

AGC GEORGIA LEGISLATIVE REPORT - *Week 7*

Published: Friday, February 27, 2015

By Mark S. Woodall, Director of Governmental Affairs



The twenty-third day of the 40-day General Assembly was completed yesterday. Next week, legislators are in session Monday through Thursday. At the current time, leadership is planning for adjournment on April 2, 2015.

Of particular importance, the House passed a \$21.8 billion state budget on Thursday, February 26. It adopted most of Governor Deal's budget requests. This budget now awaits consideration by the Senate.

Included are some of the major construction-related legislative issues we are currently engaged in.

Workers' Compensation House Bill 412 – (*Addressing Pitt's Case*) – Sponsor: Representative Hamilton – AGC Georgia Supports www.legis.ga.gov/Legislation/20152016/148541.pdf

Current update: HB 412 was heard in the House Industry & Labor Committee this week and received a do pass recommendation in sub and full committee hearings. It now moves to the House Rules Committee for consideration. AGC Georgia appreciate Chairman Hamilton's excellent job of explaining the importance of this legislation and for all of the work that has gone on with the impacted parties to craft this legislation. ***I'm pleased to report, HB 412 includes our original developed and agreed upon language to address the Pitts Court decision.***

This legislation

- shores up exclusive remedy (further discussed in the below paragraph)
- eliminates the conformed panel of doctors
- extends the Subsequent Injury Trust Fund out to 2023, which is important for system and workers' comp rate stability
- increases weekly and death benefits under the law

It's rewarding to know our association is credited for working through the appropriate channels, and we are pleased to have the business community squarely behind us as we work to address this very important issue.

Background on the 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: The Rules Committee sent HB 170 back to the Transportation Committee because of additional changes made to the bill. The changes are designed to address concerns raised by local government. This bill was scheduled for hearing in the Transportation Committee on Wednesday, February 25, but the winter advisory caused the meeting to be cancelled. The bill should be heard early next week.

Background on the issue: Last week, the House Committee on Transportation 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.

Competitive Bid Requirement for CM@Risk Contracts – SB 146 – Sponsor: Senator McKoon – AGC Georgia Opposes - www.legis.ga.gov/Legislation/20152016/148731.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 shared with sponsors, Senator McKoon, our opposition to the legislation as it is currently drafted. He is open to working with us to address our concerns.

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

Current update: The Senate unanimously passed SB 2 earlier this session. AGC Georgia testified in favor of SB 2 on Monday, February 23 in the House Education Committee. The Committee passed the bill, and it now moves to the House Rules Committee for consideration. AGC Georgia also testified in favor of this measure in the Senate Education Committee prior to the full vote by the Senate. We believe this legislation has the potential to help address the construction industry's skilled workforce needs.

Background on the 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 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.

Atlanta Belt Line Urban Redevelopment - Senate Bill 4 – Sponsor: Senator Gooch – AGC Georgia Supports - www.legis.ga.gov/Legislation/en-US/display/20152016/SB/4

Current Update: Awaits consideration by the House 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

AGC Georgia testified in favor of SB 59 in the Senate Economic Development Committee. It received a “do pass” recommendation by the committee and now moves to Senate Rules committee for consideration.

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

Establishing Payroll Card Program – Senate Bill 88 – Sponsor: Senator Jones – AGC Georgia Supports www.legis.ga.gov/Legislation/20152016/148451.pdf

On Thursday, February 26, the Senate passed SB 88. This measure would give employers an option to pay employees by enrolling them in a payroll debit card program. Payroll cards would give employees who may not have access to traditional bank accounts another way to receive their wages electronically. This legislation is supported by a number of business groups.

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

HB 255 was introduced at the request of Georgia Forestry Association and would codify an Executive Order issued by Governor Deal in 2012. The 2012 EO requires 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. HB 255 was scheduled for a hearing in the State Properties Committee Wednesday, 2/26 but was cancelled when Governor Deal closed down the Capitol in anticipation of the snow storm. HB 255 is rescheduled for hearing next Wednesday, March 4 in the House State Properties Committee.

Building Officials Association of Georgia Certification (BOAG) – House Bill 341 – Sponsor: Representative Maxwell AGC Georgia Supports - www.legis.ga.gov/Legislation/20152016/147882.pdf

AGC Georgia has been working with Chairman 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.

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.