

Legislative Update

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Legislative Session

The Georgia General Assembly goes back into session on January 11, 2016.

About 2/3 of the bills introduced by the General Assembly impact local government

[ACCG Legislative Page](#): Maintains information relevant to legislative process. Links to legislative database, legislative update, videos, talking points on major legislation, etc.

[ACCG Legislative Database](#): Helps local government officials track bills impacting local government. It includes summaries of bills, as well as where they are in the legislative process.

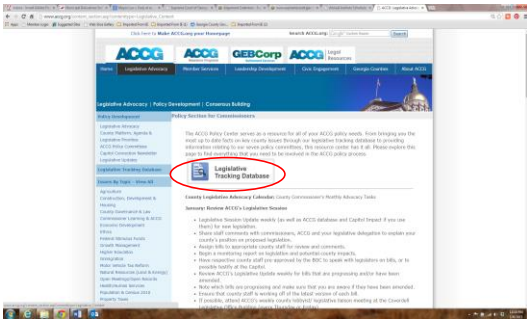
Legislative Update and Capitol Connections: The Capitol Connection newsletter is produced to keep county officials informed about policy issues in the months when the General Assembly is not in session. During the legislative session, ACCG distributes weekly Legislative Updates. To receive either of these electronic publications, please send an email to ACCG Communications Manager Schuyler Harding at sharding@accg.org.



Finding Information on ACCG Website



ACCG Legislative Advocacy



ACCG Legislative Database



2015 Session by Legislative Issue

Keyword	Number of Bills	Keyword	Number of Bills
9-1-1	4	Emergency Management	9
Agriculture	0	Eminent Domain	4
Air Quality	6	EMS	6
Alcohol Tobacco	22	Ethics	19
Animal Control	7	Farm	3
Annexation	26	Financing	8
Appropriations	13	Fire Services	18
Auditing/Budget	5	Firearms	18
Civil Procedure	5	Fireworks	3
Clerk of Court	23	Forfeitures, Fees and Fine Add-ons	11
Code Enforcement	12	Forms of Government	9
Constables	0	Franchise Fees	3
Coroners/Medical Examiners	7	GBI	6
Correctional Institutions/Jail	9	Government Immunity	4
County Surveyor	1	Hotel/Motel Tax	14
County Treasurer	2	Immigration	2
Criminal Procedure	20	Impact Fees	2
District Attorneys	15	Indigent Defense	3
Economic Development	44	Indigent Health Care	11
Elections	52	Insurance Premium Tax	3



2015 Session by Legislative Issue

Keyword	Number of Bills	Keyword	Number of Bills
Juveniles	17	Sewer/Septage	4
Land Conservation	0	Sex Offender	0
Land Use/Zoning	20	Sheriff	15
Law Enforcement	74	Solicitors	12
Local Legislation	203	Solid Waste	4
Local Sales Tax	35	State Court	21
Magistrate Court	21	Stormwater	0
Occupation Tax	14	Superior Court	15
Open Meetings/Records	24	Tags/Titles	8
Parole	3	Tax Commissioner	12
Personnel/Employment	31	Telecommunications	5
Population Acts	2	Traffic Enforcement	20
Probate Court	20	Training	0
Probation	2	Transportation	26
Procurement	17	Transportation Funding	16
Property Tax	57	Trauma Care System	2
Public Works	0	Utilities	20
Retirement	27	Water Quality	10
Sentencing	5	Water Quantity	8
Service Delivery	1		



HB 110 Fireworks

[This legislation](#) legalizes the sale and use of “consumer fireworks” statewide and preempts local government regulation.

Effective Date: July 1, 2015

Temporary stands may not begin operation until January 1, 2016.



Use of Fireworks

State law establishes the times for exploding fireworks:

Every day from 10:00 a.m. until midnight

New Year's Eve, New Year's Day, July 3 and July 4 from midnight until 2:00 a.m.

Local governments may expand the times pursuant to a special use permit.
Can charge a permit fee up to \$100.



Use of Fireworks

State law establishes that fireworks can be exploded anywhere except:

- Indoors
- Within 100 yards of a nuclear power facility
- Within 100 yards of a gas station
- Within 100 yards of a facility producing, refining, processing or blending gasoline
- Where you are not present (remote detonation?)
- Where not authorized to explode fireworks.



Statewide Law for Consumer Fireworks

Permitted through the Georgia Safety Fire Commissioner

"Consumer fireworks" includes the larger fireworks previously not sold in Georgia, but sold in some of our neighboring states.

- Roman candles
- Small fireworks devices containing restricted amounts of pyrotechnic composition designed to produce visible and audible effects by combustion



Local Government Regulation of Fireworks

- No local government ban on the sale or use of fireworks.
- No regulation on the purchase or sale of fireworks by minors.
- Can authorize special use permit to expand the hours
- Zoning authority regarding facilities that sell fireworks



Local Government Regulation of Fireworks

- Temporary structures that sell consumer fireworks:
- Must be within 1000 feet of a fire hydrant
 - Must pay a license fee to the local government of \$500 per location.
 - The fee must be used for public safety purposes.
 - License is issued by the fire department
 - License expires 90 days after it has been issued.



HB 110 Fireworks

- Taxes:**
- 5% excise tax to the State
 - Sales tax
- Enforcement:**
- The state fire marshal enforces this law
 - Local fire departments refer cases for enforcement



HB 225 For Hire Transportation (Uber)

[This legislation](#) transfers the registration, regulation, and licensing of taxis, limos and ride-sharing services to the Department of Public Safety.



Local Governments are Preempted

Preemption over Taxi Services:

“The General Assembly fully occupies and preempts the entire field of administration and regulation over:

- Ride share network services
- Transportation referral services
- Transportation referral service providers, and
- Taxi services as governed by this part...” O.C.G.A. § 40-1-191

“Counties and municipalities shall not impose further licensing requirements or background checks on such persons to operate taxicabs in their jurisdictions.” O.C.G.A. 36-60-25(d)



Local Government Prohibitions

Effective July 1, 2015, local governments may not:

- (1) Conduct taxicab vehicle inspections
- (2) Conduct background checks on taxicab drivers
- (3) Require taxicab drivers to be at least age 21



What Local Government May Do

County and city airports may regulate (in the same way that they regulate airport limos):

1. Any ride share network service
2. Transportation referral service
3. Transportation referral service provide
4. Taxi service

Medallion Systems/Certificates of Public Necessity:

Established by July 1, 2014, will be allowed to continue operating such systems on taxicabs.

No new Medallion Systems/Certificates of Public Necessity



What Local Government May Do

Medallion Systems/Certificates of Public Necessity:

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What Local Government May Do

Taxi/Vehicles for Hire:

1. Require commercial liability insurance
2. Require payment of occupation tax
3. Maybe maximum rates?



Fees

Fees:

The legislation calls for an annual registration fee for such services that will be distributed to the state and to local governments through a distribution formula for a master license fee set forth by the legislation.

Effective Date: Regulation portions of this legislation were effective July 1, 2015, while portions relating to the master license fee are not effective until July 1, 2016.



HR 810 Study Committee: Short Term Rentals

Develop legislation to:

1. ensure the safety of the public
2. prevent illegal practices
3. collect taxes on business activities
4. properly regulate short term rental providers



HR 810 Study Committee: Short Term Rentals

House Study Committee Members:

- Rep. Terry Rogers, Chairman
- Rep. Matt Dollar
- Rep. Spencer Frye
- Rep. Jan Tankersley
- Rep. Tom Taylor



HB 351 Bona fide coin operated amusement machines

[This legislation](#) changes requirements for master licenses for bond fide coin operated amusement machines

Pending in House Regulated Industries Committee



HB 372 Charter Schools

Effective July 1, 2015, according to [HB 373](#), counties and cities are prohibited from requiring charter schools to obtain a business license, professional license or occupation tax certificate. Charter schools remain subject to zoning, planning and building requirements. Any for-profit vendor of a charter school remains subject to any applicable local requirements and regulations.



HB 461 Metal Theft Registry Requirements

Effective July 1, 2015, [this legislation](#) addresses catalytic converters and burial objects being sold to secondary metal recyclers.

New vehicle dealers, car repair shops, manufacturers and distributors of catalytic converters, and manufacturers and distributors of burial objects are required to provide copies of their occupation tax certificates.



HB 488 Trampoline Park Safety Act

[This legislation](#) would enact the Jonathan Magwood Trampoline Park Safety Act by Rep. Ronnie Mabra. It is pending in the House Public Safety and Homeland Security Committee.

Regulation of trampoline parks would fall under the Georgia Safety Fire Commissioner. All inspections would be performed by inspectors licensed by the Georgia Safety Fire Commissioner. The state would keep all inspection and permit fees.

Counties and cities would be preempted from regulating the construction, installation, or maintenance of trampoline parks except that trampoline parks will be subject to zoning ordinances, siting requirements and other development standards or conditions related to times of operation and noise levels.



Casino Gambling

[HR 807](#) asks the voters to consider a constitutional amendment to allow casino resorts in Georgia. [HB 677](#) would allow casino gambling in Georgia. Casinos with gaming machines would be required to post their occupation tax certificate. They have been assigned to the [House Judiciary Non Civil Committee](#).

[SR 123](#) asks the voters to approve an amendment to the Georgia Constitution to allow casino gambling in Georgia on a county by county basis or a city by city basis. If the amendment is approved, a county or city would hold a separate referendum to determine whether casino gambling is allowed in their jurisdiction. It is pending in the [Senate Government Oversight Committee](#).



Resources

ACCG: www.accg.org

GMA: www.gmanet.com

Georgia General Assembly: <http://www.legis.ga.gov/en-US/default.aspx>

