

The Senate Natural Resources and the Environment Committee offered the following substitute to HB 1102:

A BILL TO BE ENTITLED  
AN ACT

To amend portions of the Official Code of Georgia Annotated relating to contaminated property; to amend Article 9 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to Georgia hazardous site reuse and redevelopment, so as to provide a 30 day grace period for buyers of qualifying property to seek a limitation of liability; to provide for automatic liability limitations to future recipients of qualified properties; to amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions regarding ad valorem taxation of property, so as to extend the preferential assessment of brownfield property under certain circumstances; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 9 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to Georgia hazardous site reuse and redevelopment, is amended by revising paragraph (6) of subsection (b) of Code Section 12-8-202, relating to definitions, as follows:

"(6) 'Prospective purchaser' means a person who intends to purchase a property where there is a preexisting release or a person who has applied for a limitation of liability pursuant to this article within 30 days of acquiring title to a property where there is a preexisting release."

**SECTION 2.**

Said article is further amended by revising subsection (c) of Code Section 12-8-208, relating to exceptions to limitation of liability, as follows:

"(c) The limitation of liability provided by this article shall ~~be fully transferable~~ automatically inure to the benefit of heirs, assigns, successors in title, and designees of the person to whom such limitation of liability is granted; provided, however, that in no event

shall the director's approval of a corrective action plan or concurrence with a certification of compliance operate to absolve from liability any party deemed to be a person who has contributed or is contributing to a release at the qualifying property; and provided, further, that a transfer of the title to the qualifying property or any portion thereof from the prospective purchaser ~~back to the owner of the property from which the subject property was purchased~~, to any other party deemed to be a person who has contributed or is contributing to a release at the property, or to any person disqualified from obtaining a limitation of liability under Code Section 12-8-206, or back to the owner of the property from which the subject property was purchased shall terminate any limitation of liability applicable to the transferor under this article."

### SECTION 3.

Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions regarding ad valorem taxation of property, is amended by revising subparagraph (F) of paragraph (3) of Code Section 48-5-2, relating to definitions regarding ad valorem taxation of property, as follows:

"(F) Fair market value of 'brownfield property' as such term is defined in subsection (a) of Code Section 48-5-7.6 means:

(i) Unless sooner disqualified pursuant to subsection (e) of Code Section 48-5-7.6, for the first ten years in which the property is classified as 'brownfield property,' or as this period of preferential assessment may be extended pursuant to subsection (o) of Code Section 48-5-7.6, the value equal to the lesser of the acquisition cost of the property or the appraised fair market value of the property as recorded in the county tax digest at the time application was made to the Environmental Protection Division of the Department of Natural Resources for participation under Article 9 of Chapter 8 of Title 12, the 'Georgia Hazardous Sites Site Reuse and Redevelopment Act,' as amended; and

(ii) Unless sooner disqualified pursuant to subsection (e) of Code Section 48-5-7.6, for the eleventh and following years, or at the end of any extension of this period of preferential assessment pursuant to subsection (o) of Code Section 48-5-7.6, the fair market value of such property as determined by the provisions of this paragraph, excluding the provisions of this subparagraph."

### SECTION 4.

Said article is further amended by revising paragraph (3) of subsection (d) of, subparagraph (e)(1)(D) of, and adding a new subsection to Code Section 48-5-7.6, relating to preferential assessment of brownfield property, to read as follows:

61 "(3) The local taxing authority shall enter upon the tax digest as the basis or value of a  
62 parcel of brownfield property a value equal to the lesser of the acquisition cost of the  
63 property or the assessment of the fair market value of the property as recorded in the  
64 county tax digest at the time application for participation in the Hazardous Site Reuse and  
65 Redevelopment Program was submitted to the Environmental Protection Division of the  
66 Department of Natural Resources under Article 9 of Chapter 8 of Title 12, the 'Georgia  
67 Hazardous Site Reuse and Redevelopment Act,' as amended. Property classified as  
68 brownfield property shall be recorded upon the tax digest as provided in this Code section  
69 for ten consecutive assessment years, or as extended pursuant to subsection (o) of this  
70 Code section, unless sooner disqualified pursuant to subsection (e) of this Code section,  
71 and the notation 'brownfield property' shall be entered on the tax digest adjacent to the  
72 valuation of such property to indicate that the property is being preferentially assessed.  
73 The local taxing authority shall also enter upon the tax digest an assessment of the fair  
74 market value of the property each year, excluding the provisions of subparagraph (F) of  
75 paragraph (3) of Code Section 48-5-2."

76 "(D) The later of the expiration of ten years during which the property was classified  
77 and assessed as brownfield property or the expiration of this preferential assessment  
78 period as extended pursuant to subsection (o) of this Code section; or"

79 "(o)(1) Notwithstanding anything to the contrary in subsections (a) through (n) of this  
80 Code section, a qualified brownfield property may be eligible for preferential assessment  
81 in accordance with the provisions of subsection (c.4) of Code Section 48-5-7 for a period  
82 not to exceed 15 years under the following circumstances:

83 (A) Construction of improvements on the property commenced but thereafter ceased  
84 for a period in excess of 180 days;

85 (B) After a delay in excess of 180 days, construction of improvements on the property  
86 resumed; and

87 (C) The owner of the qualified brownfield property submits a sworn certification to the  
88 county board of tax assessors stating the date on which construction first commenced,  
89 the date on which construction ceased, and the date on which construction resumed.

90 (2) Upon receipt of the certification required by subparagraph (C) of paragraph (1) of  
91 this subsection, the county board of tax assessors shall extend the period of preferential  
92 assessment for one year for each 365 days of construction inactivity for up to a maximum  
93 of five consecutive years. Under no circumstances shall the period of preferential  
94 assessment exceed 15 consecutive years."

95 **SECTION 5.**

96 This Act shall become effective upon its approval by the Governor or upon its becoming law  
97 without such approval.

98 **SECTION 6.**

99 All laws and parts of laws in conflict with this Act are repealed.