



GMA 2014 Legislative Session Review

Below is the status of key legislation of interest to cities. Please visit GMA's [2014 Legislative Session web page](#) to view all the bills GMA followed during the 2014 session.

Bills Signed by Governor Deal

SB 297, Local Campaign Contribution Disclosure Reports, by Sen. Butch Miller (R-Gainesville), exempts local elected officials from filing campaign contribution disclosure reports if they do not raise or spend more than \$2,500 per election cycle and file an exemption affidavit with their city clerk. *GMA supported this legislation.*

Bills that Passed and Will be Sent to Governor Deal

HB 60, Firearms in Municipal Buildings, by Rep. Doug Holt (R-Social Circle), allows individuals to bring a lawsuit against a city, an elected official, or city employee for any perceived violation of state or local firearms regulations, regardless of whether their claim is valid. This bill also allows a license holder to enter a city building with a firearm unless security screening is in place. A city may implement temporary security during a meeting. HB 60 increases the risk of litigation and would place unnecessary and cost-prohibitive building security requirements on cities that chose to restrict firearms in city buildings. *GMA opposed this legislation. Letter sent to Gov. Deal asking him to veto this piece of legislation.*

HB 128, Georgia Downtown Renaissance Fund Act, by Rep. Allen Peake (R-Macon), creates a fund to make direct investments in Georgia's downtowns. The fund would be administered by the Department of Community Affairs. HB 128 authorizes funding at an annual appropriation of up to \$5 million for 4 years, for a total of \$20 million. *GMA supported this legislation. Letter sent to Gov. Deal asking him to sign this piece of legislation.*

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HB 176, Cell Tower Siting, by Rep. Don Parsons (R-Marietta), is the result of negotiations between GMA, ACCG and the telecommunications industry. HB 176 does not 1) affect a city's authority to deny an application for a new cell tower, 2) allow a telecommunications company to increase the height or footprint of an existing tower without city approval, or 3) undermine a city's authority to manage infrastructure in the right of way. HB 176 does require a city to review an application within a specified timeframe and limits the fees that a city may charge in reviewing an application. *GMA was neutral on this legislation.*

HB 135, Ante Litem Notice, by Rep. Andrew Welch (R-McDonough), requires that ante litem notices contain a non-binding monetary amount sought by the party proposing to file suit against the city and requires that any claim be filed with the mayor of the city. *GMA supported this legislation. Letter sent to Gov. Deal asking him to sign this piece of legislation.*

HB 719, Local Option Sales Tax Certificates Continuation, by Rep. Kevin Tanner (R-Dawsonville), ensures that Local Option Sales Tax (LOST) distribution certificates filed with the Department of Revenue between June 4, 2010 and October 18, 2013 will remain in effect until a subsequent distribution certificate is lawfully executed. *GMA supported this legislation. Letter sent to Gov. Deal asking him to sign this piece of legislation.*

HB 729, Motor Vehicle TAVT Changes, by Rep. Tom Rice (R-Norcross), changes the methodology used in the valuations of fair market value for vehicles so as to limit gamesmanship with trade-ins and used car sales. Also, the bill limits the administrative fee that tag agencies may charge cities and school boards to 1% of their TAVT distributions. *GMA supported this legislation.*

HB 741, Sludge Land Application Permits, by Rep. Kevin Tanner (R-Dawsonville), requires applicants for a sludge land application system permit to provide written verification to the Director of the Environmental Protection Division (EPD) that the proposed facility complies with any local zoning requirements and requires that any related public hearings be held in the jurisdiction where the proposed land application site would be located. *GMA supported this legislation. Letter sent to Gov. Deal asking him to sign this piece of legislation.*

HB 837, Private Probation Services, by Rep. Mark Hamilton (R-Cumming), allows private probation companies to regulate offenders in the same manner as in-house probation staff, specifically in regards to drug and alcohol testing and tolling of sentences. *GMA supported this legislation. Letter sent to Gov. Deal asking him to sign this piece of legislation.*

HB 908, Solid Waste Trust Fund Tire Disposal Fees: Extend Sunset, by Rep. Lynne Riley (R-Johns Creek), extends the sunset for continued collection of tire disposal fees intended for the Solid Waste Trust Fund (SWTF) to June 30, 2019. *GMA supported this legislation. Letter sent to Gov. Deal asking him to sign this piece of legislation.*

HB 983, Georgia Agricultural Tax Exemption; Revise Definitions & Qualifications, by Rep. Tom McCall (R-Elberton), tightens up definitions and closes some loopholes that exist in the Georgia Agricultural Tax Exemption (GATE) Program. *GMA supported this legislation.*

HB 1000, Debt Setoff for Court Fees/Fines, by Rep. Barry Fleming (R-Harlem), allows cities to collect court costs, surcharges and fines by means of a debt setoff against an individual's state income tax refund. The program would be administered by the Georgia Administrative Office of the Courts, which is authorized to use an outside contractor. *GMA supported this legislation.*

HR 1573, Joint Study Committee on Critical Transportation Infrastructure Funding, by Rep. Jay Roberts (R-Ocilla), creates a 16 member joint House/Senate study committee to look at transportation infrastructure funding. The GMA Executive Director is named as a member of the committee. *GMA supported this resolution.*

SB 213, Flint River Drought Protection Act: Clarify and Expand, by Rep. Ross Tolleson (R-Perry), allows the state to fund or invest in projects to augment stream flows in the Flint River basin. The intent of this legislation is to prevent harm to endangered species during periods of drought. *GMA supported this legislation.*

SB 299, Watershed Protection Measures for Treating Drinking Water, by Sen. Steve Gooch (R-Dahlonega), requires that the minimum standards and procedures for watershed protection include all measures necessary to ensure that water resources are not contaminated to the point where the water cannot be treated to meet drinking standards. Local governments would also be required to submit a watershed protection plan. *GMA was neutral on this legislation.*

Bills that Did Not Pass

HB 1, Asset Forfeiture, by Rep. Wendell Willard (R-Sandy Springs), would provide for a restructuring and reorganization of asset seizure and forfeiture by state and local governments. The bill would provide for processes related to seizure and disposition of property and will reorganize the disposition of firearms seized by or held by municipal police departments. *GMA was neutral on this legislation.*

HB 153, Fractional SPLOST of Less Than 1 Percent, by Rep. John Carson (R-Marietta), would change the Special Purpose Local Option Sales Tax (SPLOST) law to authorize multiple SPLOSTs within a special district so long as the combined tax rate is equal to or less than a cumulative 1 percent in increments of .05 percent if the county and all qualified municipalities in the special district enter into an intergovernmental agreement to levy such a tax. *GMA opposed this legislation.*

HB 295, Property Tax Assessment/Appeals Revision, by Rep. Paul Battles (R-Cartersville), would change the dates and deadlines for tax digest submissions, tax refunds, certain permits and minimum posting times for millage rate changes and would allow tax bills to be sent electronically when requested. *GMA was neutral on this bill.*

HB 504, Admission of Non-Use of Seat Belts into Evidence, by Rep. B.J. Pak (R-Lilburn), would not allow failure of a front seat occupant of a vehicle to wear a seat belt to be the basis of cancellation of an insurance policy or the basis for increasing insurance rates under certain circumstances. *GMA supported this legislation.*

HB 690, Island Annexation: Allow County Petition, by Rep. Carl Rogers (R-Gainesville), would allow a county to petition a city to annex some or all unincorporated islands within the city. *GMA opposed this legislation.*

HB 713, Full Accountability in Collection of Taxes (FACT) Act, by Rep. Paul Battles (R-Cartersville), would allow the Georgia Department of Revenue to share sales tax information with a designated local government official. However, the local government designee would be forbidden to contact any taxpayer identified in confidential information. *GMA supported this legislation.*

HB 833/SB 374, Urban Redevelopment Law: Replace "Slum" with "Pockets of Blight" by Rep. LaDawn Jones (D-Atlanta)/ Sen. Bill Cowser (R-Athens), would remove the term "slum" and replace it with the word "blight" within the Urban Redevelopment Law. *GMA supported this legislation.*

HB 855, Service Delivery Strategy: Revised Procedures, by Rep. Andy Welch (R-McDonough), would require that service delivery strategy (SDS) agreements be executed by January 1st of the third year following the decennial census. *GMA plans to work with the author on this legislation prior to the 2015 Session.*

HB 891, Non-Partisan Municipal Elections: Shorten Early Voting Period, Barry Fleming (R-Harlem), would reduce the timeframe for early voting for non-partisan municipal elections from three weeks to one week. *GMA supported this legislation.*

HB 960, Urban Redevelopment Agencies & Transportation Projects, by Rep. Jay Roberts (R-Ocilla), would allow for urban redevelopment agencies to partner with local governments and private sector partners to construct surface transportation projects which would include transit. *GMA supported this legislation.*

HB 1010, Sovereign Immunity, by Barry Fleming (R-Harlem), provides cities with the same sovereign immunity protection that is provided to the counties. *GMA supported this legislation.*

HB 1023/SB 377, Increased Litigation: First Amendment, by Rep. Sam Teasley (R-Marietta)/Sen. Josh McKoon (R-Columbus), would allow any person or group to sue a city if they believe that their religious beliefs might be burdened by a city rule, ordinance, regulation, or policy. *GMA opposed this legislation.*

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4/23/14



April 3, 2014

Important Changes for Cities in Georgia's New Gun Legislation

House Bill 60, a comprehensive firearms and weapons bill, passed both chambers of the Georgia Legislature on March 20, 2014. Should the Governor allow the legislation to become law, the effective date of the legislation and below described provisions affecting municipalities will be July 1, 2014.

1. Government Buildings

- a. Cities can only prohibit firearms or any other weapon in government buildings if the city restricts or screens entrance into the government building with security personnel.
 - i. "Security personnel" does not necessarily mean a certified police officer.
 - ii. If a license holder carrying a weapon attempts to enter a government building that is restricted or screened by security they must first be given the opportunity to exit or leave before any further action can be taken.
 - iii. However, if the city wishes to charge any license holders carrying a weapon with a misdemeanor for entering a government building that is screened or restricted by security personnel then at least one member of the security needs to be a certified police officer and they must first be given the opportunity to leave (see above).
- b. If a city does not restrict or screen entrances in the government building with security personnel then license holders carrying a weapon will be allowed in the government building. Non-license holders carrying weapons will be prohibited from entering a government building at all times, whether there are security personnel or not. A non-license holder carrying a weapon who attempts to enter a government building at any time will be guilty of a misdemeanor.

2. Municipal Courts and Judges

- a. Any building that is occupied by the judicial courts, including municipal courts, and containing rooms in which judicial proceedings are held are off-limits for weapons and firearms for both license holders and persons who do not have a license who attempt to carry weapons into such locations.
 - i. Courts, including municipal courts, are the only government buildings which retain the prohibition of firearms and weapons in the courthouse.
- b. All full-time judges and permanent part-time judges of the municipal court and any former judges from anywhere in the state who are qualified to have a weapons carry license will be allowed to carry weapons into the municipal court and government buildings.

3. Commercial Service Airports

- a. Cities are preempted from any ordinance, resolution, regulation, or policy controlling whether firearms and weapons are allowed in the unrestricted areas of a commercial service airport and how persons are treated after attempting to go through security.
 - i. If a license holder attempts to bring a weapon past the security screening checkpoint they will be afforded the opportunity to leave following notification and completion of the federally required screening process and will be allowed to take their firearm with them back out of the airport, but not past security.
 - ii. If a person is not a license holder they will be charged with a misdemeanor for attempting to bring a weapon past the security screening checkpoint.

4. Public Housing

- a. Cities are prohibited from any regulation or restrictions on the lawful possession of firearms in public housing.



April 3, 2014

5. Schools

- a. Local boards of education will be allowed to designate authorized personnel to carry weapons within school safety zones, school functions, or on a school bus, as long as the personnel has a weapons carry license and undergo some training.
 - i. The Board of Education determines which types of weapons are allowed and they will be required to be kept on the person or in a locked safe.
 - ii. The Board of Education is not required to share information on where such weapons may be stored and who may be carrying them to city law enforcement or any other person or body and such records are protected from open records.

6. Checking for a Weapons Carry License

- a. Persons carrying any weapon, including firearms, cannot be detained (prevented from leaving) solely for the purpose of checking to see if they have a weapons carry license.
 - i. This means a police officer or any other city employee cannot stop an individual who clearly has a weapon solely to check for a weapons carry license.
 - ii. To detain a person carrying a weapon, the person must have created a reasonable suspicion that another law is being violated.
- b. The loss of authority of law enforcement to detain individuals to check for a weapons carry license may render provisions of this legislation granting license holders different rights from non-license holders in government buildings and commercial service airports worthless. Since law enforcement would be prohibited from asking to see a weapons carry license in many situations, all persons carrying weapons in an unsecured government building, including prohibited persons, would have to be treated as if they were license holders or the officer and city could face a lawsuit for simply asking to see a weapons carry license.

7. Regulation of Weapons through Zoning and Ordinances

- a. Cities cannot regulate the possession, ownership, transport, carrying, transfer, sale, purchase, licensing, or registration of any weapon through ordinances, zoning or any other regulation
 - i. This is an expansion upon the current preemption on cities which prohibits local regulation, including ordinances and zoning of firearms, gun shows, and firearms dealers.

8. Regulation of City Employees

- a. The city can regulate the transport, carrying, or possession of firearms by employees of the city in the course of their employment with the city unless such person is under the supervision of the police chief.
- b. The police chief will determine and regulate the possession, carrying, and transportation of firearms for city employees under his or her supervision, including civilian employees.

9. Places of Worship and Bars

- a. Weapons, including firearms, will be prohibited in places of worship unless the governing body of the place of worship permits carrying of weapons or long guns by license holders.
 - i. The law is silent as to how the place of worship will notify or whether any notification is necessary to parishioners and local law enforcement that they are allowing weapons into such place of worship.
- b. Weapons, including firearms and long guns, will be allowed in bars, unless the private property owner or lessor excludes or ejects the individual after giving them notice to depart.
 - i. Only the owner or rightful occupant of the property can provide the notice to depart, law enforcement cannot require a license holder to leave the premises for criminal trespass on their own authority unless another law is being violated.