

AGC Georgia Legislative Report

Week 1 of the 2016 Session of the Georgia General Assembly

By Mark S. Woodall, AGC Georgia Director of Governmental Affairs

Published: Wednesday, January 13, 2016

*(Read last week's [2016 Pre-Session Report](#) – **Member Password Required**)*



The 2016 Session of the Georgia General Assembly began Monday. This session is the second of a two-year legislative cycle. AGC Georgia has dedicated much of the past three days to working the Capitol's halls getting to know new House of Representative and Senate members. This week, we are also attending organizational committee meetings and getting familiar with the recently released committee assignments. (See page 2 of this report.)

Earlier this morning, Governor Nathan Deal delivered a very rosy State of the State Address to a joint session of the General Assembly, which mentioned plans for the state's 10-year \$10 billion transportation plan. Fortunately, Georgia continues to be recognized as one of the best places in the country to do business.

Amicus brief filed in opposition of Georgia Court of Appeals decision in case of *Burdette v. Chandler Telecom*

At the invitation of a large stakeholder group representing the business community, AGC Georgia is the only construction group supporting an amicus brief developed in response to a recent Georgia Court of Appeals ruling requiring payment of workers' compensation benefits in most cases where an injury was the result of a claimant's willful misconduct. The industry is referring to this as the "When Does No Mean No" case.

The Court of Appeals ruled in *Burdette v. Chandler Telecom* the claimant was entitled to workers' compensation benefits because his actions did not involve "conduct of a quasi criminal nature."

Georgia's workers' compensation law O.C.G.A. § 34-9-17(a) provides that "No compensation shall be allowed for an injury or death due to the employee's willful misconduct, including intentionally self-inflicted injury, or growing out of his or her attempt to injure another, or for the willful failure or refusal to use a safety appliance or perform a duty required by statute."

In this case, the employee was injured when he ignored specific company policy and the direct admonishment of his supervisor not to rappel from a cell phone tower. An administrative law judge, the Appellate Division at the State Board of workers' compensation, and the Superior Court all agreed that recovery was barred due to the willful misconduct of the claimant. The Court of Appeals disagreed, citing a 1929 case and adding that willful misconduct must involve "conduct of a quasi-criminal nature."

In making this ruling, the Court of Appeals ignored subsequent case law defining "willful misconduct" as "deliberate disobedience" or "when improper or wrong conduct is intentionally or deliberately done." Defense attorneys argue even under the 1929 decision, the claimant's actions qualify as "willful misconduct" because the claimant had knowledge of the danger and intentionally violated safety policy and direct instructions. AGC Georgia is hopeful the Supreme Court will hear and rectify this terrible decision. We will keep members informed as this case continues to unfold.

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 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.

<Next page includes links to Senate and House committees and their memberships.>

2016 Georgia State Senate Committees List

[Click name of committee to view its membership](#)

- Administrative Affairs
- Agriculture & Consumer Affairs
- Appropriations
- Assignments
- Banking & Financial Institutions
- Economic Dev. & Tourism
- Education & Youth
- Ethics
- Finance
- Government Oversight
- Health & Human Services
- Higher Education
- Insurance & Labor
- Interstate Cooperation
- Judiciary
- Judiciary Non-Civil
- MARTOC
- Natural Resources & Environ.
- Public Safety
- Reapportionment & Redistricting
- Regulated Industries & Utilities
- Retirement
- Rules
- Science & Technology
- Special Judiciary
- State & Local Governmental Operations
- State Institutions & Property
- Transportation
- Urban Affairs
- Veterans, Military & Homeland Security

2016 Georgia House of Representatives Committees List

[Click name of committee to view its membership](#)

- Agriculture & Consumer Affairs
- Appropriations
- Banks & Banking
- Budget and Fiscal Affairs Oversight
- Code Revision
- Defense & Veterans Affairs
- Economic Development & Tourism
- Education
- Energy, Utilities & Telecom
- Ethics
- Game, Fish & Parks
- Governmental Affairs
- Health & Human Services
- Higher Education
- Human Relations & Aging
- Industry and Labor
- Information and Audits
- Insurance
- Interstate Cooperation
- Intragovernmental Coordination
- Judiciary
- Judiciary Non-Civil
- Juvenile Justice
- Legislative & Congressional Reapportionment
- MARTOC
- Motor Vehicles
- Natural Resources & Environment
- Public Safety & Homeland Security
- Regulated Industries
- Retirement
- Rules
- Science and Technology
- Small Business Development
- Special Rules
- State Planning & Community Affairs
- State Properties
- Transportation
- Ways & Means