

AGC Georgia Legislative Report

Week 6 of the 2016 Session of the Georgia General Assembly

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Today, February 19, marks the 24th day, of the 2016 Legislative Session. The legislative pace continues to quicken as House and Senate members scramble to get their bills heard and passed from their respective legislative body of origin before the 30th Legislative Day. This year's crossover day falls on Monday, February 29. Legislation not meeting the crossover deadline is ineligible for further consideration this session unless the measure resurfaces as an amendment to a bill still in play during the final days. If past history holds true, crossover day will be very long.

Earlier this week, Governor Deal signed the mid-year budget into law. Today, the House passed the 2017 Budget which is Georgia's largest budget in state history, \$23.7 billion. The 2017 budget includes a 3% raise for teachers and state employees and substantial funding for multiple state construction projects.

Below is a summary of bills AGC Georgia is engaged in and impact the construction community.

SB 329 Move on When Ready Revision

By Senator Tippins (Currently pending consideration by Senate Rules) - www.legis.ga.gov/Legislation/20152016/156468.pdf

SB 329 amends and continues to improve Georgia's Move on When Ready law which was passed last year with AGC'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's 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!

This proposal also allows a dual enrollment student who earns a high school diploma pursuant to Move on When Ready to be deemed as having met all rigor requirements, thus 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. SB 329 passed out of the Senate Higher Education Committee on Thursday and now moves to Senate Rules for consideration.

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

By Representative Lumsden (Currently pending consideration by the Senate Insurance & Labor Committee)

www.legis.ga.gov/Legislation/20152016/155878.pdf

HB 402 passed out of the House and awaits a hearing in the Senate Insurance & Labor Committee. HB 402 will most likely not be taken up in Senate Committee until after the 30th legislative day. AGC Georgia supports this legislation, testifying in its favor during hearings in the House Industry & Labor Committee. It 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. Serving as a resource to legislators during the development of this bill is another example of the various ways AGC Georgia is working to further our industry's workforce development efforts.

SB 326 Soil Erosion and Sedimentation; Shorten the Time Period for Permit Issuance

By Senator Jeffares (Currently pending consideration by the Senate Regulated Industry Committee)

www.legis.ga.gov/Legislation/20152016/156405.pdf

This legislation amends the Soil and Erosion Control law by reducing the period of time local plan reviewers have to review Soil and Erosion Control Plans from 45 to 14 days. SB 326 also requires plan reviewers to hold the same

credentials as required by those who develop the Soil and Erosion Control plans. AGC Georgia supports the concept to expedite the plan review process and require some level of competency regarding parties reviewing the plans.

SB 326 was scheduled for a hearing in the Senate Regulated Industry Committee earlier this week, but was later tabled by Senator Jeffares who is committee's chairman and sponsor of the legislation. We are not certain if SB 326 will be brought back up for consideration this session, or if it will be held for future consideration. AGC Georgia has expressed our support of this measure and willingness to work with all of the impacted parties to improve the current law.

SB 191 Blasting and Excavating Near Utility Facilities

By Senator Tippins (Currently pending consideration by the House Energy, Utilities & Telecommunications Committee)
www.legis.ga.gov/Legislation/20152016/151268.pdf

A compromise measure on SB 191 has been reached by the Georgia Utilities Coordinating Council (GUCC), which includes all contractor groups and the Georgia Municipal Association (GMA) & Association County Commissioners of Georgia (ACCG). The compromise should allow SB 191 to receive a hearing in the House Utilities Committee. The chairman of the group, Rep. Parson, is supportive of the measure and has committed to giving the bill a hearing after day 30 which falls on February 29. AGC Georgia is optimistic the agreement will hold as the bill would then need to move back through a House committee, then to the House floor and back again to the Senate floor for agreement.

SB 191 is designed to prohibit local government from adopting and enforcing different standards regarding white lining requirements other than those required under the statewide Call Before You Dig law. AGC Georgia supports a single statewide standard versus having to operate under 159 county and 500 municipal standards that could vary in each jurisdiction.

HB 779 Drone Use

By Representative Tanner (Currently pending consideration by the House Judiciary Committee)
www.legis.ga.gov/Legislation/20152016/154750.pdf

Earlier this week Representative Tanner introduced a substitute measure of HB 779 to a subcommittee of House Judiciary which lasted over two hours. Multiple groups, including AGC Georgia, testified on the new substitute. All parties expressed their appreciation of Representative Tanner's willingness to work with them to address their respective concerns on the issue. No vote was taken during this hearing and the legislation continues to evolve with the input of industries using this technology.

HB 779 is the product of the House Study Committee hearings on drones. Committee leadership asked AGC Georgia to provide testimony during their meetings this past fall on drone use and application in the construction industry. Further hearings will be scheduled on HB 779 next week.

HB 722 Medical Marijuana

By Representative Peake (Currently pending consideration by the House Judiciary Committee)
www.legis.ga.gov/Legislation/20152016/154362.pdf

Last year, the General Assembly passed legislation allowing for limited use of medical marijuana for persons suffering from some 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. HB 722 attempts to address this issue by allowing for limited state sanctioned cultivation and distribution of the medical marijuana for certain predetermined illnesses.

However, as currently drafted, HB 722 may pose a problem for employers "employment-at-will," workplace safety, and drug testing programs. AGC Georgia has spoken to the sponsor of the legislation to express our potential concerns regarding this issue. Representative Peake, the bill's prime sponsor, indicated substitute language is being developed to present the new language in committee.

This measure will need to move next week to stay alive for consideration this session. It may prove to be an uphill battle with Governor Deal's expressed concerns and law enforcement's direct opposition to the bill.

HB 894 / HR 864 / HR 1017 / SB 344 / SR 624 Development Impact Fees for Public Educational Facilities

By Representative Dudgeon and Senator M. Williams (Currently pending consideration in the House Ways & Means and Senate Finance Committees) www.legis.ga.gov/Legislation/20152016/154596.pdf

The above measures propose Development Impact Fees for public educational facilities (K-12) and are virtually identical. Schools are currently not recognized under the law for funding under the Georgia Impact Fee law. As drafted, these resolutions and enabling legislation would only apply to school districts that have grown by 15% or greater during the last five years. The only school districts meeting this threshold in Georgia are Forsyth, Fulton and Cherokee counties.

The above measures have yet to receive a vote in a House or Senate committee. SB 344 is scheduled for a hearing on Monday in the Senate Finance Committee. With strong opposition from the development community and only 6 legislative days before crossover day, time is running out on the likelihood of these bills moving this session.

HB 966 Buffers Zones on all State Waters / Ordinary High Water Mark

By Representative Caldwell (Currently pending consideration in the House Natural Resources Committee)
www.legis.ga.gov/Legislation/en-US/display/20152016/HB/966

HB 966 was introduced as a result of a recent Georgia Supreme Court Decision concerning Georgia buffer requirements on Georgia's state waters. The court concluded that buffers were not required on state waters unless there was wrested vegetation. This legislation changes the current law requiring a 25 foot buffer on all state waters from the traditional measurement of "**wrested vegetation**" to a new measurement defined as "**ordinary high water mark.**" HB 966 defines "**ordinary high water mark**" as: the line of demarcation along state waters established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction or wresting of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

AGC Georgia supports the current wrested vegetation standard which has served Georgia well for many years. HB 966's laundry list of buffer zone options would create a regulatory nightmare for the building community.

HB 996 Regulated Metal Sales

By Representative LaRiccia (Tabled By House Regulated Industry Committee)
www.legis.ga.gov/Legislation/20152016/157254.pdf

As drafted, this legislation allows metal recyclers to pay cash for transactions less than \$20. Metal theft related crimes have dramatically declined under Georgia's strict "no cash" policies adopted by the General Assembly in recent years to address metals theft. AGC Georgia has been a member of the coalition that helped craft and pass the earlier legislation. While well-intentioned, AGC Georgia opposes opening up the law again to allow cash purchases for metal recycling. Yesterday, the House Regulated Industries subcommittee voted to table HB 966.

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.