

2006
GEORGIA ENGINEERS LEGISLATIVE COALITION

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LEGISLATIVE UPDATE

Thursday, March 30, 2006
40th DAY

The 2006 General Assembly adjourned close to midnight on Thursday, March 30th. It was the usual flurry of bills jumping between both houses so that an identical version would be approved by both chambers before *sine die*.

Both **HB 1385 (Private Sector Plan Review)** and **SB 95 (Licensing Soil Scientists)** were approved on the final day and are awaiting action by the Governor. The final vote on SB 95 was close to 8 pm, and it was at 10:15 pm when the final vote was taken for HB 1385. We supported the final versions of both bills.

SB 599 (Expanding the Surveyor Scope of Practice) did not resurface, nor did the abbreviated amendment to the same effect offered earlier in the Session in the House.

To those who contacted your member of the General Assembly to support our legislative initiatives, **THANK YOU**. Without that, our success is simply not possible.

Here is a short summary of these bills:

SB 599 – Surveyor Scope of Practice. The bill rescinds the compromise language that was enacted into law in the 2003 session and removes virtually all the limitations on site design, especially those related to water/sewer/stormwater design. This is basically the same bill as proposed in Committee in the 2005 session that led to the Governor's veto of the 4-year degree bill. SB 599 also adds the 4-year degree education requirements from the vetoed bill of last year, but only applies them to surveyors. The unsuccessful amendment in the House included the Senate Committee surveyor scope of practice language, but deleted the educational requirements.

HB 1385 - Private Sector Plan Review by an A/E. This bill adds “plan review” to the bill from several years ago that authorized private sector construction inspection. If a jurisdiction cannot complete a plan review in 30 business days, then the permit applicant can hire an A/E to do the review. The review is against building and fire codes - erosion/sedimentation control plans were deleted in the Senate. E/s plans already has a 45-day review limitation and the bill requires EPD to issue regulations regarding how this review period is determined (starting

the “clock” starts, what about resubmittals and revisions, etc.) A local government may prequalify PEs or architects to do this work. They must sign an affidavit, carry \$1 million in e/o insurance, only review in their area of competency, and are subject to discipline of the licensing board if the review/certification is not proper. Additionally, the “private professional plan” reviewer must be independent of the A/E of record and not have a financial interest in the project. The bill is intended to streamline plan reviews by local governments. It is clear that the individual competency and integrity of the PE or architect “private professional provider” is what makes this bill work.

SB 95 – Soil Scientist Licensing Act – SB 95 (introduced in 2005) was amended to be identical to HB 1546 (introduced in 2006). It creates the Soil Scientist Licensing Board which would operate in a very similar fashion to many of the other Boards under the Secretary of State’s Office. As with SB 95 there is language that makes it clear that soil scientists are not authorized to do engineering nor would the soil scientist licensing act apply to engineers. The bill would not be “construed to prevent or to affect . . . The practice of registered professional engineers from lawfully practicing soils mechanics, foundation engineering, and other professional engineering as provided in this title. . .”. What is new in the bill is that it requires DNR/EPD to accept to work of soil scientists regarding “erosion, sedimentation and pollution control, underground injection control, and large community subsurface systems.” Furthermore, it provides for a very stringent affidavit that guarantees septic tank performance, that if signed would preclude a local health department from finding a site analysis from being “deficient or questionable.” As is currently the case, site analyses for septic tanks may be performed by an engineer, geologists, or a “soil and water conservation technician” employed by a soil and water conservation district. In addition, a licensed soil scientist may also do this work.

Please feel free to distribute the *Legislative Update* to members of your association who have an interest in “engineer” issues. Also, look for occasional “Urgent Action” alerts when you will be asked to call on your elected leaders and let them know your opinion on a particular issue.

You may go to www.legis.state.ga.us to look at specific bills and their status. You can also do word searches. If there are specific bills/issues that should be tracked, please contact the Legislative Coalition.