

AGC GEORGIA LEGISLATIVE REPORT - *Week 8*

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The twenty-seventh day of the 40-day session of the Georgia General Assembly was completed yesterday. There are three legislative days before the cross-over deadline (30th legislative day). Cross-over day is planned for Friday, March 13.

Next week, legislators are in session Monday, Wednesday and Friday. Since cross-over day is approaching, the coming days promise a flurry of committee activity. Bill sponsors will be working to get their legislation moved out of the legislative body of origin in order for it to remain alive for consideration during this legislative session. Cross-over day traditionally runs late into the evening. As of today, legislative leadership still plans to adjourn this session on Thursday, April 2, 2015.

This week has been good for AGC Georgia and the overall business community. HB 412, which focuses on revisions to Georgia's workers' compensation law, (and a remedy to a negative court decision in the Pitts Case regarding exclusive remedy) passed the full House on Wednesday and the comprehensive transportation bill, HB 170, passed the full House on Thursday.

Listed below are construction-related legislative issues in which we are currently engaged.

Workers' Compensation - House Bill 412 – *Sponsor: Representative Hamilton – AGC Georgia Supports Workers Compensation Board's legislative package; addresses Pitt's case*
www.legis.ga.gov/Legislation/20152016/148541.pdf

Current update: HB 412 was presented on the floor of the House by Representative Mark Hamilton, chairman of the House Industry and Labor Committee. He is the legislation's prime sponsor. Chairman Hamilton did a great job of explaining the importance of this legislation which received a unanimous vote of support 167-0. AGC Georgia appreciates Chairman Hamilton's leadership on this issue as well as the overwhelming support we have received from the business community. The State Chamber of Commerce is making HB 412 a scorecard issue for their legislative agenda during this session. To help educate House members on the benefits of the bill, they placed a letter of support at each members' desk prior to the vote. *HB 412 now moves to the Senate Insurance and Labor Committee for consideration.*

HB 412 includes our originally developed and agreed upon language to address the Pitts Court decision as well as:

- Extends the Subsequent Injury Trust Fund out to 2023 – this is important for system and workers' comp 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

Current update: After a long week of bouncing back and forth between the House Transportation Committee, Rules Committee and the House floor, HB 170 finally received a hearing before the full House on Thursday. The House ultimately 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 legislation moves to the Senate for consideration where it is sure to continue to evolve. The “as passed” version of HB 170 contains an excise rate of 29.2 cents for gas and 33 cents for diesel.

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.

Workforce Development - Senate Bill 2 – Sponsor: Senator Tippins – AGC Georgia Supports

www.legis.ga.gov/Legislation/20152016/146305.pdf

Current update: SB 2 has moved through the Senate and passed out of the House Education Committee. AGC Georgia supports this measure. We have 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 Supports

www.legis.ga.gov/Legislation/20152016/148415.pdf

SB 132 is the Governor's bill and complements SB 2 by revising the ***Move on When Ready Act*** regarding dual enrollment. It gives students new opportunities to receive degrees and certifications in high demand industries. It revises the funding system that finances student tuition and related costs for attending colleges through this program.

Atlanta Belt Line Urban Redevelopment - Senate Bill 4 – Sponsor: Senator Gooch – AGC Georgia Supports -

www.legis.ga.gov/Legislation/20152016/148687.pdf

Current Update: Awaits consideration by the House Transportation Committee after receiving overwhelming support by the full Senate.

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.

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

Current Update: SB 59 is being held in the Senate Rules Committee because of concerns raised regarding potential state debt issues. We hope to be able to move it out of Rules to the full Senate for consideration before the cross-over day deadline.

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.

Other Bills of Interest to Georgia's Construction Community

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

Current Update: HB 255 was heard in the House State Properties Committee on Wednesday receiving a "do pass" recommendation from the committee. There was a tremendous amount of testimony on the bill with the environmental community strongly opposing it. Good information was offered by both sides of the proposal. However, questions regarding the compliance with the Governor's current Executive Order on the issue seemed to ultimately prevail, with the majority of the committee members voting to move the bill forward. HB 255 now moves to House Rules for consideration.

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.

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

Sponsor: Representative Maxwell - AGC Georgia Supports www.legis.ga.gov/Legislation/20152016/147882.pdf

Current Update: The House State Properties Committee heard HB 341 on Wednesday. Committee members offered a "do pass" recommendation. AGC Georgia continues to work with House Regulated Industries Chairman Howard Maxwell and representatives of BOAG and DCA to help 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 341 now moves to House Rules for consideration.

Competitive Bid Requirement for CM@Risk Contracts – SB 147 – Sponsor: Senator McKoon

AGC Georgia Opposes www.legis.ga.gov/Legislation/20152016/148742.pdf

This legislation would require 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 indicates 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. He has indicated that he is not trying to push this bill during the 2015 session and wants to work with AGC Georgia to address our concerns.

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

This bill 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 a subcommittee of House Industry and Labor Committee this week and now moves to the full committee for consideration.

SB 191 – Call Before You Dig Requirements/Single Statewide Standard –*Sponsor: Senator Tippins*
AGC Georgia Supports - www.legis.ga.gov/Legislation/20152016/150218.pdf

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 over having to operate under 159 county and 500 municipal standards that are sure to vary in each jurisdiction. SB 191 passed out of the Senate Transportation committee earlier this week and has moved to Senate Rules for consideration.

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

Prohibits 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 and moves to Senate Rules for consideration.

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

This bill includes revisions to the current law including establishing a deadline for compliance for metal recyclers to upload required information on metals sales/purchases to the GBI website database. HB 461 passed out of the House Regulated Industry Committee this week and now moves to House Rules for consideration.

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