

## HIGHLIGHTS FROM 2011 LEGISLATIVE SESSION OF THE GEORGIA GENERAL ASSEMBLY

By Miller Edwards

The 2011 Legislative Session of the Georgia General Assembly has just recently come to a close. Outlined below are several items that emerged from this year's session which should be of interest to local governments. Consultation with your legal counsel is recommended to determine specifically how each of these bills will affect your government. The information below was extracted from the House and Senate Bills as indicated. For additional information, please visit [www.gma.net](http://www.gma.net) or [www.accg.org](http://www.accg.org).

### 1. Redirecting SPLOST Project Funds for Projects Determined to be Infeasible

House Bill (HB) 240 allows city and county governing boards to determine if any previously approved special purpose local option sales tax (SPLOST) projects have become infeasible because they are impracticable, unserviceable, unrealistic or no longer in the best interest of the citizens. If a resolution is passed by a city or county's governing board for which they have determined infeasibility, a project could be abandoned if approved by the voters in a referendum. Further, the money set aside for those projects could then be used to reduce general obligation debt and/or ad valorem taxes.

### 2. Changes to the Method 9-1-1 Fees are Assessed

HB 256 notes that the collection methodology for prepaid wireless telecommunications service should effectively capture 9-1-1 charges from prepaid users, and that it is the intent of the General Assembly to move the collection of existing 9-1-1 charges on prepaid wireless service to the retail point of sale. HB 256 changes the method that 9-1-1 fees are assessed on prepaid wireless cellular phones and service, and sets forth a method for distribution of the fees to local governments. The bill provides for a 75 cent fee on each: a) retail purchase of a wireless telephone; or, b) purchase of service. The fee will be remitted by the retailer along with sales tax to the State of Georgia's Department of Revenue, and the respective fees will be distributed to 9-1-1 centers based on the population of the Public Safety Answering Point.

### 3. Expanding the Use of 9-1-1 Funds Collected to Include Indirect Costs and Additional Equipment

HB 280 expands the use of funds collected for 9-1-1 systems and operations to include indirect costs and additional equipment. Further, HB 304 (as added by the Senate Committee) provides revisions to O.C.G.A to require all suppliers to register to ensure that telephone service connections are assessed a 9-1-1 fee. Finally, additional language was added in the Senate via Senate Bill (SB) 113 which addresses contracts between local governments and vendors.

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## Our Resources

As always, we are available as a resource to you as questions arise. We are in this together as both auditor and auditee will have to keep up with evolving and fluid guidance from the Federal and State governments.

Please contact any of our governmental partners and managers, at 1-800-277-0050 for assistance.

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A greater overview of HB 280 includes the following:

- The bill makes it clear that the actual cost of salaries (including benefits incurred) by the local government for employees used solely for the operation and maintenance of 9-1-1 system can be paid from 9-1-1 funds.
- Provides that the actual costs of all insurance purchased by the local government for risk and liability in the operation of a 9-1-1 center can be paid from 9-1-1 funds.
- Adds language to include the purchase of automatic vehicle location systems.
- Adds new sections which address the following:
  - \* Allows the lease purchase or maintenance of mobile communications vehicles and equipment, if the primary purpose of the vehicle is to function as a backup 9-1-1 system center;
  - \* Allows the allocation of indirect costs associated with supporting the 9-1-1 system center and operations;
  - \* Allows the lease purchase or maintenance of mobile public safety voice and data equipment or towers necessary to carry out the function of 9-1-1 system operations;
  - \* Allows the lease, purchase or maintenance of public safety voice and data communications systems located in the 9-1-1 system facility, including hardware and software that supports the use of public safety wireless voice and data communications systems, but only if:
    - The local government provides enhanced 9-1-1 services.
    - Funds for such purposes are distributed pursuant to an intergovernmental agreement.
- The legislation specifically requires that all other core provisions must be fully funded prior to using money to fund for the costs of items in these new paragraphs.

#### **4. Removing Requirements for Certain Audits, Reports Relative to 9-1-1 Funds**

SB 156 amends prior years' legislation which required the filing of an annual report of a city or a county's collection and expenditure of 9-1-1 surcharges. SB 156 allows any local government collecting or expending any 9-1-1 charges or wireless enhanced 9-1-1 charges in any fiscal year beginning on or after July 1, 2005 to document the amount of funds collected and expended from such charges, and be required to certify in their respective audit that such funds were spent in compliance with the 9-1-1 law.

#### **5. Local Solid Waste Management Plan Updates Now Optional and Requirement to Complete Annual Duplicative Solid Waste Reports Removed**

SB 157 makes updates to local Solid Waste Management Plans (SWMP) optional for cities and counties, and removes the requirement for cities and counties to have to complete an annual, duplicative solid waste report. Cities and counties without zoning and land use ordinances may, however, wish to complete these plans and adopt them by local ordinance as the plans will maintain their ability to effectively govern the siting of solid waste facilities within the community.

In the end, SB 157 requires cities and counties to adopt their existing SWMP and any updates they make to it via local ordinance or resolution, without having to go through the State of Georgia's Department of Community Affairs (DCA) for prior approval. The bill further empowers DCA to develop planning guidelines that a city or county may use to amend or update their local SWMP. It makes it optional for cities and counties to report how solid waste is managed in their communities to DCA. Additionally, the disposal and capacity reporting to the State of Georgia's Environmental Protection Division (EPD) requires landfill owners/operators to report disposal, remaining disposal capacity, and recycling and composting activities to DCA.

**Mauldin & Jenkins will be attending the following Governmental Conventions. Please stop by our booth if you are also planning to attend.**

**ACCG Convention— April 30-May 1  
Savannah, GA Booth 41**

**G.A.I.N.S. Convention— May 5-6  
Savannah, GA**

**GMA Convention— June 25-26  
Savannah, GA Booth 826**

**GGFOA Convention— October 2-5  
Savannah, GA**



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