



# Fulton County Board of Commissioners

## Agenda Item Summary

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**Agenda Item No.:** 23-0244

**Meeting Date:** 4/12/2023

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### Department

External Affairs

### Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Presentation of 2023 Legislative Session Update.

### Requirement for Board Action *(Cite specific Board policy, statute or code requirement)*

Request Approval

### Strategic Priority Area related to this item *(If yes, note strategic priority area below)*

Open and Responsible Government

### Commission Districts Affected

All Districts

District 1

District 2

District 3

District 4

District 5

District 6

### Is this a purchasing item?

No

**Summary & Background** *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

**Scope of Work:** Presentation of 2023 Legislative Session Update

**Community Impact:**

**Department Recommendation:** Request Approval

**Project Implications:**

**Community Issues/Concerns:**

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**Meeting Date:** 4/12/2023

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**Department Issues/Concerns:**



**Fulton County Board of Commissioners  
April 12, 2023**



**FULTON  
COUNTY**

**2023 State  
Legislative Update**

**Funding for a Behavioral Health Crisis Center**

**Equitable Property Tax Appeals Process**

**Senior Homestead Exemption Simplification**

**Effective & Efficient Justice System**

**Equal Access to Judicial Personnel Benefits**

**MARTA Board Appointment Parity**

**National Use of Force Data Collection Participation**



**FULTON  
COUNTY**

**2023  
State Legislative  
Agenda**

# Legislative Session Overview

- The 2023 Legislative Session adjourned Sine Die on Wednesday, March 29. Bills that did not pass can be reconsidered during the 2024 Legislative Session.
- [HB 520](#), the omnibus Mental Health Reform bill, **did not pass** but is expected to be studied by the Behavioral Health Reform and Innovation Commission.
- Fiscal Year 2024 Budget Conference Committee Report ([HB 19](#)) highlights:
  - \$24.5 million to support the establishment of three behavioral health crisis centers in Augusta, Dublin, and Fulton County.
  - \$1.25 million for the establishment and operation of a Georgia State Patrol satellite post in the Buckhead-area of the City of Atlanta to allow quicker response to incidents inside and along the northern Atlanta perimeter and afford an additional base of operation for the Nighthawks DUI Task Force and motor unit.
  - \$950,000 for Mercy Care Atlanta to address the large patient volume after the Atlanta Medical Center closure.
  - Within the Secretary of State’s budget, \$550,000 for a data plan contract for Poll Pads and \$2 million for election equipment replacement, as well as \$513,018 to establish the State Election Board as a separate entity administratively attached to the Secretary of State’s Office.
  - The Department of Transportation is directed to evaluate the feasibility of a five-year plan to increase local maintenance and improvement grants (LMIG) to 15% of projected motor fuel revenues over a five-year period beginning in Fiscal Year 2025, and report to the Office of Planning and Budget, the House Budget and Research Office, and the Senate Budget and Evaluation Office by September 1, 2023.

## Primary Policy Priority: BHCC Funding

- The adopted Fiscal Year 2024 Budget includes \$6,651,470 for the Fulton County Behavioral Health Crisis Center (BHCC). This amount will provide half-year funding for a BHCC that includes a 24-bed Crisis Stabilization Unit with 16 observation chairs with enhanced entry (DBHDD “Living Room Model”), reflecting the facility’s opening date of January 2024.
- The County will request \$13.3 million for full operational funding for Fiscal Year 2025.

# Other Fulton County Priorities

- Effective & Efficient Justice System (Child Attorney's Office): [HB 460](#) was adopted. Effective Date: July 1, 2023
- Senior Homestead Exemption Simplification: [SB 303](#) was adopted. Effective Date: Upon approval by the Governor or upon its becoming law without such approval.
- Equal Access to Judicial Personnel Benefits: [HB 643](#) will allow Fulton State Court Judges to participate in the County's retirement plan. The bill is a two-year bill and will be required to "sit" until the 2024 Legislative Session. The required review by the State Auditor was conducted this year, and a certification was issued.
- Equitable Property Tax Appeals Process: Will present issue to ACCG Summer Policy Committee and continue working with multijurisdictional teams for support.
- "Mariam's Law" ([HB 188](#)), supported by the BOC, was adopted. Effective Date: Upon approval by the Governor or upon its becoming law without such approval and the punishment provisions of this Act shall apply to all offenses committed on and after July 1, 2023.

# BOC Policy Position: **SUPPORT**

Bill #/Author	Description	Status
<b><a href="#">HB 30</a> Definition of antisemitism   Rep. John Carson (46<sup>th</sup>)</b>	This bill provides a definition of antisemitism for purposes of state government, using the advisory definition of antisemitism adopted by the International Holocaust Remembrance Alliance (IHRA) on May 26, 2016. All state agencies will consider antisemitism as evidence of discriminatory intent for any law or policy which prohibits discrimination. Nothing in the bill will be construed to infringe upon First Amendment rights or an individual's right to engage in legally protected conduct or activity pertaining to U.S. foreign policy or international affairs.	<i>Did Not Pass</i>  <b>Companion Bill <a href="#">HB 144</a>: <i>Did Not Pass</i></b>
<b><a href="#">HB 662</a> Fulton County Probate Court Technology Fee   Rep. Roger Bruce (61<sup>st</sup>)</b>	This bill authorizes the collection of a \$5 technology fee by the Probate Court of Fulton County for the purposes of supporting technology improvements in the Court.	Passed
<b><a href="#">SB 19</a> Prohibit Collection of passport application and processing fees by clerks of superior courts   Sen. Kay Kirkpatrick (32<sup>nd</sup>)</b>	This bill requires clerks of superior court and probate judges to issue written reports to counties disclosing the total amount of passport processing fees received by the clerks or probate judges quarterly. One-third of fees will be paid into the general fund of the county in quarterly installments, one-third of fees will be retained by the clerk or probate judge for purposes of maintaining and operating their respective offices, and one-third of fees will be retained by the clerk or probate judge as personal compensation, provided any amount exceeding 50 percent of the base salary goes towards maintaining and operating the office of the clerk or probate judge. Fees will not include postage expenses. The division of funds may be changed by local act of the General Assembly, or by written agreement of the county governing authority and the clerk or judge.	<i>Did Not Pass</i>



# State and Local Government

Bill #/Author	Description	Status
<p><b><a href="#">HB 404</a> The Safe at Home Act   Rep. Kasey Carpenter (4th)</b></p>	<p>This bill, relating to landlords and tenants, requires that rental properties are fit for human habitation. The bill includes cooling as a utility that cannot be shut off prior to an eviction action. Landlords are prohibited from requiring a security deposit that exceeds two months' rent. A tenant, when they fail to pay charges owed to landlord, is afforded a three business day written notice period prior to an eviction proceeding being filed. The eviction notice will be posted conspicuously on the property door in a sealed envelope and delivered via any methods agreed to in the rental agreement.</p>	<p><i>Did Not Pass</i></p>
<p><b><a href="#">SB 1</a> Covid-19: Counties Cannot Require Proof of Vaccination   Sen. Greg Dolezal (27<sup>th</sup>)</b></p>	<p>This bill removes the sunset date of June 30, 2023, extending it indefinitely, for the law passed in 2022 that prohibits local governments from requiring proof of a COVID-19 vaccination in order to receive any government service, access to any facility, and other matters.</p>	<p>Passed</p>
<p><b><a href="#">SB 62</a> Counties and Municipal Corporations; certain local ordinances or policies relating to public camping or sleeping; prohibit   Sen. Carden Summers (13<sup>th</sup>)</b></p>	<p>This bill prohibits local governments from adopting or enforcing any policies that would prohibit the enforcement of any ordinance that prohibits unauthorized public camping, sleeping, or obstruction of sidewalks; Prohibits hospitals and local government entities from dropping off homeless individuals outside of their area of operation or jurisdiction, subject to specified exceptions and Requires the state auditor to conduct a performance audit of homeless program spending in this state, including local government spending and the expenditure of federal funds. The audit must be provided to the governor, lieutenant governor, and speaker of the House of Representatives by December 31, 2023.</p>	<p>Passed</p>

# Elections

Bill #/Author	Description	Status
<p><b><a href="#">SB 129</a> Elections; time off for employees to advance vote   Sen. Ricky Williams (25<sup>th</sup>)</b></p>	<p>This omnibus bill allows the State Election Board to appoint members of county boards of elections, or county boards of elections and registration to performance review boards; Clarifies the language that must be included on any absentee ballot application that is mailed to an elector by a nongovernmental entity; Requires employers, upon reasonable notice, to provide time off for employees to vote during the period of advance voting; Extends the time limit from 10:00 p.m. to 11:59 p.m. for specified reporting requirements for election superintendents following the close of the polls on the day of an election and Requires audits of at least one statewide contest after all primary, runoff and special elections.</p>	<p>Passed</p>
<p><b><a href="#">SB 222</a> Elections; all costs and expenses relating to election administration are paid for with lawfully appropriate public funds   Sen. Max Burns (23<sup>rd</sup>)</b></p>	<p>This bill prohibits local governments or election officials from accepting contributions or donations for the purpose of conducting elections; 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. The bill prohibits election superintendents, local governments, and boards of registrars from accepting grants or gifts related to conducting elections from any entity other than the State of Georgia or the federal government. Violation of this Code section shall constitute a felony, and upon conviction shall be punished by imprisonment for not less than one year and by a fine of not less than \$10,000. The bill also establishes the State Election Board as a separate and distinct budget unit in the state budget, attached to the Office of the Secretary of State for administrative purposes only. The bill completely removes the State Election Board from the jurisdiction of the Secretary of State and provides for appointment of an executive director of the State Election Board (<a href="#">SR 214</a>).</p>	<p>Passed</p>

# Public Works and Transportation

Bill #/Author	Description	Status
<p><b><a href="#">HB 189</a> Highways, bridges, and ferries; allowable variance for weight limitations upon a vehicle or load   Rep. Steven Meeks (178<sup>th</sup>)</b></p>	<p>This bill increases the allowable weight limit to 88,000 pounds by increasing the variance to 10% for vehicles hauling forest products, live poultry, cotton, animal feed, poultry waste and any other agricultural or farm product from a farm to the first point of marketing or processing within a 150-mile radius of the farm or point of origin. Vehicles receiving the 10% variance are restricted from traveling in Metro Atlanta counties previously in non-attainment areas and served by the Atlanta-region Transit Link “ATL” Authority which includes: Cherokee, Clayton, Coweta, Cobb, DeKalb, Douglas, Fayette, Forsyth, <b>Fulton</b>, Gwinnett, Henry, Paulding and Rockdale. <i>Sunset Date:</i> July 1, 2025 The bill also allows local law enforcement the ability to enforce weight limits only on local roads and increases penalties for overweight vehicles on roads and posted bridges.</p>	<p>Passed</p>
<p><b><a href="#">HB 193</a> Local government; increase dollar values of certain public works construction contracts exempt from bidding requirements   Rep. Victor Anderson (10<sup>th</sup>)</b></p>	<p>This bill raises the dollar amount threshold required to bid out public works projects from \$100,000 to \$250,000. MARTA is authorized to purchase \$250,000 or less per year in goods, supplies, and services without competitive bidding on the same terms as those vendors are providing under contracts with local governments.</p>	<p>Passed</p>

# Taxation

Bill #/Author	Description	Status
<p><a href="#">HB 264</a> Revenue and taxation; handling of appeals of property tax assessments; revise   Rep. Vance Smith (138<sup>th</sup>)</p>	<p>This bill shortens the time county board of tax assessors must respond to a property tax appeal from 180 days to 90 days. If the county board of tax assessors does not respond within 90 days, the appeal is forwarded to the county board of equalization. If no hearing is scheduled by the appeal administrator within 180 days from the date of appeal, the valuation asserted by the taxpayer shall become the assessed fair market value.</p>	<p><i>Did Not Pass</i></p>
<p><a href="#">HB 290</a> Revenue and taxation; county tax commissioner duties; revise provisions   Rep. Mitchell Scoggins (14<sup>th</sup>)</p>	<p>This bill creates a uniform, three-party contract between the county government, tax commissioner, and municipal government. This contract specifies the services to be provided by the tax commissioner, amount to be paid by the city to the county to approximate county costs, and the amount paid by the city to the tax commissioner for services. HB 290 limits compensation paid by the city to the tax commissioner to fifty percent of the minimum annual base salary for the tax commissioner.</p>	<p><i>Did Not Pass</i></p>
<p><a href="#">SB 13</a> Public Sales; tax levies and executions; authorize online   Sen. John Albers (56<sup>th</sup>)</p>	<p>This legislation authorizes online participation in judicial sales and tax sales of real or personal property. It also adds the option of an appeal to a hearing officer for personal property other than wireless property with an aggregate fair market value exceeding \$200,000.</p>	<p><i>Did Not Pass</i></p>
<p><a href="#">SB 56</a> Ad Valorem Taxation Reforms   Sen. Chuck Hufstetler (52<sup>nd</sup>)</p>	<p>This bill creates a tax commissioner retirement plan with a state-funded match; Provides an Internal Revenue Code (IRC) update; and Extends the sunset for the preceptor tax credit. The bill also expands the current sales and use tax code to include the taxation of digital goods and services to include downloads of books, video games and music that a buyer retains possession of and does not tax streaming services or subscription-based products.</p>	<p>Passed</p>

# Courts

Bill #/Author	Description	Status
<p><a href="#">SB 31</a>  <b>Reimbursement of Expenses Incurred by Attorney General   Sen. Brandon Beach (21<sup>st</sup>)</b></p>	<p>This bill requires a locality to reimburse the attorney general and the Department of Law, upon request by the department, when a locality's district attorney refuses to prosecute a criminal case or cases that the attorney general and Department of Law have jurisdiction to prosecute the case, which they do. If the court finds for the attorney general and Department of Law, then it will award all reasonable expenses and costs to the department.</p>	<p><i>Did Not Pass</i></p>
<p><a href="#">SB 92</a> <b>Prosecuting Attorneys Qualifications Commission   Sen. Randy Robertson (29<sup>th</sup>)</b></p>	<p>This bill creates the eight-member Prosecuting Attorneys Qualifications Commission (PAQC). The bill contains various grounds for discipline of a District Attorney (DA) or Solicitor General (SG) by the PAQC, including: mental or physical incapacity; willful misconduct in office; willful and persistent failure to carry out duties; conviction of a crime involving moral turpitude; conduct prejudicial to the administration of justice; and knowingly authorizing or permitting an assistant DA or assistant SG to commit any act constituting a ground for removal. No complaints can be filed prior to October 1, 2023. If a DA or SG is removed, the 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. The bill adds a duty for DAs and SGs, requiring the elected positions to review every case for probable cause, and to make a prosecutorial decision based on the law and facts of each individual case. The failure to perform these duties will constitute a ground for recall from the position.</p>	<p>Passed</p>
<p><a href="#">SB 272</a> <b>Reestablish Criminal Case Data Exchange Board   Sen. John Kennedy (18<sup>th</sup>)</b></p>	<p>This bill reestablishes the Criminal Case Data Exchange Board as a 19-member advisory board to the Administrative Office of the Courts. The board will be required to conduct a feasibility study to include a review of a system to track charges pertaining to human trafficking, and whether those charges resulted in convictions or resulted in pleas of lesser or related charges. This review will be required to be completed by December 1, 2024, at which point the board will deliver it to the required parties in the legislative, executive, and judicial branches.</p>	<p>Passed</p>

# Public Safety

Bill #/Author	Description	Status
<p><b><a href="#">HB 505</a> Riot; provide for a felony penalty   Rep. Mike Cheokas (151<sup>st</sup>)</b></p>	<p>This bill makes the offense of riot a felony offense punishable by imprisonment for a minimum of one year up to a maximum of 20 years.</p>	<p><i>Did Not Pass</i></p>
<p><b><a href="#">SB 44</a> Street Gang Terrorism and Prevention Act   Sen. Bo Hatchett (50<sup>th</sup>)</b></p>	<p>This bill clarifies that it is unlawful for a person to indirectly through another person: cause, encourage, solicit, recruit, or coerce another to become a member of a criminal street gang; to participate in a criminal street gang; or to participate in criminal gang activity. The bill defines "dangerous weapon", "firearm", "hazardous object", and "leader". SB 44 introduces mandatory minimum sentences for gang-related offenses; conditions to when a judge can issue a bond on a person's own recognizance, or unsecured judicial release; and requirements for a person to contest their ineligibility for unsecured judicial release.</p>	<p>Passed</p>
<p><b><a href="#">SB 68</a> RICO; offense of dogfighting as racketeering activity   Sen. Ricky Williams (25<sup>th</sup>)</b></p>	<p>This bill adds offenses under the statute outlawing dogfighting to the list of statutes that are eligible to be prosecuted under the racketeer influenced and corrupt organizations (RICO) framework.</p>	<p>Passed</p>

## Study Committees: Sunsetting on December 1, 2023

- [HR 603](#): Seven-member House Study Committee on Certificate of Need Modernization.
- [SR 147](#): Seven-member Senate Local Option Sales Tax Study (LOST) Committee to examine governing the determination of local option sales tax agreements.
- [SR 175](#):
  - Ten-member Joint Study Committee on Service Delivery Strategy (SDS).
  - 16-member Joint Study Committee on Dual Enrollment for Highly Skilled Talent at Younger Ages to examine existing dual enrollment opportunities to develop highly skilled talent at younger ages and develop solutions to produce more dual enrollment talent
- [SR 279](#): 12-member Senate Study Committee on Certificate of Need Reform to study Certificate of Need policies with a focus on support for the survival and growth of rural hospitals; closure of Atlanta Medical Center which was a Level 1 acute care hospital; and reforms to preserve the ability of hospitals to continue to provide open access to all patients in a community.



Governor Brian P. Kemp has 40 days from Sine Die (Monday, May 8) to review bills and exercise his veto power.