



# Preliminary Final Legislative Report

Volume # 14, Issue 13– April 19, 2023

## 2023 Session of the General Assembly

The Georgia General Assembly adjourned the 2023 legislative session on Wednesday, March 29. This session was the first year of the two-year biennial and there were many new legislators. The House and Senate both witnessed leadership changes with the election of a new Speaker and a new Lieutenant Governor. This session was marked by caution with many bills being carried over until next year.

There were a few bills of significance to counties that passed. Beginning January 1, 2024, local sales tax will be applied to digital content purchased online. Truck weights, outside of the Metro Atlanta Region, will increase by 4,000 lbs., for trucks hauling agricultural commodities, and counties will be authorized to enforce truck weight limits on county roads. Counties will be able to post legal notices online that can serve as notice if the legal organ makes a publishing error. Counties will be able to exempt property taxes on property that is destroyed or significantly damaged in a federally declared disaster area. Furthermore, the amended FY 2023 budget included \$950 million to bring back the Homestead Tax Relief Grants. This funding will help reduce property taxes on each homestead property by approximately \$500 this year.

There were also several bills to preempt local government authority that passed, including bills that prohibit counties from requiring proof of COVID vaccination to receive services, regulating children's businesses, restricting new water wells, regulating the replacement of an old mobile home with a new mobile home, and receiving donated funds for carrying out elections. Preemption bills that failed to pass would have prohibited local governments from enacting residential design standards, limited zoning and permitting moratoriums, and restricted the ability to regulate investor-owned subdivisions.

All of the legislation passed is contingent on the Governor's approval. This preliminary report includes summaries of bills that passed, a list of bills that did not pass, a summary of appropriations in the amended FY 2023 and FY 2024 budgets, and approved legislative study committees of interest to counties

ACCG thanks all commissioners, County Legislative Coordinators (CLC's), and county staff who supported the Association's policy agenda this year by meeting with legislators and making personal contact through phone calls, texts and emails. A special thank you to this year's Policy Council for their hard work and dedication. County officials serve as the critical component of the ACCG legislative network. Your involvement was instrumental in helping ACCG staff stop or modify several bills that would have been detrimental to Georgia's local governments.

## Bills Passed

### ECONOMIC DEVELOPMENT & TRANSPORTATION

[Staff: Kathleen Bowen]

**[HB 52 – GDOT Housekeeping Bill](#)** (Rep. Brad Thomas, 21<sup>st</sup>) *Effective Upon Governor’s Signature*. This legislation brought on behalf of the Georgia Department of Transportation (GDOT) does the following: amends the notice provisions to allow for email notification relative to meetings for the election of GDOT board members; provides for negotiations in request for proposals related to public-private partnerships (P3s); provides for procurement procedures for alternative contracting; increases the length allowed for modular or sectional housing units to be transported; allows the coroner or county medical examiner to delegate duties to a qualified medical personnel in cases of death resulting from an accident upon an interstate highway or limited-access road; and, exempts certain vehicle/driver information from public disclosure requirements.

**[HB 121 - Allows Tags for Multipurpose Off-Highway \(Polaris-Type\) Vehicles; Defines Wakeboarding](#)** (Rep. Victor Anderson, 10<sup>th</sup>) *Effective July 1, 2023*. This bill allows multipurpose off-highway (Polaris-type) vehicles to receive a tag and drive on county roads. The Georgia Department of Revenue (DOR) may issue a temporary operating permit (TOP) for these vehicles before new license plates become available. These vehicles will be tagged and registered with DOR, but they will not receive a title, so Title Ad Valorem Tax (TAVT) will not apply. However, they will still be taxed as tangible personal property, same as they have been, so they will still be subject to both sales tax and personal property ad valorem tax. This bill also defines “wakeboarding” and “wakesurfing” and provides restrictions for when and where these activities may occur.

**[HB 189 - Truck Weight Increase for Vehicles Hauling Forestry, Ag Commodities & Others](#)** (Rep. Steven Meeks, 178<sup>th</sup>) *Effective Upon Governor’s Signature*. This legislation increases the truck weight limits for certain commodities, restricts these heavier loads to areas outside of Metro Atlanta, allows local law enforcement the ability to enforce truck weights, increases the fines for overweight vehicles and adds a sunset of July 1, 2025 for certain sections of the bill. Please see Appendix C for more information on this legislation.

**[HB 193 - Public Works Projects - Increase Public Bid Requirement Threshold](#)** (Rep. Victor Anderson, 10<sup>th</sup>) *Effective July 1, 2023*. This legislation raises the dollar amount threshold required to bid out public works projects from \$100,000 to \$250,000. This will save counties time and effort by not having to bid out small projects. Additionally, this bill allows MARTA to make purchases from vendors of up to \$250,000 per year on the same terms as those vendors are providing under contracts with city and county governments.

**[HB 227 - Criminal Damage to Critical Infrastructure](#)** (Rep. Rob Leverett, 123<sup>rd</sup>) *Effective July 1, 2023*. This legislation increases the criminal penalties for those damaging critical infrastructure and expands the categories of what constitutes critical infrastructure with the addition of the definition of “vital public service”. “Critical infrastructure” means publicly or privately owned facilities, systems, functions, or assets, whether physical or virtual, providing or distributing services for the benefit of the public, including, but not limited to, energy, fuel, water, agriculture, health care, finance, or communication. “Vital public service” includes water, sewerage, drainage, energy, electric, gas, natural gas, telecommunication, internet, cable, navigation, collision avoidance, public transportation systems, railroads, and other services the loss of which would have a debilitating impact on the health, safety, or financial security of the public.

**[HB 408 - Sales Tax Exemption for Competitive Projects of Regional Significance](#)** (Rep. Bruce Williamson, 112<sup>th</sup>) *Effective July 1, 2023*. This legislation extends the sunset date for sales tax exemptions for projects of regional significance from June 30, 2023, to December 31, 2026. The sales tax exemption applies to purchases made during the entire time of construction of the competitive projects of regional significance.

**[HR 66 - Ratify Governor Kemp's Executive Orders RE: Suspension of Motor Fuel](#)** (Rep. Matthew Gambill, 15<sup>th</sup>) This resolution is required to ratify Governor Kemp's Executive Orders that suspended the collection of state motor fuel and diesel fuel taxes.

**HR 488 - House Rural Development Council** (Rep. Steven Meeks, 178<sup>th</sup>) This resolution reauthorizes the House Rural Development Council that will continue to study the existing issues in Georgia's rural areas and identify policies and ideas that enhance economic opportunities across the entire state, particularly in rural areas. The Council will be abolished on December 31, 2024.

**SB 146 - Electric Vehicle Charging Stations - Regulations & Tax** (Sen. Steve Gooch, 51<sup>st</sup>) *Subsection B of this Act Effective July 1, 2023; Part II of this Act, which provides for the regulative authority of the Department of Agriculture, and Part III of this Act, relating to revenue and taxation, shall become effective on January 1, 2025.* This legislation is a result of the Joint Study Committee on the Electrification of Transportation. It sets the regulatory and taxation framework for electric vehicle charging stations. Specifically, the bill allows electricity to be sold on a per kilowatt-hour basis, grants oversight authority of electric charging stations to the Georgia Department of

Agriculture and would tax electricity used to charge electric vehicles in a similar manner as gasoline. Counties who own electric vehicle charging stations should note that by January 1, 2025, all electric vehicle charging stations shall be capable of accurately metering, measuring, and prominently displaying the amount of electricity delivered to each electric vehicle on a per kilowatt-hour basis, either directly upon the station or remotely by a digital network.

**SB 193 - DCA - Broadband Services** (Sen. Steve Gooch, 51<sup>st</sup>) *Effective Upon Governor's Signature.* This is agency legislation brought by the Georgia Technology Authority (GTA) with the support of the Department of Community Affairs (DCA) that authorizes DCA to determine locations that are eligible for state or federal funding programs administered by the state for improving broadband services. According to GTA, this legislation helps prepare the state to deploy funds from the Broadband Equity, Access, and Deployment (BEAD) Program established by the Infrastructure Investment and Jobs Act (IIJA).

## GENERAL COUNTY GOVERNMENT [Staff: Todd Edwards]

**HB 132 – Building Codes: Authorize the Use of Ungraded Lumber** (Rep. David Jenkins, 136<sup>th</sup>) *Effective July 1, 2024.* This legislation amends state building code to authorize the use of ungraded lumber in the construction or repair of any accessory structure that does not contain habitable space on property zoned or primarily used for residential or agricultural purposes.

**HB 254 – Modify Legal Organ Requirements** (Rep. David Jenkins, 136<sup>th</sup>) *Effective July 1, 2023.* This bill provides that, at the same time cities and counties submit a legal notice to be run by the local legal organ, the notice can also be placed on their website, a website maintained by the legal organ, on a website maintained by a newspaper of general circulation that is not a designated legal organ, or the Georgia Public Notice website. If an error is made in the text or publication date of a legal notice required by a city or county government, the legal organ is required to display the correct notice online within two days and that correction serves to meet all legal requirements of adequate notice to the public. It also provides an alternative, temporary procedure for designating a legal organ within a county

where there is no otherwise qualifying newspaper (in terms of paid circulation). Lastly, the rate for legal advertisements increases from \$10 to \$15 for each 100-word insertion for the first four insertions, and from \$9 to \$14 for each additional 100-word insertion.

**HB 374 – Deannexation and no Discrimination on Gas Powered Leaf Blowers or Home Appliances Discrimination** (Rep. Brad Thomas, 21<sup>st</sup>) *Effective Upon Governor's Signature.* This legislation allows property owners to deannex from a city with the city no longer holding absolute veto authority over the deannexation. Up to 10 contiguous parcels of land may be deannexed at one time, with the permission of the county. Protections are provided to cities, including the requirement that deannexed areas must be contiguous to the city's external boundaries; the deannexation cannot create unincorporated islands; and cities can object to a deannexation if they have outstanding general obligation bond or revenue bonded indebtedness, or if they feel it would be detrimental to the health, safety, and welfare of the residents of the area to be deannexed or of the city. The legislation also prohibits local governments

from regulating gas-powered leaf blowers any differently than other powered blowers and from prohibiting the source of energy used in home appliances.

**[HB 572 – Elections: Change Name to State Ethics Commission and Punish Superintendents Who Don't File Disclosure Reports](#)** (Rep. Matt Reeves, 99<sup>th</sup>)

*Effective July 1, 2023.* This bill renames the Georgia Government Transparency and Campaign Finance Commission to the “State Ethics Commission”. It also authorizes the newly-monikered Ethics Commission to impose civil penalties on election superintendents who willfully fail to properly transmit copies of a candidate’s contribution disclosure report, provided the candidate receives more than \$1,000 in contributions.

**[SB 1 – COVID-19 - Counties Cannot Require Proof of Vaccination](#)** (Sen. Greg Dolezal, 27<sup>th</sup>) *Effective July 1, 2023.* In 2022, a law was passed prohibiting state and local governments from requiring proof of a COVID-19 vaccination to receive any government service or access to any facility; issue any license, permit or other type of authorization; or perform any duty of the government. This law is scheduled to sunset on June 30, 2023. This bill removes the sunset, extending the prohibition indefinitely.

**[SB 55 - No Local Regulations on Children's Businesses](#)** (Sen. Elena Parent, 42<sup>nd</sup>) *Effective July 1, 2023.* This bill prohibits local governments from requiring a license, permit or registration for a business that is run solely by a child under 18 years old who is still in school or studying for a high school equivalency diploma; is on private property with the permission of the owner; sells non-consumable goods or prepacked foods, lemonade or other non-potentially hazardous or nonalcoholic beverages; and generates less than \$5,000 annually.

**[SB 62 – Georgia Homelessness Bill](#)** (Sen. Carden Summers, 13<sup>th</sup>) *Effective July 1, 2023; the state audit must be completed by December 31, 2023.* This bill prohibits local governments from refusing to enforce their own ordinances against public camping, sleeping, or obstruction of sidewalks. Furthermore, local governments cannot adopt a written policy prohibiting a peace officer or prosecuting attorney from enforcing said ordinances. The state Attorney General is authorized to bring a civil action against local governments in violation and may recover reasonable expenses in doing so. A person may bring a writ of mandamus for a violation and may recover court expenses and fees if

successful in their writ. The bill also prohibits cities and counties from dropping off homeless persons in other jurisdictions unless the location is in the county where the person was a resident or is at a facility or with a person, business, or organization that has agreed to accept the homeless person. The state will conduct a performance audit on local government homeless programs, and local governments are compelled to cooperate.

**[SB 129 – Elections: Many Revisions](#)** (Sen. Rick Williams, 25<sup>th</sup>) *Effective July 1, 2023.*

This bill authorizes members of county boards of election/registration to serve on election performance review boards (to remove underperforming election superintendents); changes the wording required on absentee ballot application solicitations sent by non-election officials; allows an employee to take time off from work to vote during the early voting period; changes, from 10:00 p.m. to 11:59 p.m., the time by which election superintendents must report the number of ballots cast on election day; and requires election superintendents to conduct precertification tabulation or risk-limiting audits on one contest each election, special election, primary election or special primary election as well as their runoffs.

**[SB 213 – Counties Must Allow Nonconforming Mobile Homes to be Replaced with New Ones](#)** (Sen. Max Burns, 23<sup>rd</sup>) *Effective July 1, 2023.* This legislation requires counties and cities to allow new mobile homes to replace preexisting and nonconforming mobile homes (in a community/park or on other residential land) without the local government enforcing any zoning, regulation or restriction and without imposing any conditions on the new home that are not required of the existing home. There are several exceptions to this preemption.

**[SB 215 – Open Records – Local Governments Required to Remove Property Records of Law Enforcement Officers](#)** (Sen. Matt Brass, 28<sup>th</sup>) *Effective July 1, 2023.* This legislation requires local governments, upon the request of a law enforcement officer (sheriff, deputy sheriff, police officer, policeman, peace officer, member of the Department of Public Safety, or other officer/official who enforces criminal laws of the federal, state or local governments) to remove, within 30 days of a written request, the residential address and/or phone number of the officer or their family from all property records that are publicly available on the local government’s website. By January

1, 2024, local governments must create a form, and post it online, for these officials to make this request.

**SB 222 – Elections: Only Public Funds May be Used** (Sen. Max Burns, 23<sup>rd</sup>) *Effective Upon Governor's Signature*. Current law prohibits election offices from receiving grants to fund election activities. This bill adds to that, prohibiting county governing authorities or any other employees from accepting from any person (outside lawfully appropriated public funds) a contribution, donation, service, or anything else of value for the purpose of conducting elections or in support of

any person performing election duties. This preemption does not apply to the donation or use of voting locations, services provided by individuals without remuneration, or goods that have a value of less than \$500. Those who violate these provisions are guilty of a felony, punishable by imprisonment of no less than one year and a fine not less than \$10,000. The legislation also removes the State Election Board's funding out from the Secretary of State's Office, making it a separate and distinct budget unit, and requires the Board to appoint an executive director.

## HEALTH & HUMAN SERVICES

[Staff: Gabriel Carter]

**HB 383 – Safe Hospitals Act** (Rep. Matt Reeves, 99<sup>th</sup>) *Effective July 1, 2023*. This legislation increases penalties for crimes of aggregated assault against healthcare workers while on a hospital campus. It also provides arrest powers to P.O.S.T certified hospital security guards. Each hospital that employs law enforcement is required to report to the Georgia Bureau of Investigation (GBI) and local law enforcement incidents of criminal gang activity that occur on or near the hospital campus.

**HB 453 – Repeal of Ambulance License Fee** (Rep. Scott Hilton, 48<sup>th</sup>) *Effective January 1, 2024*. This legislation eliminates the ambulance license fee levied on ambulance service providers and individual ambulances. The original intent of the ambulance license fee was for it to be used for federal matching, which would provide funds to enhance Medicaid reimbursement rates. However, that has never happened. Therefore, EMS providers advocated for removal of the license fee.

## NATURAL RESOURCES & the ENVIRONMENT

[Staff: Kathleen Bowen]

**HB 31 - Dedication of All Hazardous Waste Trust Fund Fees** (Rep. Debbie Buckner, 137<sup>th</sup>) *Effective July 1, 2023*. This legislation dedicates the state's hazardous waste management fee and the hazardous substance reporting fee to the Hazardous Waste Trust Fund (HWTF). The two fees together collect on average \$1.4 million annually. It also ensures that all fees that contribute to the HWTF are statutorily dedicated to the HWTF - providing additional funding to clean up hazardous waste sites and help remediate old, unlined landfills.

opposed to tire retailers. The author of the bill expects the amount collected to increase due to this administrative change.

**SB 95 - Solid Waste Trust Fund - Tire Fee Collected from Distributors** (Rep. Randy Robertson, 29<sup>th</sup>) *Effective July 1, 2023*. This legislation requires the Environmental Protection Division (EPD) to collect the scrap tire management fee from tire distributors as

**SB 121 - Local Governments Can't Deny Drilling/Servicing/Repairing of Water Wells** (Sen. Lee Anderson, 24<sup>th</sup>) *Effective July 1, 2023*. This legislation prohibits local governments from denying the servicing or repair of existing water wells on single-family residential properties. Additionally, the bill prohibits local governments from precluding or denying the installation of new water wells on single-family residential properties situated on one acre of property or more.

**SB 220 - Georgia Farmland Conservation Act** (Sen. Russ Goodman, 8<sup>th</sup>) *Effective July 1, 2023*. This legislation establishes the Georgia Farmland

Conservation Fund, Georgia Farmland Conservation Fund Program, and Georgia Farmland Advisory Council - all administered by the Georgia Department of Agriculture. This new program's intention is to ensure permanent conservation of farmland, incentivize owners of farmland to voluntarily protect their farmland through

an agricultural conservation easement, facilitate the transition of farms under development pressure to next-generation farmers, increase the supply of locally grown food in this state, and utilize state appropriations, nonprofit, federal and local funds to protect farmland.

## PUBLIC SAFETY & the COURTS

[Staff: Gabriel Carter]

### **SB 92 – Prosecuting Attorneys Oversight**

**Commission** (Sen. Randy Robertson, 29<sup>th</sup>) *Effective Upon Governor's Signature*. This legislation creates an oversight commission for all elected district attorneys and solicitor generals. The commission consists of a five-member investigative panel and three-member hearing panel. The bill authorizes this oversight commission to discipline elected prosecuting attorneys for acts such as misconduct, failure to perform their official duties, as well as other offenses. If this commission removes a district attorney or solicitor general, that individual is disqualified from being appointed or elected to either of the two positions in any county in the state for a period of 10 years.

### **SB 155 – Provisions against Harming Public Safety**

**Animals** (Sen. Kay Kirkpatrick, 32<sup>nd</sup>) *Effective July 1, 2023*. This legislation establishes new penalties against harming public safety animals or search and rescue animals. If convicted, perpetrators will face a prison sentence of two to ten years and/or a fine of \$50,000.

**HB 88 – Coleman Baker Act** (Rep. Houston Gaines, 120<sup>th</sup>) *Effective July 1, 2023*. This legislation requires law enforcement agencies to review cold case murders when a written request is submitted. Each law enforcement agency must create an application process for people to request the reopening of a cold case murder. If the request meets eligibility criteria, then the agency must review the case within six months. Lastly, the bill allows a coroner or medical examiner to issue a death certificate with a non-specific cause of death. If the case is listed as a nonspecific homicidal death and newly gathered information provides sufficient information to determine a cause of death, the coroner or medical examiner has six months to update the file with the specific cause of death.

**HB 139 – Disclosure of Personal Information: Law Enforcement Employees** (Rep. Clint Crowe, 118<sup>th</sup>) *Effective July 1, 2023*. This legislation restricts

disclosure of the home address, date of birth, and home telephone number of a law enforcement officer or non-sworn employee of a law enforcement agency in criminal cases in which the prosecuting attorney is required to disclose the witnesses who will testify at trial. The prosecuting attorney will instead disclose the employee's current work location and phone number.

**HB 176 – Court Reporters** (Rep. Stan Gunter, 8<sup>th</sup>) *Effective July 1, 2023*. This legislation increases the amount paid per month to superior court reporters for contingent expenses and travel allowances. O.C.G.A 15-14-6 clarifies that funding for this is authorized by the Council of Superior Court Judges and appropriated by the General Assembly. This will not be an additional cost to county governments.

**HB 242 – Revisions to Joshua's Law** (Rep. Bill Hitchens, 161<sup>st</sup>) *Effective July 1, 2023*. This legislation requires that when a fine is issued for a violation of a traffic law, there must also be an additional penalty paid into the Georgia Driver's Education Commission. This bill increases the additional penalty from 1.5% to 3% of the original fine. The funds from this additional penalty can be used for the purpose of providing driver education and training to an eligible person, entity, or program.

**HB 268 - Georgia Motor Vehicle Crime Prevention Grant** (Rep. John Corbett 174) *Effective July 1, 2023*. This legislation establishes a grant program administered by the Criminal Justice Coordinating Council with grants provided to local law enforcement units for the prevention, reduction, investigation, and prosecution of motor vehicle crimes.

**HB 460 - Legal Representation for Children** (Rep. Mandi Balingier 23<sup>rd</sup>) *Effective July 1, 2023*. This legislation establishes the right to legal counsel for children in legitimation cases. This bill also provides for

the right to legal counsel for children in permanent guardianship and dependency proceedings. Since Juvenile Courts are funded primarily through the county, legal counsel for these children in juvenile court will be funded by the county.

### **General Bills That Impact Specific Counties**

#### **HB 35 – Georgia Ports Authority Expansion of Law Enforcement Jurisdiction** (Rep. Bill Hitchens, 161<sup>st</sup>)

*Effective July 1, 2023.* This legislation expands the jurisdiction of the Georgia ports authority by granting their P.O.S.T. certified security personal and/or peace officers the power to make arrest for traffic related offenses committed, as well as investigate motor vehicle accidents occurring on or within one mile of their property. Also, this expanded jurisdiction does not apply to inland ports.

**Relevant Counties:** Chatham and Glynn counties

## **REVENUE & FINANCE**

[Staff: Dante Handel]

**HB 311 – Allows Local Governments to Provide Temporary Property Tax Relief in Federal Disaster Areas** (Rep. Lynn Smith, 70th) *Effective March 16, 2023, and applicable to property tax assessments issued on or after April 1, 2023.* This bill enables local governments to grant optional temporary property tax relief in federal disaster areas. Local emergency management personnel and county tax commissioners work to provide necessary information to the local governing authorities. Please see Appendix D for more information on this legislation.

**SB 56 – Expands Taxation to Include Digital Goods; Creates Tax Commissioner Retirement** (Sen. Chuck Hufstetler, 52<sup>nd</sup>) *Effective upon Governor's signature, however, Part III pertaining to the taxation of digital goods, shall become effective January 1, 2024, and shall be applicable to transactions occurring on or after January 1, 2024.* This bill expands the state sales and use tax code to include the taxation of digital goods permanently retained by the purchaser, which are currently untaxable. Examples are downloaded books, games, or movies, as long as the user may access them in perpetuity. Rental and subscription services are not included. This creates parity in taxation between brick-and-mortar stores and their online competitors, protecting local businesses. This provision of the legislation expands the sales tax base, which stabilizes and increases local sales tax revenues. This bill also creates a tax commissioner retirement plan with a state-funded match, which applies to tax commissioners not currently offered a retirement plan through the county. If a county retirement plan later becomes available, the tax commissioner must leave the state plan.

**SB 127 – Changes Procedure for Local Governing Authorities to Change Destination Marketing Organizations** (Sen. Billy Hickman, 4<sup>th</sup>) *Effective upon Governor's Signature.* This bill changes the procedure for local governing authorities which have collected more than \$500,000 in hotel/motel tax in any of three preceding years to change the destination marketing organization (DMO) for hotel/motel tax. If the local governing authority and DMO agree to the change, then the DMO is changed. If the local governing authority and DMO are unable to agree, the case goes to the Hotel Motel Tax Performance Review Board, which may only determine if the proposed new DMO is a qualified 501(c)(6). If the proposed new DMO is indeed a 501(c)(6), then the change will be made.

### **General Bills That Impact Specific Counties**

**HB 86 – SUT Exemption for Tangible Personal Property Used in Aquarium/Zoo Renovation** (Rep. Trey Rhodes – 124<sup>th</sup>) *Effective July 1, 2023.* This bill reinstates a previously expired sales and use tax exemption on tangible personal property used in renovating or expanding an aquarium or zoo owned or operated by a nonprofit organization. The qualifying aquarium or zoo must pay the sales tax on the tangible personal property at the time of sale but may later file a claim for refund. This exemption expires December 31, 2026.

**Relevant Counties:** Dougherty and Fulton counties

## Appendix A

### 2023 Study Committees

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**HR 603 – House Study Committee on Certificate of Need Modernization** (Rep. Sharon Cooper, 45<sup>th</sup>) This resolution creates a house study committee on certificate of need modernization. This committee will evaluate the current status of the certificate of need program in Georgia and where the system can be updated without harming existing healthcare systems. ACCG believes that any solutions that derive from this study should create more opportunities for healthcare in rural regions of the state, rather than cause the closure of key healthcare facilities in rural and underserved counties. ACCG will be tracking this study committee.

**SR 147 – Creates a Senate Study Committee on Local Option Sales Tax (LOST)** (Sen. Derek Mallow, 2<sup>nd</sup>) This resolution creates the Senate Local Option Sales Tax Study Committee. LOST renegotiations are very contentious and highly political. Since LOST distributions are a zero-sum game, they pit counties and cities against one another, which can damage intergovernmental partnerships and cooperation. There is currently not an effective way to break the logjam when the two sides are at an impasse, and a legislative study can help to resolve this issue. ACCG will be tracking this study committee.

**SR 155 - Senate Truck Driver Shortages Study Committee** (Sen. Jason Anavitarte, 31<sup>st</sup>) This resolution creates the Senate Truck Driver Shortages Study Committee that will assess the current shortage of licensed truck drivers and determine the availability of public instructional resources, especially among the technical colleges, that could be utilized to fill education gaps and to help alleviate the driver shortage. ACCG is tracking this study committee as the issue of truck driver shortage has been discussed as reason for needing to increase truck weight limits.

**SR 175 – Joint Study Committee on Service Delivery Strategy (SDS)** (Sen. Matt Brass, 28<sup>th</sup>) This resolution creates a Joint Study Committee on Service Delivery Strategy. Service Delivery Strategy is an important periodic renegotiation between counties and cities and can be highly contentious. This conflict can have lasting damage on county-city relationships. Legislative review of this important issue may lead to improvement in both process and outcomes for Georgia residents. ACCG will be tracking this study committee.

## Appendix B

# Bills that Failed to Pass in the 2023 Session

### ECONOMIC DEVELOPMENT & TRANSPORTATION

- **HB 269** [Allow Teleconference Meetings for Local Workforce Development Boards](#)
- **HB 413** [Georgia Agribusiness and Rural Jobs Act - 2nd Round of Funding](#)
- **HB 617** [Freight and Logistics Implementation Plan and Framework for Funding](#)
- **SB 26** [Allow Teleconference Meetings for Certain Authorities + New EV Program/Commission](#)
- **SB 171** [Development Authorities - Expired Term Limits, New Training Requirements & Construction Liens](#)

### GENERAL COUNTY GOVERNMENT

- **HB 17** [Elections: Enhance Custody, Documentation and Security](#)
- **HB 246** [Prohibit Foreigners from Purchasing Various Properties in Georgia](#)
- **HB 281** [Constitutional Officers Must Disclose Discretionary Funds](#)
- **HB 312** [Fireworks: Authorize Home Rule on Usage](#)
- **HB 336** [Building Codes: Cannot Prohibit Certain Refrigerants](#)
- **HB 397** and **SB 194** [Alcohol Authorize Home Delivery Outside the Retailer's Jurisdiction](#)
- **HB 404** [Housing: The Safe Home Act](#)
- **HB 419** [Elections: Reduce Costly General Election Runoffs](#)
- **HB 426** [Elections: Unsealing Ballot and Election for Public and Special Interest Inspection](#)
- **HB 461** [Restrict Local Government Building Inspection Fee Calculation Methods](#)
- **HB 467** [County Officials No Longer to Receive State Employee COLAs](#)
- **HB 473** [Counties Authorized to Operate Bingo Games`](#)
- **HB 514** [Housing Preemption: Limit Local Government Zoning and Permitting Moratoriums](#)
- **HB 517** [Housing Preemption: Design Standards, Lot Sizes, Minimum Square Footage and More](#)
- **HB 568** [Governments and Property Owners Who Prohibit Guns in Facilities Can be Held Liable](#)
- **HB 625** [Coroners: Statutorily Mandated Salary Increases and Treat as Constitutional Officers](#)
- **SB 19** [Passport Fees: Limit Clerks and Probates' Pocketing as Personal Compensation](#)
- **SB 57** (and many others) [Authorize Online Sports Betting](#)
- **SB 67** [Guns: The Second Amendment Preservation Act](#)
- **SB 122** [Elections: Additional Security Requirements](#)
- **SB 136** [Housing: Impact Fees May be Waived for Workforce Housing](#)
- **SB 161** [Cyber Security: Require Data Privacy Program for Local Government Vendors](#)
- **SB 188** [Housing Preemption: Build-to-Rent Subdivision Free-for-All](#)
- **SB 189** [Elections: Text Portion of Ballot Constitutes Official Vote](#)
- **SB 212** [Elections: Cease Probate Judges' Election Responsibilities Statewide](#)

### HEALTH & HUMAN SERVICES

- **SB 16** [Georgia EMS Reform Act](#)
- **HB 124** [EMS: Municipal Fire Departments May Engage in EMS](#)
- **HB 184** [Insurance: Mental Health Parity Requirements](#)
- **HB 266** [Medical Freedom Act: Vaccine Preemption](#)

- [HB 287 Microenterprise Home Kitchen Operations Act](#)
- [HB 520 Mental Health Reform](#)

## NATURAL RESOURCES & ENVIRONMENT

- [HB 206 Commercial Property Assessed Clean Energy \(C-PACE\)](#)
- [HB 260 Georgia Environmental Justice Act](#)
- [HB 300 Solar Technology Trust Fund](#)
- [HB 306 Energy Cost Savings Contracts - Allows Revenue Generation](#)
- [HB 386 Authorizing the Use of Automated Truck Route Monitoring Devices](#)
- [HB 429 New Landfills - Prohibited 1.5 Miles from Stream w/ Protected Darter](#)
- [HB 430 Restrictions on Landfill Permits](#)
- [HB 435 Restrictions on Landfill Permits](#)
- [HB 477 Application of Soil Amendments - Notification & Limited Local Authority](#)
- [SB 49 Single Use Plastic Bag Ban](#)

## PUBLIC SAFETY & THE COURTS

- [SB 31 Reimbursement of Expenses Incurred by the Attorney General](#)
- [SB 32 Alyssa's Law: Mobile Panic Alert System for Schools](#)
- [SB 37 Sheriff's Qualifications and Salary Supplements](#)
- [SB 38 Authorize Speed Limit Detection Devices in School Zones](#)
- [SB 110 Back the Blue Fund](#)
- [SB 217 Penalties Regarding Speed Detection Cameras](#)
- [SB 237 Student Loan Repayment for Peace Officers](#)
- [HB 130 Student Loan Repayment for Peace Officers](#)
- [HB 248 Sheriff Salary Supplement](#)
- [HB 293 Protections Against Infringements on the Right to Keep and Bear Arms](#)
- [HB 451 PTSD Insurance for First Responders](#)
- [HB 657 Law Enforcement Officers: Minimum Compensation](#)
- [HB 348 Penalties Regarding Speed Detection Cameras](#)
- [HB 462 Raise the Age Act](#)

## REVENUE & FINANCE

- [HB 36 Adds Appeal to Hearing Officer for Non-Wireless Personal Property](#)
- [HB 40 Hotel/Motel Excise Tax Exemption for Rooms Paid by DCA Vouchers](#)
- [HB 42/HB 290 Caps Tax Commissioner Side Compensation; Uniform Three-Party Contract](#)
- [HB 90 Exempts Local Governments with Floating Homestead Exemptions from TPBOR](#)
- [HB 123/SB 51 SUT Exemption for Menstrual Products](#)
- [HB 146 Expands MOST to Cities That Extend into Three or More Counties](#)
- [HB 180 Expands SUT Exemption for Food Banks to Include Equipment](#)
- [HB 211 SUT Exemption for Incontinence Products](#)
- [HB 264 Revises Timeline for Property Tax Appeals; Allows CPAs to Serve as Hearing Officers](#)
- [HB 283 Replaces Existing Manufactured Home SUT Exemption](#)
- [HB 322 Prohibits Nontax Related Fees or Assessments on Property Tax Bills](#)

- **HB 331** [Repeals Statute for County Commission to Suspend Tax Commissioner](#)
- **HB 345** [SUT Exemption for Oral Hygiene Products](#)
- **HB 347** [Revises 'Rental Motor Vehicle' to Include Vehicles Significantly Modified in Georgia](#)
- **HB 418/SB 13** [Authorizes Online Participation in Tax Sales](#)
- **HB 449** [Repeals CUVA Exception to Breach of Covenant for Solar](#)
- **HB 523** [TAVT Exemption for Vehicles Used by Nonprofits Providing Head Start Services](#)
- **HB 531** [Expands Local Government Investment Options](#)
- **HB 550** [SUT Exemption for Nonprofits Supporting Georgia State Parks and Historic Sites](#)
- **HB 585/SB 208** [Creates Educational Development Impact Fees](#)
- **HB 639/SB 262** [Aircraft Returned to State Revenue Commissioner to Determine FMV and Situs](#)
- **HR 96** [CA to Assess Standing Timber at Forty Percent](#)
- **HR 98** [CA Authorizing Any Other Exemption than Homestead Exemptions](#)
- **HR 118/SR 82** [CA Authorizing Local Governments to Waive Delinquent Taxes at Tax Sale](#)
- **HR 303/SR 189** [CA Authorizing Educational Development Impact Fees](#)
- **SB 80** [Allows for Homestead Exemption if Spouses have Homesteads in Different States](#)
- **SB 126** [Restricts Payment Card Networks from Applying Interchange Fees on Sales Tax](#)
- **SB 153** [Authorizes a Public Safety Stadium Surcharge for Counties and Cities](#)
- **SB 156** [Consolidated Governments May Establish a Maintenance Reserve Fund Using SPLOST](#)
- **SB 251** [Allows Local Governments the Option to Set a Proposed 'Not to Exceed' Millage Rate](#)
- **SB 273** [Disabled Veterans Receive Exemption Whether or Not Disabled Veteran Tag is Displayed](#)

## Appendix C



### **HB 189 – Truck Weight Increase Legislation**

This legislation went through numerous iterations with the version the Senate passed being vastly different from the version the House passed. With both chambers insisting on their positions, HB 189 resulted in a Conference Committee being appointed. The agreed upon Conference Committee Report passed by the House and the Senate does the following:

- Increases the allowable weight limit from 84,000 lbs. to 88,000 lbs. by increasing the variance from 5% to 10% for vehicles hauling:
  - forest products;
  - live poultry;
  - cotton;
  - animal feed;
  - poultry waste;
  - any other agricultural or farm product from a farm to the first point of marketing or processing;
  - agricultural finished goods for distribution or for retail sale and purchase by consumers; or
  - recovered materials from points of generation to a processing facility.
- Restricts vehicles receiving the 10% variance (higher loads) from traveling within a 150-mile radius of the farm or point of origin and from traveling in Metro Atlanta counties previously designated as “non-attainment areas” under the federal Clean Air Act and served by the Atlanta-region Transit Link “ATL” Authority – which includes the following counties: Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale;
- Allows local law enforcement the ability to enforce weight limits. Under current law, the Department of Public Safety's Motor Carrier Compliance Division is the only entity authorized to issue citations and warnings to the owner or operator of a vehicle in violation of weight limits.
  - In order to enforce weight limits, local law enforcement officers must be properly trained regarding laws governing commercial motor vehicle weight and load, equivalent to training provided to certified officers in the Motor Carrier Compliance Enforcement Section.
  - Allows county local law enforcement to issue a citation to the owner or operator of any vehicle in violation of a maximum weight limit on a county road which is a designated local truck route and on a county bridge located within a county road system.
  - Funds collected from weight violations are remitted to the general fund of the state treasury;
- Prohibits the use of a lift axle in computing the maximum total gross weight of a vehicle; and,
- Increases the penalties for overweight vehicles on roads and posted bridges.
- All sections except the increase in penalties have a sunset of July 1, 2025.

## Appendix D



### **HB 311 – Local Governments May Provide Tax Relief in Disaster Areas**

The property tax relief authorized by this legislation is only available to property destroyed or significantly damaged in a federally declared disaster area. The local emergency management director will determine the list of qualified properties. The tax commissioner will determine the tax digest value of those properties. Based upon this information, the county, city, consolidated government and school governing authority will determine the amount of tax relief to provide these properties from their respective property tax levy.

#### **Constitutional Authority**

The constitutional authority for granting optional temporary tax relief was passed as a constitutional amendment in the November 2022 referendum. The resolution calling for this constitutional amendment is [HR 594 from the 2021-2022 legislative session](#).

#### **Local Emergency Management Directors**

The local emergency management director shall establish rules for this Code section, which may use the Federal Emergency Management Agency Preliminary Damage Assessment Guide. These rules will describe which buildings qualify as sustaining major damage or being destroyed. In the case of a disaster, local emergency management directors are responsible for traveling through the disaster area and determining which buildings have sustained major damage or destruction. They will then consolidate this information into a single damage report containing the physical address and damage status of each building, which will be provided to the tax commissioner of the affected county.

#### **Tax Commissioners**

The county tax commissioner shall use the consolidated damage report received from the local emergency management director to identify the corresponding tax parcel numbers and values of the affected properties. The tax commissioner will create an aggregate report of this information and share it with each affected governing authority whose jurisdiction contains the disaster area.

#### **Local Governing Authorities**

Local governing authorities are authorized, but not required, to adopt a resolution to provide temporary tax relief to majorly damaged or destroyed properties for the taxable year in which the disaster occurred. Each local governing authority may independently make the decision whether to grant this relief. Should the governing authority choose to do so, the resolution shall state the total dollar amount of property tax relief and the method by which the relief shall be applied: either a reduction in the millage rate or a credit of a flat dollar amount. Destroyed properties and properties with major damage may receive different values of relief. This relief applies automatically without application by the taxpayer, who will receive either a refund or tax credit based on the timing of the property tax cycle, which will be paid by the local governing authority granting the relief.

#### **Appeals**

If a property owner believes that their property was overlooked or misclassified, that property owner may appeal in writing to the local emergency management director, who shall make an on-site determination. If the local emergency management director agrees with the property owner, an amendment to the consolidated damage report shall be filed by the director with the tax commissioner, who shall then update the aggregate report shared with the local governing authorities. The decision of the local emergency management director shall be final.

## Appendix E



### OVERVIEW OF AMENDED FY 2023 AND FY 2024 BUDGETS

The final amount appropriated for the AFY 2023 budget is \$32.56 billion which is a 7.8% increase over the original FY 2023 budget.

The final amount appropriated for the FY 2024 budget is \$32.4 billion which is a 7.4% increase over the original FY 2023 budget.

The overview below by agency lists some of the appropriations of interest to counties.

The final AFY 2023 budget can be found at [AFY 2023 Budget \(HB 18\)](#)

The final FY 2024 budget can be found at [FY 2024 Budget \(HB 19\)](#)

#### **Department of Agriculture**

FY 2024

- Funding for two compliance specialist positions, equipment, and vehicles to administer and enforce soil amendment rules (\$550,000)

#### **Department of Community Affairs**

AFY 2023

- Regional Economic Business Assistance program for large economic development projects (\$166,718,534)

#### **Department of Natural Resources / Environmental Protection Division**

FY 2024

- Georgia Outdoor Stewardship Program (\$30,354,259)
- Dedicate funds to the Hazardous Waste Trust Funds (\$17,493,568)
- Dedicate funds to the Solid Waste Trust Funds (\$7,666,636)

#### **Department of Transportation**

AFY 2023

- Local Maintenance and Improvement Grants (LMIG) – Increase of \$8,908,047. Total appropriated: \$209,796,836.

FY 2024

- Local Maintenance and Improvement Grants \$212,801,168; an increase of \$3,004,332 above the amount allocated in 2023.

#### **Georgia Department of Revenue**

AFY 2023

- Provide Homeowner Tax Relief Grants (HTRG) for homesteaded properties (\$950,000,000)

FY 2024

- Forestland Protection Grant (FLPA) program funding (\$39,073,494)

### **Council of Superior Courts Clerks**

FY 2024

- Increase funds to accommodate ongoing training and IT support for all courts and agencies reporting data to the Criminal Case Data Exchange Board (\$199,998)
- Increase funds to support all courts and agencies filing into the Georgia Crime Information Center (GCIC) database (\$1,155,000)

### **Superior Courts**

AFY 2023

- Reduce funds for the initial equipment set-up for the Ogeechee Circuit, Flint Circuit, and Cobb Circuit new judgeships created in HB 786 (2020 Session) (- \$45,375)

FY 2024

- Provide funds to annualize the cost of the new judgeships in the South Georgia Circuit, Blue Ridge Circuit, and Mountain Circuit (\$210,400 per circuit)
- Provide funds for the creation of one additional judgeship in Dougherty Circuit, Coweta Circuit, and Atlantic Circuit each (\$214,069 per circuit)
- Increase funds to provide an additional six Senior Judge days per active judge. (\$278,079)
- Provide funds to increase the Court Reporter Contingent Expense and Travel Allowance (\$496,320)
- Reduce funds for the initial equipment set-up for the Ogeechee Circuit, Flint Circuit, and Cobb Circuit new judgeships created in HB 786 (2020 Session) (- \$30,250 per circuit)

### **Juvenile Court**

AFY 2023

- Increase funds for grants to counties for the Blue Ridge Judicial Circuit (\$12,500)

FY 2024

- Increase funds for grants to counties for the Blue Ridge Judicial Circuit (\$25,000)

### **District Attorney's**

FY 2024

- Increase funds for one step increase for assistant district attorneys to support recruitment and retention efforts (\$2,050,815)
- Increase funds for technology upgrades to support prosecutors statewide (\$133,829)

### **Department of Behavioral Health and Developmental Disabilities**

FY 2024

- Increase funds for additional mobile crisis teams to address increasing demand (\$6,288,973)
- Annualize the operating cost of a 24-bed and 16 temporary observation chair behavioral health crisis center at Serenity Behavioral Health Systems in Augusta (\$7,030,171)
- Provide funds for a 15-bed and 18 temporary observation chair behavioral health crisis center in Fulton County (\$6,651,470)
- Increase funds to convert a crisis stabilization unit at CSB of Middle Georgia in Dublin to a 24-bed and 16 temporary observation chair behavioral health crisis center (\$10,823,084)
- Increase funds for one-time funding to coordinate outreach to address homelessness in the Atlanta area (\$825,000)

**Georgia Department of Community Health**

FY 2024

- Provide funds to establish a loan repayment program for mental health professionals (\$850,000)
- Provide funds to establish the medical examiner loan repayment program (\$190,000)
- Increase funds to replace the Ambulance Licensing Fee, pursuant to HB453 (2023 Session) (\$2,000,000)
- Increase funds for a 5% increase to emergency medical services (EMS) reimbursement rates (\$3,254,622)

**Georgia Department of Corrections**

FY 2024:

- Increase funds for a \$2 per diem increase for County Correctional Institutions (\$3,551,094)

**Georgia Department of Education**

FY 2024:

- Provide funds for school counselors at a ratio of 1 counselor per 450 students (\$26,933,029)

**Georgia Department of Human Services**

FY 2024:

- Provide alternative housing options for youth with complex needs (\$5,000,000)
- Increase funds to assist in the rehabilitation of children, youth, and adult victims of sexual trafficking (\$3,375,000)

**Georgia Department of Public Safety:**

AFY 2023:

- Provide funding for equipment, installation, and training associated with a new statewide public safety radio network to achieve statewide interoperability. These funds will be used to enhance radio systems for state troopers (\$30,381,613)

FY 2024:

- Increase funds for the on-going service contracts for equipment associated with a new statewide public safety radio network to achieve statewide interoperability (2,067,781)

**Student Finance Commission**

FY 2024:

- Increase funds to provide up to \$20,000 maximum loan repayments across five years of service to support recruitment and retention of public law enforcement officers across the state (\$3,200,000)

**Secretary of State's Office**

AFY 2023

- Provide funds for an online library to display digital images of scanned paper ballots for open records requests (\$250,000)
- Provide funds for new batteries for the state's voting machines (\$2,000,000)

FY 2024

- Provide funds for statewide data plan to connect voter check-in tablets to a cellphone network to verify voter information and remotely monitor check in times (\$550,000)
- Provide funds to hire two investigators, an administrative assistant and an executive director for the State Election Board (\$427,010)

- Provide funds to create a State Election Board website that is independent from the Secretary of State's website (\$25,000)

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**General County Government: Todd Edwards**  
**Health & Human Services: Gabriel Carter**  
**Natural Resources & the Environment: Kathleen Bowen**  
**Public Safety & the Courts: Gabriel Carter**  
**Revenue & Finance: Dante Handel**  
**Federal: Kathleen Bowen**

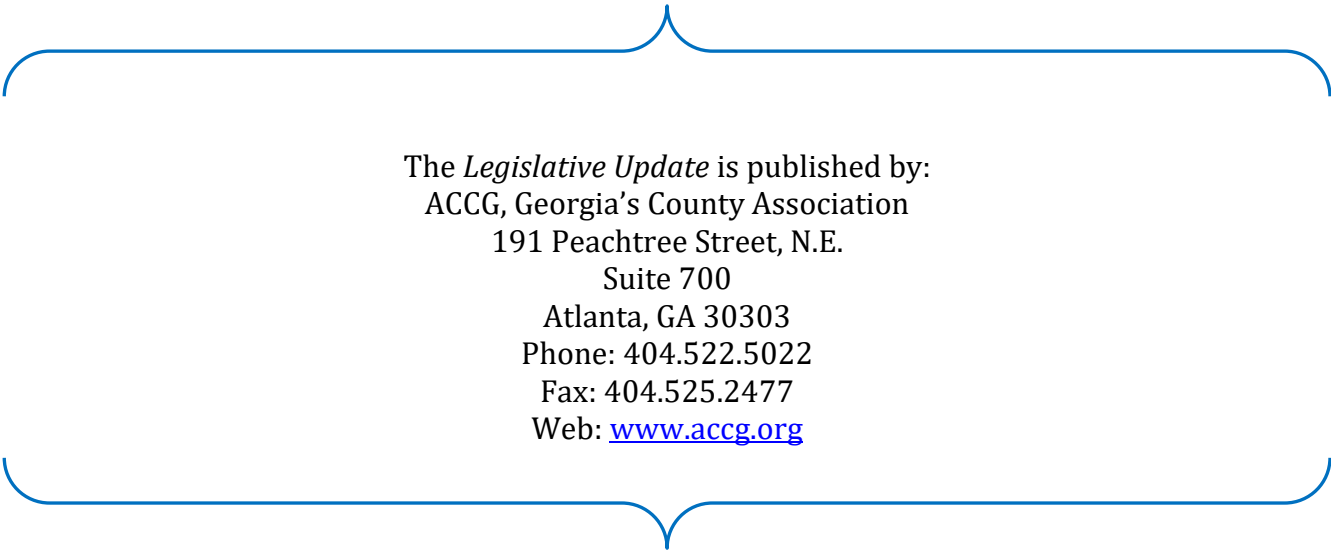
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