

AGC Georgia Legislative Report

Week 8 of the 2016 Session of the Georgia General Assembly

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Monday, February 29, was the 30th legislative day, also known as Crossover Day. Legislation not passing out of its body of origin is ineligible for further consideration this session, unless the measure resurfaces as an amendment to a bill still in play. Listed below are bills still in play during this 40-day session.

HB 381 Notary Uniform Practice Act

By Representative Welch (Amended version passed the House, now moves to Senate Special Judiciary Committee)

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.

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.

HB 722 Medical Marijuana

By Allen Peake (Passed the House on February 29, now moves to Senate Health & Human Services 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 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 that 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 779 Drone Use

By Representative Kevin Tanner (Passed the House on February 29, now moves to the Senate Science & Technology Committee)

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

Multiple groups and industries, including AGC Georgia, testified on this legislation. 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 (Awaiting a Hearing in the House Education Committee Planned for Week of March 7)

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

SB 329 amends and continues to improve on 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 402 Employers encouraged to provide work-based learning for students age 16 and older

By Representative Lumsden (Awaiting a Hearing in Senate Insurance & Labor Committee Planned for Week of March 7)

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

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 191 Blasting and Excavating Near Utility Facilities

By Senator Lindsey Tippins (Awaiting a Hearing in the House Energy, Utilities & Telecommunications Committee Planned for Week of March 7) 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 828 Income Tax Credit; Hiring Qualified Parolees

By Representative Virgil Fludd (Passed the House/Assigned to the Senate Finance Committee for consideration)

www.legis.ga.gov/Legislation/20152016/159154.pdf

This legislation is another possible workforce development tool, creating an optional income tax credit of \$2,500 per hire for employers who hire qualified parolees. The legislation requires the job must be full-time (more than 30 hours per week), be without a predetermined end date, involve work in the state for a minimum of 40 weeks per taxable year, and be at or above the average wage for the county in which the job is based. HB 828 was passed by the House and now moves to the Senate Finance Committee for consideration. AGC Georgia joins the Chamber of Commerce and other

groups in recognizing the positive impact that full-time employment has on the lives of returning citizens, as well as the positive impact on the state's economy, and efforts to reduce Georgia's recidivism rate.

HB 943 Architect/Engineer Indemnification (Passed the House & Assigned to Senate Judiciary Committee)

By Representative Carl Rogers www.legis.ga.gov/Legislation/20152016/159333.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 the American Council of Engineering Companies (ACEC) and AIA, but 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 by Representative Wendell Willard. The new language includes provisions favorable to contractors, but also includes additional language on third parties that causes new concerns. At this late stage in the session, the engineers have decided to stop pursuing passage of HB 943 this year. All impacted parties (A/E/Cs and owners) want to sit down for thoughtful discussion on this topic before we move forward on this issue in 2016.

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.