

2017-2018 General Assembly: Impacts on Local Government

Todd Edwards

Deputy Legislative Director

ACCG – Georgia’s County Association

Georgia Planning Association

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The Numbers: It Takes a Team Effort

2017 General Assembly

- Introduced 2,387 pieces of legislation.
- 770 bills and resolutions impacted Georgia counties.
- 72% of the bills were relevant to our members.
- ACCG lobbyists actively worked 508 bills.
- Rely heavily on GPA, GAZA and others' feedback and participation.
- Together, local governments can make a difference.

Why so Many Bills on Local Government?

- Too many lobbyists?
- Less gets done in Washington:
 - National groups focus model legislation on states, and localities.
- Folks not happy w cities/counties seek:
 - State mandate,
 - State preemption.
- One county/city messes something up; legislators compelled to fix:
 - Local issue now has statewide implications,
 - Does one size fit all?
- Counties and cities carry out and enforce most laws.

Why so Many Bills on Local Government?

- State seeks policy change, but doesn't pay full price (mandate).
- Political ambitions as legislators seek higher office.
- State agency budgets decrease.
- Cost savings or cost shift?
- Vast majority of bills/actions about money.
- Are locals the low-hanging fruit?
- ACCG and GMA work together closely.

Zoning, Land Use and Related Bills

- Not as many as 2004-2008.
- Can expect more with improved economy.
- Assessment caps, impact fees, building and construction codes/fees, utilities in ROW, cell towers (mini cells), stream buffers, stormwater fees, erosion and sedimentation, water and sewer utilities, septic waste, sign ordinances, bids and procurement, licensing and permitting, transportation improvements, CUVA and FLPA exemptions, etc.

SB 2: The FAST Act – Press Release

Lt. Governor Cagle and Sen. Mike Dugan Announce “The FAST Act” to Remove Regulatory Burdens on Small Businesses

January 12, 2017

(Atlanta, GA) – Lt. Governor Casey Cagle, along with the Senate Majority Caucus and Economic Development Chairman, Senator Mike Dugan, announced Senate Bill 2, “The FAST Act – Fairness, Accountability, Simplification, and Transparency – Empowering Our Small Businesses to Succeed.” This pro-business, **pro-job** creation legislation will address and remove the costly hassles placed on Georgia’s small businesses by creating a more efficient and transparent permitting process.

SB 2, the second of the Senate Majority Caucus’ six legislative priorities, provides new guidelines for regulatory activities designed to **hold state and local agencies accountable**...

Double Whammy! (Preemption and a Mandate)

SB 2: The FAST Act

Section 2

Lines 25-27, list process, fees and needed documentation:

- This shouldn't be a problem.

Line 28, "timelines" for processing licenses and permits:

- Voluntary, however:
 - Costly and administratively difficult to process timelines on various applications.
 - When does the "shot clock" begin?
 - What if delay is beyond our control?

Lines 31-32, reduce fee by 10% for every 10 days application delayed:

- Georgia law requires fees be reasonably related to administrative costs incurred.

SB 2: The FAST Act

Lines 34-35 “mandated expedited process for those wishing to pay more”:

- Will require more staff, increased cost.
- If not, those not expediting will have applications delayed.
- Disadvantage for small business who cannot afford perk.
- Will cause some jurisdictions to incur additional cost in the form of staffing, software upgrades, accounting, etc.
- Additional cost passed on to property taxpayers.

SB 2: The FAST Act

Lines 38-42 “sharing of information”

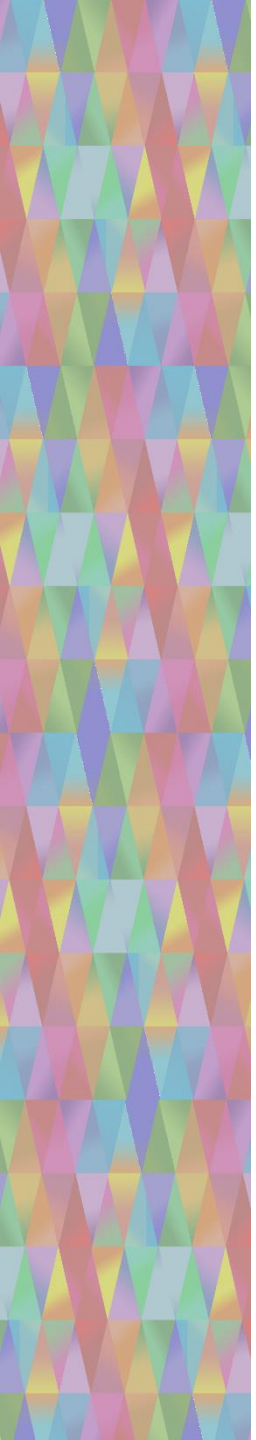
- Significant costs in implementing, licensing, and maintaining software to track licensee data and share/acquire information with/from other government(s).
- No State funding provided.
- While an applicant’s personal information may be “on file” at another agency, obtaining it is not always easy nor accurate.
- Doesn’t it make sense that the applicant provide his/her personal information to ensure it is correct instead of relying on government?
- The more information we are mandated to share, the more possibility of an “unauthorized” release of personal information.

SB 2: The FAST Act

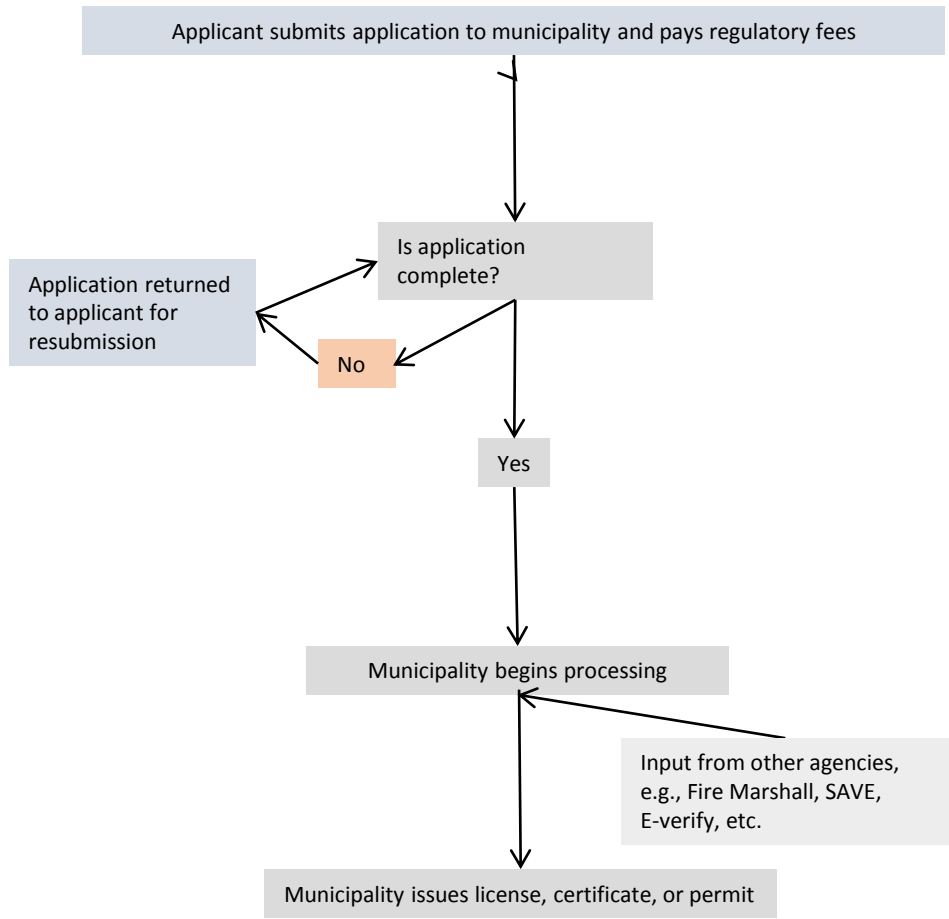
Section 5

County rating system “Building and Infrastructure Transparency Score” overseen by DCA and with undefined metrics.

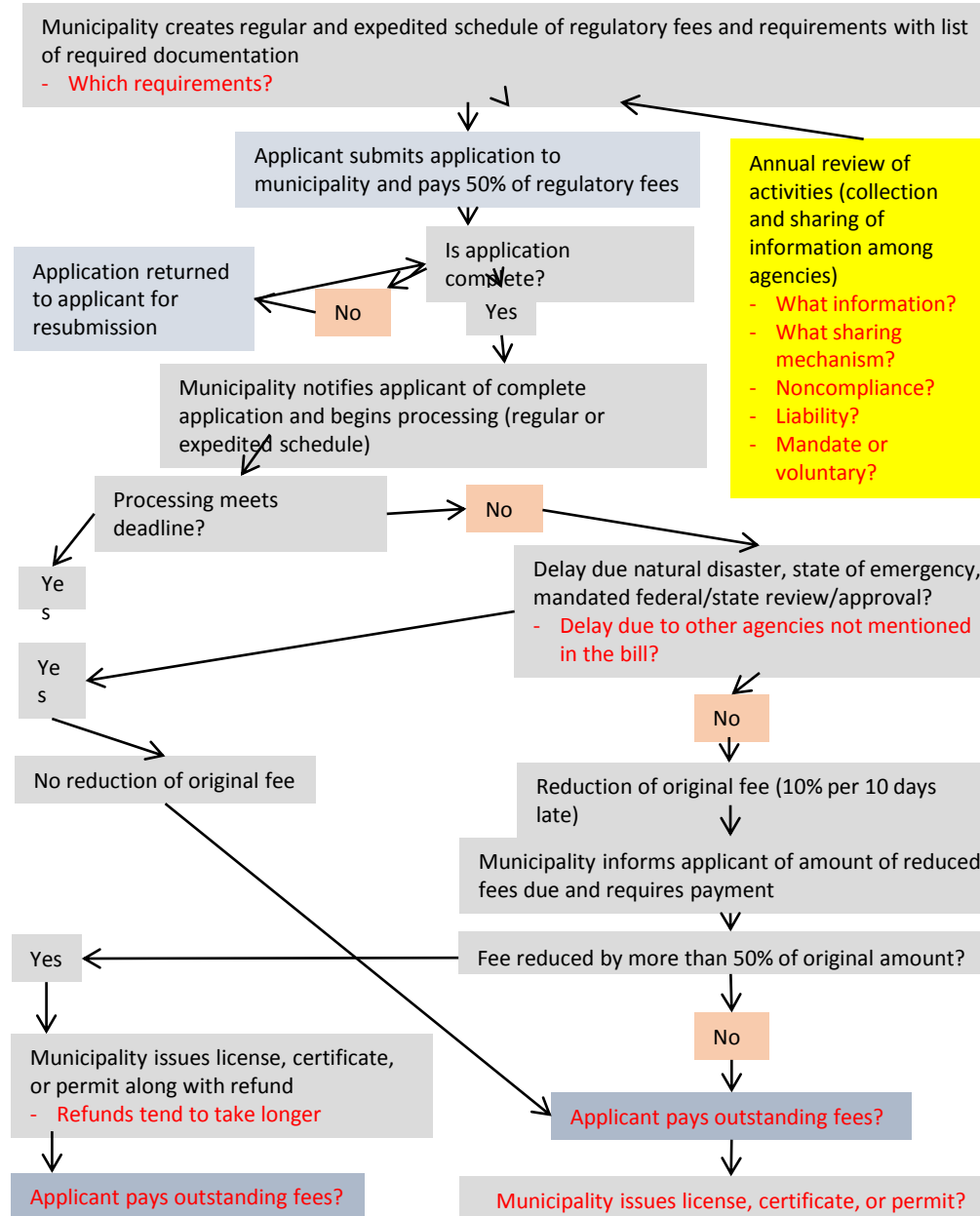
- DCA may not have the adequate staff, time or resources.
- Is this just going to be another report that gathers dust on DCA shelves?
- DCA may be forced simply to take a punitive approach, punishing cities and counties not meeting the mandate.
- Has DCA been budgeted the appropriate amount?



Standard application process



Application process according to SB2, Section 2



Annual review of activities (collection and sharing of information among agencies)

- What information?
- What sharing mechanism?
- Noncompliance?
- Liability?
- Mandate or voluntary?

SB 2: Still Pending!

- **SB 2** passed Senate 53-0
- Received 3 Hearings in House Small Business Development Committee
 - Testimony limited, and only allowed in first meeting.
- Passed House Committee on March 28
- Never made it out of House Rules Committee
- Recommitted to House Small Business Committee
- Still alive for 2018 legislative session.

HB 76 – Maps, Plats and Plans

- HB 1004 – passed in 2016
 - Purpose to move plat recording process to paperless.
 - Priority of ACCG/GMA was to ensure local governments review all plats, surveys, etc., prior to recording.
 - How can stamp/approval be done electronically?
 - Next priority to eliminate the “exemption” language:
 - Approval by local government not required “where no new streets or roads are created, no new utility improvements are required, or no new sewer improvements or septic tank approvals are required”.
 - Plats being recorded that met above requirements, but failed to comply with local subdivision, land use and other requirements.

HB 76

- HB 1004 caused compliance concerns among Surveyors:
 - Condominium floor plans, plot plans and site plans pulled into plat recording code, requiring the approval by surveyors.
 - Surveyor must provide “names of all owners of the property”.
 - Must list “names of all developers an any subdivision or condominium”.
 - Must get approval “by all applicable government bodies”.
 - “Facsimile signature” not well defined.
 - All documents must be submitted in a “single page”.
 - Possible litigation resulting from the above.
 - Due to litigation, surveyors hard pressed to find insurance coverage.

HB 76

- All plats and plans submitted electronically.
- Condominium language changed.
- 3” square box remains.
- Name owner(s) on most recent title instrument.
- Surveyor Certification Changes:
 - (i) – traditional plat approval,
 - (ii) – paperless online plat review,
 - (iii) – retracement surveys, and
 - (iv) – completely within one jurisdiction which doesn’t review, or by jurisdiction stating no approval is necessary.
- Struck old certification language.
- Struck single page.
- Defined electronic and facsimile signature.

HB 76 Kept Clean!

- Backdoor attempt made late in session to again insert exemption language.
- Kudos to Rep. Rick Jasperse for honoring our compromise.
- Stay tuned, this is not over.
- THANK YOU GAZA!!!

Broadband: ROW Free-for-all

- Is this a market, provider, monopoly, customer service, rural, or local regulation issue?
- To the industry, local regs are the single impediment to expanded coverage.
- HB 336 – Broadband Ready Communities.
- HB 533 – Local government ROW preemptions.
- SB 232 – FIBRE Act: local preemptions and mandates on telecommunications equipment both within and outside local ROW.
- Counties and cities recognize importance of broadband.
- We're already working to accommodate.
- Bills go far beyond their “rural” proclamations.
- What are preemption implications?

Broadband: Industry Language

- Very complex and lengthy.
- As close to unfettered, below-cost access to county and municipal rights of way (ROW) as possible.
- Preempts a broad range of local decisions regarding:
 - wireless structures within and outside public ROW;
 - collocation of small wireless facilities;
 - zoning reviews for cell towers and wireless support structures;
 - modifications to wireless facilities outside public ROW;
 - location of wireless facilities on local government owned utility poles;
 - local jurisdiction over small wireless facilities on private property (not subject to zoning);
 - fees that counties and cities can impose for regulating and managing ROW;
 - unrealistic shot clocks for review periods; and
 - prohibit locals from requiring that wireless service providers indemnify and hold the county harmless against claims arising from negligent acts of the provider.

ROW Free-for-all Concerns

- Reducing poles in high-crash and high-risk areas;
- Ensuring traffic signal poles remain clear of obstacles impacting their accessibility and operation;
- Preserving emergency radio transmissions;
- Must meet federal/state environmental and road requirements;
- Utility relocation during county road maintenance or expansion projects;
- Improperly installed utilities or competing utility needs;
- Aesthetic and land use demands, thus private property values; and
- Ensuring taxpayers are not subsidizing others' ROW use.

Broadband – ACCG Recommendations

- Model, voluntary broadband ROW permitting ordinance;
- Providing incentives for local governments to adopt;
- Condition other utilities' access to their ROW on pole access;
- Incentives for collocation;
- Locals can grant sales/property tax incentives;
- State tax incentives;
- Incentives must go to where broadband is needed;
- Incentives, and investment must be measured;
- State broadband office;
- Held harmless and indemnified; and
- Shot clocks on removal/relocation.

City of Austin Sues over Texas' SB 1004

- Federal Telecommunications Act
 - Section 253(b) reserves for states and locals the authority to “preserve and advance universal service, **protect the public safety and welfare...**”
 - Section 253(c) reserves for states and locals authority to “**manage the public rights-of-way**” and “**require fair and reasonable compensation from telecommunications providers**” for facilities located in the public rights-of-way.
- Also “impairs City’s ability to evaluate permit applications, collaborate across affected agencies, schedule construction to maximize safety and mobility, and ensure that work meets aesthetic standards”;

FCC – Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment

- FCC seeking comments on how Sections 253 and 332(c)(7) of the Telecommunications Act of 1996 apply to wireless facilities:
 - How local regulations affect speed and costs of infrastructure deployment?
 - Should shot clocks apply to local review?
 - Should “deem granted” apply where there has been “unreasonable” delay?
 - Should moratoria be prohibited?
 - Cannot discriminate among providers, so if you allow one in ROW, you must allow all.
 - Are local regs more burdensome than other utilities in ROW?
 - How to reduce or eliminate local requirements that all utilities be buried underground?

Other Bills, Passed and Pending

- HB 144 – Preemption on Retail Pet Sales (No)
- HB 134 – Single County T-SPLOST Reforms (Yes)
- HB 204 – No fees on property tax bills (No)
- HB 205 – Fracking/Landfill Host Fee Increase (No)
- HB 381 – Abandoned Mobile Homes (No)
- HB 419 – Fireworks: Allowable Usage (No)
- HB 481 – Drone Preemption (Yes)
- HB 434 – Eminent Domain and Blighted Property (Yes)
- HR 848 – House Commission on Transit Governance/Funding (Yes)
- HR 389 – House Rural Development Council (Yes)
- SB 85 – Brew Pubs and Distilleries (Yes)
- SB 116/HB 512 – Stormwater Utility Fees (No)

Other Exciting Topics for 2018

- Law enforcement/Constitutional officer salaries.
- Confederate monuments: locals to decide.
- Property assessments.
- Rural Georgia, healthcare and hospitals.
- Religious freedom, guns, gay adoption and transgender bathrooms.
- Stream buffers and stormwater utilities.
- State income tax.
- Latest sales tax exemptions.

Making a Difference:

- Please read GMA and ACCG legislative updates;
 - Help educate your elected officials, and
 - Provide feedback.
- County and city involvement essential.
- Real work done behind the scenes, personal contacts.
- Messaging is everything; speak their language.
- “Evaluating” or “Negotiating” (rather than “Oppose”) sometimes appropriate positions.
- It’s policy, not personal.
- Many steps in legislative process; patience is key.
- Know and work their relationships.
- No rest; bills always return.
- Payback assured. Use political capital wisely.

Thank You

Sound Public Policy Takes a Team!

Todd Edwards

Deputy Legislative Director

ACCG – Georgia's County Association

404-522-5022

Tedwards@accg.org