



FULTON  
COUNTY

**2021  
Fulton  
County  
Legislative  
Session  
Final  
Report**



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# INTRODUCTION

## Regular Session

The 156th Georgia General Assembly convened its first regular session on Monday, January 11, 2021 and adjourned Sine Die on Wednesday, March 31, 2021. All first-year biennial legislative session bills introduced that did not pass are eligible for passage during the 2022 Legislative Session. Examples of the diverse issues state elected officials focused on this year include:

- Over 80 Elections Bills
- Human Trafficking, Domestic Violence and Sexual Assault
- Year-Round Daylight Savings Time
- Income Tax Reductions
- Public Healthcare Including COVID-19 Responses and Funding
- Legalization Of Gambling and Sports Betting
- Freight & Logistics Funding
- Trust Funds Protections
- Probation Reform

The following key legislative priorities supported by Fulton County Government were addressed in bills that received final passage this session: ensuring necessary Covid-19 response resources; ensuring autonomy for Fulton County Executive Airport - Brown Field; and creating a more efficient and effective justice system. Bills that will assist survivors of human trafficking, an area of high importance to Fulton County Government, were also passed during this year's legislative session. Based on these legislative outcomes and departmental feedback, the Fulton County Board of Commissioners will adopt a new legislative agenda for the 2022 Legislative Session in fall 2021.

## Special Session on Redistricting

Governor Brian P. Kemp will call a Special Session in the fall for the Georgia General Assembly to redraw the boundaries of the state's legislative and congressional districts based on data from the 2020 Census. Once final 2020 Census data is received by Georgia's Legislative and Congressional Reapportionment Office, updating of Georgia's maps will begin. Public hearings will be held throughout the state to receive input from citizens all over Georgia as both the House and Senate Reapportionment Committees meet to discuss new maps. The maps will be produced and voted on by both legislative chambers. If passed by the Georgia House and Senate, Governor Kemp will sign or veto the completed maps. This will be the first decennial redistricting cycle in which state maps will not have to be approved by the federal government.

# ADOPTED LEGISLATION RELATED TO FULTON COUNTY'S 2021 LEGISLATIVE PRIORITIES

## Ensure Necessary Resources for COVID-19 Response

### **HB 112 COVID-19 Liability Protections – Rep. Kelley R-16 (Cedartown)**

*EFFECTIVE: MAY 4, 2021; ACT 175*

Extends liability protections for local governments and businesses for negligence claims associated with exposure or transmission of COVID-19 on their premises for one year through July 14, 2022.

### **HB 653 Georgia Pharmacy Practice Act – Rep. Jasperse R-11 (Jasper)**

*EFFECTIVE: MAY 6, 2021; ACT 240*

Allows pharmacists at a pharmacy or other facility to continue to conduct COVID-19 tests for 12 months after the end of the public health emergency declared by the United States secretary of health and human services.

### **SB 46 Authorize Emergency Medical Technicians and Cardiac Technicians to Administer Vaccines – Sen. Burke R-11 (Bainbridge)**

*EFFECTIVE: MAY 10, 2021; ACT 292*

Allows Emergency Medical Technicians and Cardiac Technicians to administer vaccines in public health emergencies and requires reporting to the Department of Public Health regarding vaccinations. SB 46 also allows for persons completing the Department of Corrections firefighter course to apply for certification as an Emergency Medical Technician with additional drug testing requirements to maintain certification.

### **SB 235 Revise Offenses of Public Order Relating to Mask – Sen. Watson R-1 (Savannah)**

*EFFECTIVE: JULY 1, 2021*

Allows the wearing of mask or face covering to comply with any health care agency or health care provider guidance to prevent the spread of COVID-19, other coronaviruses or influenza.

## Ensure Autonomy for Fulton County Executive Airport – Brown Field

### **HB 445 City of South Fulton; change corporate boundaries – Rep. Bruce D-61 (Atlanta)**

*EFFECTIVE: MAY 10, 2021; ACT 265*

Changes the corporate boundaries of the City of South Fulton to include the Fulton Industrial District south of the centerline of the right of way of State Route 402, also known as Interstate 20, except the Fulton County Executive Airport - Charlie Brown Field.

### **HB 459 Local government; prohibit annexations of county operated airport property – Rep. Martin R-49 (Alpharetta)**

*EFFECTIVE: MAY 10, 2021; ACT 276*

Prohibits a municipality that contains more than 85 square miles within its corporate limits from annexing any territory on which a public airport operated by a county is located unless the governing authority of such county adopts a resolution approving such annexation within 90 days prior to the governing authority of the municipality holding a vote on such annexation.

# ADOPTED LEGISLATION RELATED TO FULTON COUNTY'S 2021 LEGISLATIVE PRIORITIES

## Create A More Efficient & Effective Justice System

### **HB 635 Allow Judges to Perform Duties from Any Location – Rep. Leverett R-33 (Elberton)**

*EFFECTIVE: MAY 4, 2021; ACT 202*

Allows judges of the superior, state, probate, and magistrate to perform duties from any location via video conferencing. The chief judge is allowed to waive speedy trial timelines when there is an extreme backlog of cases. HB 635 also allows bench trials instead of jury trials when agreed to by both parties and allows district attorneys to file charges via accusation instead of the grand jury.

### **SB 33 Torts; cause of action against perpetrators for victims of human trafficking – Sen. Dixon R-45 (Buford)**

*EFFECTIVE: JULY 1, 2021; ACT 28*

Allows survivors of human trafficking to recover damages and reasonable attorney's fees in a court of law against traffickers.

### **SB 34 Domestic Relations; name change; victims of human trafficking may petition – Sen. Dixon R-45 (Buford)**

*EFFECTIVE: JULY 1, 2021; ACT 29*

Allows privacy for name changes (non-disclosure waiver) for persons formerly trafficked.

# LEGISLATION RELATED TO FULTON COUNTY'S 2021 LEGISLATIVE PRIORITIES THAT DID NOT PASS

## Ensure Autonomy for Fulton County Executive Airport – Brown Field

### **HB 836 City of Atlanta; change corporate limits – Rep. Bruce D-61 (Atlanta)**

Changed the corporate boundaries of the City of Atlanta to include the Fulton Industrial District north of the centerline of the right of way of State Route 402, also known as Interstate 20, except the Fulton County Executive Airport - Charlie Brown Field.

## Ensure Secure & Accessible Elections

### **HB 77 Electors May Vote in any Precinct – Rep. Bruce D-61 (Atlanta)**

Allowed an elections superintendent to permit any voter of the county to vote in any precinct of the county.

### **HB 113 Same day Registration and Voting – Rep. Alexander D-66 (Hiram)**

Allowed people to register to vote in person at their precinct polling place on election day for primary and general elections, or at the registrar's office during the early voting period.

## Simplify Homestead Exemptions

### **HB 75 Property Tax: Clarify Millage Rate Notification Requirements – Rep. Gambill R-15 (Cartersville)**

The proposed notice language provided the property owner with clearer information on how to calculate his/her taxes and clarified that while a proposed millage rate that is higher than the rollback rate would result in overall higher government tax revenue, an individual property owner's taxes may or may not go up. Additionally, HB 75 allowed any local government that has a "floating" homestead property tax exemption to dispense with the otherwise applicable public notification of tax increase requirements.

## Support Homeowner Protections

### **HR 117 House Study Committee on Homeowners' Associations, Condominium Owners' Associations, and Property Owners in Community Associations – Rep. Boddie D-62 (East Point)**

Created a five member House Study Committee on Homeowners' Associations, Condominium Owners' Associations, and Property Owners in Community Associations. The committee would have studied how various communities could be better organized to implement requirements and procedures for turnover and transition from declarants, developers, or other establishing entities to property owners comprising the community association.

# OTHER FULTON COUNTY 2021 LEGISLATIVE PRIORITIES

## Strengthen Behavioral Health Model & Funding For Substance Abuse Prevention

*Fulton County received an annual budgetary allotment of \$500,000 for the HomeFirst public-private partnership to provide behavioral health services for permanent homeless supported housing.*

*However, no new legislation related to this priority was introduced in the 2021 legislative session.*

Fulton County supports greater funding for behavioral health programs to ensure that service levels can meet current needs and:

- Fulton County seeks \$1.5 million in annual funding to support behavioral health services for formerly homeless individuals in permanent supportive housing. This will allow Fulton County to maintain and establish services that began following the 2019 legislative session.
- Fulton County supports policies and additional funding to create greater capacity related to opioid and addiction prevention, treatment and recovery programs.
- Fulton County seeks to be recognized and funded as the primary safety net provider for behavioral health services for uninsured and under-insured residents in our county.

## Create Equity In Appeals Process For Commercial Property Assessments

*Legislation related to this priority was not introduced in the 2021 legislative session.*

Fulton County proposes changes in the appeals process for assessments of commercial properties including:

- Requiring mandatory reporting of all income and expenses associated with the commercial property at the time an appeal is filed.
- Amendment to O.C.G.A. § 48-5-299 (c) to clearly define “significant/material” change in existing law to include includes changes in income, vacancy and cap rates.
- Updating appeals forms for commercial properties to require declaration of recent fee appraisals.
- Limiting appeal rights on Development Authority parcels during all or part of the 10-year “ramp up” period.

## Support Creative Industries

*Legislation related to this priority was not introduced in the 2021 legislative session.*

Fulton County is an ardent supporter of arts and culture in all communities and:

- Fulton County supports legislation that continues incentives that support job creation and business opportunity through creative industries, including film and television, post-production, fashion, music and e-sports.

# OTHER FULTON COUNTY 2021 LEGISLATIVE PRIORITIES

## Support Housing Solutions & Affordability

*Legislation related to this priority was not introduced in the 2021 legislative session.*

Fulton County supports fair, accessible, affordable housing solutions for all residents:

- Fulton County supports legislation that provides quality affordable housing for low to moderate income residents.
- Fulton County requests that the State of Georgia allocate ongoing housing funding to address the growing homeless population.

## Support Evictions Record Sealing

*Legislation related to this priority was not introduced in the 2021 legislative session.*

Fulton County proposes that eviction records filed due to non-payment of rent be sealed under the following guidelines:

- A court of competent jurisdiction will order the immediate sealing of all public records that are in the custody of the clerk of court making civil case records permanently unavailable to the public in dispossessory actions when the plaintiff does not prevail.
- In periods of a public health emergency, a one-time sealing of civil case records in dispossessory actions shall be effective immediately provided that such dispossessory action was due to non-payment caused by uncontrolled loss of income.
- If a settlement agreement is effectuated or when three years have lapsed since a resolved case of dispossessory action caused by non-payment.

## Support Medicaid Coverage For Heart Transplants

*Legislation related to this priority was not introduced in the 2021 legislative session.*

Fulton County supports an equitable, patient-first approach to heart organ transplantation for Georgia patients suffering end-stage heart disease. Accordingly:

- Fulton County urges the State of Georgia to update its Medicaid Handbook by amending the Medicaid Standards for Organ Transplant Services to include authorization for adult heart transplantation.



# STATE OF GEORGIA BUDGET

## Amended Fiscal Year 2021 Budget

The final revenue estimate for the Amended Fiscal Year 2021 Budget (HB 80) was \$26.5 billion which is an increase in overall spending by \$654 million. Highlights include:

- \$27 million to the Department of Public Health for technology and staff.
- \$1,000 one-time bonus payment to state employees earning less than \$80,000 annually.
- Funding for the purchase of 520 new school buses.
- Utilization of existing funds to provide a 10% pay increase to correctional officers in state facilities.

## Fiscal Year 2022 Budget

The Fiscal Year 2022 Budget (HB 81) includes a revenue estimate of \$27.2 billion, an increase of \$1.34 billion, or 5.2%, over the original Fiscal Year 2021 budget. Highlights include:

- Restores \$58.5 million for the Department of Behavioral Health and Developmental Disabilities including \$7 million added for a new 16-bed behavioral health crisis center to expand the service capacity of the state's crisis system. This innovative center will serve individuals who are in crisis and have both a mental health diagnosis and an intellectual or developmental disability.
- Adds \$9.2 million for core services to increase the service capacity and promote funding equity of the state's providers to combat the negative impact of COVID-19 in mental health and addiction. This investment allows the state to serve an additional 7,415 individuals per year.
- \$6 million to the Metropolitan Atlanta Rapid Transit Authority (MARTA). MARTA will use the funds to complete improvements at its Bankhead Station in order to improve accessibility near the newly announced Microsoft campus.
- Adds \$1.5 million to implement new ballot security protocols found in SB 202.
- In the Agricultural Education program, \$340,000 is provided for four new young farmer positions in Fulton, Pickens, Ware, and Worth counties at \$85,000 each.
- \$500,000 award continued for Fulton's County's HomeFirst public-private partnership which provides behavioral health services for permanent homeless supported housing.

# SUMMARY OF KEY LEGISLATIVE ISSUES

## Georgia Citizen's Arrest Law

House Bill 479, authored by Representative Bert Reeves R-34 (Marietta), repeals the Citizens Arrest Law, removing the current law provision that allows for a private citizen to detain another private citizen on the basis of reasonable suspicion that a criminal activity occurred. This historic bi-partisan legislation was signed by Governor Brian. P. Kemp on May 10, 2021 as Act 264. Georgia is now the first state in the country to repeal citizen's arrest statute. Highlights include:

- Law enforcement officers are authorized to make arrests outside of their jurisdiction if the offense is committed in an officer's presence or within an officer's immediate knowledge; when in immediate pursuit of an offender for an offense committed within the officer's jurisdiction; or while assisting another law enforcement officer in the jurisdiction of the other officer.
- Exceptions for business owners, retail/restaurant employees and private security officers in the cases of detaining individuals for shoplifting or theft are provided. Any of these private persons who detain an individual must either release the individual or contact law enforcement within a reasonable time. Any individual detained by these private persons who is not released will be surrendered to a law enforcement officer along with any personal belongings removed from the individual.
- Nothing in HB 479 shall be construed to limit or alter any immunity or defense provided under Article 2 of Chapter 3 of Title 16 (Georgia's "stand your ground" law). Except in circumstances involving use of force in defense of self or others, involving use of force in defense of habitation, or involving use of force to prevent the commission of a forcible felony, any of the private persons provided for in HB 479 who detain an individual shall not use force which is intended or likely to cause great bodily harm or death, but may use reasonable force to the extent the private person reasonably believes is necessary to detain the individual.

# SUMMARY OF KEY LEGISLATIVE ISSUES

## Election Integrity Act of 2021

The Election Integrity of 2021 (Senate Bill 202), authored by Senator Max Burns R-23 (Sylvania), was signed by Governor Brian. P. Kemp on March 25, 2021 as Act 9. SB 202 makes substantial revisions to Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally.

Highlights of the bill impacting Fulton County Government and Voters include:

- Mobile voting units may only be used in emergencies declared by the Governor in order to supplement the capacity of the polling place where the emergency circumstance occurred.
  - Fulton County's two mobile voting units will be used for voter educational purposes instead of mobile voting.
- Requires all counties to have at least one absentee drop box per 100,000 registered voters and only allows voters to use the drop boxes during early voting hours and inside early voting locations.
  - There will only be eight absentee ballot drop boxes allowed in Fulton County, as allowed under this legislation. (Fulton County Government employed 38 drop boxes in the 2020 election cycle.)
- Prohibits the acceptance and use of grants, gifts or funds unless they are from the federal, state or county governments.
  - In 2020, the Department of Registration and Elections received over \$10 million in grant funding.
- A performance review of local elections officials may be initiated by the county commission or a certain threshold of General Assembly members which will allow the State Election Board (SEB) to begin the process to temporarily take over low performing elections offices. The SEB could also create an independent performance review board, and no more than four elections superintendents in the state can be suspended at any given time.
  - Sanctions are possible if key deadlines are not met.
- Removal of the Secretary of State (SOS) as chair of the SEB.
- On Election Day, ballots must be counted nonstop until completion once the polls close. Additional Election Day reporting requirements are included in the bill.
  - The number of precincts in Fulton County could triple if voters wait in line for more than 1 hour during a General Election.
- If a precinct had more than 2,000 voters at the previous general election and they had to wait more than an hour to vote, then the superintendent shall reduce the size of the precinct or provide for more equipment or poll workers.
- Three required weeks of early voting will take place Monday-Friday from 9 a.m.-5 p.m. or as long as 7 a.m. – 7 p.m. Two Saturdays of early voting are required with two optional Sundays for counties.
- Mandates counties use encrypted security paper for ballots.
  - One-time funding of \$1.5 million included in State's FY 2022 Budget (HB 81).

# SUMMARY OF KEY LEGISLATIVE ISSUES

## Election Integrity Act of 2021

- Poll workers are allowed to serve in neighboring counties.
- Voters who show up to the wrong precinct would not have provisional ballots counted, unless it was after 5 p.m. and they sign a statement they could not make it to the correct polling location by the end of polls closing.
- Signature verification for absentee ballot application approvals will no longer be used. Voters must provide Driver's License Number, last 4 digits of SSN or other approved ID on the outer envelope when requesting absentee ballots.
- Georgia's current nine-week runoff period is shortened to four weeks.
- Military and overseas voters will receive instant-runoff, ranked-choice absentee ballots.
- Advance voting for runoffs will begin at the latest the second Monday prior to Election Day.

Fulton County plans to educate voters on Senate Bill 202 with a 2021-2022 campaign focused on the following changes: shortened timelines for requesting absentee ballots, process for providing ID for requesting absentee ballots, absentee ballot drop box availability, use of provisional ballots for out of precinct voters and to meet additional public notification requirements throughout the Election Cycle.

# ADOPTED LEGISLATION IMPACTING FULTON COUNTY SERVICES

In addition to Fulton County's legislative priorities, a number of bills were adopted that may affect Fulton County programs and services.

## General Services

### **HB 98 Public Hearings: Authorize by Teleconference – Rep. Lumsden R-12 (Armuchee)**

*EFFECTIVE: MAY 4, 2021; ACT 171*

HB 98 authorizes local governments to conduct public hearings by teleconference during declared federal, state or local emergency situations.

#### **Agencies/Departments Impacted**

Board of Commissioners; Clerk to the Commission; County Attorney; Countywide

### **HB 134 Allow Cybersecurity Discussion in Executive Session and Exempt from Open Records – Rep. Anderson R-10 (Cornelia)**

*EFFECTIVE: APRIL 29, 2021; ACT 35*

HB 134 allows local governments to discuss matters related to cybersecurity services in executive session. No vote in executive session can be binding and a subsequent vote must be taken in an open meeting. HB 134 also exempts certain cybersecurity documents from open records.

#### **Agencies/Departments Impacted**

Board of Commissioners; Board of Registration and Elections; Clerk to the Commission; County Attorney; Information Technology

### **HB 150 Local Government Cannot Discriminate Against Types or Sources of Energy or Fuel – Rep. Williamson R-115 (Monroe)**

*EFFECTIVE: MAY 6, 2021; ACT 254*

HB 150 prohibits any Georgia local government from adopting any policy that prohibits, or has the effect of prohibiting, the connection or reconnection of any utility service based on the type or source of energy or fuel to be delivered to any customer. Local governments may still choose utility services for the properties they own.

#### **Agencies/Departments Impacted**

Board of Commissioners; County Attorney; Public Works; Purchasing & Contract Compliance; Real Estate and Asset Management

### **HB 156 Local Governments Must Report Cyber Attacks – Rep. Parsons R-44 (Marietta)**

*EFFECTIVE: MARCH 25, 2021; ACT 8*

HB 156 requires counties and cities to report certain cyber-attack, data breach or identified malware incidents to the state director of emergency management and homeland security. Incidents are to be reported if they create a life-safety event, substantially impact the security of data and information systems, or affect critical systems, equipment or service delivery. The director of emergency management shall promulgate rules specifying the reporting mechanism. These reports are not subject to open records.

#### **Agencies/Departments Impacted**

Atlanta-Fulton County Emergency Management Agency; Board of Commissioners; County Attorney; Information Technology

## **HB 286 Restrict Counties from Reducing Police Department Budget – Rep. Gaines R-117 (Athens)**

*EFFECTIVE: MAY 7, 2021; ACT 263*

HB 286 restricts city and county governments from reducing the police department's budget by more than 5% in one year or cumulatively over five years unless specified conditions exist. Also local governments who provide electronic payroll deposits to employees are required to provide for a deduction to purchase insurance that provides public safety employees with legal representation during all legal actions that are a result of their role as a public safety officer.

### **Agencies/Departments Impacted**

Board of Commissioners; Finance; Police

## **HB 465 Prohibit Local Governments from Issuing Civil Fines for False Alarms – Rep. Gullet R-19 (Dallas)**

*EFFECTIVE: MAY 3, 2021; ACT 148*

HB 465 prohibits local governments from issuing a civil penalty for false alarms when the alarm company can prove it was not a result of their equipment or service.

### **Agencies/Departments Impacted**

Atlanta-Fulton County Emergency Management Agency; Board of Commissioners; County Attorney; Police

## **HB 511 Dedication of Trust Funds – Rep. Reeves R-34 (Marietta)**

*EFFECTIVE: MAY 10, 2021; ACT 290*

HB 511 dedicates the following trust funds for their intended purpose: Hazardous Waste Trust Fund, Solid Waste Trust Fund, State Children's Trust Fund, Wildlife Endowment Trust Fund, Trauma Care Network Trust Fund, Transportation Trust Fund, Georgia Agricultural Trust Fund, Fireworks Trust Fund, and the Georgia Transit Trust Fund. All of the trust funds would be dedicated for a ten-year period: July 1, 2022-June 30, 2032.

### **Agencies/Departments Impacted**

Finance; Public Works; Tax Commissioner

## **HB 574 Establish Local Government Companion Animal Trust Fund – Rep. Camp R-131 (Concord)**

*EFFECTIVE: MAY 10, 2021; ACT 290*

HB 574 dedicates fees collected from the state licensing of pet dealers, kennel, stable and animal shelter operations to a new trust fund called the Local Government Companion Animal Trust Fund. The trust fund would be administered by the Georgia Department of Agriculture with the proceeds made available to local governments for the reimbursement of impounding abused dogs, cats and horses.

### **Agencies/Departments Impacted**

Animal Services; Finance

## **HB 708 City of Hapeville Public Facilities Authority Act – Rep. Dreyer D-59 (Atlanta)**

*EFFECTIVE: MAY 3, 2021; ACT 76*

HB 708 creates the City of Hapeville Public Facilities Authority to provide for the appointment of members of the authority; to provide for the purpose and scope of operation; to provide for definitions; to confer powers upon the authority; to authorize the issuance of revenue bonds of the authority; to provide for interests and remedies to bondholders; to fix and provide the venue and jurisdiction of actions relating to any provisions of this Act; to provide for moneys received to be deemed trust funds; to provide for tort immunity; to provide for tax exemption; to provide for rates, charges, and revenues; to provide for effect on other governments; to provide for construction of the act and severability; and provides for related matters.

### **Agencies/Departments Impacted**

Board of Commissioners; Development Authority of Fulton County; Select Fulton; Tax Commissioner

## **HB 762 Fulton Technology and Energy Enhancement Authority – Rep. Mainor D-56 (Atlanta)**

*EFFECTIVE: MAY 3, 2021; ACT 45*

HB 762 creates the Fulton Technology and Energy Enhancement Authority to identify, target, and alleviate the specific elements relating to the underdevelopment of technological resources and energy burdens. Another Authority goal is to significantly reduce poverty in the communities west of the main campus of the Georgia Institute of Technology by simultaneously creating jobs in the nontraditional trades of technology and energy.

### **Agencies/Departments Impacted**

Board of Commissioners; County Manager; Finance; Information Technology; Select Fulton

## **SB 32 Disclosure of Public Employees' Records – Sen. Brass R-38 (Newnan)**

*EFFECTIVE: MAY 6, 2021; ACT 247*

SB 32 exempts county employees' personal mobile or wireless telephone numbers from having to be disclosed pursuant to an open records request.

### **Agencies/Departments Impacted**

County Attorney; Human Resources

## **SB 100 Observe daylight savings time year round – Sen. Watson R-1 (Savannah)**

*ACT 17*

SB 100 provides that Georgia shall observe daylight savings time year round as the standard time of the entire state and all of its political subdivisions. NOTE: This Code section shall become effective only if the United States Congress amends 15 U.S.C. Section 260a to authorize states to observe daylight savings time year round.

### **Agencies/Departments Impacted**

Board of Commissioners; Countywide

## **SB 182 Fence Detection Systems: Define and Prohibit Local Governments from Bans – Sen. Robertson R-29 (Cataula)**

*EFFECTIVE: JULY 1, 2021; ACT 147*

SB 182 defines a fence detection system as a fence that has an alarm system that transmits a signal intended to summon law enforcement in response to an intrusion or burglary along with other strict conditions. Local governments must treat these fences as alarm systems in zoning and permitting matters and cannot completely ban fences that meet the definition regulations.

### **Agencies/Departments Impacted**

Board of Commissioners; Public Works

## **Public Health**

### **HB 307 Georgia Telehealth Act – Rep. Cooper R-43 (Marietta)**

*EFFECTIVE: MAY 4, 2021; ACT 188*

HB 307 revises and expands telehealth services by streamlining the delivery of services and reimbursement of providers.

### **Agencies/Departments Impacted**

Behavioral Health and Developmental Disabilities; Board of Health; Information Technology; Senior Services

### **HB 370 Term Limits for Joint Hospital Authorities – Rep. Jones R-47 (Milton)**

*EFFECTIVE: MAY 10, 2021; ACT 274*

HB 370 states that no person shall serve as a member of a joint hospital authority for more than three consecutive terms or 12 years, whichever is longer. The bill also provides that joint hospital authorities that lease certain hospitals are subject to limitations on utilization of revenues.

### **Agencies/Departments Impacted**

Board of Commissioners; Fulton-DeKalb Hospital Authority

### **HB 591 Authorize Marriage and Family Therapists to Evaluate for Mental Health Competency – Rep. Hogan R-179 (St. Simon's Island)**

*EFFECTIVE: MAY 10, 2021; ACT 280*

HB 591 authorizes marriage and family therapists to conduct evaluations for mental health competency. HB 591 also requires that all emergency receiving facilities report the number of admissions and other related data annually.

### **Agencies/Departments Impacted**

Behavioral Health and Developmental Disabilities



## Public Safety, Courts, and Justice

### **HB 43 Additional Information Included on Certain Driving Permits– Rep. Wes Cantrell R-22 (Woodstock)**

*EFFECTIVE: MAY 3, 2021; ACT 150*

HB 43 will allow additional information to be included on permits and driver's licenses to alert enforcement if the registrant has a condition that may impair their ability to communicate.

**Agencies/Departments Impacted**

Behavioral Health and Developmental Disabilities; Courts; Marshal; Police; Sheriff

### **HB 97 Require Oath for Chief Probate Court Clerks – Rep. Leverett R-33 (Elberton)**

*EFFECTIVE: MAY 4, 2021; ACT 170*

HB 97 requires probate judges who appoint a chief clerk in place of serving as clerk themselves, to administer an oath to the person appointed as a clerk.

**Agencies/Departments Impacted**

Probate Court

### **HB 154 Domestic Relations Updates – Rep. Reeves R-34 (Marietta)**

*EFFECTIVE: MAY 3, 2021; ACT 140*

HB 154 amends Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, so as to strengthen, clarify, and update provisions relating to the protection of children, including foster children and adopted children; and for other purposes.

**Agencies/Departments Impacted**

Courts; Child Attorney

### **HB 168 Department of Corrections Files – Rep. Petrea R-166 (Savannah)**

*EFFECTIVE: JULY 1, 2021; ACT 22*

HB 168 requires the Department of Corrections to provide the District Attorney, upon request, all records of inmates convicted of a serious violent felony against a person under the age of 18.

**Agencies/Departments Impacted**

District Attorney

### **HB 255 Sexual Assault Reform Act of 2021 – Rep. Holcomb D-81 (Atlanta)**

*EFFECTIVE: MAY 6, 2021; ACT 251*

HB 255 creates a statewide tracking system to tally the number, location and processing status of sexual-assault kits. Victims would not need to file criminal charges to complete assault tests and could receive updates anonymously on their kit's status. Monitoring compliance will be performed by the Criminal Justice Coordinating Council.

**Agencies/Departments Impacted**

Courts; Police; Sheriff

## **HB 488 Magistrate Court Judges Pay Raise – Rep. Scoggins R-14 (Cartersville)**

*EFFECTIVE: MAY 6, 2021; ACT 198*

HB 488 provides a 5% increase in the minimum base salary for all magistrate judges and clerks. For counties with a population of 500,000 or more, the new minimum salary, beginning January 1, 2022, will be \$133,106.73.

### **Agencies/Departments Impacted**

Finance; Human Resources; Magistrate Court

## **HB 534 Crimes and offenses; promoting illegal drag racing and laying drags – Rep. Bonner R-72 (Fayetteville)**

*EFFECTIVE: MAY 3, 2021; ACT 152*

HB 534 creates an offense of drag racing and laying drag and sets forth a sentencing structure and penalties and fines for those found guilty.

### **Agencies/Departments Impacted**

Board of Commissioners; Courts; District Attorney; Police; Sheriff

## **HB 579 Public Safety and Judicial Facilities Act – Rep. Oliver D-82 (Decatur)**

*EFFECTIVE: MAY 10, 2021; ACT 279*

HB 579 removes the referendum requirement for bonds issued by a county or city Public Safety & Judicial Facilities Authority located within a county that levies a sales tax for a metropolitan area system of public transportation (DeKalb, Fulton, and Clayton). Such authorities are authorized to issue bonds to finance facilities such as detention facilities, court-related facilities, and public safety facilities.

### **Agencies/Departments Impacted**

Board of Commissioners; County Attorney; County Manager; Finance; Real Estate and Asset Management

## **HB 631 Georgia Crime Information Center; New System Development – Rep. Cheokas R-138 (Americus)**

*EFFECTIVE: MAY 3, 2021; ACT 143*

HB 631 requires the Georgia Emergency Communications Authority to develop and maintain a voluntary system/database of individuals who may not communicate effectively with law enforcement or first responders.

### **Agencies/Departments Impacted**

Behavioral Health and Developmental Disabilities; Courts; Marshal; Police; Sheriff

## **HB 714 Georgia Civil Practice Act – Rep. Kelley R-16 (Cedartown)**

*EFFECTIVE: MAY 4, 2021; ACT 203*

HB 714 includes an amendment to Section 10 of the “Metropolitan Atlanta Rapid Transit Authority Act of 1965,” by revising subsection (t) as follows: “Any action to protect or enforce any rights under the provisions of this Act or any suit or action against such Authority, except as provided in Section 9(c), shall be brought in the either State or Superior Court of Fulton County, Georgia, and any action pertaining to validation of any bonds issued under the provisions of this Act shall likewise be brought in said court, which shall have exclusive, original jurisdiction of such actions.”

**Agencies/Departments Impacted**  
State Court; Superior Court

## **SB 105 State-Wide Probation System – Sen. Strickland R-17 (McDonough)**

*EFFECTIVE: MAY 3, 2021; ACT 151*

SB 105 revises the terms by which early release from probation may occur in felony offenses. The legislation also sets the maximum length of probation in a felony offense at 24 months if all conditions of the sentence are met.

**Agencies/Departments Impacted**  
Courts; Sheriff

## **SB 163 Judicial Emergency; suspension of statutory speedy trial requirements; provide – Sen. Strickland R-17 (McDonough)**

*EFFECTIVE: MAY 4, 2021; ACT 213*

SB 163 provides that the Chief Superior Court Judge in the circuit may certify that meeting the speedy trial deadlines’ requirements can be suspended because of a backlog of cases following a judicial emergency.

**Agencies/Departments Impacted**  
Courts

## **SB 174 Bonds and Recognizances; appointed judges – Sen. Gooch R-51 (Dahlonega)**

*EFFECTIVE: MAY 4, 2021; ACT 216*

SB 174 allows appointed judges filling a vacancy of an elected judge to issue unsecured judicial release until the elected judge position has been filled.

**Agencies/Departments Impacted**  
Courts; Sheriff

## TAXATION AND CERTAIN EXEMPTIONS

### **HB 63 Title Ad Valorem Tax: Changing Taxable Value for Leased Vehicles – Rep. Blackmon R-146 (Bonaire)**

*EFFECTIVE: JANUARY 1, 2022; ACT 169*

HB 63 revises the method of calculating title ad valorem tax (TAVT) on leased vehicles, to provide that TAVT will apply to the total of principal payments under the lease. Prior law also applied TAVT to the interest component of lease payments.

**Agencies/Departments Impacted**  
Finance; Tax Commissioner

### **HB 114 Income tax; adoption of foster children; revise tax credit – Rep. Reeves R-34 (Marietta)**

*EFFECTIVE: JULY 1, 2021; ACT 5*

HB 114 amends Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, computation, and exemptions from state income taxes, so as to revise the tax credit for adoption of foster children.

**Agencies/Departments Impacted**  
Board of Commissioners

### **HB 160 Municipal Option Sales Tax (MOST) – Rep. Boddie D-62 (East Point)**

*EFFECTIVE: MAY 10, 2021; ACT 270*

HB 160 extends the ability to levy the one percent Municipal Option Sales Tax (MOST) for water and sewer projects to any municipality with a waste-water system connecting to the City of Atlanta's waste-water system.

**Agencies/Departments Impacted**  
Finance; Purchasing & Contract Compliance; Tax Commissioner

### **HB 244 Uses of County Insurance Premium Tax – Rep. Hogan R-179 (St. Simon's Island)**

*EFFECTIVE: APRIL 21, 2021; ACT 20*

HB 244 expands the list of permissible uses of county insurance premium tax to include flood-reduction measures, including storm water planning and infrastructure.

**Agencies/Departments Impacted**  
Atlanta-Fulton County Emergency Management Agency; Finance; Public Works; Purchasing & Contract Compliance; Tax Commissioner

## **HB 292 Ad Valorem Tax: Reduce Training Requirements for Boards of Equalization – Rep. Williams Jr. R-148 (Cordele)**

*EFFECTIVE: MAY 4, 2021; ACT 187*

HB 292 reduces the continuing education requirements for county boards of equalization members in their second and later terms of office. Members would still be required to receive 40 hours of such training during their first term.

### **Agencies/Departments Impacted**

Board of Equalization; Clerk of Superior Court

## **HB 317 Lodging Facilitator Tax: Collection – Rep. Stephens R-164 (Savannah)**

*EFFECTIVE: JULY 1, 2021; ACT 21*

HB 317 requires online lodging platforms such as Airbnb and VRBO to collect and remit county and city hotel/motel taxes on short-term rentals (STRs) that are hosted via those platforms. HB 317 also adds the \$5 per night state transportation fee to STR stays.

### **Agencies/Departments Impacted**

Finance; Tax Commissioner

## **HB 374 Sales Tax: Exemption for Public Water/Sewer Authorities – Rep. Gaines R-117 (Athens)**

*EFFECTIVE: MAY 6, 2021; ACT 234*

HB 374 exempts from sales taxes sales made to public authorities that provide water or sewer service.

### **Agencies/Departments Impacted**

Finance; Public Works

## **HB 593 Tax Relief Act of 2021 – Rep. Blackmon R-146 (Bonaire)**

*EFFECTIVE: JULY 1, 2021; ACT 6*

HB 593 amends Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated so as to increase the amount of the standard deduction from state taxable income for individuals to \$5,400 and \$7,100 for a married couple filing jointly.

### **Agencies/Departments Impacted**

Board of Commissioners

## **HB 732 City of Atlanta Independent School District ad valorem tax exemption; remove sunset date – Rep. Dreyer D-59 (Atlanta)**

*EFFECTIVE: JANUARY 1, 2022; ACT 107*

HB 732 provides a homestead exemption from City of Atlanta Independent School District ad valorem taxes for educational purposes in the amount of \$15,000.00.

### **Agencies/Departments Impacted**

Board of Registration and Elections; Tax Assessor; Tax Commissioner; City of Atlanta; Atlanta Public Schools

## **HB 757 City of Atlanta Urban Enterprise Zones – Rep. Nguyen D-89 (Atlanta)**

*EFFECTIVE: MAY 3, 2021; ACT 106*

HB 757 amends the 'Atlanta Urban Enterprise Zone Act' by providing for findings and purpose of urban enterprise zones, for types of ad valorem property tax exemptions, and for designating urban enterprise zones.

### **Agencies/Departments Impacted**

Tax Assessor; Tax Commissioner; City of Atlanta

## **SB 6 Omnibus Tax Exemptions and Credits – Sen. Albers R-56 (Roswell)**

*EFFECTIVE: JULY 1, 2021; ACT 166*

SB 6 is an annual omnibus collection of tax-related measures that creates or extends sales tax exemptions for certain sales of tickets, fees, or charges for admission to tickets to fine arts performances or exhibitions, yacht repairs, parts for concrete mixers, and certain large economic development projects. SB 6 also allows for analysis of the costs and benefits from state laws that provide tax exemptions, credits, deductions, and abatements. Each year, the chairs of the House Ways & Means Committee and Senate Finance Committee could request an economic analysis of up to five existing or proposed tax expenditure laws.

### **Agencies/Departments Impacted**

Arts and Culture; Board of Commissioners; Finance; Real Estate and Asset Management; Select Fulton; Tax Assessor; Tax Commissioner

## **SB 201 Collection of Municipal Property Taxes by Certain County Tax Commissioners – Sen. Hufstetler R-57 (Rome)**

*EFFECTIVE: JULY 1, 2021*

SB 201 revises the law regarding city property tax collection by the Fulton and Gwinnett County tax commissioners, to provide that counties and cities may contract for such services without the approval of the tax commissioner. HB 201 also provides the Department of Revenue with additional authority to obtain information on delinquent taxpayers.

### **Agencies/Departments Impacted**

Board of Commissioners; County Attorney; Finance; Tax Commissioner

## **Transportation**

### **HB 588 Freight & Logistics, P3 and Locomotive Fuel Dedication – Rep. Jasperse R-11 (Jasper)**

*EFFECTIVE: MAY 5, 2021; ACT 224*

Incorporates recommendations from the Georgia Freight and Logistics Commission such as further defining the public benefit definition under the GDOT State Freight Railroad Program, adds new GDOT and SRTA procedures regarding public-private partnership (P3) projects, and includes legislative intent that the state sales tax derived from the sale of locomotive fuel should be used for freight and logistics projects located on or connected to publicly owned roads.

### **Agencies/Departments Impacted**

Public Works, Development Authority, Select Fulton

## **SB 210 Digital License Plates Allowed – Sen. Robertson R-29 (Cataula)**

*EFFECTIVE: JULY 1, 2021; ACT 134*

SB 210 sets standards and procedures for issuing and displaying digital license plates. Individuals are allowed to apply to the county tag office indicating a preference for a digital license plate. A digital license plate provider can collect fees for the license plate hardware and services. Digital license plates would be renewed annually and the Department of Revenue is authorized to develop rules and regulations relating to the digital displays, messaging and personalization.

### **Agencies/Departments Impacted**

Tax Commissioner

## **HR 11 House Study Committee on Innovative Ways to Maximize Global Talent – Rep. Cantrell R-22 (Woodstock)**

HR 11 creates the House Study Committee on Innovative Ways to Maximize Global Talent. The committee will review best practices and provide recommendations to maximize global talent, with a focus on education, training, occupational licensing, and small business development.

### **Agencies/Departments Impacted**

Human Resources; Select Fulton

## **HR 222 House Study Committee on Annexation and Cityhood – Rep. Anderson R-10 (Cornelia)**

HR 222 creates a House Study Committee on Annexation and Cityhood to examine the impacts of annexation, the laws and rules governing the creation of new cities, and whether changes should be made to Georgia's annexation dispute resolution process.

### **Agencies/Departments Impacted**

Board of Commissioners; County Attorney

## **SR 84 Joint Study Committee: Airport Infrastructure and Improvements – Sen. Harper R-7 (Ocilla)**

SR 84 creates the Joint Study Committee on Airport Infrastructure and Improvements that will study airport funding and policies that support the growth of the aviation industry.

### **Agencies/Departments Impacted**

Board of Commissioners; Public Works; Real Estate and Asset Management

## **SR 102 Georgia Commission on E-Commerce and Freight Infrastructure Funding – Sen. Gooch R-51 (Dahlonega)**

SR 102 creates the Georgia Commission on E-Commerce and Freight Infrastructure Funding and states that a professional study is needed to determine the best course of action regarding funding and policy development relating to freight and logistics in the state.

### **Agencies/Departments Impacted**

Board of Commissioners; County Manager; Public Works

## **SR 283 Senate Improving Access to Healthy Foods and Ending Food Deserts Study Committee – Sen. Jones II D-22 (Augusta)**

SR 283 creates the Senate Improving Access to Healthy Foods and Ending Food Deserts Study Committee to: (A) Determine how many Georgians live in food deserts and where food deserts are located; (B) Examine local, state, and national policies which address food deserts; (C) Examine the economic impact food deserts have on this state's economy; (D) Examine any changes that should be made to this state's tax and economic policies to combat food deserts; and (E) Examine how this state can assist local governments as they attempt to eradicate food deserts.

### **Agencies/Departments Impacted**

Board of Commissioners; County Manager; Public Works



# GOVERNOR BRIAN P. KEMP'S VETO & SIGNING STATEMENTS

## VETOED LEGISLATION

SB 156 Labor and Industrial Relations; appointment, oath, bond, power, duties, and authority of a chief labor officer – Sen. Harbin R-16 (Tyrone)

## GOVERNOR'S STATEMENT

While I understand the frustration that many in our state have felt regarding the backlog of unemployment claims, Senate Bill 156 proposes significant infringements on the separation of powers guaranteed by Georgia's Constitution.

Senate Bill 156 would create the position of Chief Labor Officer within the Department of Labor that is appointed by and responsible to the Legislative Branch of state government. The bill would give the actions of the Chief Labor Officer "the same force and effect" as actions of the Commissioner of Labor.

The Georgia Constitution provides that "[t]he legislative, judicial, and executive powers shall forever remain separate and distinct; and no person discharging the duties of one shall at the same time exercise the functions of either of the others except as herein provided." GA. CONST. art. I, § 2, ¶ III. Interpreting this, the Georgia Supreme Court held that, "[a] legislative enactment violates separation of powers when it increases legislative powers at the expense of the executive branch, or when the enactment...prevent[s] the Executive Branch from accomplishing its constitutionally assigned functions ... even if it does not increase legislative powers." *Perdue v. Baker*, 586 S.E.2d 606, 615 (2003).

Further, the bill does not provide a conflict resolution mechanism between the Chief Labor Officer and the Commissioner of Labor despite powers being shared between the two. Instead, this bill would allow the Chief Labor Officer to seek a writ of mandamus against the Commissioner when the two experienced an irreconcilable dispute. This would put the State in the position of using taxpayer dollars to sue between two branches of the same government to enforce a remedy against a duly elected state official.

Rather than creating a new Chief Labor Officer position that reports directly to the legislature, I believe we should work with the Labor Commissioner to identify the challenges his agency is facing and ensure the Georgia Department of Labor is doing everything it can to review unemployment claims for validity and deliver payments for those who qualify. In addition, many Georgia employers are struggling to find workers for important manufacturing and service industries. For our state's economic momentum to continue, the Commissioner of Labor must do more to match employers with job seekers and make policy decisions that encourage more Georgians to return to the workforce.

**For the foregoing reasons, I VETO SENATE BILL 156.**

## SIGNED LEGISLATION

HB 160 Municipal Option Sales Tax (MOST) – Rep. Boddie D-62 (East Point)

*EFFECTIVE: MAY 10, 2021; ACT 270*

## GOVERNOR'S STATEMENT

House Bill 160 expands the availability of Municipal Option Sales Tax ("MOST") to any city that operates a waste-water system that interconnects with the waste-water system of a municipality with an average flow of more than 85 million gallons per day. Currently, the City of Atlanta is the only waste-water system in the state with an average flow of more than 85 million gallons per day, and the only cities that are connected to Atlanta's system are Hapeville, East Point, and College Park.

It is my opinion that non-revenue generating services should be operated as self-funded units, with costs paid by system revenue rather than general tax revenues. By using sales tax to pay for water and sewer infrastructure, the system will be supported by visitors to the city, instead of system users. This model incentivizes mismanagement of services.

However, Atlanta has used MOST revenues to upgrade its water and sewer system beyond what can currently be similarly sustained by Hapeville, East Point, and College Park's user fees alone. This disparity must be addressed for the entire system to operate equitably.

Further, this bill allows for voters in these cities to pass a MOST referendum to address the disparity in funding between the interconnected systems.

Therefore, while I disagree with imposing sales taxes to fund system operation and upgrades, this bill allows for the voters of the cities of Hapeville, East Point, and College Park to decide whether such a tax is the right policy solution to solve the disparity between these cities systems and Atlanta's,

**For the foregoing reasons, I SIGN HOUSE BILL 160.**

## SIGNED LEGISLATION

HB 34 Audiology and Speech-Language Pathology Interstate Compact Act; enact – Rep. Belton R-112 (Buckhead)

*EFFECTIVE: MAY 10, 2021; ACT 285*

## GOVERNOR'S STATEMENT

House Bill 34, the Audiology and Speech-Language Pathology Interstate Compact, is designed to streamline professional licensure across state lines and enhance regulatory information-sharing among regulators. Upon signature, Georgia will become the eleventh state to pass the Compact. In accordance with the Georgia Occupational Regulation Review Law, O.C.G.A. § 43-1A-1, et seq., this legislation received a favorable recommendation from the Georgia Occupational Regulation Review Council.

## GOVERNOR'S STATEMENT *(continued)*

### HB 34 Audiology and Speech-Language Pathology Interstate Compact Act *(continued)*

The objectives of multi-state or “compact” licensure laws are compelling. By standardizing licensure requirements and increasing data-sharing across state lines, workers can more easily practice their profession with less paperwork and standardized accountability by regulators in participating states. Uniform licensure is especially beneficial for the military community, and service members — along with their family members and dependents — have expressed a desire to see this legislation signed into law alongside many audiologists and speech-language pathologists.

This legislation allows for a “home state” audiology or speech-language pathology license for Georgia residents and a “privilege to practice” in Georgia for compact license-holders who reside in a “remote” member state. If you hold a home state compact license in a member state, you may apply for a privilege to practice in the compact’s member states.

A handful of Georgia citizens have alleged that this legislation will gut existing state law mandating verification of an applicant’s lawful presence for “public benefits,” which includes a professional license. See O.C.G.A. § 50-36-1, et seq. The concern is that illegal immigrants will no longer have to verify their lawful presence before securing authorization to practice as an audiologist or speech-language pathologist in Georgia, taking jobs away from lawfully present individuals. This claim is false.

Conversely, in the last couple of weeks, I have received numerous letters of support from Georgia’s military leaders reiterating the importance of these agreements for spouses who move from state to state with their families. Georgia is proud to be a state that supports our military heroes and their families, and I greatly appreciate the willingness of those who serve our country so selflessly.

To secure a home state audiology or speech-language pathology license, the applicant must satisfy threshold eligibility categories and comply with “the home state’s qualifications for licensure or renewal of licensure,” including “all other applicable state laws.” See lines 215-217. Therefore, a home state license applicant must comply with O.C.G.A. § 50-36-1, et seq. by verifying lawful status as an American citizen or federally authorized immigrant. The same is true for those seeking a privilege to practice in Georgia since the applicant’s privilege to practice is also contingent on compliance with applicable state law, including O.C.G.A. § 50-36-1, et seq. regarding proof of lawful presence.

Therefore, I reject the claim that this compact legislation will circumvent existing state law mandating documentation of lawful presence in Georgia before issuance of state authorization to practice audiology or speech-language pathology.

**For the foregoing reasons, I SIGN HOUSE BILL 34.**

# GOVERNOR BRIAN P. KEMP'S VETO & SIGNING STATEMENTS

## SIGNED LEGISLATION

HB 268 The Occupational Therapy Licensure Compact Act; enact – Rep. Werkheiser R-157 (Glennville)

*EFFECTIVE: MAY 10, 2021; ACT 286*

## GOVERNOR'S STATEMENT

Nearly identical to House Bill 34, House Bill 268 is the Occupational Therapy Licensure Compact Act. Upon signature, Georgia will become the second state to enact the Compact, which does not become effective until ten states enact the legislation. In accordance with the Georgia Occupational Regulation Review Law, O.C.G.A. § 43-1A-1, et seq., this legislation received a favorable recommendation from the Georgia Occupational Regulation Review Council.

The same Georgians who raised concerns about this legislation circumventing Georgia law regarding proof of lawful presence to obtain a professional license, O.C.G.A. § 50-36-1, et seq., hold concerns about House Bill 268. However, for a home state compact license and a privilege to practice in a remote state, this legislation demands compliance with applicable Georgia law regarding professional licensure, which clearly includes O.C.G.A. § 50-36-1, et seq.

Likewise, here, I have received numerous letters of support from Georgia's military leaders reiterating the importance of these compacts for spouses who move from state to state with their families, Georgia is proud to be a state that supports our military heroes and their families, and I greatly appreciate the willingness of those who serve our country so selflessly.

**For the foregoing reasons, I SIGN HOUSE BILL 268.**

## SIGNED LEGISLATION

HB 395 The Professional Counselors Licensure Compact Act; enact – Rep. Belton R-112 (Buckhead)

*EFFECTIVE: MAY 10, 2021; ACT 287*

## GOVERNOR'S STATEMENT

House Bill 395 is the Professional Counselors Licensure Compact Act. Upon signature, Georgia will become the first state to enact the Compact, which does not become effective until ten states enact the legislation. In accordance with the Georgia Occupational Regulation Review Law, O.C.G.A. § 43-1A-1, et seq., this legislation received a favorable recommendation from the Georgia Occupational Regulation Review Council.

Once again, a handful of Georgians raised concerns about the applicability of Georgia's statute for proving lawful presence to obtain a professional license, O.C.G.A. § 50-36-1, et seq., and House Bill 395. However, their concerns that this legislation circumvents state law mandating documentation of lawful presence before issuance or use of a compact license or privilege to practice are meritless.

## GOVERNOR'S STATEMENT *(continued)*

Also, relevant here, I have received numerous letters of support from Georgia's military leaders reiterating the importance of these agreements for spouses who move from state to state with their families. Georgia is proud to be a state that supports our military heroes and their families, and I greatly appreciate the willingness of those who serve our country so selflessly.

For a home state compact license and a privilege to practice in a remote state, this legislation demands compliance with applicable Georgia law regarding professional licensure, which includes documentation of lawful presence as outlined in O.C.G.A. § 50-36-1, et seq., since the statute applies to professional licenses, a term which clearly encompasses both definitions for a home state "license" and "privilege to practice" in House Bill 395. To practice professional counseling in Georgia, an individual must be lawfully present and able to prove their status or they cannot obtain authorization to practice.

**For the foregoing reasons, I SIGN HOUSE BILL 395.**

# FAILED LEGISLATION IMPACTING GEORGIA'S COUNTIES

<b>BILL # AND SPONSOR</b>	<b>BILL TITLE</b>
HB 3 – Rep. Allen D-40 (Smyrna)	Permit Requirements for Facilities that Emit Ethylene Oxide
HB 23 – Rep. Oliver D-82 (Decatur)	Annexation; Include Schools in Dispute Resolution
HB 24 – Rep. Oliver D-82 (Decatur)	Annexation; Expand County Objection to Tax Abatements
HB 66 – Rep. Oliver D-82 (Decatur)	Tax Abatement Notification Provided to Counties
HB 86 – Rep. Stephens R-164 (Savannah)	Georgia Lottery Mobile Sports Wagering Integrity Act
HB 109 – Rep. Clark R-147 (Warner Robins)	Child Victim Protection Act of 2021
HB 117 – Rep. Wilensky R-79 (Dunwoody)	Low THC Oil Patient Registry; add ulcerative colitis
HB 138 – Rep. Mainor D-56 (Atlanta)	Law Enforcement Agencies Must Post Crimes by Apartment Complex Monthly
HB 218 – Rep. Ballinger R-23 (Canton)	Expand Reciprocity for Weapons Permit/License
HB 247 – Rep. Carson R-46 (Marietta)	Uniform rules of the road; distracted driving offense
HB 272 – Rep. Ballinger R-23 (Canton)	Increase Juvenile Court Jurisdiction Age to 18
HB 281 – Rep. Burchett R-176 (Waycross)	Mandatory Notice from Probate Court of Expiration of Weapons Carry License
HB 289 – Rep. Belton R-112 (Buckhead)	Sovereign Immunity, Unlawful Assembly and Law Enforcement Funding
HB 290 – Rep. Setzler R-35 (Acworth)	Patient and Resident Representation Act
HB 302 – Rep. Momtahan R-17 (Dallas)	Local Permit Fees; Change Means of Calculation/Imposition
HB 333 – Rep. Efstrotation R-104 (Dacula)	Ethics in Government Act of 2021
HB 349 – Rep. McLeod D-105 (Lawrenceville)	Juvenile Code Revisions
HB 352 – Rep. Momtahan R-17 (Dallas)	Property Tax System Overhaul
HB 371 – Rep. Gunter R-8 (Blairsville)	Certain Court Proceedings via Video Conferencing
HB 411 – Rep. Gullet R-19 (Dallas)	Create Prosecuting Attorneys Oversight Commission
HB 435 – Rep. Anderson R-10 (Cornelia)	Bids; Public Works Construction Projects Exception
HB 449 – Rep. Smith R-133 (Pine Mountain)	Revise Georgia Utility Facility Protection Act
HB 463 – Rep. Gilliard D-162 (Garden City)	Increase 911 Fees Charged by Counties and Municipalities

# FAILED LEGISLATION IMPACTING GEORGIA'S COUNTIES

<b>BILL # AND SPONSOR</b>	<b>BILL TITLE</b>
HB 464 – Rep. Scoggins R-14 (Cartersville)	Guardianship of a Minor Filed in Probate Court May be Transferred to Juvenile Court
HB 531 – Rep. Fleming R-121 (Harlem)	Elections; Omnibus Bill
HB 590 – Rep. Hogan R-179 (St. Simon's Island)	Mental health; grant program to establish assisted outpatient treatment programs
HB 642 – Rep. Burnough D-77 (Riverdale)	Property Tax; Taxability of Government-Owned Airport Property Outside of Owner's Boundaries
HB 643 – Rep. Burnough D-77 (Riverdale)	Property Tax; Taxability of Airport Lands Located outside Jurisdiction
HB 713 – Rep. Dempsey R-13 (Rome)	Reducing Street Homelessness Act of 2021
HB 717 – Rep. Cooper R-43 (Marietta)	Mental Health Jail Diversion
HB 798 – Rep. S. Evans D-57 (Atlanta)	Fulton County Board of Commissioners; provide compensation of chairperson and other members
HR 30 – Rep. Stephens R-164 (Savannah)	Constitutional Amendment; Authorize Casino Gambling in Georgia
HR 186 – Rep. Buckner D-137 (Junction City)	Joint Medicaid Sustainability Study Committee
SB 10 – Sen. Jones D-10 (Decatur)	Jaye Mize Law
SB 30 – Sen. Beach R-21 (Alpharetta)	Rural Georgia Jobs and Growth Act
SB 41 – Sen. Hufstetler R-57 (Rome)	Tax Commissioners Retirement Fund of Georgia
SB 52 – Sen. Thompson R-14 (White)	Cybersecurity; Defense to Liability for Businesses
SB 76 – Sen. Carson R-46 (Marietta)	Next Generation 911 Fund
SB 95 – Sen. Ginn R-47 (Danielsville)	Public Hearings; Authorize by Teleconference
SB 98 – Sen. Beach R-21 (Alpharetta)	Georgia Freight Railroad Program
SB 142 – Sen. Mullis R-53 (Chickamauga)	Legalize Sports Betting
SB 148 – Sen. Hufstetler R-57 (Rome)	State Revenue Study Committee
SB 164 – Sen. Hufstetler R-57 (Rome)	HIV Tests; modernization of HIV related laws to align with science

# FAILED LEGISLATION IMPACTING GEORGIA'S COUNTIES

<b>BILL # AND SPONSOR</b>	<b>BILL TITLE</b>
SB 171 – Sen. Robertson R-29 (Cataula)	Safe Communities Act of 2021
SB 183 – Sen. Robertson R-29 (Cataula)	Revise Requirement for Office of Sheriff
SB 200 – Sen. Anavitarte R-31	Emergency Powers of the Governor; certain business and religious institutions may continue to resume operations; certain states of emergency
SB 217 – Sen. Kennedy R-18 (Macon)	Bona Fide Coin Operated Amusement Machines Revisions
SB 218 – Sen. Walker III R-20 (Perry)	County Officials Indicted for Felonies Cannot Receive Pay
SB 241 – Sen. Dugan R-30 (Carrollton)	Elections and Voting; revise comprehensively
SB 256 – Sen. Burke R-11 (Bainbridge)	Appointment of District Health Directors
SB 276 – Sen. Kennedy R-18 (Macon)	County Law Libraries; authorize charging and collection of law library fees in county recorders' courts and magistrate courts
SR 26 – Sen. Harper R-7 (Ocilla)	Constitutional Amendment; Allowing State to Issue Bonds for Airport Projects
SR 135 – Sen. Mullis R-53 (Chickamauga)	Constitutional Amendment; Sports Betting
SR 154 – Sen. Orrock D-36 (Atlanta)	Joint Study Committee for Strengthening Georgia's Future Workforce Funding





# 2021 Fulton County Board of Commissioners

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