

CITY OF ATLANTA

Final Legislative Report

2008 GENERAL ASSEMBLY



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EXECUTIVE SUMMARY

The 2008 legislative session of the Georgia General Assembly was generally successful for the City of Atlanta, mostly due to defeating legislation detrimental to the City. Cities and counties were once again on the defensive this year, directing their efforts on issues such as transportation, tax reform and local authority. The session began with the House voting to override twelve of Governor Perdue's vetoes from 2007. The session ended with verbal attacks being exchanged between the House and Senate chambers in a very acrimonious year. Considerable time and resources were dedicated to preventing legislation that would be damaging to the City. A handful of the City's legislative package items were introduced, with the passage of one which will enhance public safety in state parks within cities. Overall, 2008 was a successful year for the City under the gold dome.

Legislators introduced, considered and passed over twenty-six hundred bills and resolutions this year. The 2008 session was shorter than 2007, yet it lasted into April, still one of the longest in history. Because 2008 is the last year of the two-year session, all legislation that did not pass is now obsolete and 2009 will begin a new two-year cycle. Several study committees will meet, over the summer and fall, to discuss legislation of interest to the City, and the staff will track those and involve City of Atlanta stakeholders as appropriate. The City of Atlanta's Office of External Affairs tracked several hundred bills and resolutions that had the potential of impacting the City and its operations; met regularly with the City of Atlanta/Fulton County House and Senate delegations; and worked with the authors of numerous bills to advance the interests of the City.

The Mayor was again personally engaged in the legislative process as well. Mayor Franklin spoke with the governor, the lieutenant governor, and other legislative leaders to emphasize her commitment to working with them on behalf of all of Georgia and its capitol city. Her personal involvement with the Georgia Municipal Association (GMA) and obvious commitment to continued reform in City Hall created a more positive view toward the City.

This final legislative report summarizes significant legislation of the 2008 session. Final disposition of the City's legislative package is described in Sections A and B. This report also reviews other key bills of interest in the areas of municipal operations, public safety, revenue and finance, transportation, and urban planning in Sections C and D. The full text of bills referenced in each section can be found on the internet at http://www.legis.ga.gov/legis/2007_08/. The External Affairs staff would like to thank the Georgia Municipal Association and Office of Legislative Counsel for their invaluable help in creating this report.

SECTION A

Package/Atlanta-Sponsored Items That Passed

PUBLIC SAFETY

DRUGS IN PARKS

SB 453 Controlled Substances by Sen. Renee Unterman. The legislation allows for increased penalties for drug crimes committed in and around state parks. Centennial Olympic Park is a state park within the City's jurisdiction. Adding "state parks" to the Georgia Code allows for higher penalties for drug crimes.

ECONOMIC DEVELOPMENT

TAX ALLOCATION DISTRICT CONSTITUTIONAL AMENDMENT

SR 996 Tax Allocation District (TAD) Funding by Sen. Dan Weber and Sen. Kasim Reed. This legislation provides for a constitutional amendment and allows the General Assembly to authorize any county, municipality, or housing authority to undertake and carry out community redevelopment. It also addresses the Georgia Supreme Court's recent decision relating to education tax funds by specifically allowing the use of city, county and education tax funds for tax increment financing of TADs. Education tax funds may not be used for new TADs except as authorized by general law after January 1, 2009; however, any education tax funds that have already been pledged to repay TAD bonds that have been validated will continue to be used for TAD purposes. No local government may create a TAD without first receiving approval from the General Assembly and then through a local voter referendum. On the November ballot.

REVENUE AND FINANCE

HOMESTEAD EXEMPTION

HB 1192 Atlanta Homestead Exemption by Rep. Margaret Kaiser. This legislation raises the homestead exemption in the city from \$15,000 to \$30,000 over a three-year period. The exemption must be approved by the city's voters in November and would have a January 1, 2009 effective date.

SECTION B

Package/Atlanta-Sponsored Items That Did Not Pass

MUNICIPAL GOVERNMENT

COMMUNITY COURT AUTHORIZATION

SB 511 by Sen. Horacena Tate. This legislation would include community courts as a part of the group of courts allowed to create and administer a Pretrial Intervention and Diversion Program. The bill will be introduced again in 2009.

PUBLIC SAFETY

SCHOOL ZONE SPEED ENFORCEMENT

SB 510 by Sen. Horacena Tate. The legislation allows local governments to use photo speed enforcement devices in school zones. The legislation will be introduced again in 2009.

REVENUE/FISCAL

PENSION BOARD INVESTMENTS

SB 80 by Sen. Judson Hill. This legislation was amended to include language that would allow municipal pension funds to be invested in real estate trusts, international markets and emerging markets. Although it did not pass out of the House this year, many groups worked for this bill and are focusing their efforts on passage in 2009.

ELECTION COMPENSATION

HR 592 by Rep. Bob Holmes. The legislation would allow for a constitutional amendment to permit and require school boards to compensate their local governments for conducting elections on their behalf. Although it passed out of committee, it was held in the House Rules Committee.

PARI-MUTUEL BETTING/CASINO GAMBLING

HR 1477 - HB 1369 by Rep. Roger Bruce. This legislation would give cities the ability to institute pari-mutuel betting/casino gambling.

PUBLIC SAFETY FACILITY

The proposal would allow municipalities to increase the amount of bonds for public safety related projects to \$80 million.

GREENSPACE FUNDING

This proposal would have permitted local referenda on a \$1 increase in the real estate transfer tax to fund greenspace and conservation efforts. This was requested by the Metro Atlanta Mayors Association and will continue to be pursued.

BEER/WINE DRINK TAX

This proposal would have allowed local governments to impose a 3% by-the-drink tax on beer and wine, as is currently permitted for liquor drinks.

PARKING EXCISE TAX

This proposal to tax parking lots and decks failed to find a sponsor among the delegation.

WATER/SEWER

WATER/SEWER LIENS

This would have allowed local governments to place liens on property owners for outstanding water and sewer bills.

FINE RECYCLING

This proposal sought to establish a mechanism by which fines to be paid to the Georgia Environmental Protection Division could instead be used to fund repairs. Sponsorship was not found due to the concern of impact on the state budget.

SECTION C

Significant Bills That Passed

Below are several bills which partially illustrate the variety of the issues dealt with during the 2008 General Assembly. These descriptions are brief, however, the complete bills are available at http://www.legis.ga.gov/legis/2007_08/.

COMMUNITY DEVELOPMENT

DOWNTOWN DEVELOPMENT AUTHORITY DIRECTORS

HB 1126: This legislation allows one non-city resident to serve as a director on the downtown development authority if s/he owns a business within the downtown development area. If that director ceases to own a business within the downtown development area, the director must relinquish the seat on the board. The board member must be a resident of Georgia.

TRANSFERABLE DEVELOPMENT RIGHTS

HB 1160: This bill authorizes cities and counties to place caps on how much of the development rights can be severed from a sending property and/or applied to a receiving property.

REGIONAL DEVELOPMENT CENTERS

HB 1216: This legislation converts regional development centers (RDC's) into regional commissions and provides boundaries for the commissions created. The sixteen RDC's will be reorganized into twelve regional commissions with boundaries to match those of the state's service delivery regions. The Atlanta Regional Commission is not affected by this change. These regional commissions will function as the regional planning entity for land use, environmental, transportation, and historic preservation planning in each designated region of the state. The Department of Community Affairs will no longer be required, under this Title, to maintain a strategic rural economic development plan for each RDC in the same manner that was previously required. To be eligible for minimum funding from state appropriated funds, each regional commission must collect annual dues of \$1.00 for each resident of each county within the commission. Each commission must apply to the department for supplemental funding. Commissions are authorized to provide, through contract, governmental services on behalf of local governments. The State Auditor will perform triennial audits of the state funds received by a commission. The Governor, Lieutenant Governor, and Speaker of the House of Representatives will all

have appointments to commission councils. Further, this legislation changes the wording “development center” to “commission” wherever appropriate.

MCPHERSON IMPLEMENTING LOCAL REDEVELOPMENT AUTHORITY ACT

HB 817: This legislation creates the McPherson Implementing Local Redevelopment Authority which is a political subdivision of the State. The majority of the Authority’s 11-15 members will come from the City of Atlanta. The Authority is responsible for executing and administering the reuse plan for Fort McPherson including executing economic development conveyances for such property, and acquiring, constructing, equipping, maintaining, and operating projects in or on the property.

LOCAL GOVERNMENT FRANCHISING AUTHORITY - TELECOM

SB 379: This legislation creates a standardized, local franchise application process for telecommunications, and a standard franchise fee that will be paid for telecommunications, based on three percent of recurring local revenues. The bill ensures that municipalities maintain the authority to manage the rights of way and requires telecommunications companies to abide by reasonable rights of way ordinances. Existing franchise agreements will remain in effect until their expiration or until December 31, 2012, whichever is sooner.

ENVIRONMENT AND NATURAL RESOURCES

UNIFORM ENVIRONMENTAL COVENANTS ACT

HB 1132: This legislation provides for environmental covenants and other land use laws. The environmental covenant will provide a narrative of the type and severity of a hazard or contaminants of concern. This legislation provides a consistency in law on private covenants.

LAND CONSERVATION PROJECTS

HB 1176: This legislation allows Georgia Environmental Finance Authority and the Georgia Land Conservation Program Council to make loans to non-governmental entities to protect and conserve land.

EPD APPROVAL, LOCAL RESTRICTIONS, OUTDOOR WATER USE

HB 1281: This legislation requires the Georgia Environmental Protection Division (EPD) approval if a local government wants to impose greater restrictions than those imposed by the state on outdoor water use. The bill was amended on the Senate floor to exempt local governments from fines or sanctions, upon approval by EPD, when a local government is not allowed to impose greater outdoor watering restrictions than the state and then fails to satisfy reduced water consumption or other permit requirements. Local governments would have to

notify EPD within 10 days of the discovery of such failure. The bill would also require EPD to exempt a local government or utility from state restrictions if the utility shows good cause to be exempt. The proposal also states that swimming pools are not deemed to be an outdoor water use if failure to maintain the swimming pool would create unsafe, unsanitary, or unhealthy conditions. The entire code section sunsets on July 1, 2010.

STATE WATER PLAN

HR 1022: This resolution ratifies the Comprehensive State-Wide Water Management Plan (Water Plan) adopted by the Water Council on January 8, 2008. The purpose of the Water Plan, as stated in its enabling legislation, the 2004 Comprehensive Statewide Water Management Planning Act, is to guide Georgia in managing water resources in a sustainable manner to support the state's economy, to protect public health and natural systems, and to enhance the quality of life for all citizens.

The process begins with the completion of a set of water resource assessments by the Environmental Protection Division (EPD) which will define the water quality and water quantity capacities of our water resources. A regional water planning council will be responsible for using regional population and employment estimates to forecast needs for water and assimilative capacity within a water planning region. Then a regional water development and conservation plan will be prepared by EPD and by regional water councils. Once adopted, the plans will be implemented by the water users in the water planning region and EPD will make water permitting decisions based on the plans.

Water planning councils will be representative of local governments, water users, and other water related interests in each planning region. Water planning regions include one more surface or groundwater resource(s) and are generally aligned with the hydrology of those resources. Intrabasin transfers may continue to occur within the state. However, if a new intrabasin transfer will cross the jurisdictional boundaries of more than four counties, it will not be permitted until consumptive use assessments have been completed and regional water plans have been developed.

RESERVOIR FUNDING AND STREAMLINED PERMITTING

SB 342: This legislation authorizes the Soil and Water Conservation Commission to fund the cost of obtaining permits for reservoirs and provides for expedited permitting of such reservoirs through the Environmental Protection Division (EPD). This bill also creates a Water Supply Division (WSD) within the Georgia Environmental Facilities Authority (GEFA) to acquire, design, construct, equip, maintain, expand, and improve reservoirs in the state. The WSD, in cooperation with the Department of Natural Resources, must take all reasonable steps at the

earliest practicable date to inventory and survey feasible sites for water reservoirs within the state. However, no reservoir will include an electrical generation facility unless the facility does not cause the release of water from the reservoir for generation of power. All uses of water reservoirs and acquired surrounding lands must be subordinate to the use of the reservoirs for water supply purposes.

Senate Bill 342 also creates a Legislative Oversight Committee and a Georgia Reservoir Fund, which will consist of proceeds of bonds, any moneys paid to GEFA under intergovernmental contracts, voluntary contributions, and any federal moneys deposited into the Fund. This legislation also provides for an additional sales and use tax exemption for the purchase of water efficient products with a sales price of \$1,500 purchased for noncommercial home or personal use and extends the tax exemption period until October 5, 2008. Nothing in this legislation will alter or abrogate any provisions of current law, rules, regulations, or state-wide or regional water plans governing interbasin or intrabasin transfer of waters.

ENVIRONMENTAL PROTECTION: LEGISLATIVE OVERRIDE

SB 352: This legislation allows for legislative override of Environmental Protection Division rules which are not related to federally delegated responsibilities of EPD.

REAUTHORIZE SOLID WASTE TRUST FUND FEES

SB 399: This legislation extends the sunset of the \$1 per tire fee intended for the Solid Waste Trust Fund from June 30, 2008 until June 30, 2011.

AUTHORIZING GRAY WATER USE

SB 463: This legislation requires cities or counties to allow gray water systems for residential irrigation if these systems meet plumbing code specifications. Residents may use gray water on their property to water lawns, landscape irrigation, household gardening (but not food plants) and composting.

EXEMPTING CAR WASH FACILITIES

SB 466: This legislation allows permanent car wash facilities to be exempt from outdoor watering restrictions if the facility is on a sewer system or uses recycled wash water, and is certified by EPD as meeting or exceeding best management practices for car washing facilities, as determined by a DNR Board rule. Car washing facilities would be required to pay a \$50 annual fee to be certified by EPD. This legislation also states that filling of swimming pools is not classified as an outdoor water use.

MUNICIPAL GOVERNMENT

PROHIBITION OF RETROACTIVE PERMITS

HB 975: This legislation prohibits a county or city from backdating a permit or other authorizing document in any area which, due to a change in the jurisdictional authority of local governments, is no longer within the jurisdiction of the issuing local government.

MUNICIPAL ELECTIONS, REPORTS TO SECRETARY OF STATE

HB 1098: This bill requires that the results of all municipal elections be immediately transmitted to the Office of the Secretary of State.

FLEET VEHICLES - CITY LIABILITY

HB 1235: This legislation provides that cities must pay fleet vehicle owners for any fees associated with wrongfully towing or impounding fleet vehicles, but also contains language that preserves the sovereign immunity of cities. (Because fleet vehicle VIN numbers are not reported to the state, officers often have no way to verify that fleet vehicles are legally insured.)

PROHIBIT FOOD NUTRITION INFORMATION

HB 1303: This legislation preempts cities from enacting ordinances that require food service establishments to provide information to their consumers about the nutritional content of the food they serve.

BUILDING MAPPING

SB 33: This bill creates a discretionary program that allows cities to work with Georgia Emergency Management Agency (GEMA) in mapping buildings.

CONTRACT GUARANTEE FOR PRIVATE WASTE HAULERS

SB 154: This legislation aims to guarantee a continuation of commercial solid waste contracts for private waste haulers doing business in Georgia. The bill requires a city to allow a solid waste company to continue to provide solid waste services in previously unincorporated areas for the duration of the original contract with any commercial client. However, language was inserted to clarify that local governments have the authority to adopt ordinances establishing standards and procedures for solid waste collection to protect public health and safety.

LIMITATION OF RECOVERY COSTS ON MOTOR VEHICLE ACCIDENTS

SB 348: This bill prohibits cities and counties from imposing a fee or tax on insurance companies when providing any service for motor vehicle accidents, unless: (1) the coverage for the services are expressly provided by

an insurance company; (2) where emergency medical services are provided and the insured's medical insurance covers the services; or (3) where other services are provided to the insured which are expressly authorized by state or federal law to be billed to the insurance company. Cities and counties may still bill the insured directly.

PUBLIC SAFETY

RED LIGHT CAMERAS

HB 77: This legislation requires that traffic engineering studies be completed before red light cameras can be installed and requires cities to obtain a permit from the Georgia Department of Transportation (DOT) before installing an automated camera. It allows the DOT to charge permit application fees of cities desiring to install an automated system and would require existing cameras to comply with the DOT requirements. The bill also requires annual reporting to the DOT; failure to do so will result in any revenue generated by the camera being deposited in the state treasury. The bill requires DOT to investigate complaints and allows the state to recover attorneys' fees against cities accrued in obtaining injunctive relief. The bill provides that second and subsequent notices to violators be sent by certified mail, requires that an extra second be added to the yellow light at intersections with cameras, and allows violators to send in affidavits indicating they weren't driving instead of showing up in court to contest the ticket. It no longer contains a revenue sharing provision that would redirect municipal funds to the state.

GUN BILL - FIREARMS IN VEHICLES, PUBLIC PARKS, TRANSPORTATION

HB 89: This legislation allows anyone with a concealed weapons permit to carry a loaded firearm anywhere inside a passenger vehicle, rather than inside the console or in an open and obvious manner. The bill also allows those licensed to carry concealed weapons to bring them into all state and city parks, historical sites and recreational areas as well as onto public transit and restaurants that serve alcohol. The bill prevents employers (including cities) from searching locked employee or visitor automobiles in parking lots or from conditioning employment upon an agreement with a prospective employee prohibiting them from entering the parking lot with a firearm in their automobile. However, the bill provides an exemption for employers, including cities, with a secure parking area that restricts general access. It also provides that any policy of searching vehicles for weapons upon entry to such parking lots be applied uniformly to all visitors and employees and that it happens frequently. Other exceptions include parking lots adjacent to public utilities, jails, and restrictions applied to employees subjected to disciplinary action.

DOG-FIGHTING

HB 301: This legislation increases prison sentences and fines for those convicted of dog-fighting. It also makes betting on dog-fighting a crime.

PURSUIT BY OUT-OF-STATE OFFICERS

HB 983: This legislation allows law enforcement officers from neighboring states, in pursuit of a fleeing criminal suspect, to have arrest powers within Georgia. The crime which is suspected must be a crime in both Georgia and the originating state and must be punishable by more than one year of incarceration.

VAPORIZED FORMS OF ALCOHOLIC BEVERAGES

HB 1066: This legislation prohibits the use, sale, or possession of any vaporized form of an alcoholic beverage produced by an alcohol vaporizing device. This does not include nebulizers or atomizers or medicine which contains alcohol. A person convicted would be guilty of a misdemeanor.

SEXUAL ASSAULT PROTOCOL

HB 1297: This bill allows the victim of certain sexual offenses to refuse requests for polygraph examination or other truth-telling devices. It establishes written court protocol for handling such offenses. The bill requires the maintenance of biological evidence in a case in which the death penalty is imposed until after the sentence is carried out in cases involving sodomy, statutory rape, child molestation, bestiality, incest, or sexual battery.

ORGANIZED RETAIL THEFT

HB 1346: This legislation makes it a crime for an individual to sell stolen retail property. A person commits the offense by receiving, disposing of, or retaining retail property which was unlawfully taken or shoplifted over a period not to exceed 180 days with the intent to transfer, sell, or distribute.

MERLOT TO GO

SB 55: This legislation allows for customers to take home partially consumed bottles of wine ordered in a restaurant. The wine must be ordered with a meal and partially consumed on the premises. The bottle must be resealed and placed in a sealed bag with a receipt attached. If it is transported by car, it must be stored in a locked trunk or locked glove compartment or behind the last seat in a car without a trunk.

GBI COMPARING DNA SAMPLES

SB 430: This bill allows law enforcement agencies more access to a national

DNA database to investigate if a suspect is wanted for crimes in other states. Effective July 1, 2008.

TELECOMMUNICATIONS DEVICES FOR INMATES

SB 366: This legislation prohibits any person from giving an inmate a telecommunications device without the permission of the sheriff, warden or chief jailor. A violation shall be a felony.

EMERGENCY SUSPENSION OF POLICE OFFICERS BY POST

SB 373: This legislation authorizes the Executive Director of the Georgia Police Officers Standards and Training (POST) council to suspend the certification of a law enforcement officer upon their being arrested or indicted for a felony offense until such time as the POST Council overturns the Executive Director's decision. This would ensure that law enforcement officers are quickly and temporarily relieved of their POST certification in the event they are charged with a felony until the charge is resolved.

LIMOUSINE CARRIERS – ALCOHOL SALES

SB 385: This legislation allows the State Revenue Commissioner to issue permits to limousine carriers allowing them to sell alcoholic beverages to their passengers for consumption only in the vehicle. All passengers must be 21 years of age. The city will not be able to collect sales taxes on these transactions.

RECORDED MATERIAL – ILLEGAL ACTIONS

SB 406: This bill increases the penalties for reproducing, transferring, selling or distributing certain recorded material without the owner's permission. Anyone convicted of violating this code is guilty of a felony.

FIREFIGHTER STANDARDS & TRAINING ACT

SB 414: This legislation allows the Firefighter Standards and Training Council to probate the certification of firefighters that have not kept up with their certification training.

FALSE IDENTIFICATION DOCUMENTS

SB 421: This bill establishes penalties for individuals who manufacture, alter, sell, distribute, deliver, receive, possess, or offer for sale three or more false identification documents.

COMMERCIAL SEXUAL EXPLOITATION OF MINORS STUDY COMMISSION

SB 445: This legislation establishes the Joint Senate/House Study Commission which will study the conditions, needs, issues, and problems

related to child prostitution, pornography, escort services, and other forms of sexual exploitation. The committee will recommend any action or legislation which it deems necessary or appropriate.

REVENUE AND FINANCE

SPECIAL ELECTIONS DATE

HB 296: This legislation limits the special elections for ballot questions to general elections and general primaries in even numbered years and to March and November elections in odd numbered years. In Presidential election years, a special election could also be held in conjunction with the Presidential Preference Primary. The effective date of this legislation is January 1, 2010.

INCOME TAX CREDIT FOR REHABILITATED HISTORIC PROPERTY

HB 851: This legislation encourages the redevelopment of historic structures by increasing the state income tax credit from 10 percent to 25 percent of qualified rehabilitation expenditures for a historic home and from 20 percent to 25 percent of qualified expenditures for other certified structures. The tax credits for historic home expenditures are capped at \$100,000 in a 120 month period, and the credits for a certified structure are capped at \$300,000 in a 120 month period.

SALES TAX HOLIDAY

HB 948: This legislation establishes the 2008 sales tax holiday dates for back-to-school items as July 31-August 3 and the sales tax holiday dates for energy efficient items as October 2-5.

INSURANCE PREMIUM TAX EXEMPTION

HB 977: This legislation creates an insurance program for high deductible health plans and provides an exemption from state and local insurance premiums taxes for high deductible health plans sold or maintained in connection with a health savings account. The exemption from local insurance premiums taxes will sunset on January 1, 2015 unless it is extended by the General Assembly.

RECREATION SYSTEMS TAX

HB 1024: This legislation allows a city or county that has established a minimum or maximum recreation tax to hold a referendum to remove the minimum, maximum or both. Once the minimum, maximum or both has been removed, the city or county may determine the amount of funding for the recreation system.

PROPERTY TAX EXEMPTION FOR WATERCRAFT

HB 1046: This legislation extends the current property tax exemption for watercraft held by a dealer for sale or resale through 2010.

CONSERVATION USE; INTEREST ON APPEAL

HB 1081: This legislation allows county governments to establish a minimum acreage (up to 25 acres) for Conservation Use Value Assessment (CUVA) properties. It also allows an owner of property in a CUVA covenant the opportunity to cure a breach of that covenant. Further, it establishes the maximum amount of interest owed to a taxpayer or to a local government in the event that a property's value is changed as the result of an appeal at \$150.00. Additionally, if a refund is owed to a taxpayer, as a result of a decrease in assessed value from the appeal, the refund must be paid to the taxpayer within 60 days of the last date on which an appeal may be filed or the date on which the final determination of value is made. Any refund paid after the 60th day will accrue interest at the rate of 1% per month.

HOTEL MOTEL TAX

HB 1168: This legislation amends the hotel-motel tax code to streamline and clarify the hotel-motel tax process and use of the proceeds. Under the new law, cities and counties can continue to operate exactly as they are operating today. However, after July 1, 2008, if any local government wants to increase its hotel-motel tax rate above 5%, or wants to discontinue its current process and switch to the new system, the local government will need to pass a local resolution calling for an increased hotel-motel tax and have passed local legislation allowing the increase (all of the various paragraphs that allow a tax higher than 5% require general legislation now but are typically supported by the local delegation) through the General Assembly. The amount of hotel-motel tax revenue collected at the rate of 5% would be split 60/40 (as it is now) between the city and tourism advertising and the amounts collected in excess of that could be split 50/50 and used for marketing and for capital projects at the tourism destinations.

FULTON COUNTY HOMESTEAD EXEMPTION

HB 1190: This legislation provides for the homestead exemption in Fulton County to be raised from \$15,000 to \$30,000 over a period of three years, beginning in January 2009. The question is on the November ballot.

ATLANTA PUBLIC SCHOOLS HOMESTEAD EXEMPTION

HB 1191: This legislation provides for the homestead exemption for Atlanta

Public School taxes to be raised from \$15,000 to \$30,000 over a period of three years, beginning in January 2009. The question is on the November ballot.

CITY OF ATLANTA HOMESTEAD EXEMPTION

HB 1192: This legislation provides for the homestead exemption in the City of Atlanta to be raised from \$15,000 to \$30,000 over a period of three years, beginning in January 2009. The question is on the November ballot.

FULTON COUNTY HOMESTEAD EXEMPTION FOR SENIORS

HB 1205: This legislation provides for a Fulton County homestead exemption of 50% of the assessed value of a home for any senior, 65 and older, whose total household income does not exceed 200% of the federal poverty level. The question is on the November ballot.

JOBS TAX CREDIT IN POVERTY AREAS

HB 1273: This legislation allows job tax credits to be available to businesses located within or adjacent to census block groups with a poverty rate of 15 percent or greater if the area is also in an enterprise zone or where a redevelopment plan has been enacted pursuant to the Urban Redevelopment Law. It also states that within areas of pervasive poverty, businesses only have to increase employment by two or more jobs in order to be eligible for the credit; however, if only two jobs are created, those two employees may not be married to one another.

ALCOHOLIC BEVERAGES – REGIONAL ECONOMIC ASSISTANCE PROJECTS

HB 1280: This legislation allows regional economic assistance projects (REAP) the ability to sell alcohol for consumption on the premises. The REAP is required to obtain a license issued by any local government in which a portion of the REAP may lie. The REAP may set its own hours and days of operation so long as such hours and days have been approved in some jurisdiction located in the State, but not necessarily by the jurisdiction in which the REAP is located either in full or in part. Local governments retain the power to tax the alcohol sales allowed in the REAP.

FULTON COUNTY TAX ABATEMENT – URBAN ENTERPRISE ZONE

HB 1452: This legislation allows for the Fulton Cotton and Bag Mill Mixed-Use Enterprise Zone to be exempt from Fulton County ad valorem taxes in varying increments through 2010. The bill adds consistency because the City taxes are already abated for this zone.

HOMESTEAD EXEMPTION FILING DEADLINES

SB 159: This legislation provides that the deadline for filing homestead exemptions is the same date as the deadline for filing property tax returns.

ATLANTA HOMESTEAD EXEMPTION FOR SENIORS

SB 325: This legislation provides for a \$40,000 homestead exemption for seniors, 65 and older, whose net income does not exceed \$40,000. The question is on the November ballot.

TRANSPORTATION

CONCRETE TRUCK WEIGHT EXEMPTION

HB 981: This legislation allows concrete trucks to exceed maximum local street weight limits by a specific amount when delivering freshly mixed concrete to a customer, regardless of distance. Current law restricts these trucks to delivering in the same county or an adjoining county. This legislation also allows for a five percent variance from these weight limits if the vehicle is within 100 miles of the point of origin of the concrete.

GEORGIA TRANSPORTATION INFRASTRUCTURE BANK

HB 1019: This legislation creates the Georgia Transportation Infrastructure Bank (TIB) within the State Road and Toll-way Authority (SRTA). The TIB will serve as a revolving loan fund and will provide loans and other financial assistance to cities, counties, CIDs, public transit operators, and state agencies and authorities for constructing and improving highway and transportation facilities. Loan repayments will be used to capitalize the program, along with state appropriations, federal funds, and other funding sources. The SRTA Board must determine which projects are qualified projects from a list of eligible projects the board determines. "Eligible project" is defined as a highway, including bridges, air transport and airport facilities, rail, or a transit or bicycle facility project which provides benefits by either: enhancing mobility and safety; promoting economic development; or, increasing the quality of life and general welfare public. The term includes monorail and monobeam mass transit systems.

UTILITY EXEMPTION FROM NOTICE & HEARING REQUIREMENT

HB 1026: This legislation provides for circumstances whereby utilities will be exempt from requirements under Title 22 related to hearings and notices in the event that facilities owned by the utility, and in or adjacent to the public right-of-way, must be removed or relocated if they pose a danger to the public or to accommodate a DOT construction or maintenance project.

SALES TAX EXEMPTION FOR PUBLIC TRANSIT

HB 1035: This legislation extends the exemption from motor fuel taxes for public mass transit vehicles and for vehicles operated by a public campus transportation system.

DOT STRATEGIC PLAN

HB 1189: This legislation requires the commissioner of DOT to prepare a State-wide Strategic Plan and report to the Governor and General Assembly on its progress.

RAILROAD CROSSING SIGNALS

HB 426: This legislation requires school districts to annually provide DOT with a list of rail crossings on school bus routes that do not have active warning devices. The DOT would use this list in prioritizing which rail crossings should receive upgraded warning signals. The bill would also require schools to minimize the number of school bus routes that cross rails without safety devices.

DOT SURPLUS PROPERTY

SB 444: This legislation amends the procedure for the disposition of property not needed for public road purposes and to allow DOT to more readily dispose of such property. It would eliminate the requirement to publish a notice in the newspaper to advertise the disposal of the property when the owner's address cannot be found. The proposal would require an affidavit to be filed stating that a good faith effort was made to notify the owner prior to disposing of the property. The bill also allows DOT, a county, or municipality to negotiate the sale of property valued at \$30,000 or less, and allows DOT to accept bids for property that are within 15% of market value.

SECTION D

Final Legislative Summary

CITY OF ATLANTA 2008 LEGISLATIVE PACKAGE

1. MUNICIPAL GOVERNMENT

- A. Amend State law to authorize municipalities to require residential property owner identification.

BILL #: N/A

AUTHORS: N/A

STATUS: Working on a resolution with various parties which will not require legislation. If needed, we will draft for the 2009 Session.

2. PUBLIC SAFETY

- A. Amend State law to permit municipal police the power to enforce state illegal drug statutes in state parks.

BILL #: SB 453

AUTHORS: Unterman, Tate, Butler, Seay,
Davenport

STATUS: PASSED - SIGNED BY GOVERNOR

- B. Amend State law to allow local governments the ability to restrict guns in city parks.

BILL #: HB 1122

AUTHORS: Gardner, Abrams, Ashe,
Murphy, Kaiser

STATUS: HELD in House Judiciary Non-Civil

- C. Amend State law to allow local governments the ability to restrict ownership of assault weapons within the city limits.

BILL #: N/A

AUTHORS: N/A

STATUS: Not introduced.

- D. Amend State law to permit photo speed detection devices in school zones.

BILL #: SB 510

AUTHORS: Tate

STATUS: HELD in Senate Public Safety

- E. Amend State law to allow traffic courts the ability to suspend drivers' licenses for failure to pay fines.
BILL #: N/A **AUTHORS:** N/A
STATUS: **DRAFTED BUT NOT INTRODUCED BY DEADLINE**

3. REVENUE/FISCAL

- A. Amend State law to include community courts as a part of the group of courts allowed to create and administer a Pretrial Intervention and Diversion Program.

BILL #: SB 511 **AUTHORS:** Tate, Reed, Shafer, Adelman,
Orrock
STATUS: **HELD in Senate Judiciary**

- B. Amend State law to allow municipalities to increase the amount of bonds for public safety related projects to \$80 million.

BILL #: N/A **AUTHORS:** N/A
STATUS: **Not Introduced**

- C. Amend State law to allow municipal pension funds to be invested in real estate trusts, international markets and emerging markets.

BILL #: SB 80 **AUTHORS:** Hill, Thompson, Hudgens,
Heath, Hill, Tolleson
STATUS: **HELD in House Rules**

- D. Amend State law to permit local referenda on a \$1 increase in the real estate transfer tax to fund greenspace and conservation efforts.

BILL #: N/A **AUTHORS:** N/A
STATUS: **Not Introduced**

- E. Amend State law to allow for a constitutional amendment to permit and require school boards to compensate their local governments for conducting elections on their behalf.

BILL #: HR 592 **AUTHORS:** Holmes
STATUS: **HELD in House Rules**

- F. Amend State law to allow local governments to impose a 3% by-the-drink tax on beer and wine, as is currently permitted for liquor drinks.

BILL #: N/A **AUTHORS:** N/A
STATUS: **Not Introduced**

- G. Amend State law to allow municipalities to tax parking lots and decks.

BILL #: N/A **AUTHORS:** N/A

STATUS: Not Introduced

- H. Amend State law to allow municipalities with Special Entertainment Districts to institute pari-mutuel betting and/or casino gambling.

BILL #: HR 1477/HB 1369 **AUTHORS:** Bruce, Holms,
Fludd, Earnest

STATUS: HELD in House Judiciary Non-Civil

- I. Amend State law to allow local governments to impose a prepared food/beverage excise tax.

BILL #: N/A **AUTHORS:** N/A
STATUS: Not Introduced

- J. Amend State law to allow local governments to impose a wholesales alcohol tax increase.

BILL #: N/A **AUTHORS:** N/A
STATUS: Not Introduced

- K. Amend State law to allow local governments to increase the tax-by-the-drink on alcohol.

BILL #: N/A **AUTHORS:** N/A
STATUS: Not Introduced

4. SEWER/WASTEWATER

- A. Amend State law to permit the use of liens to collect water/sewer bills.

BILL #: N/A **AUTHORS:** N/A
STATUS: Not Introduced

- B. Support earmarking of stipulated penalties paid to the State of Georgia for spills and other Consent Decrees violations to fund supplemental environmental projects in the City of Atlanta.

BILL #: N/A **AUTHORS:** N/A
STATUS: Not Introduced

OTHER LEGISLATION OF INTEREST

TRANSPORTATION/MASS TRANSIT

REGIONAL TAX FOR TRANSPORTATION PROJECTS

(CONSTITUTIONAL AMENDMENT)

SR 845 provided for a statewide and regional funding mechanism for transportation purposes. Allowed for 1% of the 4% motor fuel tax to be redirected to DOT for all transportation purposes. Authorized, by referendum, a 1% T-SPLOST, and created special transportation districts. The regional commission would work with DOT to create a project list.

BILL #: SR 845 **AUTHORS:** Mullis, Stoner, Williams, Reed,
Wiles, Hill

STATUS: **Passed the House but Failed in the Senate**

MARTA - CONTRACT FOR EXTENSION

SB 332 allowed MARTA to contract for transportation service outside its current service area.

BILL #: SB 332 **AUTHORS:** Thompson, Stoner, Henson,
Davenport, Reed,

STATUS: **Held in House Transportation**

COURTS/LAW ENFORCEMENT

RESTRICTION ON NO-KNOCK WARRANTS

SB 259 would restrict the use of no-knock warrants for limited purposes only.

BILL #: SB 259 **AUTHORS:** Fort, Mullis

STATUS: **Held in House Judiciary Non-Civil**

RED LIGHT CAMERAS

HB 77 has been amended to include a requirement that an engineering study be completed before a red light camera can be installed.

BILL #: HB 77 **AUTHORS:** Loudermilk, Scott, Franklin
Lunsford, Mumford, Byrd

STATUS: **PASSED - SIGNED BY THE GOVERNOR**

FIREARMS

HB 89 allows firearms to be carried anywhere inside a passenger vehicle, rather than inside the console or in an open and obvious manner. Holders of concealed weapons permits may take their firearms into restaurants that serve alcohol, onto public transportation, into state and local parks and historic and recreational areas.

BILL #: HB 89 **AUTHORS:** Bearden, Horne, Hatfield, Maddox,
Smith
STATUS: PASSED - SIGNED BY THE GOVERNOR

MUNICIPAL GOVERNMENT

TAD CONSTITUTIONAL AMENDMENT

SR 996 provides for a constitutional amendment and allows the General Assembly to authorize any county, municipality, or housing authority to undertake and carry out community redevelopment. Will allow for local school property taxes to be used for TAD funding.

BILL #: SR 996 **AUTHORS:** Weber, Reed
STATUS: PASSED - ON NOVEMBER BALLOT

FULTON COUNTY

BOARD OF COMMISSIONERS AUTHORITY

HB 1386 requires the Fulton County Board of Commissioners to review all county boards, commissions and authorities once every seven years and to abolish those no longer needed.

BILL#: HB 1386 **AUTHORS:** Lindsey, Willard, Holmes,
Stanley-Turner, Kaiser
STATUS: HELD in House Intragovernmental Coordination

BOARD OF COMMISSIONERS - COURTHOUSE SAFETY

HB 1405 allows the Fulton County Board of Commissioners to develop and implement a comprehensive security plan for the county courthouse and any courthouse annex.

BILL #: HB 1405 **AUTHORS:** Lindsey, Willard, Kaiser,
Geisinger, Wilkinson
STATUS: HELD in House Intragovernmental Coordination

FINANCE / REVENUE

JOINT WATER AUTHORITIES

HB 1145 allowed for the creation of joint water authorities throughout the state.

BILL #: HB 1145 **AUTHORS:** Willard, Burkhalter
STATUS: HELD on House Floor

WATER CUSTOMER RATE DISPARITY

HB 1117 prohibited water and sewer utilities from charging a higher rate to customers located outside their service boundaries.

BILL #: HB 1117 **AUTHORS:** Willard, Wilkinson, Geisinger
STATUS: HELD in House Governmental Affairs

WATER & SEWER SERVICE FEES

HB 1292 This bill would prohibit local governments, which charge higher water/sewer rates to customers located outside their jurisdiction, from using those revenues to repay bonds related to other projects or projects that are not related to the provision of water/sewer service to those customers

BILL #: HB 1292 **AUTHORS:** Willard, Wilkinson, Geisinger
STATUS: HELD in House Intragovernmental Coordination

STUDY COMMITTEES

HR 1288 Telecommunications Competition Review Study Committee will study the current market, economic development, changes in the telecommunications industry and competition as it benefits consumers.

HR 1516 Organized Retail Theft Study Committee will study the economic harm on the State from organized retail theft. The committee will also study health concerns because of the theft and repackaging of food items that are later sold.

HR 1607 / SR 1201 Biodiesel Fuel Study Committees will study the effects and possible benefits from Georgia becoming a leader in producing biodiesel fuel.

HR 1610 Study Committee on Emergency Response and Preparedness Curriculum for Georgia High Schools will study the need for emergency response and preparedness curriculum for high school students, to include

an historical education and basic understanding of the major threats to citizens.

HR 1740 Pubic & Legal Notices Study Committee will review the various outlets for advertising of public and legal notices.

HR 1881 Dry-Cleaning Solvent Study Committee will study the issue of ground-water contamination caused by these solvents. The committee may submit legislation to address the problem.

SR 819 Comprehensive Firearms Law Study Committee will study the current firearms laws in the Georgia Code, researching for redundancies, confusing laws and contradicting laws.

SR 1213 Education Funding Mechanisms Review Study Committee will study QBE, capital outlay, equalization grants and virtual schools to determine the best funding mechanisms for schools in the state.

SR 1147 Fleeing and Law Enforcement Pursuits Study Committee will scrutinize and amend Georgia's laws regarding fleeing or eluding a police officer and police pursuit.

SR 1167 Local Sales Tax Collection Study Committee will review Georgia's sales and use tax law and make recommendations necessary to revise the law. This includes the manner of collection of local sales taxes and the possibility of allowing cities and counties the ability to collect these taxes directly.

SHIRLEY FRANKLIN

Mayor



ATLANTA CITY COUNCIL

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