SENATE SUBSTITUTE TO HB 513

ADOPTED SENATE

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties and municipal corporations, so as to authorize continuance of existing local ordinances related to video surveillance at gas stations; to amend Article 2 of Chapter 70 of Title 36 of the Official Code of Georgia Annotated, relating to service delivery, so as to revise provisions related to the county share of funding for jointly funded county-wide services be borne by unincorporated residents; to provide for annual reports thereof; to provide for review and revisions to approved strategies; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties and municipal corporations, is amended by revising Code Section 36-60-32, relating to video surveillance equipment at locations where the retail sale of automotive gasoline occurs, as follows:

"36-60-32.

A county, municipal corporation, or consolidated government shall not require the placement of video surveillance equipment in the interior or exterior of any business or location where the retail sale of automotive gasoline, as that term is defined in Code Section 10-1-232, occurs; provided, however, that a county, municipal corporation, or consolidated government which, prior to May 6, 2024, has adopted one or more ordinances related to the placement of video surveillance equipment at any business or location where the retail sale of automotive gasoline occurs is authorized to continue regulating the placement of said video surveillance equipment pursuant to any such ordinances adopted prior to May 6, 2024.″

SECTION 2.

Article 2 of Chapter 70 of Title 36 of the Official Code of Georgia Annotated, relating to service delivery, is amended by revising Code Section 36-70-24, relating to criteria for service delivery strategy, as such Code section becomes effective on January 1, 2026, as follows:

″36-70-24.

In the development of a service delivery strategy, the following criteria shall be met:

(1) The strategy shall promote the delivery of local government services in the most efficient, effective, and responsive manner. The strategy shall identify steps which will be taken to remediate or avoid overlapping and unnecessary competition and duplication of service delivery and shall identify the time frame in which such steps shall be taken. When a municipality provides a service at a higher level than the base level of service provided throughout the geographic area of the county by the county, such service shall not be considered a duplication of the county service;

(2)(A) The strategy shall provide that water or sewer fees charged to customers located outside the geographic boundaries of a service provider shall not be arbitrarily higher than the fees charged to customers receiving such service which are located within the geographic boundaries of the service provider.

(B) If a governing authority disputes the reasonableness of water and sewer rate differentials imposed within its jurisdiction by another governing authority, that disputing governing authority may hold a public hearing for the purpose of reviewing the rate differential. Following the preparation of a rate study by a qualified engineer, the governing authority may challenge the arbitrary rate differentials on behalf of its residents in a court of competent jurisdiction. Prior to such challenge, the dispute shall be submitted to some form of alternative dispute resolution;

(3)(A) The strategy shall ensure that the cost of any service which a county provides primarily for the benefit of the unincorporated area of the county shall be borne by the unincorporated area residents, individuals, and property owners who receive the service. Further, when the county and one or more municipalities jointly fund a county-wide service, the county share of such funding shall be borne by the unincorporated residents, individuals, and property owners that receive the service.

(B) Such funding shall be derived from:

(i) Any one or more of the following sources:

~~(i)~~(I) Special service districts created by the county in which ad valorem property taxes, assessments, or user fees are levied or imposed;

~~(ii)~~(II) Grants;

~~(iii)~~(III) Any one or more of the following taxes and fees: solid waste franchise fees, cable ~~Cable~~ franchise fees, alcohol excise taxes, alcohol licensing fees, financial institution taxes, hotel-motel taxes, occupation taxes, railroad equipment taxes, insurance premium taxes, rental car excise taxes, impact fees, stormwater fees, zoning fees, or title ad valorem taxes, but excluding any amounts of such taxes ~~or~~ and fees to the extent such amount is derived from incorporated areas of the county; and

~~(iv)~~(IV) Revenues apportioned to the county as part of an intergovernmental agreement from the county and one or more municipalities; or

~~(v)~~(ii) Through such other mechanism agreed upon by the parties approving the strategy which complies with the intent of subparagraph (A) of this paragraph~~; and~~.

(C)(i) The strategy shall require the county to provide an annual report to each party to the strategy that:

(I) Identifies the total amount of funds received by the county from the funding sources utilized under division (i) or (ii) of subparagraph (B) of this paragraph for the provision of county services provided primarily for the benefit of the unincorporated area of the county and the county's share of any countywide service funded with one or more municipalities; and

(II) The total cost to the county of providing the services described in subdivision (I) of this division.

(ii) The provisions of this subparagraph shall not require any party to the strategy to establish separate accounts for such funds; and

(4)(A) Local governments within the same county shall, if necessary, amend their land use plans so that such plans are compatible and nonconflicting, or, as an alternative, they shall adopt a single land use plan for the unincorporated and incorporated areas of the county.

(B) The provision of extraterritorial water and sewer services by any jurisdiction shall be consistent with all applicable land use plans and ordinances.″

SECTION 3.

Said article is further amended by revising Code Section 36-70-28, relating to review and revision of approved strategy, as such Code section becomes effective on January 1, 2026, as follows:

″36-70-28.

(a) As used in this Code section, the term 'affected municipality' means the county seat and each municipality of at least 500 persons.

(b) In addition to the ten-year update required by paragraph (1) of subsection (a) of Code Section 36-70-21, each county and affected municipality shall review and revise the approved strategy:

(1) Whenever necessary due to changes in revenue distribution arrangements;

(2) In the event of the creation, abolition, or consolidation of local governments;

(3) When the existing service delivery strategy agreement expires; and

(4) Whenever the county and affected municipalities agree to revise the strategy.

(b.1)(1) In the event that a change in service delivery or revenue distribution arrangements affects less than all of the local governments that are parties to the approved strategy, an amendment to the strategy limited to such changed service or services or revenue distribution arrangements between only those specific local governments may be submitted solely by the affected local governments and without the approval of the other nonimpacted county and affected municipalities in the county whose approval would otherwise be required under subsection (b) of Code Section 36-70-25.

(2) Any amendments to the approved strategy or revenue distribution arrangement which affect less than all of the local governments that are parties to the approved strategy shall be subject to review and revision whenever the service delivery strategy affecting the county and all municipalities within the county becomes subject to review and revision under paragraph (1) of subsection (a) of Code Section 36-70-21 or subsection (b) of this Code section.

(c) No amendment to Code Section 36-70-24 made by the General Assembly shall constitute an event necessitating review and revision to an approved strategy under subsection (b) of this Code section.

(d) In the event that a county or an affected municipality located within the county refuses to review and revise a strategy in accordance with paragraph (2) of subsection (b) of this

Code section, then any of the parties may use the mediation or nonbinding arbitration processes provided for in this article.″

SECTION 4.

(a) Section 1 of this Act shall become effective on July 1, 2025.

(b) Sections 2 and 3 of this Act shall become effective on January 1, 2026.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.