

# 2003 SESSION OF THE GEORGIA GENERAL ASSEMBLY

## *Final Legislative Report*

### Association County Commissioners of Georgia June 17, 2003

This is the final status on all bills of county interest that appeared during the 2003 legislative session. In this final issue, we report on all bills that passed indicating their effective dates. In addition, since we just completed the first year of the two-year session, all bills that were introduced but did not pass in 2003 are carried over for consideration next year. During the 2003 legislative session, 2935 bills and resolutions were introduced and considered. Of those, more than 623 bills and resolutions had a potential impact on county government. Bills in this report are arranged by policy area starting with bills and resolutions that passed, followed by bills and resolutions which will be carried over for consideration in 2004 along with appropriations highlights.

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#### ECONOMIC DEVELOPMENT & TRANSPORTATION

[Staff: Althea Fulton]

##### **HB 309 Joint Development Authority Formation and Authorized Projects** (Rep. Ralph Twiggs)

HB 309 authorizes the creation and activation of a joint development authority between a Georgia county and a contiguous county of an adjoining state. The bill also authorizes a development

authority or political subdivision to develop and operate sports facilities and amphitheaters (with seating capacity exceeding 1,000 patrons) if such facilities promote trade, commerce, industry and employment opportunities.

*Status: Effective July 1, 2003*

##### **HB 321 GDOT Review of Proposed Changes to Subdivisions Accessing State Highways** (Rep. Johnny Floyd)

A local government or its planning commission must submit copies of a proposed subdivision plat to GDOT for its review if the proposed subdivision requires access to the state highway system. While prior to this bill GDOT's recommendations were only advisory and not binding on the planning commission, HB 321 makes GDOT's recommendations binding on the planning commission unless the planning commission, by official action recorded in its minutes, overrules the department's recommended action.

*Status: Effective July 1, 2003*

##### **HB 748 Additional Qualifying Businesses and Services for Enterprise Zones** (Rep. Thomas Buck)

This bill expands the definition for business enterprise to include any business engaged primarily in retail. The bill also expands the definition of service enterprise to include any entity engaged primarily in day-care activities. Such businesses located in designated enterprise zones are now eligible for benefits. This bill was also amended to prohibit a local government from performing investigations or inspections of residential rental property unless there is probable cause to believe there is or has been a violation of applicable codes. Local governments are also prohibited from requiring the registration of rental property. Conditions which appear to be code violations and are in plain view may form the basis for probable cause.

*Status: Effective July 1, 2003*

##### **HR 265 Creation of Bicycle Lanes throughout Georgia** (Rep. Don Wix)

This resolution urges the Georgia Department of Transportation to create a network of bicycle lanes and bicycle accessible road shoulders on urban streets and rural roads throughout the state. The bill further calls for the state to involve bicycle advocacy organizations, urban planners and tourist industry representatives in identifying practical and popular routes.

*Status: Passed*

**HR 397 Joint MARTA Finance Study Committee** (Rep. George Maddox)

This study committee is charged with undertaking a comprehensive review of the laws relating to the Metropolitan Atlanta Rapid Transit Authority (MARTA) in order to develop a proposal for a more fair and equitable funding formula which is needed to ensure MARTA's continued financial stability and success in fulfilling its role as a regional transportation system. The committee will be comprised of 13 members including three members of the House of Representatives and three members of the Senate who represent the metro Atlanta area, three persons from the metro Atlanta area who are not members of the General Assembly, the chief executive officer of DeKalb County, the chairperson of the Fulton County Board of Commissioners, the mayor of the City of Atlanta, and a MARTA Board member.

*Status: Effective upon appointment of members*

**HR 760 House Study Committee to Meet Georgia's Transportation Needs Through 2025** (Rep. Mickey Channell)

Study committee created to review the needs of Georgia's transportation infrastructure and related systems, including roads, bridges, rail, airports, ports and transit systems to determine how to best address these needs through 2025. The committee will be composed of five Representatives appointed by the Speaker. County and city officials will have an opportunity to serve in an advisory capacity to the study committee.

*Status: Effective upon appointment of members*

**SB 37 Provisions for Operating Electric Personal Assistive Mobility Device** (Sen. Steve Thompson)

SB 37 defines electric personal assistive mobility device (EPAMD) and establishes certain special provisions regarding the operation of EPAMDs. For example, an EPAMD cannot be operated at a speed greater than seven miles per hour when traveling on any sidewalk or 15 miles per hour elsewhere. The bill also provides that a county or municipal governing authority may further restrict the speed of such devices in locations where pedestrian traffic is congested and there is a significant speed differential between pedestrians and operators of EPAMDs. There are also provisions prohibiting the operation of EPAMDs on highways unless 1) the maximum speed limit of the roadway is 35 miles per hour or less, or 2) there is a separately striped bicycle lane where the device can be operated. The bill also requires that when an EPAMD is operated on any highway or sidewalk, it must be equipped with front, rear, and side reflectors which are visible from a distance of 300 feet when directly in front of upper beam headlights on a motor vehicle.

*Status: Effective May 29, 2003*

**SB 221 Limit State Road and Tollway Authority's Use of Toll Revenues** (Sen. Thomas Price)

This bill requires that tolls collected by the State Road and Tollway Authority can only be used for the construction, maintenance, or improvement of the project from which the tolls are collected, or for the construction and maintenance of any project physically or operationally connected with the roadway and having the same state highway system route number as the toll project. The bill also authorizes the GDOT Commissioner to appoint and employ five non-uniformed investigators who will have full arrest powers in cases involving internal affairs of the department and in cases involving obstruction of, or injury to public roads or rights of way.

Finally, SB 221 requires that GDOT allocate transportation funds among Georgia's congressional districts at the end of each five-year funding cycle beginning July 1, 2003 rather than July 1 1999. This provision addresses the state's two new congressional districts gained following the 2000 Census.

*Status: Vetoed*

**SB 256 Operating Transit Buses on Certain Emergency Lanes** (Sen. Tommie Williams)

This bill authorizes the GDOT Commissioner to permit transit buses, with a seating capacity of 33 or more, to use emergency lanes on certain controlled-access roadways, as designated by the Commissioner. The transit bus driver may only operate the vehicle in the designated emergency lanes when the traffic speeds in the main lane are less than 35 miles per hour, and the driver may not exceed the speed of the main lane traffic by 15 miles per hour with a maximum speed of 35 miles per hour. Transit buses being operated on emergency lanes must yield to merging, entering and exiting traffic and must yield to other vehicles on the emergency lanes. This bill only applies to the metro Atlanta, nonattainment area.

*Status: Effective July 1, 2003*

**SB 257 Public-Private Transportation Initiatives** (Sen. Tommie Williams)

SB 257 allows the Georgia Department of Transportation to receive, consider, evaluate and accept unsolicited proposals from private entities for public-private transportation initiatives. The bill establishes several procedures that GDOT must follow when receiving unsolicited proposals. For example, within 30 days of receiving an unsolicited proposal, GDOT must provide public notice of the proposed project and indicate where comparable proposals may be submitted. Comparable proposals must be received by GDOT within a specific timeframe. The bill also includes several factors on which GDOT must base its evaluation of any unsolicited proposal or comparable proposal including the potential contribution of the proposal to the authority's mission and the scientific, technical or socioeconomic merits of the proposal. The idea is that private developers would finance and construct projects, and then recover costs and earn profits through tolls or other user fees. HB 263 was also attached to SB 257 which allows the state to increase its share of the match for federal transit funds to a maximum of 15% of the cost of the program rather than 10%.

*Status: Effective July 1, 2003*

**GENERAL COUNTY GOVERNMENT**

[Staff: Jim Grubiak]

**HB 226 Penalties for County Ordinance Violations** (Rep. Nikki Randall)

This bill increases the maximum penalty for county ordinance violations from 60 days to six months. The bill was proposed by the magistrates' council so that persons found in violation of a county ordinance can be sentenced to probation for the longer period to facilitate payment of fines when he or she cannot pay the fine in 60 days. The bill also specifies that if probation is revoked, the defendant cannot be confined to a county jail for more than 60

days. The latter provision was added in committee to ensure that the new law will not exacerbate jail overcrowding.

*Status: Effective July 1, 2003*

**HB 246 Open Records: Exempt 911 Records** (Rep. Ken Birdsong)

HB 246 provides for confidentiality of personal identifying information in records of emergency 911 calls to a public safety answering point unless the request for such records is made by the accused in a criminal case or by his or her attorney. The tapes of calls to 911 centers and other records, however, are not generally confidential. Rather, information may be redacted from such records when necessary to prevent the disclosure of the identity of a confidential source, to prevent disclosure of material which would endanger the life or physical safety of any person or persons, or to prevent the disclosure of the existence of a confidential surveillance or investigation

*Status: Effective June 3, 2003*

**HB 255 Payment of Interpreter Fees for Temporary Restraining Orders in Domestic Violence Cases** (Rep. Victor Hill)

This legislation exempts individuals seeking a temporary restraining order in a domestic violence case from having to pay for an interpreter if one is needed. As introduced, if the interpreter is needed, the county would have become responsible for paying the cost of the interpreter. The bill was amended in committee to provide that revenues from the Crime Victims Fund would be used to pay the cost rather than creating an unfunded mandate on the counties.

*Status: Effective July 1, 2003*

**HB 339 Confidentiality of Probation Records: Declassification by Commissioner** (Rep. Gerald Greene)

All reports, files, records, and papers of whatever kind relative to the state-wide probation system are confidential per O.C.G.A. § 42-8-40 and are not be subject to subpoena. They are available only to the probation system officials and to the judge handling a particular

case. HB 339 provides that the Commissioner of the Department of Corrections may by written order declassify any such records. Previously, the board of the department had the authority to declassify such records.

*Status: Effective July 1, 2003*

**HB 506 Mobile Homes: Certificates of Permanent Location / Taxability as Real Property** (Rep. John Lunsford)

This bill provides for recording ownership of manufactured homes and mobile homes as personal or real property. When a certificate of permanent location is properly filed with the clerk, the mobile home will be deemed to be real property.

*Status: Effective May 31, 2003*

**HB 561 Local Assistance Grants: Audit Costs/Liability Protection** (Rep. Michelle Henson)

This bill reduces the cost to counties associated with auditing local assistance grants made to counties and nonprofit organizations from the Governor's emergency fund and special appropriations from the General Assembly. It does so by allowing counties to use in-house staff to conduct audits of pass-through grants if the county has auditing staff that meets state standards pursuant to O.C.G.A. § 43-3-6 (a)(3)(A). The bill also authorizes counties to recover up to 2% of the amount of the grant or \$250 whichever is less and limits the audit requirement to grants of \$5,000 or more. For smaller grants, the chief executive of the nonprofit organization would have to execute an affidavit swearing that funds were properly spent. Given that false swearing is a felony, the affidavit requirement should be sufficient to ensure the funds are not misspent. Importantly, the bill also protects counties from liability for any misspending of the grant funds by the non-profit recipient. Finally, despite eliminating the audit requirement for grants under \$5000, HB 561 authorizes the Governor, the House and Senate Appropriations Committee chairmen, or the affected local government to require the recipient nonprofit to obtain or perform an audit regarding the grant in question.

*Status: Effective June 4, 2003*

**HB 770**

**Indigent Defense: Creation of Public Defender System**

(Speaker Terry Coleman / Sen. Chuck Clay)

HB 770 has been signed into law by Governor Perdue. The bill completely overhauls Georgia's approach to meeting constitutional mandates for legal representation to indigents in criminal cases. It does so by creating a uniform indigent defense system in Georgia including establishment of a system of appointed public defenders in each of the judicial circuits statewide. The new system is to be phased-in over the next two years and be operational by January 1, 2005. The key elements of the new law and the new system are as follows:

GEORGIA PUBLIC DEFENDER STANDARDS COUNCIL. HB 770 creates the Georgia Public Defender Standards Council. It will be responsible for assuring that adequate and effective legal representation is provided to indigent persons entitled to representation under the federal constitution. It will be composed of 11 members appointed by the Governor, the Lieutenant Governor, the Speaker, the Chief Justice of the Supreme Court, and the Chief Judge of the Court of Appeals. For the purpose of making initial appointments, the Council will come into existence on July 1, 2003. On December 31, 2003, the Council will assume all powers, duties, and obligations of the current Georgia Indigent Defense Council.

The Council will have the power to appoint a staff director. The Council is charged with assisting public defenders throughout the state in providing adequate defense services, prepare manuals and forms, provide training, provide legal research, collect and maintain data and records, and serve as the fiscal office for the circuit public defender offices. The Council will also approve standards and procedures for operating public defender offices, including procedures for establishing indigency.

By law, indigent defense services will have to be provided to accused indigent persons within 72 hours of the defendant being taken into custody.

CIRCUIT PUBLIC DEFENDERS. The bill also creates the office of circuit public defender in each judicial circuit in the state. The terms will be for four years with the initial term beginning January 1, 2005. Circuit public defenders will be selected by a panel of five persons appointed for each judicial circuit by the Governor, the Lt. Governor, the Speaker, the Chief Justice, and the chief judge of the superior court of the circuit. The panels' only function is to select the circuit public defender. Circuit public defenders may be removed from office for cause by the Georgia Public Defender Standards Council.

The circuit public defender will provide indigent representation in any case prosecuted in superior or juvenile court, as well as probation revocation hearings and direct appeals from proceedings in such courts. The circuit public defender will have no responsibilities for providing indigent representation in proceedings in state, magistrate, probate courts or recorders courts although counties may contract with the circuit defender's office to provide those services.

COMPENSATION. Circuit defenders will be paid salaries and cost of living adjustments from state funds. Counties may supplement the salaries as authorized by local law or by the county. The state will also fund one assistant public defender for each superior court judge in the circuit and is authorized to fund additional assistant public defenders subject to need and availability of appropriations.

INVESTIGATORS/ADMINISTRATIVE STAFF. In addition, at least one investigator and at least two administrative or clerical persons will be funded to assist each circuit public defender. All employees of the circuit defender's office will be state merit system employees in the unclassified service and with all benefits of state employees. Counties are authorized to supplement their salaries.

ADDITIONAL STAFF. Additional assistant public defenders, investigators and administrative staff may be employed by the circuit public defender as authorized by local law or with the consent of the county governing authority. Likewise, the amount of compensation for such additional positions shall be set by local act or by the circuit defender with the approval of the county. For these additional positions, counties may contract with the state for the state to establish the positions as state employees or create them as county employees.

EXPENSES. Counties will be responsible on a pro rata basis with other counties in the circuit if there are any, appropriate offices, utilities, telephone expenses, materials, and supplies as necessary to equip, maintain, and furnish the office or offices of the circuit public defender. These expenditures will be subject to the counties' budget procedures.

ALTERNATIVE SYSTEMS ("OPT-OUT"). The Georgia Public Defender Standards Council may permit a judicial circuit composed of a single county to continue in effect an alternative indigent defense services delivery system if the current system has a full-time director and staff and has been fully operational since at least July 1, 2001, the alternative system meets or exceeds standards set by the Georgia Public Defender Standards Council, and the county governing authority agrees, by September 30, 2004, to fully fund its system. Where an alternative system is approved, it will be subject to annual review by the Georgia Public Defender Standards Council to determine if it continues to meet or exceed minimum standards.

DEFENDANTS IN CAPITAL CASES. HB 770 also continues and expands the statewide capital defense services for indigent defendants currently known as the Multicounty Public Defender. Between January 1, 2004 and December 31, 2004, the Multicounty Public Defender will be responsible for defending all capital cases involving indigent defendants to the extent resources are available. Counties will be responsible for paying the cost of appointed attorneys if state resources are not available upon the order of the presiding judge of the court hearing the case. On January 1, 2005, the Office of the Multicounty Public Defender will transition into the Office of the Georgia Capital Defender. From that date forward, that office will be responsible for all indigent capital defendants. If, due to conflicts of interest or other reasons, the Georgia Capital Defender's office cannot provide a defense, outside attorneys will be appointed by the court and paid for out of state funds.

MENTAL HEALTH ADVOCACY. Finally, HB 770 will also continue the mental health advocacy services currently offered by the mental health advocacy division of the Georgia Indigent Defense Council, by creating the Office of Mental Health Advocacy, effective December 31, 2003. It will serve all defendants in all counties of the state. Whenever a defendant has been found not guilty by reason of insanity at the time of the crime and is indigent, the Office of Mental Health Advocacy may assume the defense and representation of those persons.

**HR 700 Local Government Infrastructure Study Committee**  
(Rep. Butch Parrish)

HR 700 creates a House study committee to review needs, financing and other problems associated with development of infrastructure to meet local government service delivery needs in light of future growth and development.

*Status: Effective upon appointment of committee members*

**SB 153 Qualifying Fees for County Commissioners and County Officers** (Sen. Renee Unterman)

This bill, introduced at the request of ACCG, provides that qualifying fees for commissioners, sheriffs and other county officers would be 3% of their base salaries excluding supplements and COLAs. This bill addresses problems in interpreting current law particularly the effect of certification supplements on qualifying fees for county commissioners. SB 153 passed as a rider to SB258.

*Status: Effective July 1, 2003*

**SB 155 Employer Contributions to 457 Plans** (Sen. Tim Golden)

Senate Bill 155 amends O.C.G.A. § 45-18-35 to expressly permit employer contributions to state and local deferred compensation plans (457 plans). The current version of O.C.G.A. § 45-18-35 requires that state and local deferred compensation plans operate without cost to state and local government employers, except for incidental costs associated with administering the plan. The current law may limit the ability of state and local employers to make contributions to 457 plans on behalf of their employees, because such contributions may be considered a "cost" to the employer. SB 155 corrects this potential problem.

*Status: Effective July 1, 2003*

**SB 258 Elections Law Revisions: Electronic Voting Machines/Contracts between Counties and Cities for Use of Voting Machines/Qualifying Fees / Training for Superintendents/Absentee Voting/Registration Procedures**  
(Sen. Renee Unterman)

This bill is a comprehensive rewrite of state election laws. Among other matters, the bill includes the following:

- (1) SB 258 clarifies the procedure for calculating qualifying fees for qualifying fees for commissioners, sheriffs and other county officers would be 3% of their base salaries excluding supplements and COLAs. These are the provisions from SB 153 that were added to SB 258.
- (2) The bill authorizes counties to contract with municipalities for the use of its electronic voting equipment in municipal elections but under terms and conditions specified by the Secretary of State to ensure that the equipment is properly used and kept secure. Counties will not be able to charge cities a fee for the use of the equipment except that counties may require cities to reimburse actual expenses incurred in lending out the equipment.
- (3) The bill also requires training and certification of election superintendents regarding operation of electronic voting equipment by January 1, 2007. Costs of the training, which will not exceed 64 hours of classroom or online time, will be the responsibility of the county.

The bill also addresses other matters related to the new electronic voting machines, poll officials, absentee voting, registration procedures, provisional balloting, preparation of ballots, IDs

acceptable at polling places, fraud, and penalties for tampering with ballots or machines, among other matters.

*Status: Effective July 1, 2003*

**SB 261 Zoning in Vicinity of Military Base** (Sen. Seth Harp)

Under the provisions of this bill, counties with zoning ordinances that have military bases within their jurisdictions will have to review the impact of any proposed zoning decisions on the base before the board of commissioners makes a final decision. The bill provides that whenever property within 3000 feet of any military base or military installation is the subject of a zoning decision, the county, given the existence of the adjacent military base, must investigate and make a recommendation regarding suitability, whether the zoning proposal will result in a use which could cause safety concerns, whether there are other existing or changing conditions affecting the use of nearby property as a military base, and other matters specified in the new law. The county also must request, from the commander of the military base, a written recommendation and supporting facts relating to the proposed zoning decision at least 30 days prior to the regular hearing required for zoning decisions. If the base commander does not submit a response to the request by the date of the public hearing, it will be presumed that the commander has no objections. This bill was proposed in response to concerns that the federal government will be considering another round of base closings in the near future. Incompatible land uses in the vicinity of military bases is one of the criteria examined by the base closing commission. SB 261 is intended to establish a process that will limit the development of incompatible uses in the vicinity of military bases.

*Status: Effective July 1, 2003*

**HEALTH & HUMAN SERVICES**

[Staff: Suzanne Nieman]

**HB 318 Enact Adult Day Center Licensure Act** (Rep. Jo Ann McClinton)

The intent of this bill is to promote, safeguard and protect the well-being of adults participating in adult day care or adult day health services. The legislation authorizes the Department of Human Resources to promulgate and implement regulations for the operation of adult day care centers and enforce the licensure regulations. Adult day care means the provision of a comprehensive plan of services that meets the needs of aging adults. Adult day health services mean the provision of a comprehensive plan of services that meets the needs of aging adults under a medical model. The legislation also increases the penalty for abuse, neglect and exploitation of disabled adults and elder persons to a felony. Certain sections of the bill take effect only upon appropriation of state funds.

*Status: Effective July 1, 2003.*

**HB 372 Critical Personnel Shortages – County and Municipal Hospital Authorities** (Rep. Ron Dodson)

The bill provides for financial assistance to students, postgraduate trainees or the parents of such for programs of study in fields in which critical personnel shortages exist in the authority's service area. ACCG policy strongly supports health care workforce training programs and supports using incentives to recruit and retain health care workers in medically underserved areas of the

state. Additionally, the language of SB 333 is included in HB 372. The bill provides for a vaccination program for emergency responders (firefighters, emergency medical technicians, public safety officers) who may be exposed to infectious disease when deployed to a disaster location. The vaccination program will be implemented only upon receipt of federal funding or grants for aid for bioterrorism.

*Status: Effective June 2, 2003 except for the vaccination provisions of the bill which are effective July 1, 2003*

**HB 470 Juvenile Court Jurisdiction** (Rep. Stephanie Stuckey Benfield)

The intent of the bill was to expand the jurisdiction of the juvenile court to all persons under the age of 18; however, during the legislative process the extensive changes to expand the jurisdiction of juvenile courts were deleted. The legislation changes one definition relative to juvenile proceedings to say that 'child' means any individual who is under the age of 18 years, if alleged to be a status offender.

*Status: Effective July 1, 2003*

**HB 479 Provisions for County Child Fatality Panels** (Rep. Barry Fleming)

This legislation changes the membership of county multi-agency child fatality review committees. Appointments will continue to be made by the superior court judge; a sheriff or county police chief could be a member of a panel. The bill gives the Division of Family and Child Services within the Department of Human Resources more authority to step into cases where the local panels are not doing their job.

*Status: Effective July 1, 2003*

**HB 526 Nursing Home Provider Fee Act** (Rep. Mickey Channell)

This legislation will assess a provider fee on nursing homes. The 6 percent fee will go to a special account within the Department of Community Health/Indigent Care Trust Fund where it will be used to draw down federal matching dollars. The estimated \$91 million will be used to draw down \$136 million in federal funds and then be distributed to nursing homes in the form of higher Medicaid reimbursement rates. To receive payments, the nursing homes must have a patient load that is at least 15 percent indigent.

*Status: Effective July 1, 2003*

**SB 7 Licensure and Regulation of Air Ambulances Services** (Sen. Carol Jackson)

This legislation provides that air ambulances that provide emergency care and transportation for an injured or sick person to or from a place where medical or hospital care is furnished be licensed by the Emergency Health Section of the Division of Public Health of the Department of Human Resources.

*Status: Effective July 1, 2003*

**SB 80 Child Support and Custody Issues for Deprived Child** (Sen. Chuck Clay)

This legislation allows juvenile courts upon a finding of deprivation to order temporary child support for the child to be paid by the person or persons determined to be legally obligated to support the child. If a child support order exists, the juvenile court can order

the child support obligor to make the child support payments to the caretaker of the child on a temporary basis.

*Status: Effective July 1, 2003*

**SB 81 Create Georgia Emergency Medical Services Medical Directors Advisory Council** (Sen. Carol Jackson)

This legislation creates the Georgia Emergency Medical Services Medical Directors Advisory Council. The council will act as a liaison with the medical community, medical facilities and appropriate governmental entities on practice issues related to the care delivered by emergency medical technicians, cardiac technicians and paramedics. Appointment procedures are set forth in the legislation.

*Status: Effective July 1, 2003*

**SB 116 Discovery and Inspection of Juvenile Proceedings for Delinquent Acts** (Sen. Bill Hamrick)

The bill provides that a child who is charged with committing a delinquent act will have upon written request full access to information for inspection, copying or photographing. The information includes but is not limited to the actual complaint, witness information, transcripts and copies of a police report. Reciprocal discovery is also required of the child if they request information.

*Status: Effective July 1, 2003*

**SB 129 Qualifications for Soil Classifiers for Onsite Sewer Management** (Sen. Seth Harp)

This legislation creates and gives recognition to soil classifiers. Soil classifiers conduct soil investigations and prepare soil reports of a site for onsite sewage management systems. The reports are submitted to the local county board of health.

*Status: Effective May 28, 2003*

**SB 190 Marriage License Requirements** (Sen. Don Thomas)

This legislation repeals current law requiring a serologic test for syphilis for persons requesting a marriage license. Georgia is one of the last state's to still require testing for syphilis prior to persons getting a marriage license.

*Status: Effective July 1, 2003*

**SB 264 Community Living Arrangements or Drug Abuse Treatment Facilities** (Sen. Connie Stokes)

This bill will provide for actions against community living arrangements, drug abuse treatment and education programs that are licensed by the Department of Human Resources. The intent of the legislation is to assure the health, safety, security, rights and welfare of the patients or residents in such facilities.

*Status: Effective July 1, 2003*

**SB 265 Registration for Automated External Defibrillators** (Sen. Nadine Thomas)

This legislation requires that any automated external defibrillators placed for use in Georgia be registered with the Emergency Health Section of the Division of Public Health of the Department of Human Resources within 30 days of receipt. DHR is authorized to promulgate rules and regulations for the placement and registry of automated external defibrillators.

*Status: Effective July 1, 2003*

**SB 329 Spending Account and Consumer Driven Health Plan Advancement** (Sen. Mitch Seabaugh)

The legislation provides enabling provisions for spending accounts and consumer driven health plans and facilitates the advancement of such plans in response to escalating costs of health care plans in Georgia. A spending account plan includes, but is not limited to, medical spending accounts, health reimbursement arrangements, pre-tax benefit spending accounts and other forms of funding for health care goods and services. Such plan may be written for a group or for an individual.

*Status: Effective July 1, 2003*

**NATURAL RESOURCES & ENVIRONMENT**

[Staff: Glenn Dowling]

**HB 285 Erosion and Sedimentation Control** (Rep. Jim Stokes)

Revisions to the state's erosion and sedimentation control program pursuant to HB 285 will enhance both the efficiency of the program and protection of the environment. HB 285 closely mirrors ACCG's county platform in that the bill provides that E&S permits will resemble Federal NPDES permits. Provisions for the collection of permit fees provides financial support for effective enforcement at the local level. Local issuing authorities will regulate both primary and secondary permittees as defined in the State General Permit. Additionally, fines will be replaced with mandatory stop work orders as an enforcement tool. Language has been added to provide for training and education requirements for individuals involved in the design, review, permitting, construction, monitoring or inspection of any land disturbing activity. Training requirements will have to be met by December 31, 2006. A permit fee of \$80.00 per disturbed acre has been established, with a provision for one half of the permit fee to be paid by the applicant to those counties with local issuing authorities. The stakeholders board, on or before December 31, 2003, will promulgate rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a local issuing authority.

*Status: Effective July 1, 2003*

**HB 314 Georgia Greenspace Trust Fund** (Rep. Hinson Mosley)

This bill diverts interest earned by the greenspace trust fund from use in awarding discretionary/emergency requests by counties. Instead, interest earned will be placed in the general fund of the state treasury. Even though few counties submit these discretionary grant requests, there will be no funds available for those "emergency requests" when the interest is redirected. This new subsection will be automatically repealed on July 1, 2004.

*Status: Effective June 4, 2003*

**HB 413 Constructed Storm Water Wetlands** (Rep. Mark Burkhalter)

This bill provides that constructed storm water wetlands, certified by EPD as conservation use property, will be assessed at 50% of fair market value by local boards of assessors. It appears that many constructed wetlands may simply fall under more liberal conservation tax regulations, thereby bypassing the use of this language. The preferential assessment of bona fide conservation use property will be limited to 2,000 acres or less, and requires the annual certification of constructed wetland by a certified engineer.

Annual certification and reporting costs may prevent some projects from taking advantage of this language.

*Status: Effective January 1, 2004*

**HB 509 Local Governments and School Districts subject to Land Disturbing Ordinances** (Rep. Jan Jones)

Upon becoming law, this bill will require all local governments to abide by the erosion and sedimentation rules they enforce, as it relates to land disturbing activities, as well as any conservation ordinances (tree ordinances, buffer ordinances) they adopt at the local level. The intent of this bill, which quickly became known as the "what is good for the goose is good for the gander bill", is to require local governments to abide by the ordinances they impose on the public. The law will further require all local school districts to abide by local ordinances.

*Status: Effective July 1, 2003*

**HB 579 Agricultural Monitoring** (Rep. Tom McCall)

As required by HB 579, all agricultural withdrawals greater than 100,000 gallons per day, on a monthly average, will be required to have a withdrawal permit from the EPD. There exist approximately 21,400 permitted systems which the State Soil and Water Conservation Commission (SWCC) will be tasked to measure and monitor withdrawals. The SWCC will, upon appropriation, purchase, install, operate, and maintain water-measuring devices for farm use. This will include the reading of the water-measuring devices, compiling data, and reporting findings. As of July 1, 2009, all agricultural systems must be permitted, and have a water measuring device installed by the SWCC. The SWCC is to consult with the Director of the EPD to develop a priority system for those farm systems that have been permitted before July 1, 2003. This law will further allow existing metering devices to be grandfathered into the SWCC use. The information obtained will be invaluable as the state negotiates potential water compacts with Florida and Alabama. The meters will also provide a water management tool for the owners of agricultural irrigation systems. With this information, the state can better understand variables to be considered when creating a comprehensive statewide management plan.

*Status: Effective July 1, 2003*

**SB 86 Transferable Development Rights** (Sen. Ralph Hudgens)

Transferable Development Rights (TDR) have been available to local governments since 1998 but were deemed impractical due to requirements in the law that each transfer be approved by vote of the local government. SB 86 eliminates this hurdle. This law will maintain public involvement and input in the establishment of TDR ordinances creating sending and receiving areas within counties. This will be a helpful tool for counties' efforts in providing local government services, preserving valuable greenspace, viewsapes and other environmentally sensitive areas while protecting property rights of landowners.

*Status: Effective June 4, 2003*

**SB 207 Local Regulatory Authority To Enforce Conservation Ordinances** (Sen. Don Balfour)

This bill makes it clear that local governments, currently prohibited from permitting timber harvesting, will have the power to enforce local conservation ordinances including tree ordinances, landscape ordinances and stream buffer ordinances. The intent of this law is

to close an unintended loophole used by developers to circumvent local conservation ordinances.

*Status: Effective June 3, 2003*

**SB 247 Voluntary Income Tax Contributions to the Greenspace Trust Fund** (Sen. Brian Kemp)

This law will allow Georgia taxpayers to contribute to the Georgia Greenspace Trust Fund by either donating all or part of any tax refund due through a reduction in the refund check, or by contributing any amount over and above any amount of tax owed by adding that amount to their payment.

*Status: Effective January 1, 2004*

**Georgia Environmental Facilities Authority (GEFA): Funding Threat:**

In its search for revenues to balance the state budget, the administration considered taking all or part of GEFA's \$250 million dollar reserve. The reserve is intended to be used for revolving loans to help local governments' investment in environmental infrastructure for current and future needs. It would have taken many years to build the revolving loan fund balance back to its original amount. ACCG as well as other public and private sector advocates for GEFA expressed serious concerns for the proposal and it did not advance.

**PUBLIC SAFETY**

[Staff: Clint Mueller]

**HB 140 / SB 22 Arrest Warrants Submitted to GCIC** (Rep. Tom Buck)

Both of these bills passed with identical language. The bills remove the requirement that certain misdemeanor arrest warrants be sent to the Georgia Crime Information Center. Without this information in GCIC, local police and sheriff's departments would not be burdened with having to send an officer to another locality in Georgia to pick up someone taken into custody for an outstanding arrest warrant on a minor misdemeanor charge.

*Status: Effective July 1, 2003*

**HB 144 Graffiti: Removal Program Using Inmate Labor / Compensation to Property Owners** (Rep. Pedro Marin)

This bill authorizes county commissioners, working with their sheriffs or wardens, to establish graffiti removal programs. Sentenced inmates in the county jail or CI could be used to clean up graffiti on private property that is visible to the general public. The creation of a local program is voluntary and the owners of the property where graffiti is removed cannot be charged a fee.

*Status: Effective July 1, 2003*

**HB 166 Include Volunteer Firefighters in Disability Compensation Program** (Rep. Robert Ray)

Three years ago a constitutional amendment passed creating a compensation program for full-time law enforcement officers and firefighters injured in the line of duty. This bill expands the program to include volunteer firefighters. Volunteer firefighters injured in the line of duty would receive compensation for up to one year equal to the Georgia average weekly earnings of production workers in manufacturing industries for the

immediately preceding calendar year as published by the Georgia Department of Labor.

*Status: Effective July 1, 2003*

**SB 113 Open Records Exemption for Certain Security Records** (Sen. Brian Kemp)

This bill, one of ACCG's priorities for 2003, creates a new exemption from the open records act for security plans, vulnerability assessments, and other documents that must be kept secret to ensure their effectiveness in protecting public utilities, technology infrastructure, buildings, facilities, functions, or activities from terrorist attack. The bill also allows the above matters to be discussed in executive sessions without violating the open meetings law.

*Status: Effective June 4, 2003*

**SB 169 Minimum Training Standards and Equipment Standards for Fire Departments** (Sen. Jeff Mullis)

This bill raises the minimum pumping capacity of a fire truck to 750 GPM at 150 PSI. It also requires all volunteer firefighters to successfully complete the basic fire training course within 12 months of joining a volunteer department. Finally, the bill creates four new seats on the Firefighters Standards and Training Council, two appointed by the Speaker of the House and two appointed by the Lieutenant Governor. The council is also given the authority to adopt all future minimum training and equipment standards for fire departments.

*Status: Effective July 1, 2004*

**SB 215 Peace Officer Training Expenses** (Sen. Seth Harp)

This bill amends current law authorizing local law enforcement agencies to seek reimbursement for training expenses when an officer leaves the agency to work for another agency within 24 months of completing the basic mandated training. Under the old law, the department losing the officer could be reimbursed from the employing agency or the departing officer. SB 215 requires that the training reimbursement be paid solely by the agency hiring the officer. It also requires departments seeking training reimbursement to have their employees sign an acknowledgement of the terms of this law or an employee contract specifying the provisions of this law.

*Status: Effective July 1, 2003*

**SB 229 Electronic Filing of Traffic Citations** (Sen. Dan Lee)

This bill encourages local courts to file citations with the Department of Motor Vehicles electronically by creating a financial incentive and disincentive. Currently, the state pays the county or city general fund 25 cents per citation. This bill changes the reimbursement rate to 40 cents if the citation is filed electronically and 10 cents for non-electronic filings.

*Status: Effective July 1, 2003*

**SB 292 Emergency Vehicle Pursuit Policy** (Sen. Mitch Seabaugh)

This bill requires all local law enforcement agencies to have a pursuit policy. The bill leaves it up to the local agency to decide how to draft the policy and what should be included in the policy.

*Status: Effective July 1, 2003*

## REVENUE & FINANCE

[Staff: Clint Mueller]

### **HB 43 State and Local Tax Revision Act of 2003** (Rep. Mickey Channell)

This bill was originally introduced to exempt construction material used to build the new aquarium from sales taxation. By the end of the session, this bill became the vehicle for the "State and Local Tax Revision Act of 2003." Two provisions in this bill have an impact on county government. First, the bill reinstates the sales tax holiday. The 2003 holiday will exempt clothing and footwear priced under \$100, personal computers, computer related accessories and nonrecreational software priced under \$1,500, and school supplies up to \$20 per item. The holiday will run for four days between July 31 and August 3, 2003. The sales tax holiday will not carry over to 2004 without the passage of new legislation. Estimated revenue loss to local governments during the sales tax holiday is \$6.6 million. Second, the Homeowner Tax Relief Credits were made permanent in the law by making it mandatory for the General Assembly to fund the credit at no less than the FY 2004 level. The credit in 2004 is equivalent to an \$8000 homestead exemption.

*Status: Effective June 4, 2003*

### **HB 148 Sales Tax Exemption for Gas Used to Heat Green Houses** (Rep. Robert Ray)

This bill exempts state and local sales tax on the purchase of fuel to heat facilities used to grow plants for resale.

*Status: Effective July 1, 2003*

### **HB 290 Stream Buffers Eligible for Conservation Use Special Assessment** (Rep. Robert Ray)

This bill amends the definition of stream buffers in the conservation use law to include buffer zones adjacent to rivers or perennial streams that are established by law or local ordinance and within which land-disturbing activity is prohibited. This type of property would be eligible for a reduced assessed value based upon its current use value. This bill was amended on the last day of the session to exempt specific excise taxes on prepared food and beverages from the two percent local option sales tax cap. The Governor vetoed this bill because the excise tax amendment could have allowed some local governments to tax the sale of prepared food at a higher rate without a voter referendum.

*Status: Vetoed*

### **HB 527 Ad Valorem Tax Exemption on Motorized Farm Equipment Held in Dealer Inventory** (Rep. Chuck Sims)

This bill exempts all self-propelled motorized farm equipment held in a dealer's inventory from ad valorem taxes. This bill will produce some revenue loss for the 60 counties in Georgia that have farm equipment dealerships. Estimated revenue loss to the county is between \$10,000 and \$17,000 per dealership.

*Status: Effective January 1, 2004*

### **HB 531 Preferential Assessment for Environmentally Contaminated Property** (Rep. Richard Royal)

This bill allows the purchaser of an environmentally contaminated piece of property to offset the cost of cleanup with an assessment freeze on the property. To be eligible for the preferential tax treatment, the buyer of a contaminated piece of property must have

a corrective action plan approved by the Environmental Protection Division (EPD), have a valid limitation of liability certificate, and a certificate of eligible cleanup costs certified by EPD. In order to receive the preferential assessment, the property owner must make an application to the county board of tax assessors and include all certifications required. The county board of assessors has 90 days to make a determination if the property is eligible. Once approved for the special tax status, the assessed value of the property is frozen at the acquisition cost or the appraised fair market value at the time application was made to EPD. There is no limit on the parcel size of the property included in the frozen assessment and any subsequent improvements to the property are also included. The assessment freeze remains in effect until the tax savings [Difference between frozen value and fair market value in each tax year] equals the eligible cost for cleanup or when 10 years has expired, whichever comes first. The preferential tax treatment can be transferred to the new owner when the property is sold. The owner of the property is required to submit a sworn affidavit annually reporting the tax savings realized during the tax year and other required information to the local tax authority.

*Status: Effective May 14, 2003*

### **HR 261 Sales and Use Tax Simplification Study Committee** (Rep. Richard Royal)

This resolution creates a House Study Committee to review the feasibility of streamlining Georgia's sales tax code to comply with the National Streamline Sales Tax Compact. If Congress changes the nexus requirements, states in compliance with the National Streamline Sales Tax Compact will be able to require retailers that do not have a physical presence in the state to collect and remit sales tax on all sales made to residents of the state that purchase taxable products through the internet or by catalog. By 2004, Georgia Counties' are expected to lose between 2 and 4 percent of sales tax revenues due to internet and catalog sales.

*Status: Effective upon appointment of committee members*

### **HR 404 Hotel-Motel Tax Study Committee** (Rep. Mickey Channell)

This study committee is being created to assist the General Assembly in evaluating matters relating to hotel-motel tax administration, collections, accounting, and expenditures.

*Status: Effective upon appointment of committee member.*

### **HR 530 Franchise Fee / Use of Public Rights of Way Study Committee** (Rep. Don Wix)

This Study committee will examine the current franchise fee system and how other states have moved to a simpler utility excise tax in lieu of franchise fees or taxes. The committee will also look at the cost counties incur in allowing utilities to build and maintain its infrastructure in the county rights of way.

*Status: Effective upon appointment of committee members*

### **SB 87 Public Safety and Judicial Facilities Authority** (Sen. Dan Lee)

This legislation originally in HB 595 was amended onto SB 87. The bill allows counties and cities with a local sales tax supporting a metropolitan transit system to establish a building authority for the financing of public safety and judicial facilities. Once an authority is established, revenue bonds can be sold to build the needed capital

facilities. These bonds are backed by a contract for payment between the local government and the authority.

*Status: Effective June 4, 2003*

**SB 97 Distribution of the Real Estate Transfer Tax** (Sen. Bill Hamrick)

This bill requires the superior court clerk to distribute real estate transfer tax proceeds to all eligible local governments within 30 days. In the past, all proceeds were distributed to the state and the state sent them back to the local governments after holding the money for a year and earning the interest on the funds. Counties will now have access to these funds sooner.

*Status: Effective July 1, 2003*

**SB 277 Renewal Period for Conservation Use Covenants** (Sen. Rene Kemp)

This bill allows an owner of a property in a conservation use covenant to enter into a renewal contract in the ninth year of a covenant period so that the contract is continued without a lapse for an additional ten years.

*Status: Effective July 1, 2003*

**BILLS AND RESOLUTIONS CARRIED FORWARD TO 2004**

**ECONOMIC DEVELOPMENT & TRANSPORTATION**

[Staff: Althea Fulton]

**HB 260 Provisions for Off-road Vehicles** (Rep. Ron Forster)

This bill would require every owner of any all-terrain vehicle operated on unpaved public highways in state or federal parklands to register the vehicle and obtain a license to operate the vehicle each year. An all-terrain vehicle is defined as any motorized vehicle designed for off-road use which is equipped with three or more low pressure tires and with a seat to be straddled by the operator and with handlebars for steering control. The requirements relating to the registration and titling of motor vehicles not manufactured to comply with federal emission and safety standards applicable to new motor vehicles would be amended to apply to any motor vehicle designed for use on public highways. The bill also provides that any person operating an off-road vehicle under the following conditions would be in violation these statutes and subject to penalties: 1) operating the vehicle on any paved public highway; 2) operating the vehicle on any unpaved public highway in state or federal parklands unless the vehicle is an all-terrain vehicle, registered and in compliance with the applicable equipment requirements. Persons who violate any provisions of these statutes will be guilty of a misdemeanor and upon conviction shall be fined no more than \$100 for the first offense and no more than \$250 for the second or subsequent offense.

*Status: Pending in House Motor Vehicles Committee*

**HB 298 Additional Areas Designated as “Less Developed Areas”** (Rep. Kathy Ashe)

Under this bill, job tax credits would be allowed for any business of any nature located in counties recognized and designated as the first through fortieth least developed counties in the tier 1 designation or areas comprised of census tracts which meet the criteria used in designating least developed areas and are located in municipalities.

*Status: Pending in House Ways and Means Committee*

**HB 302 Volume Limits for Mechanical Sound-making Devices in Certain Motor Vehicles** (Rep. John Noel)

Current law prohibits any person operating or occupying a motor vehicle on a street or highway from operating the volume of the car’s radio, tape player or other mechanical sound-making device at a level that is plainly audible at a distance of 100 feet or more from the vehicle. This legislation would authorize local governments to establish stricter noise control standards with respect to motor vehicles operated on streets and highways under their jurisdiction so that the local standards could prohibit sound that is plainly audible at a distance less than 100 feet from the vehicle. This bill would not amend current provisions which exempt certain motor vehicles (i.e. police car, ambulance) from the local noise control standards.

*Status: Pending in House Motor Vehicles Committee*

**HB 325 Tax Credits for Business Locating in Georgia Border Counties** (Rep. Ben Harbin)

When a business is considering locating new facilities in a Georgia border county or a contiguous state, HB 325 would authorize the Commissioner of the Georgia Department of Industry, Trade and Tourism to designate the Georgia border county as a Tier 1 or Tier 2 county if the business locates in the border county. This would allow the business to receive income tax credits as an incentive for locating in Georgia rather than the neighboring state.

*Status: Pending in House Ways & Means Committee*

**HB 436 Provisions for Hybrid Vehicles** (Rep. Stephanie Benfield)

Under this legislation, a hybrid vehicle would be considered an alternative fueled vehicle. Accordingly, alternative fueled vehicle now means any vehicle fueled by alternative fuel or a hybrid vehicle which draws propulsion energy from onboard sources of stored energy which are both an internal combustion or heat engine using combustible fuel and a rechargeable energy storage system. A hybrid vehicle would have a special license plate which distinguishes the vehicle as an alternative fueled vehicle, and it could be operated in travel lanes designated for such vehicles.

*Status: Pending in House Motor Vehicles Committee*

**HB 486 Developmental Highway System** (Rep. Austin Scott)

This bill adds the U.S. 319 bypass in Tift County to the list of roadways comprising the Developmental Highway System, also referred to as the Governor’s Road Improvement Program.

*Status: Pending in House Transportation Committee*

**HB 566 Change Definitions Relating to Tax Credits for Business Headquarters** (Rep. Kathy Ashe)

HB 566 would change certain definitions regarding the income tax credit available for establishing or relocating headquarters. For example, a full-time job would mean employment for an individual

which is located at a headquarters, has a regular work week of 30 hours or more, and has no predetermined end date. Additionally, headquarters would mean the principal international, national, or regional central administrative office of a taxpayer where headquarters staff employees are located and employed and where the primary headquarters related functions and services are performed.

*Status: Pending in House Ways and Means Committee*

**HB 636 Penalties and Provisions for Vehicles Carrying Excess Loads** (Rep. Alan Powell)

When the owner or operator of any vehicle is issued a citation for violating maximum weight limits, the individual would have within 30 days to either pay the assessment to the Department of Motor Vehicle Safety or request an administrative review of the amount and validity of the assessment. The bill includes various provisions to guide the administrative review process. For example, the party requesting the administrative determination would have to first pay the assessed amount to the DMVS within the designated time period before a determination can be made. However, the bill would provide that the DMVS would have to refund any overpayment if it determines that the initial assessment is erroneous. The scope of any administrative hearing would be limited to such factors as the weight of the offending vehicle and the maximum weight allowed by law on the roadway upon which the offending vehicle was being operated. The bill also would provide that hearing costs, re-issuance fees and restoration fees would be retained by DMVS and provides guidelines for enforcing liens upon the owner or operators of offending motor vehicles.

*Status: Pending in House Motor Vehicles Committee*

**HB 705 Penalty for Erecting Signs Along Public Roads without Permit** (Rep. Rich Golick)

Current law provides that any person who erects or maintains certain signs along public roads without a valid permit or renewal of such permit is guilty of a misdemeanor. HB 705 would add a \$500 fine for such violation. The bill also provides that any person who maintains an unauthorized sign and which was not lawfully in existence on October 6, 1971, shall be guilty of a misdemeanor and would be punished by a fine of \$500.

*Status: Pending in House Transportation Committee*

**HB 851 Formation of Metropolitan Planning Organizations** (Rep. Paul Smith)

This bill would allow contiguous local governments which lie within designated portions of urbanized areas or air quality nonattainment areas, as identified under the federal Clean Air Act, to form a metropolitan planning organization provided that the local governments representing at least 75% of the affected population agree to form the planning organization. The bill further provides that once the metropolitan planning organization is formed, adjacent local governments contiguous to the urbanized areas or nonattainment areas may participate in the organization.

*Status: Pending in House Transportation Committee*

**HB 886 Certain Repayment Required for Airports Receiving State Financial Assistance** (Speaker Terry Coleman)

This bill would require that whenever any airport accepts financial assistance from the state, GDOT or any other agency providing the assistance shall require the operator of the airport to agree to repay

the state the full amount of assistance received if the airport closes or ceases operation within the 20-year period following the receipt of assistance. The agreement shall be secured by an appropriate bond or in the form of a security interest which shall be recorded in the real estate records of the county in which the airport is located. The bill also provides for public hearings with respect to the closing of airports which have received state financial assistance within the 20-year period preceding the proposed closing date.

*Status: Pending in House Transportation Committee*

**HR 818 Development of Public Transportation Systems** (Rep. Keith Heard)

This resolution proposes an amendment to the Georgia Constitution to declare the acquisition, establishment, operation and administration of the system of public transportation of passengers for hire in any city, county or consolidated government to be an essential governmental function and a public purpose. The constitutional amendment would also authorize the creation of a public corporation or authority as an instrumentality of the local government with the necessary powers to develop and operate the public transportation system. Such powers would include the power to borrow money and issue obligations payable from its revenues and the power of eminent domain.

*Status: Pending in House Transportation Committee*

**SB 127 Revise Allocation of State Transportation Funds** (Sen. Casey Cagle)

Rather than allocating 85% of obligated state and federal transportation funds equally among Georgia's congressional districts, SB 127 would require that only 70% of the total obligated funds must be equally distributed among congressional districts at the end of each 5-year funding period. The bill would not alter the current requirement that funding distributed to any congressional district can not be more than 20% larger than the amount received by any other congressional district during a five-year period. SB 127 would go further by exempting funds for interstate highway maintenance and construction projects from the transportation funds that have to be equally distributed among congressional districts. This bill was amended on the Senate floor to restore a similar exemption for funds for the Metropolitan Rapid Transit Authority and to exempt additional categories of funds from the pot of money that has to be equally distributed. Additional exemptions include funds for Congestion Mitigation and Air Quality projects, any Railroad Rehabilitation and Improvement Financing Program project, High Priority or Demonstration project, or Surface Transportation Program project undertaken pursuant to the Transportation Equity Act for the Twenty-first Century.

*Status: Passed Senate; pending in House Transportation Committee*

**SB 334 Tree Trimming Permits** (Sen. Steve Thompson)

Under SB 334, the Roadside Enhancement and Beautification Fund, which is administered by GDOT, would no longer receive money collected under Code Section 32-6-75.3, which included among other items, application fees for vegetation maintenance permits and civil fines for violating vegetation maintenance rules. The Fund's sources of money would be limited to appropriations from the General Assembly, revenues derived from the sale of any special and distinctive wildflower license plates and contributions from any other source. The Georgia Department of Transportation

also would no longer administer the tree and vegetation trimming permit program nor would it establish and administer rules and regulations governing the issuance and revocation of permits for the erection and maintenance of outdoor advertising signs.  
*Status: Pending in Senate Transportation Committee*

**SR 159 Dedicating Percentage of Motor Fuel Sales Tax to LARP** (Sen. Mitch Seabaugh)

This legislation proposes an amendment to the Georgia Constitution to provide for an annual appropriation of a certain percentage of motor fuel sales tax proceeds to the Local Assistance Road Program (LARP).  
*Status: Pending in Senate Appropriations Committee*

**GENERAL COUNTY GOVERNMENT**

[Staff: Jim Grubiak]

**HB 262 Utility Franchise Fee Offset** (Rep. Don Parsons)

This legislation would amend the Service Delivery Strategy Law and would require cities to apply any utility franchise fees collected by the city from individuals or property owners located in unincorporated areas as an offset against any “double taxation” that the county and city have identified. In effect, unincorporated residents throughout the state are currently subsidizing city operations through these fees. The bill would not lessen the revenues of the cities but it would require cities to negotiate the effect of the tax inequity that is borne by unincorporated residents. HB 262’s intent is to recognize that tax equity needs to be addressed from both the city residents’ and the unincorporated residents’ point of view.

*Status: Pending in the House Public Utilities*

**HB 331 Open Records Exemption: Information Identifying Minors** (Rep. Chuck Martin)

This bill would require that public records containing identifying information minors to be provided with such information redacted.  
*Status: Pending in House Judiciary Committee*

**HB 373/HB 22/HB 305/ HB 664 / HB 671 / SB 267 / SB 359  
Condemnation for Electric Power Transmission Lines:**

**Approval Process** (Rep. Ralph Twiggs/Rep. Judy Manning/Rep. Len Walker/Rep. Tom Bordeaux/Sen. Unterman/Sen. Chuck Clay)  
These bills would make condemnation of private property by power companies for electric transmission lines subject to a certificate of appropriateness to be issued by the Public Service Commission.

*Status: HB 373 passed the House; pending in Senate Regulated Industries & Utilities Committee. The other bills remain pending in their respective House and Senate committees.*

**HB 374 Timely Payment for Goods and Services by Local Governments and Authorities** (Rep. Carl Rogers)

This bill would require that local governments and authorities pay for goods and services within 90 days of receipt of an invoice, and provides that if payment is not made suppliers may file complaints with the Department of Community Affairs. DCA would be authorized under this bill to withhold grants of state funds to local

governments that fail to comply with this Code Section without good cause.

*Status: Pending in the House State Planning and Community Affairs Committee*

**HB 392 County Consolidation: Incentive/Procedures** (Rep. Ron Sailor)

House Bill 392 would provide that any two or more adjacent counties may consolidate such counties into one county or divide a county and merge portions of that county into other counties. Any such consolidation or merger would be subject to referendum. Counties that do consolidate would be eligible for grants from the state to assist in planning for and implementing the consolidation. In addition, each county affected by the consolidation would be entitled to a payment of \$5 million. Both types of grants would become effective only upon appropriation of the necessary funds by the General Assembly.

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

**HB 409 Georgia Procurement Registry** (Rep. Alan Powell)

This bill would provide that the Department of Administrative Services shall provide for the advertisement of bid opportunities valued at \$10,000 or more via the Georgia Procurement Registry [by a municipality, county, or local board of education] without cost to such local government or board of education.

*Status: Pending in House Governmental Affairs Committee*

**HB 510 No Rezonings Permitted between General Election and January** (Rep. Jan Jones)

HB 510 would bar county commissioners from making any zoning decisions during the approximately two-month period of time beginning with the date of the general election on which members of the county commission are elected and ending with the date that the members take office following the election. This two-month suspension of zoning powers would occur once every two years in counties with staggered commissioner terms and once every four years where all commissioners are on the same schedule.

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

**HB 532 Open Records: Complying with Requests for Records Available Via Internet** (Rep. Richard Royal)

When a public agency has placed public records on the internet, any request to inspect or make copies of such records would be satisfied by referring the requestor to the URL link or links that contain the records that are responsive to the request.

*Status: Pending in House Ways & Means Committee*

**HB 601 Annexation: Objections to Unilateral Annexation of Unincorporated “Islands”** (Rep. Rich Golick)

Under current law, cities may, at their discretion, annex property within existing unincorporated islands. HB 601 would provide a procedure whereby 60% of the landowner of an area proposed for annexation could object to and block such annexations.

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

**HB 622 Nonpartisan Elections for County Commissioners, Sheriffs, Tax Commissioners and Clerks of Court** (Rep. Richard Royal)

This legislation would provide a means to establish nonpartisan elections for county commissioners, sheriffs, tax commissioners and clerks of court by local act of the legislature. Under current law, only consolidated governments have the option of nonpartisan races. Where races for said offices become nonpartisan, the officials would be elected in nonpartisan elections held and conducted in conjunction with the November general election without a nonpartisan primary.

*Status: Pending in House Governmental Affairs Committee*

**HB 708/HB 165 Whistleblower Protection Act** (Rep. Mary Margaret Oliver / Rep. Wendell Willard)

This legislation would provide protection to an employee who reports or threatens to report what he or she believes to be an action of a state, county, city, school board, or regional public agency violating the law. An employee could file a lawsuit against the county if he or she is fired, suspended, demoted or not hired because of what he or she believes to be his or her whistleblowing activity. A court can award a successful employee/plaintiff an injunction, reinstatement, restoration of employee benefits and seniority, lost wages, any other compensatory damages, and attorneys' fees and costs. The legislation is likely to stimulate unnecessary litigation throughout the state since merely the perception of retaliation would be sufficient to initiate a lawsuit against a public agency even if the person was fired for job performance reasons.

*Status: Passed House; pending in Senate Judiciary Committee*

**HB 771/SB 31/SB 109/SB 168 Ethics in Government Service / Whistleblower Protection** (Rep. Porter/ Sen. Bill Stephens/Sen. Dan Lee)

These bills would address different aspects of ethics for government service. They address conflicts of interest, gifts to elected officials, lobbyist disclosures, procedures for filing ethics complaints with the State Ethics Commission, penalties to be imposed, and other matters. However, the bill also includes language substantially similar to HB 708 and HB 165 establishing rights for whistle blowers. See HB 708 above.

*Status: HB 771 passed House and Senate in different forms. Conference report not approved*

**HB 822 Farmland Protection** (Rep. Robert Ray)

This bill is designed to protect bona fide farm operations by authorizing the creation of state agricultural districts and encourage the use of agricultural conservation easements.

*Status: Pending in House Agriculture and Consumer Affairs Committee*

**HB 824 Increase Fees for Sheriff's Services** (Rep. Tom Bordeaux)

HB 824 would increase the fees collected by sheriffs for serving copy of process and returning originals from \$25.00 a copy to \$35.00 per copy.

*Status: Pending in House Judiciary Committee*

**HB 833 Open Records: Requests in Writing** (Rep. Barry Fleming)

This bill would expressly authorize public agencies to require that requests for records under the open records law be in writing. The request could come by mail, FAX, delivery service or in person. Certain commonly available records like minutes and agendas of meetings would have to be made available without the requests being in writing. The purpose of this provision is to protect both the requestor and the records custodian.

*Status: Pending in House Judiciary Committee*

**HB 868 Authorize Procedures for Inverse Condemnation** (Rep. Lynn Westmoreland)

HB 868 would establish procedures before a special master by which a property owner could seek compensation for the taking or damaging of private property through inverse condemnation. The bill would provide that when a condemner's (i.e., the state's, a county's, or a city's) actions result in an inverse condemnation, the measure of damages shall be the actual depreciation in market value of the property resulting from the taking and the effect upon the property.

*Status: Pending in House Judiciary Committee*

**HB 869 Fees and Charges on Civil and Criminal Proceedings** (Speaker Terry Coleman)

If enacted, this legislation would revamp the existing system of fees, charges, and add-ons and how they are collected. There are currently a series of such costs that are dedicated to a variety of purposes. Examples include peace officer and prosecutors training, various county official retirement funds, spinal injury trust funds, county law libraries, jail financing and others. This bill would provide for single add-ons in place of several of the existing add-ons. The objective is to create a more efficient and effective system for financing, or defraying the cost of a variety of court and related services.

*Status: Pending in House Special Judiciary Committee*

**HB 903 Open Records: Home Addresses and Telephone Numbers** (Rep. Calvin Smyre)

The open records act would be amended to require that home street addresses and home telephone numbers be redacted from public records before being supplied to a requestor.

*Status: Pending in House Rules Committee*

**HB 906 Annexation: Repeal DeKalb County Veto** (Rep. Stephanie Benfield)

By virtue of a population act, annexation in DeKalb County is subject to a veto. HB 906 would repeal this annexation alternative.

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

**HB 1031 Annexation: Effective Date / Declaratory Judgment** (Rep. Gail Buckner)

This bill would establish the effective date of any annexation as the 31<sup>st</sup> day after all requirement for annexation are completed rather than on the first day of the month following the month in which all requirements are met. The bill would, however, extend the effective

date until 10 days after the court in which a petition for declaratory judgment is brought enters judgment upholding the validity of the annexation ordinance.

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

**HB 1032 Annexation: 60% Method / Required Consideration of Need and Impact** (Rep. Gail Buckner)

Under the 60% method of annexation, the city must make a determination as to whether a proposed annexation is in the best interest of the residents of the city and annexed area. HB 1032 would require that a series of 12 matters be taken into consideration in making the determination including financial ability of the city to provide services, the need for zoning, the need for municipal services, natural barriers, and effect on minority voting strength among others.

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

**SB 26 Nonpartisan Elections for Sheriffs** (Sen. Tommie Williams)

SB 26 would provide that all elections for sheriff in the state would be conducted on a nonpartisan basis.

*Status: Passed Senate; pending in House Governmental Affairs Committee*

**SB 35 Repeal of Service Delivery Strategy Law** (Sen. Eric Johnson)

SB 35 would repeal the provisions of the Service Delivery Strategy Law for Local Governments, which was originally enacted by the General Assembly in the 1997 Session. The bill will be studied over the summer.

*Status: Pending in Senate State & Local Government Operations Committee*

**SB 39 Building and Construction Permits: Applications and Fee Payments by Mail and Electronically** (Sen. Robert Lamutt)

Every county and city that requires a permit for the construction or renovation of buildings and other structures including utilities would be required to provide a method by which an applicant can obtain and pay for a permit by mail or through electronic means without having to appear in person.

*Status: Pending in Senate Science & Technology Committee*

**SB 83 County Law Library Funds: Excess for Indigent Defense** (Sen. Terrell Starr)

SB 83 would authorize the use of funds held by the trustees of the county law library fund to pay for law library expenses of the district attorney.

*Status: Passed Senate; pending in House Judiciary Committee*

**SB 102 Indigent Defense: Creation of Statewide Public Defender System** (Sen. Chuck Clay)

*Status: Passed as HB 770*

**SB 111 County Payment of Death Investigation For All Nursing Home Deaths** (Sen. Charlie Tanksley)

This legislation would require the coroner to attend and/or investigate any death that occurs in a nursing home, personal care home or while under the care of a private home care provider,

regardless of whether the death is suspicious. Please let your legislators know the financial impact that this bill would have on your county taxpayers.

*Status: Pending in Senate Judiciary Committee*

**SB 182 Nuisance Abatement** (Sen. Michael Meyer von Bremen)

The primary purpose of this legislation is to address concerns from county tax commissioners concerning the mechanics of collecting nuisance abatement liens. This legislation also ensures that the same definitions and procedures are used for nuisance abatement liens as are used for judicial *in rem* tax foreclosures.

*Status: Passed House and Senate in different forms. Conference report not approved*

**SB 273 Georgia Public-Private Partnership Act** (Sen. Dan Moody)

SB 273 would allow public entities to contract with the private sector for the development and financing of major capital projects such as transportation and water and wastewater projects. The bill as introduced expressly authorizes sole-sourcing for projects when a project is brought to the county or city.

*Status: Passed Senate; pending in House Judiciary Committee*

**SB 342 Advertise Bids on Georgia Procurement Registry** (Sen. Rene Unterman)

This bill provides that the Department of Administrative Services will provide for the advertisement of bid opportunities valued at \$10,000 or more via the Georgia Procurement Registry [a municipality, county, or local board of education without cost to such local government or board of education.

*Status: Passed Senate; pending in House Judiciary Committee*

**SB 365 Public Works Contracts: Internet Solicitation / Notice / Procedures** (Sen. Chuck Clay)

SB 365 proposes several amendments to the public works contracting law applicable to counties, cities and school boards. The bill would spell out procedures for utilizing the Internet to advertise contracting opportunities, would clarify information that would be required for soliciting bids or proposals, require reasonable notice for required pre-bid conferences if any, clarifies that criteria for prequalification be available to any prospective bidder for each project that requires prequalification, and clarifies that when bids are opened, the local government would have to announce the results.

*Status: Pending in Senate State & Local Government Operations Committee*

## HEALTH & HUMAN SERVICES

[Staff: Suzanne Nieman]

**HB 145 Health Maintenance Organizations: Mental Disorders** (Rep. Pat Gardner)

This legislation would permit an enrollee of a health maintenance organization to receive services for mental disorders. ACCG policy supports comprehensive but flexible mental health and substance abuse covered with clear cost controls. Expanding mental health insurance coverage would reduce cost shifted to counties for mental health treatment.

*Status: Pending in House Insurance Committee*

**HB 197 Amend Provisions For Crimes Against Children** (Rep. Wendell Willard)

This legislation would change the definition of cruelty to children and provide for third degree cruelty to children. The bill seeks to protect the well-being of Georgia's children while preserving the integrity of family discipline. ACCG policy supports prevention and intervention programs for families and children.

*Status: Pending in House Judiciary Committee*

**HB 277 Enact Public Service Employees' Occupation Safety & Health Act** (Rep. Karla Drenner)

This legislation would apply the standards of the federal Occupational Safety and Health Act (OSHA) to counties, as well as other public employers in Georgia. The bill would authorize the Georgia Department of Labor to enact and enforce OSHA regulations. In addition to creating substantial record keeping practices for counties, the bill would subject county taxpayers to administrative penalties (up to \$7,000 per day for each violation) for failure to comply with the regulations. Repeat violations would subject the county taxpayer to a penalty up to \$70,000 per violation. Only twenty-four other states have similar legislation. ACCG opposes this legislation; it will be studied during the interim.

*Status: Pending in House Industrial Relations Committee*

**HB 326 Liability Insurance: Nonprofit Hospitals and Employees** (Rep. Gail Buckner)

This bill would authorize the Department of Administrative Services to obtain a group liability insurance policy for and on behalf of nonprofit hospitals providing emergency room services. The emergency room must provide services 24 hours a day, seven days a week and have a 501(c) (3) tax exemption. A nonprofit hospital participating in the group insurance plan shall be solely responsible for payment of its premiums under the policy.

*Status: Passed House; pending assignment to Senate Committee*

**HB 357/SB 111/SB 285 Death Investigations of Persons Receiving Compensated Care** (Rep. Henry Howard/Sen. Charles Tanksley/Sen. Bill Hamrick)

These bills provide that a coroner or county medical examiner conduct an investigation of the death of a person who was receiving compensated care or the death of a person who dies within 30 days of receiving compensated care. Compensated care is provided in a home health agency, a private home, a long-term care facility, or community living arrangements as defined in Georgia law.

*Status: HB 358 pending in House Human Relations & Aging Committee; SB 111/SB285 pending in Senate Judiciary Committee*

**HB 393 Subpoena Power to Investigate Complaints** (Rep. Lawrence Roberts)

This legislation would give subpoena power to county and city fair housing authorities or commissions to investigate complaints relating to discriminatory housing practices and enforce all fair housing laws.

*Status: Pending in House Judiciary Committee*

**HB 502 Compensation for Juvenile Court Judges** (Rep. Tom Bordeaux)

This legislation provides for salary adjustments for juvenile court judges. Currently, the salary for juvenile court judges is set at

\$85,000 per year and is designated as grant funding. HB 502 provides that the salary for juvenile court judges be adjusted in the same manner as salaries for other court officers in the judicial circuit.

*Status: Passed House; pending in Senate Judiciary Committee*

**HB 670 Amend Provisions for Juvenile Offenders Proceedings** (Rep. Alisha Thomas)

The intent of this legislation is to reform the juvenile justice system. It provides that certain juvenile cases in superior court must be tried within a certain period of time or be transferred to the juvenile court. It also provides for the sentencing of certain children to the custody of the Department of Corrections and changes certain provisions regarding the sentencing of youthful offenders.

*Status: Tabled in House on April 8, 2003.*

**HB 701 Enact Independence Plus Act** (Rep. Pat Gardner)

This legislation would provide consumers of all ages, who have disabilities, alternatives to institutional care, such as in-home and community based care. It provides that a consumer be allowed to choose his or her provider of services, as well as when and how such services are provided. Providers may include a consumer's neighbor, friend or relative to the extent allowed under federal Medicaid funding regulations.

*Status: Pending in House Human Relations & Aging Committee*

**HB 791 Provider Fee For Ambulatory Surgical Center, Laboratory Etc** (Rep. DuBose Porter)

This legislation allows for the collection of provider fee for every provider of ambulatory surgical center, laboratory, X-ray or other diagnostic or imaging service equal to 6 percent of gross receipts. The Department of Community Health would collect the fees and deposit them in the general fund of the state treasury.

*Status: Pending in House Health & Human Services Committee*

**HB 866 County DFCS Director Serving in Multiple Counties** (Rep. Georganna Sinkfield)

This legislation would allow the Department of Human Resources (DHR) Commissioner to appoint a person to serve as the county Division of Family and Children Services (DFCS) director in more than one county if the counties involved are in the same service delivery region, are contiguous, and have a total population of less than 500,000.

*Status: Passed House; pending assignment to Senate Committee*

**HB 1002 Certain Reports for Agencies Assisting Refugees** (Rep. Karla Drenner)

This bill could require any voluntary agency that is involved in the resettlement of refugees to report to the governing authority of the county or municipality each time the agency resettles or assists in the resettlement of ten or more refugees at one time in such county or municipality.

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

**HB 1033 Level I And II Assisted Living Facilities** (Rep. Len Walker)

This legislation defines a new category of facility to be designated as 'assisted living facility', Level I and Level II to provide personal care services. It seeks federal waivers to provide Medicaid for

eligible persons receiving care in an assisted living facility in certain pilot projects. ACCG's policy supports Medicaid and private initiatives that provide funding for community-based and home-based services.

*Status: Pending in House Human Relations & Aging Committee*

**HB 1040 State Planning for Increased Community Access Act** (Rep. Paul Smith)

This bill would provide incentives to local areas to assist in the development of access to adequate health care. It encourages the planning and development of alternative health care service delivery systems throughout the state of Georgia.

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

**HR 229 Tobacco Sales Tax Fund Medicaid Program** (Rep. Ben Harbin)

Constitutional amendment to allocate the total revenue from the state excise tax on cigars, cigarettes, and other tobacco products to fund the state Medicaid program.

*Status: Pending in House Ways & Means Committee*

**HR 680 House Study Committee on the Development and Expansion of Community Health Centers** (Rep. Pat Gardner)

This resolution would create a House study committee on the Development and Expansion of Community Health Centers to provide comprehensive health care to residents of rural communities and underserved areas of Georgia as well as reduce the over utilization of hospital emergency room services. The study committee would seek to discover new ways to maximize federal dollars to support such efforts.

*Status: Pending in House Rules Committee*

**HR 780 Use Tobacco Tax Proceeds For Medical Trust Fund** (Rep. Ben Harbin)

Constitutional amendment to allocate the total revenue from the state proceeds of the tobacco tax to fund indigent health care in hospitals, care provided to trauma patients in trauma hospital and public health education programs on tobacco cessation.

*Status: Pending in House Appropriations Committee*

**SB 112 Georgia Seniors Prescription Drug Benefit Program Act** (Sen. Jack Hill)

This would establish the Georgia Seniors Prescription Drug Benefit Program act. It would create a program for qualified senior residents of Georgia, 55 years of age or older, to purchase more affordable prescription drugs. The state would act as the pharmacy benefit manager through the Department of Community Health.

*Status: Pending in Senate Health & Human Services Committee*

**SB 170 Long-Term Care Services** (Sen. Carol Jackson)

This bill would enact the "Georgia Independence Plus Act". This legislation would provide alternatives to institutional care, such as in-home and community based care, for persons needing long term care. ACCG policy supports a continuum of care, including respite care, in-home support services, and assisted living facilities, in addition to skilled nursing homes.

*Status: Pending in Senate Health & Human Services Committee*

**SB 171 Reimbursement For Hospital Care For Nonresident Indigents** (Sen. Liane Levetan)

This legislation would require counties to reimburse hospitals for care received by nonresident indigent patients. Every county would be liable for an amount up to the equivalent of one mill in ad valorem taxes. If a county fails to pay the hospital, the amount owed to the hospital could be deducted by the state from any grant funds due the county from the state, including road funding, and paid to the hospital. Under current law, counties have no obligation to fund the private healthcare needs of private citizens. Counties now decide whether to and how much to designate for indigent health care. ACCG opposes this legislation.

*Status: Pending in Senate Health & Human Services Committee*

**SB 315 Medically Necessary Health Care Pilot Program** (Sen. Tom Price)

This legislation would provide for one or more pilot programs to test and evaluate the implementation of a coordinated system of managed health care for recipients of medical assistance and PeachCare for Kids. The purpose would be to determine an appropriate design for a potential state-wide program of managed care that will simplify enrollment and provide participants with access to medically necessary health care in a cost-effective and efficient manner. A pilot program would include a minimum of 30,000 participants.

*Status: Pending in Senate Health & Human Services Committee*

**SB 333 Vaccination Program For Emergency Responders** (Sen. Don Thomas)

This legislation provides that DHR offer a vaccination program for emergency responders who may be exposed to infectious diseases when responding to a disaster location. Such a program would be implemented only upon receipt of federal funding or grants for aid for bioterrorism. This bill became part of **HB 372** (above).

*Status: Passed Senate; pending in House Health & Human Services Committee*

**SB 336 Tort Immunity For Hospitals, Health Care Providers For Federal Smallpox Vaccination Program** (Sen. Don Thomas)

This bill would provide immunity to certain hospitals, their agents or employees, health care providers and workers and other persons participating in the federal smallpox vaccination and treatment program.

*Status: Passed Senate; pending in House Judiciary Committee*

**SR 1 Use Of Public Money For Public Health By Religious Organizations** (Sen. Seth Harp)

This is constitutional amendment that would allow public money to be used by religious or sectarian organizations and denominations and houses of worship for the purpose of providing public health, historic preservation, or social services to people in need without regard to the recipient's religious affiliation, belief, practice, or lack thereof. No public money can be used for sectarian worship, instruction, or proselytization.

*Status: Passed Senate; pending in House Appropriations Committee*

**SR 416 Create Senate Hospital Indigent Care Funding Study Committee** (Sen. Liane Levetan)

The resolution would create the Senate Hospital Indigent Care Funding Study Committee for the purpose of exploring sustained funding of indigent care through a variety of revenue sources such as county funding, fees and special taxes, and other revenue sources. The committee would be composed of five members appointed by the Senate Committee on Assignments.

*Status: Pending in Senate Rules Committee*

**SR 461 Create Medicaid Study Committee** (Sen. Renee Unterman)

The resolution would create the Senate Medicaid Study Committee to study current policies and procedures of Medicaid and to develop statistics on utilization, costs, and expenses to enable the General Assembly to understand and determine appropriate levels of service and expenses of Medicaid. The committee would be composed of five members appointed by the Senate Committee on Assignments.

*Status: Pending in Senate Rules Committee*

## NATURAL RESOURCES & ENVIRONMENT

[Staff: Glenn Dowling]

**HB 131 The Georgia Neighborhood Protection Act** (Rep. Bob Holmes)

This bill would provide for a cause of action and an “adequate civil remedy” for an owner of property adversely impacted by the pollution or destruction of natural resources due to the use of an adjacent property. The bill further defines “natural resources” and the results of “pollution, impairment, and destruction” by a neighboring property could result in legal action for the purpose of recovering monetary damages or equitable relief sufficient to compensate the owner of the impacted property or provide a for the decline in value of the affected property.

*Status: Pending in House Judiciary Committee*

**HB 237 Water Resources** (Rep. Bob Hanner)

This bill would give the responsibility of creating a statewide water management plan to the Georgia Environmental Protection Division with final approval by the General Assembly. Also, the Soil and Water Conservation Commission would be responsible for installing, maintaining and monitoring approximately 21,400 permitted agricultural systems for both surface and ground water. Both the comprehensive plan and monitoring are subject to funding. HB 237 restricts both interbasin and intrabasin transfers of water no further than two adjacent counties from or within a river basin. There are exemptions for short term critical needs impacting public health and safety. Also, the North Metropolitan Water Planning District (16 metro counties) is exempt from interbasin transfer restrictions; however, they are to depend on the water resources within their boundaries. The conference committee report failed to pass the House on the final day of the General Assembly. It is widely agreed its failure in the House is due in large part to its containing permit trading language. Permit trading would allow individuals to privately determine the destination of a permit transfer, thereby circumventing the states authority to regulate Georgia’s water. Ultimately, this would lead to the selling or auctioning of a permit, thereby creating a water market. ACCG

opposed this portion of HB 237 as there are concerns for unintended consequences that might result by allowing water to become an item of commerce. Permit trading would not only create legal property right concerns, there are also possible conflicts with the state’s gratuities clause prohibiting the state’s involvement in such transactions. This bill is still “alive” as another conference report can be adopted for consideration by the House and Senate.

*Status: Pending in Conference Committee*

**HB 487 Commercial Sewage Holding Tank Regulations** (Rep. Stan Watson)

This bill resulted from county public health concerns for the illegal dumping of commercial waste, namely grease from onsite systems, into public waste-water and storm water systems. This dumping caused many public systems to become clogged, likened to “arterial blockage,” resulting in overflows and expensive repairs at the public’s expense. This bill would require the removal of commercial waste from any grease trap, sand trap, or oil water separator, connected to an on site sewage management system for the purpose of transporting the waste to a disposal site be accomplished in a clean and sanitary manner. The original language directed local county governing authorities to not only license and inspect all waste trucks involved in the transfer to an appropriate facility, but also maintain a manifest system to track pumped waste. The manifest system would assist in preventing the hauler from illegally dumping contents in an otherwise proper facility. At the encouragement of ACCG, the author agreed to change the language to make EPD responsible for certification, licensing, and other regulatory functions listed in the bill. It authorized EPD to either enter into contracts or via a Memorandum of Understanding, designate a local governing authority to enforce the manifest system. It further authorized the department and respective county boards of health to enforce compliance rules and regulations promulgated and adopted by the department. Anyone violating these provisions would be in violation of the Georgia Water Quality Control Act.

*Status: Pending in House Natural Resources and Environment Committee*

**HB 496 Solid Waste Management** (Rep. Teresa Green-Johnson)

This legislation would prohibit the granting of a permit for a municipal solid waste landfill located within three miles of any residence. This is not only restrictive and costly, but also would place additional constraint on home rule. With current state restrictions on landfill placement, this limitation would possibly prevent any future landfills to be located in the state. ACCG opposes this bill and has expressed concerns in the subcommittee.

*Status: Pending in House Natural Resources and Environment Committee*

**HB 511 Permits for Private Wastewater Treatment Facilities** (Rep. Jan Jones)

This bill would provide for approval by each county local governing authority, as a permit condition, when a private wastewater treatment facility located in one county seeks to serve another county. It further provides, as a condition of a permit, the approval by each county governing authority when a private wastewater treatment facility is to be constructed within one-half mile of an adjoining county. The same approval will be required

when a private wastewater treatment facility located in one county, and serving in another, seeks to expand capacity.

*Status: Pending in House Natural Resources and Environment Committee*

**HB 882 Modifications of Solid Waste Facilities Permits** (Rep. Karla Drenner)

This bill would authorize the director of EPD to suspend, modify, or revoke any permit issued if the holder of the permit is found to be in violation of any of the permit conditions or fails to perform solid waste handling in accordance with state rules and regulation.

*Status: Pending in House Natural Resources and Environment Committee*

**HB 951 Septic Tank Waste Disposal** (Rep. Karla Drenner)

Much like SB 176 (Sen. Michael Meyer Von Bremen), this legislation was introduced in response to illegal dumping of septage. This bill would require the governing authority of each county to provide a location for the disposal of septic tank waste. If not providing a disposal site, the county would be required to enter into agreements with another county or private company to dispose of septic tank waste produced within the county. This would impose not only the responsibility and liability of septage disposal on the counties; it would create an unfunded mandate.

*Status: Pending in House Natural Resources and Environment Committee*

**HB 992 DHR Statewide Regulation for Onsite Sewage Management** (Rep. Karla Drenner)

This bill mirrors language in SB 367 (Sen. Meyer Von Bremen) with two main components. First, the bill would authorize DHR to adopt statewide regulations for onsite sewage management systems and require DHR prior examination and approval of such systems before. Secondly, it would allow DHR to grant a reduction in trench length for an onsite sewage management system which provides health and environmental protection performance equivalent to that of a conventional system.

*Status: Pending in House Natural Resources and Environment Committee*

**HR 52 Creating the Joint Mold Standards Committee** (Rep. Bob Holmes)

This resolution is intended to create a joint committee of House and Senate members to study the detrimental effects of toxic molds.

The resolution directly addresses an increasing concern for people becoming seriously ill as a result of their exposure to certain types of toxic molds and biological contaminants found in homes, apartments, hotels, hospitals, nursing homes, child care facilities, and office buildings. The committee is to be made up of appointments by the Speaker of the House and the President of the Senate. The committee is to also include a mold abatement expert and someone who has been affected by toxic mold. Much like SR 22, this committee is to study the issues and recommend any action or legislation deemed necessary.

*Status: Pending in House Rules Committee*

**SB 122 DOT Exemption from Soil and Erosion Control** (Sen. Tommie Williams)

This bill would exempt the GDOT from stream buffer variances as required by the statewide stream buffer requirements in the E&S

act. If passed, GDOT would not be required to adhere to the 25 foot buffer on warm water streams and the 50 foot buffer on trout streams.

*Status: Pending in Senate Natural Resources and Environment Committee*

**SB 172 Regulatory Decisions and Publication Requirements** (Sen. Ralph Hudgens)

This bill would require the preparation of a detailed statement of rationale before the Board, the Division and the Department of Natural Resources promulgated new rules or changes to environmental regulation, which would exceed or differ from the requirements of any federal regulation, or repeal an existing environmental regulation, standard, or policy, whether it be more or less restrictive. The statement of rationale shall state the basis for the change including the scientific or technical basis, alternative policy considerations, and estimated cost to implement the change to the department and the regulated community. There are further requirements to identify any studies, reports, policies, or statements of professional judgment or administrative need in determining the changes. The scope and level of detail of each statement of rationale shall be determined by the director of the division or the commissioner.

*Status: Pending House Natural Resources and Environment*

**SB 176 Septic Waste Disposal Sites** (Sen. Michael Meyer von Bremen)

In response to illegal dumping of septage and the desire of the septic pumping industry to have access to convenient disposal sites, this bill would require the governing authority of each county to provide a location for the disposal of septic tank waste. If not providing a disposal site, the county would be required to enter into agreements with another county or private company to dispose of septic tank waste produced within the county. As septic waste is produced by private, off-site systems, local governments are not responsible for its disposal or treatment. In fact, many local governments do not have wastewater treatment facilities as rural communities are largely on septic systems. This would impose not only the responsibility of septage disposal on the counties; it would create an unfunded mandate. The burden to the counties has been recognized by the author of the bill who has agreed there is a need for additional discussion and review to address the growing concern of illegal dumping of septage without detrimentally affecting local governments.

*Status: Pending in Senate Natural Resources Committee*

**SB 180 Water Resources** (Sen. Rene Kemp)

This legislation provides that a comprehensive state water plan be approved and implemented ultimately by the Board of Natural Resources. It further creates 14 River basin councils as well as a new Water Planning Division within the Georgia Department of Natural Resources. The River Councils can consist of up to 20 members, appointed by the state legislators whose districts lie wholly or partially within the particular river basin. It further creates a Water Planning Committee composed of ten state agency heads. This bill also introduces the term "safe yield" as the amount of water available for withdrawal without impairing the long-term utility of the source. SB 180, like HB 237, addresses both agricultural monitoring via the Soil and Water Conservation Commission as well as the prohibition of interbasin transfers,

except in emergency situations. Intrabasin transfer is not addressed in SB 180.

*Status: Pending in Senate Natural Resources Committee*

**SB 246 Water Reservoirs Compensation** (Sen. Brian Kemp)

This bill would not allow the state to take over operations, condemn by eminent domain, or take control over operations of any locally funded water reservoirs without paying “just and adequate compensation.” Should the state decide to take control of a locally built, maintained and operated reservoir, it would be required to pay the local government(s) the associated cost related to the legal definition of “just and adequate.”

*Status: Pending in House Natural Resources and Environment Committee*

**SB 348 Scrap Tire Abatement** (Sen. Gloria Butler)

This bill requires local governments to be responsible for the clean up and abatement of scrap tires and scrap tire materials which are a “threat or potential threat to human health or the environment.”

This bill also requires cities and counties to adopt and enforce such ordinances. It further indicates the State “may” reimburse the counties for expenses incurred. ACCG has expressed sincere opposition to this unfunded mandate and will continue efforts to amend the bill to either remove the unfunded mandate or require the state to be financially responsible for all costs and reimbursements. This is financially onerous to local governments as the state’s solid waste trust fund, traditionally used for scrap tire abatement, has been limited.

*Status: Pending in House Natural Resources and Environment Committee*

**SB 356 Carbon Sequestration Registry Act** (Sen. Michael Meyer von Bremen)

This bill would establish a carbon sequestration registry for the voluntary registration of individuals and companies to participate in an effort to reduce 'greenhouse gas' emissions. Carbon is removed from the air by healthy forests through the process of photosynthesis and is sequestered (removed from the atmosphere and contained) in trees. Additional carbon can also be sequestered through agricultural practices. Offsetting and carbon banking have been used successfully to reduce greenhouse gases. These voluntary offsetting of greenhouse gas emissions could be monitored through the establishment of a registry to provide documentation of offsets voluntarily achieved through carbon sequestration. Such a registry can provide participants an opportunity to register carbon sequestration information in a consistent manner should markets be established in Georgia. Markets for sequestered carbon credits are developing around the world, and a secure and reliable means for recording credits and credit transactions may be needed to facilitate the development of these markets.

*Status: Pending in Senate Natural Resources and Environment Committee*

**SB 367 DHR Reducing the Trench Length on Onsite Sewage Management Systems** (Sen. Meyer Von Bremen)

This bill would authorize the DHR to adopt statewide regulations for the management of onsite sewage systems to require prior examination and approval of onsite systems. Also, DHR could grant a reduction in trench length for an onsite sewage management

system which provides health and environmental protection performance equivalent to that of a conventional system.

*Status: Pending in Senate Finance and Public Utilities Committee*

**SR 22 Creating a Senate Toxic Mold Study Committee** (Sen. Horacena Tate)

The creation of this Senate Committee is in response to the increasing problem of toxic mold in residential, public, and commercial buildings. Concern exists as this is a public health issue responsible for some serious medical conditions. There are additional concerns for mold infestations causing millions of dollars of property damage and insurance companies are refusing to offer adequate coverage for mold damage. Currently, there are no standards that address mold inspection, testing, and remediation. This study committee is to address the public’s need to be educated about the dangers of indoor mold and how to avoid mold hazards, prevent mold growth, and respond appropriately when mold growth occurs. This resolution would direct the committee to study of the conditions, needs, issues, and problems related to the detrimental effects of mold infestations and recommend any actions or legislation that might appropriately address this public health concern.

*Status: Pending in Senate Natural Resources and Environment Committee*

## **PUBLIC SAFETY**

[Staff: Clint Mueller]

**HB 102 Local Speeding Fines Collected on Interstates Must be Remitted to the State** (Rep. Ben Bridges)

This bill requires local governments to submit all revenues generated from speeding fines to the state when the fine is the result of a citation issued to a motorist traveling on an interstate highway.

*Status: Pending in House Public Safety Committee*

**HB 614 Annual Increases in County Jail Per Diem** (Rep. Gerald Greene)

This bill places the \$20 per diem currently received by counties for housing state inmates into law. The bill also increases the per diem annually by an amount equal to or greater than the Atlanta Metropolitan Consumer Price Index if funds are appropriated by the General Assembly.

*Status: Pending in Senate Special Judiciary Committee*

## **REVENUE & FINANCE**

[Staff: Clint Mueller]

**HB 514 (MOST) Municipal Option Sales Tax** (Rep. Tom Bordeaux)

This bill gives city officials the authority to call a city referendum to impose a 1% sales tax inside the city. Proceeds from the tax are to be used to fund city capital projects. A MOST tax is attractive to urban cities because they will be able to import tax revenues from surrounding unincorporated areas and other smaller cities to subsidize their budgets. ACCG strongly opposed this legislation during the 2003 session because the availability of a MOST would create competition for the county SPLOST and Education SPLOST

that provide benefits more equitably to all taxpayers and do not benefit a few taxpayers at the expense of the rest. The passage of a MOST would also encourage aggressive annexation campaigns by cities wanting to expand their sales tax base to collect more MOST tax. ACCG reached several compromise agreements with GMA during the 2003 session, but these compromises failed to move forward because GMA in each case withdrew their support. Next year we believe GMA will again pursue passage of the MOST or introduce new legislation that would give cities a veto power over county SPLOST programs. Please contact your local delegation over the summer and let them know you oppose the MOST tax and that SPLOST works well just the way it is. Hundreds of millions of dollars in municipal projects have already been funded throughout the state under the current law. The SPLOST law should not be changed.

*Status: Pending in House Ways and Means Committee*

**HB 572 SPLOST** (Rep. Mickey Channell)

This bill reflected a compromise between ACCG and GMA on local sales tax. However, the legislation did not advance because GMA decided to withdraw its support for the legislation after it was introduced. The legislation contained several provisions that would provide further incentives to counties to include city projects in the call of a SPLOST referendum. Counties would be able to levy a SPLOST for 6-years if cities were included in the call but only 4-years if there were no city projects included. The legislation also authorized road, street, and bridge SPLOST funds to be used for road repairs that do not meet the definition of a capital expenditure. The current “meet and confer” would be replaced with two required public hearings to ensure cities and the public can provide input in a public forum. Last, the intergovernmental agreement required when city projects are included would be modified to require specific information, which must be addressed in every intergovernmental agreement.

*Status: Pending in House Ways and Means Committee*

**SR 311 Statewide Property Tax Assessment Freeze** (Sen. Eric Johnson)

This proposed Constitutional Amendment freezes the assessed value of all residential real property in Georgia at the time of the amendment’s passage. The value of these properties can not increase beyond an inflation percentage established by the state revenue commissioner for the current taxable year until they are sold. Once the property is transferred or sold, the property will be reappraised at fair market. If this resolution is passed next year, the constitutional amendment would go before the voters of Georgia in the next statewide referendum. This legislation is an attempt to apply the assessment freeze that has been passed in some areas of the state through local legislation to the entire state. Over the summer, please talk to your local delegation and let them know this constitutional amendment would destroy uniformity in our property tax system and unfairly shift a greater burden of the property tax onto commercial properties, first time home buyers and others wishing to relocate in your county.

*Status: Pending in House Ways and Means Committee*

**APPROPRIATIONS**  
**FY 2004: July 1, 2003 – June 30, 2004**

**F.Y. 2004: July 1, 2003 – June 30, 2004**

(Reduction and decreases in state funding or programs eliminated in the FY2004 budget are in parenthesis)

Department of Community Affairs

- (\$617,500) eliminate State Local Development fund
- (\$1,120,000) reduce funds for Regional Economic Business Assistance Grants
- (\$423,031) decrease funds for Regional Economic Development Grant
- \$475,000 funding for Rural Housing program
- \$47,123,333 One Georgia Authority (tobacco settlement funds)

Department of Community Health

- (\$114,070,545) reduce reimbursement rate by 10% for providers of Medicaid services, including inpatient hospital care, nursing home care, physicians services, emergency ambulance, home health care, etc.)
- (\$3,576,828) a 7.5% expenditure reduction for dental services for adults and children
- \$3,195,341 to provide community-based residential care to 145 private nursing home residents who are clinically able to live in a more integrated community setting
- \$220,369 to add 10 slots to the Independent Care Waiver Program, which provides community-based services to the physically disabled – Unlocking the Waiting List
- (\$2,170,575) reduce reimbursement rates by 10% for providers of PeachCare for Kids services
- (\$70,773) a 7.5% expenditure reduction for children’s dental services
- (\$900,000) increase PeachCare premiums to \$10 per month for each child over age 6 up to a family cap of \$20 per month

Department of Corrections

- \$1,650,405 allocated for additional county jail subsidy funds

Department of Human Resources

- (\$2,863,212) reduce grant-in-aid for County Boards of Health
- (\$200,000) eliminate state funding for air ambulance services in Atlanta & Savannah
- (\$500,000) eliminate funding for a residential substance abuse facility in Macon
- (\$2,600,000) reduce the administrative costs of Community Services Boards (CSBs)
- (\$4,252,205) reduce Medicaid reimbursement by 10% for community mental health center services

- \$250,000 expand Family Connection to the 5 remaining counties not currently funded – Camden, Decatur, Early, Schley, and Worth
- \$4,905,000 annualize cost of closing the Fulton and DeKalb Children’s Emergency Shelters
- \$5,799,858 add 100 caseworkers to reduce child protection worker caseloads, plus 25 entry-level positions to create a regional pool of trained workers
- \$825,000 funds for the recruitment and training of foster parents
- \$425,000 expand the Georgia Learning Initiative (GELI) to Chatham, Bryan and Effingham to improve the quality of childcare
- (\$500,000) reduce funding to MHDDAD Regional Boards

Judicial Branch – Indigent Defense Council

- \$2,000,000 additional for grants to counties for indigent defense for a total state appropriation of \$9,539,145

Department of Juvenile Justice

- \$7,365,101 start-up and operational funds for 3 RYDCs (Augusta, Macon, Rome)
- \$2,250,000 eliminate hiring delays for Juvenile Correctional Officers so the RYDCs and YDCs are adequately staffed at all times
- \$335,997 partial year operations of the new Crisp Short Term YDC program for boys
- \$1,000,000 additional funds for McIntosh RYDC

Department of Natural Resources

- \$10,000,000 to provide funding for new Greenspace land acquisition and protection program designed to expand the local governments eligible to participate and to maximize available funds from all public sources.
- (\$4,000,000) to reduce funding for the Hazardous Waste Trust Fund
- (\$6,132,574) to reduce funding for the Solid Waste Trust Fund
- \$250,000 to provide funding for the desalination project

Department of Pardons and Parole

- (\$175,000) reduce county jail subsidy

Regional Transportation Authority

- \$550,000 funding for the Clayton County Transit (C-Tran) system to support expanded operations and qualify for matching federal funds.

Department of Revenue

- \$380,000,000 provide funding for the Homeowner Tax Relief Grant

Department of Transportation

- \$38 Million funding for the Local Assistance Road Program (LARP). This funding level restores LARP appropriations to the average funding levels of the 1990’s. While this funding would still meet less than one-third of the county and city needs identified by GDOT, county governments desperately need any increase in funds that are available in order to help them maintain and improve their deteriorating local roads. ACCG will continue pursuing additional revenue sources to meet local transportation needs.
- \$65 Million in 20-year bonds for the Governor’s Road Improvement Program (GRIP).
- \$1.7 Million in 5-year bonds for the Airport Aid Program. Funding to address the ongoing capital and maintenance needs of Georgia’s 102 public airports.

General Obligation Debt Sinking Fund

- \$1,740,000 to authorize \$20,000,000 in 20-year bonds for Georgia Environmental Facilities Authority projects
- \$13,750,000 to authorize 20-year bonds for Department of Corrections projects, included are: planning, purchase or lease a facility housing 1000 to 1600 inmates in Stewart County and the expansion of the Putnam County CI for an additional 100 beds
- \$2,392,500 to authorize 20-year bonds for the construction of container berth 8 for the Georgia Ports Authority
- \$7,120,000 to authorize 20-year bonds for the purchase of “megasites”