

## **GUCA Legislative Update Week #8**

### **3/14/08**

The Georgia General Assembly has now officially been in session for 31 days as the much anticipated "Cross Over Day" was completed on Tuesday, March 11<sup>th</sup>. The completion of "Cross Over Day" means that no more bills may be passed from the House to the Senate, or vice versa, that have not already been passed. The day was filled with surprises, celebration, and disdain for both Senators and Representatives. The House, which stayed in session well into the night, was able to pass numerous bills none more influential than HR 1246. HR 1246 is a resolution that virtually mirrored House Speaker Glenn Richardson's GREAT Plan resolution that the House narrowly rejected last week. In order to pass a Constitutional Amendment, which voters will vote on this November, the House needed 2/3 majority, or 120 votes. Last week almost all Democrats voted against the plan which resulted in its rejection with only 110 votes, this time however, the Speaker was able to get nearly a unanimous vote, 166-5, and the resolution passed. The resolution, which would save Georgians more than \$750 million when fully implemented, aims to cut property taxes on cars and would cut taxes that Georgians would pay on their homes. The measure would begin eliminating the property tax on personal owned cars July 1, 2009 and half would be removed between then and June 30<sup>th</sup>, 2010 and the rest would be removed over the following 12 months. The cut on collection of home property tax would save the average home owner around \$30, which would result in around \$90 million across the state. Before the resolution would go into law, it must pass the Senate and then would be voted on by Georgians in November. Governor Sunny Perdue, which does not have the option to veto resolutions, commented on the passage of the resolution saying, "This is the right thing at the right time."

"Cross Over Day" also brought forth legislation that would withhold state funding to Grady Memorial Hospital if its board of directors did not pass on leadership to a nonprofit organization. Another big move on "Cross Over Day" were the foreclosure bills that were passed out of the Senate. Although not all of the proposed foreclosure bills were passed off of the Senate floor, two bills were moved. SB 519, which deals with the notification of a foreclosure, and SB 531, which deals with recording of a secured creditor, were passed out of the Senate and will be moved to the House.

Not all bills made the deadline however. A bill out of the Senate to declare the Georgia an "English-only" government failed to pass, as did numerous bills affecting the redeveloping of Jekyll Island. Another bill that did not make the transition was the "Human Life Amendment," which would have expanded the definition of "person" to include both fetuses and fertilized human eggs.

On top of the passing of these numerous bills and resolutions, the Assembly also created a calendar that would take the session into day 35. The assembly will meet Tuesday, Wednesday, and Thursday of this week and would not convene until the following Thursday, March 27<sup>th</sup>. That Thursday would be the 35<sup>th</sup> day of the legislative session, which would leave only five days remaining until this session and term is completed. Over the next few weeks we will be dedicating more hours to budgetary matters and focusing heavily on the bills that have been put into position to being passed that are important to your industry.

As far as GUCA is concerned, Senate Bill 420, which is aimed to protect the Department of Transportation and its contractors from penalties due to soil erosion and sedimentation violations, was read for the first and second time in the House Transportation Committee.

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

Status: Senate Passed/Adopted 2/29/2008. House Transportation Committee First Read 3/4/2008. House Transportation Second Read 3/5/2008.

**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](http://www.legis.ga.gov/legis/2007_08/sum/sb452.htm)

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

Mo Thrash  
Six Concourse Parkway  
Suite 3200  
Atlanta, Georgia 30328  
678.281.6445 (Office)  
404.790.0958 (Cell)  
678.281.6449 (Fax)

[mo@mccallaraymer.com](mailto:mo@mccallaraymer.com)

Megan Langgood  
770.617.3162  
[megpeg1985@yahoo.com](mailto:megpeg1985@yahoo.com)