

2011
GEORGIA ENGINEERS LEGISLATIVE COALITION

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LEGISLATIVE UPDATE

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DAY 10

The first few weeks of the General Assembly is being devoted to getting organized and holding hearings on budget proposals for each state agency. Appropriation sub-committees are delving deeper into budget issues this week. It is clear that there is not enough money to go around, and cuts will occur broadly throughout the budget. Immigration issues are taking front stage with hearings beginning on a variety of fronts. You will hear a lot about both budget cuts and immigration.

The Tax Reform Council made its recommendation, but things have remained very quiet about what will happen next. Some folks are saying it is just “too big” to handle in 2011. Others are saying action will be delayed until the budget process if more advanced and have a clearer understanding of the implications of the budget gap. The fear of expanding the sales tax to engineering services seems to have abated – it is not in the Council’s recommendations.

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 that 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.
- HB 93. Under current law a local “code inspector” is a city/county employee with the duty to “assure code compliance”. This bill would assign “code enforcement officers” the authority over “health, safety, and welfare requirements” and give them the authority to “issue citations of file formal complaints”.
- HB 101. Defines “bicycle lane” (a demarked portion of a roadway) and stipulates it must be in accord with AASHTO criteria. Requires motor vehicles to yield to bikes in a bike lane, prohibits parking in a bike lane, and updates numerous other biking requirements for safety purposes.
- HB 111. Deals with water Interbasin Transfers. The State Water Plan’s language regarding IBT was incorporated into DNR rules last week – over the objection of many environmental advocates. This bill would embody most of the objections registered against these IBT rules. Two examples of these new requirements are (1) changing the word “should” with “shall” – eliminating much EPD flexibility and giving a stronger basis for litigation and (2) making the rules apply to not only new applications for also to ‘modified’ permit applications (like permit renewals)
- HB 131. Exempts DOT from (1) fines associated with violations of erosion/sedimentation requirements and (2) from stream buffer requirements for construction/maintenance work provided adequate e/s control is provided (same exemption provided water/sewer lines crossing a stream at close to 90 degrees and disturbance less than 50’).
- HB 153. Water conservation Act of 2011: really tough water conservation requirements. Public water systems must report quarterly water withdrawn and the amount returned to the supply. If the returned water is less than 75% of the withdrawn, then no new water connections are allowed in the utility’s jurisdiction until this goal is achieved. Also, on-site sewage management systems are not allowed on lots 3 acres or less in systems where there are 70,000 connections, or 200 connections per square mile. In these service areas, any application for an on-site sewage system is “suspended’ as long as EPD declares an “exceptional drought” in the area. Finally, all connections to an onsite system in a jurisdiction that meets the criteria above (70k connections or 200 sq mi) must be disconnected by mid-2016.
- HB 166. This is the 4-year degree bill for engineers and surveyors to qualify for taking the PE or RLS exams after July 2014. This bill was passed by the legislature twice and vetoed by Gov. Perdue on both occasions.

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.”
- SB 40. Immigration. This bill is generally in the sync with HB 87 in the house; long, controversial, tough measures. It places requirements on businesses to verify the status of employees and those of sub-contractors.

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.
- SR 68. Creates the Science & Technology Strategic Initiative Joint Study Committee, which would study current assets, review federal & state public policies, develop specific recommendations, and prepare a report by Jan 2012.