

GUCA Legislative Update Week #3

2/8/08

The Georgia General Assembly took off Monday to allow members to vote in the Georgia primaries on Tuesday morning in their respective districts and convened at 1:00 pm on Tuesday, February 5th. The General Assembly has now completed its fourteenth day of the session as of today, Friday, February 8. The week began with a lot of strife towards House Speaker Glenn Richardson. Many members of the House were responding negatively towards Richardson after his decision to demote four Republican lawmakers after their vote for the chairman of the Department of Transportation did not coincide with the speaker's wishes. Richardson had backed a candidate, Stacey Reece, and wanted the Republican voters to vote for his candidate, who was defeated by incumbent chairmen Mike Evans with a vote of 13-10. The four votes would have been enough to swing the election for Reece.

In other developments the Appropriations Committee and many other committees have been working diligently to ensure that the budgets they agreed upon are going to be sufficient to fund their projects. The House Appropriations Committee approved the Governor's \$300 million midyear spending plan and made some additions by adding additional funds of around \$30 million to schools.

The Senate has also adopted two pieces of legislation that would crack down on illegal immigrants. One of the bills would cause drivers that are convicted for a fourth time in five years for driving without a license or suspended license to be charged with a felony. The legislation was met with some resistance from a few Senators that argued the bill would discriminate against minorities via racial profiling. Nonetheless the bill passed and will now be brought to the House for consideration. The other bill aims to punish local governments by cutting funding for not complying with federal officials that try to enforce immigration laws. An amendment added to the bill also includes penalties that would cut funding to public employers and welfare agencies that do not run names of new workers and welfare recipients through a federal database to verify that they are in the country legally. The House will now have the opportunity to hear debate and adopt both bills in the coming weeks.

The Democrats in the Capitol released a bill on Wednesday that would provide additional funding to metro Atlanta schools that agree to reduce property taxes in their district. The Republican majority in the Capitol along with Gov. Sunny Perdue have already expressed their opposition to the bill. The Senate also aims to make changes to automatic dialers and has produced legislation that requires a human voice to first connect to callers and not a recording. The bill is aimed to stop political candidates from mass calling with automatic dialing machines.

The Assembly is also in the midst of a border war over the state line with Tennessee. Two resolutions have been drafted in the House, by Rep. Harry Geisinger of Roswell, and the Senate, by Senator David Shafer of Duluth, that calls for the border to be expanded. The resolutions, which were signed by virtually every lawmaker, ask that Gov. Perdue solve the dispute with the Governor of Tennessee. Both resolutions claim that a survey conducted in 1818 was incorrect in assessing where Congress had previously established the border for the two states. The resolution would move the border 1.1 miles north and would grant Georgia access to the Tennessee River. The

resolutions also seek to create a boundary commission that would include legislators from Georgia, Tennessee, and North Carolina, which shares a border with both states.

This week our Utility Licensing bill was introduced into the Senate and has been assigned Senate bill 407. The leadership of GUCA has met with representatives from the Association of General Contractors and the Plumbers Association to work our language which would be suitable to the passage of our bill. We expect the bill to have a hearing this next legislative week and will keep you up to date. The Lien Law (SB 374) is still sitting in committee and is expected to move this coming week as well. The study committee on this bill has come out with great recommendations to improve our state lien laws and our association is very supportive of this new bill. Another new bill was introduced today, Senate bill 420 which relates to soil erosion and sedimentation exempting the DOT and its contractors from civil penalties. We are coming with our own bill this next week dealing with the Soil Erosion and Sedimentation Act and it will start on the House side.

Please know that we are here for you working to make sure your industry is impacted positively. Let us know what ever we can do to serve you!

Our lobbying team has been at the Capitol before the sun rises and after the sun sets looking out for and advocating your interests in all legislation that affects you and your members. We encourage you to get your members involved, if they feel strongly about a piece of legislation. The easiest way to do this is to call their local legislator(s). Also, please remember, it is essential you carefully read the weekly legislative updates to make sure the legislation listed does not affect you negatively or does affect you positively. We count on your feedback to lobby your interest.

Below you will find a list of bills and resolutions that are most important to GUCA. If you would like to retrieve a complete copy of a bill or resolution you can access the information from the links below.

Bills of Concern: Bills that did not make it through the process last year were held

*Bills that have moved since last report

Highlighted bills are bills that have the opportunity to be passed by both the House and Senate this Session

All status dates are 2007 carryovers, unless otherwise noted

HB 54: Aims to regulate interbasin and intrabasin transfers of surface water and ground water and to change certain provisions relating to permits for withdrawal, diversion, or impoundment of surface waters and monitoring, recording, and reporting of water withdrawal. We are watching this bill to make sure no requirements are added to it that will adversely affect us.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb54.htm

Status: House Natural Resources and Environment Second Read 1/22/2007

HB 138: Aims to provide for the rejection of construction contracts when contractors, subcontractors, low tier subcontractors, or material men do not provide required insurance coverage. HB 138 creates a deadline for upstream parties in a construction

contract to notify the down stream party of contractual insurance deficiencies. The committee substitute of HB 138 states that if the upstream party does not notify the downstream party of the insurance deficiency, and work is completed and paid for, then the upstream party is deemed to have accepted the insurance for the work performed.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb138.htm

Status: House Judiciary Second Read 1/25/2007

HB 565: Relates to exemptions from the control of soil erosion and sedimentation, so as to add an exemption for removal of beaver dams.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb565.htm

Status: House Natural Resources and Environment Second Read 2/28/2007

HB 611: Relates to the powers and duties of the divisions of the State Construction Industry Licensing Board, so as to provide for changes to the restrictions of Class I licenses for electrical contracting.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb611.htm

Status: House Regulated Industries Second Read 3/1

HB 672: Relates to local government, so as to provide that the Georgia Procurement Registry shall be used in addition to the official legal organ for advertisement of certain bid opportunities for goods and services and public works construction contracts by a municipal corporation, county, or local board of education. Additionally, this bill aims to require advertisement of certain bid opportunities by local government entities via the Georgia Procurement Registry and to provide that advertisement via the Georgia Procurement Registry shall be at no cost to local government entities.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb672.htm

Status: House Governmental Affairs Second Read 3/20

HB 760: Relates to control of soil erosion and sedimentation, so as to authorize certain water and sewer authorities and storm-water utilities to be certified as local issuing authorities.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb760.htm

Status: House Natural Resources and Environment Second Read 3/29

SB 43: Aims to prohibit certain employers from prohibiting employees from lawfully carrying and possessing firearms in locked motor vehicles and to provide for immunity for employers who allow employees to possess firearms in locked vehicles on the premises of such employer **unless the employer knew or, in the exercise of ordinary care, should have known that the person using such firearm would commit such criminal act on the employer's premises. Nothing contained in this Code section shall create a new duty on the part of the employer.**

http://www.legis.ga.gov/legis/2007_08/fulltext/sb43.htm

Status: Senate Judiciary Favorable Reported 2/09/2007. Senate Recommitted 1/14/2008

SB 69: Aims to provide for protection of river basins and to regulate interbasin transfers of water. This article shall be known and may be cited as the 'River Basin Protection

Act.' This bill states that any person seeking to make an interbasin transfer of more than 100,000 gallons of water per day shall apply to the director for a permit for such transfer.
http://www.legis.ga.gov/legis/2007_08/fulltext/sb69.htm

Status: Senate Natural Resources and Environment First Read 1/29/2007

SB 171: Aims to amend Title 43 of the Official Code of Georgia Annotated, relating to professions, so as to repeal Chapter 41 of such title, relating to residential and general contractors, in its entirety; to repeal conflicting laws; and for other purposes.

http://www.legis.ga.gov/legis/2007_08/fulltext/sb171.htm

Status: Senate Regulated industries and Utilities First Read 2/20/2007

SB 173: Relates to pipeline companies' rights to acquire property or property interests by eminent domain, notices to landowners, relocations, right of reasonable access, and compensation for damage incident to entry, so as to exempt certain acquisitions of additional pipeline rights of way from restrictions and conditions otherwise imposed on the exercise of such power.

http://www.legis.ga.gov/legis/2007_08/fulltext/sb173.htm

Status: Senate Passed/Adopted 3/1. House Judiciary Second Read 3/20

SB 284: Relates to weight of vehicle and load and aims to allow the operator of a vehicle to comply with weight requirements by shifting or equalizing the load on all wheels or axles.

http://www.legis.ga.gov/legis/2007_08/fulltext/sb284.htm

Status: Senate Passed/Adopted 3/27. House Transportation Second Read 3/29

Bills Introduced in 2008:

SB 374: Aims to provide for definitions; to revise certain time periods for filing materialmen's and mechanics' liens; to provide for certain notices regarding waiver of lien or claim upon bond; to set filing fees for such liens; to define certain terms; to provide that certain notices shall be sent by registered or overnight mail or statutory overnight delivery; to provide that certain liens are unenforceable if an action is not commenced within 12 months; to provide for a notice of contest of lien; to provide for the computation of certain time periods

http://www.legis.ga.gov/legis/2007_08/sum/sb374.htm

Status: Senate Judiciary Read and Referred 1/30/2008

***SB 407:** Aims to revise the definition of a certain term for purposes of clarification; to revise provisions pertaining to unlawful contracts with utility contractors for purposes of clarification.

http://www.legis.ga.gov/legis/2007_08/sum/sb407.htm

Status: Senate Regulated Industries and Utilities Read and Referred 2/5/2008.

***SB 420:** Aims to exempt the Department of Transportation and its contractors from civil penalties levied for violations.

http://www.legis.ga.gov/legis/2007_08/sum/sb420.htm

Status: Reading Pending

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