

**2007-2008 Senate State and Local Governmental
Operations Committee Members**

Senator John Wiles, 37th
Chairman
800 Kennesaw Avenue, Suite 400
Marietta, GA 30060

Senator Johnny Grant, 25th
Vice Chairman
P.O. Box 1458
Milledgeville, GA 31059

Senator Daniel Weber, 40th
Secretary
1117 Wynterhall Lane
Dunwoody, GA 30338

Senator Lee Hawkins, 49th
4710 Jim Hood Road
Gainesville, GA 30506

Senator Emanuel D. Jones, 10th
P. O. Box 370244
Decatur, GA 30037

Senator Ronald Ramsey, Sr. 43rd
5271 Snapfinger Woods Drive
Decatur, GA 30035

Senator Kasim Reed, 35th
1755 Loch Lomond Trail
Atlanta, GA 30331

Senator Jeff Mullis, 53rd (Ex-Officio)
212 English Avenue
Chickamauga, GA 30707

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

2007-2008 Legislative Sessions

1. A quorum of the committee shall consist of no less than four (4) of the 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 only be considered 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.

The **Senate State and Local Governmental Operations Committee** met in Room 310 of the Coverdell Legislative Office Building (CLOB), January 24, 2007 at 2:00 p.m.

The following Senators were present:

Wiles of the 37th
Grant of the 25th
Weber of the 40th
Hawkins of the 49th
Ramsey of the 43rd
Mullis of the 53rd

Note: Senators Jones and Reed were absent.

Chairman Wiles called the meeting to order. The General Rules of the committee were discussed. Chairman Wiles noted the quorum was changed to reflect the number of members of the committee and the Chairman corrected a couple typographical errors. Senator Grant made the motion to adopt the General Rules and Senator Hawkins seconded the motion. The motion carried 6-0.

Chairman Wiles discussed the Local Legislation Rules of the committee stating he corrected language in Rule 9 to coincide with the new Rules of the Senate. Senator Grant made the motion to adopt the Local Legislation Rules and Senator Hawkins seconded the motion. The motion carried 6-0.

Chairman Wiles introduced Secretary of State Karen Handel to the committee and audience. Madam Handel introduced herself and staff to the committee. Madam Handel stated to the committee her key areas of study would be election reform.

There being no further business, Chairman Wiles adjourned the meeting at 2:20 p.m.

Respectfully submitted,

/s/ Weber of the 40th, Secretary

/s/ Kathleen Cominski, Recording Secretary

The **Senate State and Local Governmental Operations Committee** met in Room 310 of the Coverdell Legislative Office Building (CLOB), January 31, 2007 at 1:55 p.m.

The following Senators were present:

Wiles of the 37th
Grant of the 25th
Weber of the 40th
Hawkins of the 49th
Mullis of the 53rd
Jones of the 10th
Ramsey of the 43rd

Note: Senator Reed was absent.

Chairman Wiles called the meeting to order. The Chairman explained to the committee that since the Senate had stayed in session through lunch we only had approximately one hour to debate and vote on the three Senate Bills. He would allow each side to have 10 minutes to present their arguments. With that being said, he called Senator Weber to start with SB 82.

SB 82 (Weber of the 40th) Incorporate the City of Dunwoody in DeKalb County

Senator Weber presented the committee with a substitute to SB 82. The substitute was drawn to clean up some language. Senator Weber explained to the committee he has held meetings all over the county all summer to hear from the citizens of Dunwoody. These citizens raised the funding to have the Carl Vinson Institute of Government perform a study to determine how the incorporation of Dunwoody would benefit its citizens. Through this study, 90% of the community leaders support this legislation.

Robert Augustine former president of the Dunwoody Homeowners Association spoke in favor of SB 82 stating he would like to allow the citizens to vote on the issue of incorporating a City of Dunwoody.

Lee May, DeKalb County Commissioner, District 5, spoke in opposition to SB 82. The County Commissioners passed a resolution opposing creating a city. He stated this would increase taxes for the citizens of DeKalb County. Commissioner May also stated this is another layer of government that is not needed in DeKalb County.

Chairman Wiles stated to Commissioner May that he was very disturbed to learn that the DeKalb County Government would not release information to the various groups in support of creating a city, which forced these groups to file an open records act.

Evonne Williams, Perimeter Improvement District, had questions regarding how this legislation would affect the district as a whole and how it would affect the business industry.

Senator Emanuel Jones asked the chairman if he would table the legislation allowing the DeKalb County Delegation a chance to review. He stated this had not been viewed by the delegation.

Chairman Wiles declined the request stating that this was a General Bill and did not require the entire delegation's approval.

In Closing, Senator Weber stated that the CEO of DeKalb County shut down the process and did not cooperate with the citizens of Dunwoody. Senator Weber said he held three public meetings this summer. At the first meeting, 66% of the citizens were in favor of Dunwoody. After all the information was discussed, the last meeting showed 90% of the citizens were in favor of incorporating Dunwoody.

Senator Grant made a motion that **SB 82 Do pass by substitute**. Senator Mullis seconded the motion. **SB 82 by substitute passed 4 -2. Senators Jones 10th and Ramsey 43rd voted "No"**.

SB 83 (Weber of the 40th) Municipalities; change certain local government provisions

Senator Weber spoke on behalf of SB 83 stating that he has a substitute that clarified language in Section I. This legislation creates an orderly process for transfer of county services. The property should follow the service such as parks, police, and fire stations. The community has already paid for those services; therefore the services should stay with the City providing the people vote to incorporate the City of Dunwoody. This legislation provides full credit for taxes paid for qualified county properties and assigned capital assets to be purchased by the qualified municipality; allows city government to determine which facilities are necessary to deliver municipal services and the certainty in determining the purchase price for such properties.

Senator Jones of the 10th stated this amount needs to be negotiated; you can't just pick a number out of the sky.

Rob Augustine spoke in support of SB 83.

Jim Grubiak, Association of County Commissioners spoke against the bill stating the new city should not be entitled to city property.

Senate Mullis of the 53rd made the motion **SB 83 Do pass by substitute**. Senator Weber seconded the motion. **SB 83 Do pass by substitute**. The vote was 4-2. **Senators Jones of the 10th and Ramsey of the 43rd voted no**.

SB 32 (Weber of the 40th) City of Doraville Annexations

Senator Weber stated this bill revises the description of the corporate limits of the City of Doraville. The Doraville city limits will not extend into Gwinnett County. The residents who reside in the area proposed to be annexed in the City of Doraville will vote on a referendum to approve or reject the annexation on the third Tuesday in June, 2007.

Jason Anavitarte, City Council Doraville, spoke in favor of the bill. He stated this gives the citizens local control with local representation.

Senator Mullis of the 53rd made a motion **SB 32 Do Pass**. Senator Grant of the 25th seconded the motion. The vote was 5-1, **Jones of the 10th voted no**.

There being no further business, Chairman Wiles adjourned the meeting at 2:55 p.m.

Respectfully submitted,

/s/ Weber of the 40th, Secretary

/s/ Kathleen Cominski, Recording Secretary

The **Senate State and Local Governmental Operations Committee** met in Room 310 of the Coverdell Legislative Office Building (CLOB), February 21, 2007 at 3:00 p.m.

The following Senators were present:

Wiles of the 37th
Grant of the 25th
Weber of the 40th
Hawkins of the 49th
Ramsey of the 43rd

Note: Senators Mullis, Jones and Reed were absent

Chairman Wiles called the meeting to order at 3:10 p.m.

Note: **Senator Mullis** arrived at 3:20 p.m.

SB 110 (Pearson 51st) Municipal Deannexation

Senator Pearson introduced the bill with a committee substitute and three (3) amendments. Pearson explained this legislation levels the playing field between annexation and deannexation. He stated the substitute language addressed the cities' concerns concerning infrastructure cost and incorporation of islands. This legislation goes above and beyond to accommodate the interests of the cities and the citizens thereof.

Todd Edwards, Association of County Commissioners of Georgia (ACCG), addressed the committee stating that under current law a property owner living inside city limits cannot choose whether to be annexed or not. SB 110 would allow for property owners to choose to be annexed. Mr. Edwards addressed infrastructure cost under deannexation; SB 110 would allow the city to continue to provide such services as water and sewer.

Others testifying in favor of SB 110: Jim Sullivan, property owner, Ms. Wilhit, property owner, and Oliver Hunter, Ga. Sheriffs Association.

Senator Pearson stated the substitute allows the cities a three (3) step process for any disputes other than just land use concerning annexation. The three (3) steps process consists of (1) staff negotiator, (2) mediation and (3) citizens review panel. All steps have a time frame in which a decision can be made.

Amendment 1 (AM 29 0629) to SB 110 (LC 18 6194) by striking lines 15 through 20 of page 2 and inserting in lieu thereof the following:

“deannexation shall occur upon the written and signed application of all of the owners of all of the lands, except the owners of any public street, road, highway, or right of way, proposed to be deannexed.”

Amendment 2 (AM 29 0630) exempts big box corporations such as Wal-Mart Super Center's, Super Target etc. from being deannexed except with the approval of the municipal governing authority within which the property proposed for deannexation is located.

Amendment 3 (AM 21 3485) is a housekeeping measure to further narrow down mapping of properties to be deannexed.

Weber asked: If the city has a city school system and the property is deannexed, who owns the school?

ACCG stated that under the committee substitute the city could object. The committee substitute has protections for this concern.

Ted Baggett, Georgia Municipal Association (GMA) spoke against the bill stating the current law is equal. Currently both sides have the right to petition to be deannexed or annexed. This legislation would be disastrous for cities. Mr. Baggett stated there is a lot of difference in city and county. The county traditionally controls the tax base and this legislation would enable cities to lose their tax power.

Others speaking against [SB 110](#):

Ken Vence from Milledgeville said there is not a problem with annexation or deannexation. "Don't fix what is not broken."

Harold Longston, Mayor, Peachtree City stated current law is working. He urges the committee to study the legislation before taking any action.

Jim Burgess, Mayor, Social Circle stated this is a bad piece of legislation. Several components of this bill need to be studied, such as a property owner should be able to deannex from the county to the city, and this bill would not allow for that. The election districts would all have to be re-examined and service delivery areas could be affected.

Mickey Thompson from Douglasville stated this is a turf battle between cities and counties over annexation.

In closing, Clint Muller, ACCG, stated this legislation simply makes the rules the same for cities and counties and increases safe guards concerning deannexation.

The Chairman asked for a motion. No motion was made therefore [SB 110](#) will remain in the committee until both cities and counties can come to a compromise and work this out.

There being no further business, Chairman Wiles adjourned the meeting at 4:45 p.m.

Respectfully submitted,

/s/ Weber of the 40th, Secretary

/s/ Kathleen Cominski, Recording Secretary

The **Senate State and Local Governmental Operations Committee** met in Room 307 of the Coverdell Legislative Office Building (CLOB), February 28, 2007 at 3:45 p.m.

The following Senators were present:

Senator Wiles of the 37th
Senator Grant of the 25th
Senator Weber of the 40th
Senator Mullis of the 53rd
Senator Hawkins of the 49th
Senator Jones of the 10th
Senator Ramsey of the 43rd
Senator Reed of the 35th

Chairman Wiles called the meeting to order at 3:45 p.m. The Chairman asked Senator Mullis to explain the first bill on the agenda.

SB 193 (Mullis of the 53rd) County governing authority provides certain employee benefits

Senator Mullis explained this bill provides for all benefits that are offered to county employees to be offered to constitutional officers. Senator Mullis offered a substitute as a compromise which would provide for health care coverage only.

Senator Grant made the motion **SB 193 Do pass by substitute.**

Senator Reed seconded the motion. The vote was unanimous. **SB 193 Do Pass by substitute.**

SB 177 (Chance of the 16th) Terms for the Griffin Circuit Superior Court

Senator Chance explained that this bill changes the term of the Griffin Circuit Superior Court located in Pike County from the third Monday in April and November to the third Monday in April and October so as to avoid court on Thanksgiving week.

Senator Mullis made the motion **SB 177 Do Pass.**

Senator Grant seconded the motion. The vote was unanimous.

SB 177 Do Pass

SB 200 (Grant of the 25th) Georgia Smart Infrastructure Growth Act; creation

Senator Grant explained this legislation. Infrastructure Development Districts (IDD's) provide a tool for local governments which enable infrastructure for residential and mixed use developments to be financed through tax-exempt bonds secured by the property owners within the special district. No power of eminent domain is allowed.

Senator Mullis stated a couple oversights in the bill he would like to have clarified. Page 8 lines 33 – 35, who determines if water is available for assimilative capacity, enough water. Page 12 sections H and G, does this special district follow the open records act? Senator Mullis suggested “have the authority to” be stricken on page 34 line 2 to clarify language.

Senator Hawkins asked if these special districts have the power of eminent domain.

Senator Weber asked who would operate and own the school if one was in the special district and who would pay for upkeep of the school if one was built in the special district.

Those speaking in favor of [SB 200](#):

Clint Muller, Association of County Commissioners said this is a great economic development tool.

Gary Moyer and Peter Wahl, Developers from Florida spoke before the committee stating Florida has legislated these districts over 20 years ago and they have been very successful in enhancing communities and economic growth.

Suzanne Williams, Home Builders Association

Those speaking against [SB 200](#):

Debra Minus, Georgia Conservatory

Neil Herring, Sierra Club

Allison Wall, Georgia Watch

Senator Mullis made a motion to strike the words “have the authority to” on page 34, line 2. Hawkins seconded the motion. The vote was unanimous.

Senator Mullis made a motion **Do Pass by Substitute**, seconded by Senator Hawkins. The vote was 3 yeas, (Grant, 25th, Weber 40th, Ramsey 43rd), 2 nays (Reed 35th, Jones 10th). **[SB 200](#) Do Pass by Substitute.**

SR 309 (Grant of the 25th) Creation of Infrastructure Development Districts

Senator Grant explained to the committee this resolution proposes an amendment to the Georgia State Constitution to authorize the General Assembly to provide by general law for the creation of Comprehensive Regulation of Infrastructure Development Districts. Georgia voters will vote in a state-wide referendum to accept or reject the proposed amendment. Senator Grant offered a substitute to strengthen the bill by adding lines 12 - 17 defining Infrastructure Development Districts. Eminent Domain is specifically excluded in the amendment.

Senator Mullis made the motion **Do pass by Substitute**, seconded by Senator Hawkins. The vote was 3 yeas (Grant 25th, Weber 40th, Ramsey 43rd), 2 nays (Reed 35th, Jones 10th). **SR 309 Do Pass by Substitute.**

There being no further business, Chairman Wiles adjourned the meeting at 5:05 p.m.

Respectfully submitted,

/s/ Weber of the 40th, Secretary

/s/ Kathleen Cominski, Recording Secretary

The **Senate State and Local Governmental Operations Committee** met in Room 310 of the Coverdell Legislative Office Building (CLOB) on March 1, 2007 at 3:30 p.m.

The following Senators were present:

Wiles of the 37th
Grant of the 25th
Mullis of the 53rd
Hawkins of the 49th
Jones of the 10th
Ramsey of the 43rd
Reed of the 35th

NOTE: Senator Weber was absent

SB 110 (Pearson of the 51st) Deannexation

Senator Pearson presented the bill stating this legislation protects the property rights and self-determination of city residents in the same manner current annexation law does for unincorporated residents. It establishes the same process for deannexation that currently exists for annexation and removes the city's veto power over an aggrieved city resident's rights to deannex. It still, however, preserves protection for the city, their infrastructure, tax base and the residents.

Senator Pearson stated to the committee that he has worked diligently with all parties to present a good piece of legislation. He offered a substitute that was worked out with the Georgia Municipal Association and the Association of County Commissioners.

The following changes were made in the substitute:

In the substitute, technical changes were made to Subsection G page three adding language requiring the property to touch along 50' or 1/8 boundary.

Section two Subsection C also added language that if the city has an independent school system, the effect of school taxes is deferred until December 31 of the year after the deannexation. Same as with annexation.

O.C.G.A. 36-36-103 was added to the substitute adding new language. "Where a city from which property is deannexed has outstanding general obligation debt at the time of the deannexation, a special tax district is created which includes the city plus any deannexed property for the purpose of retiring the debt."

O.C.G.A. 36-36-104 added language that establishes a land dispute resolution process for deannexation which matches the process for annexation.

O.C.G.A. 36-36-104 (e) expands the dispute resolution process to allow for resolution of disputes other than those that related to land use decisions. This goes well beyond the annexation procedure.

Amendments were offered by the sponsor who stated to the committee that these amendments were brought to him after the substitute had been drafted for committee meeting.

Amendment #1 to LC 21 9362S – striking lines 26-31 on page two and inserting: “deannexation shall occur upon the written and signed application of all of the owners of all of the lands, except the owners of any public street, road, highway, or right of way, proposed to be deannexed.”

Senator Grant made a motion to adopt Amendment #1, seconded by Senator Hawkins. The vote was unanimous.

Amendment #2 to LC 21 9362S – insert between lines 2 and 3 of page 4 and new subsection (k)

Senator Grant made a motion to adopt Amendment #2, seconded by Senator Mullis. The vote was unanimous.

Amendment #3 to LC 21 9362S – on page 2 insert on line 32 after “(b)” “(1)” and inserting after line 2 on page 3 the following:

“(2) Upon adoption of a resolution consenting to the deannexation of municipal property, the county governing authority shall provide a copy of the resolution to the governing authority of the municipality within which the property proposed for deannexation is located within ten business days of adoption of the resolution. Upon receipt of such copy, the municipal governing authority shall have ten business days to file an objection pursuant to subsection (f) of Code Section 36-36-104 unless such municipality has previously filed an objection pursuant to subsection (c) of Code Section 36-36-104 in which case any objections filed pursuant to subsection (f) of Code Section 36-36-104 shall be considered as part of the dispute resolution process initiated pursuant to subsection (c) of Code Section 36-36-104. The absence of a written notice of intent to object by a municipality shall mean the deannexation shall become effective as provided in subsection (c) of this Code section.

Senator Mullis made a motion to adopt amendment #3, seconded by Senator Jones. The vote was unanimous.

Amendment #4 to LC 21 9362S – on page 3 line 29 insert after “corporation” the following: “; provided, however, that property shall not be considered contiguous if it is separated from the unincorporated area by an interstate highway or other four lane limited access road.”

Senator Mullis made a motion to adopt Amendment #4, seconded by Senator Hawkins. The vote was unanimous.

Amendment #5 to LC 21 9362S – on page 3, line 35, strike “two” and insert “five”.

Senator Grant made a motion to adopt Amendment #5, seconded by Senator Mullis. The vote was tied 3 yeas (Grant, Mullis, Hawkins), 3 nays (Reed, Ramsey, Jones). The Chairman broke the tie by voting “no”. Amendment #5 failed

Amendment #6 to LC 21 9362S – on page 3 line 23 strike “one-eighth” and insert “one-half”; page 3 line 24, strike “or 50 feet”

Amendment #6 received no motion therefore this amendment failed.

Todd Edwards and Clint Mueller from ACCG spoke in favor the bill.

Mr. Jim Sullivan – property owner from Fulton County spoke in favor of this bill.

Marcia Rubenstein – Georgia Municipal Association, stated GMA has no opposition at this time.

The Chairman asked for a full vote of SB 110 by substitute (LC 21 9362S) including Amendments #1, 2, and 3. Senator Grant made a motion “do pass by substitute”, seconded by Senator Mullis. The vote was unanimous. **SB 110 Do pass by substitute.**

With there being no further business, the Chairman adjourned the meeting at 4:15 p.m.

Respectfully submitted,

/s/ Weber of the 40th, Secretary

/s/ Kathleen Cominski, Recording Secretary

The **Senate State and Local Governmental Operations Committee** met in Room 307 of the Coverdell Legislative Office Building (CLOB) on March 13, 2007 at 9:00 a.m.

The following members were present:

Senator Wiles of the 37th
Senator Grant of the 25th
Senator Weber of the 40th
Senator Hawkins of the 49th
Senator Jones of the 10th

NOTE: Senators Ramsey, Reed and Mullis were absent.

Chairman Wiles called the meeting to order at 9:00 a.m. The Chairman asked Representative Chambers to explain HB 91.

HB 91 (Chambers of the 81st) Agencies Filing Fiscal Reports

This legislation requires each agency to file a fiscal report by September 30 with the following: the Lt. Governor, the Speaker of the House of Representatives, the Senate Appropriations Committee, the House Appropriations Committee, and the House Budget and Fiscal Affairs Oversight Committee. The report must have the following information:

1. A statement of the tax revenues and operating revenues received by the agency;
2. A statement of total expenditures made by the agency;
3. A list of all written contracts which call for the agency to expand an aggregate amount of \$50,000 or more;
4. A list of any employment or consultant contracts that exceed \$20,000 or more;
5. A list of the names of each person, firm or corporation that has received from the agency payments in excess of \$20,000, including the amount paid to such person, firm or corporation; and
6. A list of consultant expenses and other professional service expenses which include salaries and expenses for full-time and part-time employees and board members; and payment rendered by outside companies or agencies to the agency for any and all services.

Chairman Wiles asked Representative Chambers if she would support a couple amendments to include requiring agencies to include reserves in their reports.

Kevin Fillion, Senate Budget Office, suggested to the committee to include the Judicial Branch not just the Executive Branch.

Representative Chambers told the committee she will favor any changes to the bill that would add more strength and accountability.

Chairman Wiles told the committee that [HB 91](#) would be the first bill heard at the next committee meeting. This would give the committee time to have a substitute prepared.

With there being no further business, the Chairman adjourned the meeting at 9:20 a.m.

Respectfully submitted,

/s/ Weber of the 40th, Secretary

/s/ Kathleen Cominski, Recording Secretary

The **Senate State and Local Governmental Operations Committee** met in Room 310 of the Coverdell Legislative Office Building (CLOB) on March 15, 2007 at 1:00 p.m.

The following members were present:

Senator Wiles of the 37th
Senator Grant of the 25th
Senator Weber of the 40th
Senator Mullis of the 53rd
Senator Hawkins of the 49th
Senator Jones of the 10th

NOTE: Senators Ramsey and Reed were absent.

Chairman Wiles called the meeting to order at 1:20 p.m. The Chairman asked Representative Ralston to explain HB 316.

HB 316 (Ralston of the 7th) Towing and Storage Operating within a Municipality

Representative Ralston explained this legislation provides that a municipality may require towing and storage operators to charge lower maximum rates on traffic moving between points within such municipality than those provided by the Public Service Commission's maximum rate tariff.

The municipality's governing authority is prohibited from providing, under any circumstances, for higher maximum costs of removal, relocation, or storage than that is provided for by the commission.

This legislation allows municipalities to issue a license or permit to engage in private trespass towing only within such municipality's corporate limits.

Both the Georgia Municipal Association and the Association of County Commissioners supported the bill.

Jones of the 10th made a motion of **Do pass**, seconded by Senator Mullis. The vote was unanimous. **HB 316 Do pass.**

Mullis of the 53rd carried the bill in the Senate.

HB 317 (Ralston of the 7th) Exceptions to Motor Contract Carriers and Motor Common Carriers

Ralston explained this legislation provided that vehicles engaged in the moving of household goods and passenger vans having a capacity of ten persons or more; conducting nonmetered transportation service and not operated by a municipality or municipal, county, or regional governmental authority; and which are engaged in private

for-hire transportation operating between points within corporate limits of a municipality, are considered motor contract carriers or motor common carriers.

Also, this legislation provides that all tow trucks engaged in nonconsensual towing operation between points within the corporate limits of a municipality will remain subject to the jurisdiction of the Public Service Commission or the municipality.

John Tucker, staff attorney for the Public Service Commission, supported the bill.

Jones of the 10th made a motion of **Do pass**, seconded by Mullis of the 53rd. The vote was unanimous. **HB 317 Do pass.**

Mullis of the 53rd carried the bill in the Senate.

HB 91 (Chambers of the 81st) Agencies Filing Fiscal Reports

Kevin Fillion, Director, Senate Budget Office, explained the substitute bill to the committee. The substitute changed the language requiring individual agencies to make reports available to the State Auditor who in return would send copies of reports to the Legislative branch and other departments listed in the bill including the Senate and House Budget Offices. Also, this language would require all data be combined into one report including program budgeting and cost per recipient.

There were no opponents of the bill.

Grant of the 25th made a motion of **Do pass by substitute**, seconded by Hawkins of the 49th. The vote was unanimous. **HB 91 Do pass by substitute.**

With there being no further business, Chairman Wiles adjourned the meeting at 1:40 p.m.

Respectfully submitted,

/s/ Weber of the 40th, Secretary

/s/ Kathleen Cominski, Recording Secretary

The **Senate State and Local Governmental Operations Committee** met in Room 310 of the Coverdell Legislative Office Building (CLOB) on March 26, 2007 at 2:00 p.m.

The following members were present:

Senator Wiles of the 37th
Senator Grant of the 25th
Senator Mullis of the 53rd
Senator Hawkins of the 49th
Senator Jones of the 10th

NOTE: Senators Weber, Ramsey, and Reed were absent.

Chairman Wiles called the meeting to order at 2:10 p.m.

HB 247 (Smith of the 113th) Public Wells

Representative Smith explained to the committee this legislation exempts a single-family residential property owner or farm served by a private well from having to connect and use water supplied by a public water system or pay any charge or fee for such water supply. Such private well must meet the requirements to maintain service of the residential property or farm.

Senator Mullis made the motion **Do pass**, seconded by Senator Hawkins. The vote was unanimous. **HB 247 Do pass.** Senator Tolleson of the 20th will carry the bill on the Senate floor.

HB 134 (England of the 108th) Bid Bonds for Public Works Bidding

Representative England explained to the committee this legislation provides that if a bid bond or a performance bond does not exceed \$750,000, the government entity may accept an irrevocable letter of credit by a bank or savings and loan association in the amount of and in lieu of the bond otherwise required. This increases the letter of credit amounts from \$300,000 to \$750,000.

Senator Mullis made the motion **Do pass**, seconded by Senator Hawkins. The vote was unanimous. **HB 134 Do pass.** Senator Hudgens of the 47th will carry the bill on the Senate floor.

With there being no further business, Chairman Wiles adjourned the meeting at 2:35 p.m.

Respectfully submitted,

/s/ Wiles of the 37th, Chairman

/s/ Kathleen Cominski, Recording Secretary

The **Senate State and Local Governmental Operations Committee** met in Room 312 of the Coverdell Legislative Office Building (CLOB) on April 11, 2007 at 4:00 p.m.

The following members were present:

Wiles of the 37th
Grant of the 25th
Weber of the 40th
Hawkins of the 49th
Jones of the 10th
Ramsey of the 43rd
Reed of the 35th

Chairman Wiles called the meeting to order at 4:05 p.m.

The Chairman announced that [HB 2](#) was taken off of the calendar and will be heard in committee on Friday, April 13, 2007.

[HB 118](#) (Ehrhart of the 36th) (Willard of the 49th substitute) Cobb, Cordele, Dublin, Enotah, and Gwinnett Judicial Courts; additional superior court judges

Representative Willard explained to the committee this legislation changes the number of judges in the following circuits:

1. Cobb Circuit from 9 judges to 10
2. Cordele Circuit from 2 judges to 3
3. Dublin Circuit from 2 judges to 3
4. Enotah Circuit from 2 judges to 3
5. Gwinnett Circuit from 9 judges to 10

The Governor will appoint the additional judges for terms beginning January 1, 2008 and continuing through December 31, 2008 and until his or her successor is elected and qualified. The elected judges will serve a four-year term beginning on January 1, 2009.

If this legislation passes, the additional judges' salaries will be included in the 08 budget.

Senator Reed made the motion **Do pass**, seconded by Senator Hawkins. The vote was unanimous. **[HB 118](#) Do pass.** Senator Reed will carry the bill in the Senate.

[HB 181](#) (Jacobs of the 80th) Public Safety and Judicial Facilities Issuance of Bonds

This legislation prohibits any public safety and judicial facilities authority created under this Chapter seeking to issue bond indebtedness for new projects without first obtaining a resolution from the local government ratified by the voters. Multiple projects within a bond issue must be ranked in the order of being funded, and the ranking will be binding on the public safety and judicial authorities.

Mike Vaquer, Fulton County, opposed this legislation stating this would strip counties of the ability to build new facilities such as the new Fulton County jail.

Clint Mueller, ACCG, stated that Fulton and DeKalb are the only two counties in the state that do not have SPLOST for capitol outlay projects.

Keith Hillman, DeKalb County, opposed the bill stating DeKalb County has a triple A bond rating and is a fiscally responsible county. This legislation would hinder the county from future projects.

Representative Michelle Henson spoke to the committee requesting a couple changes in the bill. She requested that the words “voters for ratifications” be struck. This will be very costly for a county to hold an election for the voters to approve of such projects.

Representative Jacobs gave closing statements before the vote was taken. He stated this legislation only applies to jurisdictions that have activated a public safety and judicial facility.

Senator Weber made the motion **Do pass**, seconded by Senator Hawkins. The vote was 3 yeas (Weber 40th, Hawkins 49th, Grant 25th), 3 nays (Ramsey 43rd, Jones 10th, Reed 35th), and Chairman Wiles 37th, voted yea to break the tie. The vote was 4 yeas, 3 nays.

HB 181 Do pass by substitute. Senator Weber will carry the bill in the Senate.

HB 232 (Lindsey of the 54th) Georgia Development Impact Fee Act

Representative Lindsey explained that current law provides that at least 40 percent of the Development Impact Fee Advisory Committee’s membership be representatives from the development, building and real estate industries. This legislation changes the Committee’s membership to at least 50 percent of these representatives.

This legislation provides that accounting records, that are maintained for each category of system of improvements and the service area in which fees are collected, must include the following information:

1. The specific address of each property which paid development impact fees, the amount and date of each fees paid;
2. The specific address of each property for which exemptions were granted, the reason for exemption, and the revenue sources from which the exempt development’s proportionate share of the system improvements is said to be paid.

Senator Weber made the motion **Do pass**, seconded by Senator Reed. The vote was unanimous. **HB 232 Do pass.** Senator Weber of the 40th will carry the bill in the Senate.

HB 519 (Geisinger of the 48th) Local Governments issuing a Certificate of Public Necessity for Taxicabs

Representative Geisinger explained to the committee this legislation may require taxicabs or vehicle for hire owners to obtain a certificate of public necessity and convenience or medallion in order to operate such vehicle within a county or city's boundaries. Also, the respective governing authority may require the owners to pay a regulatory fee. Also, each certificate of public necessity issued will be fully transferable pursuant to a purchase, gift, bequest, or acquisition of the stock or assets of a corporation. Such certificate of public necessity may be used as collateral to secure a loan.

Senator Hawkins made the motion **Do pass**, seconded by Senator Weber. The vote was unanimous. **HB 519 Do Pass**. Senator Mullis of the 53rd will carry the bill in the Senate.

With no further business, the Chairman adjourned at 5:20 p.m.

Respectfully submitted,

/s/ Weber of the 40th, Secretary

/s/ Kathleen Cominski, Recording Secretary

The **Senate State and Local Governmental Operations Committee** met in Room 310 of the Coverdell Legislative Office Building (CLOB), April 12, 2007 at 12:00 p.m.

The following Senators were present:

Wiles of the 37th
Weber of the 40th
Mullis of the 53rd
Hawkins of the 49th
Jones of the 10th
Ramsey of the 43rd

Note: Senators Grant of the 25th and Reed of the 35th were absent

Chairman Wiles called the meeting to order at 12:01 p.m.

HB 109 (Black of the 174th) Consolidated Governments

Representative Black explained this legislation provides that a county with no unincorporated cities may elect that the county is a consolidated government as of July 1, 2007. Under a consolidated government, a county may exercise its own powers or the powers vested in municipalities. If a similar but not identical law applies to counties and municipalities, then the consolidated government may elect which law to proceed with. Representative Black also stated this legislation affects one county in the state, Echols County. This is a general local legislation bill because we are changing state law.

Marcia Rubenstein, Georgia Municipal Association stated the GMA did not take a position on the legislation.

Clint Muller, Association of County Commissioners, stated to the community that ACCG supports the legislation.

Russell Brennon, Governor's Office, stated to the committee that the Governor has concerns about passing such legislation without allowing voters of the county to vote. The Governor's office would like to add a referendum to allow the voters to choose.

Representative Black did not oppose a substitute to the bill allowing the voters to decide if they wanted a consolidated county.

A substitute was offered that added the following:

Page 2 after the word "resolution" insert "and ratification by the electors of the county."

Senator Weber made a motion "do pass by substitute", seconded by Senator Hawkins. The vote was unanimous. **HB 109 Do pass by substitute.** Senator Goggans carried HB 109 on the Senate floor.

HB 486 (Willard of the 49th) Tax Commissioners Preparing Tax Digest

Representative Willard 49th presented the bill stating this legislation provides that a county which has fewer than 130,000 tax parcels within the county may contract, subject to approval by the county tax commissioner, for the tax commissioner to prepare the tax digest for the municipality; to assess and collect municipal taxes; and invoke any remedy permitted for collection of municipal taxes.

Counties with 130,000 or more and municipalities with less than 100,000 tax parcels within the county or to any municipal within that county with less than 100,000 tax parcels may contract for the tax commissioner to prepare the tax digest for a municipality with the same procedures as in smaller counties under this legislation.

The tax commissioner is authorized to contract for the county for any additional duties and responsibilities.

Mike Vaguor, Georgia Association of Tax Commissioners, spoke against HB 486 stating this bill would remove the capability of tax commissioners to collect for additional services.

Representative Willard stated this legislation would prevent tax commissioners from receiving additional compensation that goes directly into the tax commissioners' pockets instead of the general funds. Tax commissioners under this law could not refuse additional services, the services would be negotiated and additional fees would stay with the tax commissioner's office.

Clint Mueller, ACCG, supported the legislation stating counties are still liable regardless of how many separate contracts are negotiated by tax commissioners.

GMA supported HB 486.

Representative Willard asked that we strike page 2 paragraph B. This section of the bill does not accomplish what it was intended to accomplish.

Senator Weber made the motion "Do pass by substitute", seconded by Senator Hawkins. The vote was four (4) Yeas, Weber 40th, Hawkins 49th, Mullis 53rd and Jones 10th; one (1) nay, Ramsey 43rd. **HB 486 Do pass by substitute.** Senator Weber carried HB 486 on the Senate floor.

HB 2 (Holt of the 112th) Procedure for resolving annexation disputes

Representative Holt explained this legislation establishes a procedure upon which a municipal corporation must notify the county governing authority upon receipt of a petition of annexation. If the municipality has an independent school system it must notify the county school system. Such notice must include a copy of the annexation petition and the proposed zoning and land use for such area.

If the governing authority has no objection for annexation, then the annexation may proceed as otherwise provided by law. A change can be made in the service delivery agreement or the comprehensive plan if all parties involved (municipal corporation, county governing authority and any other required parties) adopt such change.

The county may object, by a majority vote, to annexation due to an increase in burden upon the county directly related to any one or more the following:

1. The proposed change in zoning or land use;
2. Proposed increase in density; and
3. Infrastructure demands related to the proposed change in zoning or land use.

An arbitration panel must be appointed within 15 days from when the municipality receives the first objection by the county.

The arbitration panel will meet within 16 days of being appointed. The arbitration panel will hear arguments from the municipal corporation, the county, and the applicant or property owner. By majority vote, the arbitration panel will make a binding decision.

The municipality, the county, or the applicant for annexation may appeal the decision of the arbitration panel by filing an action in superior court within ten calendar days from receipt of the arbitration panel's finding.

Chairman Wiles stated to the committee that HB 2 had been revised and perfected right up to the last minute before Representative Holt presented the bill. The Chairman stated the author of the bill had recommendations for a substitute that would clarify others concerns.

On page 2 beginning on line 7 delete beginning with the comma following "located" through the words "instances" on line 9;

On page 1 line 21, change date to September 1, 2007;

Page 3 delete paragraph (1) and renumber accordingly;

Mr. Cleg Penn, Georgia voter, spoke against HB 2 stating this is bad policy and infringes on property owners.

Senator Ramsey made the motion "do pass by substitute", seconded by Senator Hawkins. The vote was unanimous. **HB 2 Do pass by substitute.** Senator Mullis will carry HB 2 on the Senate floor.

HB 222 (Mitchell of the 88th) County tax commissioners; purchasing certain property; prohibit

Representative Mitchell explained to the committee this bill prohibits the tax commissioner and any employee of the tax commissioner's office from acquiring an interest in, buying or profiting from any real property sold at public auction for delinquent taxes by the county for which such tax commissioner or employee serves. The tax commissioner or employee may purchase property sold at public auction for delinquent taxes if such tax commissioner or employee has any ownership interest in the property at the time taxes became delinquent.

Any person violating this Code section will be guilty of a misdemeanor, and upon conviction, may be punished for a period of one year or less, a fine not exceeding \$1,000 or both.

Senator Jones made the motion "Do pass", seconded by Senator Mullis. The vote was unanimous. **HB 222 Do Pass.** Senator Ramsey carried the bill on the Senate floor.

There being no further business, Chairman Wiles adjourned the meeting at 1:20 p.m.

Respectfully submitted,

/s/ Weber of the 40th, Secretary

/s/ Kathleen Cominski, Recording Secretary

The **Senate State and Local Governmental Operations Committee** met in Room 307 of the Coverdell Legislative Office Building (CLOB) on April 17, 2007 at 9:30 a.m.

The following members were present:

Senator Grant of the 25th
Senator Weber of the 40th
Senator Mullis of the 53rd
Senator Hawkins of the 49th
Senator Jones of the 10th
Senator Reed of the 35th

Chairman Wiles was unable to Chair the meeting, therefore Vice Chairman Grant chaired the meeting. Senator Grant called the meeting to order at 9:35 a.m.

HR 351 (Lindsey of the 54th) Joint Study Committee on Fulton County

Representative Lindsey explained this legislation creates a Fulton County Joint Study Committee to study the needs, issues and the uses of the Fulton County Government structure and operations and problems found by the Fulton County Blue Ribbon Commission. Such Committee will consist of 16 members; eight members will be appointed by the Lieutenant Governor and eight members will be appointed by the Speaker of the House. The Lieutenant Governor and the Speaker of the House will each designate a member of the committee as co-chairs.

Representative Lindsey suggested the word “criminal” be struck on Page 1 line 11.

Senator Weber asked if the Fulton County Commission agreed with this Resolution.

Lindsey stated the entire commission agrees this study is necessary.

Senator Reed made the motion **Do pass by substitute**, seconded by Senator Hawkins. The vote was unanimous. **HR 351 Do pass by substitute.** Senator Reed will carry the bill in the Senate.

With no further business, the meeting adjourned at 9:45 a.m.

Respectfully submitted,

/s/ Weber of the 40th, Secretary

/s/ Kathleen Cominski, Recording Secretary

May 2, 2007

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

Dear Mr. Secretary:

The Senate State and Local Governmental Operations Committee is returning the following Senate Bills and Resolutions:

[SB 214](#)

[SB 281](#)

[SB 291](#)

[SR 4](#)

[SR 248](#)

[SR 515](#)

Respectfully,

/s/ Kathleen Cominski
Recording Secretary
Senate State and Local Governmental
Operations Committee