

2019 Legislative Session

Legislative Days 30-32

March 15, 2019

The Steady March towards *Sine Die*

Two years ago, at the start of the 2017 session, the House and Senate agreed to move Crossover from legislative day 30 to legislative day 28. The change not only allows two additional days for considering viable legislation, but it has slowed the overall pace between Crossover and *Sine Die*, the final day of session. What used to be a frenetic and heated 10-day sprint appears to have become a calmer and more deliberate march towards day 40.

Consider this and next week's legislative schedules. This week, the House and Senate were active Monday through Thursday, but reserved Tuesday as a committee work day. Next week, they'll be at work each day and use both Tuesday and Wednesday as committee work days. These scheduled work days help balance the competing priorities of perfecting legislation at the committee level and passing measures in the House and Senate chambers.

Just two full weeks remain before *Sine Die* on April 2. With any luck, the steady and deliberate march will continue until then.

Management & Property Rights

SR 328: Booting Study Committee

Sen. Brandon Beach, R-Alpharetta

Assigned to the Senate Rules Committee on 3/13

Legislation to severely limit vehicle booting on private property (**HB 469**) failed to make the Crossover Day deadline. Sponsors of that bill are in search of a vehicle to resurrect the measure. The Senate, however, is taking a more measured approach to the issue by considering SR 328, which would create a parking and vehicle immobilization study committee. Because the legislation only pertains to the Senate, it is exempt from Crossover Day restrictions.

SB 202: Title Insurance for Personal Property

Sen. William Ligon, R-Brunswick

Favorably reported from the House Insurance Committee on 3/13

SB 202 allows title insurance to be procured on a lender's security interest in personal property used as collateral for a commercial loan. According to the author, this new title insurance may be attractive to large warehouse and industrial facilities.

HB 184: Small Cell Deployment

Rep. Brett Harrell, R-Snellville

Favorably reported from the Senate Regulated Industries Committee on 3/14

HB 184 and its Senate equivalent (**SB 66**) lay the framework for the deployment of small cell technology in the public right-of-way to increase 5G availability throughout Georgia. The

legislation strikes a delicate balance between technology companies and local governments, who want to preserve their control over public rights-of-way and community aesthetics.

HB 499: Electric Easements

Rep. Trey Kelley, R-Cedartown

Scheduled for consideration in the Senate Regulated Industries Committee on 3/19

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.

HB 346: Retaliatory Evictions

Rep. Sharon Cooper, R-Marietta

Pending in the Senate Judiciary Committee

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. While the bill has undergone a number of revisions that make it more palatable, there are property owners who continue to have concerns with the current version. One of those concerns is that it is not clear enough to limit application to residential leases; should the bill move forward, it is critical to make that clarification.

HB 454: Scooter Regulation

Rep. Kevin Tanner, R-Dawsonville

Pending in the Senate Public Safety Committee

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

Pending in the House Regulated Industries Committee

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.

SR 288: Fire Safety Consolidation Study Committee

Sen. John Albers, R-Roswell

Pending in the Senate Rules Committee

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

Favorably reported from the Senate Finance Committee on 3/14

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.

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

Pending in the Senate Transportation Committee

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

Pending in the House Transportation Committee

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

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.

Codes, Planning & Development

HB 493: Private Permitting Review and Inspection Act **Rep. Kevin Tanner, R-Dawsonville**
Scheduled for consideration in the Senate Regulated Industries & Utilities Committee on 3/19

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**
Pending in the Senate Judiciary Committee

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 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.

The next legislative update will be available March 22