

2000 SESSION OF THE GEORGIA GENERAL ASSEMBLY
Final Legislative Report

Association County Commissioners of Georgia
April 18, 2000

During the two-year 1999-2000 session of the General Assembly, 4633 bills and resolutions were introduced and considered. Of those, more than 1039 bills and resolutions had a potential impact on county government. This report covers significant bills and resolutions during the 2000 session. Since this year is the second year in the legislative biennium, this report only includes a few of the key bills that did not pass since none will be carried forward to the 2001 legislative session. This report is arranged to conform with ACCG policy areas. Within each policy area, legislation is arranged numerically and in the following order: house bills, house resolutions, senate bills and senate resolutions. Effective date is indicated on the status line where specified in the bill. Other bills are effective on the day signed by the Governor. He has until May 1st to sign or veto legislation. Veto requests, when known, are indicated on the status line.

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GENERAL COUNTY GOVERNMENT

[Staff: Jim Grubiak]

HB 150 Qualified Building Code Inspectors/Outside Inspectors (Rep. Lynn Westmoreland)
HB 150, supported by ACCG, GMA and the Building Officials Association of Georgia, requires counties and cities 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 will have to first complete a course of training related to the type of inspection for which that person is responsible. It includes inspectors who hold a certification from the Standard Building Code Congress International (SBCCI), inspectors who hold a license from the State Construction Industry Licensing Board and registered professional engineers who practice within the scope of their branch of engineering expertise while conducting an inspection. 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 will still collect the inspection fee and will still be able to reject the report of the independent inspector if done within 2 business days. If the local government rejects the private inspector’s report, HB 150 requires the city or county to specify to the applicant the particular code provision violated if a permit

is denied as a result of the inspection. In addition to the foregoing, local governments will be required to notify permit applicants of any local amendments to the state minimum standard codes that may be applicable. Finally, any inspector finding a violation of a state or local fire code must also identify the infraction in writing to the applicant.

Status: Effective July 1, 2000

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

HB 151, supported by ACCG, GMA, and the Building Officials Association of Georgia, allows third party building code inspections by professional engineers in lieu of an inspection by a county or city inspector. However, such inspections are allowed only when a builder cannot get an inspection scheduled within 2 business days after making a valid request. A local government can prequalify engineers that would be available to be used by a builder. Any private engineer selected for an inspection must have no relationship with the builder or any interest in the project. The builder will still have to pay all permit fees, and the inspection will have to be no less extensive than if done by the county or city inspector. Finally, the local government may reject the engineer's report if the report is found to be inadequate or defective and the engineer is notified in writing as to the deficiencies within two business days of its being submitted to the county or city.

Status: Effective July 1, 2000

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

HB 616 amends current minimum funding and actuarial standards applicable to publicly funded retirement systems to ensure compliance with Federal law.

Status: Effective July 1, 2000

HB 617 Public Retirement System Investments (Rep. Bill Cummings)

This legislation establishes standardized authority for investment of assets by all public retirement systems in the state. Among other things, the bill increases the maximum percent of investments of a fund's assets in equities from 50% to 55% for smaller retirement systems and from 55% to 60% for large retirement systems.

Status: Signed into law January 31, 2000

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

This ACCG-sponsored legislation repeals 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, current law requires a county to have two separate hearing boards. HB 719 eliminates this problem.

Status: Effective upon signature of the Governor

HB 1079 Public Works Contracts (Rep. Tom Shanahan)

This bill, developed by the Public Works Construction Law Task Force made up of members from ACCG, GMA, the Associated General Contractors and the Georgia Utility Contractors Association, substantially updates how counties contract for construction projects.

(1) In addition to increasing the threshold for bidding out public works contracts from \$20,000 to \$100,000, it authorizes counties to self-perform any construction project. Similarly, it increases the threshold for requiring bid bonds, performance bonds and payment bonds from projects costing \$40,000 to projects estimated to cost over \$100,000.

(2) Counties will be allowed to advertise projects in either the legal organ or on an Internet website. Rather than advertising once per week for four weeks as required by current law, counties will only be required to advertise projects twice during the month before the bid or proposal opening.

(3) If a county chooses to require bidders/offerors to "pre-qualify" before becoming eligible to submit a bid or proposal, the pre-qualification process must meet certain minimum standards (e.g., the criteria for pre-qualification must be reasonably related to the work, the criteria must be available to all potential bidders/offers, disqualified bidders must have a method to respond to their disqualification).

(4) If the county issues an addendum changing the specifications for bids/proposals within 72 hours of the bid/proposal opening date, then the opening must be delayed for 72 hours.

(5) For the first time, counties will specifically be authorized to use any construction delivery method, including design-build, so long as the project is awarded using either competitive sealed bids or competitive sealed proposals.

(6) When counties use the competitive sealed bidding process, bidders respond to an "invitation to bid" that sets forth the project requirements. Bidders are only required to honor their bid for sixty days, although they may extend their bids for longer periods. Contracts are awarded based upon the lowest price of the responsive and responsible bidders. If all bids submitted are over budget, counties may negotiate with the lowest bidder to bring the price within budget.

(7) When counties use the competitive sealed proposal process, offerors respond to a "request for proposal" (RFP) that sets forth the project requirements and the factors on which the contract will be awarded. Offerors are required to honor their proposals for as long as required in the RFP; however, the county must release those offerors not on the "short list" after sixty days of the proposal opening. Counties may base their decision on factors other than lowest price (e.g., qualifications, past projects, innovative proposal, safety record, timely completion record, etc.), so long as the factors and their relative importance are established in the RFP. Unlike projects that are bid out, counties are specifically authorized to negotiate contracts with all of the offerors on the "short list" for purposes of obtaining a best and final offer.

(8) The requirements of HB 1079 do not apply to contracts under \$100,000, road contracts, contracts necessitated by emergencies or projects using inmate, state or federal labor.

Status: Effective July 1, 2000

HB 1113 Elections Returns: Electronic Reporting (Rep. Bob Holmes)

This bill requires counties to provide election returns by precinct to the Secretary of State in an electronic format within 75 days after the close of voting. The requirements of this bill are to be phased in over the next two election cycles as follows: electronic reporting will be effective for all federal or state elections beginning with the 2000 election cycle; county elections would be subject to the new requirements beginning with the 2002 election cycle. Rules and regulations for implementing the new requirements are to be prepared by the Secretary of State.

Status: Effective July 1, 2000

HB 1117 Elections Code Revisions (Rep. Bob Holmes)

Status: Attached to HB 1361. See details below.

HB 1339 Alcoholic Beverage Sales on Election Days (Rep. Carl Von Epps)

Under current law, counties and cities where alcoholic beverages are sold may also authorize the sale of alcohol on election days by adopting an ordinance to that effect. HB 1339 amends the law by authorizing the sale of alcoholic beverages on election days in all "wet" counties except where a county or city passes an ordinance prohibiting the sale of alcoholic beverages on election days.

Status: Effective July 1, 2000

HB 1361 Political Ads/Amendments to the Election Code (Rep. David Lucas/Rep. Bob Holmes)

In addition to a number of technical changes to the Georgia Election Code relative to registration and ballots, the bill addresses the following:

- (1) Newspapers, broadcast stations and others who disseminate paid political advertisements will be required to check the identification of all parties purchasing such advertisements and keep records of the purchases for one year.
- (2) If a candidate pays his or her qualifying fee with a check that is returned for insufficient funds, the superintendent shall automatically find that the candidate has not met the qualifications for holding office, unless the financial institution certifies in writing that they erred in returning the check.
- (3) If the Governor declares that a state of emergency or disaster exists, the Secretary of State is authorized to postpone or extend the qualifying periods for the qualification of candidates seeking municipal, county, or statewide office and to postpone the date of the election in the affected area. Any such postponement or extension authorized by the Secretary of State shall be "reasonable."
- (4) Candidates in a nonpartisan election must be listed alphabetically on the nonpartisan ballot by last name and any incumbent must be identified on the ballot as well.
- (5) If two or more candidates for the same office have names so similar that voters may be confused, the election superintendent may print the addresses of the candidates along with their names.

(6) Regarding recall elections, the number of petitioners necessary to recall a state or local official will be based on the number of electors who were registered and qualified to vote in the most recent election rather than the most recent general election. Similarly, the number of sponsors necessary to initiate a recall will depend on the number of electors registered in the most recent election rather than the most recent general election.

Status: Effective upon signature of the Governor

HB 1404 Construction Contracts for Privatized Water, Wastewater, Stormwater and Sewer Systems (Rep. Randy Sauder)

Current law authorizes local governments to enter into 20-year agreements with private companies to operate wastewater treatment systems, storm water systems, water systems and sewer systems. HB 1404 authorizes these contracts to include the design and construction of such systems. It specifies that any portion of the contract that includes construction must also comply with the requirements for public works construction and must be solicited through competitive sealed proposals (see HB 1079 above).

Status: Effective upon signature of the Governor

HB 1430 Service Delivery Strategies: Resolving Impasses / Waiving Sanctions (Rep. Richard Royal)

With the passage of HB 1430, a county or city out of compliance with the Service Delivery Strategies Act, and therefore subject to the law's sanctions, will be able to invoke a judicially supervised mediation process to resolve differences between the county and the cities. The new provisions provide that the judge hearing the matter would be a visiting judge or a senior judge from outside the circuit. The judge could order new mediation or designate any ongoing mediation as the judicially supervised mediation. If the judicially supervised mediation is unsuccessful, the judge would rule on any outstanding issues after an evidentiary hearing. To limit any unfair consequences of the sanctions on the county or any cities, HB 1439 authorizes, but does not require, the judge to hold sanctions of one or more of the parties in abeyance while the mediation is in progress. In addition to resolving current disputes, the bill also provides a means to bring parties to the table to renegotiate strategies when circumstances call for changes in a strategy but one of the governments refuses to consider amendments. In addition to the above, the bill makes it clear that, contrary to a recent opinion of the Attorney General, any city that extends into more than one county must have a verified service delivery strategy with each such county or become subject to the sanctions of the Service Delivery Strategies Act.

Status: Effective upon signature of the Governor

HB 1439 Annexation: Spokes/Cross County Boundaries/Unilateral Annexation of Unincorporated Islands/Broaden Use of the 100% Method of Annexation (Rep. Richard Royal/Rep. Jeanette Jamieson)

This legislation addresses two significant county concerns while giving cities benefits as well:

- (1) Spoke annexation under the 100% method will be severely limited by defining areas that can be annexed under the 100 % method to those properties where either 1/8th of the property boundary or 50 feet of the property boundary touch the municipal boundary. Under current law, where the 100% method is used, it need not touch but at one point. The new law also requires that property annexed under the 100 percent method take entire parcels and that such parcels be buildable and occupiable by persons or property under the city codes. Furthermore, cities, will no longer be able to annex road rights-of-way of the county in order to annex desirable properties that would otherwise not be contiguous to the city.
- (2) First time cross county boundary annexations will be conditioned on approval of the county but with relief available from a court if denial by a county is arbitrary.
- (3) Cities in counties with more than 100,000 population are authorized to utilize the 100% Method of annexation under the new law. Until passage of HB 1439, those cities were only authorized to use the 60% method and resolution and referendum methods of annexation.
- (4) Cities will be authorized to unilaterally annex unincorporated islands over 50 acres in size. Currently they can do so only for islands of less than 50 acres.
- (5) Finally, HB 1439 requires annexing cities to clearly and accurately identify the land being annexed by reference to the State Coordinate Map, with the information sent to DCA rather than the Secretary of State. The bill further provides for technical assistance on mapping from DCA, since some cities may not have capabilities to locate the map reference points.

Note that this bill is not intended to address all annexation problems. ACCG and GMA have agreed that the two associations will continue to work toward resolution of other annexation problems over the summer.

Status: Effective March 16, 2000

HB 1630 Campaign Finance Disclosure/Electronic Filing by Local Candidates/Contribution Limitations (Rep. Calvin Smyre)

This bill substantially amends the campaign finance disclosure laws. Among other things, the bill does the following:

(1) On and after January 1, 2003 county and municipal candidates must file their disclosure forms in electronic format, if they raise or spend at least \$10,000. Rules and regulations will be promulgated by the Secretary of State to implement the electronic filing.

(2) Limits are imposed on the amount that can be contributed or accepted for an election cycle for county or municipal offices: \$2000 each for primary and general election; \$1000 for each runoff election. 1. (3)

(3) Expands campaign finance laws to all independent committees. The term "independent committees" includes committees, clubs, associations, partnerships, corporations, labor unions, and other groups of persons other than campaign committees, political parties, or political actions committees that receive donations to effect the outcome of an election.

(4) Requires contributors of \$101 or more to list their employer.

(5) Persons who contribute more than \$25,000 annually in the aggregate to candidates (\$15,000 for other entities) must register with the Secretary of State and file disclosure reports just like candidates.

Status: Effective January 1, 2001 generally; but effective upon signature of the Governor for the purpose of issuing rules and regulations

SB 295 Mandatory Codification of County and City Ordinances (Sen. Greg Hecht)

SB 295 requires counties and cities to codify ordinances and resolutions applicable to their government no later than January 1, 2002. Copies of the code must also be made available to the public at a reasonable price to be fixed by the county. Counties and cities will also be obliged to forward a copy of their code to the State Law Library in Atlanta which will, in effect, become a central repository for local codes from throughout the state. While there are costs associated with implementation of SB 295, the bill does provide, per ACCG policy, that county commissioners may, at their discretion, utilize county law library fees to finance the initial and maintenance costs of codification rather than having to rely on property tax revenues from the county's general fund to do so. Law library fees are those fees charged for each civil or criminal action filed in the superior, state and probate courts for the support of the county law library. Where law library funds are used to pay for codification, a copy of the county code would have to be placed in the county law library. In counties where a county law library has not been established, the chief judge of the circuit within which the county is located will be required to impose and collect law library fees sufficient to cover the cost of codification when so requested by the county board of commissioners.

Status: Effective July 1, 2000

SB 364 Open Records: Security System Records / Educational Testing Records (Sen. Bob Guhl)

This bill adds two new exceptions to the Open Records Act by providing that the following records may be kept confidential: (1) records that would reveal the names, home addresses, telephone numbers, security codes, or any other data or information developed, collected or received by local governments in connection with the operation of burglar alarm systems; and, (2) records maintained by the state or local school systems pertaining to educational testing.

Status: Effective July 1, 2000

ECONOMIC DEVELOPMENT & TRANSPORTATION

[Staff: Marguerita Lance]

HB 455 Increase Georgia Rail Passenger Authority Membership (Rep. Tommy Smith)

This bill amends the law to increase the Georgia Rail Passenger Authority Overview Committee membership to ten. Currently, six individuals serve as members of the committee.

Status: Effective upon signature of the Governor

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

This bill requires state and local governments to place decals on motor vehicles owned or leased with public funds. At the local level, counties, cities, regional development centers, school systems, commissions, boards and authorities are affected. The decals must be affixed to the front door on each side of each vehicle. The decal must be clearly visible and contain the name or symbol identifying the governmental entity. The bill, however, does exempt local vehicles used for law enforcement or prosecution purposes. In addition, counties and cities may expressly exempt certain of their vehicles by adopting a resolution or ordinance 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. ACCG opposed the bill as introduced because it mandated that virtually all vehicles be marked. ACCG worked with the author who agreed that county and city officials should have discretion to exclude certain vehicles from the decal requirement.

Status: Effective January 1, 2001

HB 1153 Provide State Road Naming Map (Rep. Tom Rice)

This bill requires DOT to provide to the public, through the internet, a map of the state highway system listing all bridges, interchanges and portions of the highway that have been named either by the General Assembly or DOT Board. In addition, the bill requires the DOT to furnish to each county a map of the county's road system.

Status: Effective July 1, 2000

HB 1205 Procedure For Dissolving Development Authorities (Rep. Tom Murphy)

This bill allows parent governments to dissolve their development authorities if the entity is no longer in operation and has no outstanding unpaid bonds or bond anticipation notes.

Status: Effective upon signature of the Governor

HB 1268 Require Training for Development Authority Members (Rep. Mike Barnes)

HB 1268, endorsed by ACCG, amends the local development authorities act to require a minimum level of training for newly appointed development authority members. Members appointed or reappointed after January 1, 2000, will be required to attend and complete at least eight hours of training on development and redevelopment programs within the first twelve months of appointment.

Status: Effective July 1, 2000

HB 1290 Utility Facility Protection Act (Rep. Don Wix)

This legislation, developed by a task force including local government representatives, strengthens Georgia's existing "Call Before You Dig" law by making the following changes to current law:

- (1) It expands the definition of "excavating" to include directional boring activities. The Georgia DOT's routine roadway maintenance activities are excluded from this definition;
- (2) It establishes provisions for Design Locate Requests, thereby allowing designers to have utilities marked early in the design stage to avoid potential problems;
- (3) It institutes a 48-hour window for marking facilities, beginning the next business day, instead of the existing window of 72 hours from the time of call. Delays are allowed, based on "extraordinary circumstances." It also provides a 5-hour "second chance" window for utilities to mark the location of facilities once the original 48-hour window has expired;
- (4) It adds provisions designed to eliminate abuse of the Utilities Protection Center notification system by individuals seeking repeated and unnecessary utility marking;
- (5) It requires additional precautions when excavating within a 24-inch tolerance zone around utilities. It also requires the excavator to stop digging and to notify the utility owner and the Utilities Protection Center if he strikes or damages the facility;
- (6) It authorizes the Georgia Public Service Commission to enforce the requirements of the legislation, with the assistance of an advisory committee made up of representatives from the utility and excavating industry, state and local government, and regulatory bodies. The maximum fine that can be imposed under this legislation is \$10,000; however, fines may not be imposed on cities, counties, state agencies or farmers.

Status: Effective July 1, 2000

HB 1348 Railway Passenger Service Plan (Rep. Tommy Smith)

This bill requires a coordinated prioritized statewide plan of the 18 proposed passenger rail service routes in the state. The first two would be from Atlanta to Athens and from Atlanta to Macon. The next five corridors would extend from Macon to Brunswick, Albany, Valdosta, Jacksonville and Savannah. Corridors connecting Atlanta to Columbus, Augusta, Gainesville, Bremen, Canton and Cartersville would follow. The DOT is granted the flexibility to shift projects if there is evidence that one project is less feasible than another.

Status: Effective upon signature of the Governor

HB 1509 Business Expansion Support Act (BEST) (Rep. Charlie Smith)

This bill amends the law to revise and expand BEST to streamline its administrative process and enhance its value. BEST provides for a statewide job tax credit for any business or headquarters of any such business engaged in manufacturing, warehousing and distribution, processing, telecommunications, tourism or research and development. This bill creates a new fourth tier to the current three tier county classification system, increases the value of the credit on all levels and establishes a new credit for corporate headquarters relocation. The new BEST structure also includes wage requirements. Jobs created in tier 1 must be above the average wage of the county in order to be eligible for the tax credit. Jobs in tiers 2, 3 and 4 must be 10%, 15% and 25% above the average wage of the county, respectively, to qualify. In addition, health benefits are introduced as one of the requirements for the credit. However, if an employer currently provides no benefit plan to other employees, the company is not required to provide them for the new jobs to qualify for the credit.

Status: Effective January 1, 2001

HB 1553 Amend State Transportation Fund Allocation (Rep. Jimmy Skipper)

This bill amends the law concerning the allocation of DOT funding. This bill changes last year's law which required that transportation funds be equally divided between congressional districts. Under HB 1553, congressional districts will receive an 85% funding equivalent, with the DOT board funding discretion of 10% and 5% for road projects incidental to economic development. There cannot be more than a 20% differential between congressional districts over a five-year period. This requirement does not include any state or federal funds specifically designated for maintenance and operations, any project undertaken for purposes of the Developmental Highway System or any project of the Georgia Regional Transportation Authority, Georgia Ports Authority or Metropolitan Atlanta Rapid Transit Authority.

Status: Effective July 1, 2000

HB 1654 Creation of the Southwest Georgia Railroad Excursion Authority (Rep. Jimmy Skipper)

This bill creates the Southwest Georgia Railroad Authority for the purpose of constructing, financing or operating rail passenger excursion projects utilizing any state owned railway in Crisp and Sumter counties and any nearby county.

Status: Effective July 1, 2000

HR 1051 Joint Study Committee on Urban Road Building Guidelines (Rep. Barbara Mobley)

This resolution creates a joint House and Senate study committee, composed of eleven members, to study the conditions, needs, issues and problems of DOT's urban road building guidelines.

Status: Effective upon appointment of members

SB 398/HB 1313 OneGeorgia Authority (Sen. Steve Thompson/Rep. Charlie Smith)

This bill creates the OneGeorgia Authority to foster economic development in rural Georgia. The authority is authorized to make grants and loans, allocate credits, purchase land, offer tax breaks for deal-closing incentives, provide miscellaneous assistance to entities to fund such projects as roads, water and sewer, technology infrastructure, airport improvements and other modern systems to make rural communities more appealing to businesses. One-third of the state's \$4.8 billion tobacco settlement - about \$60 million annually for 25 years allocated by the General Assembly - is committed by Governor Barnes through the legislative process to fund the Authority. The level of funding available for a project will be determined in part by the tier ranking of the county in which the project is based. Only counties in the first and second tiers are eligible for OneGeorgia programs funded by payments from the tobacco settlement.

Status: Effective upon signature of the Governor

SB 419/HB 1366 Highway Construction Sites Speed Limits (Sen. Van Streat/Rep. Jimmy Benefield)

This bill provides for increased penalties for speeding within a highway work zone. In addition, the bill eliminates the current requirement necessitating the county or city concurrence for DOT's construction work zone site posting. However, the bill does require the DOT to notify the county or city of their work activity. This bill was attached to HB 1180 for passage.

Status: Effective July 1, 2000

SB 496 Vehicle Lengths and Loads (Sen. Van Streat)

This bill amends the law to make minor technical changes to the length of vehicles and loads relating to permits. The bill defines "extendable semi-trailer" as a semi-trailer that has been manufactured for extending the frame to increase the overall length for transporting single-piece loads. The bill also changes the permit fee from \$150 to \$125 for any load greater than 16 feet wide, greater than 16 feet high or any load greater than 100 feet long and weighing more than 150,000 pounds and less than 180,000 pounds.

Status: Effective July 1, 2000

HEALTH & HUMAN SERVICES

[Staff: Sue Nieman]

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

This bill transfers the Division of Rehabilitative Services within the Department of Human Resources to the Department of Labor. This transfer includes the disability adjudication section and the Roosevelt Warm Spring Institute for Rehabilitation. The Georgia Industries for the Blind is also transferred to the Department of Labor. All officers, employees and agents of the Division of Rehabilitation Services, employed on June 30, 2001 will be transferred to the Department of Labor on July 1, 2001.

Status: Effective upon signature of the Governor

HB 182 Juvenile Court Judges (Rep. Jim Martin)

This bill provides state funding for juvenile court judges salaries. ACCG policy supports the placement of at least one juvenile court judge in each judicial circuit, utilizing state funds. There are 48 judicial circuits in the state. Each circuit with one or more juvenile court judges, who are not superior court judges assuming the duties of juvenile court judges, will receive a state grant of \$85,000 to be spent solely on salaries for juvenile court judges. There are also provisions for those judicial circuits that elect to use the state grant for one or more part-time juvenile judges. The governing authority of the county must offer the juvenile court judge or judges insurance benefits and any other benefits offered to employees of the county.

The bill includes language relating to any subsequent appointment or reappointment of the juvenile court judge. A notice must be published of the opening on the juvenile court once a month for three months prior to such appointment or reappointment in the official legal organs of each of the counties in the circuit where the juvenile court judge has venue. The county governing authority must pay the expense of publishing the notice. This requirement might become cumbersome and may be revisited in a future session.

Status: Effective October 1, 2000, section requiring other expenses effective January 1, 2001

HB 892 Juvenile Court Employees (Rep. Ben Allen)

This bill provides that persons who were probation and intake employees of a juvenile court of a county on June 30, 1996, and transferred to the state-wide juvenile and intake services system prior to January 1, 1999, be covered in the classified service of the state merit system.

Status: Effective upon signature of the Governor

HB 904 Childhood Lead Exposure Control Act (Rep. Calvin Smyre)

This bill creates the Childhood Lead Exposure Control Act. The intent of the act is to support the Division of Public Health's efforts in identifying lead poisoning hazards, thus preventing lead poisoning of children and others.

Status: Effective July 1, 2000

HB 1187 “A +” Education Reform Act of 2000 (Rep. Charlie Smith)

This is the Governor’s Education Reform Act. The intent is to provide comprehensive reform of the delivery of education services in Georgia at the pre-kindergarten, elementary, secondary and postsecondary level. The language regarding school nurses lets local boards of education establish their own policies and procedures for school health nurse programs. Instead of specifying RNs or LPNs, it merely requires them to use “licensed health care professionals.” Existing law prohibiting family planning services is incorporated by reference in the bill. Each school district will get some funding for school nursing, but it is not clear what level of staffing the funds will cover.

Status: Effective July 1, 2000

HB 1214 PeachCare for Kids Program (Rep. Mickey Channell)

This bill increases the number of children who qualify for the PeachCare for Kids Program. The program provides health care benefits for children in families with incomes up to 235 percent of the federal poverty level. The increase will provide eligibility for an additional 11,000 children. The bill requires that local boards of education cooperate with and provide assistance in identifying and enrolling eligible children in the program. Georgia estimated that 60,000 of the 119,000 eligible children would enroll by January 2001. PeachCare for Kids had enrolled 60,054 previously uninsured children.

Status: Effective July 1, 2000

HB 1229 Sale of Cigarettes (Rep. Terry Coleman)

This bill provides that the Department of Revenue, rather than the Department of Public Safety, acting through special agents or enforcement officers, will conduct annual random, unannounced inspections at locations where tobacco products are sold or distributed to ensure that minors are not purchasing tobacco products.

Status: Effective July 1, 2000

HB 1235 Commission on Men’s Health (Rep. Buddy Childers)

This bill creates the Commission on Men’s Health. Men’s health is a concern for employers who lose productive employees, as well as pay the costs of medical care. It is also a concern to state and local government and society that absorb the enormous costs of premature death and disability, including the costs of caring for dependents left behind. Educating men, their families and health care providers about the importance of early detection of male health problems can result in reducing rates of mortality for male-specific diseases, as well as improve the health of Georgia’s men and its overall economic well being. The Commission on Men’s Health will have eleven members.

Status: Effective July 1, 2000

HB 1352 Volunteers in Health Care Specialties Act (Rep. Lester Jackson)

This legislation provides a special license for certain retired chiropractors, registered professional nurses and podiatrists. They may volunteer their health care services only in public agencies or institutions, not-for-profit agencies, not-for-profit institutions, nonprofit corporations or not-for-profit associations that provide health care specialty services only to indigent patients in areas that are underserved by that specialty or critical need population areas of the state.

Status: Effective July 1, 2000.

HB 1406 Removal of County DFCS Director (Rep Sharon Trensé)

The purpose of this bill is to improve the status of children in the State of Georgia and improve communications between local Department of Family and Children Services (DFCS) directors and legislators. The bill requires county DFCS boards to nominate candidates only from a list of qualified candidates that will be provide by the Department of Human Resources Commissioner. That list will be compiled from job applicants who apply through a DHR Web site. Previously, local boards compiled the list of candidates. The DHR Commissioner may accept or reject the recommendations. The bill gives DHR more authority regarding county and district directors. The bill further requires county DFCS directors to make detailed annual reports to their local boards, county commissioners, DHR and their state legislative delegation of all children they have served in the previous 12 months and the disposition of their cases.

Status: Effective July 1, 2000

HB 1422 Office of the Child Advocate (Rep. Georganna Sinkfield)

This bill, authored by one of the legislators who has pushed for reform in the way Georgia treats its children for over a decade and supported by the Governor, creates the Office of Child Advocate. The bill gives some powers to the office to investigate the deaths of children known by Family and Children Services, review complaints, recommend policy changes and monitor the facilities where children are housed. The advocate can also subpoena records, interview any child in custody, visit facilities unannounced and refer a case to the GBI. \$300,000 was appropriated in the FY 2001 budget for the Office.

Status: Effective upon signature of the Governor

HB 1448 Sharp Injury Protection (Rep. Nan Orrock)

This bill will require blood borne pathogen standards to govern occupational exposure of public employees to blood and other potentially infectious materials. The standards apply primarily to protect public health nurses in public health centers and state employees providing primary medical care in juvenile and adult correctional facilities.

Status: Effective July 1, 2000

HR 850 Joint House and Senate Long-Term Care Industry Study Committee (Rep. Tom Bordeaux)

This creates a joint committee to study ways to improve care for long-term care consumers. The committee will have 15 members, five members each will be appointed by the President of the Senate and the Speaker. A report will be made on or before December 1, 2000.

Status: Effective upon appointment of members

HR 1171 Lifeline Assistance and Link-up Georgia (Rep. Penny Houston)

This resolution requests the Department of Human Resources to devise and implement a plan of advertisement designed to effectively disseminate information relating to the Lifeline Assistance Program and Link-Up Georgia to low-income citizens who are likely to qualify for participation in such programs by July 1, 2000.

Status: Passed

SB 30 Regulation of Public Swimming Pools (Sen. Donzella James)

This bill requires DHR to set statewide standards for public swimming pools. Currently, Georgia is one of only four states nationwide that has *no* standards for swimming pools. The bill was amended and negotiated to include the regulation of public swimming pools and septic tanks. There was also an effort to increase the number of members on county boards of health to nine, including either a person experienced in the on-site sewage management industry, an installer of on-site sewage management systems, persons licensed as a real estate broker, associate broker and a farmer. The fourth conference committee report passed in the eleventh hour of the fortieth day. The bill requires that on or after December 31, 2000, a permit must be obtained from the county board of health prior to construction or continued operation of a public swimming pool. The Department of Human Resources will adopt and promulgate rules and regulations concerning the construction and operation of public swimming pools. No single drain, single-suction outlet public swimming pool will be allowed to operate unless a protective cover is properly installed. The DHR standards will apply only in those counties where local rules and regulations governing public swimming pools are not in effect on December 31, 2000. Counties are not limited by this Act to adopt an ordinance or resolution regarding public swimming pools that apply to apartment complex pools.

The bill adds a new subsection regarding septic tanks. A person who is defined as a "soil classifier" or "soil and water conservation technician" and holds a valid certificate of registration as a registered geologist, may register with the Department of Human Resources to conduct investigations of the suitability of a site for an on-site sewage management system. County boards of health are required to accept the evaluation unless the evaluation is found to be deficient or questionable. If so, the county board of health must, within three working days of making such finding, issue a written determination stating all deficiencies and all measures needed to correct the deficiencies. In early negotiations of this section of the bill, county boards of health would have been required to accept such evaluation without further inspection or approval.

Status: Effective December 31, 2000

SB 315 Terrell Peterson Act (Sen. Nadine Thomas)

This bill will provide more protection for abused and neglected children in Georgia. It gives doctors the authority to take temporary custody of children they believe are in imminent danger from abuse or neglect without a court order. Doctors will have 24 hours to evaluate and treat a child they take into custody before notifying a juvenile court officer or a law enforcement officer.

Status: Effective July 1, 2000

SB 334 Essential Rural Health Care Provider Access Act (Sen. Eddie Madden)

This bill requires a health maintenance organization to grant reasonable consideration to essential rural health care providers in negotiating and contracting. The bill is intended to help rural hospitals that might otherwise face closure.

Status: Effective July 1, 2000

SB 407 Georgia Protection of Elder Person and Disabled Adults Act (Sen. Greg Hecht)

This bill creates the Georgia Protection of Elder Persons Act of 2000. It relates to crimes against a person who is 65 years of age or older. The bill protects disabled adults or elder persons in long-term facilities and in the community in need of protective services, who are victims of abuse, neglect or exploitation

Status: Effective upon signature of the Governor

SB 443 Single-Family Affordable Housing (Sen. Vincent Fort)

This bill requires that when the State Office of Housing provides state or federal funds to construct single-family affordable housing for low and very low-income persons, the homes must be accessible to persons with mobility impairments.

Status: Effective July 1, 2000

SB 479 MH/MR/SA Ombudsman (Sen. Eddie Madden)

This bill provides for a state ombudsman and community ombudsmen for mental health, mental retardation and substance abuse. The ombudsman will be under the direction of the consumers' insurance advocate in the Governor's Office of Consumer Affairs. The state ombudsman will promote the well-being and quality of life of service recipients and encourage the development of community ombudsman activities at the local level. Section 2 clarifies who is eligible to be appointed to serve on a community service board

Status: Effective upon signature of the Governor, Section 2. Effective when funds are appropriated for Section 1.

SR 35 Senate Indigent Care Trust Fund (Sen. Eddie Madden)

This creates a five-member Senate study committee to determine the impact of reduced indigent care trust fund federal dollars and the impact of the current funding formula on rural hospitals.

Status: Effective upon appointment of members

SR 123 Scope of Health Care Practice Study Committee (Sen. Ed Harbinson)

This creates a five-member Senate committee to study questions concerning the proper scope of practice of licensed practitioners. These health care professionals include physicians, nurses, optometrists, dentists, respiratory therapists and numerous other occupations and professions.

Status: Effective upon appointment of members

SR 459 Joint Study Committee on the Prevention and Emergency Care of Injuries (Sen. Charles Walker)

The Joint Study Committee on the Prevention and Emergency Care of Injuries in Georgia will focus on preventing unintentional injuries resulting from motor vehicle collisions, bicycle and pedestrian mishaps, falls, fires and other causes, as well as on emergency transport and emergency treatment of injured persons.

Status: Effective upon appointment of members

SR 491 Commission on Juvenile Gangs (Sen. Terrell Starr)

This creates the General Assembly's Commission on Juvenile Gangs. The commission, composed of 15 members, will undertake a comprehensive study of existence and activities of juvenile gangs.
Status: Effective upon appointment of members

SR 556 Joint Hospital Indigent Care Funding Care Study Committee (Sen. Charles Walker)
This Joint Study Committee will explore sustained funding of indigent care through a variety of revenue sources and explore ways to help Georgia's uninsured citizens obtain insurance coverage through expansion of PeachCare for Kids Program, high-risk pools, new insurance products and other funding mechanism. Two members of the committee will be appointed by ACCG, one representing an urban county and one representing a rural county. A report of its findings and recommendations, with suggestions for proposed legislation will be made by December 15, 2000.
Status: Effective upon appointment of members

SR 592 Social Security Act (Sen. Jack Hill)
This resolution urges Congress to allow essential rural hospitals to qualify as disproportionate share hospitals for the purposes of the Medicaid program where such hospitals do not have two or more obstetricians on their medical staff. This designation will benefit both rural communities and the citizens of the state by supporting the survival of these facilities.
Status: Passed

NATURAL RESOURCES & ENVIRONMENT

[Staff: Chris DeVinney]

HB 1123 Prescribed Burning Practices (Rep. Bob Lane)
HB 1123 encourages prescribed burning practices throughout Georgia to maintain healthy forests and wildlife and to prevent catastrophic, large-scale fires from occurring. At ACCG's request, HB 1123 was amended for clarity and to protect local governments' ability to pass fire-related local ordinances that are protective of public safety.
Status: Effective July 1, 2000

HB 1182 Environmental Policy Act (Rep. Henry Reaves)
HB 1182 establishes the Agricultural Advisory Committee to advise the EPD as to the effects that proposed changes in environmental rules and regulations might have on family farms and agriculture in Georgia. Specifically, all proposed changes to water quality rules would be submitted to and reviewed by this committee prior to adoption by the Board of Natural Resources. HB 1182 also allows for legislative oversight of water quality rules that directly affect livestock, dairy, poultry or swine, and are not promulgated pursuant to federal law or federally delegated programs.
Status: Effective upon signature of the Governor, however a veto has been requested by numerous environmental groups.

HB 1322 Official Gardens and Nature Centers of Georgia (Rep. Mary Squires)
HB 1322 designates various gardens and nature centers around the state as "Official Gardens and Nature Centers of the state of Georgia," and encourages the Department of Industry, Trade and Tourism to promote these sites.
Status: Effective July 1, 2000

HB 1362 Flint River Drought Protection Act (Rep. Richard Royal)
HB 1362 establishes a process by which irrigated farmland will be taken out of irrigation for certain areas which lie in the lower Flint river basin and which also serve as groundwater recharge areas for the Floridan aquifer. Beginning in 2001, EPD's director will annually predict, by March 1st, whether or not that year is considered to be a drought year. If a drought is determined, an auction-like process will begin to pay farmers not to irrigate their land that year, on a per acre basis. Eligibility requirements and rules for this program will be developed by EPD. This initiative resulted from negotiations with Florida related to the

“Water Wars” on Georgia’s western boundary and received an initial appropriation of \$10 million from the tobacco funds.

Status: Effective upon signature of the Governor

HB 1426 Vegetative Stream Buffer Requirements (Rep. Ralph Twiggs)

HB 1426 amends Georgia’s Soil Erosion and Sedimentation Control Act by changing stream buffer requirements as follows: all Georgia streams must have a minimum vegetative stream buffer of 25 feet on either side of the stream; “trout streams” must have a 50 foot buffer (reduced from 100 feet), and small trout streams (flows of 25 gallons per minute or less) must have a 25 foot buffer but can be piped by the property owner. EPD may issue variances, but must establish criteria by for doing so. Please note: HB 1426 contains new enforcement guidelines required of any local government with the authority to issue land-disturbing permits. 1) stop-work orders for land disturbing activities - a written warning must be issued to the violator for the first and second violation, followed by an immediate stop work order if the violation is not corrected within five days. Third and subsequent violations require immediate stop work orders to remain in effect until the violation is corrected. 2) minimum civil penalties - a minimum penalty of \$250.00 per violation per day will be issued when a violation occurs during the construction of a single family dwelling, and a minimum penalty of \$1000.00 per violation per day will be issued for violations involving land-disturbing activities other than single-family construction. Activities exempt from the act include surface mining, granite quarrying, minor home land-disturbing activities such as gardening, home construction of single family dwellings that are not part of a subdivision, and agricultural and forestry activities. However, when forestry practices cause land-disturbance in the buffer, no type of activity other than forestry will be permitted on the entire parcel of land for three years. This provision aims to get at land owners who use the forestry exemption to avoid completing an erosion and sedimentation plan, and then immediately commence converting their property through construction activities.

Status: Effective upon signature of the Governor

HB 1562 Lake Lanier Watershed Governance Council (Rep. Rene’e Unterman)

HB 1562 establishes the Lake Sidney Lanier Watershed Governance Council to promote regional coordination and cooperation of the local governments within the Lake Lanier watershed. Council funding will come from state appropriations and dues paid by cities and counties within the watershed. Dues will be based on a formula to be approved by the local government members of the council.

Status: Effective July 1, 2000

HR 1011 Joint Study Committee on Historic Local Government Records (Rep. Bobby Parham)

HR 1011 establishes a joint legislative study committee to study the current conditions, needs, issues, and problems related to the preservation and accessibility of historic local records throughout Georgia.

Status: Effective upon appointment of members

SB 327 EPD Permit Turn-around Time (Sen. Terrell Starr)

This bill would require EPD to notify an applicant of a permit or variance as to the completeness of the application within 30 days of receiving said application. Upon receipt of all application materials, EPD must either approve or deny the permit or variance within 150 days, or refund any application fees to the applicant. Currently, most permits and variances do not have an associated fee.

Status: Effective upon signature of the Governor

SB 333 Class IV Water Treatment Plant Operators Exams (Sen. Eddie Madden)

Beginning July 1, 2000, all persons applying for certification to become a Class IV level water or wastewater treatment plant operator must take a certification exam. This bill removed an exemption which was written into earlier law, and puts Georgia in compliance with federal water and wastewater certification requirements.

Status: Effective July 1, 2000

SB 343 Condemnation Rights of Private Waterworks/Sewage Systems (Sen. Eddie Madden)

Any private entity that owns or operates a waterworks or sewerage system, prior to condemning property for the purpose of constructing and operating said system, must first obtain the consent of the local governing authority of the political subdivision where condemnation is to occur. SB 343 was amended in

the House to grandfather private water systems operational prior to 1978 and to include language from SB 339 allowing for the declaration of taking method of eminent domain to be used with respect to gas and electric systems and for water, wastewater and stormwater infrastructure.

Status: Effective upon signature of the Governor

SB 399 Community Green Space Initiative (Sen. Steve Thompson)

SB 399, the Community Green Space initiative, is a voluntary measure which encourages local governments to develop a plan to illustrate how 20% of a county's undeveloped land will be preserved as green space. An approved plan will allow qualified counties to access the Green Space Trust Fund. The Trust Fund will provide grants to help fast-growing counties, those whose census counts show populations of 60,000 or an average growth rate of 800 persons per year, acquire undeveloped land for publicly accessible green space. The grant program requires no local match to obtain the funds, and 40 counties are eligible to participate based on the above-referenced criteria. The Trust Fund will receive an FY 2001 appropriation of \$30 million.

Status: Effective upon signature of the Governor

SB 468 Vertical Expansion of Solid Waste Facilities (Sen. Eric Johnson)

This bill removes the current prohibitions on vertical expansion of landfills permitted as unlined facilities, and where groundwater contamination may be determined, provided that the old waste is excavated and a liner is installed. In such a case, the schedule for remediation of ground water problems would be exempted from the current six-month timeframe, which would trigger mandatory closing if not met, and a reasonable remediation schedule would be approved by EPD.

Status: Effective July 1, 2000

PUBLIC SAFETY & THE COURTS

[Staff: Clint Mueller]

HB 235 Electronic Storage of Sheriff Department Documents (Rep. Ralph Twiggs)

This legislation allows the sheriff or an employee of the sheriff's department to electronically store and retrieve all records, dockets, books, indices or files in connection with the maintenance of any records required by law. The electronic records must be maintained and stored in the office of the sheriff with the same integrity and security as the previous manual system.

Status: Effective July 1, 2000

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

This legislation passed as a rider to SB 27 by Sen. Eric Johnson. Under current law, a private citizen may have another individual arrested either by reporting a crime to a law enforcement officer or by seeking a private arrest warrant from a judge. This legislation requires judges to conduct a hearing to determine whether probable cause exists to issue private arrest warrants. It is in the discretion of the judge to determine the method of notifying the person whose arrest is sought of the date, time and location of the hearing. Hearings are not required if: (1) the safety of the individual requesting the 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; or (5) the offense for which the arrest warrant is sought is deposit account fraud (i.e., writing bad checks). The impact of this legislation on counties is not clear. There is debate within the legal community as to whether counties would be required to provide legal counsel for the person against whom the warrant is sought. However, counties that are already holding these hearings have reported a significant decline in the number of arrest warrants issued, which keeps individuals out of already overcrowded county jails.

Status: Effective July 1, 2000

HB 304 Expansion of Jurisdiction of Magistrate Court (Rep. Dubose Porter)

This legislation increases the jurisdiction of magistrate courts to hear certain misdemeanors (e.g., shoplifting, possession of marijuana and minor in possession of alcohol) that are committed in the unincorporated area of the county. Cases may be prosecuted by the solicitor general, county attorney or

any other attorney designated by the board of commissioners. These cases are currently in the jurisdiction of the superior court or state court. Allowing the magistrate court to hear these cases will relieve some of the burden on the superior courts, particularly in the 100 counties without state courts. Because this legislation allows these cases to be initiated through a citation, there is no need to have the defendant arrested prior to trial, which will reduce the number of inmates awaiting trial in county jails. The legislation also allows magistrate judges to place county ordinance violators on probation for up to one year. Because the current penalty for ordinance violations is 60 days imprisonment, judges were restricted to placing defendants on probation for 60 days. Oftentimes, this did not give violators enough time to come into compliance or to pay the fines.

Status: Effective July 1, 2000

HB 591 Code Enforcement Boards (Rep. Jim Martin)

This legislation, supported by ACCG, passed as a rider to HB 1206 by Rep. Charles Scheid. It provides counties with the option of creating one or more local code enforcement boards that may be used as an additional tool to bring properties into compliance with county zoning, subdivision, environmental, litter control and junk vehicle ordinances. Counties must make a good faith effort to appoint individuals to the board with experience in ordinances, as well as in property management and litter control. Under current law, county ordinance violations are handled in the magistrate court as misdemeanors. If the violator is found guilty, the judge only has the authority to impose a fine or imprisonment. Unlike the magistrate court, the code enforcement board has the authority to issue an order requiring a property owner to bring his or her property into compliance. Failure to comply with such an order may be punished by an administrative fine. Additionally, because of the variety of methods to serve the notice of a violation and the ability to place a lien against the property for unpaid fines, this legislation will enhance the ability of counties to enforce property appearance violations in cases of absentee landlords or bank foreclosures. Code enforcement officers will have the option to pursue violations either through the code enforcement board or through the magistrate court.

Status: Effective July 1, 2000

HB 613 Electronic Dissemination of Certain Criminal Records by GCIC (Rep. Curtis Jenkins)

This legislation authorizes the Georgia Crime Information Center (GCIC) to disseminate electronically criminal history records of in-state felony convictions, pleas and sentences to private persons, businesses, public agencies and political subdivisions upon request without fingerprint comparison or consent of the person whose records are requested.

Status: Effective July 1, 2000

HB 865 Use of Speed Detection Devices in Historic Districts (Rep. Ann Mueller)

This legislation authorizes local governments to issue speeding tickets in historic districts for infractions of less than 10 mph over the posted speed limit. The substitute to this bill requiring local governments to report speeding fine revenue to the Department of Public Safety was removed.

Status: Effective July 1, 2000

HB 887 Georgia Firefighters' Class Nine Pension Fund (Rep. Newt Hudson)

This legislation establishes a separate pension fund for firefighters serving in fire departments with an ISO rating of nine. The pension fund will be funded through participant contributions and the one percent insurance premium surcharge levied for property in areas with an ISO rating of nine. The legislation provides for transfer of service credit if the fire department moves from an ISO rating of nine to an ISO rating of eight or better.

Status: Effective July 1, 2000

HB 1157 Interest on Cash Bonds for Indigent Defense (Rep. Stephanie Stuckey)

This legislation requires the clerk of court to place the funds received from cash bonds into interest-bearing trust accounts. The interest from these accounts will go to the Georgia Indigent Defense Council to be used to help reimburse counties providing indigent defense in compliance with the Council's guidelines.

Status: Effective July 1, 2000

HB 1158 Visiting and Senior Probate Judges (Rep. Curtis Jenkins)

When superior court, state court or juvenile court judges are unable to hear cases due to a conflict or illness, they may call upon another judge within their circuit, a visiting judge (i.e., a judge from another circuit) or a senior judge (i.e., a retired judge who is authorized to hear cases) to assist. However, until HB 1158, there was no similar authorization for probate judges to serve as visiting or senior judges. This legislation authorizes a probate judge to request the assistance of either a visiting or a senior probate judge. The county must pay visiting probate judges either: (1) actual expenses; or (2) the same per diem authorized for members of the General Assembly and mileage at the same rate as state employees. In the case of senior probate judges, the county must pay the annual amount paid to the probate judge divided by 235 for each day of service (see HB 1574) plus either: (1) actual expenses; or (2) the same per diem authorized for members of the General Assembly and mileage at the same rate as state employees.

Status: Effective July 1, 2000

HB 1206 Training for Juvenile Court Clerks (Rep. Charles Scheid)

Because of the legal issues unique to juveniles, this legislation requires juvenile court clerks to complete 20 hours of training during their first year of service and 12 hours of annual training thereafter. As with training for other court clerks, counties will be required to pay for reasonable expenses and tuition. Superior court clerks who also serve the juvenile court are exempt from this training requirement. This legislation was also used as a vehicle for HB 591 (see above), which authorizes the creation of local government code enforcement boards.

Status: Effective July 1, 2000

HB 1264 Reporting Collection and Expenditure of Local Victim Assistance Programs (Rep. Tom Bordeaux)

The Criminal Justice Coordinating Council (CJCC) is required by the federal Victim of Crimes Act (VOCA) to track all victim assistance funding in Georgia. Currently, there is a 5% fine add-on imposed on criminal offenses that must be paid over to a county victim assistance program, a CJCC-approved victim assistance program in which the county participates or, if there are no such programs, to the district attorney. However, it was reported that some counties have expended these funds on non-victim programs, such as animal control. To allow CJCC to meet VOCA requirements and to insure that these moneys are used for victims' programs, HB 1264 requires the court officer collecting the fines to submit a monthly report to CJCC indicating the amount of fine add-on collected and the organizations or programs that received the funding.

Status: Effective July 1, 2000

HB 1414 Private Probation Contracts (Rep. Terry Barnard)

HB 1414 was passed as a rider to SB 357 by Sen. Carol Jackson. Under current law, the chief judge of a court has the authority to negotiate a contract for private probation services, but the contract must be approved by both the judge and the board of commissioners. However, current law is silent as to how such contracts are terminated. This legislation clarifies that the judge initiates the termination of such a contract, but must have the approval of the board of commissioners.

Status: Effective upon signature of the Governor

HB 1534 Required Use of Blue Lights on Traffic Enforcement Vehicles and Standardized Uniforms (Rep. Terry Coleman)

This legislation passed as a rider to HB 1180. It requires any police vehicle used in traffic enforcement to have a visible blue light on the roof when pursuing a person in violation of a traffic related offense. This requirement does not apply to vehicles manufactured prior to 2001. This legislation also requires law enforcement officers assigned primarily to traffic law enforcement to wear the same type of uniform as other members of the assigned division.

Status: Effective July 1, 2000

HB 1574 Compensation of Senior Judges (Rep. Tom Bordeaux)

Current law requires that any senior judge (i.e., a retired judge qualified to continue hearing cases) assisting a superior court is entitled to compensation at the rate of \$165 per day plus expenses, while senior judges assisting other courts are entitled to the amount paid to a "substitute judge." This legislation clarifies that senior state court judges, senior juvenile court judges and senior probate court judges are entitled to the

annual salary of the judge of the court to which they are providing assistance divided by 235 for each day of service. Additionally, they may receive actual expenses or, if the judge is assisting a court located outside of his or her county of residence, the same per diem authorized for members of the General Assembly and mileage at the same rate as state employees.

Status: Effective July 1, 2000

SB 356 Free Criminal History Reports For Fire Departments (Sen. Meyer von Bremen)

This legislation requires criminal justice agencies to provide a requesting local fire department with a free criminal history record on anyone applying with the fire department.

Status: Effective July 1, 2000

SB 413 Racketeer Influenced and Corrupt Organizations Act Forfeitures (Sen. Charles Tanksley)

Under current law, when properties are seized under the Racketeer Influenced and Corrupt Organizations Act (RICO) and sold, the net proceeds are first applied to satisfy the interest of any innocent parties. Up to one-half of what remains may be used to cover the county's costs for the district attorney to bring the forfeiture action with the remainder of the funds going into the state treasury. This legislation specifies that the proceeds of such a sale may be divided among the state, county or city proportionate to the amount of assistance that each entity provided in the underlying criminal actions and forfeiture proceedings.

Status: Effective July 1, 2000

SB 474 Privatization of Misdemeanant Probation (Sen. Carol Jackson)

This legislation removes the authority of the State Department of Corrections to supervise misdemeanor probation, allowing the Department to focus its efforts on supervising felons. Counties have the option to provide misdemeanor probation supervision in-house or to privatize misdemeanor probation by entering into a contract with the chief judge of the court and a private probation company. These companies are not subsidized by county funds – they are funded through the collection of fees from the probationers. All but thirteen counties have already privatized probation supervision in one or more courts.

Status: Effective January 1, 2001

SR 204/SB 377 Compensation Program for Law Enforcement Officers and Firefighters 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 and firefighters who are injured, but not permanently disabled, in the line of duty by a willful act of violence. If the proposed amendment passes, the program will allow law enforcement officers and firefighters qualifying for the program to receive monthly compensation from the state in an amount equal to their regular salary for a period of time that the law enforcement officer or firefighter is physically unable to perform the duties of his or her job up to a maximum period of one year. Benefits made under the program are subordinate to workers' compensation benefits, disability and any other compensation benefits. The program will be administered by the Georgia State Indemnification Commission and funded through state appropriations.

Status: Effective July 1, 2001, upon ratification by the voters of this state at the 2000 November general election

REVENUE & FINANCE

[Staff: Richard Cathy]

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

Both the Department of Revenue and the Department of Audits produce a sales ratio study for use in measuring the accuracy of county tax digests. In an attempt to consolidate this duplication, HB 523 requires the Department of Audits to produce one sales ratio study for the counties as well as the QBE formula for schools. The Department of Revenue will assist the Department of Audits with this study.

Status: Effective July 1, 2000

HB 592 Eliminating Certain Sales Tax Withholding/Sales Tax Exemption on Prosthetic Devices (Rep. Jimmy Skipper)

HB 592 authorizes two changes. First, it exempts from sales tax any physician-prescribed prosthetic device defined under the federal social security code for aiding disability. Secondly, HB 592 clarifies the sales tax withholding guidelines for subcontractors. Under this new procedure, a general contractor will withhold 4% of a subcontractor's financial contract if that contract price is in excess of \$250,000. This bill clarifies that the subcontractor must show a certificate issued by DOR guaranteeing that all taxes have been paid. Ultimately, the general contractor is responsible for payment if a subcontractor is negligent in paying the tax.

Status: Effective on July 1, 2000

HB 939 Amendment to Taxpayer Bill of Rights for Ease of Digest Approval (Rep. Richard Royal)

Under the existing Taxpayer Bill of Rights, each property taxing entity must hold three hearings and three advertisements and announcements if there is an increase in the value of the digest and the millage is not rolled back. Additionally, the tax commissioner must show that every taxing entity (county, cities and schools) has complied with this mandate prior to the digest being approved by DOR. That means if one taxing entity does not comply, then the entire digest will be held up. HB 939 corrects part of this problem by separating municipal compliance from the county digest approval process. However, the digest will still be held up if a county or school board does not fully comply with the law's procedures.

Status: Effective upon signature of the Governor

HB 1186 Establishing Definitions and New Procedures for Hotel/Motel Tax (Rep. Mickey Channell)

HB 1186 grants local jurisdictions similar enforcement tools for the collection of Hotel/Motel taxes, including penalties against hotel operators that do not remit taxes on a timely basis. Additionally, the bill clarifies the hotel/motel tax exemption authorized to local officials when they use a bona-fide county credit card for the room stay. This is in accordance with ACCG policy. A last item that was folded into the bill states that all funds found to be delinquent through audit including penalties and interest will be distributed pro-rata to all local jurisdictions including the convention and visitors bureau.

Status: Sections dealing with tax exemption for local officials effective the first day of the month after Governor's Approval (either May 1 or June 1); All other parts of bill effective on July 1, 2000

HB 1217 Conservation Use Clarifications for Family-owned Farms (Rep. Tom Buck)

This bill clarifies that land owned under a family limited partnership or a family limited liability company still constitutes a family-owned farm and qualifies for placement in conservation use covenants.

Status: Effective upon signature of the Governor

HB 1224 Change in Valuation of Motor Vehicles (Rep. Steve Stancil)

This legislation requires the appraisal of motor vehicles to be set by averaging the wholesale and retail values. However, the bill was amended to phase-in this change over two years. Beginning January 1, 2001, DOR will send your county a valuation table for motor vehicles which will set values based on 75% of the retail value and 25% of the wholesale value. Beginning January 1, 2002, DOR will then send motor vehicle valuation tables which will be established by averaging the wholesale and retail values together.

Status: Effective January 1, 2001

HB 1247 Authorizing Elks Lodges for Exemption of Property Taxes (Rep. Paul Jennings)

This legislation authorizes a statewide voter referendum on the question of whether Elks Lodges should be exempt from ad valorem taxation. This referendum will appear on the ballots in November and, if passed, would be effective January 1, 2001.

Status: Effective upon signature of the Governor

HB 1296 Authorizing Uniform Work Standards and Peer Review for Tax Assessors (Rep. Jeanette Jamieson)

HB 1296 allows, not mandates, counties the authority to place members of the board of tax assessors and the appraisal staff under the county personnel plan. Additionally, HB 1296 establishes a performance review board for appraisers, which is selected by the Commissioner of Revenue. If a county wishes to have the performance of the appraisal staff evaluated, they can petition the Department of Revenue for an independent performance review board. The three members appointed to this team will be made up of two assessors and one person from the DOR. They will make an independent evaluation on performance,

competency and management and, if there are issues, a superior court judge can use this finding as cause for removal of the BTA. Counties will fund all costs of the evaluation. Again, all aspects of this bill are voluntary and at county discretion.

Status: Effective upon signature of the Governor

HB 1303 SPLOST For Inter-modal Programs (Rep. Jimmy Benefield)

This bill revises the SPLOST law to authorize the dedication of funding from local SPLOST initiatives to DOT's inter-modal transportation projects.

Status: Effective July 1, 2000

HB 1310 Extension of Collection Report for Intangible Recording Tax (Rep. Curtis Jenkins)

This legislation extends the filing deadline for the recording tax report – a report detailing all the property deeds – from the first day of the month to the tenth day of the month. This will allow the collecting officer of the county, either the clerk of court or the tax commissioner, more time to comply with this legal requirement.

Status: Effective upon the signature of the Governor

HB 1321 Extension of Uniform Charts of Accounts (Rep. Richard Royal)

This bill gives DCA the authority to grant local government a waiver on implementation of the charts of accounts until December 31, 2000. However, these waivers are discretionary and will be decided on a case-by-case basis. For a local government to receive such a waiver, they *must demonstrate that conversion to the accounting system is unduly burdensome*. ACCG recommends that any county seeking an extension also review and document as necessary the potential hardships caused by the new GAAP accounting rule called "GASB 34."

Status: Effective upon the Governor's signature

HB 1416 Authorizing Ad Valorem Tax Exemption for Family-owned Farm Equipment (Rep. Jack West)

This legislation authorizes a ballot question on whether farm equipment owned by bona-fide family farms should be exempt from ad valorem taxation. This referendum will appear on this year's November ballot and, if approved, will be effective January 1, 2001.

Status: Effective upon signature of the Governor

HB 1450 Restrictions on Certificate of Participation (COPS) Leasing Authority (Rep. Richard Royal)

HB 1450 limits the use of lease-purchase COPS certificates for real property projects. Under this bill, COPS cannot be issued in excess of 7.5% of a county or city's revenues or \$25 million; whichever is less. However, there are no changes to the use of COPS for equipment and other personal property items purchased other than the existing cap of 7.5% of revenues. ACCG secured an amendment excluding SPLOST-backed projects from the \$25 million cap.

Status: Effective July 1, 2000

HB 1510 Sales Tax Exemption for Machinery & Computer Upgrades (Rep. Charlie Smith)

HB 1510 is Governor Barnes' business tax cut and recruitment incentives package. Consisting of sales tax exemptions, the bill would exempt new manufacturing machinery or replacement parts up the first \$150K in value per purchase. Additionally, the bill would exempt any sales tax on computer equipment purchased by a high tech company if that company purchases more than \$15 million in computer equipment during a calendar year. Using numbers provided by the Department of Audits, estimators believe that HB 1510 should reduce local sales taxes for counties, cities and schools a combined total of \$160 million over five years and the state \$219 million over the same period.

Status: Effective January 1, 2001

SB 352 Purchaser of Tax Liens current on Tax Obligations (Sen. Vincent Fort)

This bill provides that prior to the purchase of a fi. fa.s tax lien, the local tax official overseeing the execution of the sale must be able to verify that the purchaser is current on all ad valorem tax obligations.

Status: Effective upon the signature of the Governor

FISCAL YEAR 2001 APPROPRIATIONS

ECONOMIC DEVELOPMENT & TRANSPORTATION

Department of Community Affairs

Regional Development Centers - \$360,000 (\$30,000 each) for services to local governments
Community Development Block Grant Program - \$1 million to fund the state's new

Department of Industry, Trade & Tourism

OneGeorgia Authority - \$62,082,213 to revitalize rural Georgia
High Technology - \$1 million for job creation and infusion

Board of Regents

ICAPP Rural Region Pilot Project - \$1,045,000
Transportation Funding Study - \$55,000 to study alternative devices to fund transportation infrastructure

Department of Transportation

LARP - \$21,076,690 (plus an additional \$5 million from FY 2000 Supplemental)
Airport Aid - \$600,000 for publicly owned airports
Statewide Airport System Plan - \$125,000

HEALTH & HUMAN RESOURCES

Judicial Council

\$1,500,000 to reimburse counties for Juvenile Court Judges salary in each judicial circuit (See HB 182)

Department of Education

\$30,000,000 in tobacco settlement funds for school nurses, included in the Governor's "A+" Education Reform (See HB 1187)

Department of Community Health (DCH)

\$16,793,723 increases Medicaid Benefits to cover anticipated increases in Medicaid utilization
\$9,947,986 new state funding to offset a decrease in federal financial participation rate for Medicaid and PeachCare for Kids
\$163,818 for family planning waiver for post-partum women for up to two years (4100 women)
\$4,651,943 to provide an additional year of transitional Medicaid to TANF recipients
\$10,951,890 to increase dental reimbursement for dentist for Medicaid and PeachCare for Kids clients
\$4,983,896 expands Medicaid eligibility for pregnant women and infants in families with income 235% of the federal poverty level (2600 individuals)
\$2,756,037 expands PeachCare for Kids eligibility to 235% of the federal poverty level (11,000 children)
\$7,836,992 for 296 slots for the Community Mental Retardation waiting list (\$19,451,457 total)
\$3,500,000 fund rural health centers and Federally Qualified Center system development

Department of Human Resources (DHR)

\$3,600,000 restored in Grant-in-Aid to county health departments
\$4,190,586 expands community care services for 2183 additional Medicaid-eligible elderly
\$3,808,586 expands home and community-based services for 1904 additional non-Medicaid elderly
\$10,707,636 general funds and tobacco settlement funds for Healthy Families Georgia for early intensive outreach for at-risk families
\$917,740 for an additional 40 caseworkers and support staff to manage the increased caseload in Medicaid eligibility for the elderly, disabled and blind

\$1,010,253 to implement treatment and aftercare services for persons with mental illness and/or mental retardation being discharged from state prisons
\$2,100,000 completes funding the Family Connection program statewide
\$1,000,000 for statewide coverage for dental health prevention services
\$868,716 for an additional 23 adult protective service caseworkers and support staff to investigate abuse and neglect of elderly disabled adults
\$961,500 expands community-based substance abuse services for 100 adolescent clients
\$340,000 for the Georgia Division of Aging for a Long-term Care Ombudsman
\$2,000,000 for a universal infant hearing screening program, birth to 6 months
\$1,250,000 expands cancer screening and follow-up services
\$15,765,890 for smoking cessation and prevention programs

NATURAL RESOURCES & ENVIRONMENT

Environmental Protection Division (EPD)

\$1,760,000 was appropriated to fund 50 new positions to support EPD's regulatory programs.

Georgia Environmental Facilities Authority (GEFA)

GEFA was funded for FY 2001 with \$10 million from tobacco funds, to be restricted to use for grants and low-interest loans in Tier 1 and Tier 2 counties, plus \$5 million that can be used in Tier 3 and Tier 4 counties, for a total of \$15 million. This is a significant victory for local governments who readily use GEFA's programs because the FY 2001 budget is up from the Governor's original budget recommendation to fund GEFA in FY 2001 at only \$10 million with restricted tobacco funds, and typically funding above the Governor's recommendation does not occur.

Community Green Space Initiative

SB 399, the Community Green Space Initiative, passed the legislature along with an initial \$30 million appropriation for FY 2001. This money will serve to provide grants to any of the 40 counties eligible for the program who choose to participate.

PUBLIC SAFETY & THE COURTS

Judicial Branch

\$550,000 increase in grants to fund counties for indigent defense

Department of Corrections

\$2,915,625 to provide partial year funding for 625 diversion center beds and 700 transition beds

Department of Public Safety

\$265,170 to fund additional communication officer training programs at Georgia Public Safety Training Center

\$300,000 to construct regional burn buildings in Laurens County and in Lowndes County for the Georgia Fire Academy

\$184,000 to convert the Northwest, Northeast, and Macon Regional Police Academy to state operation

LEGISLATION THAT DID NOT PASS

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

HB 243 introduced a way for local governments to recoup delinquent debt by modeling a similar mechanism used by state government. Debt setoff authority would allow a government to "set off" any debt owed by a taxpayer against their state income tax returns.

HB 290/SB 366 Railroad Crossing Closings (Rep. Judy Manning/ Sen. Steve Thompson)

This legislation would have prohibited a railroad company from unilaterally closing any railroad crossing if they did not have an agreement with the affected local government. In addition, the bill would have provided that all court costs incurred by the local government be paid by the railroad company if it closed any crossings without an prior agreement with the affected local government, if said local government sued for noncompliance of the law.

HB 324 Speed Humps (Rep. Bob Irvin)

This bill would have prohibited 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. Presently, Georgia Department of Transportation policy 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. DOT is in the process of reviewing this policy.

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

HB 401, proposed by ACCG, would have provided a procedure to remove local authority members from office who had been indicted for a felony offense by a grand jury. Despite the fact that HB 401 had no opposition, the bill was held up in the Senate Rules Committee due to a dispute between Senate and House members unrelated to the substance of HB 401.

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

HB 574, would have required the railroads to notify local governments at least twenty-four hours in advance of any public road closing of more than 15 minutes for any repair, maintenance, or construction of an at-grade railroad crossing. In addition, the bill would have required the railroads to 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. Also, the legislation would have required the railroads to give a 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

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

This bill, proposed by ACCG, would have provided a minimum salary for county commissioners along with COLA, longevity and training adjustments. Failed for a number of reasons including concerns that passing the bill during an election year would have repercussions for legislators. In addition, some legislators view control of commissioner salaries as leverage over commissioners.

HB 1064/SB 142 Tenure for Law Enforcement Employees (Rep. Tom Bordeaux/Sen. Richard Marable)

This legislation, sponsored by the police union, would have required counties to adopt procedures giving law enforcement employees the right to appeal adverse employment decisions to a special board or hearing officer. ACCG strongly opposed 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.

HB 1125 Sidewalks Defined As Other Transportation Purposes (Rep. Mary Squires)

This bill would have added to the definition of "other transportation purposes", sidewalks that are adjacent to public roads in urban areas so that they may qualify for state motor fuel funds. Currently, DOT's policy includes funding of sidewalks with motor fuel dollars.

HB 1227 Change Taxpayer Refund Claims from Three Years to Seven Years (Rep. Robin Williams)

Under Georgia law, local government must refund "erroneous" or "illegally taxed" funds back to aggrieved taxpayers for up to three years. HB 1227 proposed to make this applicable for seven years.

HB 1255 Taxation of Extended Stay Motels (Rep. Ron Dotson)

Under existing law, hotel stays are only taxed during the first 10 days, effectively creating a tax loophole for extended stay motels with longer occupancies. HB 1255 proposed to extend the taxable period from 10

to 30 days closing the extended stay loophole. Additionally, HB 1255 would have satisfied an ACCG policy requiring the elimination of the tax exemption on extended stays.

HB 1365 Enact Safe Place for Newborns Act (Rep. Terry Barnard)

The intent of this legislation is to prevent injuries to and deaths of newborn children that are caused by a parent who abandons the newborn. A parent who leaves a newborn child, no more than one week old and has not been physically abused, in the physical custody of staff at a medical facility will not face criminal charges. The Department of Human Resources must be properly notified and take physical custody of the child within six hours. Similar bills, HB 1261 and HB 1292, were also introduced.

HB 1423 Emission Inspection and Maintenance Program (Rep. Tom McCall)

HB 1423 was an EPD endorsed bill which sought to do the following: 1) authorize vehicle inspection and maintenance (I/M) programs in counties outside of the nonattainment areas to ensure greater vehicle emission controls in lieu of designating those counties nonattainment; 2) remove the mandate for I/M programs in new nonattainment areas to give flexibility in case the major pollution source causing non-compliance is not related to cars; 3) authorize I/M for heavy-duty vehicles; 4) authorize the use of remote sensing technology to identify polluting vehicles; 4) add particulate matter to the list of air pollutants covered by I/M; and 5) authorize the DNR board to set a range for inspection fees.

HB 1548 Minimum Salary for Law Enforcement Officers (Rep. Curtis Jenkins)

This legislation would have required counties to pay full-time law enforcement officers no less than the minimum salary of a corrections officer employed by the Georgia Department of Corrections. ACCG opposed this legislation because it would have allowed the state to set the pay for our county employees and erodes the home rule power of counties. This legislation would have also been another unfunded state mandate and a tool for police unions to gain support in Georgia.

HR 750 Constitution Amendment To Allow Sidewalks & Bicycle Lanes As MFT Expenditures (Rep. Mary Squires)

This proposed amendment to the constitution would have allowed sidewalks and bicycle lanes that are adjacent to a public road or highway qualify for motor fuel tax (mft) funds.

SB 347 Service Delivery Strategy Penalty Exception (Sen. Dan Lee)

SB 347 would have allowed any city that signs a service delivery strategy agreement with a county to have the agreement between the county and city approved by DCA even though the county may not have agreements with every city within the county. Note: See HB 1430 above for related legislation that did pass.

SB 380 Prohibiting Local Authority Over Smoking and Sale of Tobacco (Sen. Charles Walker)

This bill would preempt local governments from restrictions on sales of tobacco products except in buildings the government owns. This would remove the ability of local government to protect the health of their citizens by requiring facilities to create no smoking areas. All existing ordinances on smoking in public places would be invalid. The bill was heard once in the Senate Veterans and Consumer Affairs Committee, opposition for the bill came from local governments, the American Heart Association, the American Lung Association, the American Cancer Association, public health advocates and many other agencies and organizations interested in smoke free air.

SB 381 Rural Hospital Authorities Assistance Act (Senator Jack Hill)

This bill changes the purposes for which grants may be made to rural hospitals. The bill would allow grant funds to be used for the maintenance and operation expenses of hospitals facing potential closure. The maximum grant to any grantee would be \$700,000. The bill was favorably reported out of the House Health & Ecology Committee but did not go to the full House for action since funding was not available for the grants program in the FY 2001 budget.

SB 461 Prohibit Tobacco Vending Machines (Sen. Charles Tanksley)

The intent of this bill is to reduce underage tobacco use by preventing youth access to tobacco vending machines. This bill, if funded, would require that all tobacco vending machines be destroyed or permanent disabled, and that the owner of such machines be appropriately compensated by the state.

SB 473 Water Quality Monitoring Powers and Duties (Sen. Charles Walker)

This bill would give the DNR board authority to promulgate rules for: 1) the posting of signs at all National Pollutant Discharge Elimination System (NPDES) point discharges to include the principal pollutants treated and discharged, the permit number, and an emergency contact number; 2) establishing criteria for the acceptance of water quality samples collected by community and volunteer organizations so that they may be used in compiling the impaired waters list; 3) establishing criteria for measuring salinity in coastal waters; 4) providing an annual account of all interbasin transfers of 100,000 or more gallons per day; and 5) providing a report of the waters that are monitored in the state annually.

SR 416 Fulton-DeKalb Hospital Authority Overview Committee (Sen. David Scott)

This resolution would create the Fulton-DeKalb Hospital Authority Overview Committee. The measure would allow the Legislature to review decisions made by the board that oversee Grady Memorial Hospital. It would grant a committee of nine lawmakers access to the state's auditors and lawyers to investigate actions of the Hospital Authority. Currently, oversight is left to Fulton and DeKalb County commissions.