



Final Legislative Report

2009 Session of the General Assembly

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Bills and Resolutions: Passed

ECONOMIC DEVELOPMENT & TRANSPORTATION

[Staff: Matthew Hicks]

HB 63 Restrict Use of PILOT Bonds and TADs

(Rep. Earl Ehrhart, R-36)

This bill restricts a local authority from issuing revenue bonds secured by payments in lieu of taxes (PILOT) to finance a capital project to be used by a nongovernmental party that has no taxable interest in the property. Prior to issuing a PILOT bond, the issuing authority must obtain the consent of jurisdictions that levy property taxes in the area in which the project is located. The legislation also authorizes the creation of new Tax Allocation Districts (TADs) following the passage of the constitutional amendment last November. The definition of redevelopment area is narrowed and a school impact analysis is now required.

Status: Effective April 22, 2009

HB 396 Citation Reporting Fee Removed

(Rep. Tom Graves, R-12)

This legislation is a Georgia Department of Driver Services bill. Section 9 of the bill made the 40 cent per electronic report counties receive when transmitting citation reports to the Georgia Department of Driver Services subject to appropriations by the General Assembly. No funds were appropriated for this purpose in the FY10 budget. In FY08, counties and cities received approximately \$400,000, which was intended to cover the costs of complying with this mandate.

Status: Effective July 1, 2010 for Section 23 and effective January 1, 2010 for the rest

HB 427 Enterprise Zones Definition

(Rep. Ron Stephens, R-164)

This bill amends the criteria to create an Enterprise Zone and makes it consistent with Opportunity Zones. The definition of pervasive poverty is reduced from 20% to 15%.

Status: Effective April 21, 2009

HB 438 Mega Tax Credit for Economic Development

(Rep. Larry O'Neal, R-146)

This bill expands the type of companies eligible to receive the benefits of the mega tax credit, which is for large, high-impact economic development projects that create at least 1,800 jobs and \$450 million in investment or a \$150 million payroll. By adding a qualification mechanism based on payroll, the credit will expand eligibility to projects other than those in manufacturing, such as biosciences, energy, finance, services and more.

Status: Effective May 5, 2009

HB 439 Amend BEST Credits

(Rep. Larry O'Neal, R-146)

This bill updates the Business Expansion Support Act (BEST) tax incentive legislation the state uses to recruit businesses to Georgia. Specifically, the existing headquarters tax credit is simplified and broadened to offer incentives based on establishing jobs paying higher than the average wage in the county where the recruited business will locate. Job tax credits can now be applied to payroll withholding benefits once all other tax liability has been exhausted. The port tax credit now includes imports as well as exports and updates the code with current base port usage figures. The retraining tax credit allows all businesses that file a Georgia Income Tax Return to benefit from the credit, establishes a stronger eligibility definition of technology, and clarifies the credit's per employee per year cap. The research and development tax credit is improved to support small, innovative companies by removing a current requirement that a company have positive net income for the previous three years – a challenge for most emerging technology companies.

Status: Effective May 4, 2009

SB 85 Create Georgia Aviation Authority

(Sen. Bill Heath, R-31)

This bill consolidates all state aircraft operations and equipment, except for the Georgia Department of Defense, under the Georgia Aviation Authority. The authority will support local public safety and law enforcement entities that require aviation operations.

Status: Effective May 7, 2009

SB 89 Allow Food on Transit

(Sen. Gloria Butler, D-55)

This bill allows food and beverages in transit stations, unless the public transit system adopts a policy prohibiting them.

Status: Effective May 6, 2009

SB 200 Reform GDOT Governance

(Sen. Tommie Williams, R-19)

SB 200 consolidates the planning functions within a new division at GDOT controlled by the Governor and provides appropriations authority of state and federal transportation dollars to the Georgia General Assembly. The bill creates a Director of Planning within GDOT to be appointed by the Governor. The Director of Planning is charged with developing all statewide transportation

plans and funding allocation formulas for state maintenance activities, state capacity building activities and local grants to be appropriated by the General Assembly. All statewide transportation plans must be approved by the Governor and State Transportation Board. The State Transportation Board (STB) remains elected in the same manner as current law, still appoints the GDOT Commissioner, and controls aid to local governments, including all local grants. The GDOT Commissioner is charged with the faithful implementation of transportation plans produced by the Director of Planning and approved by the Governor and the STB, subject to appropriations. The GDOT Commissioner hires and fires his/her own employees including the Treasurer, Deputy Commissioner, and Chief Engineer who were previously confirmed by the STB. The General Assembly now has appropriations power over the GDOT budget, which is prepared jointly by the Director of Planning and GDOT Treasurer. However, only 10-20% of state transportation dollars may be earmarked by the General Assembly and any earmarked projects must be included on the statewide plan, an important check and balance on the earmarking power. In addition, 10-20% of gross motor fuel tax

revenues are appropriated to local grants. All GDOT services to counties remain in place. There is an allowance for the creation of RPOs via rules and regulation. The bill also substantially revises the state's Public-Private-Initiatives statute.

Status: Effective May 11, 2009

SR 295 Create Strategic Deployment-Distribution Corridors

(Sen. Doug Stoner, D-6)

This resolution urges all relevant parties to collaborate in the development and implementation of Strategic Deployment-Distribution Corridors throughout the state to promote Georgia's position as a leader in defense, logistics and intelligent transportation solutions.

Status: Effective March 12, 2009

SR 690 Create State Rail Plan

(Sen. Doug Stoner, D-6)

This resolution requests GDOT to develop a state rail plan within 24 months that meets federal requirements and will allow the state to access federal funds.

Status: Effective April 1, 2009

GENERAL COUNTY GOVERNMENT [Staff: Jim Grubiak & Michele NeSmith]

HB 2 E-Verify and SAVE Compliance

(Rep. Tom Rice, R-51)

This bill provides for several changes regarding the Georgia Security and Immigration Compliance Act (GSICA). The definition of "applicant" was extended to include any natural person making a request for public benefits on behalf of an individual, business, corporation, partnership or other entity. Also, the definition of "agency or political subdivision" was extended to include authorities, commissions, or other governmental entities. All public employers must now publish their E-Verify identification numbers on their website or in the event there is no website, annually in the official legal organ of the county. The public contractor section has been expanded to require additional affidavit requirements. The bill further requires the nationality of prisoners that are held in a county or municipal jail to be determined if charged with a felony, DUI, driving without a license, or misdemeanor of a high and aggravated nature. The Attorney General's office is charged with identifying state and local public benefits that are offered in Georgia and is required to publish an annual list of such benefits. In addition to having the Attorney General's office identify state and local public benefits, there is also a list of public benefits provided in the bill. In the event that a state agency or public subdivision is not abiding by the

requirements set forth in the GSCIA, their noncompliance may be considered as a factor by the General Assembly in the appropriations process. It also requires agencies and political subdivisions to provide a report of the benefits they have applied for that have been approved by the Department of Homeland Security (DHS) and any benefits that have not been approved by DHS to the Department of Community Affairs. Further, compliance with the SAVE program has been defined as taking all reasonable, necessary steps in providing all requested information and documentation to the DHS, however in the event that DHS has failed to provide access to the SAVE program or process the required documents, then the agency or political subdivision will not be categorized as being noncompliant. Finally, immunity from lawsuit or liability has been given to public employers, agencies and political subdivisions arising from any act to comply with the E-Verify or SAVE requirements as provided in the GSICA

Status: Effective January 1, 2010

HB 68 Location of Crematories

(Rep. Chuck Sims, R-169)

This bill prohibits a crematory from locating within 1000 feet of a lot in a residential subdivision.

Status: Effective July 1, 2009

HB 86 Absentee Ballot Returns to be Made by Precinct

(Rep. Fran Millar, R-79)

This bill provides that all absentee ballots are counted and tabulated in a way that enables returns to be made by precinct. Separate returns will be made and certified for each precinct where absentee ballots were cast so that results are shown for the absentee ballots cast in each precinct.

Status: Effective July 1, 2009

HB 156 Re-Election of Officials Serving Ordered Military Duty

(Rep. Ben Harbin, R-118)

This bill would clarify that the office of any elected magistrate judge or other elected public officer who is performing ordered military duty is not vacant due to such absence. Such elected public official would be eligible for reelection and be able to qualify through the mail or through a designated agent.

Status: Effective April 30, 2009

HB 227 Voter Registration Address: Confidentiality of 'Protected' Voters

(Rep. Kate Dempsey, R-13)

This bill allows voters who are residents of a family violence shelter, or those who have obtained a protective order or restraining order, to request to the board of registrars that their address be made confidential. The bill also provides that the Secretary of State establish a procedure for making confidentiality requests.

Status: Effective July 1, 2009

HB 371 Expand Investment Opportunities for Large Public Retirement Systems

(Rep. Earl Ehrhart, R-36)

HB 371 amends the Public Retirement Systems Investment Authority Law so as to expand the investment authority of large retirement systems. In addition to revising the definition of large retirement system to include any public retirement systems having assets in excess of \$200 million, the bill authorizes large retirement systems to increase the percentage of its assets in equities over a two-year period from 60 percent of its holdings to 75 percent of its holdings.

Status: Effective April 21, 2009

HB 453 Extend Sunset Date for Collection of Filing Fees

(Rep. Lee Anderson, R-117)

This bill extends the sunset date for real estate and personal property filing fees collected by the clerks of superior court from July 1, 2012 until July 1, 2014.

Status: Effective July 1, 2009

HB 487 Clerks of Court Retirement: Additional County Funding

(Rep. John Meadows, R-5)

This bill is designed to shore up the clerks of court retirement system. HB 487 increases the amount deducted from criminal fines and bonds from \$1.75 for each fine collected and bond forfeited to \$2.00. In addition, a \$1.00 fee will be added to civil actions filed in superior court. Finally, contributions to the retirement fund from new clerks will increase from \$50 per month to \$100 per month. The additional revenues generated are intended to address underfunding of the clerk's retirement program. At the same time, while not significant, the bill will also have the effect of reducing revenues to counties from fines and forfeitures equal to the increased level of deductions.

Status: Effective May 5, 2009

SB 20 Anti-Sanctuary Policies

(Sen. Chip Pearson, R-51)

This legislation would prohibit local governments from having a policy protecting illegal immigrants, referred to as a "sanctuary policy." Any local government with a sanctuary policy would be punished by losing certain state funding and state administered federal funding. Funding would not be withheld for anything that does not require lawful presence in the United States; for assistance with health care items and services necessary to treat an emergency treatment (other than related to an organ transplant); short term, noncash, in-kind emergency disaster relief; public health assistance for immunizations and testing and treatment of symptoms of communicable diseases; soup kitchens; crisis counseling and intervention; short term shelter specified by the U. S. Attorney General; prenatal care; and postsecondary education. In its original form, SB 20 would have punished local governments for their failure to comply with E-Verify and the SAVE program by July 1, 2009. However, the author worked with ACCG to remove these provisions.

Status: Effective May 5, 2009

SB 26 Open Records Exemptions

(Sen. David Shafer, R-48)

This bill adds volunteer firefighters, emergency medical technicians, and paramedics to the list of employees whose home address, telephone number, social security number, or insurance or medical information is excluded from the Open Records Act (ORA). This bill also adds account numbers, including utility account numbers and passwords to the list of information for an individual that is excluded from the ORA. Further, a provision regarding the disclosure of the date of birth within criminal records was added to the list of items that are not exempted under O.C.G.A. §50-18-72 (11.3) (A). The contents of House Bill 171 was also added to this bill

which provides for an exemption to the ORA for the name, home address, telephone number, or personal e-mail obtained by a local government of any individual participating in a public safety notification program or neighborhood watch programs.

Status: Effective July 1, 2009

SB 44 Local Preference for Georgia-Made Products

(Sen. Ross Tolleson, R-20)

This legislation requires local governments and authorities to give preference “as far as reasonably practical” to Georgia manufactured or produced products when purchasing supplies, materials, equipment and agriculture products costing over \$100,000. It is up to the bidder to prove their product is Georgia-made and show the economic impact that said product generates for the state, but the legislation does not define what is “practical” or what exactly constitutes a Georgia product.

Status: Effective July 1, 2009

SB 82 Metal Theft

(Sen. Renee Unterman, R-45)

This legislation enhances several regulations on scrap metal sellers and recyclers, clarifies what type of photo ID the seller must provide the scrap metal purchaser; requires that a photo be taken of the metal purchased; requires an oath from the seller that he or she is the owner or agent thereof; requires provision of a vehicle title for vehicles sold; and requires that sellers of copper and aluminum property and catalytic converters be paid by a check made out to the person named on aforementioned ID. Cash payments can take place, but not until 24 hours following the transaction. This also increases penalties for metal theft.

Status: Effective July 1, 2009

HEALTH & HUMAN SERVICES

[Staff: Ashley Meggitt]

HB 160 Super Speeder for Trauma Funding

(Rep. Jim Cole, R-125)

This is the Governor’s legislation to impose and collect an additional \$200 fee on any driver convicted of driving at a speed of 85 miles per hour or more on any road or highway or 75 miles per hour or more on any two-lane road or highway. The fee will be levied by the Department of Driver’s Services after conviction, and once collected, sent to the state’s general fund with the *intent* to spend these monies to fund a trauma care network in Georgia. Expected collections are around \$23 million.

Status: Effective January 1, 2010

SB 86 Show Proof of Citizenship to Vote

(Sen. Cecil Staton, R-18)

This legislation requires people registering to vote to provide proof of United States Citizenship. It further outlines items that qualify as an approved means to prove U.S. citizenship for an applicant: Georgia driver’s license number, or ID card number, a photocopy of birth certificate, photocopy of passport, naturalization documents, Bureau of Indian Affairs card number, tribal treaty or tribal enrollment card number, and other documents or methods as approved by the Immigration Reform and Control Act of 1986.

Status: Effective July 1, 2009

SB 141 Filing Foreclosure Deeds

(Sen. Bill Hamrick, R-30)

SB 141 would require the purchaser of a foreclosed property to promptly file foreclosure deeds. The prompt filing of these deeds will help local governments determine the owner of the property and hold them responsible for ordinance violations.

Status: Effective July 1, 2009

SB 168 Campaign/Financial Disclosure Reports

(Sen. Renee Unterman, R-45)

This bill, among other things, provides that the electronic filing of any campaign or financial disclosure report under the state ethics laws constitutes an affirmation that the statement is true, complete and correct rather than having to file notarized statements to that effect or verifying the statements by oath or affirmation.

Status: Effective May 4, 2009

HB 228 Department of Human Resources (DHR) Restructuring

(Rep. Mark Butler, R-18)

This legislation restructures the Department of Human Resources, in large part, to create a Department of Behavioral Health in order to more adequately deal with Georgia’s mental health crisis. The current Division of Mental Health and Developmental Disabilities will move out from under the Department of Human Resources (DHR) and become a new Department of Behavioral Health and Developmental Disabilities. The Division of Public Health also seeks more visibility and is moved from DHR into the Department of Community Health (DCH). The Governor is to appoint a director to the newly created division who will oversee all public

health offices in every county, as well as a board to remit advisory opinions on matters of public health to DCH and its commissioner. The Department of Human Resources retains with all other divisions and respective programs.

Status: Effective July 1, 2009

SB 165 Verify Indigency; PeachCare for Kids Program

(Sen. Greg Goggans, R-7)

SB 165 authorizes the Department of Revenue to enter into an agreement with Georgia's Medicaid program and PeachCare for Kids, as administered by the Georgia Department of Community Health, to verify applicants do not exceed income thresholds for state programs.

Status: Effective January 1, 2010

SR 665 Senate Study Committee on the Administration of Dental Benefits for Medicaid and PeachCare

(Sen. Don Thomas, R-54)

This resolution creates a Senate Study Committee to examine the issues and facts relating to the provision of state and federally funded dental care for children in the State of Georgia enrolled in Medicaid and PeachCare.

Status: Effective April 1, 2009

NATURAL RESOURCES & ENVIRONMENT

[Staff: Todd Edwards]

HB 101 Ads on Transit Vehicles and Asbestos Pipe Regs

(Rep. Mark Hamilton, R-23)

In addition to addressing ads on transit vehicles, this bill provides local governments and utilities with options in addressing abandoned asbestos pipes in state rights-of-way as opposed to local governments being forced to dig them up, break them up, expose them, and remove them at significant expense and environmental risk. The bill preempts recently-adopted Department of Transportation policy that would have mandated such procedures.

Status: Effective July 1, 2009

HB 248 Voluntary Hazardous Site Remediation Program

(Rep. Terry Barnard, R-166)

This bill allows property owners to independently hire registered professionals/geologists to conduct certain hazardous site investigations, design a remediation plan, carry out the plan, monitor its progress and certify compliance that the remediation has been completed. The EPD will have to approve whether a proposed project is eligible, sign off on a corrective action plan, monitor its progress, and concur that remediation was completed to both state and federal standards. This program will not apply to abandoned or orphan sites.

Status: Effective June 1, 2009

HB 529 Locals Preempted on Certain Farm or Ag Production Regulations

(Rep. Tom McCall, R-30)

This bill prohibits local governments from adopting ordinances, rules or regulations regulating "crop management" or "animal husbandry" practices involved in the production of agricultural or farm products on any property where such agricultural use in compliance

with applicable zoning ordinances and decisions.

Lawfully-enacted local regulations on septage land application practices/operations are exempt from this preemption.

Status: Effective May 1, 2009

HB 552 No Aquifer Storage and Recovery

(Rep. Terry Barnard, R-166)

This bill prohibits injecting surface water into the Floridan Aquifer until July 1, 2014.

Status: Effective April 30, 2009

SB 110 Locals Can Trap Beavers on ROW

(Sen. John Bulloch, R-11)

This bill allows local governments, or their agents, to trap beavers on the right-of-way of public roads without having to get a DNR permit so long as said trapping is to prevent, reduce or stop damage to the road.

Status: Effective July 1, 2009

SB 155 No Buffers on Ephemeral Streams

(Sen. Chip Pearson, R-51)

This bill clarifies that Georgia's 25-foot stream buffer requirement does not apply to ephemeral streams. Ephemeral streams are defined as streams that, under normal circumstances, have water flowing only during and for a short duration after precipitation events; have their channel located above the ground-water table year-round; where ground water is not a source of water; and where runoff from rainfall is the primary source of water flow. Under current DNR rules and EPD guidance, ephemeral streams do not require a stream buffer. This codifies the current rules. This does not apply to intermittent streams, which will still retain buffer protection, or trout streams.

Status: Effective July 1, 2009

PUBLIC SAFETY & THE COURTS
[Staff: Kelly Pridgen]

HB 64 Pandemic Influenza Preparedness; Death Certificates

(Rep. Chuck Sims, R-169)

HB 64 will solve the dilemma of unsigned death certificates by physicians. Under HB 64 a funeral director may report a physician to the Composite State Board of Medical Examiners if a death certificate goes unsigned for 30 days. In addition, certain nurses and physician's assistants, as well as coroners will be authorized to sign a death certificate in the event of a state emergency due to an influenza pandemic. HB 64 also closes a loophole in law, requiring notification to coroners when an individual is injured in one county, but dies in another county. The hospital or law enforcement officer where the patient lies deceased would be required to notify the coroner or medical examiner of the county in which the events occurred that lead to the death.

Status: Effective July 1, 2009

HB 68 Location of Crematories

(Rep. Chuck Sims, R-169)

According to HB 68, a crematory would not be permitted to locate within 1000 feet of a lot in a residential subdivision.

Status: Effective July 1, 2009

HB 453 Extend Sunset Date for Collection of Filing Fees

(Rep. Lee Anderson, R-117)

This bill extends the sunset date for real estate and personal property filing fees collected by the clerks of superior court from July 1, 2012 until July 1, 2014.

Status: Effective July 1, 2009

HB 495 Associate Probate Judges

(Rep. Roger Lane, R-167)

This bill would authorize probate judges to appoint full-time and part-time associate probate judges. The bill provides that the probate judge must get the consent of the governing authority as to the number of associate probate judges. The compensation of such associate judges would be set by the probate judge with the approval of the board of commissioners. The salary and employment benefits would be paid by the county. A senior full time associate judge would be authorized to assume the duties of the probate judge in the event of a vacancy.

Status: Effective July 1, 2009

HB 156 Re-Election of Officials Serving Ordered Military Duty

(Rep. Ben Harbin, R-118)

This bill clarifies that the office of any elected magistrate judge or other elected public officer who is performing ordered military duty is not vacant due to such absence. Such elected public official is eligible for reelection and be able to qualify through the mail or through a designated agent.

Status: Effective April 30, 2009

SB 199 Temporary Suspension of Training for Magistrate and Probate Judges

(Sen. John Wiles, R-37)

SB 199 allows the Probate Judges Training Council and the Magistrate Judge Training Council to suspend the training requirements for probate and magistrate judges in 2009 and 2010. Any training received prior to the suspension of the training requirement is carried over to 2010 or 2011. In response to the economic downturn, many counties have put a freeze on all training and travel except that mandated by law. SB 199 helps these counties save money on training for 2009 and 2010.

Status: Effective May 4, 2009

SR 622 Create Dangerous Dogs Study Committee

(Sen. Chip Rogers, R-21)

This resolution creates a Senate Committee to study dangerous dogs. The Committee will study the conditions, needs, issues and problems with the current laws regarding dangerous dogs. The committee will recommend actions and legislation as appropriate for the 2010 session.

Status: Passed (April 1, 2009)

SR 632 Create Senate Study Committee on Consolidation of Services for Crime Victims

(Sen. Renee Unterman, R-45)

This resolution creates a study committee to look at putting all of the crime victim services offered by the State into one agency.

Status: Effective April 1, 2009

REVENUE & FINANCE
[Staff: Clint Mueller]

HB 120 Sales Tax Holiday

(Rep. Smith, R-70)

This bill renews the sales tax holiday on school supplies, clothing, footwear, computers, energy efficient products and water efficient products for July 30, 2009 through August 2, 2009.

Status: Effective May 4, 2009

HB 143 Homestead Tax Relief Gran Credits (HTRG)

(Rep. Larry O'Neal, R-146)

This bill requires the state to appropriate the funds necessary to reimburse local governments for the HTRG credits applied to the 2008 property tax bills. In future years the HTRG will be funded in the state's supplemental budget if estimated revenues for the current fiscal year exceed the revenues of the last year in which HTRG funds were appropriated by 3 percent plus the percent change in the rate of inflation determined by the Consumer Price Index for all urban consumers (CPI). The state will not meet this threshold this year therefore the HTRG credit will not be applied to the 2009 property tax bills.

Status: Effective February 17, 2009

HB 181 Distribution of Unidentifiable Sales Tax

(Rep. Rick Austin, R-10)

This bill extends the sunset date to 2011 on the pro rata distribution formula for the Department of Revenue's (DOR) unidentifiable local sales tax proceeds, granted by the General Assembly in O.C.G.A. § 48-8-67. The Department of Revenue will begin making semiannual disbursements of these funds including those that were withheld in 2008.

Status: Effective May 5, 2009

HB 233 Assessment Moratorium

(Rep. Ed Lindsey, R-54)

This legislation places a two or three year moratorium on increasing property reassessments applied to local levies starting this year and ending in 2011. Property assessments can be lowered during this time period. The capped assessed value will transfer if the property is sold. Additions and improvements to property can be valued at fair market. Assessed values can be increased to fix an error or omission or when a property is rezoned, subdivided or combined and the use is change to conform to the rezoning. Counties performing county-wide revaluations in 2008 or under contract to perform a county-wide revaluation prior to February 28, 2009 would be exempt from the moratorium until 2010. Counties that have a constitutionally created millage rate cap are exempt from the moratorium. Counties

subject to the \$5 per parcel penalty will be exempt from the penalty during the moratorium period.

Status: Effective May 5, 2009

HB 304 Notice Requirements for Assessors and Tax Commissioners

(Rep. Dubose Porter, D-143)

This bill requires tax assessors or private companies working under contract for the tax assessors to give the property owner and occupant reasonable notice before entering upon the private property. This bill also requires the tax commissioner to include a statement with the property tax bill and on the county website notifying the taxpayer of their right to file a property tax return. The bill also extends the statewide homestead exemption for disabled veterans to their un-remarried surviving spouse or minor children.

Status: Effective May 4, 2009

HB 318 Ad valorem Tax Exemption for Heavy Duty Equipment Motor Vehicles

(Rep. Tom McCall, R-30)

This bill exempts heavy-duty equipment motor vehicles from property taxes. The bills impact was reduced significantly in scope and duration. The exemption applies only to year 2010 and is limited to the first \$100,000 of value per taxpayer or taxpayers under joint ownership. This exemption does not apply to each vehicle under publicly traded companies, first year purchasers and heavy duty equipment dealers cannot qualify for the exemption. Only vehicles that weigh over 5,000 pounds and are not required to be registered and have a license plate can qualify for the exemption.

Status: Effective January 1, 2010

HB 334 Electronic Filing of Sales Tax

(Rep. David Knight, R-126)

This legislation will require vendors that collect \$500 or more in sales tax to file their return and remit electronically. Currently the threshold for electronic filing is \$5,000. By lowering this threshold, sales tax revenues will come in quicker and more accurately. The Revenue Department will be able to remit the sales tax back to local governments in three days instead of approximately two months.

Status: Effective January 1, 2010

HB 482 Business Inventory Exempt from State Ad Valorem Taxes

(Rep. Tom Graves, R-12)

This bill calls for a statewide referendum to exempt business inventory from state ad valorem taxes.

Status: Effective January 1, 2011 pending passage in the statewide referendum in November 2010

SB 55 Property Assessment: Foreclosures/Forestland Covenants/Changes in Assessments

(Sen. Chip Pearson, R-51)

This bill requires the tax assessors to consider foreclosures, bank owned sales and conservation easements when determining fair market value on a property. The bill also extends the deadline for filing a Forestland Conservation Use Covenant in 2009 to June 1. The bill clarifies that assessors must send the property owner a change of assessment notice if any increase or decrease in value is made to the property.

Status: Effective April 14, 2009

SB 240 Binding Arbitration Property Appeal

(Sen. Chip Rogers, R-21)

This bill creates a new binding arbitration option for the taxpayer to use when appealing a real property value. Through this method of appeal, the taxpayer would

submit an appraisal from a licensed appraiser to an arbitrator and the arbitrator must choose between the board of assessor's value and the appraisal. The loser pays for the cost of the arbitrator. The bill also clarifies that the tax commissioner can use private companies to help collect delinquent taxes and what fees and penalties can be charged.

Status: Effective April 29, 2009

SR 522 Create Impact Fee Study Committee

(Sen. Bill Jackson, R-24)

This resolution creates a Senate Study Committee made up of five Senators. The charge is to study Georgia's Development Impact Fee Act generally and ensure that business interests are properly protected and that citizens are treated fairly. An advisory committee made up largely of developer interests and a few local government interests is also created to advise the study committee.

Status: Effective April 1, 2009

SR 685 Property Tax Appeals Study Committee

(Sen. Chip Rogers, R-21)

This resolution establishes a Study Committee to look at the appeals process for property tax assessments.

Status: Effective April 1, 2009

Bills and Resolutions: Vetoed

HB 56 LOST Arbitration

(Rep. Wendell Willard, R-49)

This bill requires cities and counties that cannot reach an agreement on the allocation of the local option sales tax proceeds to submit their dispute to binding arbitration. The arbitrator will accept up to three proposals for allocating the funds and must choose one of them. The county will submit one of the proposals. If the new distribution certificate has not been filed by December 30, 2012, the LOST proceeds will continue to be allocated based upon the most recent distribution certificate until the arbitrator issues a final ruling. At anytime, a referendum can be called to repeal the LOST but only if there is joint agreement between the county and the municipalities making up fifty percent or more of the municipal population.

Status: Vetoed

HB 481 Jobs, Opportunity and Business Success Act

(Rep. Tom Graves, R-12)

This bill offers a number of state tax cuts and credits to Georgia businesses. It waives business registration fees for one year at the Secretary of State's office. It gives employers a \$500 unemployment insurance tax credit and a \$2400 income tax credit for every unemployed person they hire and keep on the job for 24 months. This bill also phases out the corporate income tax and state intangible tax on business assets and eliminates the sales tax deposit. It further provides a 50% reduction in the Georgia long-term capital gains tax rate.

Status: Vetoed

HB 553 Local Government Equipment Finance Authority

(Rep. John Lunsford, R-110)

This bill authorizes ACCG or GMA to set up an equipment financing authority for local governments. The authority is authorized to issue bonds to fund lease purchase financing of local government equipment.

Status: Vetoed

Bills that Failed to Pass (Carryover Legislation)

ECONOMIC DEVELOPMENT & TRANSPORTATION

- **HB 61/HR 220/SB 187** Transfer 1% Motor Fuel Tax to Transportation Purposes
- **HB 65** Increase Weight Limits for Tow Trucks
- **HB 187** Reform GDOT and transfer environmental permitting to GDOT
- **HB 277/SR 90/HR 206** Create 1% Statewide Sales Tax for Transportation
- **HB 506** Create Grace Period for Late Vehicle Registration Payments
- **HB 605** GDOT Governance Reform
- **HR 140** Abolish State Transportation Board
- **SB 19** Change GDOT Accounting Methods
- **SB 39/SR 44** Create Regional TSPLOSTs
- **SB 120** Remove MARTA's 50% Capital/50% Operations Mandate
- **SB 164** Allow Tree Cutting Around Billboards
- **SB 236** Restrict County Ability to Set Development Moratoriums
- **SR 336** Allow Motor Fuel Tax to be Used for All Transportation Purposes

GENERAL COUNTY GOVERNMENT

- **HB 30/HR 8** Creation of Townships
- **HB 72** Abolish Office of Elected Surveyor
- **HB 122** Counties to Post Detailed Financial Data on Websites
- **SB 58** Forced Transfer of County Property to New Cities for Nominal Compensation
- **HB 182** Ordinances Limiting Discharge of Firearms Preempted
- **SB 96** Mandated Creation of County, City and School Board Ethics Commissions
- **SR 392/HR 21** Creation of New Counties **HB 30/HR 8** Creation of Townships
- **HB 209** Allow Student Identification as Proof of Voter Identity
- **HB 225** Voter Registration and Applications Handled Only by Registered Voters of Georgia
- **HB 130** Non-partisan Elections for Certain Elected Officials; Sheriffs, DAs, Solicitors General, Tax Commissioners, County Commissioners, Clerks of Superior Court
- **HB 505** Increase Certain Fees for Sheriff's Office
- **HB 268** Elections Superintendent to Establish Polling Places Outside Boundaries
- **HB 516** Limit Local Regulations on Industrialized and Manufactured Homes
- **SB 21** Small Business Local Purchasing Mandate
- **SB 23 and HB 200** Failure to Wear Seatbelt as Contributory Negligence
- **SB 188** Code Enforcement Officer Certification
- **SB 192** Limit Local Control on Cell Tower Locations
- **SB 15** Quarantining Meth Labs

HEALTH & HUMAN SERVICES

- **HB 381** Food Safety and Inspection; County Boards of Health
- **SR 277** Trauma Care Network- \$10 Motor Vehicle Registration Fee
- **SB 233** Certification and Recertification Exams for EMTs
- **SB 156** Georgia Trauma Care Network Commission
- **HB 325** Background Checks on EMS Personnel
- **HB 148** Trauma Care Network- \$10 Motor Vehicle Registration Fee
- **HB 183** Telephone Fees to Pay for Trauma Hospitals
- **HB 192** Dedicate State's ¼ mil property tax to Trauma Funding
- **HB 363** Georgia Trauma Care Network Commission (GTCNC); add burn centers
- **HB 474** Extend Eligibility for PeachCare for Kids Program

NATURAL RESOURCES & ENVIRONMENT

- **HB 169** Counties to Provide Addresses and Owners of all those in Floodplain
- **HB 316** Exempt State Facilities from Local Stormwater Utility Fees
- **HB 406** Service Delivery Strategy Grace Period for New Drinking Water Reservoirs
- **HB 491** Raise Solid Waste Tipping Fee - Hazardous Waste Slush Fund
- **HB 578** Allow Water Permit Transfers
- **HB 613** Limits on Franchising Out Solid Waste Collection

PUBLIC SAFETY & THE COURTS

- **HB 622** Reduce Regulation of Private Probation Companies
- **HR 294** Constitutional Amendment to Add Coroner as a County Constitutional Officer
- **SB 42** Reorganization of the Georgia Public Defender Standards Council
- **SB 127** Withhold State Funding to Counties if Clerk of Court Fails to Pay or Report Fines and Fees Timely to the Georgia Superior Court Clerks Cooperative Authority
- **HB 31** Eliminate Red Light Cameras
- **HB 124** Require Emergency Management Course for Elected City and County Officials
- **HB 606/SB 232** Prohibited Use of Gas Chambers to Euthanize Animals in Shelters

REVENUE & FINANCE

- **HR 1/SR 1** Property Tax Assessment Cap
- **HB 480** Vehicle Tax Reform
- **HB 483/SB 83** Increase Statewide Homestead Exemption

Appropriations

The FY 10 Budget (July 1, 2009- June 30, 2010) as passed the House and Senate via conference committee on April 3, 2009. The budget was sent to the Governor who has 40 days to sign the budget into law and the ability to exercise line item veto. The following items have been identified by ACCG staff that likely will impact local governments and their budgets.

If your county has specific questions visit the link below to access the final conference committee report on the budget document: http://www.legis.ga.gov/legis/2009_10/house/budget/budgetDocs.htm

Department of Community Affairs

- Reduce funds from Hands on Georgia Challenge Grants (\$200,000); total funds \$0
- Provided new funding for Regional Commissions in the amount of \$1,200,000, which added to existing funds will provide a total of \$2,800,000
- No appropriation for E-911 program; estimated \$7,200,000

Department of Community Health

- Reduce funding for the Office of Rural Health Community Service grants. (Eliminate matching funds for competitive grants to local communities for alternative approaches to healthcare delivery) (\$500,000)
- Deferred FY 09 increases passed last legislative session to Medicaid reimbursement rates due to cuts this year to DCH's Medicaid program budget at a 5% cut

Department of Corrections

- Provide start up funds for a 256 bed fast track unit at Telfair State Prison \$848,287
- Reduce county work camp utilization by 5% to cover cost in jail per diem (\$1,400,000)
- Close Rivers State Prison, Wayne State Prison, Homerville State Prison, Milan State Prison, West Georgia Boot Camp and Pelham Pre-Release Center (\$24,555,581)

Department of Human Resources

- Family Connection Partnership: reduce county funds by (\$3,000); total funds \$48,500

- Reduce funds by closing the Georgia Public Health (GPH) Laboratory on Saturdays and delaying the purchase of lab supplies (\$335,700)

Department of Natural Resources

- Solid Waste Trust Fund generates \$7 million annually currently funded at \$1,407,138
- Hazardous Waste Trust Fund generates \$14 million annually; currently funded at \$3,197,099
- Fund Historic Preservation \$2,842,000

Department of Public Safety

- Discontinue free meals for all agencies receiving training at the Public Safety Training Center (\$1,383,844)
- Support for the Sex Offender Registration Act (\$435,652)

Department of Revenue

- Eliminate Homestead Tax Relief Grant Credits (\$428,290,501)
- No local reimbursement funding for the Forestland Protection Act (\$44,000,000)

Department of Transportation

- LARP is funded at \$60 million
- The Most Needed and Off System State Fund Construction Programs (State Aid) are funded at \$36.3 million
- State Infrastructure Bank capitalized at \$28,000,000 in FY 09 and \$5,000,000 in FY 10

Georgia Bureau of Investigation

- Restore nine months of funding to the Western Regional Lab in Columbus to prevent its closure \$66,525
- Restore nine months of funding for the Northwestern Regional Lab in Summerville to prevent its closure \$110,891
- Restore nine months of funding for the Southwestern Regional Lab in Moultrie in order to prevent its closure \$125,862

Georgia Environmental Facilities Authority

- Reduce Land Conservation program funding (\$10,000,000); total funds \$0

Juvenile Justice

- Eliminate one time funds for Glynn County to implement a non-secure juvenile diversion center (\$500,000)

Prosecuting Attorneys

- Provide funding for three new assistant district attorneys in the Alcovy, Atlanta and Brunswick Circuits \$223,156

• **Public Defender Standards Council**

- Provide funding for three additional assistant public defenders in the Alcovy, Atlanta and Brunswick Judicial Circuits \$223,156
- Reduce funds for training except for three mandatory classes for public defenders (\$200,000)
- Reduce funding to six opt out counties to match agency wide reductions (\$289,552)
- Funding for conflict cases \$1,089,832
- Funding for outstanding non-capital conflict liabilities from FY 2005 through FY 2008 \$1,610,168
- Eliminate proposed funding for outstanding capital cases from FY 2005 through FY 2008 (\$1,189,691)

Superior Court Judges

- Reduce funding for senior judge usage (\$1,797,909)
- Increase funding for travel \$60,000
- Provide funding for three new superior court judges in the Alcovy, Atlanta and Brunswick Circuits \$854,126

Other

- Be sure to review any budget items specific to projects in your county