Preliminary Final Legislative Report

Volume # 13, Issue 14– April 29, 2022

2022 Session of the General Assembly

Georgia lawmakers adjourned the 2022 legislative session on Monday, April 4. This session proved successful for Georgia's counties with the passage of two ACCG Legislative Priorities – Mental Health Reform and Single-County TSPLOST along with other ACCG policy objectives. ACCG appreciates Governor Kemp, House Speaker David Ralston, and the General Assembly for their dedication to ensuring mental health parity for all Georgians with the passage of HB 1013, the Mental Health Parity Act.

This Preliminary Final Legislative Report includes summaries of bills of interest to counties that passed, a list of legislative study committees, a constitutional amendment to be voted on in November, bills that failed to pass and a review of appropriations that lists items of interest to counties by state agency. For a complete overview, see **Appendix D** for the 2022 Supplemental Budget and the 2023 Budget.

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 907 - Elections: Adding March Date in Even-Numbered Years for TSPLOST (Rep. Tyler Paul Smith, 18th) *Effective February 15, 2022.* This legislation changes current law so that the 3rd Tuesday in March of even-numbered years is an authorized date to present a question to voters for Regional TSPLOST, Single County TSPLOST, and Transit SPLOST. This bill has a sunset date of July 1, 2024. HB 934 removed the eligible March 2024 election date for Single County TSPLOST election provided for in this bill.

HB 923 - Development Authorities: Cap on Per Diem Allowance and Enforcement of Ethics Code Violations Rep. Mary Margaret Oliver, 42nd) *Effective upon signature of Governor.* This legislation sets a cap on the per diem allowance paid to the directors of county development authorities (located in populations over 550,000) to not exceed the per diem allowance set for members of the Georgia General Assembly. In addition, this legislation provides enforcement procedures for ethics code violations of development authority members

by granting additional powers to the Georgia Government Transparency and Campaign Finance Commission.

HB 934 - Single County TSPLOST: Allow Collection for Maximum Time Period (Rep. Rob Leverett, 33rd) *Effective upon signature of Governor.* This legislation allows a Single County Transportation Special Purpose Local Option Sales Tax (TSPLOST) to be collected for the full amount of time (five years), as opposed to ending once the estimated amount is collected. To collect for the maximum amount of time, an intergovernmental agreement (IGA) would have to be in place between the county and cities and all proceeds spent according to the IGA - on transportation purposes. Additionally, this legislation removes the March election date for odd years and the March 2024 election date for Single County TSPLOST that had been added by the passage of HB 907 this Session. In odd numbered years, counties would still have the November election date to call for a Single County TSPLOST referendum. This bill will not be retroactive but will apply to new TSPLOST referendums passed in November 2022 and beyond.

HB 1009 - Authorizes Use of Delivery Robots (Rep. Todd Jones, 25th) *Effective July 1, 2022.* This legislation authorizes the operation of personal delivery devices on any sidewalk, crosswalk, or public highway in Georgia. The bill sets limitations on the weight of the device, allowable speed, operational guidance, requirements for general liability coverage, and parameters on issuance of citations. Local governments would be allowed to regulate these devices by enacting ordinances restricting the hours of operation. In addition, local governments could enact ordinances prohibiting the operation of personal delivery devices upon the property of schools, hospitals, and sidewalks immediately adjacent to stadiums, coliseums, or buildings owned, operated, or leased by the federal government, the State of Georgia or its agencies or authorities, or any political subdivision of the state, provided that such property or sidewalk is owned by the local authority.

HB 1044 - Incentivizing the Creation of Regional Industrial Development Authorities (Rep. Clay Pirkle, 155th) *Effective July 1, 2022.* Based on a recommendation of the House Rural Development Council, this legislation provides a framework for the creation of regional industrial development authorities and enhances the Jobs Tax Credit for these authorities. Specifically, a regional industrial development authority may be created and activated by any group of three to five contiguous counties and must own property contained in one or more of the participating counties. In addition, this legislation requires that at least one-half of the members of the governing body from each county have completed a basic economic development training course certified by the Department of Community Affairs. Additionally, a business located on property would be eligible for a tax credit (based off the lowest tier participating county) for each new full-time employee job.

SB 438 - Public Works Construction Contracts: Retainage % (Sen. Lindsey Tippins, 37th) *Effective July 1, 2022.* Current law allows local governments to keep a maximum of 10% construction retainage until a public works construction project is 50% complete and a 0% retainage thereafter. This legislation changes the retainage of progress payments to a 5% retainage for all providers for the life of the project.

SB 586 - Transportation Projects: Authorizing Design-Build Contracting for Counties (Sen. Steve Gooch, 51st) *Effective July 1, 2022.* This legislation provides the framework to allow counties to use the design-build contracting method for transportation related projects. "Design-build procedure" is defined as a method of contracting under which a county contracts with another party that will both design and build the structures, facilities, systems, and other items specified in the contract.

HR 467- Urging GDOT to Study Extending 185 and GA 300 (SE Georgia) (Gerald Greene, 151st) This resolution urges the Georgia Department of Transportation (GDOT) to study the potential costs and benefits of extending Interstate 185 along U.S. 27 until it meets the Florida state line. In addition, this resolution urges GDOT to study extending Georgia 300 through Albany and study expanding the route into four or more lanes.

GENERAL COUNTY GOVERNMENT
[Staff: Todd Edwards]

HB 1372 – Call Before You Dig Law Revisions (Rep. Vance Smith, 133rd) *Effective September 1, 2022; however, provisions impacting local government traffic control devices and management systems become effective January 1, 2024.* This bill makes many revisions to the Georgia Utility Facility Protection Act (GUFPA, otherwise known as the Call Before You Dig Law). Among provisions, counties and cities with underground electric or electrically powered traffic control devices and traffic management systems are required to become members of the Georgia Utility Protection Center (UPC) and locate these devices and systems by 2024.

HB 1390 – Georgia Safe Workplaces Act (Rep. Teri Anulewicz, 42nd) *Effective July 1, 2022.* This bill creates a cause of action for damages and further relief against certain local government employers (counties, cities and consolidated governments) who retaliate against employees because they complained of, reported, objected to, or engaged in certain other activities reflecting their opposition to sexual harassment. Workers will still have redress through the EEOC and federal court system.

HB 1405 – Zoning Procedures: Revise Judicial Review and Multi-Family Housing Notification (Rep. Shea Roberts, 52nd) *Effective July 1, 2022, for all zoning and quasi-judicial decisions on or after that date; however, no decisions prior to July 1, 2023, shall be rendered invalid or void because of a county's failure to implement updated ordinances to account for this law.* This complex legislation clarifies the process for appeals of zoning decisions and disputes following some judicial decisions in recent years. It also adds significant procedures that must be followed if a city or county (as opposed to the owner of the property) initiates a zoning change from single family residential to multi-family housing within its jurisdiction.

HB 1461 – Annexation: Revise the Dispute Resolution/Arbitration Process (Rep. Victor Anderson, 10th) *Effective July 1, 2022*. This legislation significantly revises Georgia's annexation dispute resolution process, including:

- Extending the time period by which counties may object to annexation from 30 to 45 days,
- Splitting the arbitration costs evenly between the county and city, unless it is found that the county has waged a non-valid objection,
- Authorizing notification requirements to be delivered by hand or e-mail, so long as it is a verifiable method,
- Allowing arbitration panels to postpone, by up to 10 days, the period by which they may conclude their findings and recommendations,
- Requiring DCA to maintain and annually publish a record/report of arbitration panel results,
- Allowing arbitration panels access to court reporters and hearing officers, with that cost split between the county and city, unless a county has waged a non-valid objection, and
- Authorizing arbitration panels to extend land use, zoning or density on annexed properties from one to two years.

SB 319 – Guns: Authorize "Constitutional Carry" (Sen. Jason Anavitarte, 31st) *Effective April 12, 2022*. This law allows a person to carry weapons, including those concealed, without having to obtain a Georgia weapons carry license so long as they are a "lawful weapons carrier". A lawful weapons carrier means any person who is not prohibited by law from possessing a weapon or long gun, any person who has a carry license in Georgia, or any person licensed to carry a weapon in any other state whose laws recognize and give effect to a Georgia carry license. This applies to carrying weapons in places where current license holders are allowed to carry their weapons. Counties may still prohibit carrying guns in government buildings so long as security screening is in place. While counties must still process and provide weapons carry licenses to persons who are legally eligible and wish to obtain one, counties may save money if fewer people apply for licenses. ACCG has often heard that it costs counties more money to produce these licenses than the fees received from applicants.

SB 331 – Local Governments Cannot Regulate Work Hours or Work Output of Private Employers (Sen.

John Albers, 56th) *Effective Upon the Signature of the Governor*. This bill prohibits local governments from regulating the hours or scheduling that an employer is required to provide employees or otherwise regulate employee output during work hours. Local governments may continue to regulate such hours, scheduling, and output for its own employees and may continue to regulate the hours a business can operate.

SB 337 – County Commissioners: Pay Suspended Following Indictment (Sen. Larry Walker, 20th) *Effective July 1, 2022*. This bill provides that county commissioners, among many other local elected officials, cannot receive county pay when they are suspended from office due to being indicted for a felony. The official must be reimbursed their withheld compensation if they are reinstated to the office, even if they are reinstated after their term in office has expired.

SB 441 – Elections: Authorize GBI to Assist with Investigating Alleged Election Crimes (Sen. Bo Hatchett, 50th) *Effective July 1, 2022*. Among other measures described under the "Public Safety and the Courts" section of this document, this bill authorizes the Georgia Bureau of Investigation (GBI) to issue subpoenas to compel the production of election materials to investigate alleged election crimes. The GBI may also audit these materials.

SB 500 - Multi-State Opioid Settlement: Prohibit Other Litigation (Sen. Brian Strickland, 17th) *Effective Upon the Signature of the Governor*. Georgia recently entered the $26 billion multi-state opioid settlement. As part of this settlement, this legislation bars the state and local governments from entering certain other opioid litigation. The multi-state settlement requires opioid manufacturers to provide substantial funding for opioid treatment and prevention and to implement significant industry changes that will help to prevent future opioid crises. Georgia and its local governments stand to receive approximately $636 million under the settlement agreement.

SB 581 – Surveyors: Georgia State Plane Coordinate System (Sen. Larry Walker, 20th) Effective July 1, 2022. This bill, for surveying purposes, designates the most recent systems of plane coordinates for defining and stating geographic positions within the state, and retitles this as the "Georgia State Plane Coordinate System". It updates state law to reflect changes in the definition of the precise measurement of a foot as well as state plane grid coordinates.

HEALTH & HUMAN SERVICES
[Staff: Gabriel Carter]

HB 1013 – Mental Health Parity Act (Rep. David Ralston, 7th) *Effective July 1, 2022*. This bill addresses mental health reform by establishing mental healthcare parity by private and public insurers; mental healthcare workforce incentives; procedural reform for law enforcement officers dealing with mentally ill persons; collaboration and information sharing amongst state agencies; jail diversion programs; and more. Furthermore, this bill also includes mental health courts as eligible for funding under the County Drug Abuse Treatment and Education Fund. Please see appendix C for more information on this legislation.

HB 1041 - Increase Tax Credits for Contributions to Rural Hospital Organizations (Rep. Clay Pirkle, 155th) *Effective January 1, 2023*. This bill increases the total tax credit limit allowed for all contributions to rural hospital organizations from $60 million to $75 million.

HB 1042 – Primary Care Facility Grants (Rep. Rick Jasperse, 11th) *Effective July 1, 2022*. This bill authorizes the OneGeorgia Authority to establish a grant program for the purpose of awarding funds to primary care facilities in areas with health professional shortages. This bill requires local governing authorities to approve of the proposed project prior to a grant application from the development authority. Grantees can receive an award of up to $200,000.

HB 1443 – Food Trucks (Rep. Houston Gaines, 117th) *Effective January 1, 2023*. This bill requires a county's board of health to recognize the operating permit from a food truck's county of origin. An outside county board of

health can refuse to recognize a food truck operating permit if the permit is not in good standing with the county of origin or if there are public health concerns. Outside counties can still perform periodic and unannounced inspections, as well as administer inspection fees.

SB 116 - Maternity Supportive Housing (Sen. Randy Robertson, 29th) *Effective July 1, 2022*. This bill establishes a registration process through the Department of Human Services for maternity supportive housing residences. Provisions in this bill prohibit counties, municipalities, or consolidated governments from regulating or placing occupancy requirements on these residences.

SB 345 – Restrictions on Vaccine Mandates (Sen. Jeff Mullis, 53rd) *Effective July 1, 2022; however, this law will be repealed by June 30, 2023.* This bill prohibits local governments from requiring that any public or private entity require proof of vaccination in order to receive any service or access any facility.

SB 403 - Georgia Behavioral Health and Peace Officer Co-Responder Act (Sen. Ben Watson, 1st) *Effective July 1, 2022*. This bill requires each community service board (CSB) to establish a co-responder program in order to collaborate with local law enforcement agencies responding to emergency calls involving people in a behavioral health crisis. However, it is optional for law enforcement agencies to partner with CSBs. This bill also requires county governments to provide a publicly available written list of all law enforcement agencies within the county that routinely respond to emergency calls. Lastly, any law enforcement agency or CSB is immune from civil or criminal liability for actions done in good faith related to "team dispatch, incarceration of an individual, transportation to an emergency receiving facility, and not taking someone into custody."

NATURAL RESOURCES & the ENVIRONMENT

[Staff: Kathleen Bowen]

HB 893 - Hazardous Waste Trust Fund - Extend Collection Date for Certain Fees (Rep. Randy Nix, 69th) *Effective July 1, 2022.* This legislation extends the collection sunset date for the state's hazardous waste management fee and the hazardous substance reporting fee to July 1, 2027. These fees contribute to the Hazardous Waste Trust Fund.

HB 1150 - Freedom to Farm Act - Nuisance Claims (Rep. Robert Dickey, 140th) *Effective July 1, 2022.* This legislation prohibits a property owner, whether residential or commercial, from bringing a nuisance action against any kind of agricultural facility if the facility or operation has been in operation for two years or more. In addition, any private nuisance lawsuit would be prohibited unless the person filing the lawsuit owns the property that is harmed. This legislation does not preempt or override any present or future rule or regulation of the Georgia Environmental Protection Division or the United States Environmental Protection Agency. Local governments continue to have the right to ask a court to stop a public nuisance – consistent with local governments' powers to protect the public health, safety, and welfare. Lastly, this bill keeps in place the ability to file a nuisance action when a nuisance results from the negligent, improper, or illegal operation of any agricultural facility or operation.

PUBLIC SAFETY & the COURTS

[Staff: Gabriel Carter]

SB 84 – Communications Officers Eligible for Peace Officers' Annuity and Benefit Fund (Sen. John Albers, 56th) *Effective July 1, 2022; however, this is only if it is determined to be concurrently funded***.** This bill makes 9-1-1 communications officers eligible for retirement through the Peace Officers' Annuity and Benefit Fund (POAB). This bill also directs 0.75% of the 9-1-1 fee collected by the Department of Revenue to the POAB.

The remaining 0.25% remains with the Department of Revenue.

SB 361 – L.E.S.S. Crime Act (Sen. Larry Walker, 20th) *Effective July 1, 2022; Applicable to taxable years beginning on or after January 1, 2023*. This bill establishes tax credits for individuals who financially contribute to qualified law enforcement foundations. Qualified foundations are entities who are designated as the sole foundation for a law enforcement unit. Funds received from these foundations are required to be used for qualified expenditures such as: law enforcement salary supplements; equipment related costs; and the cost of funding a co-responder (behavioral health) program.

SB 441 – Criminal Records Responsibility Act (Sen. Bo Hatchett, 50th) *Effective July 1, 2022*. This bill reassigns the Criminal Case Data Exchange Board as an advisory board under The Council of Superior Court Clerks of Georgia. This bill also enforces the electronic filing of criminal history data by the courts. By January 1, 2023, the Board and the Council shall publish a uniform standard for the creation and transmission of criminal history data between local and state criminal justice agencies. Relevant data includes arrest, inditements, accusations, information, other formal charges, final dispositions, and convictions. The board and council are also tasked with offering recommendations for an automated victim notification system for certain occurrences.

SB 505 –Required T-CPR Training for 9-1-1 Officers (Sen. Randy Robertson, 29th) *Effective July 1, 2022*. Beginning January 1, 2024, 9-1-1 communications officers will be required to receive telephone CPR (T-CPR) training. In addition, the Georgia Peace Officers Standards and Training Council and Georgia Emergency Communications Authority shall establish an amount of annual continuing education requirements to be completed by 9-1-1 communications officers by January 1, 2024. On and after January 1, 2025, no one will be certified by the council if they have not completed the required training.

HB 409 – Establishment of the Judicial Legal Defense Fund Commission (Rep. Stan Gunter, 8th) *Effective July 1, 2022*. This bill establishes a Judicial Legal Defense Fund in order to provide state-funded legal representation for judges who have become defendants while acting in their official capacity. Supreme Court Justices, Court of Appeals Judges, Georgia State-wide Business Court Judges, and Superior Courts Judges are all eligible. All Judicial Legal Defense Fund decisions will be made by the commission.

HB 916 – New Procedures for Appeals to Superior and State Courts (Rep. Rob Leverett, 33rd) *Effective July 1, 2022*. This legislation repeals and replaces the existing highly-technical procedures for appealing decisions of zoning boards, civil service boards, municipal courts, and similar bodies to state and superior court. These changes are intended to improve the chances that such appeals are decided on substantive grounds rather than dismissed for procedural errors.

HB 1146 – Blue Lights for Law Enforcement Vehicles (Rep. Jodi Lott, 122nd) *Effective July 1, 2022*. This bill requires all law enforcement vehicles that enforce traffic laws to be equipped with blue flashing or revolving lights.

HB 1391 – Adjustment to Public Defenders Salary (Rep. Stan Gunter, 8th) *Effective July 1, 2022*. This bill re-establishes the circuit public defender's salary at a rate equal to the district attorney. Circuit public defenders will also receive cost-of-living adjustments as designated by the general assembly. Lastly, this bill raises the total amount that an assistant district IV position can receive to 95% of the circuit public defender. The General Assembly will be responsible for funding these adjustments.

REVENUE & FINANCE
[Staff: Eric Lopez]

HB 586 – Exemption of Sales Tax on Tickets to Fine Arts Events and Conservation Tax Credits (Rep. Sam Watson, 172nd) *Effective Upon Signature of the Governor.* This legislation provides a five-year extension of the sunset date on the exemption of sales tax from the purchase of tickets to fine arts events. Fine Arts events are defined as: music performed by a symphony orchestra, poetry, photography, ballet, dance, opera, theater, dramatic arts, painting, sculpture, ceramics, drawing, watercolor, graphics, printmaking, and architecture. The extended sunset date makes this exemption active until December 31, 2027. Furthermore, this bill reinstates the conservation tax credits which lapsed in December 2021, relating to qualified donation of real property to the Department of Natural Resources for the purpose of conservation land use. The aggregate amount of tax credits allowed for this purpose cannot exceed $4 million per calendar year. While the conservation tax credits will have no effect on counties, the exemption of sales tax on fine arts tickets may have an impact on county sales tax revenue.

HB 997 – Exemption of Ad Valorem Tax on Timber Equipment (Rep. Sam Watson, 172nd) *Effective Upon Signature of the Governor and pending successful passage in a statewide referendum.* This legislation grants an exemption of ad valorem taxes on off-road equipment which is owned by or held under a lease-purchase agreement by a timber producer, as defined in the legislation, and directly used in the production or harvest of timber in this state. A referendum will be put before the state's voters in November 2022.

HB 1034 – Sales Tax Exemptions on Admissions to Nonrecurring Major Sporting Events (Rep. Marcus Wiedower, 119th) *Effective July 1, 2022.* This legislation extends the sunset date on the sales tax exemption of tickets to non-recurring sporting events, until December 31, 2031. Additional specific sporting events were also added to the list of those which could be exempt. This legislation is specific to events that would/will be hosted in a select few counties.

HB 1044 – Cable Franchise Fees: Exclude Satellite & Streaming Services (Rep. Clay Pirkle, 155th) *Effective July 1, 2022.* In addition to providing a framework for the creation of regional industrial development authorities as described under the "Economic Development and Transpiration" section of this report, this bill excludes both satellite television services (Dish, DirecTV) and streaming cable services (i.e., Hulu, YouTube TV, etc.) from being charged a cable franchise fee. Though this has generally been the practice, this bill will codify the issue in law and preempt those counties and cities that have tried to charge these entities from doing so.

HB 1291 – Revised Spending Threshold and Sunset Date for Tax Exemption on Computer Sales or Lease to High-Tech Companies (Rep. Vance Smith, 133rd) *Effective Upon Signature of the Governor.* This legislation extends the sunset date for sales tax exemptions for the sale or lease of computer equipment to be incorporated into facilities of high-technology companies, until December 31, 2028. This applies only to companies that spend at least $15 million on purchases of this equipment, except that on and after January 1, 2024, the exemption allowed under this paragraph will be limited such that each person claiming the exemption shall be subject to paying 10 percent of all taxes imposed on the first $15 million of its eligible purchases or leases for which an exemption is claimed. Additionally, this legislation extends the sunset date on the exemption of equipment used in high-technology data centers, until December 31, 2031. Lastly, this bill lowers the job creation requirement and expenditure threshold for these data centers to be granted the exemption and set these adjusted requirement values upon county populations.

Appendix A

2022 Study Committees

HR 1082 - House Study Committee on State and Local Law Enforcement Salaries (Rep. Mike Cheokas, 138th) This resolution creates a House study committee to evaluate, study and produce a report on local law enforcement salaries.

HR 1149 - House Study Committee on Affordable Housing and Build-to-Rent Subdivisions (Rep. Dale Washburn, 141st) This resolution establishes a House study committee charged with examining affordable housing issues, both for owner-occupied and rental dwellings. Among the issues likely to be examined are the impact of local regulations on housing affordability, including whether the state should preempt counties and cities from regulating build-to-rent subdivisions and residential design standards.

SR 463 - Joint Study Committee on the Electrification of Transportation (Sen. Steve Gooch, 51st) This resolution creates the Joint Study Committee on the Electrification of Transportation that will examine policy objects to develop a successful electric vehicle market in Georgia and will study the implementation of state-wide public charging infrastructure for electric vehicles.

SR 741 - Senate Study Committee on the Creation of a Georgia Cybersecurity Force (Sen. Jason Anavitarte, 31st) This resolution creates a Senate study committee to study and make recommendations on a "Georgia Cybersecurity Force". It will study the increase and threats in cybersecurity crimes; the need for training on cybersecurity awareness, education, and workforce structure; and the need for increased cybersecurity staff.

SR 809 - Senate Development Authorities and Downtown Development Authorities Study Committee (Sen. Max Buns, 23rd) This resolution creates the Senate Study Committee on Development Authorities and Downtown Development Authorities. The committee will study the creation, operation, and management of development authorities and downtown development authorities to determine what appropriate revisions are needed to state law.

2022 Constitutional Amendments Passed

HR 594 - Temporary Tax Relief for Properties Located Within a Nationally Declared Disaster Area (Rep. Lynn Smith, 70th) This resolution calls for a constitutional amendment to provide temporary property tax relief to properties which are severely damaged or destroyed as a result of a disaster, and which are located within a nationally declared disaster area. For this purpose, a statewide referendum will be put before the voters to ratify this amendment. This legislation is permissive and allows counties the option to provide relief in property tax if they so choose. The eligibility requirements and procedure of obtaining the tax relief will still need to be provided for in a future bill by the General Assembly.

Appendix B

Bills that Failed to Pass in the 2022 Session

ECONOMIC DEVELOPMENT & TRANSPORTATION

- **HB 496** Truck Weight Increase for Log Trucks and Others
- **HB 1322** Deployment of Electric Vehicle Charging Equipment
- **HB 1382** Required Training for Economic Development Board Members
- **SB 492** Deployment of Electric Vehicle Charging Equipment
- **SB 513** Fee Removal for Alternative Fuel Vehicles
- **SB 558** Georgia Department of Transportation Housekeeping Bill

GENERAL COUNTY GOVERNMENT

- **HB 302** Local Permit Fees: Restrict Means of Calculation/Imposition
- **HB 886** Elections: Securing the Security Ballot Paper
- **HB 933** Elections: Authorize Public to Inspect Ballots
- **HB 975** Elections: Authorize Probate Judges to Shed Election Responsibilities
- **HB 1093** Build-to-Rent Subdivisions: Prohibit Community Oversight of Housing
- **HB 1180** Regional Commissions: Change Makeup of Councils
- **HB 1329** Coroners: Provide Hefty Pay Raise and Treat as Constitutional Officers
- **HB 1388** Legal Organ: Authorize Alternative Procedure
- **HB 1439** Deannexation: Make Procedures the Same as for Annexation
- **HB 1464** Elections: Omnibus Bill I
- **HB 1525** County Bid Consultants Must be State Licensed
- **HR 630** Joint Study Committee on County Consolidation
- **HR 845** County Commissioner Districts: Limit to No More than 50,000 Residents Each
- **SB 89** Elections: Omnibus Bill II
- **SB 259** Guns: The Non-Constitutional Carry Measures
- **SB 277** Guns: Allow Many Folks to Carry Weapons in Courtrooms
- **SB 350** Elections: Authorize Nonpartisan Elections of County Commissioners
- **SB 494** Build-to-Rent Subdivisions: Prohibit Community Oversight of Housing

NATURAL RESOURCES & ENVIRONMENT

- **HB 1272** New Landfills Prohibited Within One Mile of a Pipeline
- **HB 1289** Prevent Mining Near Okefenokee Swamp
- **HB 1301** Regulation of Gasoline Powered Leaf Blowers
- **HB 1338** Restrictions on New Landfill Permits
- **HB 1373** Parks & Rec Facilities: Heat Related Injuries
- **HB 1381** Required Training for Water and Sewer Authority Board Members

- **HB 1413** Commercial Property Assessed Clean Energy and Resilience Act
- **HB 1421** Dedication of All Hazardous Waste Trust Fund Fees
- **HB 1485** New Landfills - Prohibited 1.5 Miles From Stream w/ Protected Darter
- **HB 1511** New Landfills - Prohibited if Requires Filling Stream Where Protected Darter May Be Located
- **HB 1548** Additional Regulations for Soil Amendments
- **SB 440** Revised Definition of a Dam
- **SB 516** Solid Waste Trust Fund: Tire Fee Collected from Distributors / 10% of Funds Intended for Tire Purposes

PUBLIC SAFETY & THE COURTS

- **SB 183** Sheriff Salary Supplements for Courts
- **HB 1092** "Women's C.A.R.E. Act" – Sentence Deference for Pregnant Women
- **HB 272** "Raise the Age" Study Committee
- **SB 171** "Safe Communities Act of 2021" – Removes Sovereign Immunity from Counties
- **SB 535** "Reducing Street Homelessness Act of 2022" - Anti-Public Camping Preemption Bill

REVENUE & FINANCE

- **HB 1360** Repeal of Intangible Recording Tax
- **HB 1280** Tax Commissioner Contracting Requirements and Compensation
- **HB 1224** Hearing Officer Authorized as Route of Appeal for Personal Property
- **HB 1090** Homeowner Defense Act Sales Tax Exemption
- **HB 931** Title Ad Valorem Tax Exemption for Disabled Persons
- **HB 855** Expansion of Workers' Compensation to Include PTSD of First Responders
- **HR 756** Create Qualified Low-Income Housing Project Ad Valorem Class
- **HR 732** Change Payable Date of Tax Anticipation Note (TAN) to 12-Month Term
- **HR 686** Ad Valorem Tax Rate Reduction for the Sale or Harvest of Timber
- **SB 584** Tax Commissioners Added to Board of the Employees' Retirement System of Georgia
- **SB 511** Revised Deadlines for County Boards of Equalization on Handling of Appeals
- **SB 484** Expansion of Workers' Compensation to Include PTSD of First Responders
- **SB 474** Ad Valorem Tax Exemption of Aircraft Used in Aerial Application of Fertilizer

Appendix C

HB 1013 – "The Mental Health Parity Act"

Insurance Parity

Part 1 of this bill requires healthcare insurers that provide mental healthcare coverage to do so in accordance with the federal Mental Health Parity and Addiction Equity Act of 2008. Essentially, healthcare providers must provide coverage for the cost of medical care for a mental illness in the same manner they would a physical illness.

Workforce Initiatives

Section 2-1 (lines 749 – 770) authorizes the Georgia Student Finance Authority to establish service cancelable loans to residents of Georgia who are enrolled in educational or training programs relating to mental health or substance use professions. A condition of the service cancelable loan is that the recipient must work as a mental health or substance use professional in the state of Georgia for a duration calculated by the number of academic years that the loan covered. Priority for this program will be given to those who agree to serve underserved geographic areas or communities in Georgia.

Section 2-2 (Lines 787 – 848) establishes a workforce database to monitor the quantity of mental health and substance use professionals available in Georgia, their location, and other pertinent information.

Assisted Outpatient Treatment and Transports

Section 3-1 (lines 895 - 906) authorizes the Department of Behavioral Health and Developmental Disabilities (DBHDD) to establish a grant administered to five grantees for the purpose of the implementation and operation of involuntary assisted outpatient treatment. The five grantees will each be a collaboration of a community service board or private provider, a probate court or equivalent court with jurisdiction in the service area, and a sheriff's office or offices with jurisdiction in the service area.

Section 3-3 (lines 1062 – 1086) allows a peace officer to take a person into an emergency receiving facility when a person is determined to be mentally ill. The peace officer does not have to formally place charges before taking the person to a physician or an emergency receiving facility. Prior to taking a person to a emergency receiving facility, the officer must consult with a physician and the physician must authorize the transport. This section also requires that the transporting officer write a report detailing the circumstances for detainment. This written report will become a part of the patient's clinical record.

Section 3-4 (lines 1087 – 1125) requires the county government where the mentally ill patient is located to arrange the initial transport of the patient to the emergency receiving facility. The county government has discretion in determining the type of vehicle used to perform this transport. Upon the request of the community health center, the court can order the sheriff to perform the transport. The emergency receiving facility must coordinate all subsequent transfers with the transporting law enforcement agency.

Section 3-6 (lines 1150 – 1175) allows a peace officer to take a person into an emergency receiving facility in a case where a person is determined to be an alcoholic, a drug dependent individual, or a drug abuser requiring involuntary

treatment. The peace officer is authorized to not formally place charges before taking this person to a physician or an emergency receiving facility. Prior to taking this person to an emergency receiving facility, the officer must consult with a physician and the physician must authorize the transport. This section also requires that the transporting officer write a report detailing the circumstances for detainment. This written report will become a part of the patient's clinical record.

Section 3-7 (lines 1176 – 1214) requires the county government where the **substance abuse** patient is located to arrange the initial transport of the patient to the emergency receiving facility. The county government has discretion in determining the type of vehicle used to perform this transport. Upon the request of the community health center, the court can order the sheriff to perform the transport. The emergency receiving facility must coordinate all subsequent transfers with the transporting law enforcement agency.

Mental Health Courts and Public Safety

Section 4-1 (lines 1274 – 1288) authorizes the Criminal Justice Coordinating Council to establish a grant program for the purpose of providing funds to accountability courts that "serve the mental health and co-occurring substance use disorder population."

Section 4-2 (lines 1231 – 1249) includes mental health courts as eligible for funding under the County Drug Abuse Treatment and Education Fund.

Section 4-4 and 4-5 (lines 1355 – 1408) includes behavioral health co-responders under the paradigm of the Georgia Public safety Standards and Training Council.

Section 4-6 (lines 1409 – 1416) authorizes the Criminal Justice Coordinating Council to establish a grant program for the purpose of providing funds to local governments to cover the cost of transporting mentally ill patients to/from emergency receiving, evaluating, and treatment facilities.

Section 4-7 (lines 1421 – 1424) authorizes the state to provide funding for a minimum of five new co-responder programs throughout the state.

Appendix D

OVERVIEW OF AMENDED FY 2022 AND FY 2023 BUDGETS

The final overall number available for appropriation for the AFY 2022 in state funds is $30.3 billion.

The final overall number available for appropriation for the FY23 in state funds is $30.2 billion.

You can view the Governor's original budget recommendations here.

The overview below details the budget by agency which presents an interest to or impacts counties.

Council of Superior Courts Clerks

FY 2023

- Increase funds for the technology resources required for the creation and transmission of criminal history data between local and state criminal justice agencies (implementation SB 441). ($345,000)

Council of Superior Courts Judges

AFY 2022

- Increase funds for operations to assist with the case backlog. ($37,417)

FY 2023

- Increase funds for operations to assist with the case backlog. ($149,665)

Department of Behavioral Health and Developmental Disabilities

AFY 2022

- Designated funds for the Georgia Crisis and Access Line (GCAL) to prepare for the implementation of the national '988' crisis hotline. ($302,505)

FY 2023

- Increase funds to convert an existing 16-bed crisis stabilization unit in Augusta to a 24-bed and 16 temporary observation chair behavioral health crisis center. ($3,792,613)
- Increase funds for the operational costs of 13 additional crisis stabilization unit beds at The Bradley Center of St. Francis Hospital. ($3,117,423)
- Provide funds for co-responder mobile crisis team expansion to five new sites. ($897,060)
- Provide for five additional community service board caseworkers for five new mental health accountability courts. ($281,995)
- Increase funds for additional Georgia Crisis and Access Line (GCAL) support staff to manage the national '988' hotline expansion ($1,454,035)

- Increase funds for the new 18-bed adult medical psychiatric unit at Grady Memorial Hospital. ($6,300,000)

Department of Community Affairs

AFY 2022
- Provide local communities with access to innovative rural downtown redevelopment grants. ($17.25 million)

Georgia Department of Community Health

FY 2023
- Provide funds to expand mental health first aid training to address the need for front-line workers to identify, de-escalate, and refer persons in crisis. ($74,000)

Georgia Bureau of Investigation

AFY 2022
- Increase funds to hire four new positions to investigate elections complaints. ($483,495)
- Dedicate funds to replace and improve lab equipment ($3,806,941)

FY 2023
- Designate funds to hire 68 new positions to combat crime and support the criminal justice system through the processing of evidence. ($15 million)
- Provide funds for one adult felony drug accountability court and one adult mental health accountability court for the Columbia Judicial Circuit. ($400,689)
- Increase funds for five new mental health accountability courts and court managers. ($1,081,510)
- Provide funds for 20 unfilled accountability court case manager positions. ($1,270,800)

Department of Natural Resources

AFY 2022
- Increase funds for the Georgia Outdoor Stewardship Program ($8,598,032 million)

FY 2023
- Dedicate funds to the Hazardous Waste Trust Funds ($7,620,376)
- Dedicate funds to the Solid Waste Trust Funds ($7,628,938)

Juvenile Courts

FY 2023
- Increase funds for juvenile court judges' salary supplement for accountability courts ($690,000)

Georgia Department of Public Safety

AFY 2022
- Increase funds for maintenance, repairs, and renovations at field offices in Baldwin County, Tattnall County, Morgan County, and statewide locations. ($2,100,000)

FY 2023

- Increase funds to provide 10 additional SWAT Unit troopers and 10 additional Nighthawk DUI troopers. ($976,918)

Georgia Department of Public Health

FY 2023

- Provide funds for grants to counties for improved infrastructure and support. ($1,700,000)

Georgia Department of Revenue

AFY 2022

- There was no additional funding added to the Forestland Protection Grants (FLPA) program

FY 2023

- Forestland Protection Grants (FLPA) program funding will remain the same as 2022, at $39,072,351

Secretary of State's Office

AFY 2022

- Provide funds to SOS Office to print new precinct cards following this year's redistricting and reimburse counties for their postage. ($2.6 million)

Department of Transportation

FY 2023

- Increase funds Local Maintenance and Improvement (LMIG) based on projected revenues ($4,885,093 million)
    - Total amount appropriated to LMIG ($200,888,789 million)
- Increase funds for Airport Aid ($9 million)

Appendix E

2023 COLAs/RAISES FOR COUNTY OFFICIALS

The General Assembly's recently approved Amended Budget for FY2022 includes $5,000 annual raises for most state employees. Because of existing state law, this will have trickle-down effects on the compensation of many county-level officials. Below are answers to some common questions ACCG has received.

What exactly did the General Assembly do?
As county boards of commissioners often do for their own county employees, the General Assembly and Governor sometimes award cost-of-living adjustments (COLAs) to state employees as part of the state budget. While in most years those COLAs are a percentage of state employees' salaries (often 2% or 3%), in the amended FY2022 budget the state has awarded a flat $5,000 COLA to the annual salaries of most state employees. The state also increased the base annual salaries of superior court judges by $5,000.

How does the state's action affect counties?
Whenever state employees receive salary increases of a certain percentage or amount, the state laws applying to various county-level officials require that the same percentage or amount increase be applied to the annual compensation for those county officials and paid for by the counties.

Which county officials are impacted?
Under general state law, counties must pay these county officials the same $5,000 increase as state employees are receiving:

- Members of boards of commissioners
- Sheriffs
- Superior court clerks
- Probate judges
- Tax commissioners
- Magistrate judges
- Coroners in counties with populations of 34,999 or less

In addition, many counties have local Acts (laws passed by the General Assembly that apply only to that county) that establish special compensation rules for officials in that county. Those local Acts may have different rules for calculating salaries than described above and may include county officials other than those listed. For example, a local Act may provide that the chairman of the board of commissioners receives the same salary as the sheriff, or that state court judges receive 90% of the salary of superior court judges, etc. Each county should consult its county attorney regarding how such local Acts may impact salaries for that county's officials.

When must counties begin paying salaries with the additional $5,000 annual increase included?
While the state employees' and superior court judges' increases begin in April 2022, the laws covering the officials listed above say that the increases to those officials' salaries become effective the next January 1st; as a result, the $5,000

increase for these county officials will become effective **January 1, 2023**. Again, however, local Acts applicable to your county may alter this timing, especially for salaries that are tied to superior court judges' salaries.

What about coroners in counties with populations of 35,000 or above?
Statewide law does not dictate the salary for coroners in the larger counties (other than death investigation fees). Rather, those salaries are usually the subject of a local Act applicable to the coroner in that specific county. Again, the county attorney will be able to provide information on what that local Act requires and whether the recent state COLA will impact your coroner's compensation.

Our county's probate judge also serves as chief magistrate judge. Does he/she get two $5,000 increases?
No. While the probate judge will receive the $5,000 increase to his salary as probate judge, separate state law sets a specific supplement for his/her additional service as chief magistrate judge. The state's recent budget decision did not increase this magistrate judge supplement.

Appendix F

PROVIDING NOTICE TO THOSE THAT NEED TO KNOW

Finance Director:

- HB 586 - Fine Arts Sales Tax Exemption
- HB 934 - Single County TSPLOST: Allow Collection for Maximum Time Period

County Attorney:

- SB 116 – Maternity Housing
- SB 331 – Local Governments Cannot Regulate Work Hours or Work Output of Private Employers
- SB 345 – Vaccine Mandate Preemption for Local Government
- SB 500 - Multi-State Opioid Settlement: Prohibit Other Litigation
- HB 1009 - Authorizes Use of Delivery Robots
- HB 1150 - Freedom to Farm Act - Nuisance Claims
- HB 1405 – Zoning Procedures: Judicial Review and Multi-Family Housing Notification

Public Works and Transportation Director:

- SB 438 - Public Works Construction Contracts - Retainage %
- SB 586 - Transportation Projects: Authorizing Design-Build Contracting for Counties
- HB 1009 - Authorizes Use of Delivery Robots
- HB 1372 – Call Before You Dig Law Revisions

Human Resources/Personnel:

- SB 337 – County Commissioners: Pay Suspended Following Indictment
- HB 1390 – Georgia Safe Workplaces Act

Superior Court Clerk:

- SB 441 – Elections: Authorize GBI to Assist with Investigating Alleged Election Crimes
- HB 974 – Clerks of Court Must Offer Electronic Filing

Tax Commissioner:

- HB 1011 - Emergency and Low-Speed Vehicles - Flashing/Strobe Light Permitting Requirements

Chief Tax Appraiser:

- HB 997 - Ad Valorem Tax: Exemption of Timber Equipment and Timber Products

Superior Court Judge:

- HB 1391 – Adjustment to Public Defenders Salary

County Surveyor:

- SB 581 – Surveyors: Georgia State Plane Coordinate System

Economic Development Director:

- HB 923 - Development Authorities: Cap on Per Diem Allowance and Enforcement of Ethics Code Violations
- HB 1041 – Increase Rural Hospital Tax Credit
- HB 1042 – Primary Care Facility Grants
- HB 1044 - Incentivizing the Creation of Regional Industrial Development Authorities
- HB 1291- Sales Tax Exemption: Revise Spending Threshold and Extend Sunset Date on the Sales or Lease of Computer Equipment to High-technology Companies

Sheriff and Police Chief:

- SB 361 – "L.E.S.S. Crime Act" – Tax Credits for Contributions to Law Enforcement Foundations
- SB 403 – Law Enforcement/Behavioral Health Specialist Co-Responder Bill
- HB 1013 – "Mental Health Parity Act" – Mental Health Reform

E-911 Director:

- SB 84 – Allow Certified Communications Officers (911 Operators) to Participate in POAB
- SB 505 Training for 911 officers

Fire and EMS Director:

- SB 404 – EMS Fingerprint Records

Probate Judge:

- SB 319 – Guns – The Constitutional Carry Act of 2022

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