



## **UNDER THE GOLD DOME 4/23/10**

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On April 21st, the General Assembly closed out the week with Day 38. There are now two Legislative Days left. April 27<sup>th</sup> will be Day 39 and April 29 will be Sine Die, the last day of the 2010 Session. With the days winding down, major legislation has been passed and only a few big issues remain.

The FY2010 Amended is completed and FY2011 budget is in the final stages of approval. The completion of the budget is a major step in balancing a budget with historically low revenue numbers. The balanced budget allows the General Assembly to leave after the 40<sup>th</sup> Day having accomplished several major goals.

In transportation, the Senate and House agreed to a new transportation funding bill. HB 277 was agreed to by the Conference Committee on April 21<sup>st</sup>, and was passed by the Senate and the House by overwhelming margins later that night. The passage is the culmination of more than three years of negotiations and proposals on how to bring about new funding. Please visit our website for a full breakdown of what the final version of HB 277 looks like.

Regarding water, several bills are moving through the Legislature. SB 370, The Water Stewardship Act, has passed both the House and Senate. Additionally, several bills affecting water are making their way through the process. SB 321, SB 442, and SB 380 all attempt to help Georgia prepare for a potentially harmful scenario regarding Judge Magnuson's decision on Lake Lanier. Additionally, several legislators have signed on to the River Basin Protection Act, which contains language harmful to the growth and development industry. While neither the House nor the Senate version passed by Day 30, SB 442 was amended in committee and now contains some of this language. In response, the committee later amended SB 380, and included the good portion of SB 442, which should result in a satisfactory piece of combined legislation.

Since 2010 is the second year of the two year cycle, all bills which were proposed in 2009, but did not receive final approval are eligible to be heard again. Each bill must be re-committed to a committee and must be approved through the normal process. Additionally, bills which were not adopted by either the House or Senate before Day 30 are not eligible to be heard in 2010.

## 2010 Proposed Legislation

### Critical Legislation

SB 346 – Property Tax Reform

SB 370/HB 1094 – Governor's Water Stewardship Act

HB 277– Transportation Funding Bill

HB 1283 & 1284 – Fees Paid to State Agencies

HB 442 – MNGWPD Interconnectivity Study/IBT Amendments

SB 380 – Expansion of Current Reservoirs/Interconnectivity Study

### Senate Bills

[SB 305](#) – Increase Percentage of Design/Build Contracts at GDOT

**Status:** Senate Adopted 2/10/10, House Adopted 3/10/10

**Summary:** Increases the limit of design-build contracts at GDOT to 30% from the previous limit of 15%.

[SB 311](#) – Water Savings and Conservation Act

**Status:** Senate Natural Resources Committee

**Summary:** Would encourage the repair of leaking water pipes through regulation of water withdrawal permits. A local government seeking a withdrawal permit from EPD would have the ability to request repair of leaking pipes from a neighboring jurisdiction that currently is withdrawing water from a common source. If that neighboring jurisdiction was unwilling or unable to fix the leaks, the requesting local government would have the opportunity to pay for it. The amount of water conserved through the leak abatement program would then be subtracted from the permitted amount the withdrawing jurisdiction is currently allocated, and would be given to the local government who executed the repair.

[SB 321](#) – Public Water Supply Private Initiative Act

**Status:** Senate Natural Resources Committee Passed 2/18/10, Senate Adopted 3/18/10, House Natural Resources Committee

**Summary:** Would revise the current laws to enable privately funded water supply reservoirs to be built to provide water to the public. Contains information on permitting, RFPs, requirements for qualification, and includes language related to reimbursement of project costs.

**[SB 322](#) – Property; covenants with the land; zoning laws; clarify provisions**

**Status:** Senate Adopted 3/8/10, House Governmental Affairs Committee

**Summary:** Clarifies existing law so that covenants running with property which were adopted in local governments before the existence of zoning, will continue to be applied for the remainder of the terms of such covenants.

**[SB 323](#) – Transportation Projects; Require Local and Small Business Participation**

**Status:** Senate Transportation Committee

**Summary:** Inserts language into the PPI regulations that at least 30% of the total value of the contract on a project which receives private funds will be awarded to local firms or small businesses.

**[SB 346](#) – Property Tax Revisions**

**Status:** Senate Adopted 3/11/10, House Ways and Means Committee Passed 4/14/10, House Passed 4/21/10

**Summary:** Comprehensive property tax reform legislation that includes: year-round appeals, making sure that every property receive an annual notice of assessment, state-wide uniformity of assessment notices and appeal forms, allow counties to accept payment plans for property taxes and discounts for early payments, establish time limits for assessor action in response to appeals, and requiring a unanimous vote by the Board of Equalization members to increase assessed value.

**[SB 362](#) – Property Liens; Require Notice of Non-Payment to General Contractors**

**Status:** Senate Adopted 3/26/10, House Judiciary Committee

**Summary:** This Bill is a revision to the lien law passed in 2008. The intention of the bill is to provide some method for which subcontractors can ensure that they receive payment for work performed. The current proposal requires that a subcontractor submit a notice of non-payment within sixty days of the time at which payment should have been received. The proposal is designed as an alternative to a General Contractor submitting separate checks to each subcontractor or providing joint checks for downstream subcontractors.

**[SB 366](#) – Transportation Sales Tax –Democrat Proposal**

**Status:** Senate Transportation Committee

**Summary:** A bill proposed by Senator Doug Stoner (D-Smyrna), has proposed a transportation funding bill that includes several component of previous legislation. The bill shifts the 4<sup>th</sup> penny of the State motor fuel tax for transportation purposes. In order to

deal with budget priorities, the fourth penny will be phased in over four years, with the total amount being shifted in 2015. The money raised was approximately \$137 million in FY 2009.

The sales tax proposal is based on the regional approach, requiring a Constitutional Amendment on the November 2010 ballot. The bill would create a special transportation district out of the 10 county ARC district. The elected ARC members would create a project list, propose it to the voters in all 10 counties, and if a majority of the voters within the district approved, the tax would be imposed. Counties that feel they should not participate would be authorized to opt-out of the region within 45 days of the referendum, via a majority vote of the BOC. Other counties would have 30 days from the withdrawal of another county's withdrawal to make a decision.

The Constitutional Amendment that coincides with legislation is SR 972.

### [SB 370](#) – Georgia Water Stewardship Act

**Status:** Senate Natural Resources & Environment Committee Passed 2/18/10, Senate Adopted 3/10/10, House Rules Committee Passed 3/17/10, House Adopted 3/18/10

**Summary:** This is the Senate version of the bill that incorporates the recommendations from the Governor's Water Contingency Task Force. The bill proposes several of the "no-regret" recommendations, including the encouraging of water conservation pricing, retrofit of existing plumbing fixtures, incentives for voluntary conservation, and public education programs. Additionally, there are portions of the bill which were recommended by the task force if Re-authorization did not occur. Mandatory measures under the bill include requiring ultra low-flow plumbing fixtures, mandatory sub-metering of all multi-family residential buildings, mandatory sub-metering of all retail and light industrial, and mandatory cooling towers on commercial buildings. The original bill was identical to HB 1094, but the House version contains more committee substitutes.

### [SB 374](#) – Legislative Economic Development Council

**Status:** Senate Economic Development Committee Passed 2/10/10; Senate Adopted 2/16/10; House Economic Development and Tourism Committee Passed 3/9/10, House Adopted 4/14/10

**Summary:** This bill creates a council within the legislative branch to examine a series of laws and proposals and their impact on economic development within the state. Using academic partners and state agencies, the legislature will periodically review economic development strategy including incentives and taxes. The council will be made up of Senate and House members from both parties.

### [SB 380](#) – GEFA Reservoir Expansion Program

**Status:** Senate Natural Resources Committee Passed 3/9/10; Senate Adopted 3/24/10, House Natural Resources Committee Passed 4/19/10

**Summary:** This bill authorizes GEFA to grant loans to local governments for the expansion of existing reservoirs. The considerations to be made by GEFA when considering the loans shall include drought conditions, interconnection to multiple local governments, facilitating PPIs, and unique regional conditions. The bill was amended by the House NRE Committee to include the interconnection portion of SB 442.

### [SB 442](#) – **Water System Interconnection Redundancy and Reliability Act**

**Status:** Senate Natural Resources Committee Passed 3/18/10; Senate Adopted 3/24/10, House Natural Resources Committee Passed Substitute 4/14/10

**Summary:** A bill that directs GEFA to issue an RFP for an engineering study which could help advance interconnection of water systems within the Metro District. The study would also include an emergency water supply plan for the Metro District. The House substitute contains an amendment supported by environmentalists and many rural legislators to insert recommendations from the 2008 State-wide Water Plan into statute. This amendment is harmful to economic development across the State and its inclusion will result in the bill not passing in 2010. The Senate NRE Committee has stated that it will not pass this bill if that language is still there when it passes the House floor.

### [SB 462](#) – **River Basin Protection Act**

**Status:** Senate Natural Resources & Environment Committee

**Summary:** One of the most far-reaching environmental bills in history, this bill severely threatens economic development in all portions of Georgia. This bill puts into statute many of the considerations that EPD currently uses when evaluating Inter-basin Transfers, water withdrawals, and water discharges. The bill would make many current IBTs illegal, and would make them impossible to re-approve. The bill also requires the EPD Director to consider groundwater withdrawals in permitting IBTs for the first time. The bill is being pushed by anti-growth, environmental groups and has support of many interests including: urban Democrats, suburban Republicans, and rural Democrats and Republicans. It is also introduced in the House as HB 1301.

### [SB 486](#) – **Deference by Administrative Law Judges on Review of Environmental Permits**

**Status:** Senate Natural Resources & Environment Committee Passed 3/18/10, Suspended Pursuant to Rule 7-1.6(b) 3/24/10

**Summary:** This Bill was originally intended to allow Administrative Law Judges to give deference to staff within the Georgia Environmental Protection Division, Shore Protection Committee, or Coastal Marshlands Protection Committee on decisions made regarding permits, variances, or other approvals. The Bill applies to the review of the grant or denial of any of these decisions. The Bill was amended on the floor of the Senate to bring EPD under the Administrative Procedures Act.

### [SB 494](#) – **Prohibition of Conveyance Fees on Residential Property**

**Status:** Senate Judiciary Committee

**Summary:** This Bill would prevent conveyance fees on the transfer of residential properties. The bill would outlaw these types of fees, except when the homeowners association is the fiscal agency in charge of managing those fees.

## **Senate Resolutions**

### **SR 801 – Requesting U.S. Congress to avoid passing an energy tax through Cap and Trade Legislation**

**Status:** Senate Economic Development Committee, Senate Passed 2/3/10, Senate Adopted 3/30/10

**Summary:** An urging resolution which will be sent to the members of the US Congress encouraging them to avoid passing Cap and Trade legislation, which would include a de facto tax on industry and commercial buildings.

### **SR 972 - Transportation Sales Tax –Democrat Proposal**

**Status:** Senate Transportation Committee

**Summary:** A bill proposed by Senator Doug Stoner (D-Smyrna), has proposed a transportation funding bill that includes several component of previous legislation. The bill shifts the 4<sup>th</sup> penny of the State motor fuel tax for transportation purposes. In order to deal with budget priorities, the fourth penny will be phased in over four years, with the total amount being shifted in 2015. The money raised was approximately \$137 million in FY 2009.

The sales tax proposal is based on the regional approach, requiring a Constitutional Amendment on the November 2010 ballot. The bill would create a special transportation district out of the 10 county ARC district. The elected ARC members would create a project list, propose it to the voters in all 10 counties, and if a majority of the voters within the district approved, the tax would be imposed. Counties that feel they should not participate would be authorized to opt-out of the region within 45 days of the referendum, via a majority vote of the BOC. Other counties would have 30 days from the withdrawal of another county's withdrawal to make a decision.

The enabling legislation that coincides with this Constitutional Amendment is SB 366.

### **SR 1126 – State Transportation Board Term Length**

**Status:** Senate Transportation Committee Passed 3/11/10

**Summary:** A Constitutional Amendment which would shorten the terms of members of the State Transportation Board from 5 years to 4, and includes a recall procedure.

### **SR 1142 – Eminent Domain Restrictions**

**Status:** Senate Judiciary Committee

**Summary:** A Constitutional Amendment which would limit the ability of local governments to use eminent domain in economic development projects. The language, if

approved by the voters of the State in 2010, would explicitly state that eminent domain is not authorized for use in economic development (revenue raising) projects. Only those projects which are completely for public use would be eligible for the use of eminent domain.

#### [SR 1177](#) – Transfer Intermodal Division of GDOT to GRTA

**Status:** Senate Transportation Committee

**Summary:** This Bill would transfer the Intermodal division of GA Department of Transportation to the Georgia Regional Transportation Authority.

#### [SR 1198](#) – Senate Study Committee on South Fulton

**Status:** Senate Urban Affairs Committee Passed 3/24/10

**Summary:** This Bill would create a legislative study committee on the preservation of unincorporated South Fulton County. The unincorporated portion of South Fulton is the only area of Fulton County that is not municipalized. This area is largely undeveloped, and the study committee would meet outside the session to hear ways that the land could remain undeveloped.

### **House Bills**

#### [HB 244](#) – Georgia Environmental Finance Authority Legislation

**Status:** Senate Special Judiciary Passed 2/16/10, Senate Adopted 4/13/10. House Agreed to Senate Sub 4/14/10

**Summary:** This bill passed the House in 2009 with the original purpose of changing the Facilities portion of GEFA to Finance so that the name would read Georgia Environmental Finance Authority. The legislation received a Senate Judiciary Substitute which authorizes GEFA to sell off the revolving loan fund used by local governments to finance water projects. The proposal to sell the funds is part of Governor Perdue's budget proposal as a way to make up a \$300 million shortfall.

#### [HB 277](#) – Transportation Funding Legislation

**Status:** House-Senate Conference Committee Adopted 4/21/10, House Passed 4/21/10, Senate Passed 4/21/10

**Summary:** This Bill will be the vehicle for transportation funding for 2010. The bill was originally proposed as a State-wide transportation bill in 2009. The bill calls for 12 regions to be created to develop a list of transportation projects to be funded by a one cent sales tax. The regions would vote on the tax in July 2012, with the entire region either approving or rejecting the tax. There is not a county opt-out, but there is a regional opt-out if the Regional roundtable can't come to some agreement over the projects. Additionally, there are measures in place to allow the easing of the MARTA 50/50 Capitol/M&O restriction as well as the ability for MARTA to use new funds for M&O on

new projects. Please visit our website for a full breakdown of the process that will lead to the ballot question in July 2012.

#### [HB 595](#) – Residential Contractors; disclosure upon discovery of defects

**Status:** House Regulated Industries Committee

**Summary:** Upon disclosure of a defect, a licensed residential contractor, or subcontractor, must provide a report to the buyer outlining the specific defects and any steps necessary to remedy the defect. The report must be provided to the buyer within five days of the completion of the report.

#### [HB 857](#) – Real Property, Granting of First Right-to-Purchase After Condemnation

**Status:** House Judiciary Committee

**Summary:** When a local government chooses to condemn and sell a piece of property, it must attempt to contact the previous owner, or the previous owner's next-of-kin. This person shall have the first right to purchase such land. If after 180 days, the local government is unable to contact a next-of-kin, the adjacent property owner shall receive the right to purchase.

#### [HB 867](#) – Establishment of a Commission on Regional Planning

**Status:** House Economic Development and Tourism Committee Passed 2/9/10, House Adopted 2/18/10, Senate State & Local Government Operations Committee Passed 3/11/10

**Summary:** Develops a Commission on Regional Planning, which will oversee the dispersion of State and Federal Funds and regulations, which relate to regional planning. Establishes the membership of the organization through executive appointments.

#### [HB 895](#) – Comprehensive State-wide Water Management Plan, Change Certain Provisions

**Status:** House Pre-Filed 12/16/09

**Summary:** Places restrictions on inter-basin and intra-basin transfers of raw and treated water. Restricts the State from granting an IBT permit until consumptive use assessments and other long-term planning measures are completed. Lists a series of considerations EPD must make before approving a new IBT.

#### [HB 926](#) – Regulations Concerning Renewals and Restructuring of Loans

**Status:** House Banks and Banking Committee Passed 1/25/10; House Passed 2/1/10; Senate Banking and Finance Committee Passed 2/2/10; Senate Passed 2/11/10; Governor Signed 2/11/10

**Summary:** Brings State banking statutes into line with Federal laws concerning renewal of existing loans. Allows for the renewal and restructuring of large loans to individuals and corporations, which would have currently been prohibited for state-chartered banks. The bill went into effect immediately after it was signed by the Governor.

#### [HB 968](#) – **Prohibit Public Private Partnerships for the Construction of Tunnels**

**Status:** House Transportation Committee

**Summary:** A bill which will outlaw the construction of any tunnel funded through a PPI, which will be used to reduce traffic congestion in Georgia. This is a response to the Atlanta bypass tunnel, which has been proposed by some officials.

#### [HB 975](#) – **Exemption of Ad Valorem Taxes on Residential Contractors While Home is For Sale**

**Status:** House Ways & Means Committee

**Summary:** A proposed ballot referendum question to be placed on the November 2012 state-wide ballot. The proposal would grant residential contractors a reprieve from all ad valorem taxes until the year in which the home was sold, or six years from the date of completion, whichever comes sooner.

#### [HB 996](#) – **Ad Valorem Tax on Heavy Equipment Vehicles; Change From an Exemption to a Tax Credit**

**Status:** House Ways & Means Committee

**Summary:** This bill changes the maximum \$100,000 tax exemption on heavy equipment vehicles to a \$100,000 tax credit to be applied to the individual's or corporation's total taxable amount. This legislation would not be applied to publicly traded companies, cooperatives, public utilities, heavy duty equipment dealers, or entities during the year of purchase.

#### [HB 1094](#) - **Georgia Water Stewardship Act**

**Status:** House Natural Resources & Environment Committee Passed 3/2/10, House Adopted 3/10/10, Senate Natural Resources & Environment Committee

**Summary:** This is the House version of the bill that incorporates the recommendations from the Governor's Water Contingency Task Force. The bill proposes several of the "no-regret" recommendations, including the encouraging of water conservation pricing, retrofit of existing plumbing fixtures, incentives for voluntary conservation, and public education programs. Additionally, there are portions of the bill which were recommended by the task force if Re-authorization did not occur. Mandatory measures under the bill include requiring ultra low-flow plumbing fixtures, mandatory sub-metering of all multi-family residential buildings, mandatory sub-metering of all multi-tenant retail and light industrial buildings, and mandatory cooling towers on commercial buildings. The bill was

initially identical to SB 370, but has received some changes from agricultural interests. These differences must be resolved by the Senate and House at some point.

#### [HB 1173](#) – Residential Rental Property Registration

**Status:** State Planning & Community Affairs Committee

**Summary:** A bill which would allow local governments to require registration of all residential properties. In properties which were occupied, the registration would require the names of all tenants to be reported to the local government. The attempt of the legislation is to identify vacant properties so that the owners can be identified and contacted for code enforcement violations.

#### [HB 1196](#) – Residential Sprinklers; Restrict Building Codes from Requiring Installation

**Status:** House Ag & Consumer Affairs Committee Passed 3/17/10; House Adopted 3/22/10; Senate Regulated Industries & Utilities Committee Passed 4/12/10, Senate Passed 4/21/10

**Summary:** This Bill would prohibit local governments from requiring the installation of sprinkler systems in single family residential properties. It would apply to both single family and two-unit duplexes. This bill would not affect those local governments who have adopted such ordinances before the bill is signed by the Governor.

#### [HB 1218](#) – Transportation Investment Act of 2010

**Status:** House Transportation Committee Passed 3/18/10

**Summary:** This bill introduced by the Governor's Floor Leader Rep. Jim Cole, is the bill which puts into effect the Governor's proposed transportation funding plan. The bill was adopted in the form of a Committee substitute with several changes to the original proposal. The proposed bill places a great amount of decision-making authority in the Governor's office through the Director of Planning, a position appointed by the Governor. The bill would allow for a vote in 2012 statewide, with each of twelve regions choosing whether or not to adopt a 1 cent sales tax to fund transportation. Each region would be bound to the final vote, and the money would stay exclusively within that region to fund a list of projects which are pre-determined by the State Director of Planning, through input from local officials. The substitute bill directs the actual money to GDOT. Also contained within the bill is a provision to allow MARTA to operate for three years without the 50/50 capital/expenditures requirement currently in state law. If adopted in 2012, the bill would go into effect in 2013 with a 10 year sunset provision. A final portion of the bill deals with the revision of balancing of federal and state motor fuel funds. The funds for new capacity would be divided among Regional Commissions based on population and the funds for maintenance and operations would be distributed to RCs based on existing lane miles.

#### [HB 1234](#) – State Transportation Board Member Terms

**Status:** House Transportation Passed 3/9/10

**Summary:** Bill would limit the terms of members of the State Transportation Board to two terms.

### [HB 1283](#) – Modification of State Agency Fees

**Status:** House Adopted 3/26/10

**Summary:** This Bill directs all State agencies to review the amount of all fees which they currently collect. This will most likely result in an increase in all fees, since several of them have not been reviewed since they were originally implemented. It is being used as a method to balance the 2010 budget, since many of the agencies are running deficits this year. It is designed to work in concert with HB 1284.

### [HB 1284](#) – Modification of State Agency Fees

**Status:** House Adopted 3/26/10, Senate Adopted 4/14/10

**Summary:** This Bill works in concert with HB 1283 to review the fees that each state agency charges. It is most concerning for GA EPD, which has a federally delegated authority to provide “one-stop” permitting. Within the provisions of HB 1283 and 1284, permit fees collected by EPD would be remitted to the State’s General Fund. This is concerning because EPD has seen tremendous budget cuts over the last few years. There is a concern that any further cuts would result in US EPA revoking GA EPD’s authority to review federal permits.

### [HB 1301](#) – River Basin Protection Act

**Status:** House Natural Resources & Environment Committee

**Summary:** One of the most far-reaching environmental bills in history, this bill severely threatens economic development in all portions of Georgia. This bill puts into statute many of the considerations that EPD currently uses when evaluating Inter-basin Transfers, water withdrawals, and water discharges. The bill would make many current IBTs illegal, and would make them impossible to re-approve. The bill also requires the EPD Director to consider groundwater withdrawals in permitting IBTs for the first time. The bill is being pushed by anti-growth, environmental groups and has support of many interests including: urban Democrats, suburban Republicans, and rural Democrats and Republicans. It is also introduced in the Senate as HB 462.

### [HB 1354](#) – Electronic Signature for Certain Professions

**Status:** House Judiciary Committee

**Summary:** Bill would allow the electronic signature of Professional Engineers when certifying documents. Current state law allows for electronic signatures for other professions, but still requires engineers to use actual signatures.

### [HB 1359](#) – Buffer Requirements Along State Waters

**Status:** House Natural Resources & Environment Committee Passed 3/18/10, House Adopted 3/24/10, Senate Natural Resources Committee

**Summary:** Provides an exemption from State buffer requirements on Corps of Engineers or FEC operated lakes. The exemption would allow for the construction of a bulkhead or a sea wall along the shoreline of such lakes.

## **House Resolutions**

### **[HR 206](#) – Transportation Funding**

**Status:** House-Senate Conference Committee

**Summary:** This is the Resolution authorizing a Constitutional Amendment for transportation funding. The conference committee was renewed after failing to reach agreement in 2009. The current language in HB 277 calls for a general bill, but the option is available to use HR 206 for a CA.

### **[HR 1358](#) – Motor Fuel Tax, Dedicate 4<sup>th</sup> Penny to Transportation Purposes**

**Status:** House Transportation Committee

**Summary:** A Constitutional Amendment proposed to gradually phase-in the 4<sup>th</sup> penny of motor fuel tax, currently allocated to the State's general fund, to be shifted specifically for transportation purposes. The General Assembly would administer the funds, and they would be constitutionally mandated to spend only on transportation projects around the State.

### **[HR 1446](#) – State Transportation Board Member Terms**

**Status:** House Transportation Committee Passed 3/9/10

**Summary:** The Constitutional Amendment to limit terms of members of the State Board of Transportation to 2 years.

## **2009 Proposed Legislation**

Please see the list below for legislation that was proposed in 2009:

### **Critical Bills from 2009**

SB 31 – Nuclear Energy Financing Act – Signed by Governor  
SB 155 – Exemption of Ephemeral Streams from Buffers – Signed by Governor  
SB 200 – Reorganization of GDOT – Signed by Governor  
HB 63 – Tax Allocation Districts – Signed by Governor  
HB 261 – Tax Credit for Purchase of Home – Signed by Governor  
HB 277 & HR 206 – Transportation Funding - Did not Pass  
SR 304 & HR 578 – Etowah HCP/ USFWS Scientific Study Resolution - Passed

### **Senate Bills**

#### **[SB 31](#) – Georgia Nuclear Energy Financing Act**

**Status:** Senate Regulated Industries Committee Passed 2/5/09, Senate Adopted 2/11/09, House Committee Passed 2/24/09, House Adopted 2/26/09, Signed by Governor 4/21/09

**Summary:** Allows utility companies to charge a rate increase to customers to fund construction of a facility before it begins operating. Currently, construction and financing costs can only be recovered after the completion of the new facility. This causes interest costs to be higher and ultimately passed on to the consumer. The Bill is related to the Plant Vogtle expansion being carried out by GA Power, but could apply to other utilities.

#### [SB 39](#) – Regional TSPLOST

**Status:** Senate Transportation Committee Passed 1/30/09, Senate Adopted 2/3/09, House Transportation Committee Passed 2/25/09, House Adopted 3/3/09, Senate Agree House Amend. or Sub. 3/25/09

**Summary:** This Bill is the enabling legislation to authorize a 1% regional sales tax for transportation purposes. The legislation would create a district containing ARC counties, with the ability of neighboring counties to opt-in to the district, and any counties to opt out of the district. It would also authorize other counties in the State to create their own special transportation district. Each district would be required to create a project list, which would be approved by a combination of county or city elected officials.

**Substitute:** The House Transportation Committee Substitute essentially removes all of the original language and inputs SB 120, a MARTA bill into its place. The measure is significant in that it will allow the Senate and House to disagree on funding legislation and begin the process of working out differences through a conference committee.

#### [SB 40](#) – Reorganization of GDOT

**Status:** Senate Transportation Committee

**Summary:** This Bill shifts control over certain transportation projects from the State Transportation Board to the General Assembly. Through SRTA, the General Assembly would have the ability to carry out projects including toll roads.

#### [SB 55](#) – Foreclosures used in Tax Assessments

**Status:** Senate Finance Committee Passed 2/6/09, Senate Adopted 2/18/09, House Ways & Means Committee Passed 3/25/09, House Adopted 3/30/09, Signed by Governor 4/14/09

**Summary:** This Bill changes the factors to be used by Tax Assessors when compiling property tax assessments by adding “foreclosures and bank owned sales of comparable real property”. Essentially, foreclosures would be used to ensure that tax assessments are in line with market conditions. It also specifically addresses conservation easements to ensure that land within an easement is valued based on any limitations or restrictions to the property.

#### [SB 57](#) – Georgia Fair Lending Act

**Status:** Senate Banking & Financial Institutions Committee Passed 2/26/09, Senate Adopted 3/10/09, House Judiciary Committee Passed 3/30/09, House withdrawn, recommitted 4/3/09

**Summary:** This Bill changes provisions related to sub-prime and non-traditional loans. It also gives occupants of foreclosed properties a defined period of time before they are legally required to vacate the property.

#### [SB 78](#) – **Voluntary Remediation Program Act**

**Status:** Senate Natural Resources & Environment Committee Passed 2/4/09, Senate Adopted 2/26/09, House withdrawn, recommitted 3/5/09

**Summary:** This Legislation allows for voluntary remediation of contaminated sites for redevelopment and change of use. It is intended to put GA EPD requirements in line with those of US EPA. The legislation would allow sites to be voluntarily cleaned up to standards defined as Classes 1-5. Class 1 would be the strictest, requiring that ground water was safe for drinking. Currently, GA EPD requires voluntary remediation to be performed up to Class 1 standards. HB 248 contains identical language.

#### [SB 83](#) – **Homestead Exemption**

**Status:** Passed Senate Finance Committee 2/4/09, Senate Adopted 2/6/09, House Passed 2/25/09, House Reconsidered 3/5/09, House lost Reconsidered Bill/Resolution 3/25/09

**Summary:** This Bill doubles the homestead exemption from \$2,000 to \$4,000. It would also tie the exemption to the rate of inflation so that the exemption can maintain its level of effectiveness.

#### [SB 155](#) – **Stream Buffers on Ephemeral Streams**

**Status:** Senate Natural Resources Committee Passed 3/3/09, Senate Adopted 3/9/09, House Natural Resources Committee Passed 3/23/09, House Adopted 3/26/09, Signed by Governor 5/4/09, Effective Date 7/1/09

**Summary:** This Bill provides for an explicit definition of ephemeral streams and what regulations must be imposed for the accompanying buffers. The bill effectively exempts ephemeral streams from State 25 foot buffers. It is unclear how local buffer ordinances would be impacted, but the State buffer would no longer be required on ephemeral streams.

#### [SB 200](#) – **Transforming Transportation Investment Act**

**Status:** Senate Transportation Passed 2/26/09, Senate Adopted 3/5/09, House Transportation Committee Passed 3/30/09, House Adopted 4/1/09, Signed by Governor 5/11/09, Effective Date 5/11/09

**Summary:** This Bill is the re-organization plan of the State's various transportation agencies, as proposed by the Governor, Lt. Governor, and Speaker of the House. The plan seeks to merge SRTA and GRTA into one agency, which will be known as the State Transportation Authority. The new STA will have a Secretary of Transportation, who will be responsible for the planning and funding of the State's transportation network. Board members of the STA will be selected by the Governor, Lt. Governor, and Speaker of the House. GDOT and the current State Transportation Board would continue to exist, but their roles would be limited to maintaining the current network, and competing with private interests for other services.

**Substitute:** The newest version, passed out of the House Transportation Committee is drastically different than the original. There is no consolidation or creation of agencies, the DOT retains the ability to select a Commissioner, the Legislature retains the ability to select DOT Board members, the Governor appoints a Director of Planning, the Legislature has up to 20% say in funding projects, and several other minor changes. This bill will likely be finalized during a Conference Committee

### [SB 236](#) – Rules for Adopting Development Moratorium

**Status:** Senate State & Local Governmental Operations Committee

**Summary:** This Bill implements certain requirements for local governments who intend to enact development moratoria. The new requirements include: The government must hold two public hearing announcing the moratorium to the affected citizens, the moratorium can last no longer than 60 days, the moratorium must provide evidence to the lack of services necessitating its adoption, it allows for a variance procedure for one property owner during a moratorium, and it specifically exempts those who have filed permits before the enactment of the moratorium from inclusion in such moratorium.

### Senate Resolutions

#### [SR 44](#) – Regional TSPLOST

**Status:** Senate Transportation Committee Passed 1/29/09, Senate Adopted 2/3/09, House Transportation Committee

**Summary:** This Resolution authorizes a Constitutional Amendment to be placed on the November 2010 ballot state-wide. It would authorize the creation of special transportation districts which would be used to fund transportation projects. The ARC counties would be the first region formed, while other counties would be authorized to create districts as necessary.

#### [SR 304](#) – Urging US Fish & Wildlife to further study Etowah River Basin

**Status:** Senate Natural Resources & Environment Committee Passed 2/24/09, Senate Adopted 3/5/09

**Summary:** This Resolution urges USFWS to further study the three federally listed species in the Etowah River Basin, to perform the mandatory five year status updates, and to perform an Environmental Impact Statement.

### House Bills

#### [HB 30](#) – Georgia Townships Act

**Status:** Judiciary Committee

**Summary:** This Bill would allow for the creation of townships as a form of government in Georgia. It would also need to be approved by the voters as a Constitutional Amendment.

#### [HB 63](#) – Redevelopment Powers Law / Tax Allocation Districts

**Status:** Government Affairs Committee Passed 3/3/09, House Adopted 3/5/09, Senate Finance Committee Passed 3/30/09, Senate Adopted 4/1/09, Signed by Governor and Effective Date 4/22/09

**Summary:** This Bill reauthorizes the Redevelopment Powers Act to explicitly allow school board participation in Tax Allocation Districts. It also revises the areas which may be considered for a Tax Allocation District by changing the definition of blight. Original language contained a provision for negative tax increments, but that provision has since been removed. Furthermore, it places restrictions on the use of PILOT TADs, which were used in some instances to avoid county or school board approval.

#### [HB 143](#) – Homeowners Tax Relief Grant

**Status:** House Ways and Means Committee Passed 1/28/09, House Adopted 1/30/09, Passed Senate Finance Committee 2/4/09, Senate Adopted 2/6/09, Signed by Governor and Effective Date 2/17/09

**Summary:** This Bill guarantees the HRTG to taxpayers for the current fiscal year, so that a separate bill won't be sent to property owners. However, it restricts the use of the program to years in which the General Assembly has excess revenue.

#### [HB 158](#) – Apartment Submetering

**Status:** House Natural Resources & Environment Committee Passed 2/26/09, House Adopted 3/12/09, Senate Regulated Industries Committee Passed 3/25/09, Senate Re-Committed 1/11/10

**Summary:** This Bill requires that all new multi-unit residential building built after January 1, 2010 must have meters installed in each apartment to monitor water usage. This helps water conservation and is already successfully practiced by in metropolitan Atlanta multi-family housing.

#### [HB 203](#) – Development Authority Requirements for Issuance of Bonds

**Status:** State Planning & Community Affairs Committee Passed 3/16/10, House Adopted 3/22/10, Senate Recommitted 3/30/10

**Summary:** This Bill removes the requirement that development authorities gain public approval for the issuance of bonds through a referendum. This would allow development authorities to operate separately from the normal requirements for bond referendums.

#### [HB 233](#) – Property Tax Assessment Cap

**Status:** House Ways & Means Committee Adopted 2/5/09, House adopted 2/12/09, Senate Finance Committee Passed 2/24/09, Senate adopted 2/26/09, Signed by Governor and Effective Date 5/5/09

**Summary:** Originally proposed to work in concert with HR 1 to place a limit on property tax assessments, the version that passed the House was altered. The adopted version places a two year freeze on all property tax assessments, commercial and residential.

#### [HB 239](#) – Regulation of Surface Water withdrawals

**Status:** Natural Resources & Environment Committee

**Summary:** This Bill would impose new requirements on those governments who have a surface water withdrawal permit. The permittees would be required to prove that they return 75% of the withdrawn water before they would be allowed to expand water withdrawals.

**[HB 248](#) - Voluntary Remediation Program Act**

**Status:** House Natural Resources & Environmental Committee Passed 3/5/09, House adopted 3/12/09, Senate Natural Resources & Environmental Committee Passed 3/20/09, Senate adopted 3/26/09, Signed by Governor 5/5/09, Effective Date 6/1/09

**Summary:** This Legislation allows for voluntary remediation of contaminated sites for redevelopment and change of use. It is intended to put GA EPD requirements in line with those of US EPA. The legislation would allow sites to be voluntarily cleaned up to standards defined as Classes 1-5. Class 1 would be the strictest, requiring that ground water was safe for drinking. Currently, GA EPD requires voluntary remediation to be performed up to Class 1 standards. SB 78 contains identical language.

**[HB 261](#) – State Income Tax Credit for Purchase of a Single Family Home**

**Status:** House Ways & Means Committee Passed 3/4/09, House adopted 3/12/09, Senate Finance Committee Passed 3/25/09, Senate adopted 3/26/09, Conference Committee Adopted 4/3/09, Signed by Governor and Effective Date 5/11/09

**Summary:** This Bill provides a 0.6% State income tax credit to any citizen who purchases a single family residence (condos and townhomes included) during the first six months of the enactment of the legislation. The credit would be distributed over three years, in an attempt to encourage sales while minimizing the fiscal impact to State revenue. The final version of the bill applies only to the first \$300,000 of the property. Anything over that amount would not be eligible, thereby capping the amount at \$600 a year for three years.

**[HB 277](#) – Georgia 20/20 Transportation Act, (State-wide TSPLOST)**

**Status:** House Transportation Committee Passed 2/24/09, House Adopted 3/3/09, Senate Finance Committee Passed 3/12/09, Senate adopted 3/23/09, Conference Committee Appointed 4/1/09, House and Senate Conference Committees Appointed 3/24/10

**Summary:** This Bill, in companion with HR 206, would create a state-wide 1% sales tax to be used to fund specific transportation improvements. The Bill outlines specific projects to be carried out using the new funds including, major interchange improvements in metro Atlanta, major economic development corridors across the state, improved freight capacity around ports, light rail around metro Atlanta, commuter rail to Athens, and local aid projects across the State. The proposal estimates that \$25 billion worth of revenue would be collected over 10 years, funding the specified projects. (The Senate substitute contains identical language to SB 39.)

**[HB 348](#) – Ad Valorem Tax on Heavy Equipment**

**Status:** House Ways & Means Subcommittee

**Summary:** This bill changes the current method of taxation related to heavy equipment. It modifies the law so that heavy equipment will be taxed only in the year of its purchase, and would not be taxed in any preceding years. It applies to new and used equipment.

#### [HB 373](#) & [378](#) – Forsyth County BOC & BOE Districts

**Status:** House Committee on Local Intergovernmental Coordination Passed 2/18/09, House Adopted 2/18/09, Senate Committee on State and Local Governmental Operations Passed 2/25/09, Senate Adopted 2/25/09, Signed by Governor and Effective Date 3/26/09

**Summary:** These Bills redefine the governance structure of Forsyth County so that each Commissioner and Board of Education member must reside in the district they represent, and will be elected only by those in their district. The Chairman of the BOC would be elected by the five BOC members during the first meeting after the installment of the new BOC.

#### [HB 605](#) – Transforming Transportation Investment Act

**Status:** House Transportation Committee

**Summary:** Identical to SB 200, this Bill is the re-organization plan of the State's various transportation agencies, as proposed by the Governor, Lt. Governor, and Speaker of the House. The plan seeks to merge SRTA and GRTA into one agency, which will be known as the State Transportation Authority. The new STA will have a Secretary of Transportation, who will be responsible for the planning and funding of the State's transportation network. Board members of the STA will be selected by the Governor, Lt. Governor, and Speaker of the House. GDOT and the current State Transportation Board would continue to exist, but their roles would be limited to maintaining the current network, and competing with private interests for other services.

### **House Resolutions**

#### [HR 1](#) – Property Tax Assessment Increase Caps

**Status:** House Ways & Means Committee Passed 3/11/10

**Summary:** This Resolution proposes a Constitutional Amendment that would limit increases in property tax assessments to 3% annually. Both commercial and residential properties would be subject to this cap. Assessments would also be adjusted at the time of sale.

#### [HR 206](#) – Georgia 20/20 Transportation Act, Constitutional Amendment

**Status:** House Transportation Committee passed 2/24/09, House Adopted 3/3/09, Senate Finance Committee Passed 3/12/09, Senate Adopted 3/23/09, Conference Committee appointed 4/1/09, House and Senate Conference Committees Appointed 3/24/10

**Summary:** This Resolution authorizes a constitutional amendment to be placed on the November 2010 ballot. Approval of the amendment would result in the creation of a 1% state-wide sales tax to fund specific transportation projects as defined by HB 277.

[HR 578](#) – Urging US Fish & Wildlife to further study Etowah River Basin

**Status:** House Natural Resources Committee passed 3/23/09, House adopted 3/30/09

**Summary:** Identical to SR 304, this Resolution urges USFWS to further study the three federally listed species in the Etowah River Basin, to perform the mandatory five year status updates, and to perform an Environmental Impact Statement.

***For additional information on this, or any other legislation, please contact Jason O'Rourke at 770-289-2247 or [jo@councilforqualitygrowth.org](mailto:jo@councilforqualitygrowth.org)***