

GUCA Legislative Update Week #7

3/7/08

Wow, what a week! We have just completed one of the toughest legislative weeks of the year as we approach the thirtieth legislative day on Tuesday, March 11th. This is the final day that one bill can be transferred from one chamber to the other. And everyone in the process has been jockeying to have their legislation perfected to pass out of one chamber to the other by Tuesday. As has been reported in weeks past, one of the major political maneuvers of this year has been a tax reform bill proposed by the Speaker of the House of Representatives, Glenn Richardson, with a bill called "The Great Plan". Speaker Richardson has traveled throughout this state over the last year promoting a total tax reform by eliminating all property Ad Valorem taxes and substituting a sales tax of goods and services. Richardson brought a scaled down version of the Speaker's GREAT tax shift plan before the House. The new version amended in House Rules Committee before going on the House floor simply took all ad valorem tax off of automobiles and put no sales tax increase on anything at all with the Speaker calling it the biggest tax cut in Georgia's history. With support dwindling and time running being of the essence, the speaker and his political allies, proposed a constitutional amendment which need 120 of 180 house votes that would eliminate Ad Valorem taxes on automobiles, trucks, and motorcycles, install a cap on assessed evaluations of 2% on residential and 3% on commercial and provide \$74 million towards trauma care in this state. When the bill came to the House of Representatives on Wednesday of this past week, political posturing showed up in its finest. All Democrats, with the exception of seven, voted against a \$1.5 million tax relief so the Republicans could not take credit for a tax relief in this state. Therefore, SR 796 failed on the floor 110 to 62 failing to get a constitutional majority of 120 votes. This vote will go down as the single most important vote taken in the Georgia legislature in years and years and years. It is my strong opinion that political ramifications will take place because of the way individuals voted on this bill. On top of the Speaker's tax plan going before the Georgia House and Senate, there were a very large number of bills brought before both bodies on the floor and moving swiftly through committees all week with this coming Tuesday, March 11, being the 30th or "Crossover" day. Issues revolving around water, transportation, banking, and taxes are just a few. "Crossover Day" is the last official legislative day any legislation can originate in the House or Senate and pass out of its original chamber. All legislation that passed out of its original chamber during the 2007 legislative session or 2008 legislative session is still "alive" for the original bill to move forward in the process. Keep in mind, however, that there will be a lot of "tacking on" or attaching legislative language to bills that are still alive in both chambers, so in reality, no language or ideas are really dead for the 2008 legislative session.

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 Passed/Adopted 2/21/2008. Senate Regulated Industries and Utilities First Read 2/22/2008

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 3/20/2007

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 3/29/2007

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 3/1/2007. House Judiciary Second Read 3/20/2007

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 3/27/2007. House Transportation Second Read 3/29/2007

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 Passed/Adopted 2/20/2008. House Judiciary Second Read 2/22/2008

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 Passed/Adopted 2/29/2008

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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