

# AGC Georgia Legislative Report

Week 10 of the 2016 Session of the Georgia General Assembly

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The 2016 session of the Georgia General Assembly ends (*Sine Die*) next week. Thus far, legislators have completed 38 days of this 40-day session. The 39<sup>th</sup> day will be completed on Tuesday, March 22, with *Sine Die* occurring on Thursday, March 24. While the 2016 session started slowly, business next week will be conducted at warp speed. Legislation sponsors are scrambling to have their bills passed out of the House and Senate Rules Committees, or in other instances, hoping to find legislative vehicles to attach their proposal to so they stay in consideration during these final days.

Listed below are updates on a number of industry bills still in play for the 2016 session.

## **SB 191 Blasting and Excavating Near Utility Facilities**

By Senator Tippins (*Passed the House as amended 3 to 1; Returns to Senate For Agreement*)

[www.legis.ga.gov/Legislation/20152016/159815.pdf](http://www.legis.ga.gov/Legislation/20152016/159815.pdf)

An amended version of SB 191 passed the House of Representatives last week. This bill's sponsor, Senator Tippins, will agree to the House version of SB 191 when the bill bounces back to the Senate for agreement next week. A compromise measure was developed by the Georgia Utilities Coordinating Council (GUCC). This group includes all contractor organizations and the Georgia Municipal Association (GMA) and Association County Commissioners of Georgia (ACCG).

The amended version prohibits local government from adopting and enforcing different standards regarding *White Lining* requirements, other than those required under the statewide Call Before You Dig law. It also extends the Call Before You Dig Ticket life from 21 to 30 days. AGC Georgia supports the amended version of SB 191 because it recognizes a single statewide standard versus having to operate under 159 county and 500 municipal standards that could vary in each jurisdiction.

## **SB 329 Move on When Ready Revision**

By Senator Tippins (*Awaits Consideration by Full House of Representatives*)

[www.legis.ga.gov/Legislation/20152016/156468.pdf](http://www.legis.ga.gov/Legislation/20152016/156468.pdf)

SB 329 passed out of the House Rules Committee on Wednesday, March 16, and will be heard by the full House on Tuesday, March 22. This proposal amends and continues to improve Georgia's Move on When Ready law that was passed in 2015 with AGC Georgia's strong support. This new law allows students meeting certain academic requirements to dual enroll in high school and a higher education institution. SB 329 further amends the law to allow the Technical College System of Georgia (TCSG) to expand curriculums meeting industry workforce needs that may not be curriculum providing for an actual occupational license or national certification.

The legislation also requires TCSG to consult with Georgia industry associations (i.e. AGC Georgia) and the Department of Labor prior to the adoption of the new TCSG certificate programs. This measure should ensure programs are rigorous and in accordance with industry standards!

The legislation also allows a dual enrollment student who receives a high school diploma pursuant to Move on When Ready to be deemed as having met all rigor requirements, and eligible for the HOPE Scholarship, if they decide to pursue a four-year degree. AGC Georgia strongly supports this legislation as an additional means to help address our industry's workforce development needs.

## **HB 779 Drone Use**

By Representative Tanner (*Passed the Senate as amended; Returns to House for Agreement*)

[www.legis.ga.gov/Legislation/20152016/160464.pdf](http://www.legis.ga.gov/Legislation/20152016/160464.pdf)

An amended version of HB 779 passed the Senate on March 16, and now bounces back to the House for agreement. Multiple groups and industries, including AGC Georgia, testified on this legislation. The amended version of HB 779 creates a Drone Commission, allows for private use of drones for commercial and recreational purposes and limits the

ability of local governments to enforce local ordinances on drone use except for local law enforcement and enforcement of Federal FAA regulations at the local levels.

This legislation is the product of the House Study Committee hearings on drones. Committee leadership invited AGC Georgia to provide testimony during their meetings this past fall on drone use and application in the Construction Industry.

### **HB 952 License Boards**

*By Rep. Nimmer, Governor's House Floor Leader (Passed Senate as Amended; Moves to House for Agreement)*

[www.legis.ga.gov/Legislation/20152016/159600.pdf](http://www.legis.ga.gov/Legislation/20152016/159600.pdf)

An amended version of HB 952 passed the Senate on March 16. This version must bounce back to the House for agreement. This legislation may require a conference committee to work out final details of the legislation.

HB 952 was introduced by the Governor's office to address issues created by a US Supreme Court opinion that could have far reaching implications for professional licensing boards across the country. The decision holds that a professional licensing board (and its individual members) are not immune to federal antitrust law claims if the board is controlled by "market participants" (i.e. a board of contractors regulating their own profession) and the state does not offer active supervision of that board's actions, which offers the subjects of the board's regulation an option to appeal to a higher authority not controlled by "market participants."

HB 952 has passed the House, but was amended in the Senate Regulated Industries Committee recognizing the Governor or his designee to provide the necessary supervisory role, versus the Secretary of State. Representatives of the Secretary of State's office have indicated to AGC Georgia they do not oppose the Governor's office assuming this responsibility.

### **HB 402 Employers encouraged to provide work-based learning for students age 16 and older**

*By Representative Lumsden (Passed Senate Insurance & Labor Committee; Awaiting Consideration in Senate Rules)*

[www.legis.ga.gov/Legislation/20152016/155878.pdf](http://www.legis.ga.gov/Legislation/20152016/155878.pdf)

HB 402 passed out of the Senate Insurance Committee a number of weeks ago, but has not moved out of Senate Rules Committee for full Senate consideration. AGC Georgia met with the Senate Rules Chairman and several other members of the Committee to express our support in moving the bill forward.

AGC Georgia testified in its favor of this measure during hearings in the House Industry & Labor Committee. This bill encourages employers to provide work-based learning opportunities for 16 and 17 year old students in sanctioned workforce development programs. In return, the bill provides employers an optional 5% reduction in workers' compensation premiums. Our serving as a resource to legislators during the development of this bill is another example of the many ways AGC Georgia is working to further our industry's workforce development efforts.

### **HB 943 Architect/Engineer Indemnification**

*By Representative Carl Rogers (Passed Senate Insurance Committee as Amended; Awaits Consideration by Senate Rules)*

[www.legis.ga.gov/Legislation/20152016/160092.pdf](http://www.legis.ga.gov/Legislation/20152016/160092.pdf)

As originally introduced, HB 943 sought to void architect and engineering services contracts which include broad form indemnification clauses which are not covered by their A/E Professional Liability Insurance policies. AGC Georgia was consulted on the bill by the Georgia chapters of ACEC and AIA; however, we did not lobby for or against the legislation. HB 943 passed out of the House Insurance Committee without amendment, but was amended in the House Rules Committee and passed the House with this amended language. The new language included a provision favorable to contractors, but also included an additional language that caused new concerns. The new amended version of HB 943 drew opposition from some state agency owners.

On Friday, March 4, AGC Georgia reported proponents of HB 943, the Georgia chapters of the American Council of Engineering Companies (ACEC) and American Institute of Architects (AIA), decided to suspend efforts to attempt passage of the amended version of HB 943 during the 2016 legislative session.

Events changed last week when the bill's sponsor, Rep. Rogers, and proponents of HB 943 (ACEC & AIA) asked the Senate Insurance Committee to strip the House Rules amendment from HB 943 and support the bill as originally

introduced and passed by the House Insurance Committee. The Senate Insurance Committee accommodated the request and passed the Senate version of HB 943 out of committee. ACEC and AIA are hopeful they the original version of HB 943 can be passed out of Senate Rules and on the floor of the Senate before Sine Die. If able, the Senate version will still need to be reconciled with the House version of the legislation.

### **HB 722 Medical Marijuana**

*By Representative Peake (HB 722 amended onto SB 145; House will need to pass Amended SB 145 and send to Senate for Agreement)* [www.legis.ga.gov/Legislation/20152016/160930.pdf](http://www.legis.ga.gov/Legislation/20152016/160930.pdf)

HB 722 passed the House weeks ago, but has not moved in the Senate Health & Human Services Committee. Earlier this week, Representative Allen Peake amended HB 722 onto SB 145, which already passed the Senate and is in the House. Representative Peake hopes to move SB 145 through the House and back to the Senate for consideration.

Last year, the General Assembly passed legislation allowing for limited use of medical marijuana for persons suffering from certain medical conditions. However, in order to obtain the medical marijuana, individuals must travel to states that allow for legal production of the product and then unlawfully transport the product back to Georgia for legal use. As originally drafted, HB 722 attempted to address this issue by allowing for limited state sanctioned cultivation and distribution of the medical marijuana for certain predetermined illnesses. This provision has been stripped from the bill and a substitute measure was introduced that would allow for the shipping and receipt of the medical marijuana product in Georgia.

AGC Georgia and other members of the business community also raised concerns about the initial bill's language because we felt it jeopardized "employment at will" laws and a business' ability to maintain a safe, drug-free work place. The substitute language addresses each of these concerns to our satisfaction. We sincerely appreciate Representative Peake's willingness to work together.

### **HB 381 Notary Uniform Practice Act**

*By Representative Welch (Amended version in Senate Rules)*  
[www.legis.ga.gov/Legislation/20152016/160120.pdf](http://www.legis.ga.gov/Legislation/20152016/160120.pdf)

HB 381 passed out of the Senate Special Judiciary Committee last week. The bill was further amended by the committee to address concerns raised by the Georgia Association of Realtors, and it now awaits consideration in Senate Rules. A number of other business groups continue to come forward to express concerns with this legislation. HB 391 has one more opportunity to move out of Senate Rules for full Senate consideration.

On the surface, very few would think a bill addressing uniform practice acts for notaries could deeply impact the construction industry. However, on Wednesday, February 24, we determined this legislation did affect construction and many other industries. A special call out and a huge thank you goes to Representative Brad Raffensperger, president of AGC Georgia member firm Tendon Systems, LLC. He identified concerns with HB 381 and reached out to AGC Georgia asking for immediate confirmation of his concerns. When AGC Georgia became aware of this bill, it had already moved through the committee process and was scheduled for a vote on the House floor. Rep. Raffensperger made a request from the House floor to recommit this bill to House Rules to address specific concerns.

An amended version of HB 381 was passed by the House on February 29. It addresses AGC Georgia's and other business groups concerns with the bill. The amended version of HB 381 removed a provision that may have prevented businesses from using in-house notaries because language included the notary could not receive anything of value (i.e. salary) for notarial acts. It also removed a provision requiring all notary acts to be chronicled in a journal and maintained for a period of 10 years. Now this requirement will only apply to electronic records beginning in 2017.

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*AGC Georgia's positions on legislative proposals are developed under the direction of the legislative committee and the AGC Georgia Board of Directors. Please contact me at [woodall@agcga.org](mailto:woodall@agcga.org) or by phone at 678.298.4116 on any items included in this report or on any legislation that is introduced during the 2016 Session.*