

House Bill 439

By: Representatives Houston of the 170th, Meeks of the 178th, Dickey of the 145th, and Pirkle of the 169th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 10 of Title 2 of the Official Code of Georgia Annotated,
2 relating to farmers' markets, so as to provide for the establishment of the Farmers' Markets
3 Trust Fund as a fund within the state treasury; to dedicate the proceeds of certain fees and
4 taxes to such fund as authorized and subject to the conditions imposed by Article III, Section
5 IX, Paragraph VI(r) of the Constitution of Georgia; to provide for annual appropriations and
6 reporting; to provide for compliance with constitutional requirements; to provide for related
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 10 of Title 2 of the Official Code of Georgia Annotated, relating to
11 farmers' markets, is amended by adding a new Code Section to read as follows:

12 "2-10-53.2.

13 (a)(1) The state treasurer shall establish a separate trust fund in the state treasury that
14 shall be known as the Farmers' Markets Trust Fund.

15 (2) The state treasurer shall invest the money held in the Farmers' Markets Trust Fund
16 in the same manner in which state funds are invested as authorized by the State

17 Depository Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the
18 money held in the trust fund shall be accounted for separately and shall be credited to the
19 trust fund to be disbursed as other moneys in the trust fund.

20 (b) Under the authority granted and subject to the conditions imposed by Article III,
21 Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on
22 July 1, 2023, and ending on June 30, 2033, all of the money collected pursuant to this Code
23 section shall be annually appropriated to the Farmers' Markets Trust Fund established by
24 subsection (a) of this Code section and such funds shall not lapse as otherwise required by
25 Article III, Section IX, Paragraph IV(c) of the Constitution of Georgia. Each annual
26 appropriation shall be made through the General Appropriations Act and shall include all
27 of the money collected from such source during the most recently completed fiscal year.

28 (c) All of the money appropriated to the Farmer's Markets Trust Fund pursuant to
29 subsection (b) of this Code section shall be dedicated for use and expended by the
30 Commissioner for the purposes of marketing and promotion activities conducted by the
31 Department of Agriculture in support of Georgia's agricultural products and supporting the
32 maintenance and operations of state farmers' markets.

33 (d) The Commissioner shall prepare an accounting of the funds expended pursuant to this
34 Code section during the most recently completed fiscal year to be provided to the Office
35 of Planning and Budget, the House Budget and Research Office, and the Senate Budget and
36 Evaluation Office by January 1 of each year."

37 **SECTION 2.**

38 In accordance with the requirements of Article III, Section IX, Paragraph VI(r) of the
39 Constitution of Georgia, this Act shall not become law unless it receives the requisite
40 two-thirds' majority vote in both the Senate and the House of Representatives and the amount
41 of the funds dedicated by this Act do not equal or exceed 1 percent of the previous fiscal
42 year's state revenues subject to appropriations.

43

SECTION 3.

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