

# AGC GEORGIA LEGISLATIVE REPORT - Week 11

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Tomorrow is the 39th day of the 40-day Session of the Georgia General Assembly. Legislators convened in session all five days last week, and will Sine Die for the 40<sup>th</sup> day on Thursday, April 2, 2015. Most of AGC Georgia's pro-active agenda is still in play for the final week of this Legislative Session.

**Workers' Compensation - House Bill 412** – Sponsor: Representative Hamilton – AGC Georgia Supports This is the Workers' Compensation Board's legislative package and it addresses the Pitts case [www.legis.ga.gov/Legislation/20152016/148541.pdf](http://www.legis.ga.gov/Legislation/20152016/148541.pdf)

**Current update:** HB 412 has been placed on the Senate floor calendar for Tuesday, March 31, and will be handled by new Senator Martin of Lawrenceville. We hope to continue our momentum, and get this very important bill to the Governor's desk after the floor debate tomorrow.

HB 412 sponsor Mark Hamilton has done a great job of explaining the importance of this legislation to his peers. It received a unanimous vote of support in the House earlier this month, and passed out of the Senate Insurance Committee on March 19. **HB 412 includes our originally developed and agreed upon language to address the Pitts Court decision as well as:**

- Section 1 of House Bill 412 is designed to make it clear that the workers' compensation exclusive remedy defense applies to all claims, regardless of whether they are based in contract, tort or some other legal theory for civil liability. Specifically, it adds a few words to O.C.G.A. § 34-9-11(a) to make it clear that the rights and remedies created by the Georgia workers' compensation statute shall exclude **"and be in place of"** all other rights and remedies **"and all other civil liabilities whatsoever."** The bill also includes that an employer may, if it chooses, assume greater liability to employees, but only **"by expressly agreeing in writing to specific additional rights and remedies; provided, further, however, that the use of contractual provisions generally relating to workplace safety, generally relating to compliance with laws or regulations, or generally relating to liability insurance requirements shall not be construed to create rights and remedies beyond those provided in this chapter."**

#### Other provisions of the bill:

- Extends the Subsequent Injury Trust Fund out to 2023 – this is important for system and workers' compensation rate stability
- Increases weekly and death benefits for injured employees under the law

**Background on this issue:** AGC Georgia believes the Pitts court decision circumvents Georgia's workers' compensation exclusive remedy provisions! The *exclusive remedy* provisions within our state's workers' compensation laws are a trade off, or quid pro quo, between employer and employee. We believe if the *Pitts* decision is not addressed legislatively, every employer in Georgia must question whether Georgia's no fault workers' compensation coverage will in fact be the exclusive remedy for work place injuries, or will they be subject to additional actions for not providing a safe work place.

Since the end of the 2014 session, AGC Georgia has met with representatives of the state workers' compensation legislative committee to express our desire to work through their committee process to address this issue. The committee has a cross section of representatives from business, trial and defense attorneys, as well as labor. For years, this committee has successfully worked through a consensus process to develop legislation addressing Georgia's workers' compensation needs. The

committee agreed the Pitts decision merited legislative consideration and began working on an appropriate fix. AGC Georgia representatives, including Phil Beck and the late David Hendrick, spent countless hours on our association's behalf and the business community developing an appropriate legislative fix that could be supported by all divergent parties.

**Transportation Funding Act of 2015 - House Bill 170 – Sponsor: Representative Roberts**

AGC Georgia Supports - [www.legis.ga.gov/Legislation/20152016/148467.pdf](http://www.legis.ga.gov/Legislation/20152016/148467.pdf)

**Current update:** The House passed HB 170 by a vote of 123-46 after narrowly defeating two amendments that would have greatly reduced the funds raised by the proposal. The Senate Transportation committee substantially revised the House bill, reducing the proposed gas tax from 29 cents excise tax to 24 cents. The Senate ultimately passed the amended bill by a vote of 29-25. HB 170 has now passed both the House and the Senate, however in different forms.

House conferee members are: Jay Roberts (Ocilla), Mark Hamilton (Cumming) and Calvin Smyre (Columbus). Senate conferee members are: Tommie Williams (Lyons), Steve Gooch (Dahlonega) and David Shafer (Duluth). The conferees will attempt to reconcile their differences into a single piece of legislation that both the House and Senate can accept. Governor Deal has waded into the debate by threatening to call a Special Session in June if conferees fail to reach an agreement that can be passed by the House and Senate.

**Background on this issue:** The House Committee on Transportation recently passed a Committee Substitute of HB 170. The measure funds nearly \$1 billion a year in statewide transportation projects. Georgia's economic success largely relies on our position as a transportation and logistics hub, along with our ability to safely and reliably move people and goods. Georgia is recognized nationally as the best place to do business; however, it is sure to lose this distinction if we do not address our state's transportation infrastructure needs.

**SB 191 – Call Before You Dig Requirements/Single Statewide Standard – Sponsor: Senator Tippins**

AGC Georgia Supports - [www.legis.ga.gov/Legislation/20152016/150218.pdf](http://www.legis.ga.gov/Legislation/20152016/150218.pdf)

**Current Update:** SB 191 is currently in the House Rules committee and may not make it out of Rules for full House consideration this year.

SB 191 provided one of the most exciting votes of the entire session. An unfriendly amendment was proposed during debate on the floor of the Senate which would have gutted the bill. The amendment failed twice by two separate tie votes - 23-23 and 26-26. Last week, AGC Georgia testified in favor of the bill in the House Energy, Utilities & Telecommunication committee. The measure passed out of both sub and full committees over the opposition of the municipalities and counties.

This legislation would 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 and AGC Georgia staff worked on Call Before You Dig Legislation over the past two years through a stakeholder that included representation by local governments, including Association County Commissioners of Georgia (ACCG) and Georgia Municipal Association (GMA). If local government has a desire to raise the bar for White Lining, we feel state law is the place to do it, not individually county by county and city by city.

**Partnership for Public Facilities and Infrastructure Act (P3) - Senate Bill 59** – Sponsor: Senator Hill AGC Georgia Supports [www.legis.ga.gov/Legislation/20152016/145892.pdf](http://www.legis.ga.gov/Legislation/20152016/145892.pdf)

**Current Update:** SB 59 has passed the Senate and during last week it passed out of the House Governmental Affairs Committee. The bill is currently in House Rules, and AGC Georgia hopes it can be added to a House floor calendar before this session ends.

AGC Georgia has been actively engaged with stake holder groups on SB 59 during the off season to address issues of concern from last year. This legislation, which has had input from all impacted groups, was developed to address these issues and create the "Partnership for Public Facilities and Infrastructure Act." It grants board authority to state and local governments to finance design and build all types of infrastructure projects through Public-Private Partnerships.

**Equal Green Building Credits for Georgia Forest Products – House Bill 255** – Sponsor: Representative Cheokas --- AGC Georgia is Neutral [www.legis.ga.gov/Legislation/20152016/147073.pdf](http://www.legis.ga.gov/Legislation/20152016/147073.pdf)

**Current Update:** HB 255 was passed by the Senate last Friday. Earlier this month, it passed the full House by a surprising margin of victory, 120-44. This bill awaits consideration by Governor Deal.

HB 255 was introduced at the request of Georgia Forestry Association. It would codify an Executive Order issued by Governor Deal in 2012 requiring Georgia forest products receive equal certification credit when the state uses Green Building Standards in state construction projects. Current LEED Certification standards do not recognize Georgia's wood certification standards.

There has been a tremendous amount of testimony on this bill. The environmental community strongly opposed it. Good information has been offered by both sides of the proposal. However, questions regarding the compliance with the Governor's current Executive Order on the issue have prevailed.

**Building Officials Association of Georgia Certification (BOAG) – House Bill 341** -

Sponsor: Representative Maxwell - AGC Georgia Supports [www.legis.ga.gov/Legislation/20152016/147882.pdf](http://www.legis.ga.gov/Legislation/20152016/147882.pdf)

**Current Update:** HB 341 passed out of the House and the Senate Regulated Industries Committee last week. It has been placed on the Senate floor calendar for Tuesday, March 31.

AGC Georgia has been working on this legislation with bill sponsor Howard Maxwell, Regulated Industries Chairman and representatives of the Builders Officials Association of Georgia (BOAG) and the Department of Community Affairs (DCA). Our common goal is to develop appropriate criteria for qualified inspector status under the law. HB 341 would require experience, continuing education and testing for BOAG certification levels II, III, IV & V.

**HB 461 – Metal Theft** – Sponsor: Representative Shaw- AGC Georgia Supports [www.legis.ga.gov/Legislation/20152016/150209.pdf](http://www.legis.ga.gov/Legislation/20152016/150209.pdf)

**Current Update:** HB 461 passed out of the House earlier this month by a margin of 165-2 and passed out of the Senate Regulated Industries Committee last week. This bill is up for consideration by the full Senate tomorrow, March 31.

AGC Georgia continues to work with stakeholders on this legislation in an effort to clean up existing law and establish a deadline for compliance for metal recyclers to upload required information on metals sales/purchases to the GBI database.

**Workforce Development - Senate Bill 2** – Sponsor: Senator Tippins – AGC Georgia Supports  
[www.legis.ga.gov/Legislation/20152016/146305.pdf](http://www.legis.ga.gov/Legislation/20152016/146305.pdf)

**Current update: Awaits the Governor's Consideration**

SB 2 moved through the Senate and House. AGC Georgia supports this measure and testified in support of it throughout the process. We believe this legislation has the potential to help address the construction industry's skilled workforce needs.

Background on this issue: Lt. Governor Cagle and Senator Tippins are leading the efforts with this legislation. It will allow high school students who have completed the ninth and tenth grade course requirements and assessments to enroll in post-secondary institutions (Technical, Career & Community Colleges). They can work toward an associate degree while counting that coursework toward high school graduation requirements. The business and education community have enthusiastically endorsed this proposal as a way to help address our state's workforce needs. AGC Georgia and other members of the business community continue to stress the need for the education community to work in tandem with business to help ensure their training programs are addressing real business needs.

**Move on When Ready Act - Senate Bill 132** – Sponsor: Senator Dugan – AGC Georgia Supports  
[www.legis.ga.gov/Legislation/20152016/148415.pdf](http://www.legis.ga.gov/Legislation/20152016/148415.pdf)

**Current update:** SB 132 passed out of the Senate and out of the House Education Committee. It is now awaiting consideration by the full House tomorrow, March 31.

Background on the Issue: SB 132 is the Governor's bill and complements SB 2 by revising the **Move on When Ready Act** regarding dual enrollment. SB 132 is the broader (umbrella) legislation that consolidates all the various dual enrollment programs in Georgia into one unified program. Today, the various technical college and university programs are in separate locations and the marketing of such programs to students and parents can be confusing. SB 132 signals Georgia's commitment to make dual enrollment a larger part of the high school experience by:

- Limiting out-of-pocket costs to high school students who wish to dual enroll (that is not the case today).
- Funding full tuition for both academic and technical dual enrollment (that is not the case today).
- Acknowledging the importance of the kind of dual enrollment proposed in SB 2.
- Ensuring that courses taken while dual enrolled during high school do not deplete the "HOPE cap" on the total number of college courses eligible for HOPE funding.

**Atlanta Belt Line Urban Redevelopment - Senate Bill 4** – Sponsor: Senator Gooch – AGC Georgia Supports - [www.legis.ga.gov/Legislation/20152016/148687.pdf](http://www.legis.ga.gov/Legislation/20152016/148687.pdf)

**Current Update:** SB 4 has passed out of the Senate and the House. The House Transportation committee amended SB 4 to require the City of Atlanta to assume the cost of utility relocations required by the Atlanta Belt Line. The proponents of SB 4 oppose this amendment. Thus far, the bill passed the Senate and House in different forms and conferees will be appointed by the Senate and House to work out their differences in the final days of the session.

SB 4 is an urban redevelopment measure for the Atlanta Belt Line project that is utilizing Public Private Partnerships as a tool to help finance and build the Belt Line. AGC Georgia supports Public Private Partnerships (P3) as a tool to help public owners address their respective infrastructure needs.

**Other Bills of Interest to Georgia's Construction Community** --- The below bills did not make it out of their legislative body of origin before cross-over day and are therefore ineligible for consideration this year, unless they are amended onto another bill that amends the same section of the code.

**Employee/Independent Contractor Criteria - HB 500** – Sponsor: Representative Mabra  
AGC Georgia Supports - [www.legis.ga.gov/Legislation/20152016/149330.pdf](http://www.legis.ga.gov/Legislation/20152016/149330.pdf)

HB 500 codifies case law and federal criteria for determining employee vs. independent contractor status. It requires the Georgia Department of Labor to host a website to receive reports of violations and requires DOL to act on credible evidence of violation. This measure has bipartisan support and is designed to level the playing field between those employers following our laws and regulations and those skirting them in an attempt to gain a competitive advantage. HB 500 passed out of the House Industry and Labor Committee, but never made further in the process.

**Competitive Bid Requirement for CM@Risk Contracts – SB 147** – Sponsor: Senator McKoon  
AGC Georgia Opposes [www.legis.ga.gov/Legislation/20152016/148742.pdf](http://www.legis.ga.gov/Legislation/20152016/148742.pdf)

This legislation would have required CM@Risk contracts to be competitively bid versus being secured through a competitive proposal. It also would prohibit changes after a Guaranteed Maximum price has been established. The sponsor of this legislation indicated his desire is to require all professional services to be publically advertised and competitively awarded. AGC Georgia expressed our opposition to the legislation with the Senate sponsor and he is willing to work with AGC Georgia to address our concerns after this session adjourns in preparation for the 2016 session.

**SB 142 – Moratoriums on Construction Moratoriums** – Sponsor: Senator Beach  
AGC Georgia Supports [www.legis.ga.gov/Legislation/20152016/150247.pdf](http://www.legis.ga.gov/Legislation/20152016/150247.pdf)

Sponsors of this bill were looking to prohibit local government from adopting a building moratorium on "critical infrastructure" items defined as water, sewer, electrical, telecommunications etc. SB 142 passed out of the Senate Regulated Industry Committee, but did not make the cut for consideration in Senate Rules.

*If you have questions about AGC Georgia's positions or advocacy roles on behalf of the membership, please contact me at [woodall@agcga.org](mailto:woodall@agcga.org) or 678-298-4116.*