



Final 2017 Legislative Update

Volume # 8, Issue 14 May 12, 2017

2017 Session of the General Assembly Ends

Georgia lawmakers adjourned the 2017 legislative session at 1:30 a.m. on Friday, March 31st. During the course of three months, legislators addressed many issues. Several pieces of legislation will have a direct impact on county government operations, so county officials are encouraged to review the following update and call ACCG policy staff with any questions. For the full text of any of the bills in the legislative update, click on the bill number while viewing this document electronically.

The ACCG staff has reviewed the final **FY 2017 and FY 2018 appropriations bills** and has compiled a list of items of interest to counties by state agency. Items listed in black are increases to agency programs, while items listed in red are reductions to agency programs. For a summary of the FY 2017 and FY 2018 budget, click [here](#).

A list of the bills the Governor vetoed that are of interest to counties can be found on page 10. Included in the bills that were vetoed is SB 222, a top ACCG priority that would have created the Local Government 9-1-1 Authority. In his veto message, the Governor stated that he felt the Authority would have too much autonomy and should have more state accountability, oversight, and coordination.

In order to keep the 9-1-1 process moving forward, the Governor has pledged to adopt an executive order to establish a Local Government 9-1-1 Authority to be housed at the Georgia Emergency Management and Homeland Security Agency (GEMSHA). He then plans to work with the General Assembly next session to codify the executive order and enact additional measures to strengthen 9-1-1 services throughout the state. While disappointed that SB 222 was vetoed, ACCG stands ready to work with the Governor and the Legislature on a solution to this most important issue while protecting local control over the operations of 9-1-1 and ensuring that all 9-1-1 revenues go to their intended purpose.

Looking forward to the 2018 Legislative Session, county officials will want to provide input into several legislative study committees. A list of these study committees can be found on page 13.

ACCG thanks all commissioners and county staff that supported the association's legislative agenda this year by meeting with legislators and making personal contact through phone calls and emails. County officials serve as the critical component of the ACCG legislative network. Their involvement was instrumental in helping ACCG staff stop or modify several bills that would have been detrimental to Georgia's local governments. A complete list of the bills that did not pass begins on page 11. Furthermore, the involvement of county officials was critical in ensuring several bills in which ACCG supported were passed.

Bills Passed

ECONOMIC DEVELOPMENT & TRANSPORTATION

[Staff: Kathleen Bowen / Larry Ramsey]

[HB 73 – Revitalization Zone Tax Credits](#)

(Rep. Penny Houston, 170th)

Effective May 8, 2017 and applicable to all tax years beginning on or after January 1, 2018. This legislation provides state income tax credits to businesses that establish new locations within revitalization zones designated by the Commissioners of the Department of Community Affairs and Department of Economic Development. To be eligible for revitalization zone status, counties and/or cities must have a population of less than 15,000 and must show economic distress based upon poverty rate, downtown area vacancies, or blight.

[HB 134 - Single County T-SPLOST Reforms](#)

(Rep. James "Bubber" Epps, 144th)

Sections 1, 2, and 4 - 9 effective May 1, 2017. Section 3 effective January 1, 2018. This legislation adds flexibility, clarifications and enhancements to the existing Single County T-SPLOST law. This bill allows Single County T-SPLOST to fund state transportation projects and removes dates that are no longer relevant to now all counties, with the exception of Fulton County with its own code section, would follow the same Single County T-SPLOST law. It also permits more than one Single County T-SPLOST to be levied at the same time as long as the combined amount does not exceed 1 percent and allows cities to bond their T-SPLOST projects. Lastly, the bill clarifies that after January 1, 2018, Regional T-SPLOST and a Single County T-SPLOST cannot be on the ballot at the same time. A more detailed description of HB 134 can be found [here](#).

[HB 265 – Job Creation Tax Credits](#)

(Rep. Chuck Efstrotation, 104th)

Effective April 25, 2017 and applicable to all tax years beginning on or after January 1, 2017. This legislation expands state income tax credits for the creation of 50 or more jobs for certain “qualified projects” involving purchase of at least \$2.5 million of investment property.

[HR 389 - House Rural Development Council](#)

(Rep. Sam Watson 172nd)

This resolution creates the House Rural Development Council, to be made up of 15 members of the House appointed by the Speaker of the House. The Council will study and make recommendations regarding issues impacting economic development in rural areas of the state, including education, infrastructure, health-care access, and economic growth incentives. The Council will continue in existence until December 31, 2018.

[HR 848 - House Commission on Transit Governance and Funding](#)

(Rep. Kevin Tanner, 9th)

This legislation creates the House Commission on Transit Governance and Funding. The commission will study and assess the needs, funding methods and governance structures for mass transportation for any one or more metropolitan areas in Georgia. Appointments to the commission, made by the Speaker of the House, could include representation from counties that provide mass transportation.

[SB 219 - Automated Driving System Regulations](#)

(Sen. Steve Gooch, 51st)

Effective July 1, 2017. This legislation allows for autonomous vehicles to operate on Georgia's roads without a human driver present and purportedly preempts laws prohibiting automated driving systems.

GENERAL COUNTY GOVERNMENT
[Staff: Todd Edwards]

Incorporation of New Cities, Annexation, and Deannexation

While legislation did not pass to address this ACCG priority, the Senate State and Local Government Operations Committee did adopt rules requiring new city legislation to be introduced in the first year of the General Assembly's biennial session. Additionally, the House Committee on Governmental Affairs revised its rules to significantly accomplish many of ACCG's goals in creating new municipalities. To review the new House rules, **please see Appendix A.**

[HB 1 - Space Flight: Activities, Definitions & Liability](#)

(Rep. Jason Spencer, 180th)

Effective July 1, 2017. This legislation was introduced for Camden County which has an interest in creating a spaceport; however, the bill applies statewide and allows the commercial space industry to operate in Georgia.

[HB 42 - Elections - Superintendent Authorized to Correct Minor Ballot Mistake](#)

(Rep. Eddie Lumsden, 12th)

Effective February 23, 2017. This legislation allows a local election superintendent to correct mistakes or omissions in the printing of official ballots or the programming of the display of the official ballot on DRE voting equipment for local government candidates. Currently, said correction must be required by the superior court following an application by an elector.

[HB 76 - Clerks of Court: Revisions to Recording Maps, Plats and Plans](#)

(Rep. Rick Jasperse, 11th)

Effective May 8, 2017. All maps, plats, plans, and condominium plans must be submitted electronically to the clerk of superior court. A compromise among ACCG, the Georgia Municipal Association, surveyors, engineers, architects, and the clerks, this legislation specifies the format for the submittal of plats and plans, required data for plats, which plats must be certified by land surveyors, and other certification required for plats. Statutory language stating that maps which do not create new roads or utilities do not need local approval prior to submittal to the clerk of court was removed from the law – an ACCG policy position. To see how HB 76 impacts your map, plat, and plan approval and submittal process, please click **[here](#)** to view the summary by the Georgia Board of

Registration for Professional Engineers and Surveyors.

[HB 183 - Georgia Geospatial Advisor Council](#)

(Rep. Robert Dickey, 140th)

Effective July 1, 2017. This legislation transfers the Georgia Geospatial Advisory Council from the Department of Natural Resources to the Department of Community Affairs and removes the Council's sunset. The Council makes recommendations on utilizing Georgia's geospatial capabilities to meet federal notification requirements, achieving governmental data interoperability, and advancing geospatial technology among Georgia's state and local governments.

[HB 243 - Local Governments Cannot Mandate Extra Pay for Schedule Changes](#)

(Rep. William Werkheiser, 157th)

Effective July 1, 2017. This legislation preempts local governments from requiring contractors, or those locals purchase goods from, to provide additional pay to employees based upon an employer's schedule changes. ACCG is unaware of any counties in Georgia which have such a requirement.

[HB 268 - Elections: Numerous Changes](#)

(Rep. Barry Fleming, 121st)

Effective July 1, 2017. This legislation makes several changes to Georgia's election code, including the deadlines for election superintendents to complete their certification course; repeal of the nomination petition requirement; the dates for filing the notice of candidacy; revisions to third-party filings for candidacy; removing references to municipal election registrars; the evidence to prove citizenship for voting purposes; requirements for personal identification on voter registration forms; provisions for changing a voter's address; addressing polling places outside a voter's precinct; correcting printed and electronic ballots; application for an absentee ballot; the oath of application for an absentee ballot; and the conduct of campaign activities in the vicinity to polling places. For the Senate's summary of the bill, **[please see Appendix B.](#)**

HB 280 – Guns: Campus Carry(Rep. Mandi Ballinger, 23rd)

Effective July 1, 2017. This legislation allows for the licensed, concealed carry of handguns on the property of a public technical school, vocational school, college or university, or other public institution of postsecondary education - applying to all license holders. Firearms will continue to be prohibited from athletic events; student housing (including fraternity and sorority houses); preschool or childcare space; a college career academy or other specialized school; any room used for classes in which high school students are enrolled; faculty, staff or administrative offices; or rooms where disciplinary proceedings are conducted.

HB 292 – Guns: 2017 Omnibus Bill(Rep. Rick Jasperse, 11th)

Effective May 8, 2017. Under this legislation Georgia will recognize carry licenses for those moving here from other states for 90 days, so long as the person abides by Georgia's laws. Additionally, probate judges are authorized to provide information on gun safety; DNR must post a link on its website for hunting gun safety course information; folks who legally change their name can get a free replacement license (if within 90 days of their license registration); and retired law enforcement officers from other states do not need a license. Any sheriff or retired sheriff, deputy or retired deputy sheriff, member or retired member of the Georgia State Patrol, member or retired member of the GBI and retired law enforcement officer (so long as they are a Georgia citizen, have separated from their employment in good standing and maintain qualification in firearm training) can carry a gun into a courthouse, unless the sheriff providing security for the courthouse provides a lock box and screens out these and all other weapons by security personnel. It also prohibits financial institutions from discriminating (in providing financial services) against any persons or trade associations solely because they lawfully engage in the firearms or ammunitions trade.

HB 312 – Retirement Plans – Roth Contributions(Rep. Howard Maxwell, 17th)

Effective January 1, 2018. This legislation provides that the state, counties, cities, and other governments may offer a qualified Roth contribution program in their deferred compensation retirement plans. As to counties, this appears to be simply a clarification of existing authority.

HB 430 – Governor’s Education Reform: Charter Schools(Rep. Buzz Brockway, 102nd)

Effective July 1, 2017. This legislation sets statewide standards and authorization processes for charter schools by local school boards and the State Charter Schools Commission. Of importance to counties, it also requires that "the location of a charter school shall be in conformity with existing county or city comprehensive land use plans, if applicable, or existing land use patterns in the area."

HB 434 – Eminent Domain and Blighted Property(Rep. Wendell Willard, 51st)

Effective July 1, 2017. This legislation establishes a procedure whereby counties and cities may petition for court determination that property is blighted; upon such determination, the local government may commence condemnation proceedings. In addition and unlike other condemned properties, property condemned for the purpose of remedying blight is not required to be held in public ownership for at least 20 years and is not required to be offered to the prior owner if not put to public use within five years.

HB 485 – Distilled Spirits: Allow Manufacture in Dry Counties(Rep. Mike Glanton, 75th)

Effective May 10, 2017. This bill allows counties to authorize the manufacture of distilled spirits within their jurisdiction via the adoption of an ordinance or resolution. Counties may determine the location of the distillery. Under current law, distilleries are subject to the same laws governing hard liquor package sales: the county must adopt a resolution; a petition must be signed by 35 percent of all registered voters, and there must be an adoption of a public referendum.

SB 85 – Breweries and Distilleries to Sell Directly to the Public(Sen. Rick Jeffares, 17th)

Effective September 1, 2017. This legislation authorizes brew pubs and breweries to sell up to 3,000 barrels of their malt beverage annually directly to the public either through consumption on the premises or allowing a patron to purchase and carry off up to 288 ounces (a case) of the beverage a day. The current requirement that tours be offered prior to malt beverage purchase is eliminated. The bill also authorizes a licensed distiller to sell up to 500 barrels of distilled spirits annually directly to the public for consumption on the premises or up to 2,250

milliliters, per person, per day, to be consumed off premises. The brewer or distiller will remit all state and local sales, use, and excise taxes to the proper tax collecting authority and sales are conditioned on and governed by local alcohol law. The Georgia Department of Revenue is to promulgate rules governing these processes.

SB 104 - Counties Must Post Human Trafficking Hotline Notice

(Sen. Donzella James, 35th)

Hotline provision becomes effective July 1, 2017. This legislation requires counties to post notices regarding the human trafficking hotline in buildings owned or leased by the county that have public access, as well as provide a link to the GBI hotline notice on the homepage of their website. If the government leases the property, then the notice shall be posted in restrooms that are exclusively used by the government entity. It also distinguishes between

first- and second-degree carjacking; addresses the unknowing possession of a fake insurance document; prohibits taking photos of a person's "intimate parts" without their consent; and prohibits a new variation of synthetic marijuana.

SB 201 - Sick Leave: Must Authorize Use for Care of Immediate Family Member

(Sen. Butch Miller, 49th)

Effective July 1, 2017. This legislation requires employers, including counties, which offer sick leave to allow their employees to use up to five days of the sick leave (which must first be earned) to care for immediate family members. Nothing requires employers to offer sick leave to begin with and the employee must comply with the terms of the county's sick leave policy. Nothing in this bill shall be construed to create a new cause of against the county. This law would sunset on July 1, 2020.

HEALTH & HUMAN SERVICES

[Staff: Debra Nesbit]

HB 154 - Dental Hygienists May Provide Preventive Care under Supervision of Dentist

(Rep. Sharon Cooper, 43rd)

Effective January 1, 2018. This legislation allows dental hygienists to practice and provide screening services in county-owned hospitals, volunteer community settings, senior centers and county public health facilities under general supervision which does not require the actual presence of the supervising dentist. This legislation assists in providing dental care on a wider basis at a lower cost to counties.

HB 427 - Physician and Health Care Practitioners for Rural Areas Assistance Act

(Rep. Mark Newton, 123rd)

Effective July 1, 2017. This bill expands the Physicians for Rural Areas Assistance Act to include dentist, physician assistants, and advanced practice registered nurses who have completed their health care education access to the loan repayment program operated by the Georgia Board of Physician Work Force. Participants who are eligible to receive loan repayment assistance must agree to practice in rural areas, and the local government must agree to provide matching funds for the grant. The loan repayment program's intent is to enhance recruitment efforts for rural and underserved areas.

SB 14 - Rural Hospital Organization Criteria for Receiving Donations

(Senator Dean Burke, 11th)

Effective July 1, 2017. This legislation amends the Rural Hospital Organization Assistance Act of 2017, which implemented a program to provide state grants to preserve the availability of primary health care services in rural counties. The grants will be conditioned upon those hospitals continuing to furnish essential health care services to residents in the areas as well as engaging in the long range planning and any restructuring of those hospitals to ensure sustainability and continue to meet the health needs of the community.

SB 52 - Remove Sunset on Licensed Professional Counselors Issuing Involuntary Commitment Orders for Mental Health Patients

(Senator PK Martin IV, 9th)

Effective July 1, 2017. This legislation removes the June 30, 2018 sunset on O.C.G.A. § 37-3-41 regarding the evaluation of mentally ill for involuntary commitment. The bill adds Licensed Professional Counselors to those who are qualified and given the authority to sign Involuntary Commitment Orders assists local jails in diverting individuals away from the jail to appropriate mental health services.

SB 102 - Create Office of Cardiac Care within the Department of Public Health(Senator Butch Miller, 49th)

Effective July 1, 2017. This legislation creates the Office of Cardiac Care within the Department of Public Health to establish a program that identifies emergency cardiac care centers to ensure rapid triage, assessment, treatment and transport of patients who experience cardiac arrest, heart attack or related complications. Hospitals must meet designation criteria and be officially designated by the Department of Public Health as an Emergency Cardiac Care Center prior to advertising services.

SB 109 - Authorize the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact and Nurse Licensure Compact(Senator Michael Williams, 27th)

Effective July 1, 2017. This legislation enacts the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact as well as the Nurses Licensure Compact. These allow reciprocity with other states' licensure requirements for the two disciplines. This legislation will allow local healthcare facilities a larger pool of medical professionals to fill critical shortages in rural areas and in counties which border surrounding states.

SB 121 State Health Officer May Issue Standing Orders For Access to Opioid Antagonists(Senator Butch Miller, 49th)

Effective July 1, 2017. This legislation enacts the Jeffrey Dallas Gay, Jr. Act, which will allow certain people or entities to obtain and administer medication (opioid antagonists) to those believed to have overdosed on opioids, thereby reducing the number of deaths attributed to opioid overdoses.

SB 180 - Increase Tax Credit Limits for Donations to Qualifying Rural Hospitals(Sen. Dean Burke, 11th)

Effective January 1, 2017, provided, however (2) of subsection (a) of Code Section 31-8-1 shall be effective January 1, 2018. This legislation increases the maximum tax credits for donations to qualifying rural hospitals. Single head of household increases to 90 percent of amount expended or \$5,000, whichever is greater; married couples increases to 90 percent of amount expended or \$10,000, whichever is greater; corporation limits are 90 percent of amount expended or no more than 75 percent of tax debt. The amount available for the tax credits increases from \$50 million to \$60 million for FY 17, FY 18 and FY 19. The amount a qualifying hospital can receive per year is capped at \$4 million for total donations.

SB 242 - Expands Number of RN's Allowed to Practice under a Physician in EMS Operations(Senator Renee Unterman, 45th)

Effective July 1, 2017. This legislation expands the number of Advanced Practice Registered Nurses who are allowed to work under a physician in an EMS operation conducted by, or on behalf of, any county or municipality which employs a full time medical director.

NATURAL RESOURCES & the ENVIRONMENT**[Staff: Kathleen Bowen]****HB 413 - Petroleum Pipelines: Regulations and Permitting**(Rep. Don Parsons, 44th)

Proposed rules and regulations effective May 9, 2018 and remainder effective July 1, 2017. This legislation provides guidelines on the use of eminent domain, siting, permitting, and construction of petroleum pipelines in Georgia. New pipeline construction or an expansion requires a permit from the Georgia Environmental Protection Division. This bill also requires the pipeline company to place notice in the county legal organ where the proposed new or expanded pipeline will be located and also provide notice to landowners whose property is located within 1,000 feet of the proposed new or expanded pipeline.

PUBLIC SAFETY & the COURTS

[Staff: Debra Nesbit]

[HB 5 - Change in Grants to Counties Formula for Juvenile Judge Salaries](#)

(Rep. Johnnie Caldwell, 131st)

Effective July 1, 2017. This legislation changes the current amount for juvenile court judgeship grants-to-counties funding. The grant increases from \$85,000 to \$100,000 per circuit, with additional funding for circuits with four or more superior court judgeships; the grant will include an additional \$25,000 per superior court judgeship over four to the circuit to hire additional juvenile court judges. For example, a circuit with nine superior court judgeships would receive \$225,000 per year for that circuit.

[HB 146 - Requirement for Local Governments to Provide Cancer Benefit to All Firefighters](#)

(Rep. Micah Gravely, 67th)

Effective January 1, 2018. This legislation requires fire departments to purchase insurance coverage on each firefighter to pay claims for cancer diagnosed after serving at least 12 consecutive months as a firefighter in the department if the cancer or treatment makes them unable to perform their firefighter duties. **Please see Appendix C** for more details.

[HB 249 - Adds Death by Overdose to List of Causes of Death Which Law Enforcement Must Provide Notice to the Coroner](#)

(Rep. Kevin Tanner, 9th)

Effective July 1, 2017. This legislation includes death by apparent drug overdose as a suspicious death that law enforcement must report to the coroner and may require investigation by the coroner.

[HB 251 - Allow EMS Personnel Access to Private Property during Declared State of Emergency](#)

(Rep. Darrel Ealum, 153rd)

Effective July 1, 2017. This legislation gives Department of Corrections personnel and inmates under their supervision authorization to enter private property during a disaster declared by the Governor for property protection, debris removal, restoration of services, and infrastructure repair and relocation. Under no circumstances shall such personnel and/or inmates interfere with the rights of private property owners.

[HB 319 Increase Reimbursement to Counties for Habeas Corpus Proceedings](#)

(Rep. Bill Werkheiser, 157th)

Effective July 1, 2017. This legislation increases the maximum amount that may be reimbursed by the state to the counties for court costs for habeas corpus proceedings at both the trial and appellate levels from \$10,000 to \$30,000 annually.

[HB 391 - Additional Sites for Safe Place for Newborns](#)

(Rep. David Clark, 98th)

Effective July 1, 2017. This legislation amends the Safe Place for Newborns Act of 2002 by adding police and fire stations to safe place locations where infants may be dropped off. The bill also allows for those facilities to be reimbursed by the Department of Human Resources for any expenses incurred prior to the department taking possession of the child.

[HB 405 - GEMHSA to Establish State-wide System for Transport and Distribution during State of Emergency](#)

(Rep. Bill Hitchens, 161st)

Effective July 1, 2017. This legislation requires the Georgia Emergency Management and Homeland Security Agency (GEMHSA) to implement a statewide system to transport and distribute essentials during a declared state of emergency. GEMHSA will develop a certification process for businesses and entities that can facilitate transport and distribution of essentials.

[HB 452 - GBI Shall Post on Website Aliens Released From Federal Custody/Measures to Address Domestic Terrorism](#)

(Rep. Jesse Petrea, 166th)

Effective July 1, 2017. This legislation requires the Georgia Bureau of Investigation to publicly post on their website information on aliens who are released from federal custody and to notify the sheriffs' offices within 12 hours of such release. SB 1 was added to this legislation which sets forth requirements for domestic terrorism.

[HB 481 - Drone Ordinances](#)

(Rep. Kevin Tanner, 9th)

Effective July 1, 2017. This legislation preempts local governments from adopting ordinances regulating the use of drones except for ordinances adopted before April 1, 2017, ordinances that enforce Federal Aviation Administration restrictions or ordinances prohibiting the launch, recovery, or intentional landing of drones on county property.

SB 149 - Mandatory Training for Local Law Enforcement Officers Serving as School Resource Officers and Prohibition of Tobacco or Tobacco Products in Local Jails

(Senator Emanuel Jones, 10th)

Effective July 1, 2017. This legislation mandates special training for local law enforcement officers that are assigned duty as school resource officers for five consecutive days. The P.O.S.T. approved course must be completed within six months of appointment as a school resource officer. Language was added to the bill to prohibit the use or possession of tobacco or tobacco products at any correctional facility. Criminal penalties are outlined for those who violate the law.

SB 160 - Back the Badge Act

(Senator Tyler Harper, 7th)

Effective July 1, 2017. This legislation provides exclusive jurisdiction of 13 to 17 year olds who commit an offense of aggravated assault or aggravated battery against a public safety official. This legislation includes HB 116, HB 258, and SB 154 which give superior courts full jurisdiction for

juvenile cases involving aggravated assault, increase sentences for assaulting a police officer, and provide additional penalties for those convicted of assaulting a public safety officer while on duty.

SB 176 - Criminal Justice Reform, Mandated Rescheduling and Notice via First Class Mail or Postcard for Failure to Appear Prior to Issuing Bench Warrant

(Senator John Kennedy, 18th)

Effective July 1, 2017. This legislation amends current law regarding individuals who fail to appear for court on certain traffic violations. The bill mandates that the clerk of court schedule another court date and provide notice via first class mail or post card to persons who fail to appear for the court date listed on a uniform traffic citation. The additional court date and mandated notice are in lieu of issuing a bench warrant, which typically results in an arrest and jail booking. Postage and scheduling of an additional court date is more cost efficient than arrest and booking into the county jail.

REVENUE & FINANCE

[Staff: Larry Ramsey / Clint Mueller]

HB 117 – Sales Tax Exemption for Voluntary Contributions

(Rep. Sam Watson, 172nd)

Effective May 1, 2017 and applicable to sales made on or after July 1, 2017. This legislation exempts from sales taxes voluntary contributions (as distinguished from required admission/ticket prices) for admission to places of amusement, sports, or entertainment.

HB 125 – Sales Tax Exemption for Boat Repairs

(Rep. Ron Stephens, 164th)

Effective July 1, 2017. This legislation provides that the maximum sales tax payable on equipment for all boat repairs/maintenance done at one time is \$35,000. At a 7 percent sales tax rate, this means that the first \$500,000 of equipment is subject to tax, with all purchases above that amount being exempt from sales tax.

HB 196 – Property Tax Assessment and Exemptions (Rep. Matt Dollar, 45th)

Effective July 1, 2017 (except for mental health facilities exemption, which is effective January 1, 2019 if approved in a statewide referendum). This legislation (which was completely changed on the final day of the Session) addresses several matters relating to property taxes. First, if data is available, tax assessors must utilize (prior law said “consider”) the income approach in valuing income-producing property, and must consider actual property-specific income and expense data if supplied by the owner. Second, this legislation revises the manner in which tax assessors may consider Section 42 low-income housing tax credits in valuation of property that has received such tax credits. Third, the current property tax exemption for mental health facilities owned by 501(c)(3) organizations is expanded to also include such facilities owned by a limited liability company that, in turn, is owned by a 501(c)(3) organization. Finally, this legislation provides that the existing disabled veteran homestead exemption may be applied retroactively, for up to three years, when a veteran receives a retroactive determination of disability from the U.S. Department of Veterans Affairs.

HB 238 – Solar Farms on Conservation Use Property

(Rep. Matt Hatchett, 150th)

Effective April 17, 2017. This legislation amends both CUVA (Conservation Use Valuation Act) and FLPA (Forest Land Protection Act) and allows a property owner to use covenant property for solar generation of electricity without triggering a breach of the covenant. The portion of the property to be used for solar generation: 1) must be removed from the covenant at the time the solar energy equipment is installed via boundary survey; 2) will be subject to ad valorem taxation at fair market value; and 3) is subject to a one-year tax penalty for that portion removed from the covenant. In addition, providing farm labor housing on covenant property will not constitute a breach of the covenant; such property shall also be removed from the covenant by boundary survey and is thereafter subject to taxation.

HB 247 – Sales Tax Exemption for Concrete Mixer Equipment

(Rep. Dominic LaRiccia, 169th)

Effective July 1, 2017. This legislation exempts from sales and use taxes replacement parts and equipment used in transporting mixed concrete. The exemption expires on July 1, 2020.

HB 290 – Property Tax Exemption for Certain Agricultural Equipment

(Rep. Sam Watson, 172nd)

Effective July 1, 2017. This legislation clarifies the existing ad valorem property tax exemption for agricultural equipment that is subject to a lease-purchase agreement and used in farm production by a family owned qualified farm products producer.

HB 340 – Title Ad Valorem Tax – Leased Vehicles

(Rep. Shaw Blackmon, 146th)

Effective January 1, 2018. This legislation changes the manner in which title ad valorem tax (TAVT) on leased motor vehicles is calculated. Previously, TAVT was based upon the full value of the vehicle. Under this legislation, TAVT on leased vehicles will be calculated on the total of all lease payments. Prior versions of this legislation would have made other changes to the TAVT program, including the allocation of TAVT proceeds between the state and local governments.

HB 375 – Tax Bill Notices and Tax Execution Fees

(Rep. Brad Raffensperger, 50th)

Effective July 1, 2017. This legislation clarifies notice requirements for tax bills where ownership of property changes after January 1st but before the due date of the tax bill. In addition, this legislation repeals the statute that allows tax collectors to retain 50 cents for each tax execution issued, when such costs are collected from the taxpayer.

Appropriations

HB 43 – Amended FY 2017 Supplemental Budget

(House Speaker David Ralston, 7th)

Effective February 15, 2017. This legislation contains amendments to the State's current budget for fiscal year 2016-2017. It is generally referred to as the "supplemental budget."

HB 44 – FY 2018 Annual Budget

(House Speaker David Ralston, 7th)

Effective July 1, 2017. This budget is based on a 3.5 percent increase in general fund revenues over FY 2017, reflecting Georgia's sustained economic growth.

2017 Vetoed Legislation

Click [here](#) to review Governor Deal's Official 2017 Veto Statements.

[HB 131 and HB 132 – Fulton County Industrial District: Which City Gets the Goods?](#)

(Rep. Roger Bruce, 61st) – Vetoed May 9, 2017

[HB 174 – Not tracked by ACCG](#)

(Rep. Eddie Lumsden, 12th) - Vetoed May 9, 2017

[HB 359 – Not tracked by ACCG](#)

(Rep. Barry Fleming, 121st) - Vetoed May 9, 2017

[HB 425 – Not tracked by ACCG](#)

(Rep. Joyce Chandler, 105th) - Vetoed May 9, 2017

[HB 439 and HB 440 – Annexation: Change Atlanta Corporate Limits](#)

(Rep. Beth Beskin, 54th) - Vetoed May 9, 2017

[SB 125 – Not tracked by ACCG](#)

(Sen. Rick Jeffares, 17th) - Vetoed May 9, 2017

[SB 222 – 9-1-1 Local Government Authority and Increased Revenue for 9-1-1 Centers](#)

(Sen. John Kennedy, 18th) - Vetoed May 9, 2017

Bills that Failed to Pass in the 2017 Session

ECONOMIC DEVELOPMENT & TRANSPORTATION

- **HB 68** - Construction Zones - Required Emergency Pull Off
- **HB 160 & SB 6** - Georgia Commission on Transit Governance and Funding
- **HB 451** - Exceptions to County Road Restrictions

GENERAL COUNTY GOVERNMENT

- **HB 82** – Personal Information: Counties Must Inform Individuals of any Unauthorized Release
- **HB 90** – County Land Purchase: Illegal for Board Member to Discuss or Persuade if Conflict of Interest
- **HB 144** – Retail Pet Stores: Preempt Local Ordinances
- **HB 158 and SB 79** – Gambling: Georgia Destination Resort Act
- **HB 194** – Counties Must Consider School Overcrowding when Making Zoning Decisions
- **HB 256** - Direct Appeals of Immunity Rulings
- **HB 257** – Condense Local Government Authority Financial Reports
- **HB 286** – Guns: No License Required
- **HB 336** – Broadband Ready Community Designation
- **HB 362** – Lame Duck: Change Commissioners’ Term in Office
- **HB 381** – Abandoned Mobile Homes: New Method to Remove by Private Property Owner
- **HB 399** – Ethics: No Longer Filing Campaign Disclosure Reports at Local Level
- **HB 419** – Fireworks: Allow Local Governments More Control over Hours of Use
- **HB 493** – Open Records: Mandate Counties Post Public Comment in Minutes and on Video
- **SB 2** – The FAST ACT: Numerous Preemptions and Mandates on Local Permitting and Licensing Processes
- **SB 17** – Sunday Brunch Alcohol Sales: Allow Locals to Authorize
- **SB 53** – Adult Diapering Stations: Require Counties to Provide
- **SB 225** – Elections: Begin Tabulating Advance Voting Ballots on Election Day
- **SB 232** – FIBRE Act: Preemptions and Mandates on Local Control of ROW for Private Telecommunications Equipment
- **SB 233** – Religious Freedom 2017

HEALTH and HUMAN SERVICES

- **SB 4** – Establish Georgia Mental Health Treatment Task Force
- **SB 40** – Expand Scope of Practice to Allow EMS Emergency Authorization to Transport Mentally Ill
- **SB 44** – Restrict Disclosure of Identities of Donors to Rural Hospitals
- **SB 158** – Certificate of Need Exemption for Freestanding Emergency Services Facilities in Rural Counties
- **SB 277** – Consumer Coverage for Emergency Medical Care Act

NATURAL RESOURCES & ENVIRONMENT

- **HB 205** - Fracking / Landfill Host Fee Increase
- **HB 271** - Shore Protection Act
- **HB 332** - Georgia Outdoor Stewardship Act
- **HB 512 & SB 116** - Storm Water Utility Fees: Water Neutral Properties
- **SB 65** - Tire Disposal Restrictions and Fees

Bills that Failed to Pass in the 2017 Session

PUBLIC SAFETY and the COURTS

- **HB 15** – Mandatory Electronic Filing for Civil Cases in Superior and State Courts
- **HB 149** – Requirement for Counties to Use Only GBI Approved Trauma Cleanup Services
- **HB 152** – Worker’s Compensation for the Firefighters Diagnosed with Cancer
- **HB 368** – Mandated Salary Supplement for Superior Court Clerks
- **HB 458** – Allow Automated Speed and Traffic Safety Devices in School Zones with Permit
- **SB 39** – Increase Penalty Provisions for Pimping and Pandering
- **SB 127** – Victim’s May Assert Rights When Law is not Followed
- **SB 142** – Automated Traffic Safety Devices in School Zones
- **SB 155** – Creation of the Local Law Enforcement Officer Compensation Commission
- **SB 254** – Minimum Annual Salary for Sheriff’s Deputies and Creation of the Local Law Enforcement Officer Compensation Commission

REVENUE and FINANCE

- **HB 61** - Sales Tax on Internet and Out of State Retailers
- **HB 85/HR 51** - Forest Land Conservation Valuation - Appraisal Methodology
- **HB 181** - Sales and Use Taxes - Availability of Information to Local Governments
- **HB 204** - Property Tax Bills - Not to Include Other Fees on Tax Bill
- **HB 302** - Property Tax Millage Rate - Notice Requirements
- **HB 357** - Boat Titling
- **HB 372** - Sales and Use Tax - Exemption for Broadband Equipment
- **HB 373** - Tax Assessment - Conservation Use Property
- **HB 374** - Tax Assessment - Change Procedures
- **HB 496** - Publication of Financial Statements
- **HR 158** - Dedication of State Funds for Particular Purposes

2017 Study Committees

[**HR 240 – Joint Study Committee on Reforming HIV Related Criminal Laws**](#)

(Rep. Sharon Cooper, 43rd)

[**HR 282 – House Study Committee on Distracted Driving**](#)

(Rep. John Carson, 46th)

[**HR 284 – House Study Committee on State and Local Construction Management**](#)

(Rep. Lariccia Dominic, 169th)

[**HR 634 - House Study Committee on Civics Education**](#)

(Rep. Christian Coomer, 14th)

[**HR 798 - Low-Income Housing Tax Credit Study Committee**](#)

(Rep. Dale Rutledge 109th)

[**SR 0152 – Joint Study Committee on Stream Buffers**](#)

(Sen. Frank Ginn, 47th)

[**SR 188 – Senate Study Committee on Barriers to Adequate Health Care**](#)

(Rep. Renee Unterman, 45th)

[**SR 222 - Tax Exemption Study Committee**](#)

(Rep. John Albers 56th)

[**SR 224 - Joint Study Committee on Stormwater Management Fees**](#)

(Sen. Frank Ginn, 47th)

[**SR 352 – Senate Study Committee on Homelessness**](#)

(Rep. Renee Unterman, 45th)

[**SR 392 - Senate Rural Study Committee**](#)

(Rep. David Lucas 26th)

[**HR 560 – House Study Committee on Local Government Utility Payments by Poverty Stricken Persons**](#)

(Rep. Karla Drenner, 85th)

[**SR 130 – Joint Transparency and Open Access in Government Study Committee**](#)

(Sen. Chuck Hufstetler, 52nd)

Appendix A

2017-18 Rules of House Committee on Governmental Affairs Pertaining to New Cities

Any bill or resolution coming before the Committee that proposes the incorporation of a new municipality shall be considered only if the bill is introduced during one Legislative Session, studied over the interim between the Session in which it is introduced and the next regular Session, and brought up for committee action at the next regular Session. In the event that the bill or resolution is introduced in the second year of the biennium, it will need to be reintroduced in the first year of the next biennium in the same form for the committee to consider the legislation.

Any such bill or resolution shall be a complete and shall provide for all aspects necessary for the incorporation of the municipality. The bill or resolution shall contain, among other things, a complete description of the proposed municipal boundaries.

As a general rule, the committee shall not consider a bill or resolution unless it is sponsored by at least one member of the House of Representatives or Senate whose district contains all or a part of the area to be incorporated; provided, however, this rule may be waved at the discretion of the Chairman.

Not later than the end of the Session in which the bill or resolution is first introduced, a comprehensive feasibility study shall be conducted by either the Carl Vinson Institute of Government or the Andrew Young School of Policy Studies regarding such municipality using the boundaries set forth in the bill or resolution.

No amendment of the boundaries shall be allowed after the end of the first Session in which such bill or resolution is introduced except to deal with subsequent annexations of the portions of the area proposed for incorporation; provided, however, that the Chairperson may permit adjustments to such boundaries.

If two or more proposed municipal incorporations are submitted that have overlapping boundaries, no plan shall proceed until such boundary conflicts are resolved; provided, however, that the Chairperson shall be permitted to proceed on a proposed incorporation if it appears to the Chairperson that the conflicting plan was not proposed in good faith and was introduced solely to block the consideration of the other proposal.

In addition to the feasibility study, an additional report shall be made to the committee stating the services to be supplied to the citizens of the municipality upon its incorporation, how such services will be supplied, and how the citizens of the proposed municipality will be notified of the services proposed to be supplied prior to the incorporation of the municipality (i.e. in the ballot question, or in the legal advertisement, etc.).

No incorporation that contains a provision or provisions that would limit the full exercise of municipal powers by the proposed municipality (commonly referred to as a "city lite") shall be considered by the committee.

Any other government that may be affected by the proposed incorporation may be permitted to submit to the Chairman impact studies on the effects of the proposed incorporation on such government or other governments. Such impact studies shall be prepared by either the Carl Vinson Institute of Government or the Andrew Young School of Policy Studies, at the expense and direction of such affected government and shall not be required to be included in the original feasibility study prepared by the Carl Vinson Institute of Government or the Andrew Young School of Policy Studies.

Appendix B

SENATE RESEARCH OFFICE: 2017 Session

March 13, 2017

Bill:	HB 268	Sponsor:	Representative Fleming of the 121 st
Version	LC 28 8464S	Amends:	Title 21
Status:	Proposed Committee Substitute	Committee:	Ethics

Misc. Changes to Election Laws

ANALYSIS

This bill contains many different provisions, which are outlined by section below.

Section 1 – Deadline for Superintendents to Complete Certification Course

- Current law requires that county and municipal election superintendents, chief registrars and absentee ballot clerks become certified by completing a course approved by SOS by December 31st of the year they are appointed.
- This section changes the deadline to six months after their appointment. It also allows the State Election Board to require additional training, as well as limit, suspend, revoke, or reinstate the certification of a superintendent if they violate Georgia's elections laws.¹

Section 2 – Repeal Nomination Petition Requirement

- Current law requires a candidate to qualify by being nominated by a political party or by filing a nomination petition. This section changes the requirements to filing only a notice of candidacy and affidavit.

Section 3 – Dates for Filing Notice of Candidacy

- Current law allows for filing a notice of candidacy for federal or state office with the Secretary of state either on the 35th week prior to an election from Monday to Friday, or from the fourth Monday in June to the following Friday.
- This section specifically states that candidates for Vice-President or President of the United States running for office must utilize the June filing dates. Candidates for US Senate, US House, or state office must file the 35th week prior to an election. In the case of a special election, each candidate must file notice no later than 25 days prior to the special election.

Section 4 – Third-Party Filing of Intention of Candidacy

- This section provides that if someone other than the candidate files a candidate's intention of candidacy, the candidate must provide notarized authorization for such filing.

Section 5, 6, 9, 10, 15, and 21 – Remove References to Municipal Election Registrars

- These sections delete references and provisions relating to municipal election registrars.

Section 7 – Evidence of Citizenship

- Current law requires potential voters to give evidence of their citizenship when registering, by showing one of the forms of identification listed in the law. This bill removes from this list Bureau of Indian Affairs card numbers, tribal treaty card numbers, and tribal enrollment numbers.

Section 8 – Driver's License Number Required on Voter Registration Forms

- This section requires any person registering to vote to provide their driver's license number or identification card number. They may provide the last four digits of their social security number if they do not have a driver's license or identification card. If they have none of these things, they must affirm this in the application.
- The board of registrars must confirm the authenticity of an applicant's driver's license number, identification card number, or social security number before their application can be accepted. This can be done by comparing the provided number with records on file with the Department of Driver Services or the federal Social Security Administration, or through the applicant providing other evidence.
- If the board of registrars cannot confirm these identification numbers, then they must inform the applicant and allow them the ability to provide sufficient evidence to verify their authenticity. The application will be rejected if the applicant cannot provide this evidence within 26 months after the date of the application. If the applicant cannot provide this evidence before an election, they will be provided with a provisional ballot.

Section 11 and 12 – Provisions for Change of Address

- Under current law, if a voter changes their county of residence and provides notice of this to the county registrars, the registrars in the county where they previously resided must notify the voter that their voter registration is being transferred to the new address, and provide a new registration card. This bill repeals these provisions.

¹ The State Election Board may only do these actions after giving notice and providing a hearing, as outlined under the Georgia Administrative Procedure Act.

- Similarly, under current law, the Secretary of State mails out a confirmation notice to establish contact with a voter if there has been no contact with the voter for three years.² If the voter returns the card stating that they have moved, the voter's records are removed from the county's or municipality's list of voters, and they are sent information on how to continue to be eligible to vote. This bill provides that the voter's registration will instead be provided to the voter's new county of residence, provided that the county is within Georgia.

Section 13 – Polling Places Outside of a Precinct

- Current law allows an election superintendent to establish a polling place outside of the boundaries of a precinct, provided that there is no suitable facility within the precinct for the polling place. This bill makes it so that no such polling place can be established within 90 days of a primary or election. The elections superintendent must also submit a report to the State Election Board to demonstrate that no suitable facility exists within the precinct.

Section 14 – Correcting Printed and Electronic Ballots

- Under current law, the superior court may require the elections superintendent to correct any mistake or omission which may have occurred in the printed version of ballots (or show cause as to why he or she should not do so). This section empowers the superintendent to correct any such mistake or omission of his or her own volition, both for printed or electronic ballots.

Section 16 – Application for Absentee Ballot

- This section allows applicants for absentee ballots to request a ballot for a presidential preference primary, primary, or general election, and any subsequent runoffs. Current law requires a separate application for an absentee ballot for a presidential preference primary. Under this bill, a separate application will still be required for an absentee ballot for a special election or special primary.

Section 17 – Oath of Application for Absentee Ballot

- This section requires the applicant for an absentee ballot to attest to his or her residential address for voting purposes and to provide the year of the applicant's birth. Under current law, the application does not specify what address must be provided, and the applicant is required to provide the month and day of his or her own birth.

Section 18 and 20 – Clean-up Language

- These sections provide clean-up language for the statutes regarding the timing of advance voting and when provisional ballots are given to individuals not on the list of registered voters.

Section 19 – Campaign Activities in the Vicinity of Polling Places

- This section prohibits the establishment of a voter information or assistance table within 150 feet of a building where voting is occurring, within any polling place, and within 25 feet of any voter standing in line to vote.
- Similar restrictions currently exist for exit polls or public opinion polls within this same area. However, this bill amends this prohibition so that these polls are instead not allowed within 25 feet of the exit of any building where voting is occurring.
- This section also permits poll officers to manage the number of persons (other than poll watchers, poll workers, and law enforcement officers) allowed in the polling place in order to prevent confusion, congestion, and inconvenience to voters.

Analyst: Justin Cook/AA/GM
House Vote: 111-57

² Under O.C.G.A. § 21-2-234, "No contact" means that "the elector has not filed an updated voter registration card, has not filed a change of name or address, has not signed a petition which is required by law to be verified by the election superintendent of a county or municipality or the Secretary of State, has not signed a voter's certificate, and has not confirmed the elector's continuation at the same address during the preceding three calendar years."

Appendix C

Georgia Firefighters Cancer Insurance Frequently Asked Questions

Highlights of the Bill

Q. What is the purpose of HB 146?

A. It provides employed and volunteer firefighters with monetary assistance in the event they are diagnosed with cancer. This is a less expensive alternative than providing workers' compensation coverage for those who believe they may have contracted cancer from firefighting. Last year, Governor Nathan Deal vetoed legislation that the General Assembly passed in the 2016 Session that would have required local governments to pay for cancer coverage through workers' compensation. State leadership strongly encouraged ACCG and the Georgia Municipal Association to find an alternative to help firefighters diagnosed with cancer, and HB 146 is the result of those negotiations.

Q. What are the required benefits?

A. There are two separate requirements, which are independent of each other:

- 1) The lump-sum benefit provides a payout for a diagnosis of cancer based upon severity of the condition. For severe forms of cancer, the payout is \$25,000. For less severe forms of cancer, the payout is \$6,250. Certain types of pre-cancerous conditions would not qualify for a payout.
- 2) Income replacement is required to start no later than 6 months after the determination that a firefighter can no longer perform the duties of a firefighter. The income replacement requirement is 60% of the firefighter's salary or \$5,000 per month, whichever is less. If the firefighter is a volunteer, the income replacement requirement is \$1,500 per month.

Q. When does the legislation become effective?

A. The effective date is January 1, 2018.

Q. How do I know if my jurisdiction is required to comply with this legislation?

A. If your entity has a legally organized fire department that employs firefighters or utilizes volunteer firefighters, then your entity is subject to the legislation and required to provide the benefits.

Q. I've determined that my jurisdiction is subject to the legislation. How do we comply?

A. You can purchase insurance from a private insurance company licensed in the State of Georgia or self-insure the required benefits.

Q. What are the requirements to become self-insured?

A. These requirements are established by the Georgia Department of Insurance.

Q. Who determines if an entity has complied with the provisions of the Act?

A. The Georgia Firefighter Standards and Training Council will determine rules and regulations governing the requirements and what constitutes compliance.

Group Program

Q. Is a group program being established?

A. ACCG and the Georgia Municipal Association are working together to provide a group program for counties and cities. Group purchasing helps all participants obtain lower pricing. Another goal is to make it easier for jurisdictions to be in compliance regarding this valuable benefit for firefighters.

Q. What is the estimated cost of insurance?

A. Early estimates are \$400 per firefighter (employed/volunteer) for the two required benefits. Premiums will be based on the number of firefighters and likely billed the first of every quarter with an audit at year-end. In a case where a firefighter is employed by one fire department and serves as a volunteer at another, only the employer will be responsible for the premium.

Georgia Firefighters Cancer Insurance Frequently Asked Questions

More Details in the Act

- Q. Can a firefighter submit a claim for cancers diagnosed prior to January 1, 2018?**
A. No. Only compensable injuries and illnesses diagnosed on January 1, 2018 or after will be eligible.
- Q. Must a firefighter have served continuously for a period of time to be eligible?**
A. Yes. A firefighter must serve 12 consecutive months with their fire department to be eligible.
- Q. If a firefighter works as an employed firefighter in one location and a volunteer firefighter in another, would that firefighter be eligible for coverage in both locations?**
A. No. Upon a diagnosis of illness or injury, a firefighter would be eligible in their primary place of work or where they volunteer as a firefighter, but not both.
- Q. Does the lump-sum benefit pay for more than one diagnosis of cancer?**
A. Yes. Based on the severity of the cancer diagnosis, the eligible firefighter may receive up to \$50,000 (maximum of \$25,000 for each diagnosis). Those benefits would then be exhausted.
- Q. How much time must separate the two diagnoses to allow for more than one payout?**
A. The firefighter must be symptom free for 180 days between diagnoses.
- Q. May the firefighter take the lump-sum benefit with them when they leave service?**
A. Yes, provided they have not exhausted their \$50,000 limit while employed or volunteering. The firefighter must pay the premium to continue coverage.
- Q. Does the income replacement benefit pay only for a diagnosis of cancer?**
A. No. The income replacement benefit will pay for any illness or injury resulting in a disability as detailed under the insurance contract provisions.
- Q. For a firefighter who is employed with more than one fire station, may they combine the income received from each station to determine their income replacement benefit?**
A. Yes, provided the salary information is available, the firefighter may combine all sources of firefighter income to calculate their benefit up to a maximum of \$5,000 per month.
- Q. If the employed or volunteer firefighter is receiving income from other sources, is the monthly benefit reduced?**
A. Yes. The monthly benefit will be reduced based on the other sources of income, unless the firefighter purchased a privately owned policy (i.e., not one offered on a group basis through their employer).
- Q. Are both benefits taxable?**
A. HB 146 allows the payments received by a firefighter under this program to be excluded from their Georgia taxable net income, to any extent such amounts are included in their federal adjusted gross income. In addition, if the firefighter continues coverage after they are no longer employed or volunteering for the fire department, the premiums they pay are excluded in the same manner.

Should you have additional questions, email accginsurance@accg.org.
Feel free to contact Ashley Abercrombie or David Uhlman at 404.522.5022 / 800-858-2224.

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