

AGC Georgia Legislative Report

Week 5 of the 2016 Session of the Georgia General Assembly

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

Thursday, February 11 marked the 20th day, or half way point of the 2016 Session. This week was a busy one for AGC Georgia. Our 16th Annual Building Georgia Legislative activities were hosted downtown on Wednesday morning. Our members joined with members from the American Council of Engineering Companies of Georgia (ACEC) for the annual breakfast at the Georgia Railroad Depot featuring remarks by Representative Brett Harrell and Senator Mike Dugan. Both legislators are true friends of our respective industries. As a representative of a member contracting firm of AGC Georgia and former military officer, Senator Dugan's remarks were particularly well-received by our participants.

After breakfast, AGC Georgia members were invited to the Capitol to participate in the *daily circus* that occurs during the legislative session. AGC Georgia arranged for members to hear from a number of legislators including Senators Butch Miller and Lindsey Tippins and Representatives Earl Ehrhart and Eddie Lumsden. All of these gentlemen are working with AGC Georgia to address one of our state's biggest issues, workforce development.

Later in the day, AGC Georgia hosted a Board of Directors meeting at the Freight Depot. Invited to speak to our board were two of our industry's partners, Marvin Woodward with GSFIC and Samson Oyegunle with the Board of Regents. They spoke on proposed state projects and new initiatives within their respective agencies. Both speakers thanked AGC Georgia for the opportunity to work with our organization on mutual areas of concern.

In addition to the busy day on Wednesday with member activities, several bills impacting the construction industry were introduced this week.

SB 329 Move on When Ready Revision

By Senator Tippins (Currently pending consideration by Senate Rules)

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

Last year, AGC Georgia supported the Governor and Lt. Governor's initiatives regarding Move on When Ready. This new law allows students meeting certain academic requirements to dual enrolled in high school and a higher education institution. SB 329 is designed to further amend 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, 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.

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

By Senator Rick 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 requiring some level of competency regarding parties reviewing the plans. This legislation should receive a hearing during the week of February 15.

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 now begins to move through the Senate. 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. Serving 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 (Currently pending consideration by the House Energy, Utilities & Telecommunications Committee)

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

A compromise measure on SB 191 was reached by all impacted parties which allows it to now receive a hearing in House Utilities Committee during the week of February 15. AGC Georgia is optimistic the agreement will hold as the bill continues to move through committee. SB 191 passed the Senate in 2015, but never made it out of House Rules for consideration. As a result, the bill was sent back to its last committee of reference (House Energy, Utilities & Telecommunications Committee) from 2015 at the beginning of this year's session.

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. Members of the Georgia Utilities Coordinating Council (GUCC) and AGC Georgia staff worked on Call Before You Dig Legislation over the past two years through a stakeholder group comprised of representation by local governments, including Association County Commissioners of Georgia (ACCG) and Georgia Municipal Association (GMA). If local government wants to raise the bar for white lining, we feel state law is the place to do it, not on a county by county and city by city basis.

HB 894, HR 864, HR 1017 & SR 624 Development Impact Fees for Public Educational Facilities

By Representative Dudgeon and Senator M. Williams (Currently pending consideration in the House Ways & Means Committee)

www.legis.ga.gov/Legislation/20152016/154596.pdf

The above measures have yet to receive a vote in committee. If passed from committee, they still require a 2/3 majority vote from both the House and Senate. With strong opposition from the development community and only 10 days before "cross-over day" where all bills have to pass from their body of origin, time is running out on the likelihood of these bills moving this session.

The above Resolutions for Development Impact fees for public educational facilities are virtually identical and propose an amendment to the Constitution to provide that the General Assembly may by general law authorize local boards of education to impose, levy, and collect development impact fees and use the proceeds to pay for a share of the cost of additional educational facilities.

Schools are currently not recognized under the law for funding under the Georgia Impact Fee law. As drafted, these resolutions 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.

HB 894 Georgia Development Impact Fee Act

By Representative Dudgeon (Currently pending consideration by the House Ways & Means Committee)

www.legis.ga.gov/Legislation/en-US/display/20152016/HB/894

HB 894 was introduced this week. It is the enabling legislation for the proposed constitutional amendments listed above. This bill adds the following language that may capture additional districts beyond Forsyth, Fulton and Cherokee counties.

'High growth school system' is a school system in this state which has either:

(A) Experienced an increase in the number of students enrolled in such school system of 15 percent or more over the immediately preceding five-year period; or

(B) Experienced an increase in the number of students enrolled in such school system of at least 10 percent over the immediately preceding four-year period and is projected over the next year to experience an increase in the number of enrolled students such that, at the end of the following year, the school system will be projected to have experienced an increase of 15 percent in the number of students enrolled over the immediately preceding five-year period.

HB 779 Drone Use

By Representative Kevin Tanner (Currently pending consideration by the House Judiciary Committee)

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

We hope to see movement on HB 779 during the week of February 15. Companion legislation on the topic was introduced in the Senate by Senator Judson Hill (see **SB 325** www.legis.ga.gov/Legislation/20152016/156336.pdf.)

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. When crafting the bill, the prime sponsor and all Study Committee members went out of their way to receive input from many industries benefiting from using drones, including construction.

Recent articles and blogs have surfaced on the internet that unfairly characterize both the bill and the efforts of Study Committee members who are working to appropriately address drone use in Georgia. AGC Georgia is engaged on this issue and continues to work with the sponsors in an effort to allow continued drone use.

HB 722 Medical Marijuana

By Allen 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 indicated substitute language is being developed and a hearing is scheduled for next week to present the new language in committee.

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.