

**STATE AND LOCAL GOVERNMENTAL OPERATIONS
2006 SESSION**

Committee Members:

**Senator John Wiles,
Chairman**
District 37
319-A CLOB
404.657.0406
800 Kennesaw Avenue,
Suite 400
Marietta, Georgia 30060
770.426.4619

Senator Johnny Grant
District 25
321-A CLOB
404.656.0082
Post Office Box 1458
Milledgeville, Georgia 31059
478.452.1427

Senator Emanuel Jones
District 10
302-B CLOB
404.656.0502
Post Office Box 370244
Decatur, Georgia 30037
770.964.8888

Senator Jeff Mullis, Vice-Chairman
District 53
121-C Capitol Building
404.656.0051
519 Cove Road
Chickamauga, Georgia 30707
706.639.0499

Senator Kasim Reed
District 35
322-B CLOB
404.463.1379
1755 Loch Lomond Trail
Atlanta, Georgia 30331

Senator Horacena Tate
District 38
110 Capitol Building
404.463.8053
201 Joseph E. Lowery Blvd., NW
Atlanta, Georgia 30314
404.577.5609

Senator Renee Unterman, Ex-Officio
District 45
421-B Capitol Building
404.463.1368
Post Office Box 508
Buford, Georgia 30518
678.508.5945

Senator Daniel Weber, Secretary
District 40
301-B CLOB
404.463.2260
1117 Wynterhall Lane
Dunwoody, Georgia 30338
770.395.9709

Senator Jim Whitehead
District 24
319-B CLOB
404.656.5114
4715 Silverlake Drive
Evans, Georgia 30809
706.738.5126

**Senate State and Local Governmental Operations
Committee Rules:**

2005-2006 Sessions

1. Quorum of the committee shall consist of no less than a majority (5) of the members, not including ex-officio members.
2. The committee shall convene, recess, and adjourn upon the order of the Chairman.
3. The Chairman shall determine which bills and resolutions are eligible to be considered and the order in which said measures shall appear before the committee.
4. A bill or resolution will be considered only after at least one presentation to the committee by one of its principal authors or designee.
5. The Chairman shall have the right to defer or hold bills or resolutions in the committee for further study and recommendation.
6. Any member who may disagree with the majority report of the committee may file a minority report if they so desire.
7. These rules may be amended upon a motion duly made and subsequently approved by a majority vote of the members of the committee.

STATE AND LOCAL GOVERNMENTAL OPERATIONS

Wednesday, January 11, 2006

4:00 p.m. – MEZZ CAP

MEMBERS PRESENT:

Wiles, 37th, Chairman
Grant, 25th
Jones, 10th
Tate, 38th
Weber, 40th, Secretary
Whitehead, 24th

Chairman Wiles, 37th, called the committee meeting to order at 4:13 p.m.

SB 399, (Senator David Shafer, 48th) Municipal Corporation; special services district; within 3 miles of noncontiguous area treated as same noncontiguous area.

After introductions of each Senator and various community groups, Senator David Shafer, 48th, presented information about the bill. It was decided to create a substitute for **SB 399** expanding the noncontiguous area from three to ten miles. In addition, Senator Tate, 38th, offered an amendment to the bill which would make the bill effective on January 1, 2006; the amendment was unanimously approved.

Senator Tate, 38th, made the motion to vote “**DO PASS BY SUBSTITUTE**”. Senator Grant, 25th, seconded the motion. Hearing no nays, the motion carried.

The meeting was adjourned at 4:45 p.m.

Respectfully Submitted,

/s/ Senator Dan Weber, 40th
Secretary

/s/ Diana Hauser
Recording Secretary

STATE AND LOCAL GOVERNMENTAL OPERATIONS

Tuesday, January 31, 2006

11:00 a.m. – 310 CLOB

MEMBERS PRESENT:

Wiles, 37th, Chairman
Grant, 25th
Mullis, 53rd, Vice-Chair
Unterman, 45th, Ex-Officio
Weber, 40th, Secretary
Whitehead, 24th

Chairman Wiles, 37th, called the committee meeting to order at 11:15 a.m.

SB 450, (Senator Brian Kemp, 46th) - Ad Valorem Taxation of Property; revise pay structure of certain county officers/officials; provide recalculation of min. salaries.

Jim Grubiak of ACCG, Lamar Norton of CMA, and Judge Betty Cason of COAG were in attendance and in support of this bill.

Senator Kemp, 46th, presented a summary of the bill; revision of the minimum salary schedules, adding a 2% cost of living increase, and a 2% pay raise. He explained that the bill doesn't affect state monies--just local monies and budgets.

Senator Weber, 40th, inquired as to which officials would be included/excluded as a result of this bill.

Judge Betty Cason, former President of COAG (County Officers' Association of Georgia) and President-Elect of the Council of Probate Court Judges, explained that sheriffs were excluded from the minimum salary scale because it was felt, because of working conditions, they should be paid more.

Senator Unterman, 45th, inquired as to the effective date for the budget changes.

Senator Kemp, 46th, replied that the effective date would be January 1, 2007; this would prevent having to rework the 2006 budget.

Senator Grant, 25th, asked why the COLA was to start in 2006 and not in 2007, along with the salary increase. It was explained by Judge Betty Cason that the intent was to have the COLA begin this year while the salary increase wouldn't take effect until the new year; also, it is unknown at this time if there will be a COLA for 2007. Discussion followed.

Senator Wiles, 37th, asked for other speakers. Having none, Senator Unterman, 45th, made the motion to “**DO PASS BY SUBSTITUTE**”. Senator Whitehead, 24th, seconded the motion. Hearing no nays, the motion carried.

SB 202, (Senator John Wiles, 37th) - Budgets/Audits; local government; grant requirements; subrecipients.

Senator Wiles, 37th, introduced the bill and then had Bernard Reynolds, Director of the Office of Rural Development in the Department of Community Affairs, explain the bill in more detail.

Senator Mullis, 53rd, joined the meeting late, having come from another committee meeting.

Mr. Reynolds explained that there are 50 local assistance grants in the 2006 budget. This bill would require that the grants be certified with the Department of Audits thereby increasing accountability of the state funding.

Senator Grant, 25th, made the motion to “**DO PASS**”. Senator Unterman, 45th, seconded the motion. Hearing no nays, the motion carried.

The meeting adjourned at 11:40 a.m.

Respectfully Submitted,

/s/ Senator Dan Weber, 40th
Secretary

/s/ Diana Hauser
Recording Secretary

STATE AND LOCAL GOVERNMENTAL OPERATIONS

Thursday, February 2, 2006

2:30 p.m. – 310 CLOB

MEMBERS PRESENT:

Wiles, 37th, Chairman
Grant, 25th
Jones, 10th
Mullis, 53rd, Vice-Chair
Reed, 35th
Weber, 40th, Secretary
Whitehead, 24th

Chairman Wiles, 37th, called the committee meeting to order at 2:34 p.m.

Presentation of the Tax and Expenditure Data Center for Georgia Local Governments given by James Ledbetter of the Carl Vinson Institute of Government.

Also in attendance were members from ACCG and GMA.

Dr. Ledbetter and the Carl Vinson Institute of Government are developing a data base to help local governments with their fiscal management. This tool would be an asset particularly to those which are in financial distress.

With this data base, one can compare different counties that are close in size looking at revenue sources, expenditures per capita, operating budgets, fund balances, debt—both short-term and long-term, etc. Other management indicators can be compared as well; for example, on a public safety call, what are the response times and what level of service is provided.

They plan to develop training for County Commissioners and Councilmen to assist them in learning the capabilities of this tool.

Dr. Ledbetter solicited recommendations for expansion of the data base and what information would be most valuable to those using it. Discussion followed with individual Senators requesting to see data for their districts.

Lamar Norton, from GMA, advocates the program. He suggested that another good use could be for comparing salaries across various police departments.

ACCG also endorses use of this statistical tool.

The meeting adjourned at 3:30 p.m.

Respectfully Submitted,

/s/ Senator Dan Weber, 40th
Secretary

/s/ Diana Hauser
Recording Secretary

STATE AND LOCAL GOVERNMENTAL OPERATIONS

Thursday, February 9, 2006

2:30 p.m. – 310 CLOB

MEMBERS PRESENT:

Wiles, 37th, Chairman
Grant, 25th
Jones, 10th
Mullis, 53rd, Vice-Chair
Reed, 35th
Tate, 38th
Whitehead, 24th

Chairman Wiles, 37th, called the committee meeting to order at 2:33 p.m.

SB 500, (Senator Bill Stephens, 27th) – 2006 Georgia Accuracy in Elections; permanent paper record of votes; provide for pilot program/electronic voting

This legislation provides the elector with a permanent paper record of his or her vote and allows the elector an opportunity to review their selections before casting his or her vote. After casting his or her ballot, a paper record of the ballot will be deposited in a ballot box or other secure container. The elector is not allowed to keep the permanent paper record. If an error in the votes shows up, the elector shall notify the poll officers who must take the necessary steps to allow the elector to correct the errors. The permanent paper records will only be counted in a recount or election contest proceeding.

Section 4 -- Pilot Program: This legislation instructs the Secretary of State to implement a pilot program for the direct recording electronic (DRE) voting equipment using permanent paper record for the 2006 November general election and any runoff in one precinct in Bibb, Camden, and Cobb Counties. The Secretary of State will conduct a complete audit on each DRE unit used within 30 days following the 2006 November general election or any runoff. Each DRE unit used by the counties must receive national qualification and pass state certification for use in elections.

Senator Stephens, 27th, presented a summary of the bill. He explained that this bill will provide for a one-time pilot project test for the 2006 November general election. Three precincts, one in each of three specified counties, will be the test sites. These counties have been selected as being a representation of the demographics of Georgia. By limiting the test to this representative population, it will be a more cost-effective test.

Senator Jones, 10th, queried that the verifiable paper trail would only be used in the event of a recount or challenge. For the test, all machines in the test population would be counted and verified.

Senator Mullis, 53rd, commended Senator Stephens for leading this test forward.

Senator Whitehead, 24th, inquired if the test would slow down the voting process at all. Senator Stephens, 27th, explained that that was part of the test—to see if it did slow down the process at all. Further, that that was a consideration for testing on a limited basis.

Miss Kathy Rogers, Director of Elections, spoke about DREs (Direct Recording Electronics). She explained that the 2005 voting system standards are brand new and they are still in a learning phase—comparing what’s been adopted versus the new equipment based on the new standards.

Senator Tate, 38th, stated that while testing the equipment now is good, she was disappointed it was not done before. She wanted to go on record as being upset with the waste of time and precious money, and with the possibility of eroded feelings of voters about how the system works. She hopes that any changes needed won’t cost a lot of money.

Ms. Rogers’ opinion was that there is a difference in the technology that was available in 2002 and what is available now. She cited that there was only one vendor in 2002, and it went bankrupt this week.

Retired high school teacher Marion Carroll testified that she is terrified that we are privatizing our voting. She is concerned regarding the lack of security for the machines. She saw an ease of hacking into them, since the source code is proprietary and the vendor won’t release the code.

John Michael Fortuin, Defenders of Democracy, said he is for a paper trail but this was not the ideal bill. He claimed that all machines currently have the ability to do paper ballots, but that the Secretary of State was not willing to make the machines operative.

Mr. Garland Favorito, supporter of the HB 790 initiative in the House, said that Georgia ranks last nationally in vote verification. He believes Georgia is susceptible to fraud and errors since no poll worker can verify that the machines are totaling correctly.

Senator Reed, 35th, stated his concern that there is no verification of the votes and errors are undetectable. He cited the following possible situations: (1) the ballot is not the same as the vote in the computer, (2) the data on the screen is not the same as the vote in the computer, and (3) the program code can alter the votes even after the ballot and/or screen data is verified.

[HB 790](#) and [SB 500](#) are not in conflict, according to Mr. Favorito; there is just additional content in the House bill that would report discrepancies in the election results. He would like to see these bills merged and presented to the General Assembly.

Jill Johnson of the Georgia Public Interest Research Group stated that she supports [SB 500](#) but was concerned about the scope of the project. She felt that a test of only three precincts is not enough to insure accuracy and win voter confidence. She would like to see paper records state wide by 2008.

Lester Shepherd (no group association provided) claimed that slowing down the vote is not a valid concern. He is totally against electronic voting. He believes it is impossible to protect the machines and that we are headed toward a loss of democracy.

Aaron Rosetta, Defenders of Democracy, believes there is danger in the privatization of the vote; he wants open source software to protect against manipulation of the votes.

Senator Wiles, 37th, asked for other speakers. Having none, Senator Tate, 38th, made the motion to “**DO PASS BY SUBSTITUTE**”. Senator Reed, 35th, seconded the motion. Hearing no nays, the motion carried.

The meeting adjourned at 3:22 p.m.

Respectfully Submitted,

/s/ Senator John Wiles, 37th
Chairman

/s/ Diana Hauser
Recording Secretary

STATE AND LOCAL GOVERNMENTAL OPERATIONS

Tuesday, February 21, 2006

11:00 a.m. – 310 CLOB

MEMBERS PRESENT:

Wiles, 37th, Chairman
Grant, 25th
Mullis, 53rd, Vice-Chair
Reed, 35th
Unterman, 45th, Ex-Officio
Weber, 40th, Secretary

Chairman Wiles, 37th, called the committee meeting to order at 11:20 a.m. Since a quorum was not present, this meeting became a **HEARING ONLY** with no votes taken.

SB 276, (Senator John Wiles, 37th) - Eminent Domain; local board of education; condemnation on private property; procedures

This legislation protects property owners by detailing the use of eminent domain by local school boards. If another appropriate parcel or parcels of private property are for sale for purchase outright and the property is located within three miles of the private property which is being considered by the local board for condemnation, this bill prohibits local boards of education from exercising the power of condemnation on the private property unless the local board first makes all reasonable attempts to purchase the other appropriate parcel or parcels which are for sale.

This legislation details what a local board of education must do before exercising the right of eminent domain.

SB 566, (Senator Weber, 40th) – Chamblee, City of; change corporate boundaries

Senator Weber, 40th, gave an explanation of **SB 566**, a bill to extend the corporate boundaries for the City of Chamblee to include two new parcels and to provide for a vote by the electors of DeKalb County who reside in the area proposed to be annexed into the City of Chamblee.

The residents who reside in these two parcels will vote to be annexed into the City of Chamblee on the third Tuesday in March, 2007.

Mayor of Chamblee, Eric Clarkson, stated that at a recent council meeting, a majority of the council voted for the proposed annexation. He believes that this annexation would

provide a higher level of services delivery and would add a sense of community in the neighborhoods.

SB 567, (Senator Weber, 40th) – Doraville, City of; change corporate limits

Senator Weber, 40th, gave an explanation of [SB 567](#), a bill to reincorporate seven new tracts of land into the City of Doraville. The electors who reside in these seven new tracts of land will vote to be annexed into the City of Doraville on the third Tuesday in March, 2007.

Doraville Mayor Pro Tem Jason Anavitarte spoke on behalf of this bill. He believes that it will help the city to provide a greater level of services to its residents including but not limited to code enforcement, public safety, and control of crime. The Council members agreed with this assessment. Although this annexation will increase taxes, it will also provide better services.

Keith Hillsman, lobbyist for DeKalb County, said he was opposed to the bill. He said that the Perimeter Improvement District Commission had a majority vote against this legislation.

Tammy Andersen of Dunwoody said she would have no voice in this because she doesn't live in the affected area; however, she believes the affected people should be allowed a vote on this issue which is what this bill would do.

SB 568, (Senator Weber, 40th) – Dunwoody, City of; provide for charter; incorporation; boundaries; powers

Senator Weber, 40th, gave an explanation of [SB 568](#), a bill to establish the Charter for the City of Dunwoody.

Richard Drake, resident of Dunwoody, said it was time for Dunwoody to assume an identity with its own city center and services. He recognizes that taxes would go up but he believes the benefits would be worth it.

Tom Taylor, a resident who owns many apartments in the area, is for the City of Dunwoody. He is strongly for a referendum and self determination in respect to Dunwoody becoming a city.

Keith Hillsman, lobbyist for DeKalb County, said he was opposed to this bill along with [SB 566](#) and [SB 567](#).

SB 569, (Senator Weber, 40th) – Local Government; newly created municipalities; change provisions; removal of new municipal corporations

This bill has three sections: (1) Local Government Services; (2) Sale of Parks and Recreation Property; and (3) Bonds and Projects. It addresses the transfer of Police and Fire Stations and Parks from the county to the city. Also, a bonding mechanism for indebtedness will be passed along.

Discussion followed about the challenges faced when trying to set up a formula for new cities that incorporate for the transfer of properties from county to city. The case in point was the establishment of the City of Sandy Springs in Fulton County.

Mayor Galambos of Sandy Springs stated that services improved in 2 ½ months once they became a city. 150 citizens attended a full-day meeting of negotiations with Fulton County concerning the transfer of 260 acres of park land. This involvement by the people exhibited a new climate in government participation. Current law didn't anticipate the problems they were facing in Sandy Springs becoming a city.

Senator Unterman, 45th, asked if there was a provision for arbitration or would they automatically go to court.

Senator Weber, 40th, said there was a process for going into arbitration before going to court.

Oliver Porter, who was the Interim City Manager of Sandy Springs and was instrumental in the implementation of Sandy Springs as a city, said there was a loophole in the transfer of assets from the county to the city which was not addressed for Sandy Springs. He stated his belief that this issue needs to be addressed up front instead of in court later. He talked about the tax and asset ratios with respect to property transfer.

Mr. Porter urges the passage of [SB 569](#).

Senator Unterman, 45th, asked what prevents a city from not paying bonded indebtedness.

Senator Weber, 40th, said this situation was covered in the bill.

Mr. Joe DeVita, former president of an association of 153 homes, said he supported [SB 569](#).

Brian Anderson, local resident, said he supported [SB 569](#) which he believes would provide a smooth way of transfer between county and city.

Senator Wiles, 37th, and Chairman of the State and Local Governmental Operations Committee, announced that since a quorum was not present, they would have to have another meeting to vote on these bills.

Senator Wiles, 37th, asked if there were others who wanted to speak for or against [SB 569](#) or the other bills presented at this meeting. Having none, Senator Wiles, 37th, adjourned the meeting at 12:03 p.m.

Respectfully Submitted,

/s/ Senator Dan Weber, 40th
Secretary

/s/ Diana Hauser
Recording Secretary

STATE AND LOCAL GOVERNMENTAL OPERATIONS

Thursday, February 23, 2006

2:30 p.m. – 310 CLOB

MEMBERS PRESENT:

Wiles, 37th, Chairman
Grant, 25th
Jones, 10th
Mullis, 53rd, Vice-Chair
Reed, 35th
Tate, 38th
Unterman, 45th, Ex-Officio
Weber, 40th, Secretary
Whitehead, 24th

Chairman Wiles, 37th, called the committee meeting to order at 2:33 p.m.

SB 500, (Senator Bill Stephens, 27th) – 2006 Georgia Accuracy in Elections; permanent paper record of votes; provide for pilot program/electronic voting

A vote was taken on SB 500 on 2/9/06 and the bill passed with a substitute (LC 28 28845). However, when the bill was reviewed in the Rules Committee, a mistake was discovered in the substitute and a new substitute was drawn up (LC 28 2953S).

A brief discussion subsequently followed regarding SB 500 (LC 28 2953S).

John Fortuin, Defenders of Democracy, voiced his desire to improve the integrity of Georgia elections through paper verification. He stated regret that this bill only provides a trial, that it is limited to three counties, that the paper trail would only be used in the event of a recount, and the source code is subject to manipulation by a hacker. He urged the committee to consider SB 591 instead, stating that it is a stronger bill.

Garland Favorito, supporter of the HB 790 initiative in the House, is against this bill. He claimed the bill stripped out the audit trail previously in the bill. He pointed out it is just a pilot project and that nothing else will happen as a result of this bill, that there is no verification with this bill, and that it only provides reprints of unverifiable results.

Mr. Favorito asked that SB 591, which was introduced by Senator Tate, 38th, on February 22, be considered once it reaches the committee.

Senator Wiles, 37th, asked for other speakers. Having none, Senator Grant, 25th, made the motion to “**DO PASS BY SUBSTITUTE**”. Senator Mullis, 53rd, seconded the motion. Hearing no nays, the motion carried.

SB 276, (Senator John Wiles, 37th) - Eminent Domain; local board of education; condemnation on private property; procedures

This legislation details the use of eminent domain by local school boards. A substitute, changing the effective date from July 1, 2005, to July 1, 2006, was presented.

Senator Grant, 25th, made the motion to “**DO PASS BY SUBSTITUTE**”. Senator Mullis, 53rd, seconded the motion. Hearing no nays, the motion carried.

SB 566, (Senator Weber, 40th) – Chamblee, City of; change corporate boundaries

Senator Weber, 40th, gave a brief explanation of [SB 566](#) since a detailed explanation was given at a hearing on 2/21/06.

This legislation would extend the corporate boundaries for the City of Chamblee to include two new parcels. The residents who reside in these two parcels will vote to be annexed into the City of Chamblee on the third Tuesday in March, 2007.

Mayor of Chamblee, Eric Clarkson, believes this is a “good bill;” that several neighborhoods would be better served as part of the City of Chamblee. He said that there had been no opposition to this proposal.

Vernon Jones, Chief Executive Officer of DeKalb County, is against this bill. He believes the annexation is being used to get revenue for the City of Chamblee. Also, that the bill will increase taxes while decreasing services.

Senator Grant, 25th, pointed out that this bill is for a referendum to the voters; it is not deciding this change for them.

Chamblee Mayor Eric Clarkson responded that DeKalb County CEO Jones is wrong in his assessment regarding the effect on services.

Kevin Hugley of the Brookhaven Homeowners Alliance is against this bill. He described it as cherry picking.

Senator Mullis, 53rd, made the motion to “**DO PASS**”. Senator Grant, 25th, seconded the motion. Hearing one nay vote, recorded by Senator Jones, 10th, the motion carried.

SB 567, (Senator Weber, 40th) – Doraville, City of; change corporate limits

Senator Weber, 40th, gave a brief explanation of [SB 567](#) since a detailed explanation was given at a hearing on 2/21/06.

This legislation reincorporates seven new tracts of land into the City of Doraville. The residents who reside in these seven tracts of land will vote to be annexed into the City of Doraville on the third Tuesday in March, 2007.

The Mayor of Doraville spoke for this bill.

Anita Hoffmeister, a 25-year resident in the area to be annexed, spoke in favor of this bill. She was concerned about development of undesirable businesses near schools.

CEO of DeKalb County, Vernon Jones wanted to set the record straight that DeKalb County doesn't control the school district.

Keith Hillsman of DeKalb County said he was opposed to the bill, as did the Perimeter CID representative.

Senator Mullis, 53rd, made the motion to “**DO PASS**”. Senator Grant, 25th, seconded the motion. Hearing one nay vote, recorded by Senator Jones, 10th, the motion carried.

Senator Reed, 35th, left the meeting at 3:25 p.m.; Senator Jones, 10th, left the meeting at 3:28 p.m..

SB 568, (Senator Weber, 40th) – Dunwoody, City of; provide for charter; incorporation; boundaries; powers

Senator Weber, 40th, gave a brief explanation of [SB 568](#) since a detailed explanation was given at a hearing on 2/21/06.

Youngster Blake Tiede spoke for the bill. He said he was against portable classrooms and wanted to see more ball fields. His father, Al Tiede, said this bill would improve their quality of life by providing public safety in school zones, citing that a municipal police force would be better. He also was concerned about increased gang activity and stolen cars.

Mr. Eric Hordesen of the Murphy Candler area felt that neither the meeting of the State and Local Governmental Operations Committee on 2/21/06 nor today's meeting was advertised well. He asked to hold this bill for now citing that more information and study was needed to decide this issue; he believes that, theoretically, local control is good.

Ron Sprinkle, 30-year resident of DeKalb County and 15-year resident of Dunwoody is opposed to this bill. He said that he believes that there has been vast misinformation given by Senator Weber, 40th. He opposed redistribution of tax revenue to Dunwoody from Perimeter Mall; shared tax revenue would be okay. He said there was confusion in the community about who would be able to vote on this referendum, with only the people in the proposed city being able to vote.

Tom Taylor, a resident who owns many apartments in the area, is for the City of Dunwoody. He believes it would provide better services. He claimed that there has been an increase in crime and burglary because there are only three police officers in the area now. He cited a response time of 45 minutes to one hour for a recent call reporting a felony in progress.

Miss Vidalia Davis, Perimeter CID, is for self determination. She is against the bill because of the tax money involved.

Kevin Hugley of the Brookhaven Homeowners Alliance is against this bill.

CEO of DeKalb County, Vernon Jones, stated his belief that another layer of government is unnecessary. He does not support a LOST (local option sales tax). He said taxes will go up and services will be decreased. He said this bill has nothing to do with school districts. He reminded the voters that it will cost money to have a city.

Senator Tate, 38th, asked if this bill of incorporation has a referendum provision in it.

Senator Weber, 40th, cited page 29, lines 18 and 29, confirming that the bill requires a referendum by the voters.

Senator Unterman, 45th, stating concerns for the counties, recommended that a study committee be formed and that perhaps the Carl Vinson Institute be involved in discovery.

Senator Unterman, 45th, made the motion to “**DO PASS**”. Senator Grant, 25th, seconded the motion. Hearing no nays, the motion carried.

[SB 569](#), (Senator Weber, 40th) – Local Government; newly created municipalities; change provisions; removal of new municipal corporations

This bill has three sections: (1) Local Government Services; (2) Sale of Parks and Recreation Property; and (3) Bonds and Projects. It addresses the transfer of Police and Fire Stations and Parks from the county to the city. Also, a bonding mechanism for indebtedness will be passed along.

ACCG Jim Grubiak rhetorically asked Miss Davis if they would want to be a city if they didn't get the tax revenue from Perimeter Mall. He was concerned about the impact on people when the property is transferred.

Senator Unterman, 45th, made the motion to “**DO PASS BY SUBSTITUTE**”. Senator Mullis, 53rd, seconded the motion. Hearing one nay vote, recorded by Senator Tate, 38th, the motion carried.

The meeting adjourned at 4:05 p.m.

Respectfully Submitted,

/s/ Senator Dan Weber, 40th
Secretary

/s/ Diana Hauser
Recording Secretary

STATE AND LOCAL GOVERNMENTAL OPERATIONS

Tuesday, February 28, 2006

4:30 p.m. – 310 CLOB

MEMBERS PRESENT:

Wiles, 37th, Chairman
Grant, 25th
Jones, 10th
Mullis, 53rd, Vice-Chair
Reed, 35th
Tate, 38th
Whitehead, 24th

Chairman Wiles, 37th, called the committee meeting to order at 4:32 p.m.

SB 524, (Senator Jeff Mullis, 53rd) – Counties/Municipal Corporations; noise related ordinances

Senator Mullis, 53rd, explained that [SB 524](#) was to protect the property rights of landowners. The bill prevents local noise ordinances from being put into place and allows landowners to use off-road vehicles on their property for training and sport. It establishes a 100-yard buffer from neighboring residences for noise purposes.

Senator Wiles, 37th, asked if there were anything preventing the building of a dirt bike track in the middle of Cobb County.

Senator Mullis, 53rd, answered that as long as there was a 100-yard buffer, it could be built, providing it met zoning requirements.

Senator Whitehead, 24th, asked if there were any provision that would prohibit a track from being built in the middle of a city even if there were a 100-yard buffer.

Senator Mullis, 53rd, said there was nothing in the bill to prevent the building of a track in the middle of city limits as long as it had the 100-yard buffer.

Testimony was heard from John Clayton, of the Southern Strategy Group; Jim Grubiak, of ACCG; and Lamar Norton, of the Georgia Municipal Association.

John Clayton, of the Southern Strategy Group, a supporter of this bill, explained that the bill was simply to protect private property owners' rights to use their property; there was no other motive.

Jim Grubiak, of ACCG, was not in support of this bill; he said that there are ordinances in place now to control noise. Further, that this bill would override the current local noise ordinances while not addressing time limits or adequate buffers.

Senator Whitehead, 24th, stated that in Columbia County the noise limits are in terms of decibels and asked if this bill limited noise by decibels.

Mr. Grubiak answered that it did not.

Senator Whitehead, 24th, asked if this legislation would override the current ordinances.

Mr. Grubiak replied that to his understanding it would; thus the General Assembly would be preempting current ordinances.

Lamar Norton, of the Georgia Municipal Association, also had reservations about this bill; he testified that an exception was made in Hampton at scheduled times for the race track located there. He explained that what they wanted to do was reach a middle ground with current ordinances by changing the limits to be in rural areas and/or adding times into the bill.

Chairman Wiles, 37th, asked what the Committee wanted to do. Senator Reed, 35th, made the motion to “**DO PASS BY SUBSTITUTE**”. Senator Mullis, 53rd, seconded the motion. Hearing no nays, the motion carried.

There was an additional question regarding whether this bill would inhibit civil action from being filed if the noise is a problem, and it appears that it would not.

Senator Jones, 10th, asked if this bill would limit a county’s ability to zone if it is for a professional facility.

Legal Counsel responded saying that the Georgia General Assembly cannot affect zoning.

SB 563, (Senator Seth Harp, 29th) – Court Bailiffs; increase maximum per diem

Senator Harp, 29th, explained that this bill would increase the upper limit for the per-diem pay for Superior Court Bailiffs in Georgia from \$70 to \$100 a day.

There was no further testimony.

Senator Reed, 37th, made the motion to “**DO PASS**”. Senator Mullis, 53rd, seconded the motion. Hearing no nays, the motion carried.

The meeting adjourned at 4:55 p.m.

Respectfully Submitted,

/s/ Senator John Wiles, 37th
Chairman

/s/ Diana Hauser
Recording Secretary

STATE AND LOCAL GOVERNMENTAL OPERATIONS

Thursday, March 7, 2006

4:30 p.m. – 310 CLOB

MEMBERS PRESENT:

Wiles, 37th, Chairman
Grant, 25th
Mullis, 53rd, Vice-Chair
Reed, 35th
Tate, 38th
Weber, 40th, Secretary
Whitehead, 24th

Chairman Wiles, 37th, called the committee meeting to order at 4:46 p.m.

SB 574, (Senator John Bullock, 11th) – Municipal Corporation; incorporation; provide certification of compliance

This bill amends current Georgia Code relating to incorporation of municipal corporations, so as to provide that no municipal corporation shall be incorporated which has the same name as an existing municipal corporation or a name which is confusingly similar to that of an existing municipal corporation.

There was no discussion on this bill.

Senator Reed, 35th, made the motion to “**DO PASS**”. Senator Mullis, 53rd, seconded the motion. Hearing no nays, the motion carried.

SB 590, (Senator Gloria Butler, 55th) – Voter Registration; participation by nonauthorized private entities

Senator Butler, 55th, explained that this bill would define and enforce how voter registration groups process voter registration applications citing that procedures and guidelines are needed for safety.

Senator Wiles, 37th, asked if this new process was proposed to the State Elections Board last fall when there was comprehensive election law reform. Senator Butler, 55th, said it had been proposed at that time.

There was no one from the State Elections Board or from the Secretary of State’s Office at this committee meeting to respond.

Senator Reed, 35th, asked if there had been any interaction with the Secretary of State's Office concerning this bill. Senator Butler, 55th, answered no but stated that this bill would put Georgia in line with the National Voter Election Board.

Senator Weber, 40th, asked if there were consequences if a private agency failed to submit applications submitted to them, to which Senator Butler, 55th, replied that there were.

Since there was no representation by the Secretary of State's office at this committee meeting, Chairman Wiles, 37th, said that this would be a **HEARING ONLY** with no vote on this bill today.

SR 804, (Senator Dan Moody, 56th) – North Fulton Boundary Commission; create

Senator Moody, 56th, explained that this resolution would create the North Fulton Boundary Commission, composed of one representative each selected by the governing authority of the City of Alpharetta, the City of Mountain Park, the City of Roswell, and, if authorized in the 2006 session of the General Assembly, the City of Milton and the City of Johns Creek.

The Commission will study the boundaries of the municipalities within North Fulton County, taking into account the issues related to the natural boundaries, communities of interest, service delivery, and the preferences of the residents affected.

The Resolution submitted required a substitute to correct the name of Riverside to Johns Creek.

Senator Reed, 37th, made the motion to “**DO PASS BY SUBSTITUTE**”. Senator Mullis, 53rd, seconded the motion. Hearing no nays, the motion carried.

The meeting adjourned at 5:20 p.m.

Respectfully Submitted,

/s/ Senator Dan Weber, 40th
Secretary

/s/ Diana Hauser
Recording Secretary

STATE AND LOCAL GOVERNMENTAL OPERATIONS

Tuesday, March 14, 2006

2:30 p.m. – 310 CLOB

MEMBERS PRESENT:

Wiles, 37th, Chairman
Grant, 25th
Mullis, 53rd, Vice-Chair
Reed, 35th
Tate, 38th
Weber, 40th, Secretary
Whitehead, 24th

Chairman Wiles, 37th, called the committee meeting to order at 2:40 p.m.

HB 950, (Representative Clay Cox, 102nd) – Public employees and students; celebration of holidays; prohibit restrictions

Representative Cox, 102nd, explained that **HB 950** reaffirms free speech; it amends Chapter 2 of Title 1 of the Official Code of Georgia Annotated, relating to persons and their rights, so as to prohibit governmental entities in this state from unlawfully impairing, restricting, or prohibiting a public employee or public school student from verbal expressions relating to the celebration or observance of any public or legal holiday. He said that the legislation was developed after some schools told their students that they were not allowed to use the phrase “Merry Christmas.”

Senator Ronnie Chance, 16th, who will be carrying this bill in the Senate, said that it received bipartisan support in the House.

Maggie Garrett, legal counsel of the ACLU, said that although she supported the bill, it didn't go far enough to protect free speech. She wanted to clarify what students and teachers can say by striking paragraph (c); she believes it causes problems for paragraph (b).

Senator Chance, 16th, said a substitute should be created with the word “unlawfully” removed from paragraph (b).

Senator Mullis, 53rd, made the motion to “**DO PASS BY SUBSTITUTE**”. Senator Whitehead, 24th, seconded the motion. Hearing no nays, the motion carried.

HB 1435, (Representative Sue Burmeister, 119th) – Voting; persons with disabilities; provisions

Representative Burmeister, 119th, explained that this bill would assist disabled voters during registration and voting process. It also establishes changes for a person assisting a disabled voter with absentee ballots. Further, it eliminates language that requires a disabled person to sign a statement swearing that they are disabled.

Senator Jim Whitehead, 24th, will be carrying the bill in the Senate.

A representative from the Secretary of State's office was present and said there was no dissention with this bill. It was noted that this bill would take effect on January 1, 2007, to allow more time to implement the changes.

Pat Nobbie of the Governor's Council on Developmental Disabilities was pleased with the bill.

Senator Grant, 25th, made the motion to "**DO PASS**". Senator Mullis, 53rd, seconded the motion. Hearing no nays, the motion carried.

The meeting adjourned at 3:15 p.m.

Respectfully Submitted,

/s/ Senator Dan Weber, 40th
Secretary

/s/ Diana Hauser
Recording Secretary

STATE AND LOCAL GOVERNMENTAL OPERATIONS

Tuesday, March 21, 2006

3:30 p.m. – 310 CLOB

MEMBERS PRESENT:

Wiles, 37th, Chairman
Grant, 25th
Jones, 10th
Mullis, 53rd, Vice-Chair
Reed, 35th
Tate, 38th
Weber, 40th, Secretary

Chairman Wiles, 37th, called the committee meeting to order at 3:30 p.m.

HB 874, (Representative Jill Chambers, 81st) – Public disclosure of records; certain exception; clarify

This legislation establishes that public disclosure will not be required for records specifically required to be kept confidential by federal statute or regulation.

Senator Dan Weber, 40th, will be carrying this bill in the Senate.

Senator Weber, 40th, made the motion to “**DO PASS**”. Senator Mullis, 53rd, seconded the motion. Hearing no nays, the motion carried.

HB 1044, (Representative Mike Cheokas, 134th) – Firearms; carrying and possession; municipal and city court judges; amend provisions

Representative Cheokas, 134th, gave a brief description of this bill. This legislation allows permanent part-time judges to: carry a concealed weapon; carry a concealed weapon to a public gathering; and carry a pistol without a license. In addition, this legislation permits constables to carry pistols in publicly owned or operated buildings, within school safety zones, at school functions, and on school property while in the performance of their official duties.

The Senate State and Local Governmental Operations Committee offered a substitute to **HB 1044**, limiting the proposed changes to the code to address only the changes related to permanent part-time judges of municipal and city courts, and omitting the original Sections 2 and 3.

Senator George Hooks, 14th, and Senator Jeff Mullis, 53rd, will be carrying this bill in the Senate.

Senator Reed, 35th, made the motion to “**DO PASS BY SUBSTITUTE**”. Senator Mullis, 53rd, seconded the motion. Hearing no nays, the motion carried.

HB 1162, (Representative Barry Fleming, 117th) – Department of Community Affairs; Section 8 housing fraud; require investigation

Representative Fleming, 117th, gave a brief explanation of **HB 1162**. This legislation authorizes the Department of Community Affairs (Department) to investigate fraud and abuse in the federal Section 8 Housing Choice Voucher Program.

Phil Foil, Department of Community Affairs, was in attendance and in support of this bill.

Senator John Wiles, 37th, will be carrying this bill in the Senate.

Senator Reed, 35th, made the motion to “**DO PASS**”. Senator Weber, 40th, seconded the motion. Hearing no nays, the motion carried.

HB 1423, (Representative Clay Cox, 102nd) – Gwinnett County; superior court; change terms

Senator Rene Unterman, 45th, who will be carrying this bill in the Senate for Representative Cox, 102nd, explained that this bill changes the terms of the superior court in Gwinnett County to the first Monday in March, June, December, and the second Monday in September, effective August 1, 2006.

Senator Reed, 35th, made the motion to “**DO PASS**”. Senator Weber, 40th, seconded the motion. Hearing no nays, the motion carried.

HB 1143, (Representative Dubose Porter, 143rd) – Dublin, City of; board of education; provide additional authority

Representative Porter, 143rd, explained that **HB 1143** gives the board of education in the City of Dublin additional authority with respect to the acquisition and disposition of property.

Senator Tolleson, 20th, will be carrying this bill in the Senate.

Senator Reed, 35th, made the motion to “**DO PASS**”. Senator Jones, 10th, seconded the motion. Hearing no nays, the motion carried.

HB 1501 (Representative Lindsey, 54th) – County ordinance violations; maximum fines; change provisions

Representative Lindsey, 54th, explained that this legislation requires the maximum fine for violations of local alcoholic beverage licensing ordinances to be \$2,500.

Mike Vaquer, a representative of the Georgia Restaurant Association, supports the concept of this bill but thinks it is too broad. He suggested that it was being used to address other issues—i.e., fines for underage drinking, overcrowding, and fire code violations. He offered an amendment to specifically address those violations but it was not adopted.

The State and Local Governmental Operations Committee, however, did present a substitute to the bill as it came from the House. It added the following sentence: “Nothing in this Code section shall prohibit the governing authority of a county or municipality from imposing a penalty that is otherwise allowed by law, unless such law is a local law in conflict with this Code section.”

Senator Reed, 35th, will be carrying this bill in the Senate.

Senator Reed, 35th, made the motion to “**DO PASS BY SUBSTITUTE**”. Senator Jones, 10th, seconded the motion. Hearing no nays, the motion carried.

HB 547 (Representative John Lunsford, 110th) – Impact fees; single family construction; provide maximum

This bill was presented by Representative John Lunsford, 110th, for a **HEARING ONLY** today; no vote would be taken.

Having other committee meetings to attend, Senators Jones, 10th, Reed, 35th, Wiles, 37th, and Weber, 40th, left the meeting at this time. Senator Tommy Williams, 19th, joined the meeting and Senator Mullis, 53rd, Vice-Chair, assumed control of the meeting for Senator Wiles, 37th.

Representative Lunsford, 110th, described HB 547. This legislation prohibits the total amount of impact fees imposed on the construction of a single-family residence from exceeding \$10,000 or 2% (two) percent of the sales price of construction of a new residence (whichever is less), or of the cost of the residence to the owner constructing a residence for occupancy. Such costs of residence include costs of land and construction paid by the owner.

Representative Lunsford, 110th, explained that a change is needed to the Substitute LC 29 2376S on page 3 line 28. It should read “The amount of the impact fees shall be

determined as of the date of the issuance of a building permit.” It currently, incorrectly states that the effective date should be the date of the issuance of a certificate of occupancy for the residence.

Senator Grant, 25th, asked how many municipalities currently impose impact fees.

Clint Mueller, Director of Policy Development/Revenue and Finance of the ACCG, said there are 13 counties and 21 cities that have impact fees in Georgia. He said he believes the fee should be based on a formula; they don’t want it to be a tax. [HB 547](#) creates an artificial cap—\$10,000 or 2%, whichever is lower.

Lamar Norton, GMA, said there are problems with the substitute. He said one must look at the system as a whole and ask if the current infrastructure can support continued growth. If not, how will the additional infrastructure costs be funded; by an increase in property taxes or through the use of impact fees?

Senator Tommie Williams, 19th, said he was not against an impact fee but he wants to see good accountability for how the money is being spent--is it being used for transportation, sidewalks, etc.

Senator Seabaugh, 28th, said the money should be spent in the area where it was paid.

Suzanne Williams of the Georgia Homebuilders Association stated that she thinks impact fees are being used properly. She posed questions/concerns about the original bill: (1) What sales price will be used? (2) How does one assess the value when a home is owner built? (3) Fears that local government will have tiers of impact fees. (4) Consultants may start pushing toward a cap. (It is in the \$1800-2500 range now.)

The last speaker was J. D. Pasquale and he said he was against the bill and the substitute. He claimed there is a solid process for determining impact fees. The Sheriff’s office had an impact fee document which looks at existing LOS (level of services) and then the impact fee is based on a square foot basis.

Mr. Pasquale objects to an arbitrary cap and believes that the cap in the bill is generous. He cited an average 2500-square-foot home would have an impact fee of \$1250. Using an average purchase price of a home of \$250,000, the 2% impact fee would be \$5,000.

Senator Williams, 19th, had to leave the meeting at 4:25 p.m.; his parting remark was that you can’t always spend the money where the fee was generated and he believes the bill needs to be reworked.

Since no vote was being taken and there were no other speakers, Senator Mullis, 53rd, adjourned the meeting at 4:32 p.m.

Respectfully Submitted,

/s/ Senator Dan Weber, 40th
Secretary

/s/ Senator Jeff Mullis, 53rd
Vice-Chair

/s/ Diana Hauser
Recording Secretary

September 25, 2006

Mr. Bob Ewing
Secretary of the Senate
Room 353 State Capitol
Atlanta, GA 30334

Dear Mr. Ewing:

The following bills are being reported back as having no action taken on them by the Senate State and Local Governmental Operations Committee during the 2006 Legislative Session:

SB 8
SB 12
SB 118
SB 169
SB 183
SB 212
SB 222
SB 275
SB 307
SB 433
SB 517
SB 590
SB 591
SB 651
SB 655
SB 657
SR 295
SR 641
SR 1185
SR 1194
HB 547
HB 833

Sincerely,

/s/Diana Hauser
Senate State and Local Governmental Operations Committee
Committee Secretary