed House; pending in Senate Retirement Committee

HB 617 Public Retirement System Investment Authority Law (Rep. Bill Cummings)

This legislation would establish standardized authority for an investment of assets by all public retirement systems in the state.

Status: Passed House; pending in Senate Retirement Committee

HB 669 Cable Television Access to Public and Private Land (Rep. Robin Williams)

Per HB 669, any CATV franchisee would be able to use any land that already had poles, wires, conduits, pipes, cables or other cable facilities owned or

maintained by a public utility. The CATV company could install their lines above or below ground in the same manner as the public utility facilities. As a condition for this access, the public utility would be entitled to fair compensation for the use of the property or easement. The CATV franchisee would have to repair any damage caused to the property of the utility or the property on which the easement was located. The bill also would restrict landlord-tenant agreements which relate to tenant's choice of CATV service providers. This provision would apply to any landlord who offered more than four dwellings units for rent on one parcel of property or at one location.

Status: Pending in the House Industry Committee

HB 719 Animal Control Boards: Hearings (Rep. Kathy Ashe)

Per ACCG policy, this bill would repeal a current provision of the dangerous dog law that prohibits a member of an animal control board from participating in a hearing regarding whether a dog should be classified as a dangerous dog if the board member had previously participated in the classification of that dog as a potentially dangerous dog. In essence, the current law requires a county to have two separate hearing boards. HB 719 would eliminate that problem.

Status: Pending in House State Planning & Community Affairs Committee

HB 731 Development Authorities: Removal of Members (Rep. Carl Von Epps)

This bill would authorize the city or county governing authority that appointed members to a downtown development authority or industrial development authority to remove any such members by majority vote of the governing authority with or without cause.

Status: Pending in House State Planning & Community Affairs Committee

HB 816 Conditioned Air Contractors (Rep. Larry Smith)

The original version of this legislation would have repealed various provisions of state law that allowed the State Construction Industry Board to issue cease and desist orders for violations relating to the activities of a conditioned air contractor. A substitute bill would prohibit any person who was not licensed as a conditioned air contractor from advertising in any manner that such person was in the business or profession of a conditioned air contractor. The substitute would make it unnecessary for an investigator to observe the unlicensed person engaged illegally in the process of work or completed work in order to prove the unlawful practice.

Status: Passed the House; pending in Senate Defense, Science & Technology Committee

HB 893 Open Records: Delayed Release of Accident Reports (Rep. Ben Allen)

If passed, accident reports would not be subject to disclosure during the ten-day period immediately following the date of an accident except with the signed written request of a party to the accident. After the ten-day period has run, the reports would be available to any requestor.

Status: Pending in House Judiciary Committee

HB 1044 Minimum Salaries for County Commissioners/Training Certification Supplement (Rep. Jeanette Jamieson)

This bill was introduced late in the session to gather comment and support prior to next session. The bill would establish a minimum salary for commissioners with part time commissioners receiving 10% of the sheriff's salary; part time chairmen receiving 10% more than the other commissioners; and full time chairmen/CEOs and sole commissioners receiving 10% more than the sheriff. In addition, commissioners that complete certification training would be entitled to a 20% supplement. In addition, cost of living adjustments would be automatic as would be 5% longevity increases for commissioners reelected to a new 4-year term.

Status: Pending in House State Planning & Community Affairs Committee

HB 1062 Demolition Liens (Rep. Robert Reichert)

This bill would amend the nuisance law to make it more practical for local governments to collect on demolition liens by following similar procedures to those used in collecting delinquent taxes.

Status: Pending in House Judiciary Committee

HB 1076 Local Government Tort Claims Act (Rep. Jim Martin)

This bill would make counties and cities subject to the state tort claims act and would waive sovereign immunity in state actions up to \$1 million per claim or \$3 million per incident. HB 1076 would also provide procedures for notice of claims against local governments including a requirement that there be a designated officer to be served in the event a lawsuit is filed against a county. Local governments would be able to purchase insurance, join ACCG-IRMA, or provide other means to cover claims approved by the State Insurance Commissioner.

Status: Pending in House Judiciary Committee

HB 1079 Public Works Construction Law (Rep. Tom Shanahan)

This legislation would provide a new updated public works bidding law applicable to counties, cities and school boards. In addition to placing all of the public works contract laws, other than those for road projects, into one area of the code, this legislation would increase the threshold for bidding from projects exceeding \$20,000 to projects exceeding \$50,000. Likewise, it increases the threshold for bid bonds, performance bonds and payment bonds to projects costing more than \$50,000. This legislation would also allow counties to self-perform public works projects, as well as use alternative construction methods.

Status: Pending in House State Planning and Community Affairs Committee

SB 21 Public Records: Personnel Information Confidential (Sen. Mike Crotts)

SB 21 would prevent disclosure of personnel files containing personal data such as date or place of birth, names of parents, residence, school records, reports of work performance, address or telephone number, social security number, or insurance or medical information.

Status: Pending in Senate Judiciary Committee; however, a version of the language of the bill was attached to SB 279 and further modified by HB 250.

SB 78 Application of all Regulations to Government Entities (Sen. Eric Johnson)

This legislation declares that every statute enacted by the General Assembly would bind the state, counties, municipalities and all other government entities. Also every rule or regulation adopted pursuant to a statute would apply unless the statute plainly, clearly and unmistakably showed an attempt not to cover such entities. It would require state agencies imposing rules and regulations to consult with representative samples of individuals and businesses that could be affected by the proposed rule or amendment. State agencies would be required to seek alternatives which would legally and feasibly meet the state objectives and would also be the least expensive for the affected individuals and businesses. Agencies would also be required to compile a cost-benefit analysis and risk assessment including examination of appropriate scientific research concerning the risk or condition which the rule was designed to abate or control. After a lengthy discussion in committee, the bill was assigned to a subcommittee for further study.

Status: Pending in the Senate Judiciary Committee

SB 106 Lease-Purchase Transactions/Transfer of Title (Sen. Clay Land)

Implementing ACCG policy, SB 106 would clarify existing contrary provisions of law by deleting the requirement that title to lease-purchased equipment be held in the vendor's name until paid in full by the city or county.

Status: Passed Senate; pending in House State Planning & Community Affairs Committee

SB 235 Elections: Early Voting (Sen. Jack Hill)

This bill provides for a period of voting which begins 15 days prior to the date of the general or primary election.

Status: Passed Senate; pending in House Governmental Affairs Committee

REVENUE & FINANCE

HB 20/HB 21 Exempt Hand Tools from Personal Property Taxation (Rep. Bob Snelling)

These bills propose to change the applicability of taxation on hand tools used by craftsman who move from job to job. HB 20 proposes a full exemption and HB 21 exempts the first \$3000 of value from taxation.

Status: Both measures pending in House Ways & Means Committee

HB 54 Sales Tax Exemption for Certain Use of Natural Gas (Rep. Tom Buck)

This proposal would exempt the sale of natural gas from sales tax if the gas is used in the generation of electricity. The author of the bill offered a substitute amendment that would only exempt the state portion of sales tax

Status: Pending House Ways & Means Committee

HB 82 Sales Tax Exemption on Electricity used for Farm Operations (Rep. Ken Birdsong)

This bill seeks to exempt the sale of electricity used to power farm irrigation equipment. However, this measure was amended in the Senate Finance Committee to expand the sales tax exemption to include diesel fuel used for irrigation. The House disagreed to the Senate amendment and the bill is stalled in conference where differences have to be worked out if measure is to be handed to the Governor.

Status: Passed House; passed Senate; pending in conference committee

HB 97 Creating office of Fine Collections in Department of Revenue (Rep. Curtis Jenkins)

Bill creates an office of fine collections in the Department of Revenue for the collection of all fines,

which includes local fines. This legislation also authorizes a 10% administrative fee to the state when the DOR process a fine on behalf of a local government.

Status: Pending in House Ways & Means Committee

HB 111 Change Vehicle Registration to End of Birth-Month (Rep. Hinson Mosley)

This bill proposes to change the vehicle registration deadline to the end of an individual's birth-month, instead of the actual birthday which is the current deadline. This bill only applies to those counties that have a twelve-month staggered tag registration system, not the handful of counties who still use a four-month registration.

Status: Pending in House Ways & Means Committee

HB 125 Repeal of Mobile Home Decal Display and Issuance Requirement (Rep. Hinson Mosley)

Mobile home owners are required to post a decal showing proof of taxes paid on their mobile homes. This proposal seeks to remove the requirement to post a decal after taxes are paid.

Status: Pending in House Ways & Means Committee

HB 167 Allowing 12 months of Revenue on Digest (Rep. Richard Royal)

Since vehicle tax revenue is now collected over twelve months instead of four, only a partial year of vehicle taxes can be reported on the tax digest by the time the digest is submitted to the Department of Revenue. This bill allows the county to report a twelve month cycle of tag revenue even if the county has to use revenue from the preceding year.

Status: Passed House; pending in Senate Finance & Public Utilities Committee

HB 176 Remove Acreage Cap for Conservation Use Property (Rep. Richard Royal)

Under existing law, a bona-fide family farm can place up to 2000 acres in conservation use if the farm is smaller than 3000 acres. This proposal seeks to remove the 3000 acre cap to allow larger family farms to participate in conservation use.

Status: Passed House; pending in Senate Finance & Public Utilities Committee

HB 208 County Severance Tax on Solid Minerals (Rep. Buddy Childers)

Bill proposes a county levied tax on solid minerals (mining activity) at a rate of \$.20 per ton.

Status: Pending in House Ways & Means Committee

HB 243 Debt Setoff Collection Authority for Local Governments (Rep. Mickey Channell)

This legislation would authorize local governments to collect delinquent debts on a debtor's tax return. However, the scope of the bill has been limited to waste collection, water and sewer, and gas and electric services provided by local governments. This legislation has been held up due to short-term concerns over the DOR to add more demands to its limited technological capability. As a result, the debt setoff process will be studied during the year in hopes that a plan for implementation can be developed for next session. ACCG and GMA strongly support this legislation.

Status: Pending in House Ways & Means Committee

HB 285 Prohibiting Certain Bonded Indebtedness for Law Enforcement Salary Increases (Rep. Judy Poag)

This bill specifies that no county or city shall increase law enforcement salaries through bonded indebtedness except through general obligation bonds. These bonds require a public referendum.

Status: Pending in House Ways & Means Committee

HB 299 Sales Tax Exemption on Housing Authority Purchases (Rep. Jeanette Jamieson)

Status: Pending in House Ways & Means Committee

HB 514 Property Tax Exemption for Certain Small Boats (Rep. Bob Lane)

Status: Pending in House Ways & Means Committee

HB 518 Disbursement of Collected School Funds from County (Rep. Richard Royal)

This bill requires that the tax commissioner remit funds to the county and the school board at the same time. This bill was passed in response to school board complaints that counties purposely hold school funds in order to make additional interest from the tax proceeds prior to disbursement.

Status: Pending in House Ways & Means Committee

HB 523 Centralized Sales Ratio Study (Rep. Richard Royal)

Currently, the Department of Revenue and the Department of Audits each conduct sales ratio studies to determine whether the value of the tax digest is keeping pace with property sales. These studies serve as a test to ensure uniformity statewide and to assure that the county digest is within an allotted range of 40% of fair market value as required by law. HB 523 seeks to combine these two studies into one, centralized study performed by the Department of Audits. This sales ratio study will be used for the counties' purposes as well as the QBE matching formula for the school boards.

Status: Passed House; pending in Senate Finance & Public Utilities Committee

HB 939 Automatic Setting of Millage (Rep. Richard Royal)

This bill, purposely dropped late in the session to prompt discussion, would create a system to automatically set millage rates for all local governing authorities including schools. As proposed, this bill would require local governments to set budgets based on need without considering digest growth or millage ramifications. The county tax commissioner would then calculate the appropriate millage to fund the budget based on the digest and all other revenues. The governing authority would then be able to accept the millage rate or make budget modifications to change the millage rate.

Status: Pending in House Ways & Means Committee

HR 9 Resolution to Substitute Sales Tax for School Ad Valorem Tax (Rep. Richard Royal)

This resolution proposes a statewide referendum which, if passed, would repeal the ad valorem levy for k-12 education. However, this measure proposes to replace the school revenue statewide sales tax.

Status: Pending House Ways & Means Committee

SR 110 Freeze Property Taxes by Local Option (Sen. Eric Johnson)

This resolution authorizes a Constitutional Amendment allowing a local referendum freezing property tax values at current levels. Under the proposal, values can not increase above the annual rate of inflation as measured by the Federal Governments' Consumer Price Index (CPI). As provided in this measure, residential property will only be re-appraised for tax purposes upon sale to another owner, or new construction.

Status: Pending in Senate Finance & Public Utilities Committee

PUBLIC SAFETY AND THE COURTS

HB 23 Failure to Stop Motor Vehicle for a Pedestrian in Crosswalk (Rep. Billy McKinney)

This legislation would make it a misdemeanor for a driver to fail to stop for a pedestrian at a crosswalk.

Status: Pending in House Public Safety Committee

HB 44 Abolition of County Police Departments (Rep. Robin Williams)

If this legislation is successful next session, all existing county police forces will be abolished by December 31, 2000, unless the voters approve the continuation of the county police force in a special election. ACCG opposes this legislation that

infringes on the constitutionally authorized power of counties to provide a county police force. Additionally, this legislation would create serious problems for any service delivery strategy adopted in a county that provides police services independent of the sheriffs' office.

Status: Pending in House State Planning and Community Affairs Committee

HB 259 Pre-Arrest Warrant Hearings (Rep. Billy Randall)

This legislation would require the magistrate judge to conduct a warrant application hearing before issuing an arrest warrant requested by a citizen under certain circumstances. A hearing would not be required if: (1) the safety of the individual requesting a warrant or a third party is threatened; (2) the person whose arrest is sought may attempt to evade arrest or obstruct justice if notice of the hearing is given; (3) the person whose arrest is sought is already incarcerated or in custody; (4) the person whose arrest is sought is a fugitive; (5) the offense for which the arrest warrant is sought is deposit account fraud (i.e., writing bad checks); or (6) the magistrate can determine without a hearing that a warrant should not be issued. Additionally, a victim to a crime or other person may avoid the warrant application hearing process by reporting a crime directly to law enforcement.

Status: Passed House; pending in Senate Special Judiciary Committee

HB 456 Out of State Prisoners Housed in Private Facilities (Rep. Chuck Sims)

This legislation would specify that a county may not be held liable for any costs associated with housing out of state inmates in private prisons located within the county.

Status: Passed House; pending in Senate Corrections Committee

HB 461 Removal of State Probation Violators from County Jails (Rep. Gerald Greene)

Since 1992, when a judge revokes the probation of a convicted felon for a technical violation, the duration of the initial sentence is served in a probation boot camp, probation detention center, weekend lockup, county jail or county detention facility. Since the state facilities have long waiting lists for available space, these felons, or "technical violators," serve the remainder of their sentence in the county jails, which are overcrowded. This legislation would remove county jail and detention facility from the list of alternatives that a judge has when revoking probation.

Status: Pending in House State Institutions and Property Committee

HB 540 Increase Per Diem for State Prisoners in County Jails (Rep. Gerald Greene)

Presently, the Department of Corrections only reimburses counties \$20 per day to house state inmates if the state inmate is not picked up within 15 days from the date that DOC receives "proper documentation" that an offender has been sentenced to the state prison system. This legislation would provide the following changes that would lessen the burden to the county property taxpayer significantly by: (1) increasing the reimbursement from \$20 to \$48, if the funds are appropriated; (2) beginning payment of the reimbursement on the actual date of sentencing if the state inmate is not picked up within 15 days; and (3) requiring a reimbursement for felons housed in county jails due to certain violations of their parole or probation (see also HB 461). Particularly since the number of state sentenced inmates has increased dramatically in the last few years and is likely to further increase unless the state immediately begins an aggressive prison building plan, the passage of this bill is desperately needed by counties. Commissioners are urged to contact their legislators, particularly those members of the Appropriations Committees, to urge their support of this legislation.

Status: Pending in House State Institutions and Property Committee

HB 591 Local Government Code Enforcement Boards (Rep. Jim Martin)

Under current law, county ordinance violations are handled in the magistrate court as misdemeanors. This legislation would give counties and cities the option to create code enforcement boards to hear violations of ordinances on zoning, subdivision regulations, building codes, soil erosion and sedimentation control, litter control and junk vehicles. Rather than being a criminal offense, violations brought by the code enforcement board would be punished by an administrative fine. Code enforcement officers could pursue violations either through the code enforcement board or through the magistrate court.

Status: Pending in House State Planning and Community Affairs Committee

HB 597 Availability of Certain Real Estate Records by Superior Court Clerk (Rep. Allen Hammontree)

This legislation would require the superior court clerks to keep printed copies available of the current

real estate grantor and grantee indices for distribution to the public.

Status: Pending in Senate Special Judiciary Committee

HB 643 Personnel of the Board of Jury Commissioners (Rep. Doug Teper)

Under current law, unless local legislation provides otherwise, the superior court clerk serves as jury clerk to the board of jury commissioners in counties other than Richmond County. However, this legislation would authorize a majority of the superior court judges in any county to appoint a jury clerk and other personnel to dispatch the work of the court. These employees would serve at the pleasure of the judges but would be paid by the county board of commissioners.

Status: Pending in House Judiciary Committee

HB 659 Inmate Telephones in County Correctional Institutions (Rep. Bill Jackson)

This bill would require counties to install special features on the telephones used by the inmates in the jails and the correctional institutions, such as blocking three-way calling and disconnecting telephone calls after ten minutes. Additionally, the sheriff or warden would be required to assign each inmate a personal identification number (PIN) that the inmates would have to use to make any calls. The telephone system would then be programmed to prevent the inmate from calling any telephone number except for five pre-authorized telephone numbers. The bill is intended to prevent inmates from harassing or threatening victims and witnesses.

Status: Pending in House Industry Committee

HB 808 Limitation of Inmate Construction Programs (Rep. Gerald Greene)

This legislation would limit the Department of Corrections from providing its inmate construction crew to counties and cities to county or city projects with a budget for equipment and materials of less than \$250,000. Additionally, the inmate construction crew could not be undertake any county or city construction projects unless all funded repair and minor construction projects identified for all state correctional facilities have been completed.

Status: Pending in House State Institutions and Property Committee

HB 1047 Limitation of Reimbursement for CI Inmate Medical Treatment (Rep. Brooks Coleman)

Under this legislation, inmates in county correctional institutions would be entitled to no greater medical care than that care provided under Medicaid. Additionally, service providers would be limited to

Medicaid rates for reimbursement for services provided to inmates.

Status: Pending in House State Institutions and Property Committee

HB 1061 Expedited Testing for Emergency Personnel Exposed to HIV (Rep. Mack Crawford)

A firefighter, peace officer or emergency medical technician who receives a significant exposure to HIV in the course of their duties from an arrestee would be allowed to request a court order to require the arrestee to be tested for HIV. The probable cause hearing for the court order would have to be held within ten days of the request. If the arrestee is found guilty or pleads guilty or nolo contendere to an AIDs transmitting crime, the court must order a test within twenty-five days. The Department of Human Resources would arrange for the HIV test within fifteen days of the court order or a copy of the verdict or plea of guilty in an AIDs transmitting crime.

Status: Pending in House Special Judiciary Committee

HB 1064/SB 142 SB 142 Required Employment Appeals Process for Law Enforcement Employees (Rep. Tom Bordeaux/Sen. Richard Marable)

This legislation, sponsored by the police union, would require counties to adopt procedures giving law enforcement employees the right to appeal adverse employment decisions to a special board or hearing officer. As currently defined, an "adverse employment" decision would include decisions not related to disciplinary procedures, such as a change in insurance or retirement benefits. The county would bear the burden of proving the need to discipline the law enforcement officer, who may be assisted by the "representative" of his choice, presumably a union representative. Additionally, any decision could be appealed to superior court. ACCG strongly opposes this legislation as it erodes the right of county commissioners, sheriffs and city council members to be at-will employers, as well as the home rule power of counties and cities. Most jurisdictions already provide some type of due process to their employees. However, application of this legislation would be impracticable and would impose undue cost on many of the smaller jurisdictions.

Status: HB 1064 pending in House Public Safety Committee; SB 142 pending in Senate Public Safety Committee

HB 1073 Creation of Georgia Sheriffs' Cooperative Authority (Rep. Ray Holland)

This legislation would create the Georgia Sheriffs' Cooperative Authority, which would assist in the development of a statewide database that could

provide jail population data, jail inmate locator data, a victim notification system, record management systems, supplies and materials for sheriffs. The Authority would be funded by a ten dollar increase in the fee collected by sheriffs for serving papers and warrants and a twelve dollar fee increase for taking bonds in criminal cases. The Authority would be managed by a board of seven members: four members appointed by the Georgia Sheriffs' Association (at least two of which must be a sheriff currently in office) and three members appointed by the Governor (at least one of which must be a county commissioner currently in office).

Status: Pending in House Public Safety Committee

HR 81 Joint Study Committee on Local Law Enforcement Officer Salaries and Benefits (Rep. Ralph Twiggs)

This resolution would create a Joint Study Commission on Local Law Enforcement Officer Salaries and Benefits that would undertake a comprehensive study of the conditions, needs, issues and problems causing the decreasing number of individuals in local law enforcement.

Status: Pending in House Rules Committee

HR 367 Creation of Bipartisan Commission on Criminal Justice Reform (Rep. Tom Campbell)

This resolution would create a commission to examine Georgia's current criminal justice system and to recommend an effective and workable plan to institute truth in sentencing. The commission would be charged with evaluating the inmate population and cost projections to implement any recommendations of the commission.

Status: Pending in House Rules Committee

SB 11 Certain Serious Felons to Serve 90% of Sentence Before Parole (Sen. Clay Land)

This bill would require offenders convicted of one of twenty "serious felonies" to serve 90% or 14 years imprisonment before becoming eligible for parole or early release. When faced with this type of certain minimum sentence, criminal defendants tend to demand a jury trial and wait in a county jail at the expense of the county taxpayers, rather than plead guilty to a crime that they committed. This increases the number of the "awaiting trial" portion of the county jail population. In addition to contributing to the county jail overcrowding problem, the county taxpayers must meet the increased needs of the court system, including the judges, clerks, district attorneys, solicitors, public defenders, sheriffs, etc. County commissioners are urged to keep in close contact with their legislators so that they are

informed about county jail overcrowding and court backlogs when considering this legislation.

Status: Pending in Senate Corrections, Correctional Institutions and Property Committee

SB 73 Enforcement of Fire and Other Hazards (Sen. Joey Brush)

This legislation would give the magistrate and municipal courts the jurisdiction to hear violations of fire regulations.

Status: Passed Senate; pending in House Judiciary Committee

SB 268 County Jail Officers' Eligibility to Participate in Peace Officers' Annuity and Benefit Fund (Sen. Sonny Huggins)

This legislation would allow jail officers who are certified peace officers to participate in the Peace Officers' Annuity and Benefit Fund.

Status: Pending in Senate Retirement Committee

SR 204 Compensation Program for Law Enforcement Officers Disabled in the Line of Duty (Sen. Greg Hecht)

This resolution calls for a constitutional amendment to allow the General Assembly to create a compensation program for law enforcement officers who are injured, but not permanently disabled, in the line of duty by a willful act of violence. Whether counties and cities or the state would provide the funding for the compensation program is not established in the current form of the resolution.

Status: Pending in Senate Judiciary Committee

HEALTH AND HUMAN SERVICES

HB 99 Hospital Sales or Lease (Rep. Vernon Jones)

The legislation would prohibit hospital authorities from selling or leasing hospital properties or holdings without a public hearing being held at least 60 days in advance of the sale or lease becoming effective. The legislation also would require at least three public notices about the hearing and stipulates what the hospital authority must disclose to the public regarding the potential sale or lease.

Status: Pending in House Health and Ecology Committee.

HB 172 Division of Rehabilitation Services (Rep. Terry Coleman)

The bill would transfer the Division of Rehabilitation Services from the Department of Human Resources to the Department of Labor, with the exception of the portion of the division that performs disability adjudication services.

Status: Pending in Senate Industry and Labor Committee.

HB 174 Tobacco Lawsuit Proceeds to Indigent Care Trust Fund (Rep. Barbara Mobley)

The bill would require that all proceeds from the settlement of the tobacco lawsuit be deposited in the Indigent Care Trust, pending appropriation of the funds by the General Assembly.

Status: Pending in House Appropriations Committee.

HB 182 Juvenile Court Judges (Rep. Jim Martin)

The bill would establish juvenile court judges in every circuit that would be paid for with funds from the Judicial Courts budget, as Superior Court judges are currently funded. The bill failed in part due to a lack of funding (cut by the House and not restored).

Status: Passed House; Pending in Senate Judiciary Committee.

HB 315 Essential Rural Non-emergency Transportation Provider Access Act (Rep. Alan Powell)

The legislation would allow certain rural health care providers, including municipally or county owned emergency medical services departments, to participate in the Medicaid non-emergency transportation program. This program delivers Medicaid recipients to and from their residences to physician appointments or other health care providers for care. The provider would have to be willing to accept the payment rates of the NET broker. **SB 89** (Sen. Eddie Madden) would create the same program.

Status: HB 315 pending in House Human Relations Committee; SB 89 pending in Senate Health and Human Services Committee.

HB 375 Indigent Care Trust Fund (Rep. Mickey Channell)

This bill would specify in the Code that Indigent Care Trust Fund dollars can only be appropriated in accordance with the purposes outlined in the Trust Fund statute. Those outlined purposes include: expansion of Medicaid eligibility and services; support of rural and other health care providers, primarily hospitals, that serve medically indigent persons and primary care programs from medically indigent citizens of the state.

Status: Pending in House Appropriations Committee

HB 595 Mental Health, Mental Retardation and Substance Abuse Boards Appointments (Rep. Robin Williams)

The legislation would require that all appointments to regional mental health, mental retardation and substance abuse boards be confirmed by a majority

vote of the members of the House of Representatives and Senate whose respective districts include part or all of the county making the appointment.

Status: Pending in House Health and Ecology Committee

HB 598 Welfare to Work Tax Credit (Rep. Jimmy Skipper)

The legislation would provide tax credits to employers who employ TANF recipients, on or after January 1, 2000. An additional tax credit would be given to employers who first employ an eligible employee in a "tier 1 county" or of the 53 least developed counties in the state.

Status: Pending in House Ways and Means Committee.

HB 705 Medicaid Hospital Emergency Claims (Rep. Mickey Channell)

The legislation would require that Medicaid reimburse for emergency services rendered, regardless of the final medical diagnosis. Under current reimbursement practices, if a patient presents complaining of symptoms that suggest a heart attack but are eventually diagnosed with gastrointestinal pains, the hospital is reimbursed only for gastrointestinal services, and not for the tests or treatments for potential heart problems.

Status: Pending in House Appropriations Committee

HB 882 Emergency Medical Services (Rep. Judith Manning)

The bill would provide a comprehensive revision of the current zoning process for ambulance service. Local governments would have greater input in the final determination of the ambulance zones through a provision that would establish the opportunity for local governments to conduct a Request for Proposals (RFP) within the local government's jurisdiction. The RFP process would precede opening of the zoning process by the local coordinating entity. The local government then has 60 days to make recommendations to the local coordinating entity regarding zones in its jurisdiction. If the RFP process fails to yield a qualified provider, the local government can elect to provide its own ambulance service, provided it meets all necessary criteria. If a local government and the local coordinating entity do not agree on recommended providers, a panel of five persons, two of whom would be appointed by the affected government, would review the recommendations of both entities. The panel would be required to accept the recommendation of the local government unless the panel finds that such recommendation is inconsistent with the economy, efficiency, and benefit to the public's welfare. Any

other provider cannot be selected unless such provider agrees to comply with the terms and conditions of the RFP issued by the local government and the local government approves of the selection.

The composition of the local coordinating entity would have to include: medical professionals; one representative of each hospital that operates an emergency department located within the health district; one representative of each county government within the health district; and one representative from each county within the health district to be selected by a majority vote of the mayors of all the municipalities located within each such county.

Status: Pending in House Health and Ecology Committee.

HB 1081 State Ombudsman Program for the Protection of Children Act (Rep. Georganna Sinkfield)

The legislation would create an ombudsman program for children, similar to the current program that oversees care for the elderly in nursing homes, personal care homes and in-home assisted living services. The ombudsman program would provide independent oversight over all persons, organizations and agencies responsible for caring for children who are removed from the care of their parents or guardians because of court involvement. The Governor would appoint a the state ombudsman, who would be a member of the State Bar of Georgia for at least three years. This person must have knowledge of the child welfare system, the juvenile justice system and the legal system and be qualified through training and experience to perform the duties of the office.

Status: Pending in House Children and Youth Committee

HR 439 House Study Committee on Ambulance Service (Rep. Tracy Stallings)

The resolution would create a House study committee to examine the method by which ambulance providers are chosen across the state. The committee would be composed of five House members.

Status: Pending in House Rules Committee.

HR 622 Aged and Disabled Transportation Task Force (Rep. Mike Snow)

The resolution would create the Aged and Disabled Task Force to study public transportation services for older Georgians, especially in non-urban areas of the state. The Task Force would be composed of the following: two House members; two Senate members; five representatives of the Department of Human Resources; two representatives of the

Department of Transportation; one representative of the Department of Medical Assistance; four transportation providers; two private citizens from the aging community and two private citizens from the disability community.

Status: Pending in House Rules Committee.

SB 65 EMSC Program on Ambulance Services Territories (Sen. Tom Price)

The bill would require the Department of Human Resources to make a final decision regarding appeals of local zoning awards within 120 days of receipt of the recommendation of the local coordinating entity and the supporting documents of the recommendation. If no decision regarding the appeal is made by the 120th day, the recommendation becomes effective on the 121st day. Appeals would then go to the superior court for consideration.

Status: Pending in Senate Health and Human Services Committee.

SB 75 Certificate of Need for Nursing Homes (Sen. Paul Broun)

The legislation would exempt from certificate of need requirements certain types of free-standing skilled nursing facilities that are associated with independent and assisted living units and with a home health agency. These facilities could not exceed 100 bed capacity and would have to be part of a continuum of long term care that includes at least 200 independent living units, 100 assisted living units and a home health service. In addition, a feasibility study that demonstrates the economic viability of the facility would be required and no more than 10 percent of the clients could be Medicaid eligible.

Status: Pending in Senate Health and Human Services Committee

**ECONOMIC DEVELOPMENT
& TRANSPORTATION**

HB 119/HR 30 Change DOT Board Members Term (Rep. Terry Barnard)

This bill and resolution would provide for an amendment to the Constitution to change the DOT board members term from five years to three years. This proposed amendment to the Constitution would have to be ratified by the voters of Georgia in the November 2000 election.

Status: Pending in House Transportation Committee

HB 290 Railroad Crossing Closings (Rep. Judy Manning)

This bill arose out of a permitted crossing for pedestrian use only. The legislation would prohibit a

railroad company from unilaterally closing any railroad crossing if they do not have an agreement with the affected local government. The bill further provides that if the railroad company unilaterally closes a crossing without prior agreement with the affected local government, and, the affected government sues for noncompliance of the law, then the railroad would be liable for all court costs incurred by the local government. At the present, there are no public road crossings in Georgia, which a railroad company can close without prior agreement with the affected local government.

Status: Pending in House Transportation Committee

HB 324 Speed Humps (Rep. Bob Irvin)

This bill would prohibit Georgia Department of Transportation from using speed humps and other similar obstructions as a reason for denying a local government's request of road resurfacing if the road has speed humps. At present, Georgia Department of Transportation ruling is that speed humps are not a standard road device. The use of speed humps is a local decision and would preclude roads with speed humps from being funded with LARP or City/County Contract monies in accordance with DOT's policy.

Status: Pending in House Transportation Committee

HB 574 Restriction on Railroad Crossings Maintenance (Rep. Ann Purcell)

This bill would require the railroads to notify local governments of any repair, maintenance, or construction of an at-grade railroad crossing closing at least twenty-four hours in advance of any public road closing of more than 15 minutes; not increase the elevation of a crossing when measured on a line drawn from points 20 feet in either direction on a 90 degree angle from the tracks; and, give sixty day written notice of any at-grade crossing removal or deactivation to the local governing authority and to the property owner who's property is adjacent to the crossing. Presently, the railroads give local governments oral notification of temporary or permanent closings. On state route crossings, the railroads give DOT sixty-day notice

Status: Pending in House Transportation Committee

HB 648 Decal Markings on Certain Government Vehicles (Rep. Ben Whitaker)

This bill would allow state and local governments to place decals on certain motor vehicles that they owned or leased. County vehicles exempted from this legislation would be vehicles used for law enforcement or prosecution; and, vehicles exempted by a resolution or ordinance adopted by the county following a public hearing on the matter. The public hearing must be held no more than 14 days before the

adoption of the ordinance or resolution. In previous year's ACCG opposed previous similar legislation because they mandated local governments to affix the markings. This piece of legislation no longer mandates, but gives local governments the option to affix the markings. ACCG worked with the author this year on perfecting this piece of legislation, which we now endorse.

Status: Pending in House Appropriations Committee

HB 706 Motor Vehicles Record Access (Rep. Alan Powell)

This bill would allow tag service companies access to motor vehicle records as long as they have entered into an agreement to provide electronic services to the Department of Revenue Commissioner or a county tag agent.

Status: Pending in House Motor Vehicles Committee

HB 731 Downtown Development Authority Members Removal (Rep. Carl Epps)

This bill would amend the law to allow the removal from office of members of downtown development authorities. The law would be amended so that any appointed downtown development authority director may be removed by a majority vote of the governing body, with or without cause. The vacancy created by the removal shall be filled in the same manner as the original appointment.

Status: Pending in House State Planning & Community Affairs Committee

HB 803 Limitations of Public Road Abandonment (Rep. Robert Ray)

This bill would amend the law so that local governments cannot abandon a road leading to a cemetery without constructing another road leading to the cemetery, if the road were the only road leading to the cemetery.

Status: Pending in House Transportation Committee

HB 823 Issuance of Temporary License Plates (Rep. Doug Everett)

This bill would make it a misdemeanor with a \$100.00 fine to operate a vehicle that has not been registered in the state within 30 days after becoming a resident of the state. The bill would also require that any new or used vehicles purchased from a dealer to display the proper temporary plate.

Status: Passed House; pending in Senate Judiciary Committee

HR 82 Create Joint Highway Safety Study Committee (Rep. Lynn Smith)

This resolution would create a joint House and Senate Highway Safety Study Committee to study the

conditions, needs, issues, and problems associated with highway safety. The committee will be composed of seven members of the House of Representatives and seven members of the Senate.

Status: Passed House; pending in Senate Transportation Committee

SB 123 Use of Cameras to Record Traffic Signal Violations (Sen. Vincent Fort)

This legislation would allow local governments and sheriffs departments to apply to the Department of Public Safety for a permit to install cameras to document and enforce traffic signal violations. The cameras would record evidence of traffic signal violations, such as running the red light and use of this evidence in court. The penalty would be a non-point, non-moving violation.

Status: Passed Senate; pending in House Public Safety Committee

SB 251/HB 870 Create the Georgia Agricultural Facilities Authority (Sen. Van Streat)

This bill would create the Georgia Agricultural Facilities Authority to provide bonds, loans, and grants for agricultural processing plants. The authority would consist of fifteen members, of which five would be appointed by the Governor, five appointed by the Lieutenant Governor, and five appointed by the Speaker of the House. The authority would be exempted from any taxes or assessments imposed by the state, county, or city governments, except from sales and use tax on property purchased by or for the authority.

Status: Passed Senate; pending in House Agriculture Committee

SR 15 Commission on Promoting Aerospace Development (Sen. Donzella James)

This resolution would create a study commission in the Georgia Senate to investigate the feasibility of aerospace and telecommunications market niches in Georgia. This bill was introduced in the 1997 legislative session.

Status: Pending in Senate Defense Science and Technology Committee

SR 91 Joint Temporary Motor Vehicle License Plate Study Committee (Sen. Ladd)

This resolution would create a joint temporary motor vehicles license plate study committee to devise and implement a practical and uniform way of providing temporary license plates to motorists.

Status: Pending in Senate Rules Committee

NATURAL RESOURCES & ENVIRONMENT

HB 509 Georgia Historic Preservation Districts (Rep. Jeanette Jamieson)

This bill establishes guidelines for counties and municipalities to follow should a local government choose to pass a Historic Preservation ordinance.

Status: Passed House; pending in Senate Special Judiciary Committee

HB 557 State Tree Protection Law (Rep. Mark Burkhalter)

HB 557 establishes minimum tree protection standards for the thirteen Metropolitan Atlanta counties currently required to administer auto emission inspections as a result of being classified as "non-attainment" for Ozone. A local government would not be allowed to issue land disturbing permits for projects that do not meet these minimum protective requirements. Local governments within these thirteen counties may opt to adopt stricter tree protection measures.

Status: Passed House; pending in Senate Natural Resources Committee

HB 564 Establish Inspection Fees for Category I Dams (Rep. Tom Shanahan)

HB 564 establishes an inspection fee schedule for Category I Dams. Owners of these dams would have to pay the annual inspection fee to EPD. Currently EPD absorbs the cost, but the agency is requesting that this fee be paid by dam owners in order to hire more inspectors.

Status: Passed House; pending in Senate Natural Resources Committee

HB 650 Establish Standards for Animal Rendering Plants (Rep. Dubose Porter)

This bill allows the Department of Natural Resources' Board to establish standards to reduce gases and vapors emitted from processes, equipment, and wastewater associated with animal rendering plants.

Status: Passed House; pending in Senate Agriculture Committee

HB 657 Land-disturbing permits (Rep. Ralph Twiggs)

This bill would repeal the code section requiring landowners to show that they are current on owed ad valorem taxes prior to receiving a land-disturbing permit.

Status: Pending in House Natural Resources Committee

HB 736 Sanitation Service Providers (Rep. Doug Teper)

HB 736 would prohibit public and private sanitation service providers from placing a lien against a property whose occupant is delinquent with owed fees for such service unless the occupant is the property owner. A similar provision of the law is currently in effect for water and wastewater services, and has cost counties revenue because of increased difficulty in collecting owed fees from owners of rental properties.

Status: Pending in House State Planning and Community Affairs

HR 215 Joint West Georgia River Protection Act Study Committee (Rep. Lynn Smith)

This resolution would create a Joint legislative study committee to examine issues related to protecting and improving the rivers of West Georgia.

Status: Passed House; pending in Senate Natural Resources Committee

HR 373 House Lake Lanier Water Quality Study Committee (Rep. Clint Smith)

HR 373 established a study committee comprised of five Representatives to examine issues related to Lake Lanier's water quality.

Status: Pending House Natural Resources Committee

SB 4 / SR 4 Creation of the Land, Water and Wildlife Heritage Fund (Sen. Clay Land)

These measures call for a constitutional amendment to establish the Land, Water and Wildlife Heritage Fund. Proceeds of the Fund would be used to assist local governments with grants for the acquisition and improvement of parks and recreational facilities, and for acquiring, and preserving Georgia's natural and historic resources. The Heritage Fund would be funded by the state ad valorem tax (i.e. the quarter mill property tax) currently collected by counties and sent to the state annually. Eighty percent of those revenues, about \$32 million annually, would be directed to the Heritage Fund. One quarter of all monies collected for the Heritage Fund will be earmarked exclusively for local government parks and recreation projects. Similar measures were passed during the 1998 session, but failed to be approved by voters in November.

Status: Pending in Senate Finance and Public Utilities Committee

SB121 Prohibit Sewer Connections Under Certain Circumstances (Sen. Dan Lee)

Any wastewater treatment facility, with average monthly flow limits of 20 million gallons per day or more, which experiences two major bypasses within a twelve month period, shall be prohibited from permitting additional sewer connections until that facility has been free from violations for six months.

Status: Pending in Senate Natural Resources Committee

SR 175 Joint Study Committee on Water Management and Allocation (Sen. Eric Johnson)

This resolution will establish a joint study committee to examine public policy issues related to water allocation and management.

Status: Passed Senate; pending in House Natural Resources Committee

State Appropriations For the Fiscal Year Beginning July 1, 1999

General County Government Appropriations

- Indigent Defense \$ 5.0 million
- Local Assistance Grants (DCA) 16.9 million
- RDC Contracts (DCA) 1.8 million

Public Safety Appropriations

- The \$20 CI per diem was annualized in the FY 2000 budget for all current and future state inmates housed in county CIs.
- The Department of Corrections received funding to fund 942 additional prison beds; to fund 600 transitional center or work camp beds
- The Georgia Public Safety Training Center received: a 4% increase in local peace officer training grants for local and regional academies; funding for portable firearms simulators for the regional training academies; funding to expand the emergency medical dispatch course; funding of telecommunications costs for distance learning; and funding of subsistence costs for local jail officers attending the basic jail officer training course.
- The Georgia Fire Academy received funding for a feasibility study for a volunteer firefighter training program.

- The GBI received \$21 million towards a Laboratory Annex and Morgue in Atlanta and a replacement Lab Annex and Morgue in Augusta.
- The Judicial Branch received funding to implement SB 1, the Special Drug Prosecutor Act, in one-third of the judicial circuits in Georgia.

Public Safety Supplemental Budget (FY'99)

- The supplemental budget included an increase in the county correctional institutions per diem to house the existing 3700 state inmates and the additional 1500 state inmates be increased from \$15 to \$20 effective from April through June 1999. It also contains \$26.5 million in grant funds to assist existing correctional institutions with the construction costs associated with increasing capacity by 1500 state inmates.
- The Department of Corrections received funding to open 150 prison beds; 200 transitional center beds; 600 tent beds for prison boot camp; and 512 probation detention center beds.
- The Georgia Bureau of Investigations received \$681,950 towards new crime lab employees and supplies.
- In order to enhance live fire training, \$300,000 was appropriated to the Department of Public Safety to construct and develop two regional burn buildings.

Health Appropriations

- \$5,000,000 redirection of public health grant-in-aid to counties.
- Restoration of \$1,402,928 for the DHR children's dental program.
- \$8,495,066 to redirect 661 child support enforcement staff from regional child support management to local DFCS management.
- \$750,000 to implement statewide utilization review of community MH/MR/SA services.
- \$13,239,934 reallocation of hospital services to community MH/MR/SA services.
- \$2,166,634 to provide home and community-based services under the Medicaid waiver program for persons with mental retardation.
- \$1,210,231 to expand Community Care Services Program by 375 clients.
- \$1,853,000 to provide triple therapy medications to approximately 200 individuals with HIV.
- \$125,000 to increase funding for Court Appointed Special Advocate program.
- \$305,000 to increase family foster care reimbursement from \$11.10 to \$11.25 per day.

- \$680,000 to provide for a 10 percent rate increase for family and group model alternative living service providers.
- \$150,000 to provide funding for a Federally Qualified Community Health Center in Quitman County.
- As part 2 of 3 phases of the Memorandum of Agreement with United States Department of Justice regarding the state Department of Juvenile Justice:
 - \$895,000 for 12 positions for central office control and quality assurance
 - \$2,833,333 for educational enhancement
 - \$2,150,000 to annualize 128 Juvenile Correctional Officers added in FY 1999 budget
 - \$1,400,000 to enhance medical services
 - \$1,633,333 to develop alternative placements to Regional Youth Detention Centers
 - \$4,136,666 to expand mental health services for juveniles
 - \$1,250,000 to provide funds for plan development and in-service training
 - \$3,000,000 for a new statewide data system
- Redirection of \$23,892,000 to reduce fraud and abuse in the Medicaid program.
- Redirection of \$9,955,000 to reduce Medicaid benefits by identifying additional Medicaid eligible recipients who have other forms of insurance.
- Redirection of \$4,778,400 to reduce funding for Community Mental Health Centers to reflect implementation of service utilization controls.
- \$817,000 to provide 35 additional slots in the Independent Care Waiver program.
- \$4,900,000 to reimburse physicians and physician related providers at a higher rates for Medicaid clients.
- \$21,466,428 to increase reimbursement rates for nursing home providers.
- \$125,000 to increase funding of legal services for Victims of Domestic Violence.

Economic Development & Transportation Appropriations

Economic Development	
DCA Local Assistance Grants	\$16.9 million
Regional Economic Development	\$1.1 million
CDBG Program	\$30 million
Home Program	\$2.7 million
Regional Economic Business Assistance	\$4.8 million

DITT

Yamacraw Project	\$13.6 million
Tourism Marketing	\$501 thousand

Transportation

DNR

Georgia Regional Transportation Authority \$1 million

DOT

LARP	\$32.3 million
Aviation	\$3.2 million
City/County Contracts	\$38.6 million
Harbor Deepening	\$20 million

ED&T Supplemental Budget - FY 1999

DITT

Georgia World Congress Center – Bonds \$220 million

DOT

GRIP - Bonds	\$137 million
Multi-Modal Station – Bonds	\$1.9 million
Marietta/Lawrenceville Rail Study–Bonds	\$1.9 million
Rail Rehabilitation – Bonds	\$3 million
Mass Transit Grants	\$3 million