



# GEDA

## LEGISLATIVE REPORT

-PREPARED BY-



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### Weekly Legislative Report # 7

Week ending February 26, 2010

#### This Week

The General Assembly will be in recess until they reconvene on March 8<sup>th</sup>, remaining in session through March 11th. The Appropriations Committees will continue to work with the budget.

#### Tracking List

Here are the bills we are tracking. **New activity is noted in red ink.**

#### Business and Government – General

##### **Eminent Domain Approved by Local Governing Authority. HR 70** (Rep. Ron Stephens-R)

Condemnation of private property pursuant to the power of eminent domain shall be approved by a resolution or ordinance of the governing authority of the municipality within which the property is located, if any, or otherwise by the governing authority of the county within which the property is located. **Status:** Referred to Judiciary Cmte.

##### **Labor Union Secret Vote. SR 108** (Sen. Eric Johnson-R)

Proposing an amendment to the Constitution so as to provide that where local, state, or federal law requires elections for public office or public votes on initiatives or referenda, or designations or authorizations of employee representation, the right of individuals to vote by secret ballot shall be guaranteed. **Status:** Pending Insurance and Labor Cmte.

#### Economic Development, Education and Regional Planning

##### **Development Authorities Subject to Certain Referendums. HB 203** (Rep. Mike Jacobs-R)

Relating to local government, so to provide an express exception to the prohibition against requiring development authorities to be subject to certain referendums. **Status:** Pending State Planning and Community Affairs Cmte.

**Small Business Grants. HB 556** (Rep. Rob Teilhet-D)

Relating to the Department of Economic Development to establish a program to provide for certain types of grants to small businesses. **Status:** Pending to Economic Development and Tourism Cmte.

**Repeal of RDC Re-Organization Legislation of 2008. HB 640** (Rep. Roger Williams-R)

To provide for the comprehensive revision of provisions regarding regional commissions and change such regional commissions to regional development centers. **Status:** Pending State Planning & Community Affairs Cmte.

**Service Delivery Strategy Agreement. HB 717** (Rep. Clay Cox-R)

To provide for the automatic extension of service delivery strategy agreements to avoid sanctions. **Status:** Pending Intergovernmental Affairs.

**Commission on Regional Planning. HB 867** (Rep. Ron Stephens-R)

To create the Commission on Regional Planning. **Status:** Referred to Economic Development & Tourism Cmte., Passed Cmte. as Cmte. Substitute, Pending Rules, Passed House, Referred to Senate Economic Development Cmte.

**Bond Issuance Requirements. HB 881** (Rep. Mike Jacobs-R)

Relating to local governments so as to clarify the application of the referendum requirement for issuance of bonds by certain authorities. **Status:** Referred to Governmental Affairs Cmte.

**Jobs, Opportunity, and Business Success Act of 2010. HB 1023** (Rep. Tom Graves-R)

To amend Title 14 of the Official Code of Georgia Annotated, relating to corporations, partnerships, and associations, so as to provide for a period of time for the waiver of certain filing fees otherwise charged in connection with such entities; to amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, so as to provide that, for a period of time, employers who hire persons receiving employment security benefits shall be entitled to a credit against employer contributions; to amend Title 48 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," so as to provide that a portion of net long-term capital gains shall be excluded from state taxable income of corporations and individuals. **Status:** Referred to Special Cmte. on Small Business Development and Job Creation, Passed Cmte., Pending Rules Cmte.

**Jobs, Opportunity, and Business Success Refund Act of 2010. HB 1024** (Rep. Martin Scott-R)

To amend and enact provisions intended to provide for tax relief and encourage employment opportunities and business stimulation; so as to eliminate the requirement for dealers to make returns and remittances with respect to estimated sales and use tax liability. **Status:** Referred to Small Business Cmte.

**New Tourism Attractions. HB 1125** (Rep. Ron Stephens-R)

To provided for a program of tax refunds for companies creating new tourism attractions. **Status:** Referred to Ways & Means Cmte.

**OneGeorgia Authority Act. HB 1127** (Martin Scott-R)

Relating to OneGeorgia Authority Act so as to provide that for determining eligibility for all programs any county that shares a geographic boundary. **Status:** Referred to Intragovernmental Coordination Cmte.

**Tax Exemption for New Freight Rail Infrastructure. HB 1145** (Rep. Ron Stephens-R)

To provide for an income tax credit for new qualified freight rail infrastructure property and qualified locomotive property. **Status:** Referred to Ways & Means Cmte.

**New Tourism Attractions Tax Refunds. HB 1239** (Rep. Larry O'Neal-R)

Relating to sales and use taxes so as to provide for a program of tax refunds for companies creating new tourism attractions. **Status:** Referred to Ways & Means Cmte.

**Tax Exemption for Job Creation. HB 1249** (Rep. John Lunsford-R)

To provide that counties and municipalities may provide ad valorem tax exemptions for certain projects that produce net jobs. **Status:** Referred to Ways & Means Cmte.

**Zoning and Land Use Development. HR 8** (Rep. Mike Jacobs-R)

To propose an amendment to the Constitution to provide that the General Assembly may provide by law for townships for the limited purposes of exercising the power of zoning and the regulation of land use development within the boundaries of such townships. **Status:** Pending Judiciary Cmte.

**Site to Grow Georgia Study Committee. HR 166** (Rep. Bob Smith-R)

To create the Joint Site to Grow Georgia Study Committee Alternative Financing, and Entrepreneurship Study Committee. **Status:** Pending Economic Development and Tourism Cmte.

**Income Tax Credit with Respect to Film Productions. HB 1247** (Rep. Ron Stephens-R)

To revise and change the income tax credit with respect to qualified film, video or digital productions. **Status:** Referred to Ways & Means Cmte.

**Tax Exemption for Job Creation. HR 1448** (Rep. John Lunsford-R)

Proposing an amendment to the Constitution so as to provide that counties and municipalities may provide ad valorem tax exemptions for certain projects that produce net jobs. **Status:** Referred to Special Committee on Small Business Development and Job Creation.

**Property Development Moratoriums. SB 236** (Sen. Ralph Hudgens-R)

To provide definitions and to provide for procedures for local governments to adopt property development moratoriums. **Status:** Pending State and Local Government Operations Cmte.

**Economic Development Council. SB 374** (Sen. Chip Pearson-R)

To create the Legislative Economic Development Council; to provide for the council's duties; to provide for the council's powers; to provide for the council's membership; to provide for an annual report. **Status:** Referred to Economic Development Cmte., Passed Cmte., Pending Rules Cmte., Passed Senate, Referred to House Economic Development Cmte.

**Public Meeting Amendment. SR 520** (Sen. David Adelman-D)

To propose an amendment to the Constitution to provide that all records and meetings of any governmental body performing a public purpose shall be open to the public. **Status:** Pending Governmental Affairs Cmte.

### Environmental

**Voluntary Site Remediation. SB 78** (Sen. Ross Tolleson-R)

Allows the owner of contaminated property to initiate a voluntary remediation plan that would clean up the site only to the level required by the intended use. **Status:** Referred to Natural Resources Cmte., Passed Senate, Pending House Natural Resources Cmte.

### Taxes

**Sales Tax Exemption for Energy Used in Manufacturing. HB 271** (Rep. Allen Peake-R)

To provide for a phased-in exemption with respect to state sales and use tax for the sale of natural or artificial gas, electricity or any other energy used directly or indirectly in the manufacture or processing in a manufacturing plant located in Georgia. **Status:** Pending Ways and Means Cmte.

**Sales Tax Exemption Aircraft Machinery. HB 309** (Rep. Chuck Martin-R)

Relating to sales tax exemption of certain machinery used in aircraft; and air or water pollution eliminating machinery. **Status:** Pending Ways and Means Cmte.

**Reduction of Energy and Water Usage Tax Credits. HB 405** (Rep. Joe Wilkinson-R)  
Tax Credits for reduction of energy /water usage. **Status:** Pending Ways and Means.

**Income Tax Credit for Clean Energy Property. HB 419** (Rep. Lynn Smith-R)  
Relating to the income tax credit for certain clean energy property. **Status:** Pending Ways and Means Cmte..

**New Business Tax Break. HB 946** (Rep. Melvin Everson-R)  
Relating to computation of Georgia taxable net income of an individual taxpayer, so as to provide for an exclusion with respect to certified new business income. **Status:** Referred to Ways & Means Cmte.

**Repeal Local Income Taxes. HB 984** (Rep. Larry O'Neal-R)  
Relating to income taxes, is amended by repealing in its entirety Article 6, relating to local income taxes. **Status:** Referred to Ways & Means Cmte., Passed Cmte. as Cmte. Substitute, Pending Rules Cmte.

**Joint County and Municipal Sales and Use Tax. HB 991** (Rep. Wendell Willard-R)  
Relating to the joint county and municipal sales and use tax, so as to revise comprehensively provisions regarding distribution of proceeds and renegotiation of distribution certificates; to provide for procedures, conditions, and limitations; to provide for applicability regarding certain new qualified municipalities or newly expanded qualified municipalities; to change provisions relating to the procedure for call of a referendum election on discontinuing imposition of the tax. **Status:** Referred to Ways & Means Cmte., Passed Cmte., Pending Rules Cmte., Passed House, Referred to Senate Finance Cmte.

**Corporate Net Worth Tax. HB 998** (Rep. Chuck Martin-R)  
Relating to business, and occupation taxes, so as to repeal the corporate net worth tax. **Status:** Referred to Ways & Means Cmte.

**Extension of Energy Used in Manufacturing Exemption. HB 1008** (Rep. Allen Peake-R)  
Relating to exemptions from sales and use taxes, so as to continue a partial exemption for a limited period of time from state sales and use tax only with respect to the sale or use of natural or artificial gas, No. 2 fuel oil, No. 6 fuel oil, propane, petroleum coke, and coal used directly or indirectly in the manufacture or processing, in a manufacturing plant located in this state, of tangible personal property primarily for resale, and the fuel cost recovery component of retail electric rates used directly or indirectly in the manufacture or processing of tangible personal property primarily for resale. **Status:** Referred to Ways & Means Cmte.

**Freeze Valuation of Real Property. HR 1** (Rep. Ed Lindsey-R)  
Proposed Amendment to the Constitution that would freeze the valuations of residential and nonresidential real property for tax purposes as established in 2010 so they shall not increase until the property is sold, transferred or improved. **Status:** Pending Ways & Means Cmte.

### Transportation

**Transportation Funding. HB 277** (Rep. Vance Smith-R)  
To create Georgia 2020 Transportation Trust Fund Oversight Committee, to provide for allocation of funds from trust fund and to implement an additional 1% special transportation sales and use tax. **Status:** Referred to Transportation Cmte, Passed House, Referred to Senate Finance Cmte., Senate Passed As Cmte. Substitute, House Disagreed, Conference Cmte. Appointed, Pending Conference Cmte.

**Transportation Investment Act of 2010. HB 1218** (Rep. Jim Cole-R)  
Relating to revenue and taxation, so as to provide for the creation of special districts; to provide for a referendum for funding of transportation projects; to provide for provisions relative to GDOT's allocation of funds. **Status:** Referred to Transportation Cmte.

**Constitutional Amendment for Transportation Funding. HR 206** (Rep. Vance Smith-R)

Proposing an amendment to the Constitution to provide for the creation of a Transportation Trust Fund and to provide for a levy of a 1% sales and use tax for deposit in the Trust Fund for transportation projects. **Status:** Referred to Transportation Cmte. Passed House, Referred to Senate Finance Cmte., Senate Passed As Cmte. Substitute, House Disagreed, Conference Cmte. Appointed, Pending Conference Cmte.

**Transportation Funding. SB 39** (Sen. Jeff Mullis-R)

To provide for a 1% sales tax to be used to fund transportation projects in special transportation districts; to provide for creation of such districts with counties being able to opt out and to provide for the district to pass a resolution calling for a referendum within the district. **Status:** Referred to Transportation Cmte., Passed Senate, Sent to the House and Referred to Transportation Cmte., which stripped all language of the bill and inserted the language of SB 120 (see below), Passed House, Sent to Senate for Agree/Disagree, Senate Disagreed by Amending to Include Transportation Governance Language, Passed Senate, Pending in House.

**Transportation Funding. SB 366** (Sen. Doug Stoner-D)

To provide for a phase in on the dedication of a portion of the state sales and use tax on motor fuels to transportation purposes; to provide for an up to 1 percent sales and use tax to be used to fund transportation purposes in special transportation districts within the state. **Status:** Referred to Transportation Cmte.

**Constitutional Amendment for Transportation Funding. SR 44** (Sen. Jeff Mullis-R)

Proposing an amendment to the Constitution to provide for a 1% regional local option sales and use tax to fund transportation projects. **Status:** Passed Senate, Sent to the House and Referred to Transportation Cmte.

**Transportation Funding. SR 90** (Sen. Steve Thompson-D)

Proposing an amendment to the Constitution to provide for the imposition, levy and collection of a state sales and use tax at the rate of 1% for all transportation purposes. **Status:** Pending Transportation Cmte.

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