

# **2016 LEGISLATIVE UPDATE**

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# **BILLS THAT PASSED**

## Community and Economic Development

### **Open Records: Economic Development Projects and UGA Sports Records - SB 323 (Sen. Dugan)**

This bill extends the protection for documents concerning an economic development project from the Department of Economic Development to every state department, agency, board, bureau, office, commission, public corporation and authority. The bill also provides a response time of 90 business days for any agency responding to a request for records of intercollegiate sports programs (other than salary information for nonclerical staff) of any unit of the University System of Georgia.

*Effective Date: July 1, 2016.*

## Elections

### **Eligibility to Hold Office - HB 73 (Rep. Turner)**

This bill authorizes the General Assembly to provide by local law for a period of district residency for candidates for any county or municipal governing authority or board of education not to exceed 12 months.

*Effective Date: May 3, 2016.*

### **Ethics Filings and Local Fines - HB 370 (Rep. Fleming)**

This legislation would waive late fees for late or non-filings of ethics disclosures incurred between January 1, 2011, and January 10, 2014 if the official subsequently files a complete and proper report for such time period by December 31, 2016. If the official accomplishes such filing then all fines, late fees, and penalties imposed as a result of the failure to file, late filing, or incomplete filing would be waived. The reports which need to be filed would be consolidated into one form for ease of filing for the official. There would be a filing fee of no more than \$40 per report if filed in a paper format. Upon the filing of reports by the official their name would be required to be removed from the webpage of the Georgia Government Transparency and Campaign Finance Commission. Additionally, the legislation provides that, subject to appropriation by the General Assembly, certain officials would be eligible to have already paid fines, fees, or penalties refunded to them.

*Veto Date: May 3, 2016.*

### **Qualifying, Advance Voting and Ethics Filing - SB 199 (Sen. Jeffares)**

For municipal elections, this legislation provides that qualifying can be reopened when there is an open seat for which no one qualified. The purpose is to avoid the expense of a special election. It also clarifies that qualifying commences the third Monday in August, authorizes the legislature to provide by local law for district residency for candidates and states when advance voting shall occur if the time period for it encompasses a legal holiday. The bill moves the date of the final campaign contribution disclosure filing for those raising or spending more than \$2,500 but less than \$5,000 from October 25 to December 31.

*Effective Date: April 26, 2016.*

## Environment and Natural Resources

### **Inspection and Licensing Condominium Pools - HB 219 (Rep. Jeff Jones)**

This bill would add condominium pools and pools of a townhome which are only open to residents or members or their guests to the list of pools which are not required to be regulated by public health rules and regulations. A pool which fits into this category would have the option of electing to be governing by the state laws governing public swimming pools if the load capacity is 75 persons or fewer at which point they would be inspected by the county board of health at least once a year.

*Veto Date: May 3, 2016.*

### **Conservation Use Assessments and Rodeos – HB 987 (Rep. McCall)**

This legislation would amend the period by which the transfer of a part of property subject to a covenant for a bona fide conservation use shall not constitute a breach of a covenant if part of the property transferred is used for a single family residential purpose. If the part of the property used for single family residential purposes is occupied within 24 months from the date then it will not constitute a breach. Additionally, this legislation would allow non-profit rodeos to take place on land that is subject to the covenant under the conservation use.

*Effective Date: July 1, 2016.*

### **Landfills Notice of Release – HB 1028 (Rep. Werkheiser)**

This bill would require the owner or operator of a municipal solid waste landfill to notify the local governments in which the landfill is located of any release from such site of a contaminant which is likely to cause danger to human health. The bill also requires such owner or operator to publish a notice of such release in the legal organ of the county in which the landfill is located. Compliance of these notifications is required within 14 days of confirmation of such a release by EPD.

*Effective Date: July 1, 2016.*

### **Petroleum Pipelines and Eminent Domain – HB 1036 (Rep. Hitchens)**

This legislation imposes a temporary moratorium on the eminent domain powers of pipeline companies and on the ability of pipeline companies to get certain environmental permits until June 30, 2017 in order to provide the General Assembly with time to study the need for changes to land use controls or restrictions related to pipeline companies seeking to deliver petroleum. To accomplish this goal the legislation creates the State Commission on Petroleum Pipelines to study and develop a recommendation to the General Assembly of legislation to ensure that pipeline siting, construction and operation are consistent with the public interest in establishing minimum standards for land use to protect and preserve natural resources, environment, and vital areas and to best serve the residents of Georgia. The legislation temporarily suspends the powers of eminent domain granted to pipeline companies starting from the effective date of the legislation to June 30, 2017 in order to allow the commission to complete its report.

*Effective Date: May 3, 2016.*

### **Licensing of Hunting Dogs – SB 184 (Sen. Black)**

While this bill started as a prohibition on ordinances regulating or banning dogs by breed, the final bill simply requires that local governments provide the same registration, licensing or permitting fee for hunting dogs as is available from the local government for spayed or neutered dogs. Hunting dogs are defined as those registered with the AKC or UKC as a sporting breed group dog, hound group dog or nonsporting breed group dog or one actually used in hunting by someone holding a DNR hunting permit.

*Effective Date: July 1, 2016.*

## Municipal Government

### **Sovereign Immunity - HB 59 (Rep. Willard)**

This legislation waived the defense of sovereign immunity for claims brought in the courts of this state as a conventional quiet title action or seeking a declaratory judgment or injunctive relief for an ultra vires act. The bill did not provide a waiver for claims arising in contract or for claims for monetary relief, attorneys' fees or expenses of litigation or for claims brought by or on behalf of a person in a penal institution or a state mental health facility.

*Effective Date: Vetoed.*

### **Firefighter Workers' Comp Exception for Cancer – HB 216 (Rep. Gravley)**

Although the state workers' compensation law classifies cancer as an "ordinary disease of life", this bill would have provided an exception if the employee was a firefighter and it was shown by a preponderance of the evidence that the cancer is attributable to the firefighter's performance of duties as a firefighter.

*Effective Date: Vetoed.*

**First Amendment Religious Legislation – HB 757 (Rep. Tanner)**

This bill was a combination of a number of different religious freedom measures. The legislation would prohibit local governments from enacting any ordinance or regulation requiring a business or industry to operate on either Saturday or Sunday. Additionally, it would allow individuals who were religious practitioners authorized to perform marriages to decline to perform marriages as part of their free exercise of religion. This legislation would prohibit local governments from taking any discriminatory action against a person because of such person's belief that marriage should be between one man and one woman. The legislation also would have allowed an aggrieved person to obtain attorney's fees if they prevail against the local government but requires any person having a claim against the local government to provide notice to the local government in writing at least 30 days before filing litigation. Finally, this legislation would prohibit any government from substantially burdening a person's exercise of religion if the burden results from a general law unless the government can demonstrate that it was done in the furtherance of a compelling governmental interest and was the least restrictive means of furthering that compelling governmental interest. Nobody would be permitted to bring a claim against the government without first giving notice of the claim in writing at least 30 days prior to filing an action in court.

*Effective Date: Vetoed.*

**County Law Library Audit Requirement – HB 851 (Rep. Atwood)**

This bill would require the county law library board of trustees to have an annual audit of its financial affairs, books, and accounts performed by the county accountant. The audit will be required to be conducted in accordance with generally accepted accounting principles and a copy of the audit will be required to be made available to the county governing authority and shall be a public document.

*Effective Date: April 26, 2016.*

**Electronic Filing of Maps, Plats, and Plans – HB 1004 (Rep. Jasperse)**

This bill would amend the requirements in state law governing the filing of maps, plats, and plans with the superior court clerk. The legislation changes the information required in such filings and requires that all images submitted comply with the minimum standards and specifications adopted in the rules and regulations of the State Board of Registration for Professional Engineers and Land Surveyors. Additionally, the filing must be an electronic image of a single page certified and presented to the clerk electronically and in accordance with the rules of the Georgia Superior Court Clerks Cooperative Authority. Superior court clerks will be required to keep a public computer terminal available to provide access to the maps and plats.

*Effective Date: July 1, 2016.*

**Immigration Reporting - SB 269 (Sen. Stone)**

This bill states that as a condition of receiving funding from DCA, DOT or any other state agency, local governing bodies shall certify compliance with the state law prohibiting “sanctuary” policies. Local governments subject to this certification are also required to submit the annual state-mandated immigration compliance report and must attach their “sanctuary” compliance certificate to such immigration report.

*Effective Date: July 1, 2016.*

**Board of Education Speech Policy –SB 275 (Sen. Williams)**

This bill prohibits any local board of education from adopting or following any code of ethics which prevents the members of such board from discussing freely the policies and actions of such board outside of a board meeting. This prohibition does not apply to matters properly discussed in an executive session or which reveal information exempt from disclosure under the Open Records Act.

*Effective Date: July 1, 2016.*

**State Purchasing – SB 327 (Sen. Hill)**

This bill prohibits the State of Georgia from entering into a \$1,000 or more contract with an individual or company if the contract is related to construction or the provision of services, supplies or information technology unless the contract includes a written certification that such individual or company is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel.

*Effective Date: July 1, 2016.*

**Billboard for Agritourism Facility – SB 383 (Sen. Ginn)**

This legislation authorizes an “agritourism facility” to apply for and obtain a permit to erect a billboard advertising such facility and remove trees and vegetation from the target view zone for such sign so long as the sign is located on the premises of such facility and comports with local ordinances. An “agritourism facility” means any operation which charges admission to persons to view or participate in a farm or dairy farm or the production of farm or dairy farm products.

*Effective Date: Vetoed.*

Public Safety and the Courts

**Terminating Municipal Court Judges – HB 691 (Rep. Tanner)**

This legislation would create a list of causes for which appointed municipal court judges could be terminated. The list would be track language in the Georgia Constitution which is already applicable to judges from all other courts in Georgia except for municipal courts created before 1983. The legislation would allow municipalities to set the terms for which municipal court judges could be appointed with a minimum term of one year, would allow municipalities to add additional causes through a charter amendment, and would set procedures for hearings and appointing temporary judges.

*Effective Date: July 1, 2016.*

**Fireworks – HB 727 (Rep. Battles)**

This legislation would regulate the sale and use of fireworks and provide revisions to the lawful use and ignition of fireworks. This legislation prohibits the sale of fireworks to any persons under 18 years of age and would require identification to be shown prior to sale. It also prohibits the use of fireworks near any public transportation routes such as roads, highways and railroads. This bill will allow fireworks to be detonated between the hours of 10:00AM and 9:00PM. Additionally, the use of fireworks between the hours of 9:01 PM and 12:00 midnight may be restricted by enacting a local noise ordinance. These hours would be expanded on January 1, July 3, July 4, and December 31 of each year and local government abilities restricted on such dates. The use of fireworks would be prohibited within 100 yards of an electric plant, water treatment plant or a facility engaged in the sale of flammable liquids or gases, within 100 yards of an electric substation or jail or prison, within 100 yards of a hospital, nursing home or healthcare facility, by any person under the influence of alcohol or drugs, and within any park, historic site or recreational area owned by a governing authority without issuance of special use permit. The fee for such permit should not exceed \$100.00 and would be at the discretion of the local government controlling such property. Additionally, the retail sale of fireworks is permitted if the retail stand is within 1,000 feet of a fire hydrant or fire department. A license is required for firework distributed and ignited for the purpose of a public exhibition. Also, this bill would decrease the cost of the distributors' license collected by the state.

*Effective Date: April 26, 2016.*

**Utility Vehicle Move Over Law – HB 767 (Rep. Alan Powell)**

This legislation would make it a crime not to move over when passing a stationary utility service vehicle which is utilizing traffic cones and has displayed flashing yellow, amber, red, or white lights. Violations would be punishable by a fine not to exceed \$250.

*Effective Date: July 1, 2016.*

**Drones – HB 779 (Rep. Tanner)**

This bill would create a framework for the use and the regulation of unmanned aircraft systems, or drones. The legislation would make it unlawful to sell, transport,

manufacture, possess, or operate any unmanned aircraft system that has a weapon except for the military or if related to federal contracts involving research on using weaponized drones. Additionally, the legislation restricts the ability of law enforcement to use drones to gather evidence or other information in a private place unless there is a warrant, reasonable suspicion, an active search for a fugitive, or an active search for a missing person. Additionally, local ordinances are preempted by this legislation except that local governments would be able to enforce ordinances enacted prior to April 1, 2016, adopt ordinances that enforce FAA restrictions, or adopt ordinances that prohibit the launch or landing of drones from public property except for commercial purposes. Finally, the legislation would create a Georgia Unmanned Vehicle Systems Commission to study drones and other unmanned vehicles.

*Veto Date: May 3, 2016.*

**Electroshock Weapons – HB 792 (Rep. Brockway)**

This bill would amend state law concerning the carrying and possession of electroshock weapons while in or on any building or real property owned or leased by a public school, college, or university by permitting persons to carry such weapons in such locations.

*Effective Date: July 1, 2016.*

**Weapons on College Campuses – HB 859 (Rep. Jasperse)**

This bill would make it legal for a weapons carry license holder to carry a weapon in any building or on any real property owned or leased by a technical school, college, or university.

*Effective Date: Vetoed.*

**Grand Juries for Police Use of Force – HB 941 (Rep. Golick)**

This bill will require a grand jury, whenever deemed necessary by eight or more of its members or upon the request of the district attorney, to conduct a review of any incident involving a police officer's use of deadly force which resulted in death or serious bodily injury. Except when requested by the district attorney such review is only allowed to be conducted after the investigative report of the incident has been completed and submitted to the district attorney. This legislation also provides for a 20 day notice to the officer of the proceeding and to the chief executive officer of the law enforcement agency. Any testimony before the grand jury will be required to be recorded by a court reporter and prior to the introduction of any evidence the district attorney will be required to advise the grand jury on the standard of review. If the grand jury requests a bill of indictment then the transcript of testimony and any other evidence presented to the grand jury shall not be disclosed. If there is a bill of indictment then it shall be noticed to the officer not less than 20 days prior to the date upon which the grand jury will begin hearing evidence. Finally, the legislation eliminates the ability of other public officers, including local

government elected officials, from being able to appear before a grand jury upon an accusation.

*Effective Date: July 1, 2016.*

**Body Camera Retention Schedule – HB 976 (Rep. Hitchens)**

This bill modifies the retention schedule for law enforcement surveillance cameras, body worn cameras and in car cameras. Body worn cameras and cameras mounted inside of law enforcement vehicles shall be retained for 180 days except when such recordings capture an arrest, use of force by an officer, or vehicular accident. In those situations the video must be stored for 30 months. If there are other investigations or pending litigation, the recording must be kept through final adjudication. Neither Local governments nor law enforcement agencies will have the duty to redact or obscure people or objects in the recording and shall not bare any civil liability for such depictions. Any video recording that has been destroyed pursuant to these retention schedules will be deemed to have been properly destroyed and no evidentiary presumption shall be made that such recording was harmful to the local government or officer. The bill will also establish a \$10.00 fee for providing copies of video recordings.

*Effective Date: July 1, 2016.*

**Service of Citations for County Ordinance Violations – HB 1025 (Rep. Taylor)**

This bill would allow for local legislation for counties permitting county ordinance violations to be served by leaving a copy of the citation on the door of the premises where the alleged violation occurred, mailing a copy by registered or certified mail or statutory overnight delivery to the owner or filing a copy of it with the clerk of the magistrate court. These methods of service will only be allowed after there has been at least one attempt at personal service of the accused at the address of record.

*Effective Date: July 1, 2016.*

**Omnibus Firearms Legislation – HB 1060 (Rep. Jasperse)**

This bill would make revisions to the state's firearms laws including establishing it as an unlawful discriminatory practice for any person, a definition which would include local governments, to refuse to provide financial services against another person or trade association solely because such person or trade association is engaged in the lawful commerce of firearms. The legislation would also allow a person who is license to carry a weapon in another state to do so in Georgia for 90 days after becoming a resident of Georgia. It would also hunters and fishermen to carry knives, amend the laws relating to the carry of weapons in churches and other places of worship, addresses the process of licensing and suspension of a weapons carry license, exempts certain law enforcement officers from license requirements and the restrictions of carrying a weapon in a courthouse, amends the carrying of weapons in commercial service airports, and changes

the process of appealing the denial of licenses to those who have been declared mentally incompetent.

*Veto Date: May 3, 2016.*

**Coin Operated Amusement Machines – SB 388 (Sen. Lucas)**

This bill will amend state laws governing the use and regulation of coin operated amusement machines (COAM). Under this legislation, a master licensee of a COAM who receives notice of a potential revocation of its master license will be prohibited from assigning, selling, or otherwise transferring any of its contracts with location owners or operators to another licensee. If the license is revoked then all contracts that licensee had would be declared null and void. This bill would also change the fee for duplicate permit stickers for machines by reducing the fee for Class A machines from \$50 to \$25 and increasing the replacement sticker for Class B machines from \$50 to \$125. Additionally, the legislation will make it a misdemeanor offense to remove or deface such permit sticker without authorization. The COAM law will also be amended through this legislation by revising the definition of gross retail receipts for purposes of reporting revenues from such COAM by clarifying that sales of goods and services which the business has purchased for resale should be included in such definition. Fines under this law on location owners and operators will not be allowed to exceed \$50,000.

*Effective Date: May 3, 2016.*

**Retiring Peace Officers Keeping Weapon and Badge – SB 263 (Sen. Thompson)**

This bill grants the governing authority of each local government the power to adopt policies under which police officers retiring or leaving employment due to a disability arising in the line of work are entitled, as part of their compensation, to retain their weapon and badge.

*Effective Date: July 1, 2016.*

**Penalty Increased for Bomb Threats – SB 270 (Sen. Martin)**

This legislation provides increased penalties for knowingly and intentionally transmitting a false report of a bomb or bomb threat. A second conviction is made a felony. A first conviction when the site of the threatened bomb is any building, place of assembly, or facility that is necessary for national or public security, education or public safety is a felony and carries a fine of up to \$100,000.

*Effective Date: May 3, 2016.*

Revenue and Finance

**Redemption of Property** – HB 51 (Rep. Benton)

This bill adds to the redemption price of property sold for taxes any sums paid to a property owners' association, a condominium association, or a homeowners' association established by covenants restricting land to certain uses in a planned residential subdivision.

*Effective Date: July 1, 2016.*

**Freeport Exemption for Fulfillment Centers** – HB 935 (Rep. Harrell)

This bill would add fulfillment centers, defined as business locations in Georgia which are used to pack, ship, store, or otherwise process tangible personal property sold by remote means so long as consumers are not allowed to purchase goods on site, and stock in trade fulfillment centers, defined as goods, wares, and merchandise held by on in the business of making sales of such goods when stored in a fulfillment center, to the list of businesses eligible for Freeport exemptions.

*Effective Date: July 1, 2016.*

**Projects of Regional Significance** – HB 937 (Rep. Harrell)

This bill would extend the sunset for the sales tax exemptions for projects of regional significance from June 30, 2016, to June 30, 2019. Additionally, the excise tax on rental cars would be extended from December 31, 2038, to December 31, 2047.

*Effective Date: July 1, 2016.*

**Purchasing Cards** – HB 949 (Rep. Alan Powell)

This bill expands the prohibitions and regulations on the use of purchasing cards to include constitutional officers, including superior court clerks, judges of the probate court, sheriffs, tax receivers, tax collectors, or tax commissioners. These constitutional officers will be prohibited from issuing purchasing cards on or after July 1, 2016, unless specific policies regarding the use of such purchasing cards have been filed with the governing authority of the county.

*Effective Date: July 1, 2016.*

**Refunds and Interest on Taxes** – HB 960 (Rep. Kelley)

This bill would allow for the Department of Revenue to disclose information respecting individual taxpayers to the House Ways and Means Committee and the Senate Finance Committee and allow for a political subdivision designee, defined as the chief officer or officers of a political subdivision, to receive information about a refund claim of local significance, which is defined as a claim for refund of sales tax that is for an amount equal to or greater than ten percent of the total yearly average of aggregate sales and use tax distributions to any single political subdivision based on an average of the three most recent calendar years. The legislation would amend the current law on refunds of past due taxes by changing the rate from one percent per month to a rate which tracks the prime

rate plus three percent annually. The legislation changes the penalty for delinquent property taxes is reduced initially to 5 percent after 120 days passed the due date then an additional 5 percent penalty is added for every additional 120 days past due until a maximum penalty of 20 percent has been reached. Additionally, penalties collected on municipal ad valorem taxes will be required to be remitted to the municipality from which they were imposed. Any refund claims of local significance pending with the Department of Revenue for two years after filing a claim will be automatically transferred to the Georgia Tax Tribunal under this legislation. Finally, the legislation creates a set of determination factors for delayed refund requests by which, if the Department of Revenue is found at fault for the delay, the state shall pay interest due on local sales and use taxes to the taxpayer.

*Effective Date: July 1, 2016.*

**Military Service Waiver of Ad Valorem Penalties and Interest – HB 991 (Rep. Hitchens)**

This bill would require the tax collector or tax commissioner to waive the collection of any amount due when such amount due represents penalties or interest if the collector or commissioner determines that the owner of the property was in the military serving in a combat zone and there was no gross negligence or willful neglect to not pay the taxes when they were due. The legislation would require that the taxpayer make full payment of the taxes due, not including penalties and interest, within 60 days of the taxpayer's return from military service.

*Effective Date: July 1, 2016.*

**Property Tax Assessment, Disabled Vets & Rural Hospital Tax Credit – SB 258 (Sen. Millar)**

This legislation states that the two year freeze on increases to the value set on appeal does not apply if the parties agree otherwise in writing or if the taxpayer appeals the value during the next two years. Where this provision does not apply, for any appeal on or after January 1, 2016, the assessed value may be lowered by the board of equalization but cannot be increased. This bill also provides a common definition of “disabled veteran” for registration and licensing as well as taxation of motor vehicles and establishes a new income tax credit for taxpayers benefitting rural hospitals.

*Effective Date: July 1, 2016 for all parts except rural hospital tax credit which has an effective date of January 1, 2017.*

**Collateralization of Public Deposits – SB 283 (Sen. Kennedy)**

This legislation authorizes banks that have qualified to serve as a depository for state funds to participate in the multibank pooled method of collateralizing deposits from any public body. Such banks which have total assets exceeding \$50 billion are required to participate in the multibank pool. Covered depositories are authorized to secure deposits

of public funds with traditional collateralization, use of bonds and securities or the multibank pooled method. The State Depository Board will establish policies and procedures for operation of multibank pool including defining eligible collateral, establishing collateral limits, reporting requirements and establishing a formula to calculate different collateralization tiers. The aggregate market value of securities pledged to secure a pool of public funds shall be established by the State Depository Board and shall be neither less than 25 percent nor greater than 125 percent. In the event of the default of a covered depository in the multibank pool, the public body can look only to that covered depository for assets. If the assets are insufficient to cover amount owing to public body depositors, the state treasurer is directed to levy an assessment on the other covered depositories in the multibank pool.

*Effective Date: April 26, 2016.*

#### **Taxation of Consumer Fireworks – SB 350/SR 558 (Sen. Mullis)**

This constitutional amendment and statute authorize the dedication of the proceeds from the 5% state excise tax on sales of consumer fireworks to trauma care, fire services and local public safety purposes. The statute dedicates 55% of the proceeds to the Georgia Trauma Care Network Commission, 40% of the proceeds to the Georgia Firefighter Standards and Training Council for a grant program, and 5% to local governments for operation of 9-1-1 systems.

*Effective Date: January 1, 2017 (subject to referendum November 2016).*

### Transportation

#### **City of Atlanta MARTA and Fulton County TSPLOST – SB 369 (Sen. Mullis)**

This legislation would allow the City of Atlanta to enact an additional MARTA sales and use tax within its boundaries of up to a maximum .50 percent. This new tax would be in addition to the current MARTA sales and use tax and must be approved by a referendum vote. The referendum can be held in 2016 if the City of Atlanta enacts a resolution calling for the referendum before June 30, 2016, otherwise, the referendum will be held in 2017. The additional MARTA tax will not count towards any local sales tax limitation and any tax imposed less than .50 percent will be at increments of .05 percent. If the referendum is approved by the voters then the funds generated will be required to be used on a list of projects which had previously been submitted to the city and incorporated into the rapid transit contract. Additionally, this legislation changes the Transportation Special Purpose Local Option Sales Tax (TSPLOST) law as it is applicable to Fulton County by requiring approval of the qualified municipalities or county representing at least 60 percent of the population before a resolution creating a list of projects can be created. The TSPLOST in Fulton County will be allowed to be at a rate of up to .75 percent and any rate below that will be in .05 increments. The TSPLOST would contain a number of exceptions, including

for heavy-duty equipment, jet fuel, motor fuel, and energy used in manufacturing. The TSPLOST can only be imposed after approval by referendum and will also be in addition to any other local sales and use tax.

*Effective Date: April 26, 2016.*

**Referendum Required for Expenditure on Fixed Guideway Transit – SB 420**  
(Sen. Tippens)

This bill requires a referendum prior to the expenditure of any public funds on a fixed guideway transit system. “Fixed guideway transit” is defined as a public transportation system using and occupying a permanent, separate right of way for the exclusive use of public transportation, including, but not limited to, rails for use by trains or a bus rapid transit system.

*Effective Date: July 1, 2016.*

Utilities

**Ordinances on Marking Utilities – SB 191** (Sen. Tippins)

This bill prohibits any local governing authority from enforcing any ordinance or resolution which imposes fines for violation of a local ordinance or resolution that establishes requirements for locating utility facilities or sewer laterals for any locate request or large project under the state’s “Call Before You Dig” law.

*Effective Date: July 1, 2016.*

**Liens for Water Service – SB 206** (Sen. Ligon)

This bill authorizes a property owner or tenant, closing attorney, lender or person having executed a contract for the purchase or occupancy of real property to request a public or private water supplier a statement of the water charges currently and past due along with late charges and applicable interest. The water supplier is required to provide the information within 10 business days and may charge a fee not to exceed \$10.00 to provide the information. The legislation spells out requirements for a valid request. Failure to timely provide the statement will extinguish any lien for such water service and prevent the water supplier from denying water service to the new property owner or tenant. The statement provided by the water supplier is binding for 30 days and full payment tendered within such 30 day period will extinguish any lien for water service.

*Effective Date: July 1, 2016.*

## **BILLS THAT DID NOT PASS**

### Community and Economic Development

#### **General Assembly Approval of Local Government Acceptance of Federal Funds** – HB 14 (Rep. Turner)

This legislation would have prohibited any local authority or local government from accepting federal funds in any form or for any purpose, including loans or grants, unless such acceptance of federal funds had been expressly and specifically approved by the General Assembly.

*Status: House Appropriations Committee*

#### **Rural Downtown Revitalization** – HB 921 (Rep. Houston)

This bill would allow the commissioners of community affairs and economic development to designate certain areas as revitalization zones, which would allow new and established businesses in those areas to qualify for an income tax credits. Local governments that had a population of fewer than 15,000 residents and met three criteria of a (1) concentration of historic commercial structures, (2) a 20 percent vacancy rate, (3) a feasibility study for the area, (4) a master plan, or (5) commitments from public or private funding would be eligible to be a revitalization zone. Each full time job created would be eligible for a \$2000 annual credit, not to exceed \$25,000 a year. Investors who developed property would also be eligible for a tax credit.

*Status: House Ways & Means Committee*

### Elections

#### **Lame Duck Councils; Vacancies** – HB 699 (Rep. Welch)

This bill would move the beginning of a term of office for members of city and county offices to begin on the Monday following such person's election, so long as such date is at least five days following the certification of results for the election. If a petition contesting the election was filed then such person could not be sworn in until a judgment had been entered on such contest. Additionally, the legislation would require the judge of the probate court to call for a special election to fill a vacancy in office when the unexpired term is greater than 180 days. If the unexpired term is less than 180 days then the chief judge of the superior court would be charged with appointing a successor to fill the unexpired term.

*Status: Defeated on the House Floor*

#### **Advance Voting; Legal Holidays** – HB 772 (Rep. Heath Clark)

This bill would change the advance voting from the second Saturday during the advance voting period if such Saturday is a public and legal holiday, if the Thursday or Friday

immediately preceding such Saturday is a public and legal holiday, or if the Sunday or Monday immediately following such Saturday is a public and legal holiday. In any such situation the advance voting Saturday would be moved from the second Saturday prior to the election to the third Saturday prior to the election.

*Status: Tabled on the Senate Floor*

**Changing Qualifying Date for Municipal Elections** – HB 946 (Rep. Spencer)

This legislation would change the qualifying date for municipal elections by moving it from the last Monday in August to the Friday of the same week back to the third Monday in August to the Friday of the same week.

*Status: House Governmental Affairs Committee*

**Requiring Name on Political Mailings** – HB 1016 (Rep. Bennett)

This bill would have required any person or organization advocating for the election or defeat of a specific candidate through a mailing on behalf of another candidate or in cooperation or consultation with a candidate, campaign, political party, or any agents thereof to ensure that such mailing contained their name or the name of their organization. Failures to do so would be fined with a civil penalty not to exceed \$500.

*Status: House Governmental Affairs Committee*

**Election by Plurality of the Vote** – SB 33 (Sen. Fort)

This bill would have provided that a candidate for office could be elected with a plurality of the votes cast in an election. The bill also would have eliminated provisions in state law calling for runoff elections.

*Status: Senate Ethics Committee*

Environment and Natural Resources

**Fluoridation of Water** – HB 129 (Rep. Stover)

This bill would allow any municipality or county and its water system to remove itself or include itself from the Board of Natural Resources requirement that water be treated with fluoride by enacting a resolution calling for a referendum. Such referendum vote would allow such local government to either include themselves in such requirement or remove themselves from such requirement.

*Status: House Governmental Affairs Committee*

**Stream Buffers** – HB 966 (Rep. Johnnie Caldwell)

This bill would change state law to require that stream buffers be measured from the ordinary high water mark, which is the line of demarcation along state waters established

by fluctuations of water and indicated by physical characteristics on the bank, instead of from the point of wrested vegetation.

*Status: House Natural Resources & Environment Committee*

**Inert Landfills** – HB 1022 (Rep. Kirby)

This bill would allow an inert landfill operator to be deemed to have a solid waste handling permit if such operator provides notice to the director of the environmental protection division and meets additional requirements. These additional requirements include certifying that only waste that is not likely to produce leachate will be disposed of in the inert landfill, that no portion of the disposal area would be within 100 feet of a property line or structure, that materials are compacted in layers, that the landfill is graded and drained to minimize runoff and erosion, that access is limited, that suitable means are being employed to prevent fires, and that final cover and vegetation are placed on the top no later than one month following final placement of waste.

*Status: House Natural Resources & Environment Committee*

**Erosion and Sedimentation Control** – SB 326 (Sen. Jeffares)

This legislation would decrease the amount of time that a local issuing authority has to issue or deny permits relating to the control of soil erosion and sedimentation from 45 days to 14 days. The legislation would also require that Level Two designers and reviewers of erosion and sedimentation plans be professionally licensed in Georgia in a field related to soil and erosion control.

*Status: Senate Regulated Industries and Utilities Committee*

**Municipal and County Government**

**Termination of Service Contracts** – HB 133 (Rep. Holcomb)

This bill would have required any political subdivision entering into a service contract to include in such contract specific performance and cost parameters. The contractor, under such legislation, would also be required to submit quarterly reports to the governing authority showing compliance with criteria and the actual costs for which the political subdivision is obligated. The legislation would also require such contracts to allow the political subdivision to terminate the contract at any time if the contractor fails to abide with all applicable local, state, and federal laws and regulations.

*Status: House Governmental Affairs Committee*

**Preference to Georgia Employers and Products** – HB 145 (Rep. Beverly)

This bill would require all state and local governments and authorities to give preference to providers of services located in the state or employing Georgia residents. When issuing a request for a competitive bid, this legislation would require local governments to state is such bid request the local government will consider the effects of employment within

the state. The bid would not be allowed to be considered unless it contained an employment impact statement that detailed the number of jobs to be created in the state or retained if the job was given to another contractor and a guarantee from the contractor that the jobs created or retained would not be moved out of the state during the duration of the contract.

*Status: House Agriculture & Consumer Affairs Committee*

**Eligibility to Serve in Local Government Authority or Board** – HB 781 (Rep. Raffensberger); SB 85 (Sen. Beach)

This bill would prohibit any person from serving on any authority, school district, commission, council, or board for a local governing body that establishes policy, spends public funds, levies taxes, or assesses, imposes or collects fee unless such person was a citizen of the United States or a lawful permanent resident and such person is a legal resident of the State of Georgia or resides in an adjoining county of a neighboring state and owns and operates a business in the State of Georgia.

*Status: HB 781 – Senate Ethics Committee; SB 85 - House Passed/Adopted By Substitute*

**Casinos** – HB 677 (Rep. Stephens)

This legislation would provide for casino gaming at up to four licensed resort facilities in the state. Two of these proposed casino resort facilities would be in the metro Atlanta region and the other two would be located outside of metro Atlanta but not within 50 miles of one another. In relation to local control on where such casino may be located, parties seeking to build a casino would submit an application to a state created Georgia Casino Gaming Commission. The commission would make public notice and take public comment on the application. Any granted application would be completely contingent upon the governing authority of the applicable county, city, or consolidated government enacting a resolution or ordinance calling for a referendum of the voters of the jurisdiction. Therefore, a casino license could only be granted in a jurisdiction if the governing authority of that jurisdiction called for a referendum and that referendum question was approved by the voters of such jurisdiction. The legislation also permitted local governments to have local control through certain specific types of local ordinances governing zoning, display of licenses, distance requirements, alcohol licenses, fire and safety codes, and food and alcohol hours.

*Status: House Regulated Industries Committee*

**Townships** – HB 785 (Rep. Dudgeon); SB 272 (Sen. Ligon)

This bill would authorize the General Assembly, by local law, to provide for the creation of townships in the unincorporated area of any county. Any such township would be required to be a contiguous geographical area wholly within one county, containing at least 2000 acres and a minimum of 500 parcels of property that would qualify for a homestead exemption. The creation of the township would be subject to a referendum

vote. The township would only be able to impose a property tax up to 0.5 mil and would be limited to powers of zoning and land use regulation, comprehensive planning, construction permitting, and code enforcement. The township would be required to submit zoning changes to the county and any contiguous municipality. Additionally, the township would be required to coordinate service delivery with the county and land within the jurisdiction of the township could not be annexed by a city without the approval of the township governing authority and a referendum.

*Status: HB 785 - House Governmental Affairs Committee; SB 272 – Senate State and Local Governmental Operations Committee*

**Incorporation of New Cities** – HB 980 (Rep. Alan Powell); SB 375 (Sen. Gooch)

This legislation would prohibit any local bill proposing the incorporation of a new municipal corporation unless it required a requirement for referendum approval. Additionally, the legislation required any local bill proposing such new incorporation to be introduced in the General Assembly during the first year of the biennium. During the interim between the first and second years of the biennium a financial viability, fiscal impact, and service delivery study would be required to be prepared by a public academic research institution. The study would be required to contain a projection of the appropriate amount of taxes and fees necessary to maintain the municipality for a five and ten year period, the financial impact the incorporation would have on the rest of the county in which the proposed municipality was to be located, a financial impact on other cities in the same county, and an estimate on pension obligations. The new city would not be allowed to create any unincorporated islands and the referendum date would have to be on a general election date.

*Status: HB 980 - Tabled on the Senate Floor; SB 375 – House Governmental Affairs Committee*

**Local Moratorium Preemption** – SB 142 (Sen. Beach)

This legislation would have prevented local governments from imposing a moratorium with respect to any critical infrastructure project. Critical infrastructure projects, for this legislation, would have included electrical power transmission lines, electrical power substations, water and sewage treatment facilities, water reservoirs, water storage facilities, sewer lines, cellular telephone towers, emergency 9-1-1 facilities, natural gas transmission pipelines and power stations, and in-ground fiber optics systems.

*Status: Senate Regulated Industries and Utilities Committee*

**Open Records for Public Utilities** – SB 321 (Sen. Hunter Hill)

This bill would prohibit the state or any local government from making available to the public any financial, operational, or consumption data related to a person's use of public utilities, water, or wastewater without express consent of such person. The prohibition would not apply to items subject to the Open Records Act.

*Status: Senate Economic Development and Tourism Committee*

**Distance Requirements for Crematories – SB 351 (Sen. Beach)**

This legislation would increase the distance any new crematory established after July 1, 2016, is required to be from a residential subdivision platted and recorded in the superior court from 1000 feet to 2000 feet. Any crematory in existence before such date would be grandfathered in to the 1000 foot rule.

*Status: Senate Regulated Industries and Utilities Committee*

**Resolution of Annexation Disputes – SB 372 (Sen. Parent)**

This bill would require any county disputing an annexation of a city to submit the objection to the Department of Community Affairs in addition to the municipality. It would also allow for such objection to be filed through e-mail with an electronic read receipt. Additionally, the legislation would have changed the requirement of the Department of Community Affairs to appoint an arbitration panel from 15 calendar days to 15 business days. Finally, the person on the arbitration panel from an institute from a higher learning would have been required to be from an institute of higher learning with a physical presence in the state.

*Status: State and Local Governmental Operations Committee*

Public Safety and the Courts

**Municipal Court Prosecutors – HB 480 (Rep. Reeves)**

This legislation would have transferred the requirement that each municipality submit a copy of the resolution or ordinance creating the office of prosecuting attorney of the municipal court from the Prosecuting Attorneys' Council to the Administrative Office of the Courts. Additionally, this legislation would have required the city attorney to serve as the prosecuting attorney in the municipal court until the office of prosecuting attorney of the municipal court was created. If the city attorney has a conflict of interest then the city could appoint a prosecuting attorney pro hac vice.

*Status: House Judiciary Committee*

**Court Tax Intercept – HB 939 (Rep. Betty Price)**

This bill would have allowed the Administrative Office of the Courts, in its discretion, to transfer amounts to be refunded from the tax intercept program on overdue court fines and fees to the court to whom the debt is owed before there is a final determination of the validity of the debt. The court would then be able to retain any interest accrued on the setoff amount it was holding.

*Status: Senate Finance Committee*

**Secondary Metals Recyclers** – HB 996 (Rep. LaRiccia)

This legislation would allow a secondary metals recycler to pay any seller of metals up to \$20 in cash for any transaction, but limit cash transactions to a single seller to one transaction a day and four a month.

*Status: House Regulated Industries Committee*

**Municipal Court as a Court of Record** – SB 205 (Sen. Bethel)

This bill would have made municipal courts a court of record, allowing them to have a seal, have the power to fine and imprison, have the power to grant a new trial on legal grounds, to exercise court functions independently of the judge, to proceed according to the course of the common law, and to have acts of the court enrolled for perpetual memorial and testimony.

*Status: Senate Judiciary Committee*

**Local Government 9-1-1 Authority** – SB 387 (Sen. Mullis)

This bill would create a Local Government 9-1-1 Authority, which would specifically be authorized to audit service providers and would become the place of remittance and distribution of 9-1-1 fees. The Authority would include all local governments and regional authorities which operate or contract to operate for 9-1-1 services and would have the purpose of administering, collecting, auditing, and remitting 9-1-1 revenue. The legislation would create a board of directors for the Authority to take action on behalf of the Authority. The Authority would be able to contract, accept grants and loans, deposit funds, sue and be sued, and distribute funds as directed by the law. 9-1-1 fees collected, under this legislation, would have been remitted to the Authority instead of to each individual public safety answering point (PSAP). The Authority would be permitted to retain up to three percent of these fees for administration but would be required to return then to each city or county which operates a PSAP on a pro rata basis. The Authority would have the ability to audit service suppliers to ensure property payment of 9-1-1 fees. Additionally, the legislation makes clear that new technologies, such as voice over internet protocol (VoIP), are required to pay 9-1-1 fees and it would increase the prepaid wireless 9-1-1 fee from \$1.00 to \$1.50 per month. Finally, the legislation would also remove the ability of service suppliers from utilizing cost recovery to retain up to 20% of the existing 9-1-1 fee, instead allowing the service supplier to charge cost recovery as a separate line item in a consumer's bill.

*Status: Senate Regulated Industries and Utilities*

Revenue and Finance

**Pension Obligations of New Municipalities** – HB 711 (Rep. Oliver)

This bill would have required municipalities which were incorporated after January 1, 2005, to pay pension obligations that were established and verified under this proposed law. The pension obligation would be defined as the unfunded pension liability attributed to the formerly unincorporated area that is now part of a new city. These pension obligations, once ratified by the county, would become a debt and obligation of a special district created by the legislation and would be calculated by calculating the percentage of the total decline in the unincorporated tax digest resulting from the incorporation of the new municipality.

*Status: House Governmental Affairs Committee*

**Franchise Fees** – HB 789 (Rep. Kidd)

This legislation would have permitted the governing authority of any county to grant franchises or to make contracts with a utility system within the territorial limits of the county for the use and occupancy of the streets for the purpose of rendering utility system services. The legislation would have limited the county to collecting a franchise fee only within the unincorporated area unless they had an agreement with a municipality to collect within the municipality. Likewise, the legislation would have prevented municipalities from collecting franchise fees in the unincorporated area of a county without an agreement with the county.

*Status: House Energy, Utilities, & Telecommunications Committee*

**Aviation Sales & Use Tax** – HB 898 (Rep. Ramsey)

This legislation would have provided for an exemption from local sales and use tax for the purchase of aviation fuel in addition to the partial exemption from state sales and use taxes in current law.

*Status: House Ways & Means Committee*

**Assessment Process** – HB 990 (Rep. Jay Powell)

This bill would provide an exception from current law, which states that a new valuation of property could not be increased by the board of tax assessors during for two successive years, by allowing for an increase if otherwise agreed in writing by the property owner and the tax assessor.

*Status: Senate Finance Committee*

**Local Option Sales Tax** – HB 1005 (Rep. Jay Powell)

This bill would have made changes to the state laws governing Local Option Sales Tax (LOST). The legislation would prevent a special district from re-imposing LOST for five years if the tax lapsed due to a failure by the county and municipalities within the special district to file a new or revised distribution certificate. Likewise, if the county and municipalities within the special district failed to file a new or revised distribution

certificate the county would be ineligible to impose a Homestead Option Sales Tax (HOST) for a five year period. If the county and municipalities within the special district failed to file a new or revised distribution certificate then the local board of education would have the ability to impose a second sales tax for educational purposes. Additionally, if there is a failure to file a new or revised certificate the proceeds of the sales tax would escheat to the state and the commissioner of the Department of Revenue would be required to transfer such funds to the state general fund.

*Status: House Ways & Means Committee*

**Excise Tax on Motor Fuel** – SB 253 (Sen. McKoon)

This legislation would have exempted schools and local governments from paying state excise taxes on motor fuels when such fuel was for the exclusive use of such public school system, county or municipality.

*Status: Senate Finance Committee*

**Insurance Premium Tax** – SB 286 (Sen. Tommie Williams)

This bill would revise state law governing how a county could expend proceeds of the insurance premium tax. The legislation clarifies that the insurance premium tax can be used for one or more of the listed services so long as the services are provided by the county governing authority for the primary benefit of the inhabitants of the unincorporated area. All garbage and solid waste collection and disposal, including recycling, not just curbside collections would be permitted to be a service for which insurance premium tax proceeds could be expended. Additionally, a county would be able to designate any service or services not included in the statutory list, for which insurance premium tax proceeds could be expended.

*Status: Senate Insurance and Labor Committee*

**Property Assessment Limitations** – SB 298 (Sen. Lester Jackson)

This bill would have limited the assessed value of property to no more than three times the percentage of increase in the most recent Consumer Price Index in any taxable year.

*Status: Senate Finance Committee.*

Transportation

**Pedestrian Crosswalk Beacon** – HB 764 (Rep. Alan Powell)

This bill would require the driver of a vehicle to stop and remain stopped to allow pedestrians or bicycle riders to cross the roadway within a crosswalk when a rapid flash beacon has been engaged in that crosswalk. The legislation also prohibits the activation of such beacons when there is no intent to cross the roadway.

*Status: Defeated on Senate Floor (Failure to obtain a quorum)*

**Wheelchair Access for Ride Share Networks and Transportation Referral Services** – HB 791 (Rep. Kidd)

This bill would have required each ride share network service and transportation referral service to ensure that at least one out of every thirty drivers enrolled in the network had a wheelchair accessible vehicle.

*Status: House Regulated Industries Committee*

**Taxis and Limos; Repeal of Sales Tax** – HB 805 (Rep. Alan Powell)

This legislation would remove the obligation of taxis, limos, and ride share drivers to pay sales and use taxes, including LOST, SPLOST, TSPLOST, and ELOST for any fares collected for providing their service. The legislation would also eliminate the requirement that limos be subject to an annual safety and mechanical inspection and would instead make limos subject to applicable provisions on inspections in the state law designed to regulate tractor trailers. Taxi services would be required to register with the Department of Public Safety and would be mandated to comply with state law on ensuring such vehicles were driven in a safe condition and met certain equipment requirements. However, the legislation would have specifically prohibited law enforcement from conducting inspections on a taxi vehicle law enforcement suspected of being operated in violation of the law.

*Status: House Ways & Means Committee*

**MARTA Expansion** – SB 330 (Sen. Beach)

This bill would have allowed for expansion of the MARTA system through a new funding mechanism. The funding mechanism would allow voters in MARTA jurisdictions the option to approve up to a half-percent tax to be used to pay off bonds, pay operating costs, pay all administrative expenses, to maintain equipment, and other expenses needed to operate the system. If all MARTA jurisdictions do not pass the half-percent tax then MARTA would only be allowed to expend the money raised in those jurisdictions which approved the tax increase. The bill would allow revenues to be bonded on the same cycle as existing MARTA bonds and once the expansion of the system is complete, participating jurisdictions would be able to phase themselves out of the tax.

*Status: Senate Transportation Committee*