

2018 Proposed Policy Agenda

*IMPORTANT NOTE: This document replaces the ACCG policy platform.

RP

= Recommended as a **PRIORITY** by the policy committee.

ECONOMIC DEVELOPMENT & TRANSPORTATION POLICY COMMITTEE RECOMMENDATIONS

Committee Chair: Jonathan Pitts – Email: jonathan.pitts@jonescountyga.org

Staff: Kathleen Bowen – Email: kbowen@accg.org / Larry Ramsey – Email: lramsey@accg.org

Issue: Georgia Transportation Infrastructure Bank

ACCG supports the Georgia Transportation Infrastructure Bank (GTIB), a revolving loan and grant fund, and urges its primary purpose remain as a financing tool to meet the transportation needs of local governments. To maximize the opportunity for counties to successfully receive a GTIB loan, ACCG supports the use of Local Maintenance & Improvement Grant (LMIG) funding as a GTIB loan repayment source.

Issue: Prospect Information and Competitiveness

ACCG urges the General Assembly to extend state protections to local governments as it relates to exemptions from open records for economic development projects.

Issue: Transit Governance and Funding

Local governments should have the authority and financing tools available to make decisions to address the transit needs of their communities. ACCG supports efforts to create a regional transit governance council for metropolitan Atlanta or any other region of the state as long as the governing structure is comprised of local government representatives proportional to the local government's investment in the transit systems to be governed. ACCG also advocates that any solution for regional transit governance have an opt-in provision. Funding of transit projects requires a significant local government investment and in order to receive necessary federal funds, transit projects typically need to show a dedicated funding mechanism for a minimum of 20 years. ACCG asks the General Assembly to allow for the ability for counties to collect any fractional portion of a Single County T-SPLOST dedicated to transit for a maximum period of twenty years.

GENERAL COUNTY GOVERNMENT POLICY COMMITTEE RECOMMENDATIONS

Committee Chair: Cindy Mills – Email: cjmills@forsythco.com

Staff: Todd Edwards – Email: tedwards@accg.org

RP

Issue: Broadband Deployment in Georgia – Right-of-Way Preemptions/Mandates

ACCG recognizes the critical importance of, and fully supports, expanding affordable and reliable broadband access throughout Georgia and suggests many policy approaches to enhance counties' partnership with the state and telecom industry in facilitating this deployment. While accommodating broadband equipment in the public's right of way (ROW) may play a critical role in enhancing broadband connectivity, counties must maintain their ability to balance this access with their role of protecting the public health, safety and welfare and managing the taxpayer's ROW investment. Accordingly, ACCG opposes state legislation which preempts or otherwise diminishes counties' ability to responsibly regulate their community's ROW.

HEALTH AND HUMAN SERVICES POLICY COMMITTEE RECOMMENDATIONS

Committee Chair: Doreen Williams – Email: doreen.williams@rockdalecounty.org

Staff: Debra Nesbit – Email: dnesbit@accg.org

Issue: Jail Diversion Programs for the Mentally Ill

There are thousands of mental health and substance abuse patients residing in county jails because there are no local services or resources to assist with their illnesses. Those individuals are not receiving appropriate medication and treatment due to the lack of resources and qualified providers in the local communities. Counties should not bear the burden of providing mental health or substance abuse services through the local jail as the jails are not qualified to do so. Furthermore, treatment, not incarceration, is what the individuals need. To help meet the need of those citizens and provide relief to local jails, ACCG is asking the Governor and the General Assembly to allocate funding for pilot projects around the state that will provide for mental health assessment upon arrest and diversion to a Community Services Board for treatment as opposed to booking into the jail. ACCG also asks for the implementation of adequate accessible services in ALL areas of the state.

Issue: Policy Change by the Department of Community Health to Allow for Suspension of Medicaid Benefits upon Incarceration in Lieu of Cancellation

ACCG strongly encourages the Governor, the General Assembly, Department of Community Health, and the Department of Human Services to allow for the continuation of Medicaid benefits for local jail inmates prior to conviction and for the suspension of benefits upon conviction as opposed to cancellation. It can take months for an inmate released from prison or a local jail to have benefits reinstated, which is detrimental to the success of the inmate maintaining adequate mental and physical health services upon release. Allow Medicaid coverage for eligible inmates and detainees in local jails prior to conviction and for hospital stays of more than 24 hours post-conviction.

Issue: Involuntary Commitment for Persons Exhibiting Mental Health Issues without Having Committed a Crime.

There are instances whereby local public safety officials are called to a scene where an individual is exhibiting mental health issues, is a danger to them self, and unless they have committed a crime, the local public safety officials are helpless. SB 40 from the 2017 session of the General is pending would allow certified EMTs to contact a doctor at a medical receiving facility to have an involuntary commitment order signed (1013) allowing the transport of that person against their will. ACCG supports providing additional tools to local communities to address the mental health crisis that is ongoing at the local level.

NATURAL RESOURCES AND THE ENVIRONMENT POLICY COMMITTEE RECOMMENDATIONS

Committee Chair: Tommy Stalnaker – Email: tstalnaker2011@houstoncountyga.org

Staff: Kathleen Bowen – Email: kbowen@accg.org

Issue: Stormwater Management

Adequate funding is necessary in order for local governments to meet federal and state mandates in operating, maintaining, and improving stormwater infrastructure and management practices. To provide watershed protection, ACCG opposes any restrictions on a local government's ability to implement stormwater utilities; assess stormwater utility fees; create stormwater authorities; and state- or federally-imposed exemptions on a stormwater utility fee's applicability. This is not a tax, but a fee, for mandatory stormwater management services provided and every entity contributing to stormwater runoff must pay their fair share rather than shift the cost to other businesses and property owners.

PUBLIC SAFETY AND THE COURTS POLICY COMMITTEE RECOMMENDATIONS

Committee Chair: Ben Hendrix – Email: benhendrix@windstream.net

Staff: Debra Nesbit – Email: dnesbit@accg.org

RP

Issue: Modernization of 9-1-1 Fees and System

The Governor has indicated his intention to codify through legislation the Local Government 9-1-1 Authority created by Executive Order after the veto of SB 222 in 2016. ACCG supports this effort if legislation includes the following provisions:

- The elimination of cost recovery charges billed to local governments;
- Parity in all 9-1-1 fees assessed on all devices and plans by increasing the fee to \$1.50 per month across the board;
- Provides that the Department of Revenue will be responsible for collecting all fees remitted by providers and disbursing those fees to the jurisdiction from which they came on a monthly basis, bypassing the state general fund. The Department of Revenue has a system in place to collect and disburse funds to local governments and this process ensure the fees are protected and cannot be redirected for other purposes.

These particular provisions were agreed to by a large work group of all issue stakeholders and ACCG believes this will ensure that Georgia is not left behind with the implementation of Next Generation 9-1-1 and FirstNet.

Issue: Local Law Enforcement Compensation and Retention Strategies

ACCG understands and recognizes the vitally important role that law enforcement has in local communities. Local law enforcement officers deserve adequate pay and training. ACCG is committed to working with the state and the General Assembly to develop creative strategies to increase entry-level salaries for local law enforcement – taking into consideration all benefit packages, overtime, and other forms of compensation in determining appropriate beginning salaries, short of the statewide minimum salary mandate. ACCG supports the state and legislature putting into place incentives for state funding that incorporate more robust training and best practices. Given the diversity of the state, ACCG is opposed to any effort to require minimum salaries.

Consideration should be given to methods of increasing revenue at the local level to fund adequate salaries – such as expanding the sales tax base and allowing SPLOST for public safety and the courts – giving counties the flexibility as they continue to explore ways to attract, train, and retain public safety employees.

PUBLIC SAFETY AND THE COURTS POLICY COMMITTEE RECOMMENDATIONS – Cont’d.

Issue: Criminal and Civil Liability for Hosting of Under 21 Individuals Where Alcohol Will Be Served

ACCG supports HB 542 which makes it a crime to host a social gathering where alcohol or other substances will be consumed by those under the age of 21 if the hosts knowingly or should have known there would be alcohol available. ACCG supports efforts to prevent underage drinking in all situations, improving public safety for the youth and others in Georgia’s communities.

REVENUE AND FINANCE POLICY COMMITTEE RECOMMENDATIONS

Committee Chair: Henry Craig – Email: hcraig@baldwincountyga.com

Staff: Clint Mueller – Email: cmueller@accg.org / Larry Ramsey – Email: lramsey@accg.org

RP

Issue: Sales Tax Reform

Local sales tax is the second largest revenue source for counties but most counties have not experienced growth in this revenue since the recession ended. Counties use sales tax revenue primarily for capital infrastructure and reducing their reliance on property taxes. To help make this revenue source a viable alternative to the property tax, ACCG asks the General Assembly to make the following reforms:

1. **Expand the sales tax base** -ACCG asks the General Assembly to help counties reduce their reliance on property tax by expanding the existing sales tax base through reductions in exemptions and including in the tax base additional services and digital goods such as digital music, books, and video. ACCG also strongly suggests that the General Assembly create a legal nexus for out of state businesses selling to customers in Georgia.
 - a. **The service sector is the fastest growing segment of the economy, yet it is largely exempt from sales tax.** Georgia currently has approximately 110 exemptions in the sales tax code and only taxes approximately 36 services out of a potential 168.
 - b. **Digital goods and many other items paid for through online platforms are also not taxed.** There are many businesses that do not have a physical presence in Georgia and have decided not to collect our state and local sales tax. As more products are purchased online, this legal loophole is contributing to a significant loss in sales tax revenue.
2. **Flexible use of local sales tax** – grant county commissioners greater flexibility to determine the appropriate local sales tax referendums for their county. This should include the ability to take an existing local sales tax and ask the voters for approval to convert it to a different use that is locally determined to be essential to a specific county’s environment. Enable counties to use a portion of their capital sales tax for maintenance on capital facilities.
3. **Disclosure of local sales tax information** - confidentiality laws greatly limit the information that the Department of Revenue can share with local governments about their sales tax collections. Without this sharing of information between the state and local levels of government, it is difficult to determine when errors, under reporting, misuse of exemptions, and tax avoidance occur. Local officials and staff are the most knowledgeable about their local businesses and the local economy and should be able to work in partnership with the Department of Revenue to make sure local sales taxes are collected and remitted accurately. To create this partnership, ACCG asks the General Assembly to expand the scope of taxpayer information that can be shared with designated local officials that have entered into a confidentiality contract with the department. These records would continue to be exempt from public disclosure and could only be discussed with local elected officials in executive session.

REVENUE AND FINANCE POLICY COMMITTEE RECOMMENDATIONS – Cont’d.

Committee Chair: Henry Craig – Email: hcraig@baldwincountyga.com

Staff: Clint Mueller – Email: cmueller@accg.org / Larry Ramsey – Email: lramsey@accg.org

4. **Accurate Disbursement of Local Sales Tax** - For businesses to accurately determine the proper sales tax allocation to each county, state law should clearly prescribe a uniform method for businesses to inform the county where the transaction occurs. To provide clear guidance in the law, ACCG asks the General Assembly to make the following amendments:
 - a. Require the Department of Revenue rate and boundary database to include information at the street address level in addition to the nine-digit zip code when this information is provided to DOR by a county or city in an approved format.
 - b. Require the vendor to use the customer’s physical address instead of a P.O. Box.

Issue: Telecommunications Excise Tax

Telecommunication service is a rapidly growing and evolving sector of the economy. Local government revenues on telecommunication companies have been flat or in decline because they have not adequately captured many of the newly emerging technologies. Legislation is needed to reduce distortions in the marketplace and to provide for a tax base that grows with the economy and the corresponding increased demands on local government services. The current tax structure does not provide equity among service providers because they are taxed differently based upon the type of technology they use to deliver their service. ACCG asks the General Assembly to eliminate the current franchise fees and taxes on telecommunication service providers and replace these revenues with a local telecommunications excise tax at a rate up to 3.5 percent of gross receipts. The local revenues should be split between counties and local municipalities based upon a population formula or other formula agreed on by ACCG and the Georgia Municipal Association. The county's share of the excise tax should be used to fund services that primarily benefit the unincorporated area.

Issue: Fees on Property Tax Bills

Local elected officials and their citizens should control the substance of what will or will not be placed on a local property tax bill. The potential use of fees allows county governments to pay for some services in a manner that more closely approximates the users’ demand and usage of the service. Most of those services could be paid for through property tax but the financial burden could only be distributed based upon the value and taxability of a person’s property. Charging a fee for services allows the financial burden to be spread more equitably. The charging of fees for particular services, through the creation of Special Tax Districts or otherwise, has long been an appropriate legal manner to fairly distribute costs for services to specific users of a provided service. To make fees a viable option to the property tax, they must be easy to administer and collect. Having the option to collect fees on the property tax bill ensures that the fees can be collected efficiently. ACCG asks the General Assembly to protect this important local tool for charging a fee for service as an alternative to the property tax. ACCG does not support the placing of liens on any property for failure to pay a fee unless it has been authorized in state law.

FEDERAL POLICY COMMITTEE RECOMMENDATIONS

Committee Chair: Nancy Thrash – Email: nthrash@lamarcountyga.com

Staff: Kathleen Bowen – Email: kbowen@accg.org

Issue: E-Fairness (Sales Tax Collection on Remote Sales)

ACCG urges Congress to take action to authorize the collection of remote sales (including online and catalog sales) and distribute the funds to the consumer's state. This is not a new tax but a tax that is legally owed. State and local governments have lost millions in uncollected sales taxes due to the inability to collect this tax based off a pre-internet U.S. Supreme Court decision.

Issue: Tax Exempt Municipal Bonds

Tax exempt municipal bonds are vital tools for local governments seeking to bring economic development and job growth to their communities. ACCG urges Congress to preserve the tax exempt status of municipal bonds and to oppose any attempt to cap or eliminate the exemption, for doing so would increase the borrowing costs of public entities which will ultimately be shifted to the tax payer in the form of rate and tax increases.

Issue: Infrastructure Investment / Truck Weight Increases

ACCG encourages Congress to continue its historic funding of public infrastructure – which includes surface transportation projects, bridges, transit systems, and airports – and involve local governments in the decision making process. Furthermore, ACCG urges Congress to refrain from passing legislation that increases allowable weight limits on local roads and bridges. Increasing the weight limits contributes to the rapid deterioration of local road and bridge infrastructure.

Issue: Broadband / Telecommunications

ACCG recognizes the critical importance of and fully supports expanding affordable broadband access throughout Georgia and stands ready to work with federal, state and industry partners to facilitate this deployment. While accommodating broadband equipment in the public's right of way (ROW) may play a critical role in enhancing broadband connectivity, counties must maintain their ability to balance this access with their role of protecting the public health, safety, and welfare while managing the taxpayer's ROW investment. Accordingly, ACCG opposes any federal legislation or rules which preempt, or otherwise diminish, counties' ability to regulate their community's ROW.

Issue: Access to Healthcare

ACCG encourages Congress to consider the impact of Medicaid reforms that generally shift costs to counties and to look for innovative strategies to ensure that all Georgians have access to adequate healthcare. The Medicaid program is a vital safety net program and provides crucial support for the uninsured, underinsured, and those especially in need of health care services. ACCG believes that up-front investment in the health care of this population can be directly related to later health care savings and reduction in other social costs.

Issue: Opioid Crisis

ACCG understands the need for strong federal-state-local partnerships in combatting the opioid crisis. ACCG encourages Congress to provide funding that local governments can access to address this urgent public health issue.