

AGC Georgia Legislative Report

Week 7 of the 2016 Session of the Georgia General Assembly

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

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Today, February 26, marks the 29th day, of the 2016 legislative session. Monday, February 29, is the 30th legislative day, also known as Crossover Day. Legislation not meeting this crossover deadline is ineligible for further consideration this session, unless the measure resurfaces as an amendment to a bill still in play. If past history holds true, Crossover Day will run long into the evening.

On Wednesday, February 24, I had the pleasure of addressing the Construction Bar Section of the Atlanta Bar Association. Providing an annual legislative update to members of this distinguished group of construction attorneys each year has been a highlight of mine for nearly a decade. Many members of this group are also AGC Georgia members, and volunteer their time to serve on our Legislative Committee, providing guidance and counsel for our legislative agenda. *Pictured l-r are Damon Gunnels, chair of the Construction Bar Section and an attorney with member firm Hudson Parrott Walker, LLC; Mark Woodall; and Christy Sanders, board member of the Construction Bar Section and attorney with the Georgia State Financing & Investment Commission (GSFIC).*



HB 381 Notary Uniform Practice Act

By Representative Welch (Status: House Floor recommitted to House Rules)

www.legis.ga.gov/Legislation/20152016/158011.pdf

On the surface, not many people 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 he called this bill to our attention, it had already moved through the committee process and was scheduled for a vote on the House floor. Rep. Raffensperger made a request on the House floor to recommit this bill to House Rules so specific concerns could be addressed.

This bill is over 20 pages long and includes two very troubling provisions:

- 1) Includes language requiring all notary acts to be chronicled in a journal and maintained for a period of 10 years.
- 2) Includes a provision that may have prevented businesses from using in house notaries because of language preventing the notary from receiving anything of value (i.e. salary) for the notarial act.

The sponsor of HB 381 has agreed to remove these provisions from the bill which allows us to remove our opposition. HB 381 will need to be placed on a supplemental calendar for consideration.

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

By Representative Caldwell (Hearing Held in House Natural Resources Subcommittee)

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 buffers were not required on State Waters unless there was wretched vegetation.

HB 966 changes the current law requiring a 25 foot buffer on all state waters from the traditional measurement of "**wretched 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 as an objective measure in Georgia for years. This bill's laundry list of buffer zone options could create a regulatory nightmare for the building community because of the lack of clarity concerning which criteria or standard you will be held to. HB 966 sponsor Rep. Johnny Caldwell, offered a Committee Substitute to HB 966 that takes our concerns into consideration regarding the subjective nature of the original legislation. The substitute version offered by Representative Caldwell was a vast improvement over the original proposal, but the committee is not prepared to act on the legislation at this time. AGC Georgia testified in the committee hearing advocating for regulatory clarity to help the industry understand and comply with new proposed standards. AGC appreciates Representative Caldwell's willingness to work with the industry to address this important issue.

HB 722 Medical Marijuana

By Allen Peake (Passed House Judiciary Committee, placed on House Floor calendar for February 29)

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. As originally drafted, HB 772 attempted to address this issue by allowing for limited state sanctioned cultivation and distribution of the medical marijuana for certain predetermined illnesses.

This provision was stripped from the bill and the substitute measure of the legislation was introduced that allows for the shipping and receipt of the medical marijuana product in Georgia. A substitute version of HB 772 also removes the concerns expressed by AGC Georgia and other members of the business committee concerning the language jeopardizing employment at will and concerns regarding drug free workplace safety.

HB 772 was passed by the House Judiciary Committee and has been placed on the House floor calendar for consideration on February 29. We sincerely appreciate Representative Peake's willingness to work with the business community to address our concerns.

HB 779 Drone Use

By Representative Kevin Tanner (Passed House Judiciary Committee, placed on House Floor calendar for February 29)

www.legis.ga.gov/Legislation/20152016/154750.pdf

Earlier this week, Representative Tanner introduced a new substitute measure of HB 779 to the House Judiciary Committee. The amended version of HB 779 passed out of the committee and has been placed on the House Floor calendar for consideration on Monday, February 29. Multiple groups and industries including AGC Georgia, testified on the new substitute. It allows for private use of drones for commercial and recreational purposes. HB 779 preempts local government ordinances on the topic but allows for local law enforcement uses 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 asked AGC Georgia to provide testimony during their meetings this past fall on drone use and application in the construction industry.

SB 329 Move on When Ready Revision

By Senator Tippins (Currently pending consideration in House Education – Passes Senate by Unanimous Vote)

www.legis.ga.gov/Legislation/20152016/156468.pdf

SB 329 amends and continues to improve on 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 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. SB 329 passed out of the Senate by unanimous vote and is now pending consideration in the House Education Committee.

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 has been assigned to the Senate Insurance 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. 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 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 Rick Jeffares (Senate Regulated Industry Subcommittee)

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

Earlier this week, SB 326 Sponsor and Committee Chairman Rick Jeffares assigned SB 326 to a Senate Regulated Industries subcommittee for further study. This should conclude consideration of this measure for the 2016 Session.

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 requiring some level of competency regarding parties reviewing the plans.

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

SB 191 Blasting and Excavating Near Utility Facilities

By Senator Lindsey 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 Crossover Day. AGC Georgia is optimistic the agreement will hold as the bill will 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 894 & SB 344 Development Impact Fees for Public Educational Facilities

By Representative Dudgeon and Senator M. Williams (SB 344 Tabled in Senate Ways & Means Committee)

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, this enabling legislation would only apply to school districts that have grown by 15% or greater during the last five years.

Earlier this week, SB 344 was heard in the Senate Finance Committee. Representatives from the Forsyth County School Board addressed the committee expressing their support of SB 344. The committee tabled SB 344 without a vote for consideration. This should put this issue to bed for the 2016 Session.

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.