

AGC Georgia Legislative Report

Week 9 of the 2016 Session of the Georgia General Assembly

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



Published: Friday, March 11, 2016 (35th Legislative Day)

*(Read previous [2016 Session Reports](#) – **Member Password Required**)*

This past week was a busy one at the Capitol, both on the legislative front and regarding state elections. Candidate qualifying was held this week at the Capitol for individuals seeking state office. Monday, March 14 will be the 36th legislative day, with *Sine Die*, the 40th day, scheduled for March 24.

A number of incumbents are retiring from their current offices, including US Representative Lynn Westmoreland, Georgia State Senators Tommie Williams, Bill Jackson and Mike Crane, and 12 Georgia House members (Stephen Allison, Mike Dudgeon, Carl Rogers, Margaret Kaiser, LaDawn Jones, Ronnie Mabra, Matt Ramsey, Tom Rice, Hugh Floyd, B.J. Pak, Barbara Sims, Alex Atwood). This will have a sizeable impact on the 2016 election season.

SB 191 Blasting and Excavating Near Utility Facilities

By Senator Tippins (Passed The House Thursday, March 10; Now Returns to Senate For Agreement)

www.legis.ga.gov/Legislation/20152016/151268.pdf

Yesterday, March 10, SB 191 passed the House of Representatives. SB 191 was amended by the House and therefore needs to bounce back to the Senate for agreement. 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 of SB 191 should reach the Senate floor early next week and is expected to receive favorable consideration.

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 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

HB 402 passed out of the Senate Insurance Committee earlier this week and now moves to the Senate Rules Committee for consideration. Lt. Governor Cagle supports this legislation, so it should not have any trouble getting to the full Senate for consideration next week.

AGC Georgia supports HB 402, 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 329 Move on When Ready Revision

By Senator Tippins (Passed House Education Committee /Awaiting Consideration in House Rules)

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

SB 329 passed out of the House Education Committee earlier this week and now moves to House Rules for consideration. SB 329 should receive House Rules consideration next week and move to the full House for consideration before *Sine Die*.

This proposal 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 381 Notary Uniform Practice Act

By Representative Welch (Amended version passed Senate Special Judiciary Committee/Now in Senate Rules)

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

HB 381 passed out of the Senate Special Judiciary Committee this week. The bill was further amended by the committee to address concerns raised by the Georgia Association of Realtors. The bill now awaits consideration in Senate Rules.

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 952 License Boards

By Rep. Nimmer, Governor's House Floor Leader (Passed the House/Now in Senate Rules)

www.legis.ga.gov/Legislation/20152016/159600.pdf

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 943 Architect/Engineer Indemnification

By Representative Carl Rogers (Passed the Senate Insurance Committee as amended/Now in Senate Rules)

www.legis.ga.gov/Legislation/20152016/159333.pdf

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 HB 943 during this legislative session because of an amendment added and passed by the House. Events changed this week when the House sponsor and proponents of HB 943 asked the Senate Insurance Committee to strip the House amendment from HB 943 and support the bill as originally introduced. The Senate Insurance Committee accommodated the request and passed the Senate version of HB 943 out of committee yesterday. HB 943 now moves to Senate Rules for consideration.

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. The new language included a provision favorable to contractors, but also includes additional language that caused new concerns.

HB 779 Drone Use

By Representative Kevin Tanner (Passed the House /Awaiting Consideration in Senate Science & Technology Committee)
www.legis.ga.gov/Legislation/20152016/154750.pdf

HB 779 passed the House by unanimous vote, and has received a number of hearings in the Senate Science & Technology Committee. Representative Tanner is working with the Committee and a Senate member who also filed legislation concerning drones, and hopes to reconcile both the House and the Senate versions into HB 779. This action would allow HB 799 to move out of the committee and to Senate Rules for consideration.

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.

HB 722 Medical Marijuana

By Allen Peake (Passed the House and now awaits consideration in Senate Health & Human Services Committee)
www.legis.ga.gov/Legislation/20152016/154362.pdf

HB 722 passed the House, but has not moved in the Senate Health & Human Services Committee. HB 772 will need to move early next week if it is going to have a shot at making it to the Governor's desk this session.

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 828 Income Tax Credit; Hiring Qualified Parolees

By Representative Fludd (Passed the House/Assigned to the Senate Finance Committee for further consideration)
www.legis.ga.gov/Legislation/20152016/159154.pdf

HB 828 has not received a hearing in the House Subcommittee of Ways & Means. While well intentioned, this bill may not make it to the finish line this session.

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.

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.