



LEGISLATIVE UPDATE



March 31, 2023

Welcome to GHLA @ the Capitol, your weekly update about news you need to know related to Georgia's lodging industry and the 2023 General Assembly.

GHLA's legislative team will be your eyes and ears under the Gold Dome.

General Assembly Adjourns Sine Die!

On Wednesday, March 29, the Georgia General Assembly adjourned sine die after midnight and your Georgia Hotel & Lodging Association is happy to report that we have adjourned yet another monumental legislative season on behalf of the industry, securing the passage of several beneficial bills while defeating many attempts to materialize onerous ideas into law. This week's GHLA @ The Capitol will include those high level issues GHLA tackled for you. But stay tuned as next week, we will dive deep into all GHLA monitored legislation and where they fell in the process. Read more about the notoriously long day under the Gold Dome [here](#).

This marks the end of the 2023 legislative session and the first year of the 23-24 biennial. Bills that failed to receive final passage will be alive at the beginning of the 2024 session. GHLA thanks all the members for their outreach and engagement on legislative issues.

GHLA's Tourism Protection Bill Sent to Governor

On Monday, the Georgia General Assembly secured final passage of the Georgia Hotel and Lodging Association's [Senate Bill 127](#), a priority for the industry, where it will now await action from the governor. This critical piece of legislation represents a first of its kind protection for DMO's and CVB's across the state and will serve to protect Hotel/Motel Tax from inappropriate usage while requiring a local government, prior to changing or altering their local Convention and Visitors Bureau, to first go to the hotel/motel performance review board under the Department of Community Affairs for approval or rejection.



[SB 127](#), sponsored by Sen. Billy Hickman (R-Statesboro), would require a local government, prior to altering or changing their local Convention and Visitors Bureau, to first go to the hotel/motel performance review board under the Dept. of Community Affairs for approval or rejection. SB 127 passed the Senate 50-2 and the House 161-4. It now awaits signature by the Governor. GHLA appreciates the General Assembly giving final passage to this important measure.

Fuel Choice

[HB 374](#) was amended to include language from [HB 438](#), by Rep. Victor Anderson (R-Cornelia), a bill to preserve consumers' ability to choose the fuel source that best meets their needs, and received final passage on Sine Die. This was another priority issue for GHLA; it expands on GHLA supported and passed legislation in the 2021 legislative session, [HB150](#), which prohibits local governments from mandating certain types of energy or banning certain fuels. Pending the governor's signature, HB374 would also include a preemption on local governments from using building codes to make it too costly for businesses from implementing the fuel of their choice such as natural gas.

Third Party Delivery

[HB 528](#), by Rep. Houston Gaines (R-Athens), a proposal on online account renewal

transparency included language from [SB 34](#), by Sen. Elena Parent (D-Atlanta). The bill places guardrails on third-party delivery companies and requires a written agreement between the restaurant / hotel and the delivery company. This bill received final passage and awaits the Governor's signature.

Expansion on Facilitator

[Senate Bill 56](#) became an omnibus tax bill adding several different tax provisions. Of note, it expands on marketplace facilitator language to include provisions from [HB170](#) regarding state and local sales taxes on digital downloads such as software, books, games, videos, etc. The tax does not apply to subscription services such as Netflix and/or internet access services. The tax shall apply to transactions occurring on or after January 1, 2024. In addition, SB 56 revises the definition "force majeure" to include a pandemic for projects certified on or after July 1, 2023. Taxpayers' projects which fail to meet requirements on the credit because of force majeure may petition the Commissioner to adjust the qualification calculation for the credits.

Electric Vehicles

[SB 146](#), by Sen. Steve Gooch (R-Dahlonega), to establish a regulatory framework for EV sales and taxation, received final passage. Senate Bill 146 would regulate electric-vehicle chargers similar to how the state regulates gasoline pumps. Most notably, it would allow businesses such as hotels to sell electricity by the kilowatt hour. The House of Representatives approved the measure by a vote of 175-1. The Senate agreed to the House's changes to the bill by a vote of 51 to 4. It now heads to the governor for his signature.

Tha Amended FY23 Budget

The Governor's budget reflects increased funding for important state partners in the tourism industry, and most notably a line item for Southeast Tourism Society (STS) to guarantee the state's tourism department, Explore Georgia, continues its 40 year partnership with STS. This is a necessity for the continued success of tourism in every community in Georgia. Southeast Tourism Society was created by Georgia's first state tourism director and has since become the pinnacle resource for our state's DMOs.

GHLA applauds Governor Kemp for his support of rural tourism in Georgia through this important provision to STS and shares in the governor's vision to grow and strengthen tourism in every corner of the state. Thank you Governor Kemp for your continued dedication to Georgia and the hospitality and tourism industry.

C-Pace on Hold until 2024

Another priority for GHLA was to begin conversations on C-PACE financing. Though we were hopeful for final passage this year, we understood the mechanics around C-PACE financing would most likely require further debate. There were two attempts this year. First as a stand alone, [HB 206](#), by Rep. Steven Sainz (R-St. Mary's), authorizing commercial property-assessed clean energy (C-PACE) financing and allows hoteliers to

take advantage of low-cost financing for energy efficient upgrades, new developments, renovations, and other capital purchases. This language was also added to [SB 145](#).

The stand alone legislation, HB206, did cross over, but stalled due to questions around the mechanics of the language regarding development authorities. SB145 was later amended in the house to include C-Pace language, but failed to get an agreement on Sine Die in the senate. Both of these bills will be eligible for passage next year. GHLA will continue our conversations during the off season to educate our elected official on the importance of this type of financing for the continued growth of hotels in Georgia. [Click here](#) for GHLA's letter of support on HB206.

RFRA Failed

Sen. Ed Setzler (R-Acworth) introduced [SB180](#) known as the "Religious Freedom Restoration Act" (RFRA). This legislation seeks to provide state-level protection for people of all faiths by mirroring current federal law. SB180 received zero movement this year. GHLA will continue to oppose any legislation that would allow for any discriminatory practices to flourish in the state.

Alcohol on Hold

GHLA will continue our support for the modernization of the antiquated blue laws in the state and will rekindle those efforts in 2024 through the Fair and Open Access to Market (FOAM) Act. This year, [HB407](#) by Rep. Tyler Paul Smith (R-Bremen) and [SB163](#) by Senator Chuck Hufstetler (R-Rome) were introduced in an effort to modernize some of the antiquated beer laws in the state. According to the Georgia Craft Brewers Guild, "Small brewers are anchors of development and catalysts of economic growth in neighborhoods across Georgia. These small businesses provide sales and excise tax revenue, support local communities, and drive tourism. Unfortunately, small brewers are having to consider expanding outside the state due to barriers that limit opportunity and investment."

The FOAM Act (HB407 and SB163)

1. Establish self distribution
2. Remove daily volume cap on to-go beer
3. Creates flexibility around who can distribute their product
4. Allow for charitable contributions

GHLA was proud to support this initiative and will continue our efforts in 2024.

Other Noteworthy Bills To Pass on Sine Die

Income Tax Refund: [HB162](#) grants a second straight year of state income tax refunds between \$250 and \$500 for most taxpayers. HB162 has already been signed by the governor.

Permit Time off to Vote: [SB129](#) would let employees take time off of work to vote either during early in-person voting or on Election Day.

Crimes Against Critical Infrastructure: [HB227](#) would make it a crime to use electronic or physical means to attack systems providing electricity, water, sewer, internet, public transportation, emergency services and health care.

Street Gangs: [SB44](#) would add a mandatory 10 year prison sentences for anyone convicted of recruiting minors into a gang and make it harder for judges to avoid giving anyone convicted of gang activity at least five more years in prison.

Homeless Camps: [SB62](#) requires localities to enforce bans on homeless people camping in public and prohibits governments and hospitals placing homeless people in other counties without permission.

Failed to Pass on Sine Die

C-PACE: [HB 206](#), by Rep. Steven Sainz (R-St. Mary's), authorizing commercial property-assessed clean energy (C-PACE) financing and allows hoteliers to take advantage of low-cost financing for energy efficient upgrades and other capital purchases. This language was also added to [SB 145](#), which also failed to receive final passage. Both of these bills will be eligible for passage next year.

Alcohol Delivery: [HB 170](#), by Rep. Kasey Carpenter, related to the taxation on digital sales, was amended to also include alcohol delivery expansion language, allowing for up to 25 miles from the origin. This bill, along with several other alcohol code updates, failed to receive final passage.

Sports Betting: [HB 237](#) by Rep. Leesa Hagan (R-Lyons), the Soap Box Derby bill that the Senate amended to sports betting did not receive final passage. The House found another vehicle for the soap box derby, [SB 158](#), which did receive final passage.

Buckhead City: [SB 113](#) and [SB 114](#) by Sen. Randy Robertson (R-Cataula) to incorporate Buckhead City did not receive final passage.

Ticket Sales: [SB 153](#), which adds a 2% tax on ticket sales at certain venues did not pass.

Antisemitism: [HB 144](#), as amended to include anti-semitism language originally in [HB 30](#) did not pass.

Gender Identity in Schools: [SB88](#) would limit how public and private schools and camps could have talked to students about gender identity. It did not pass and stalled in senate committee.

Legislative Tracking Update

House Bills

[HB798](#) – Representative Kasey Carpenter (R-Dalton) - Georgia Data Privacy Act; enact

[HB808](#) – Representative Mike Cheokas (R-Americus) - Ad valorem tax; increase a statewide exemption for tangible personal property

[HB810](#) – Representative Kenneth Vance (R-Milledgeville) - Professions and businesses; electrical contractors, plumbers, conditioned air contractors, low voltage contractors, and utility contractors; change certain provisions

[HB813](#) – Representative Victor Anderson (R-Cornelia) - Municipalities; incorporation; additional preconditions and procedures; provide

[HB818](#) – Representative Viola Davis (D-Stone Mountain) - Revenue and taxation; repeal certain income tax credits

[HB819](#) - Representative Viola Davis (D-Stone Mountain) - Insurance; revise certain tax credits

[HB830](#) – Representative Deborah Silcox (R-Sandy Springs) - Buildings and housing; comprehensive state civil rights law protecting individuals from discrimination in housing, public accommodations, and employment; provide

[HB843](#) – (Representative Ron Stephens (R-Savannah) - Alcoholic beverages; Sunday sales for consumption on the premises in locally designated special entertainment districts; provide

House Resolutions

[HR520](#) – Representative Sharron Cooper (R-Marietta) - Employment First Georgia Council; develop recommendations on how to transition current use of sub-minimum wage practices to employment options for people with developmental disabilities; urge

[HR566](#) – Representative Scott Hilton (R-Peachtree Corners) - House Study Committee on Georgia's COVID-19 Response and Future Pandemic Preparedness; create

[HR567](#) – Representative Brad Thomas (R-Holly Springs) - House Study Committee on Workforce Innovation and Development; create

Senate Bills

[SB319](#) – Senator Sally Harrell (D-Atlanta) - State Civil Rights Law; protecting individuals from discrimination in housing, public accommodations, and employment; provide

[SB323](#) – Senator Frank Ginn (R-Danielsville) - Special Districts for Fire Protection Services; create

[SB326](#) – Senator Brandon Beach (R-Alpharetta) - Airports; definition; to prohibit the construction, alteration, or growth of structures or trees within a certain area; provide

Senate Resolutions

[SR394](#) – Senator Carden Summers (R-Cordele) - Senate Study Committee on the Creation of a Robust Wagering Ecosystem in the State of Georgia; create

GHLA Full Legislative Tracking Update

Please [click here to go to our Legislative tracking page](#) for the complete list of bills we are watching.