



## LEGISLATIVE UPDATE



Welcome to GHLA @ the Capitol, your weekly update about news you need to know related to Georgia's lodging industry and the 2020 General Assembly. GHLA's legislative team will be your eyes and ears under the Gold Dome.

### **Governor Issues Vetoes, Hints at Special Session**

This past Wednesday marked the deadline for Governor Kemp to sign legislation into law or issue a veto message in its place. In Georgia, any measure which the Governor does not act on also has the full effect of becoming law.

This year, Governor Kemp issued very few vetoes (four) compared to 14 from last year (more if we count the budget line-item vetoes). At the end of the veto messages, Governor Kemp took the unusual step of issuing a signing statement on HB105 by Rep. Sam Watson.

As you may recall, HB105 focused on both tax exemptions for Hurricane Michael relief funds as well as the excise tax for for-hire ground transportation service providers. He brought into question whether the legislation passed legitimately and raised concern over a drafting error. The Governor has decided that he may call for another special session to pass relevant portions of HB105 as well as discuss "other budgetary and oversight issues" which already has political circles buzzing.

The Governor has the power to be highly prescriptive when it comes to what issues are discussed during a special session. The timing of this session will be critical, as the November election is just months away with 236 seats on the ballot. Some are facing intense competition from challengers—the loss of time spent trying to campaign could be devastating to those in tight races.

On Thursday, Speaker David Ralston and Lieutenant Governor Geoff Duncan issued a joint statement in response, indicating that they disagreed with the Governor's concerns on HB105. They also made mention of the HB991 veto message related to healthcare transparency and oversight. Their memo hints at the possibility that the General Assembly would seek to override his veto message on this particular measure during a special session. The GHLA team will be examining this time as an opportunity to discuss additional short-term rental measures that were not addressed before the General Assembly adjourned sine die.

### **Bills that were signed into law:**

**Safe Harbor Legislation:** [SB359](#) by Senator Chuck Hufstetler was initially a surprise billing proposal but was later used as a vehicle for the "Georgia COVID-19 Pandemic Business Safety Act." The legislation as passed provides certain immunities for businesses from liability claims regarding COVID-19, which GHLA has supported since Georgia's economy has reopened.

However, for this presumption to apply, a statutory warning must be posted at a point of entry or printed on a receipt or proof of purchase for entry. The wording and type size is specified in the act. Here is a [link to a sample of the signage](#). This sample is set up to print on 11 by 17 stock at 100% to maintain the required one inch Arial type size required.

For details on the Act as it applies to business, please see this article, [COVID-19 Liability Protections for Georgia Businesses Signed into Law](#), posted by Kenneth N. Winkler, Berman Fink Van Horn, on August 7, 2020.

**Alcohol Three Tier Update:** Chairman Brett Harrell (R-Snellville) worked tirelessly on a three-tier update that will come in handy, especially during COVID-19. Finally, Georgians may be able to have alcohol delivered like other home goods with the passage of [HB879](#). The bill proposes to allow customers to order beer or wine via delivery but will enable municipalities to opt-out of the proposal if there are issues in a particular district. This legislation also contained [HB674](#) by Chairman Alan Powell (R-Hartwell) that will allow the Department of Revenue to create an online application process for streamlined alcohol licensing and permitting. This process is an ongoing issue for retailers, local

governments, and hoteliers across Georgia, as it is often bifurcated between state and local requirements.

**Short Term Rentals:** [SB442](#) by Senator Ligon (R-Brunswick) prohibits amendments to property owners' association instruments and covenants that restrict rental of residential lots and plots. This bill began to travel through the House, and the team worked to amend the legislation to preclude short-term rentals. The final version of the bill contained only language addressing long-term leasing and was signed into law on Wednesday.

**Ride-Sharing/ Hotel-Motel Fees:** [HB105](#) by Representative Sam Watson (R-Moultrie) addressed hurricane relief and ridesharing fees per ride. This bill excludes federal disaster relief aid from state income taxes following Hurricane Michael. The Senate amended the original version of the bill to include a \$.50 per ride fee on ride-sharing services in Georgia.

The bill was amended to allow up to 10 percent of the fees collected from the \$5 per night fee on hotel and motel stays to be appropriated for transit projects. While this legislation was signed with the governor, he issued a signature message

*Local HMT changes this session are as follows:* Oconee County, Franklin City, Butts County, Tifton City, Flowery Branch City, Oakwood City, Braselton City, Forsyth City, Fanning County, Blue Ridge, Pine Mountain, Cusseta-Chattahoochee County, Jackson City.

**Human Trafficking Legislation:** Senator Brian Strickland (R-McDonough) passed [SB393](#), which would allow district attorneys to request lawyers from the Georgia Bureau of Investigation to help prosecute crimes related to sex trafficking and gangs. Senator Strickland (R-McDonough) also introduced [SB435](#), otherwise known as "The Debbie Vance Act." The bill creates a mechanism for human trafficking survivors to restrict access to their criminal records when they relate to human trafficking offenses.

[SB 394](#), authored by Senator Brian Strickland (R-McDonough), amends Titles 16, 45, and 49 to allow the Attorney General's Office to investigate and prosecute human trafficking crimes.

[HB823](#), authored by Rep. Houston Gaines (R-Athens), disqualifies someone from driving a commercial motor vehicle if they've used a commercial motor vehicle in the commission of a trafficking crime.

**Employer Prohibitions and Workplace Mandates:** [SB 408](#), by Senator Strickland (R-McDonough), seeks to amend Code Section 34-1-10 of the Official Code of Georgia Annotated, relating to the use of sick leave for the care of immediate family members. This code section was intended to sunset on July 1, 2020; the Senator is looking to remove that section to extend the requirements.

Representative Deborah Silcox (R-Sandy Springs) passed legislation that ensures employers provide reasonable, private spaces for employees to pump if they are nursing. [HB1090](#) encourages employers to provide reasonable break times and, to the extent possible, cold storage of milk. This bill was made more employer-friendly through various amendments since the initial proposal was burdensome to smaller businesses and was signed into law.

[SB 288](#) by Senator Tonya Anderson (D-Lithonia) expands the ability of individuals convicted of certain misdemeanors or convicted of non-serious or non-sexual felonies and are later pardoned to petition for the restriction and sealing of their criminal history record information.

### Legislative Tracking Update

Please [click here to go to our Legislative tracking page](#) for the complete list of bills we are watching.

---

[Visit our main page.](#)

You are currently subscribed to a mailing list of Georgia Hotel & Lodging Association. If you wish to unsubscribe, please [click here](#).