



191 Peachtree Street NE, Suite 700 • Atlanta, GA 30303



201 Pryor Street, SW • Atlanta, GA 30303

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**ASSOCIATION COUNTY COMMISSIONERS OF GEORGIA & GEORGIA MUNICIPAL ASSOCIATION**

**INSTITUTE FOR CITY AND COUNTY ATTORNEYS**

**2024 LEGISLATIVE UPDATE**

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Blake Travis  
Assistant General Counsel, ACCG  
Suite 700, 191 Peachtree St., NE  
Atlanta, GA 30303  
(404) 522-5022  
[btravis@accg.org](mailto:btravis@accg.org)

Ryan Bowersox  
Assistant General Counsel, GMA  
201 Pryor St, SW  
Atlanta, GA 30303  
(404) 640-6590  
[rbowersox@gacities.com](mailto:rbowersox@gacities.com)

# Legislation that Passed

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## **HOUSE BILLS AND RESOLUTIONS**

**HB 206** - [Commercial Property Assessed Clean Energy \(C-PACE\)](#) (Rep. Steven Sainz, 123rd)

*Effective April 25, 2024.* This legislation authorizes development authorities to establish a program that finances energy efficiency, water conservation, renewable energy, and resilience improvements for privately owned or leased commercial, industrial, or agricultural real property, and certain multifamily residential real properties. HB 206 allows property owners to finance the up-front cost of eligible improvements and repay the authority over-time through assessments on the underlying real property.

**HB 300** – [Solar Decommissioning Provisions – Local Preemption](#) (Rep. Trey Kelley, 16th)

*Effective July 1, 2024.* This legislation establishes requirements for contracts between landowners and businesses leasing real property for large solar energy facilities. The legislation outlines the company’s responsibilities regarding the decommissioning of solar power equipment upon lease termination, including for financial assurance covering removal costs and restoration of the property’s original condition.

\*The legislation preempts local governments from imposing bond requirements for the benefit of the local government to cover the costs of abating any nuisance and restoring the property to its natural condition.

**HB 451** – [Post-Traumatic Stress Disorder Insurance](#) (Rep. Devan Seabaugh, 34th)

*Effective January 1, 2025.* This legislation requires that public entities provide supplemental, illness-specific insurance coverage to first responders diagnosed with occupational post-traumatic stress disorder (PTSD). In addition to law enforcement officers and firefighters, the term ‘first responders’ includes 911 dispatchers, corrections and jail officers, and probation officers. Coverage is available once per one’s lifetime and includes a \$3,000 lifetime cash benefit and an income replacement disability benefit payable for up to 90 days.

**HB 456** – [Municipal Judge Terms](#) (Rep. Stan Gunter, 8th)

*Effective July 1, 2024 and applies to all written agreements entered into on or after that date.* This legislation would extend the minimum term for municipal court judges from one year to two years but would also allow municipalities to remove such judge from office mid-term for a breach of a contract memorializing the terms and conditions of his or her appointment as a judge. Such judges can still be removed during such term by a two-thirds vote of the governing authority of the city for items such as willful misconduct in office, willful and persistent failure to perform duties, habitual intemperance, conduct prejudicial to the administration of justice, or disability.

**HB 461** – [Building Permit Fees: Eliminates One Method of Calculation](#) (Rep. Brad Thomas, 21st)

*Effective July 1, 2024.* HB 461 amends O.C.G.A. § 48-13-9, relating to the imposition of regulatory fees by local governments, to require the proceeds of regulatory fees collected by a local government to be used for the related regulatory activity and not the general operations of the local government. Additionally, 'registered investment advisors', 'shooting galleries and firearm ranges', and 'firearms dealers' are added to a list of businesses to which local governments may not charge a regulatory fee. HB 461 eliminates the ability for a local government to impose a fee for construction projects classified as renovation based on the cost of the project and instead requires the use of square feet for the calculation of a fee for new construction projects and renovation projects valued at \$75,000.00 or more.

**HB 581** – [Comprehensive Property Tax and Sales Tax Reform Package](#) (Rep. Shaw Blackmon, 146th)

*Effective January 1, 2025; contingent upon the ratification of the constitutional amendment during the November 2024 statewide referendum (see HR 1022).*

- This legislation, through the authority of a Constitutional Amendment – HR 1022 – imposes a statewide floating homestead exemption (adjusted base year homestead exemption) for all local governments including school districts; provided, however, that such governments and districts may opt-out of the exemption by March 1, 2025, by following certain procedures. If a jurisdiction already has a base year homestead exemption provision and does not opt-out of the new exemption, the taxpayer will receive whichever homestead exemption amount is most beneficial to the taxpayer.
- Notices of tax assessment: Adds a definition for ‘estimated roll-back rate’ that replaces the mandatory use of the prior year’s millage rate on the notice. Removes the requirement that the notice include the dollar amount of the estimated tax due for each taxing jurisdiction.
- Fair market value: Language is struck that required using the most recent arm's length transaction amount in any year as the maximum allowable fair market value for the next taxable year.
- HB 581 amends O.C.G.A. § 48-5-264, relating to duties of the chief appraiser, to require county chief appraisers to reappraise land parcels in their county every three years.
- The bill amends O.C.G.A. § 48-5-299 by revising the two-year assessment freeze allowed to appealing taxpayers, if the assessed value following the appeal remained the same or was reduced. Moving forward, the two-year freeze only applies if the appeal resulted in a reduction of assessed value.
- HB 581 amends O.C.G.A. § 48-8-6, relating to limitations on local sales and use taxes, by repealing current limitations on local sales tax rates and setting up a new maximum rate calculation that does not allow for more than 5% of local sales taxes in total. The bill limits local sales taxes to no more than 2 percent; provided, however, that the following categories of taxes do not fall under that 2 percent cap:
  - Up to 1 percent for an education-related special purpose local option sales tax;
  - Up to 1 percent from among certain transportation-related sales and use taxes; and

- Up to 1 percent from among various targeted sales taxes, such as the municipal water and sewer projects tax (MOST).
- The bill establishes a new local option sales tax for certain local governments:
  - The sales tax must be used to provide property tax relief and can be levied up to 1 percent, in 0.05 percent increments.
  - To initiate the tax, an intergovernmental agreement and voter approval via a referendum is required and all participating counties and municipalities must have in place a base year homestead exemption. The commissioner of the Department of Revenue shall not certify the tax digest of a political subdivision that is not in compliance with the requirement of using the proceeds of the tax to provide property tax relief.

**HB 808** – [Increases Statewide Tangible Personal Property Tax Exemption to \\$20,000](#) (Rep. Mike Cheokas, 151st)

*Applicable beginning January 1, 2025, provided that the measure is approved in a statewide referendum on November 5, 2024.* This legislation increases the minimum threshold for which tangible personal property taxes are imposed from \$7,500 to \$20,000. Tangible personal property with a value under this threshold would not be required to be returned for taxation, but tangible personal property valued over said threshold would be fully subject to ad valorem taxation from the first dollar.

**HB 946** – [Single-County TSPLOST](#) (Rep. Lee Hawkins, 27th)

*Effective May 6, 2024.* This legislation amends the current single-county TSPLOST, so that once a city or cities making up more than 50% of the municipal population sign an intergovernmental agreement (IGA) with the county, the tax may be levied up to the full 1%. Any cities that do not sign onto such an IGA will be considered absent municipalities. The absent municipalities will receive a share of the tax based on a formula using their proportionate share of the municipal population and total municipal centerline miles in the county. The tax may generally be levied under the IGA for a maximum of five years; provided, however, that the tax may be levied for up to six years if municipalities representing 100 percent of the district's municipal population enter into the agreement. The bill removes language that allowed the TSPLOST to be established without an intergovernmental agreement at a rate of up to 0.75%.

**HB 974** – [Elections: Omnibus Bill I](#) (Rep. John LaHood, 175th)

*Effective July 1, 2024.* Among its many provisions, this multi-faceted election bill:

- Requires that all ballots be printed on security paper with a visible watermark.
- Requires the Secretary of State (SOS) to establish and maintain a statewide system for the posting of scanned paper ballots, with scanned images being available by 5:00 p.m. on the second Friday following an election.
- Requires counties to perform additional risk-limiting audits.
- Requires the SOS to create a pilot program to audit the paper ballot images by optically scanning the human-readable text portions of the ballots. Counties (election

superintendents) will assume additional costs and administrative responsibilities in implementing this bill.

**HB 1017 – [The Georgia Squatter Reform Act](#)** (Rep. Devan Seabaugh, 34th)

*Effective March 24, 2024.* This bill creates the offense of unlawful squatting when someone enters and resides upon the land or premises of the owner without the owner or rightful occupant's knowledge or consent. A person accused of unlawful squatting will receive a citation advising them to present documentation within three business days authorizing their presence on the land or premises. If the person is unable to provide documentation, the person will be subject to arrest for criminal trespass and will be guilty of a misdemeanor. If a person does provide documentation, a hearing before a magistrate will be set within seven days of submitting the documentation to determine its validity. If the documentation is found to be improperly executed or fraudulent, that person will be subject to demand for possession and removal, subject to arrest, and assessed an additional fine based on the fair market monthly rental rate of the premises. A law enforcement official will exhibit an affidavit regarding a person's claim to the property at least three days prior to turning that person out of possession.

**HB 1033 – [Utility Worker Protection Act](#)** (Rep. Rob Leverett, 123rd)

*Effective May 6, 2024, and applicable to offenses committed on or after July 1, 2024.* This legislation adds enhanced penalties for protection of utility workers harmed while acting within the scope of their employment or while performing official duties. The bill includes a definition for the term 'utility worker', which includes independent contractors and applies to both private and public entities. The sentencing enhancement is added to the following crimes: simple assault, making it a high and aggravated misdemeanor; aggravated assault, making the term of imprisonment between three and 20 years; simple battery, making it a high and aggravated misdemeanor; aggravated battery, making the term of imprisonment between one and 20 years; and battery, making the crime a high and aggravated misdemeanor.

**HB 1073 – [Zoning: Halfway Houses and Drug Rehabilitation Centers and Gas Station Camera Ordinances](#)** (Rep. Dale Washburn, 144th)

*Effective May 6, 2024.* This bill includes three separate parts impacting local governments:

- Repeals hearing and notice provisions relating to zoning decisions for halfway houses, drug rehabilitation centers, and drug dependency treatment centers.
- Allows municipalities to permit sales of alcohol for consumption in special entertainment districts during specified times.
- Prohibits local governments from requiring video surveillance in the exterior or interior of businesses where automotive gasoline is sold.

**HB 1105 – [Immigration and Sanctuary Policies](#)** (Rep. Jesse Petrea, 166th)

*Effective May 1, 2024; provided, however, that O.C.G.A. § 42-4-16 is effective on December 31, 2024.* Requires Georgia law enforcement officials to work in conjunction with federal immigration authorities and to send, receive, and maintain information relating to the immigration status of any

individual as reasonably needed for public safety purposes. Any sheriff's office or law enforcement agency of a local governing body that acts in violation is subject to the withholding of state funding or state-administered federal funding other than to provide services required in subsection (d) of O.C.G.A. § 50-36-1. As a condition of funding, the Department of Community Affairs, the Department of Transportation, or any other state agency that provides funding to local governing bodies will require certification of compliance with requirements in O.C.G.A. § 50-36-4 for submission of annual immigration compliance reports. Any funding withheld from a sheriff's office is remitted to the county.

The legislation provides standard procedures for booking of aliens and foreign nationals and requires jailers to prepare quarterly reports outlining several categories of information for each jail jurisdiction. The bill provides that a first violation of the requirements in this Code section is a misdemeanor. Any second or subsequent violation is a misdemeanor of a high and aggravated nature.

**HB 1146 – [Private Water Permitting](#)** (Rep. Ron Stephens, 164th)

*Effective May 6, 2024.* This legislation mandates that the Environmental Protection Division (EPD) issue consumable water permits to private water suppliers operating within the “coastal aquifers of the state,” if the relevant public entity cannot or will not provide public water service within 18 months. This Code section is automatically repealed on January 1, 2029.

**HB 1149 – [Constitutional Officers Must Disclose Discretionary Funds](#)** (Rep. Mesha Mainor, 56th)

*Effective July 1, 2024.* This legislation requires county constitutional officers to annually report the financial condition and results of the operation of each of their discretionary funds to the county governing authority. Discretionary funds are those which are not appropriated through the county's budget process. The county must then report the discretionary funds in its annual audit but are not liable for a constitutional officer failing to provide timely or accurate information.

**HB 1203 – [Dispossessory Proceedings](#)** (Rep. Trey Kelley, 16th)

*Effective April 24, 2024.* This legislation entitles a landlord to use an off-duty sheriff, sheriff's deputy, marshal, or Peace Officer Standards and Training Council (POST) certified officer with jurisdiction over the property to execute a writ of possession at the landlord's sole cost and expense when an on-duty official is unable to execute the writ within 14 days of the landlord's application or request for execution. The landlord will have access to a list of authorized off-duty personnel, and provide written notice to the sheriff, constable, or marshal of the time of execution of the writ at last five calendar days in advance of the execution.

**HB 1207 – [Elections: Omnibus Bill II](#)** (Rep. Tim Fleming, 114th)

*Effective July 1, 2024.* Among its many provisions, this multi-faceted election bill:

- Requires election workers to be citizens of the United States.
- Adds an additional qualifying deadline if no candidates qualify for an election.
- Requires election superintendents to take additional steps in proofing ballots.

- Authorizes election superintendents to use less than one voting machine per every 250 electors on election day.
- Grants poll-watchers additional access at voting locations and in areas where administration of the voting process is taking place.
- Adds penalties for those threatening or interfering with a poll officer, election official, or poll watcher.

**HB 1223** – [Georgia Soil Amendment Act](#) (Rep. Rob Leverett, 123rd)

*Effective July 1, 2024.* This legislation amends the Georgia Soil Amendment Act of 1976 by adding new regulations and definitions related to specific violations for applying soil amendments. These violations include the following:

- If the site owner is under a consent order or facing existing enforcement action by the Department of Agriculture or Environmental Protection Division of the Department of Natural Resources.
- If a notice of violation has been issued by the Environmental Protection Division of the Department of Natural Resources.
- If the department has notified both the site owner and the person who has applied or distributed soil amendments, they must cease applying soil amendments on that site.

**HB 1407** – [Service Delivery Strategy Law Revisions](#) (Rep. John LaHood, 175th)

*Effective January 1, 2026.* This legislation makes several procedural revisions to the process of negotiating a service delivery strategy (SDS). It is a product of the 2023 Joint Legislative SDS Study Committee in which both ACCG and GMA participated. Among its provisions, HB 1407:

- Sets a standard for when negotiations must begin, when they can be called due to a change of circumstances, when they must end, and provides other deadlines throughout the process.
- Requires parties subject to negotiations to present a written proposal of an SDS agreement to all parties within 60 days of commencement of negotiations.
- Provides for mandatory mediations and optional nonbinding arbitration processes, while still allowing a party to petition the Superior Court to resolve any outstanding disagreements.
- Adds some exceptions to the imposition of sanctions following an SDS impasse, including an exception from sanctions for parties not subject to the dispute.
- Provides that if any change in service delivery or revenue distribution arrangements affects less than all the parties, an amendment to the strategy is limited to the participation of only those parties affected by the change.
- Authorizes counties to utilize several additional unincorporated revenues to pay for unincorporated and joint county-wide services.
- Requires the Georgia Department of Community Affairs (DCA) to develop optional statewide mapping standards for SDS negotiations.



- Prohibits DCA from promulgating any SDS rules or regulations unless they are specifically authorized to do so by law.

**HR 1022** (See HB 581) – [Constitutional Amendment Allowing Opt-Out of Statewide Floating Homestead Exemption](#) (Rep. Beth Camp, 135th)

*Effective January 1, 2025, provided that the measure is ratified by a majority of voters statewide on November 5, 2024.* This resolution would amend the constitution to allow local governments to opt out of the statewide floating homestead exemption as provided for in HB 581. The provisions of HB 581 will not become law unless this constitutional amendment is ratified in the 2024 General Election.

## **SENATE BILLS AND RESOLUTIONS**

**SB 19** – [Reporting of Passport Application and Processing Fees](#) (Sen. Kay Kirkpatrick, 32nd)

*Effective January 1, 2025.* Enacts reporting requirements for fees, sums, or other remuneration for the performance of passport duties performed by clerks of superior courts and probate judges. Both clerks and probate judges will issue written reports to counties on a quarterly basis disclosing the total amount of fees received by the clerks or probate judges during the previous quarter.

**SB 37** – [Sheriffs' Salary Supplement and Jail Officer Powers](#) (Sen. Randy Robertson, 29th)

*Effective July 1, 2024.* As of January 1, 2025, a sheriff that serves more than one of certain courts as part of his or her official duties shall receive an additional court salary supplement. Each court salary supplement is payable at \$4,630.80 (\$385.90 per month). These supplements will not be increased by any state cost-of-living adjustment (COLA) or general performance-based increases. For additional information, see ACCG's [Computing County Official Salaries for 2025](#).

Establishes the law enforcement unit within the Georgia Public Safety Training Center, and charges the unit with preserving public order, protecting life and property, and preventing crime. This unit enforces laws on all properties controlled by the Georgia Public Safety Training Center and enforces state laws and protects life and property when ordered by the governor or requested by a sheriff or police chief.

Authorizes jailers certified by the Georgia Peace Officer Standards and Training Council as having successfully completed the course of training require by the Georgia Peace Officer Standards and Training Act to arrest any person who is in violation of a criminal law which occurs in the jail or within the perimeter of the guard lines of the jail. The jailer may also arrest anyone who has a complaint or arrest warrant pending and surrenders themselves.

**SB 189** – [Elections: Omnibus Bill III](#) (Sen. Max Burns, 23rd)

*This bill's provisions have many different effective dates. Sections 1, 2, 3, 3.1, 5, 8, 10, and 11 are effective July 1, 2024; Sections 4, 6, and 9 are effective January 1, 2025; Section 7 is effective July 1, 2026; Sections 12 and 14 are effective May 6, 2024.* Among its many provisions, this multi-faceted election bill:



- Provides that the text portion of the paper ballot now constitutes an official vote – *effective July 1, 2026.*
- Authorizes election superintendents to provide paper ballots in certain county races – *effective Jan. 1, 2025.*
- Requires election superintendents to tabulate absentee ballot results by 8:00 p.m. on election day – *effective Jan. 1, 2025.*
- Removes the Secretary of State as an ex-officio member of the State Election Board – *effective July 1, 2024.*
- Allows any political party that has obtained ballot access in no fewer than 20 states to field a presidential candidate in Georgia – *effective July 1, 2024.*
- Specifies that the mailing address for homeless persons is the registrar's office for voting purposes – *effective Jan. 1, 2025.*
- Sets standards and expands the grounds for challenging an elector's right to vote – *effective Jan. 1, 2025.*
- Requires additional steps for election workers in sealing, storing, and documenting ballot custody – *effective Jan. 1, 2025.*
- Requires election superintendents, after certification, to unseal and scan ballot images and other materials, at a specified resolution, for anyone who requests them – *effective Jan. 1, 2025.*
- Counties (election superintendents) will assume additional costs and administrative responsibilities in implementing this bill.

**SB 212** – [Elections: End Probate Judges’ Election Responsibilities](#) (Sen. Max Burns, 23rd)

*Effective May 6, 2024, for purposes of creation of local election boards; effective for other purposes January 1, 2025.* Currently, there are about 25 Georgia counties where the probate judge administers elections. This legislation removes probate judges’ election responsibilities, effective January 1, 2025, following the completion of the 2024 general election. These counties are required to establish an election board and supervisor by December 15, 2024, to meet the above date. Counties with probate judges administering elections will have to switch to boards of elections and will likely assume additional costs and administrative responsibilities in doing so.

**SB 293** – [Appointments of District Health Directors](#) (Sen. Ben Watson, 1st)

*Effective July 1, 2024.* This legislation revises the selection and qualifications of district health directors by:

- Requiring them to have at least a master's degree in public health or a related field if they aren't licensed to practice medicine.
- Authorizing the district health director to serve as CEO of each local county board of health within the district.
- Authorizes the Department of Public Health Commissioner to appoint an interim district health director when there is a vacancy.

**SB 395** – [Placement of Reversal Opioid Medication](#) (Sen. Clint Dixon, 45th)

*Effective July 1, 2024.* Requires local governments to make available three opioid antagonists in each building where a local governing authority meets and each courthouse, provided that such building already has an automated external defibrillator.

This legislation also requires each government entity to establish and implement an internal training and implementation policy for the administration of opioid antagonists.

No government official, employee, or agent who acts in good faith or fails to act in administering the opioid antagonist will be civilly liable for such actions. No government entity will be civilly liable for failure to provide an automated external defibrillator or opioid antagonist. Additional provisions related to the prescription of opioid antagonist and possession and use in schools.

**SB 443** – [Nuisances: Locals May be Reimbursed Costs for Non-Permitted Events](#) (Sen. Ben Watson, 1st)

*Effective April 8, 2024.* This legislation authorizes a district attorney, solicitor general, city attorney, or county attorney to file a public nuisance claim under O.C.G.A. § 41-2-2 and seek to recover from a promoter or organizer of an unpermitted event the expenses incurred by a local government for public safety.

## Study Committees

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**HR 1498** – [Study Committee on Private Water Systems](#) (Rep. Trey Rhodes, 124th)

This resolution creates a study committee to analyze the operations of private water systems around the state. It was created in response to HB 1220, legislation that did not pass this session but addresses the current concerns surrounding the lack of oversight on private water companies in Georgia.

**HR 1554** – [Study Committee on Navigable Streams](#) (Rep. Lynn Smith, 70th)

This resolution creates a study committee tasked with carefully evaluating all aspects of navigable streams in the state, including the complex issues surrounding their ownership, as well as private and public rights of use, and other related matters. The creation of this committee was prompted by HB 1397, legislation that failed in attempts to categorize waterways as navigable or non-navigable. However, its companion legislation, HB 1172, passed this session, defining the rights associated with using navigable streams for activities such as hunting and fishing, even if a landowner holds a pre-1863 land grant. Although these rights are limited to these activities.

# Vetoed Legislation

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**HB 1019** – [Doubles Statewide Homestead Exemption to \\$4,000](#) (Rep. Matt Reeves, 99th)

This legislation would have doubled the existing statewide homestead exemption from \$2,000 to \$4,000 for county and school districts, but not for municipalities or municipal school districts. For some local governments that provide a higher local homestead exemption that is in lieu of the statewide homestead exemption, this bill may have no financial impact. The ballot question purports to raise the homestead exemption from \$2,000.00 to \$10,000.00, but the statute only raises the exemption by \$2,000.00.

# Legislation That Did Not Pass

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[HB 290 – Three-Party Contract for Collection of City Taxes and Caps Tax Commissioner Compensation](#)

[HB 301 – Penalties for Local Governments with Sanctuary Polices](#)

[HB 348 – Restrictions on Speed Detection Cameras in School Zones](#) [HB 514 – Housing Regulation Transparency Act](#)

[HB 905 – Zoning Procedures Law Revisions](#) [HB 981 – Building Permits Cannot Exceed \\$500 for Any Agricultural Producers](#)

[HB 1043 – Bitcoin Mining Operation Free-for-All: Preempt Local Government Ordinances](#)

[HB 1044 – Public Works Bid Threshold: Increase from \\$100,000 to \\$250,000](#)

[HB 1121 – Short Term Rentals: Preempt Local Government Regulations](#)

[HB 1126 – Enforcement of Speeding in School Zones by Automated Traffic Enforcement Safety Devices](#)

[HB 1225 – LOST Negotiations – Revise the Distribution of Proceeds](#)

[HB 1266 – Housing: The CHOICE Act – Preferential Treatment for those Adopting Zoning Density](#)

[SB 16 – EMS Reform Legislation](#)

[SB 413 – Sales Tax – Dates that Local Referendums May Be Held; Date for Initiating Taxes](#)

[SB 435 – Infrastructure and Community Development Act](#)