

2019 Legislative Session

Legislative Days 17-20

February 22, 2019

No Rest for the Weary

Despite a brief respite on Monday for President's Day, it was the most active week of session so far and the pace will only continue to quicken as we race towards Crossover Day on March 7. Crossover Day is the deadline for a bill to be adopted by its authoring chamber: House Bills must pass the House and Senate Bills must pass the Senate. With this major milestone on the horizon, the General Assembly will begin working into the evening to position bills to be considered by the full chambers. Next week they will meet Monday through Friday, ticking off five more legislative days.

BOMA Day 2019

The Government Affairs Committee is hosting its annual BOMA Georgia Day at the Capitol event on February 26 from approximately 10am – 2pm.

BOMA Day includes a mixture of advocacy and education. Participants will interact on behalf of BOMA Georgia with elected officials, regulators and others involved in state policymaking. Additionally, those who are interested in seeing how the legislative process in action are invited to stay at the Capitol after the official BOMA Day program concludes to sit in on a House or Senate committee meeting. To register to attend, please click [here](#).

Management & Property Rights

HB 417: Trauma Scene Cleanup Providers

Rep. Alan Powell, R-Hartwell

Assigned to the House Public Safety and Homeland Security Committee on 2/22

HB 417 requires the Georgia Bureau of Investigation to license and regulate trauma scene waste cleanup providers. The bill limits "trauma scenes" to locations of homicide, suicide, or advanced decomposition of a human body. It does not apply to trauma scenes that are regulated by federal OSHA guidelines, nor does it prohibit a property owner from cleaning their own property. Similar legislation (**SB 153**) is also pending in the Senate.

HB 346: Retaliatory Evictions

Rep. Sharon Cooper, R-Marietta

Assigned to the House Judiciary Committee on 2/19

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. A landlord would then be prohibited from increasing the tenant's rent or terminating the tenant's lease (among other items) for a period of six months.

HB 241: Indoor Air Quality Assessments

Rep. Kim Schofield, D-Atlanta

Pending in the House Natural Resources and Environment Committee

HB 241 requires the building operator of *public buildings* to undertake an assessment of the air quality, pursuant to the Indoor Air Quality Building Education and Assessment Model (I-BEAM). It applies only to public buildings, including building owned or leased by the state and open to the public; this includes dormitories and university buildings.

HB 2: Firearms on Private Property

Rep. Matt Gurtler, R-Tiger

Pending in the House Public Safety and Homeland Security Committee

Georgia is currently a licensed concealed carry and open carry state, meaning that an individual must pass a background check and hold a valid permit to carry a firearm. HB 2 would remove the licensing requirement. While the legislation maintains the rights of property owners to control firearms on their property, the bill faces an uphill battle after Speaker David Ralston indicated he would “take a very, very cautious view” in January. Meanwhile, Democrats have filed **HB 122** and **SB 50** that would revoke carrying in buildings or on property owned by or leased to public colleges and universities.

SB 12: Automated External Defibrillator

Sen. Michael Rhett, D-Marietta

Pending in the Senate Health & Human Services Committee

SB 12 requires certain health clubs to have at least one function automated external defibrillator. The legislation defines “health club” as a commercial enterprise with more than 3,000 clients.

Property Taxation & Fair Market Value Legislation

HR 238: Savannah Property Rate Cap

Rep. Ron Stephens, R-Savannah

Assigned to the House Judiciary Committee on 2/19

HR 238 asks voters to amend the Constitution to impose an ad valorem rate increase cap of 8% annually on commercial property located within the City of Savannah.

HB 411: Nontax Fees on Property Tax Bills

Rep. Brett Harrell, R-Snellville

Assigned to the House Ways and Means Committee on 2/22

Similar to legislation the author has pursued in the past, HB 411 prohibits local governments from including any nontax related fees or assessments on a property tax bill.

HB 219: Property Restrictions

Rep. Lynn Smith, R-Newnan

Heard in a House Ways and Means Subcommittee on 2/20

HB 219 requires the local tax assessor to list the exact restrictions or limitations on the use of property resulting from state or federal laws/rules/regulations and how they are used to determine the fair market value of the property.

HB 291: CIDs in Peachtree City

Rep. Josh Bonner, R-Fayetteville

Pending in the House Intragovernmental Coordination Committee

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.

HB 102: Clarify Exemption for Non-Profits

Rep. Chuck Martin, R-Alpharetta

Pending in the House Ways and Means Committee

HB 102 clarifies that property owned by certain nonprofits are exempt from ad valorem taxes, even if portions of their property or buildings are used to generate income.

Transportation & Economic Development

SR 19: Commission on Freight and Logistics

Sen. Brandon Beach, R-Alpharetta

Pending in the House Transportation Committee

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. The House has filed similar legislation (**HR 37**).

HR 214: House Rural Development Council

Rep. Sam Watson, R-Moultrie

Favorably reported from the House Economic Development and Tourism Committee on 2/21

During the last legislative session, the House authorized the creation of the Rural Development Council to focus on sustainable economic development outside the metro Atlanta area. The Council met extensively in 2017 and 2018 and their recommendations yielded significant legislation but the Council was automatically dissolved at the end of 2018. HR 214 reauthorizes the Council for another two-year period.

Codes, Planning & Development

HB 422: Erosion and Sediment Control Plans

Rep. Timothy Barr, R-Lawrenceville

Assigned to the House Natural Resources and Environment Committee on 2/22

HB 422 authorizes county and municipal governing authorities to approve erosion and sediment control plans in lieu of approval by soil and water conservation commission districts in certain circumstances. It allows counties and municipalities to contract with qualified personnel to implement land disturbance activity ordinances.

HB 302: Prohibition of Building Materials

Rep. Vance Smith, R-Pine Mountain

Favorably reported from the House Agriculture and Consumer Affairs Committee on 2/20

Introduced at the request of the Home Builders Association and other building material industries, HB 302 prohibits local governments from adopting or enforcing ordinances or regulations relating to or regulating building design elements as applied to one or two-family dwellings.

Courts & Court Fee Legislation

HB 239: Georgia Business Court

Rep. Chuck Efstrotation, R-Dacula

Heard in a House Judiciary Subcommittee on 2/21

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.

HB 177: Burial of Construction Waste

Rep. Michael Caldwell, R-Woodstock

To be considered in the House Judiciary Committee on 2/22

This legislation creates a new cause of action for damage caused by buried construction waste. It provides for a two-year window to recover damages from the time the damage is discovered or should have been discovered with reasonable diligence. It applies to causes of action related to projects completed after July 1, 2019, and does not revive any cause of action that was barred by law before this date.

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.

HB 288: Superior Court Filing Fees

Rep. Alan Powell, R-Hartwell

Pending in the House Judiciary Committee

HB 288 imposes a flat fee of approximately \$25 for documents and instruments filed in Superior Courts pertaining to real estate or personal property. The bill applies to deeds, liens on real estate and personal property, financial statements, maps or plats and security deeds.

The next legislative update will be available March 1