

2011
GEORGIA ENGINEERS LEGISLATIVE COALITION

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LEGISLATIVE UPDATE

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DAY 6

Who's a lobbyist? Within the past several weeks, hundreds, if not thousands, are now considered lobbyist by state law. Previous law required that anyone who, "or compensation" endeavors to influence a vendor selection by a state agency, must register as a lobbyist. SB 17, passed in 2010, redefined "state agency" to include any local government (city, county, and school board). So if you market any local government, you are a lobbyist, must register with the state, and file monthly expenditure reports.

This caught almost everyone by surprise. In addition to vastly expanding the net for vendor lobbyists, fines for late filings are up sharply. A brouhaha has erupted, and the outcome is unclear. Stay tuned for developments.

DNR adopts Interbasin Transfer rules for water. The state water plan included carefully worded policies related to the interbasin transfer of water, commonly called simply IBT. The DNR Board adopted new rules last week that were virtually verbatim from the state water plan. Some want to severely restrict all IBTs, and last year, proposed legislation that would make it virtually impossible. The new rules do make IBTs tough to be approved, but do not approach a prohibition as some advocate. Most scorekeepers declared water users the winner, and environmental advocates the losers.

Special Council on Tax Reform. As previously reported, the Tax Reform Council did not recommend extending the state 4% sales tax to professional services. Good news for engineering firms. The report is circulating in the General Assembly and observers are handicapping the likelihood of passage of a bill based on the Council's recommendations. The real answer is "Who knows?" Nonetheless, many Capitol Hill pros are saying it is just too big a bite to pass as a single package, as seemed to be contemplated in the originating bill.

Here are some bills of interest introduced in the first days of the session.

House Bills

- HB 30. Implements Constitutional Amendment One that was approved in the November general election and that relates to employment contracts.
- HB 43. Requires electric utilities to use no more than 25% of their total coal consumption from mountain top removal for coal mining by 2016 and none by 2018.

- There would be no new permits issued for coal-fired power plants after 2018.
- HB 57. Installation of residential water treatment equipment for “personal, family, or household use” would be exempt from the Construction Industry Licensing requirements (includes, plumbers, electricians, low voltage electrical, utility contractors, etc.)
- HB 71. Adds “bicycle” to the law requiring vehicles to stop and yield to pedestrians as a vehicle approaches a sidewalk from a driveway, alley, etc. Extends this requirement to all people, not just to children on the sidewalk.
- HB 87. This is the comprehensive, “Arizona-style” immigration bill. The bill addresses a wide variety of issues related to illegal immigration. One element requires all applicants for a local business license or “occupational tax certificate” to provide an affidavit that the applicant “is authorized to use the federal employment eligibility verification system known as E-Verify”. This requirement is effective a/o Sept 1, 2011 for companies with 500 or more employees, January 1, 2012 if more than 100 employees, and July 1, 2012 if 5 or more employees. If fewer than 5 employees, the company is exempt. All cities/counties must provide a list of the names of all such firms and their E-Verify number a/o 12/31 of each year.

Senate Bills

- SB 8. A third-party contract auditor, would be hired by the state for the purpose of recovering money from state contractors due to pricing errors, neglected rebates, miscalculated freight charges . . . and related errors for 2008-2011 and thereafter. The third-party would be paid on commission or a contingent fee basis up to 20% of the funds recovered.
- SB 27. The so-called Georgia Public Works and Contractor Protection Act. No public entity may contract with a construction contractor unless the contractor participates in E-Verify to verify the employment eligibility of all new hires and subcontractors. After 1-1-13, a contractor may bid on a public works project, only if “approved under the IMAGE program of the US Immigration and Customs Enforcement.”

Resolutions

- SR 15. Creates the House-Senate Joint Committee on Water Supply to study the state’s current reservoirs system and the needs for additional water supply and creative financing for water reservoirs and “water supply enhancements.”
- SR 29. Urges the Georgia DOT to contract out more of its work, focus employment and training practices on strategically important skills, and set a goal of a 25% reduction in employees to 3,750 by 2015.