

AGC GEORGIA LEGISLATIVE REPORT - Week 9

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Today is the 30th day of our 40-day session of the Georgia General Assembly. This day is also known as Cross-Over Day. The House and Senate will most likely be in session until late this evening scrambling to pass bills out of their legislative chamber of origin so they remain alive for consideration this year. Most of the bills AGC Georgia has an interest in (either to pro-actively support, or monitor and try to keep them from gaining momentum) have either passed their legislative chamber of origin, or failed to make it out of committee for consideration. However, we remain vigilant as bills can surface as amendments to other bills that are moving successfully through the process. As of this writing, legislative leadership is still planning to adjourn this session on Thursday, April 2, 2015.

Listed below are construction-related legislative issues which we are currently engaged in. Bills denoted with ** received action this week.**

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

Current Update: SB 191 was hotly debated for more than 30 minutes late this afternoon by the full Senate. There was a contentious floor fight between those supporting the construction industry and those on behalf of local government. It ultimately passed the Senate by a vote of 34-18. It now moves to a House committee for consideration. AGC Georgia will continue to advocate in favor of this bill.

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 chapter staff worked on Call Before You Dig Legislation over the past 2 years through a stakeholder group comprised of all impacted parties, including local government (Georgia Municipal Association and Association County Commissioners of Georgia). If local government wants to raise the bar for white lining, we feel it should be addressed at the state law level, not individually county by county or 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

Current Update: After being held up in the Rules Committee for weeks, SB 59 was released for hearing in the Senate on Wednesday, March 11. SB 59 was passed by a 51-0 vote. Two amendments were added to SB 59 on the Senate floor addressing local/state debt and condemnation issues. SB 59 now moves to the House 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.

****** 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: After passing out of the State Properties Committee last week, HB 255 was added to a supplemental calendar for hearing on Monday, March 9. The House passed HB 255 by a surprising margin of 120-44.

There was a tremendous amount of testimony on the bill with the environmental community strongly opposing it in committee. 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. HB 255 now moves to the Senate Agriculture Committee where it is more than likely to receive favorable treatment.

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: On Wednesday, March 11, the House unanimously passed HB 341 by a vote of 171-0. AGC Georgia has been working on this legislation with bill sponsor Howard Maxwell, Regulated Industries Chairman, representatives of the Building Officials Association of Georgia (BOAG) and the Department of Community Affairs (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 moves to the Senate for consideration.

Metal Theft – House Bill 461 – Sponsor: Representative Shaw - AGC Georgia Supports

www.legis.ga.gov/Legislation/20152016/150209.pdf

Current Update: On Wednesday, March 3, the House passed this bill by a margin of 165-2. AGC Georgia has been working with various stakeholders on this legislation that works 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 website database. HB 461 now moves to the Senate for consideration.

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 on March 4 by Representative Mark Hamilton, chairman of the House Industry and Labor Committee. 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. SB 2 awaits consideration by the House Rules Committee.

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

Current update: SB 132 passed out of the Senate and now awaits consideration by the House Education Committee. It should be taken up by the committee next week once cross-over day activities are over. Ultimately, SB 132 & SB 2 may be combined into a single legislative proposal.

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

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.

Other Bills of Interest to Georgia's Construction Community

Employee/Independent Contractor Criteria - HB 500 – Sponsor: Representative Mabra – AGC Georgia Supports-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 has passed out of the House Industry and Labor Committee, but has yet to make a House Rules Floor calendar. Friday, 3/13 will be the last shot to make a supplemental calendar.

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. As of this date, SB 147 has not been scheduled for a committee hearing.

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, but did not make the cut for consideration in Senate Rules this year.

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.