

2019 Legislative Session

Legislative Days 8-11

February 8, 2019

Things Finally Get Moving

Following a start-and-stop beginning to the 2019 session, business under the Gold Dome is now humming along at its typical pace. This week, legislators convened four days and introduced over 225 pieces of new legislation. Nearly every committee and subcommittee met at least once.

On Thursday, the House and Senate agreed to an adjournment resolution that covers the duration of the session. Crossover Day – the critical deadline for legislation to be adopted by its originating chamber – will occur on legislative day 28, scheduled for March 7. Leadership projects the last day of session (day 40) will be April 2.

With the schedule now set, the pace of activity will only continue to quicken. Next week, the legislature will meet Monday through Friday.

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 2: Firearms on Private Property

Rep. Matt Gurtler, R-Tiger

Assigned to the House Public Safety and Homeland Security Committee on 2/5

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.

Community Improvement Districts. When the legislature and voters first authorized Community Improvement Districts (CIDs) in 1984, they intentionally limited the self-taxing mechanism to commercial property owners, excluding residential properties. Several existing CIDs are actively shopping legislation that would bring apartment properties into these taxing districts.

Property Taxation & Fair Market Value Legislation

HB 102: Clarify Exemption for Non-Profits

Rep. Chuck Martin, R-Alpharetta

Assigned to the House Ways and Means Committee on 2/5

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

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

Local Government Prohibition of Building Materials. The Home Builders Association and other building material industries are pursuing legislation that would bar local governments from regulating building design elements. In part, the language states that “*No county or municipal corporation shall adopt or enforce any regulation or ordinance relating to or regulating building design elements as applied to one- or two-family dwellings...*” Legislation is forthcoming.

Courts & Court Fee Legislation

HB 177: Burial of Construction Waste

Rep. Michael Caldwell, R-Woodstock

Assigned to the House Judiciary Committee on 2/8

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

Favorably reported from the Senate Judiciary Committee on 2/7

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 February 15