

2019 Legislative Session

Legislative Days 12-16

February 15, 2019

Pace Quickens

It's been a busy week under the Gold Dome as legislators were in session all five days. Enough legislation has come out of committees that both the House and Senate are able to pass a small number of measures each day. Despite the start-and-stop beginning, the 2019 session is moving along at its usual pace now and there's no sign of a slowdown.

Next week, lawmakers will spend President's Day in their districts before returning to Atlanta for a four-day work week. The Monday off is their only break in a three-week span as they look to complete their business in Atlanta on April 2.

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 241: Indoor Air Quality Assessments

Rep. Kim Schofield, D-Atlanta

Assigned to the Natural Resources and Environment Committee on 2/12

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

HB 219: Property Restrictions

Rep. Lynn Smith, R-Newnan

Assigned to the House Ways and Means Committee on 2/12

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

Assigned to the House Intragovernmental Coordination Committee on 2/14

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

Assigned to the House Transportation Committee on 2/11

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**).

HB 265: Annual Fee for Alternative Fueled Vehicles

Rep. Spencer Frye, D-Athens

Assigned to the House Motor Vehicles Committee on 2/13

HB 265 lowers the annual registration fee for non-commercial alternative fueled vehicles from \$200 to \$100 beginning January 1, 2020.

Codes, Planning & Development

HB 302: Prohibition of Building Materials

Rep. Vance Smith, R-Pine Mountain

Assigned to the House Agriculture and Consumer Affairs Committee on 2/14

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

SB 38: Electronic Filing Fees

Sen. William Ligon, R-Brunswick

Adopted by the Senate on 2/13

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 239: Georgia Business Court

Rep. Chuck Efstrotation, R-Dacula

Assigned to the House Judiciary Committee on 2/12

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 288: Superior Court Filing Fees

Rep. Alan Powell, R-Hartwell

Assigned to the House Judiciary Committee on 2/15

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.

HB 177: Burial of Construction Waste

Rep. Michael Caldwell, R-Woodstock

To be considered in a House Judiciary Subcommittee on 2/15

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.

The next legislative update will be available February 22