

Legislature Calls it a Wrap

The Georgia General Assembly adjourned the 2010 session last night at midnight, ending the longest session in history. After beginning the year with new House leadership and a gaping revenue shortfall, this legislative session may turn out to be one of the most productive sessions ever.

Following three years of frustrated effort, the legislature finally adopted a new funding source for transportation and MARTA. The measure will go before the voters in 2012.

They passed a balanced budget amidst a serious revenue downturn and adopted legislation to reform the state ethics act and comprehensive water conservation.

Property Tax Reform: The legislature adopted SB 346, a bill to improve the Property Tax Appeals and Assessment process. In addition to other key changes to current law, SB 346 mandates that the income approach, if data is available, shall be considered in determining the fair market value of an income-producing property. The bill also states that the owner of a non homesteaded property with a fair market value in excess of \$1 million may choose to appeal to a hearing officer rather than the board of equalization. Our industry has been very active in support of this legislation.

Guns vs. Property Rights: SB 308 is an effort to clarify and ‘update’ Georgia’s right to carry laws. Working with other interested organizations, BOMA worked to protect the ability of property owners and managers to determine rules of access for their properties. The final version did nothing to reduce property rights.

Water Conservation: The Governor’s effort to reach a settlement with Alabama and Florida in the decade’s long water negotiations, along with a federal court ruling on water withdrawal from Lake Lanier drove the introduction and passage of the Water Stewardship Act.

Legislators rapidly passed SB 370 - The Water Stewardship Act. The measure will require low flow toilets, faucets and other equipment to be installed in new construction after July, 2012. The bill also calls for the installation and use of sub-metering in new multitenant industrial, retail and residential buildings. Originally, the bill would have required all commercial buildings to be equipped with sub meters. Leading the effort on behalf of all commercial users, BOMA representatives successfully advocated amendments to the bill to clarify that office use is not required to be sub metered.

Lien Bill – SB 362:

The bill now simply allows a lien to be amended down to reflect partial payments made toward the obligation. It was adopted and will now go to the Governor’s desk for his signature.

Multiyear Rental Agreements:

The provision regarding multiyear rental agreements was incorporated into SB 194 and adopted.

Legislative Tracking

Any bill that did not pass is now dead.

Bills highlighted in yellow will go to the Governor for final approval.

Type	Number	Title	Sponsor	Details	Status
HB	169	Proposed new or revised flood elevations	Carter, Earl of Pooler	This bill would require the Department of Natural Resources to notify affected property owners and local governments whenever the Federal Emergency Management Agency provides legal notice under the federal National Flood Insurance Program of any new flood elevations in this state.	Adopted. Awaits Governor's signature.
HB	231	Practice of Architecture	Jerguson, Sean of Canton	Would clarify the types of construction projects for which documents are prepared, certified, and submitted for building permits by a Georgia registered interior designer.	Adopted. Awaits Governor's signature.
HB	545	Commencement and Service of Civil Actions	Willard, Wendell of Atlanta	Establishes a statewide appointment system for private process servers. The bill also mandates that property owners grant process servers access to a gated community for a reasonable time to serve process. Property owners often hire private process servicers during dispossessory cases, finding the option to have many benefits.	Incorporated into SB 491 and adopted.
HB	579	Contractors; eligibility for licensure	Maxwell, Howard of Dallas	This bill relates to eligibility for licensure without examination and burden upon the applicant relative to residential and general contractors.	Adopted. Awaits Governor's signature.
HB	1015	Street gang terrorism and prevention	Golick, Rich of Smyrna	Would amend Georgia code as it applies to street gang activity	Adopted. Awaits Governor's signature.

HB	1023	Jobs, Opportunity and Business Success Act of 2010	Graves, Tom of Ranger	Would provide, for a period of time, a waiver of certain filing fees otherwise charged in connection with such entities; for a period of time, employers who hire those receiving employment security benefits will be entitled to a credit against employer contributions; a portion of net long-term capital gains shall be excluded from state taxable income of corporations and individuals.	Adopted. Awaits Governor's signature.
HB	1041	Tax digests; not approved by commissioner under certain conditions; eliminate	Epps, James "Bubber" of Dry Branch	Relates to the approval of tax digests when property is in arbitration or on appeal. Would eliminate certain conditions under which digests are not approved by the state revenue commissioner.	Did not pass.
HB	1050	Real estate appraisers; appraisal management companies, add regulations	Benton, Tommy of Jefferson	Would add regulations for establishment and maintenance of real estate appraisal management companies.	Adopted. Awaits Governor's signature.
HB	1055	Fees	Levitas, Kevin of Atlanta	Increases almost all state fees and was amended to include a controversial hospital fee as well as a phase-out of two taxes. The underlying bill increases the magistrate court filing fees by a mere \$2 and leaves other service fees at current levels. Does create a new judicial operations fund fee of \$125 to be assessed on all civil filings in State and Superior Court.	Adopted. Awaits Governor's signature.
HB	1069	Income tax; credits for equipment that reduces energy or water usage	Wilkinson, Joe of Atlanta	Would provide tax credits for certain qualified equipment that reduces business or domestic energy or water usage.	Adopted. Awaits Governor's signature.
SB	7	Increase the jurisdictional limit in civil claims		Amended in committee to increase the jurisdictional limit in civil claims from the current \$15,000 to \$25000.	Jurisdictional increase was removed from bill. Did not become law.
SB	77	Police Officers and Taxes	Reed, Kasim of Atlanta	Seeks to impose and levy a special district tax (1 mil) to provide all or a portion of the salaries for police officers and firefighters by a referendum or vote by the people.	Did not pass.
SB	184	Contractor; service of notice of commencement	Weber, Dan of Dunwoody	Would provide for certain requirements regarding service of a notice of commencement to a contractor relating to payment bonds, so as to provide for certain requirements regarding service to a contractor; to provide for a procedure for the application of certain	Did not pass.

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SB	188	Code Officials; provide for protection and training	Unterman, Renee of Buford	Would provide for the protection and training of code officials; to provide for the offense of obstructing or hindering code officials whose duty it is to assure code compliance and to provide for criminal penalties; to provide for the training of code officials through the creation of the Georgia Code Enforcement Training Board.	Did not pass.
SB	308	Firearms; carrying and possession	Seabaugh, Mitch of Sharpsburg	Change provisions regarding the carrying and possession of firearms. Does not impact property rights.	Adopted. Awaits Governor's signature.
SB	346	Ad Valorem Taxes; comprehensive revisions	Rogers, Chip of Woodstock	Establish sales price of an "arms-length" transaction as the maximum assessed value for a period of 1-year following the transaction. This shall include all sales made on or after January 1, 2010. Revenue generation shall be considered when determining assessed value of commercially zoned property. Any county whose digest includes a large assessed commercial value shall make available to the taxpayer a licensed appraiser who will act in place of the BOE to determine value of any parcel which is zoned commercial	Adopted. Awaits Governor's signature.
SB	362	Property; liens of mechanics/materialmen; waiver and release upon payment	Weber, Dan of Dunwoody	The bill now simply allows a lien to be amended down to reflect partial payments made toward the obligation.	Adopted. Awaits Governor's signature.
SB	370	Water; examine practices, programs, policies; develop programs for voluntary water conservation; reports of measurable progress	Tolleson, Ross of Perry	The Water Stewardship Act will require low flow toilets, faucets and other equipment to be installed in new construction after July, 2012. The bill also calls for the installation and USE of sub-metering in new multitenant industrial, retail and residential buildings.	Adopted. Awaits Governor's signature.

SB	254	State Properties Commission; provide authority to enter into multiyear lease agreements	Rogers, Chip of Woodstock	Would allow the State Properties Commission the authority to enter into multiyear lease agreements; to remove the authority of the Department of Labor to manage its own space; to provide for the termination of certain rental and lease agreements; to provide for direct appropriations to the commission.	Incorporated into SB 194 and adopted.
SR	1	Cap valuation of real property	Rogers, Chip of Woodstock	Has been amended to include language from HR 1, which did not make the crossover deadline 2009 and 2010 http://www.legis.ga.gov/legis/2009_10/fulltext/hr1.htm	Did not pass.
SR	510	State Properties Commission; Board of Regents; multiyear rental agreements-CA	Rogers, Chip of Woodstock	A constitutional amendment that authorizes the General Assembly to allow the State Properties Commission, the Board of Regents of the University System of Georgia, or both to enter into multiyear rental agreements without obligating present funds for the full obligation to the state under the full term of such agreements.	Did not pass.

Failed to make the crossover deadline

Type	Number	Title	Sponsor	Details	Status
HB	247	New Home Access Act	Thomas, Brian of Lilburn	“New Home Access Act”. General provisions and standards for construction of single family construction.	Failed to make crossover deadline
HB	263	In-home services; employees; criminal background investigation	Peake, Allen of Macon	Any person that is offering in-home services shall conduct a criminal background investigation of each employee, and that any person who fails these background checks shall not be employed.	Failed to make crossover deadline
HB	405	Tax Credits, efficient water Fixtures	Wilkinson, Joe of Atlanta	Would provide tax credits for residential properties that retrofit water efficient fixtures in existing homes.	Failed to make crossover deadline
HB	517	Revenue and taxation; method of assessing real property; comprehensive revision	Lindsey, Edward of Atlanta	Would provide for the comprehensive revision of the method of assessing real property.	Failed to make crossover deadline

HB	885	Magistrate Courts	Levitas, Kevin of Atlanta	Relating to civil proceedings in magistrate courts, so as to provide for applicability of the "Georgia Civil Practice Act" under certain circumstances; to change provisions relating to service of process.	Failed to make crossover deadline
HB	951	Sales and use tax exemption; certain school supplies; energy efficient products; provide	Smith, Lynn of Newnan	Exemptions from state sales and use tax for certain school supplies, clothing, footwear, computers, and computer related accessories July 29-Aug 1, 2010. And would provide an exemption from sales and use tax for certain energy efficient products or water efficient products Oct 7-10, 2010.	Failed to make crossover deadline
HB	953	Sales and use tax exemption; certain energy or water efficient products; provide	Smith, Lynn of Newnan	Would provide an exemption from sales and use tax for purchase of energy efficient products or water efficient products with a sales price of \$1,500.00 or less per product purchased for noncommercial home or personal use October 7-10, 2010.	Failed to make crossover deadline
HB	973	Magistrate courts; jurisdictional limit in civil claims	Jacobs, Mike of Atlanta	Would increase magistrate courts jurisdictional limit in civil claims to cases of \$25,000 , currently \$15,000	Failed to make crossover deadline
HB	1024	Jobs, Opportunity and Business Success Act of 2010	Graves, Tom of Ranger	Would provide tax relief and encourage employment opportunities and business stimulation; eliminate the requirement for dealers to make returns and remittances with respect to estimated sales and use tax liability.	Failed to make crossover deadline
HB	1048	Conveyances; structures require certified termite and wood-destroying organism inspection	McCall, Tom of Elberton	As introduced, would require that a termite inspection be conducted prior to the sale of any residential or commercial property. The bill was amended to apply only to single family dwellings.	Failed to make crossover deadline
HB	1115	Standard Code; Provide water cooler or bottled water	Rogers, Carl of Gainesville	Small businesses shall be authorized to provide drinking water by means of a water cooler or provision of bottled water as an alternative to any otherwise required drinking fountain.	Failed to make crossover deadline
HB	1218	Transportation Investment Act of 2010	Cole, Jim of Forsyth	Proposes a penny sales tax that would have to be approved by referendum in 2012 to fund highway and transit projects.	Failed to make crossover deadline
HB	1328	Courts; adjust certain fees for inflation; provisions	Lane, Roger of Darien	Fees related to the courts. The bill applies the CPI (consumer price index) to all court fees and adjusts for inflation from the last time those fees were increased	Attached to HB 1055, with modification and passed

HR	1	Cap valuation of real property	Lindsey, Edward of Atlanta	Would place a cap on the growth of assessed value at 3 percent a year (or total of 9 percent over three years). If a property is sold, the new assessed value could not exceed the sales price. Would phase in the fair market value over a seven year period and require reassessment of all non homesteaded property every ten years. Authorizes the general assembly to define the methods of determining fair market value as applied to nonresidential real property and may include but not be limited to a formula based on current use, annual revenue and real property sales data.	Failed to make crossover deadline
SB	311	Water Savings and Conservation Act	Shafer, David of Duluth	Would require the Department of Natural Resources to inspect certain infrastructure relating to removing surface water; to provide certain alternatives to governmental entities required to repair or replace certain inadequate infrastructure.	Failed to make crossover deadline
SB	429	Courts; increase number of judges; Supreme Court/Court of Appeals; funding of a judicial operations fund	Smith, Preston of Rome	Will create extra seats on the Appeals Court and Supreme Court, and will raise fees for civil filings by \$100.	Failed to make crossover deadline
SB	433	Requesting credit reports of employees	James, Donzella of College Park	Would prohibit employers from requesting credit reports on employees or prospective employees with certain exceptions.	Failed to make crossover deadline
SB	417	Property; certification inspected for termites/wood destroying organisms	Bulloch, John of Ochlocknee	Would provide that each conveyance of real property on which a residential or commercial structure is located requires a certification that such structure has been inspected for termites and other wood-destroying organisms.	Failed to make crossover deadline