



FULTON COUNTY 2021 LEGISLATIVE UPDATE

Department of External Affairs – March 3, 2021



**ENSURE NECESSARY COVID-19 RESPONSE
RESOURCES**

**ENSURE AUTONOMY FOR
FULTON COUNTY AIRPORT**

**SUPPORT LONG-TERM TRANSIT FUNDING &
REGIONAL COOPERATION**

**STRENGTHEN BEHAVIORAL HEALTH MODEL &
FUNDING FOR SUBSTANCE ABUSE PREVENTION**

**CREATE A MORE EFFICIENT & EFFECTIVE
JUSTICE SYSTEM**

ENSURE SECURE & ACCESSIBLE ELECTIONS

**CREATE EQUITY IN APPEALS PROCESS FOR
COMMERCIAL PROPERTY ASSESSMENTS**

SUPPORT CREATIVE INDUSTRIES

SIMPLIFY HOMESTEAD EXEMPTIONS

**SUPPORT HOUSING SOLUTIONS &
AFFORDABILITY**

SUPPORT HOMEOWNER PROTECTIONS



**FULTON
COUNTY**

2021
State Legislative
Update

COVID-19

Bill/Author	Description	Status
HB 112 COVID-19 Liability: Extend Business and Government Immunity until 2022 – Rep. Kelley R-16 (Cedartown)	This bill extends protections for limited liability claims passed in the 2020 "Georgia Pandemic Business Safety Act" for one year through July 14, 2022. The Act provides that businesses, health care providers, and local governments cannot be sued for the transmission, infection, exposure or potential exposure of COVID-19 unless the local government, business, or other entity was grossly negligent, engaged in willful and wanton misconduct, or recklessly or intentionally inflicted harm.	House Passed (99-68); Referred to Senate Judiciary Committee
HB 468 Governor's Public Health Emergencies – Rep. Carpenter R-4 (Dalton),	This bill provides that, during a Governor-declared public health state of emergency, any business may continue or resume its operations if it complies with applicable health and safety measures outlined in the Governor's statutory emergency powers.	On Second Read - House Judiciary Committee
SB 46 Authorize Emergency Medical Technicians and Cardiac Technicians to Administer Vaccines – Sen. Burke R-11 (Bainbridge)	This bill authorizes Emergency Medical Technicians and Cardiac Technicians to administer vaccines in public health emergencies. The bill also requires reporting to the Department of Public health regarding vaccinations.	Senate Passed (47-3)

FULTON COUNTY EXECUTIVE AIRPORT

Bill/Author	Description	Status
<u>HB 445</u> - City of South Fulton; change corporate boundaries – Rep. Bruce D-61 (Atlanta)	This bill changes the corporate boundaries of the City of South Fulton to include the Fulton Industrial District except the Fulton County Executive Airport - Charlie Brown Field and contiguous Fulton owned properties.	On Second Read - House Intergovernmental Coordination Committee
<u>HB 459</u> Local government; prohibit annexations of county operated airport property – Rep. Martin R-49 (Alpharetta)	This bill prohibits a municipality that contains more than 85 square miles within its corporate limits from annexing any territory on which a public airport operated by a county is located unless the governing authority of such county adopts a resolution approving such annexation within 90 days prior to the governing authority of the municipality holding a vote on such annexation.	Referred to House Governmental Affairs Committee
<u>SR 84</u> Joint Study Committee: Airport Infrastructure and Improvements – Sen. Harper R-7 (Ocilla)	This resolution creates the Joint Study Committee on Airport Infrastructure and Improvements that will study airport funding and policies in order to support the growth of the aviation industry.	Referred to Senate Rules Committee

HOMEOWNER PROTECTIONS

- **HR 117 House Study Committee on Homeowners' Associations, Condominium Owners' Associations, and Property Owners in Community Associations – Rep. Boddie D-62 (East Point):** This resolution creates the five member House Study Committee on Homeowners' Associations, Condominium Owners' Associations, and Property Owners in Community Associations. This committee will study how various communities could be better organized to implement requirements and procedures for turnover and transition from declarants, developers, or other establishing entities to property owners comprising the community association.

On Second Read – House Special Rules Committee

Human Trafficking

Bill/Author	Description	Status
SB 33 Torts; cause of action against perpetrators for victims of human trafficking – Sen. Dixon R-45 (Buford)	<p>This bill allows survivors of human trafficking to recover damages and reasonable attorney's fees in a court of law against traffickers.</p> <p><i>Companion bill:</i> HB 177 Torts; provide a cause of action against perpetrators for victims of human trafficking – Rep. Bonner R-72 (Fayetteville); On Second Read – House Judiciary Committee</p>	Senate Passed (50-0); On Second Read – House Judiciary Committee
SB 34 Domestic Relations; name change; victims of human trafficking may petition – Sen. Dixon R-45 (Buford)	<p>This bill allows privacy for name changes (non-disclosure waiver) for persons formerly trafficked.</p> <p><i>Companion bill:</i> HB 178 Domestic relations; victims of human trafficking may petition for name change under seal – Rep. Bonner R-72 (Fayetteville); On Second Read – House Judiciary Committee</p>	Senate Passed (50-0); On Second Read – House Judiciary Committee

Public Health

Bill/Author	Description	Status
HB 3 Permit Requirements for Facilities that Emit Ethylene Oxide – Rep. Allen D-40 (Smyrna)	<p>This bill establishes additional conditions to permits for facilities that emit ethylene oxide that includes allowing Georgia Environmental Protection Divisions (GA EPD) to install equipment that can detect and monitor ethylene oxide emissions from each exhaust point at the facility. HB 3 allows GA EPD to continuously monitor direct emissions of ethylene oxide and retain records of the daily release of ethylene oxide from each exhaust point. Such reports would be made publicly available on GA EPD's website twice a year. Lastly, each facility would be required to create an ambient air monitoring plan that would include a quarterly air sampling with the results submitted to the local government where facility is located.</p> <p><i>Companion Bill:</i> SB 180 Ethylene Oxide; certain conditions for permits – Sen. Jordan D-6 (Atlanta); Referred to Senate Natural Resources and the Environment Committee</p>	On Second Read – House Natural Resources & Environment Committee
HB 239 Department of Behavioral Health conduct or coordinate all audits of behavioral health providers – Rep. Hutchinson D-107 (Snellville)	<p>This bill provides that the Department of Behavioral Health and Developmental Disabilities conduct or coordinate all audits of behavioral health providers to prevent duplication with other agencies.</p>	On Second Read - House Health & Human Services Committee

Elections Policy Priorities

Bill/Author	Description	Status
HB 62 Prohibit Counties from Accepting Grants from Private Parties – Rep. Gullet R-19 (Dallas)	This bill prohibits county boards of elections and registration from accepting any grants, gifts or funding from parties other than the federal government, state government or a Georgia city or county.	On Second Read - Special Committee on Election Integrity
HB 77 Electors May Vote in any Precinct – Rep. Bruce D-61 (Atlanta)	An elections superintendent may permit any voter of the county to vote in any precinct of the county. <u>NOTE</u> : The bill would require funding additional elections technology for counties choosing to implement; voting machines would not utilize internet system.	On Second Read - Special Committee on Election Integrity
HB 113 Elections; same day registration and voting – Rep. Alexander D-66 (Hiram)	<p>This bill allows people to register to vote in person at their precinct polling place on election day for primary and general elections, or at the registrar’s office during the early voting period.</p> <p><i>Companion Bill:</i> SB 149 Primaries and Elections; same day registration and voting – Sen. Butler D- 55 (Stone Mountain); Referred to Senate Ethics Committee</p>	On Second Read - Special Committee on Election Integrity

Elections Policy Priorities

Bill/Author	Description	Status
<u>HB 250</u> Elections; Notification of Change for Early Voting Locations – Rep. Ehrhart R-36 (Marietta)	Bill prohibits counties from changing early voting locations within the 60-day period before early voting begins for primaries, general and runoff elections; or within 30 days before any special primary, special election or special election runoff. This requirement can be waived during an emergency or other event that renders the early voting location unavailable. If an emergency or other event occurs within 10 days of the start of early voting, the county must publish notice of the proposed change once a week, for two weeks, in the legal organ and post a notice of the change at the previous early voting location.	On Second Read - Special Committee on Election Integrity
<u>HB 270</u> – Elections; mailing and issuance of absentee ballots – Rep. Fleming R-121 (Harlem)	This bill states absentee ballot (by mail) applications must be received by the board of registrars or absentee ballot clerk no later than 5:00 p.m. on the second Friday before an election. Counties must mail an approved absentee ballot to the voter within three days of receiving the application but cannot issue or mail out any absentee ballots after the Wednesday before the election.	Special Committee on Election Integrity Favorably Reported by Substitute
<u>HB 531</u> Elections; Omnibus Bill – Rep. Fleming R-121 (Harlem)	REVISED DRAFT WILL BE SHARED UPON RECEIPT	Referred to the Special Committee on Election Integrity; Hearing held 2/19/2021

Elections Policy Priorities

Bill/Author	Description	Status
SB 89 Elections; Low Performing Election Superintendents Can be removed by State – Sen. Miller R-49 (Gainesville)	Bill establishes the position of chief elections assistance officer within the Secretary of State’s Office who will support and assist county election superintendents, including their training; investigate the causes of low performance and lack of adherence to election laws and procedures; offer support services to improve performance. Within 90 days of the evaluation, if the county superintendent is still in violation of the criteria determined by the State Election Board that superintendent may be suspended and replaced by the Board. The replacement is to be paid by the county.	Senate Ethics Committee Favorably Reported by Substitute
SB 93 Elections; Limit use of mobile polling facilities – Sen. Robertson R-29 (Cataula)	This bill limits the use of portable and movable polling facilities only to replace an existing polling place when the existing polling place has been deemed to be unsafe for human occupation by a licensed commercial building inspector employed or contracted by the county or municipality or has suffered a failure of utility services that provide water or electricity. The superior court judge must approve this deployment.	Referred to Senate Ethics Committee
SB 141 Elections; Immediate Counting and Tabulation of Ballots After the Close of the Polls – Sen. Anavitarte R-31	This bill requires county election superintendents to post the total number of certified absentee ballots that were received upon the close of the polls on Election Day. Those ballots must then immediately be counted and tabulated until all such ballots have been tabulated without breaks. Additional immediate tabulation requires for precinct poll officers and elections superintendents are included in the bill.	Referred to Senate Ethics Committee

Elections

Bill/Author	Description	Status
SB 40 Elections; Begin Processing and Scanning Absentee Ballots Earlier – Sen. Jordan D-6 (Atlanta)	This bill mandates local election offices to begin processing and scanning absentee ballots on the second Monday prior to an election.	Senate Ethics Committee Favorably Reported by Substitute
SB 67 Elections; Submission of Absentee Ballot Application ID – Sen. Walker III R-20	This bill requires voters to submit their date of birth and Georgia driver's license number, or personal identification card number with their absentee ballot application. The Secretary of State is also authorized to establish a web portal for electors with a Georgia driver's license or a personal ID to submit absentee ballot requests in this bill.	Senate Ethics Committee Favorably Reported by Substitute
SB 184 Elections; Revise time for inputting credit for voting data – Sen. Cowser R-46	This bill shortens the time period the board of registrars shall enter into the state-wide voter registration system credit for voting by qualified electors to the Secretary of State from 60 days to 30 days for the purpose of maintaining the list of electors and voter history. For each day beyond 30 days, such board shall be subject to a fine of \$100.00 per day by the State Election Board.	Senate Ethics Committee Favorably Reported
SB 188 Elections; election results reporting system to be established and maintained by the Secretary of State – Sen. Cowser R-46 (Athens)	This bill requires the Secretary of State to establish and maintain an election results reporting system for primary, general and runoff elections. The system shall provide for the entry of the number of ballots cast by type in each precinct, the results of state and federal races by precinct, the number of absentee ballots issued and returned, the number of absentee ballots certified, the number of absentee ballots rejected, the number of provisional ballots cast, and other information the SOS deems relevant to be made available to the public.	Senate Ethics Committee Favorably Reported

CREATE A MORE EFFICIENT & EFFECTIVE JUSTICE SYSTEM

Bill/Author	Description	Status
HB 371 Allow Certain Court Proceedings be conducted via Video Conferencing – Rep. Gunter R-8 (Blairsville)	This bill allows certain court proceedings to be conducted via video conferencing in local jails.	On Second Read - House Judiciary Non-Civil Committee
HB 479 Citizens Arrest Law (repeal and replace) – Rep. Reeves R-34 (Marietta)	This bill will still allow employees at businesses, security officers, private investigators and inspectors to detain someone they believe has committed a crime. Georgians who detain someone they suspect of committing a crime would be required to either contact law enforcement within an hour of holding that person or release them. The bill also allows off-duty police officers to make arrests when they are not in their jurisdictions.	On Second Read - Judiciary Committee
HB 534 Crimes and offenses; promoting illegal drag racing and laying drags – Rep. Bonner R-72 (Fayetteville)	This bill provides for the offense of promoting illegal drag racing and laying drags. The bill sets forth a sentencing and fine structure for those found guilty.	House Hopper

CREATE A MORE EFFICIENT & EFFECTIVE JUSTICE SYSTEM

Bill/Author	Description	Status
SB 105 Revision of Terms by Which Early Release From Probation May Occur in Felony Offenses – Sen. Strickland R-17 (McDonough)	This bill revises the terms by which early release from probation may occur in felony offenses. The legislation also sets the maximum length of probation in a felony offense at 24 months if all conditions of the sentence are met.	Senate Judiciary Committee Favorably Reported By Substitute
SB 171 Safe Communities Act of 2021 – Sen. Robertson R-29 (Cataula)	<p>This bill allows for several new types of lawsuits against counties and other governments and would impose various new mandates and limitations on county operations. Highlights include:</p> <ul style="list-style-type: none"> • <u>Section 3</u> of the bill expands the crime of unlawful assembly. Any person convicted of this crime would be ineligible for employment by the state or any county or city in the state. This section also allows for lawsuits for monetary claims for injuries/damages against a county or city governing authority that is “grossly negligent by allowing the commission of violence against persons or property during an assembly of two or more persons.” • Section 6 of the bill provides that any county/city governing authority that reduces the budget of any law enforcement agency by 30 percent or more in any one budget year would be subject to the withholding of state funds and state-administered federal funds. This section also states the governing authority of a county or city that intentionally obstructs or interferes with the ability of a county or city law enforcement agency to provide reasonable law enforcement protection during a riot or unlawful assembly shall be civilly liable for any personal injury, death, or property damages proximately caused by the agency's failure to provide reasonable law enforcement protection during the riot/unlawful assembly. County and city sovereign immunity is waived as to such claims for damages. 	Referred to Senate Judiciary Committee

District Attorney and Probate Court

Bill #/Author	Description	Status
<u>HB 97</u> Require Oath for Chief Probate Court Clerks – Rep. Leverett R-33 (Elberton)	This legislation requires probate judges who appoint a chief clerk in place of serving as clerk themselves, to administer an oath to the person appointed as a clerk. Currently, probate judges in roughly 30 counties also serve as elections superintendents and if they become unable to serve, the chief probate clerk would certify the election. For this reason, this legislation mandates that all chief probate clerks must be sworn.	House Passed (172-0); Referred to Senate Special Judiciary Committee
<u>HB 281</u> Mandatory Notice from Probate Court of Expiration of Weapons Carry License – Rep. Burchett R-176 (Waycross)	This bill mandates that probate court judges provide notice of expiration to all weapons carry license holders not more than 90 days in advance or less than 30 days from expiration.	On Second Read - Public Safety and Homeland Security Committee
<u>HB 411</u> Create Prosecuting Attorneys Oversight Commission – Rep. Gullet R-19 (Dallas)	This bill creates the eight member Prosecuting Attorneys Oversight Commission which shall have the power to discipline, remove, and cause involuntary retirement of appointed or elected district attorneys or solicitor-generals.	Referred to House Judiciary Non-Civil Committee

Cybersecurity

Bill/Author	Description	Status
HB 134 Cybersecurity: Allow Discussion in Executive Session and Exempt from Open Records – Rep. Anderson R-10 (Cornelia)	This legislation allows local governments to discuss matters related to cybersecurity services in executive session—exempting the discussion from open meeting requirements. Additionally, this bill exempts certain cybersecurity documents from open records requirements.	House Passed; Referred to Senate Science and Technology Committee
HB 156 Locals Must Report Cyber Attacks, Executive Session and Open Records – Rep. Parsons R-44 (Marietta)	This legislation requires counties and cities to report certain cyber-attack, data breach or malware incidents to the state director of emergency management and homeland security. Incidents are to be reported if they create a life-safety event, substantially impact the security of data and information systems, or affect critical systems, equipment or service delivery.	House Energy, Utilities & Telecommunications Committee Favorably Reported by Substitute
SB 52 Cybersecurity; Affirmative Defense to Liability for Businesses – Sen. Thompson R-14 (White)	This bill provides standards for cybersecurity programs to protect businesses from liability while providing for affirmative defenses for data breaches of private information.	Senate Science and Technology Committee Favorably Reported by Substitute

Property Tax: Statewide Homestead Exemption

- **HB 352 Property Tax: New Statewide Homestead Exemption and Changes to Tax Assessment and Billing – Rep. Momtahan R-17 (Dallas):**
This bill makes major changes to the property tax system for counties, cities, and school systems by creating a new “floating”/base-year homestead exemption. Under this exemption, the portion of a homeowner's property that is exempt from property tax would rise to match any inflationary increases in the property's assessed value that are in excess of ½ of the increase in the Consumer Price Index along with additional requirements.

On Second Read - House Ways & Means Committee

Taxation

Bill/Author	Description	Status
HB 66 Tax Abatement: Notification Provided to Counties – Rep. Oliver D-82 (Decatur)	This bill requires development authorities to provide notice of proposed tax abatements to all affected local governments including the school system. This legislation requires that a written notice be delivered to each affected local government and school system at least seven days prior to official approval of the deal. In addition, the notice shall include: an analysis of the project, a listing of the financial incentives that would be provided, and an estimate of the financial impact upon each local government/school system from such financial incentives.	House State & Local Government Subcommittee of Government Affairs Favorably Reported by Substitute
HB 317 Excise tax; revise definition of innkeeper to include marketplace facilitators; provisions – Rep. Stephens R-164 (Savannah)	On and after July 1, 2021, an excise tax of \$5.00 per night shall be levied upon the rental or lease of any room, lodging, or accommodation by an innkeeper. Bill extends Hotel-Motel Tax to Air B & B and similar shelter rentals. Extended stay rentals shall be exempt from the tax levied by this Code section. Revenues will continue to be used exclusively for transportation purposes in this state with up to 10 percent of the fees collected to be appropriated for transit projects.	House Ways & Means Committee Favorably Reported by Substitute
HB 374 Sales Tax: Exemption for Public Water/Sewer Authorities – Rep. Gaines R-117 (Athens)	This bill would exempt from state and local sales taxes sales made to public authorities (whether created by local act of the General Assembly or local constitutional amendment) that provide water and/or sewer service to the public.	House Ways & Means Committee Favorably Reported

Community & Economic Development

Bill/Author	Description	Status
<u>HB 86</u> Georgia Lottery Mobile Sports Wagering Integrity Act – Rep. Stephens R-164 (Savannah)	<p>This bill legalizes online sports betting through the Georgia Lottery Corporation. Gamblers must be at least 21 years of age and gambling proceeds would be used to supplement improvements and enhancements for Georgia’s education purposes and programs.</p> <p><i>Companion Bill:</i> <u>SB 142</u> Gambling; Legalize Sports Betting – Sen. Mullis R-53 (Chickamauga); Referred to Senate Regulated Industries Committee</p>	Recommitted to House Economic Development & Tourism Committee
<u>SB 30</u> "Rural Georgia Jobs and Growth Act" – Sen. Beach R-21 (Alpharetta)	The “Rural Jobs and Growth Act” authorizes pari-mutuel horse racing and gambling in Georgia. It establishes the Georgia Horse Racing Commission to regulate this industry.	Hearing Held in Senate Regulated Industries Committee

Resolutions: Constitutional Amendments

Bill #/Author	Description	Status
<u>HR 30</u> CA; Authorize Casino Gambling in Georgia – Rep. Stephens R-164 (Savannah)	This proposed constitutional amendment legalizes limited casino gambling in Georgia. Proceeds would be used for educational programs and purposes, administering and regulating the casino gambling, and programs for the prevention and treatment of compulsive and addictive gambling.	House Withdrawn and Recommitted to Regulated Industries Committee
<u>SR 26</u> CA; Allowing State to Issue Bonds for Airport Projects – Sen. Harper R-7 (Ocilla)	This proposed constitutional amendment would allow the state to incur general obligation debt in order to make loans or grants to local governments and local authorities that own airports for the acquisition, construction, development, extension, enlargement, or improvement of airports.	Senate Tabled
<u>SR 53</u> CA; Pari-Mutuel Betting; horse racing; on the premises of racetrack by or on behalf of the state – Sen. Beach R-21 (Alpharetta)	This proposed constitutional amendment legalizes pari-mutuel betting on horse racing in Georgia. No off-track or off-site betting is authorized. State proceeds would be used to administer and regulate the industry, fund educational programs and purposes, and fund rural health care services and insurance coverage.	Referred to Senate Regulated Industries and Utilities Committee
<u>SR 100</u> State-Wide Grand Juries; jurisdiction, powers, and duties – Sen. Gooch R-51 (Dahlonega)	This proposed constitutional amendment mandates state-wide grand juries in cases of Elections crimes upon petition of the Attorney General to the Supreme Court. A state-wide grand jury shall consist of not fewer than 13 nor more than 23 persons. The Chief Justice of the Supreme Court shall designate a superior court judge to act as presiding judge for each state-wide grand jury. The jurisdiction of a state-wide grand jury shall extend throughout the state, and it may investigate and return indictments for crimes committed anywhere within the state. The term of any such state-wide grand jury shall not exceed 12 months.	Referred to Senate Ethics Committee