

2019 Legislative Session

Legislative Days 26-29

March 8, 2019

Crossover Day Passes

The critical Crossover Day milestone was Thursday. While the Senate adjourned shortly before 7pm, the House worked until after 11pm. Their debate included hate crimes legislation and an abortion measure that was so contentious it threatened to derail the chamber's remaining business.

Legislators were back to work on Friday, but met only briefly to assign newly-received legislation to committees. The Capitol was quickly vacated after the chambers adjourned and members will spend a much-needed break at home over the weekend. Next week, they will be in session Monday through Thursday. Eleven legislative days remain for members to shepherd bills to final passage. Adjournment is scheduled for April 2.

These measures remain active after Crossover Day. Bills that are lost appear at the end of the report and will be removed next week.

Vehicle Booting Fails to Advance

HB 469: Private Property Parking Enforcement

Rep. Matt Dollar, R-Marietta

Failed to be placed on a House debate calendar

HB 469 prohibits the use of vehicle immobilization devices (like boots) statewide *unless* authorized by a governing authority of a county or municipal corporation and places severe restrictions on when booting is allowed.

The bill was nearly tabled during a meeting of the House Public Safety and Homeland Security Committee on Monday, but ultimately advanced to the House Rules Committee, where it waited to be placed on a debate calendar. Despite calls from the sponsor, the legislation did not make a debate calendar before the House concluded their business on Crossover Day.

While HB 469 is now dead as a stand-alone measure, the sponsor may attempt to add similar language to other active legislation. The Association will remain vigilant during the remaining legislative days.

Thanks to members who used the VoterVoice system to ask legislators to protect a private property owner's right to control parking as they see fit. Your engagement makes a difference!

Management & Property Rights

HB 454: Scooter Regulation

Rep. Kevin Tanner, R-Dawsonville

Adopted by the House on 3/7

HB 454 creates minimum state-wide standards for scooter operations, including providing a standardized definition and uniform accident reports and citations. The legislation prohibits an individual from stopping, standing or parking a scooter in a way that obstructs pedestrian or wheelchair access to any public or private building or establishment, parking meters, parking pay stations, or accessibility and safety features like ramps and handrails. The bill allows local governments to further regulate or ban scooters and the author indicated it has the support of city and county officials.

SB 153: Trauma Scene Cleanup Providers

Sen. Tyler Harper, R-Ocilla

Adopted by the Senate on 3/4

SB 153 requires the Georgia Bureau of Investigation to license and regulate trauma scene waste cleanup providers and maintain a current list of registered providers on the Bureau's website. The bill limits "trauma scenes" to locations of homicide, suicide, or advanced decomposition of a human body. If a private property owner wants to employ a person or company to provide these services, they must use a licensed and regulated provider; however, a private property owner is not prohibited from cleaning their own property.

HB 346: Retaliatory Evictions

Rep. Sharon Cooper, R-Marietta

Adopted by the House on 3/5

HB 346 prohibits retaliation by a landlord against a tenant for taking certain actions, including giving notice to repair the unit or establishing a tenant organization. The bill has undergone a number of revisions that make it more palatable for property owners.

HB 499: Electric Easements

Rep. Trey Kelley, R-Cedartown

Adopted by the House on 3/5

This legislation allows easements granted for electricity services to also be used for broadband services. Broadband providers may use an electric easement to install, maintain, lease, and operate broadband services without incurring liability or paying additional compensation to the owner or occupant of the property so long as no additional poles or other ground-based structures are installed.

SR 288: Fire Safety Consolidation Study Committee

Sen. John Albers, R-Roswell

Assigned to the Senate Rules Committee on 3/5

SR 288 creates the Senate Consolidation of State Fire Safety Services Study Committee to determine if consolidating state fire safety services into a single operating department or division would bring greater efficiency. Last year the author introduced a 177-page bill to consolidate fire services but it was ultimately unsuccessful. The second-signer of this year's study committee resolution is the pro-fire-consolidation Rules Chairman Jeff Mullis (R-Chickamagua). Because the legislation only pertains to the Senate, it is exempt from Crossover Day restrictions.

Property Taxation & Fair Market Value Legislation

HB 507: Calculation of Fair Market Value

Rep. Michael Wilensky, D-Dunwoody

Adopted by the House on 3/7

In 2017, the legislature adopted an omnibus tax reform measure that made changes to how tax assessors can “utilize” the income approach in determining fair market value. Evidently some local assessors have interpreted the 2017 law to mean the income approach is the *only* method they can use to determine the value of income producing property. HB 507 simply changes the word “utilize” to “consider” to make clear that assessors are able to use other value determination methods.

SB 216: Prepayment of Ad Valorem Taxes

Sen. Jeff Mullis, R-Chickamauga

Adopted by the Senate on 3/7

SB 216 allows local governments to accept prepayments of ad valorem taxes.

HB 291: CIDs in Peachtree City

Rep. Josh Bonner, R-Fayetteville

Eligible for enactment by the Governor

HB 291 authorizes the local government in Peachtree City to create one or more community improvement districts. According to the state Constitution, the CIDs would have the authority to tax up to 2.5% (25 mils) of the assessed value of the commercial properties in the district.

Transportation & Economic Development

HB 511: Department of Mobility and Innovation

Rep. Kevin Tanner, R-Dawsonville

Adopted by the House on 3/7

HB 511 eliminates the Georgia Regional Transportation Authority and replaces it with the Georgia Department of Mobility and Innovation (“GMobile”) with the goal of consolidating, streamlining, and better utilizing limited resources. It includes new dedicated transit funding by allowing individual counties to implement a transit SPLOST and levies a \$0.50 fee on all trips provided by taxis, limousines, and ride-hailing companies, like Uber and Lyft.

SB 131: State Takeover of ATL Airport

Sen. Burt Jones, R-Jackson

Adopted by the Senate on 3/7

SB 131 gives the state—rather than the City of Atlanta—control of the Hartsfield-Jackson International Airport. The legislation comes on the heels of a Senate study committee that recommended the change because of the airport’s role in state economic development. The bill passed along party lines and now moves to the House.

SR 19: Commission on Freight and Logistics

Sen. Brandon Beach, R-Alpharetta

Adopted by the Senate on 2/8

Following last year’s historic legislation to create a regional transit authority, this year the transportation focus is shifting to freight and logistics. SR 19 creates the Georgia Commission on Freight, Innovation and Logistics, with the aim of increasing the use of rail and the

development of inland ports. The Commission will include 17 members and must submit a report and proposal by the end of the year.

Codes, Planning & Development

HB 493: Private Permitting Review and Inspection Act **Rep. Kevin Tanner, R-Dawsonville**
Adopted by the House on 3/7

Private plan reviews and inspections are currently allowed, but only if the local governing authority cannot perform their duty within a 30 business day period. HB 493 allows the owner of a project to elect to use the private plan review process immediately, without having to wait the 30 day period. A licensed professional engineer is authorized to conduct a plan review or inspection.

Courts & Court Fee Legislation

HB 239: Georgia Business Court **Rep. Chuck Efstrotation, R-Dacula**
Adopted by the House on 3/5

In 2018, the Association tracked **HR 993**, which proposed an amendment to the Constitution to create a statewide business court. The amendment passed with 69% of the vote in November. HB 239 and **SB 110** represent enabling legislation to form and fund the Georgia Business Court. The goal is to provide an efficient and dependable forum for litigants and was one of the final legislative priorities of former Governor Nathan Deal.

SB 186: Self-Settled Spendthrift Trusts **Sen. Bill Cowsert, R-Athens**
Adopted by the Senate on 3/7

SB 186 permits self-settled spendthrift trusts in Georgia. According to the sponsor, these trusts are attractive to high-wealth individuals who want to prevent creditors from gaining access to their funds. Similar legislation was vetoed by Governor Nathan Deal last year over concerns it would up-end the relationship between creditors and debtors.

SB 38: Electronic Filing Fees **Sen. William Ligon, R-Brunswick**
Pending in the House Judiciary Committee

Last year, the Association monitored **SB 407**. It was signed into law on May 7 and requires all pleadings and other related documents filed in conjunction with a civil case in a state or superior court to be filed electronically. This year's SB 38 excludes certain types of filings from this requirement, including those made by the Attorney General, district attorneys, solicitors-general and public defenders. It also allows individuals who are not attorneys to file pleadings and documents in paper form.

Lost Legislation and Issues

The following measures did not meet the Crossover Day deadline and will be removed altogether next week:

- **HB 177** to create a new cause of action for damage caused by buried construction waste;
- **HB 219** to require the local tax assessor to list restrictions or limitations on the use of property;
- **HB 241** to require air quality assessments;
- **HB 302** to prohibit local governments from adopting or enforcing ordinances or regulations relating to or regulating building design elements as applied to one or two-family dwellings;
- **HB 411** to prohibit local governments from including nontax fees or assessments on a property tax bill;
- **HB 422** to give county and municipal governing authorities the ability to approve erosion and sediment control plans;
- **HB 451** and **HB 494** to increase the availability and value of tax credits for the rehabilitation of historic structures;
- **HB 465** to create the Georgia Water Customer Bill of Rights Act;
- **HB 508** to provide for additional funding to the Professional Licensing Division, which regulates all licensed professionals, including architects, conditioned air contractors, electrical contractors, engineers, plumbers, etc.
- **HR 238** to cap ad valorem rate increases on commercial property in Savannah; and

The next legislative update will be available March 15