

GUCA Legislative Update Week #4

2/15/08

The 2008 Georgia Legislative Session in Atlanta is shaping up to be one of a great deal of legislative movement, hard core politics, some legislative stalling, and a mass amount of issues. There are forty legislative days in the Georgia General Assembly's session. Monday, February 11, was legislative day 15. Thursday, February 14, was legislative day 18. The House and Senate are not in session Friday, February 15, and Monday, February 18, however there are plenty of committee and other types of meetings occurring on both days.

This past week saw the Speaker of the House present his GREAT Tax Plan to the House Ways and Means Tax Reform Subcommittee. The proposal would do away with ad valorem taxes used to fund education, and replace them with an expanded sales tax that would cover a wide array of services not currently being taxed. Also, the statewide water plan, funding mechanisms for transportation improvements, a wide array of tax shifting proposals, and other pieces of legislation have seen legislative movement, just to name a few. We have been deeply involved with all matters affecting your industry from the beginning and continue to work with legislators and staff to provide effective counsel and tactical guidance on your behalf.

Please read the following legislative update carefully. A summary of each piece of legislation is provided with the status of the bill and a link to the bill itself on the Georgia Legislature's website. It is very important you notify us of any piece of legislation included in the synopsis that you have any type of concern about.

As far as GUCA is concerned, two bills were introduced this week, House Bill 1131 (Ad Valorem tax for heavy duty equipment) and Senate Bill 452 (out of state contractors). HB 1131 was read for the second time in the House Ways and Means Committee. SBs 374 (lien law) and 452 were both favorably reported in their respective committees. Next week is intended to bring out future legislation which could impact GUCA.

We are at the capitol every day working to produce positive results for your industry. Please call or contact us with any concerns, issues, or feedback you may have.

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!

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:

***HB 1131:** Aims to define certain terms; to provide that the provisions of Chapter 5 of Title 48 of the Official Code of Georgia Annotated chapter shall apply to certain rental companies; to provide for the collection of a property tax recovery fee; to provide for the payment of such funds into escrow; to provide for reporting; to provide for distribution.

http://www.legis.ga.gov/legis/2007_08/sum/hb1131.htm

Status: House Ways and Means First Read 2/8/2008. House Ways and Means Second Read 2/11/2008

***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. Senate Committee Favorably Reported 2/14/2008.

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: Senate Transportation Second Read 2/13/2008. Senate Transportation Third Read 2/14/2008.

***SB 452:** Aims to provide that Georgia residents holding valid residential or general contractor licenses issued by other states or territories of the United States shall be entitled to licensure in this state without the necessity of examination.

http://www.legis.ga.gov/legis/2007_08/sum/sb452.htm

Status: Senate Regulated Industries and Utilities Read and Referred 2/13/2008.

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