

April 15, 2010

The legislature completed a productive three day work week, moving key issues forward and clearing the way for a balanced budget. On Wednesday, both house and senate adopted legislation to establish or increase a variety of state fees – the measure will generate sufficient revenue to fill a big hole in the budget. The agreement also enabled legislative leaders to map out path to sine die, or ‘last day.’ The current schedule provides for two days in session over the next two weeks, with adjournment set for April 29th.

The 2010 session will be the longest in many years, perhaps ever.

Property Tax Appeals and Assessments

Senator Chip Rogers' legislation to comprehensively update Property Tax Appeals and Assessments, SB 346, passed out the full House Ways and Means Committee on Wednesday and is now eligible for action by the full House when they return next week.

The extensive bill details a number of changes to current law, including:

- 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
- The income approach, if data is available, shall be considered in determining the fair market value of an income-producing property
- The owner of a non homesteaded property with a fair market value in excess of \$1 million may chose to appeal to a hearing officer rather than the board of equalization.

Liens – SB 362

Senate Bill 362, related to liens, remains in a Judiciary Subcommittee. There were two hearings on the bill this week.

Fees

House Bill 1055, a bill that increases almost all state fees, was adopted by both chambers and is now on the Governor's desk awaiting his signature. HB 1055 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. For example there is no increase in fees to *service process against a tenant* or *dispossessing tenants*. However, the bill does create a new judicial operations fund fee of \$125 to be assessed on all civil filings in State and Superior Court.

Multiyear Rental Agreements

Senate RESOLUTION 510 would place a question on the November ballot proposing an amendment to the Constitution to authorize the State Properties Commission and the Board of Regents of the University System of Georgia, to enter into multiyear rental agreements. Currently, the state is prohibited from entering long term leases because of the constitutional prohibition. Senate Bill 243 will serve as enabling legislation if the constitutional ballot question is approved. While many leases currently do include annual renewals, the hope is that multiyear rental agreements will provide better lease options for state agencies.

Legislative Tracking

Bills highlighted in green advanced this week.

Type	Number	Title	Sponsor	Details	Status	Committee
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.	House and Senate Conference Committee Appointed.	Senate Natural Resources Committee
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.	House and Senate Passed/Adopted. House and Senate Agree. 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.	Senate Committee Favorably Reported	Senate Public Safety
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.	House and Senate Passed/Adopted. House will agree or disagree to Senate changes.	Senate Regulated Industries and Utilities
HB	1015	Street gang terrorism and prevention	Golick, Rich of Smyrna	Would amend Georgia code as it applies to street gang activity	House and Senate Passed/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.	Senate and House Passed/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.	Senate Read and Referred	Senate Finance Committee
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.	Senate Read and Referred	Senate Regulated Industries and Utilities Committee
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.	House and Senate Passed/Adopted. House and Senate Agree to Sub/Amend. 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.	Senate Read and Referred	Senate Finance Committee
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.	Failed to be voted on last session.	House Ways and means
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 forms.	Failed to be voted on last session.	House Judiciary

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.	Failed to be voted on last session.	House Judiciary Non Civil
SB	308	Firearms; carrying and possession	Seabaugh, Mitch of Sharpsburg	Change provisions regarding the carrying and possession of firearms, so as to permit persons with a weapons license to carry certain weapons in parks, historic sites, or recreational areas and while hunting during archery or primitive hunting season.	House Second Readers	House Judiciary Non Civil
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. The income approach, if data is available, shall be considered in determining the fair market value of an income-producing property. The owner of a non homesteaded property with a fair market value in excess of \$1 million may chose to appeal to a hearing officer rather than the board of equalization.	House Committee Favorably Reported	House Ways and Means Committee
SB	362	Property; liens of mechanics/materialmen; waiver and release upon payment	Weber, Dan of Dunwoody	Relating to liens of mechanics and materialmen, would eliminate provisions stating that a mechanic or materialman who has executed a waiver and release upon payment shall be presumed to have received payment if the mechanic or materialman does not file an affidavit of nonpayment within a certain period of time.	House Second Readers	House Judiciary Committee
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.	Senate and House Passed/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.	House Second Readers	House State Institutions and Properties
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	Failed to be voted on last session.	House Ways and Means
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.	House Second Readers	House State Institutions and Properties

Failed to make the crossover deadline

Type	Number	Title	Sponsor	Details	Status	Committee
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	House Ways and Means
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	Agriculture and Consumer Affairs
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	House Ways and Means
HB	517	Revenue and taxation; method of assessing real property;	Lindsey, Edward of Atlanta	Would provide for the comprehensive revision of the method of assessing real property.	Failed to make crossover deadline	House Ways and Means

		comprehensive revision				
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	House Judiciary
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	House Ways and Means
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	House Ways and Means
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	House Judiciary
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	House Ways and Means
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	House Agriculture and Consumer Affairs
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	House Human Relations Committee

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	House Transportation Committee
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	Failed to make crossover deadline	House Regulated Industries
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	House Ways and Means
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	Senate Natural Resources
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	Senate Judiciary
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	Insurance and Labor
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	Senate Agriculture and Consumer Affairs