ABC of Georgia Weekly Legislative Report - 3.2.20

By Rusty Paul

UPCOMING – ABC’s Under the Gold Dome meeting is set for March 10 from 8 a.m. to 10 a.m. We are meeting in Capitol Mezzanine 2, which will a little tighter quarters than normal due to legislative committees using our regular Capitol room for hearings that day. Mezzanine 2 is midway up the stairway connecting the Capitol’s third and fourth floors on the Senate side of the building. As usual, we will have key legislators offering insights on the 2020 legislative session.

The 2020 legislative session passed its midpoint this week with a number of issues still on the agenda. However, action is occurring on a wide range of legislative fronts.

HB 715 – A bill favored by several construction groups made it to the House floor Tuesday only to be kicked back to the House Rules Committee which returned it to the House Ways & Means Committee for further work. This bill changed how local governments charge for business licenses. Currently, business licenses, except for a handful of professions, are based on the “gross receipts” of a business after subcontractor costs and out-of-state revenues are subtracted.

Doctors, lawyers, accountants, engineers and other professionals won a special provision almost 30 years ago that is colloquially called “The $400 Club.” These professionals pay business license fees of $400 per practitioner, which does create a certain inequity when it comes business licenses.

HB 715 basically pus everyone on a flat fee, but removed the cap that protected the professions from paying more than $400. That alteration touched off an intra-business squabble that the House chose not to referee for now and tasked the House Ways & Means Committee with rethinking how it could address everyone’s concerns.

Lien Law Revisions – Sen. Lindsey Tippens bill to restore traditional lien waiver rights and standards has passed the Senate and is now in the House Regulated Industries Committee.

The bill is needed to correct a Georgia Appeals Court ruling which held that waivers signed during the billing/payment process do, in effect, waive a contractor’s lien rights even if the contractor subsequently goes unpaid and the waiver is canceled.

Major Tort Reform – Three bills to substantially reform Georgia’s tort laws for the first time in 15 years have been introduced. A long, complex and detailed bill, SB 390 deals primarily with legal reforms, many of which are technical in nature, but help recalibrate the scales of justice that have tilted somewhat in the plaintiff’s favor over the years.

SB 415 is another long, complex and technical bill that focuses more on insurance reforms. A full committee hearing on this bill is set for Monday in the Senate Judiciary Committee.

SB 374 is another set of changes to Georgia’s Civil Practices Act that correct some “gotcha” aspects of Georgia law when it comes to settlement offers and arrangements. It, too, passed the Senate Judiciary Committee is waiting floor action.
HB 474 – A bill to allow House and Senate Committees to overrule decisions by the State Workers Compensation Board is causing concern among business groups. The bill goes well beyond normal legislative oversight to allow legislative committees to overturn a Workers Comp board decision without necessarily passing corrective legislation.

The bill requires the Board to notify the Office of Legislative Counsel of any intended action. Legislative Counsel would then alert the chairs of the appropriate standing committees in the House and Senate, which would then have 30 days to file an objection to the proposed action and, if done, would nullify the ruling, regulation or administrative decision. No hearings have yet been scheduled for the bill.

HB 486 - This proposed change prohibits someone who lacks a valid license from the Division of Master Plumbers and Journeymen Plumbers from advertising that they are either a master plumber or journeyman plumber. The full House will vote on this bill Monday.

HB 914 – This proposition automatically extends Georgia professional and business licenses to military spouses stationed in the state who hold an equivalent license in another state. This bill was approved Thursday by the House Governmental Affairs Committee which inserted a provision that the originating state must require comparable training, experience and testing as Georgia for the spouse to qualify for our state license. The full House will also vote on this bill Monday.