

ALABAMA UTILITY CONTRACTORS ASSOCIATION

TIM AYERS, EXECUTIVE DIRECTOR
FEBRUARY 2021

Director's Comments:



The 2021 Alabama Legislative Session convened in Montgomery on Tuesday, February 2nd. As expected, traditional legislative procedures and access to the State House have been vastly impacted due to the COVID-19 Pandemic. As such, AUCA will unfortunately be unable to hold our annual "Charge the Hill" event this year.

In spite of the COVID restrictions, the first month has seen a flurry of legislative activity. A total of 470 bills have been introduced in the House, and 275 in the Senate over the course of the first 9 legislative meeting days. Three priority bills pertaining to COVID liability protections, reauthorization of key economic development incentives, and exempting COVID pandemic financial assistance from state income tax have all passed and been signed into law by Governor Ivey.

The length of the regular session is limited to a maximum of 30 legislative meeting days within a period of 105 calendar days. Plans currently call for Legislators to meet during the first two weeks of March, which would essentially get them to the midway point. They then plan to break for a few weeks to reassess procedures before returning to Montgomery to complete the session.

AUCA is monitoring a number of bills pertaining to our industry. Specifically, we are concerned with the continued efforts of the Onsite Wastewater Board to increase their fines and authority. Last year we helped to stop them from passing such legislation, and are hoping to do so again this year. Remember to check our weekly "Legislative Pipeline" email report for legislative updates, and let us know if you have any specific concerns.

Inside This Issue:

Upcoming Events	2-4
News & Notes	5-7
Legislative News	8-11
CWCC Report	12
Fleet Safety	13

Tim

Upcoming Meetings & Events:

AUCA Board of Directors Meeting

Wednesday, March 10, 2021



Truck and Machinery Auction

Montgomery, AL

March 16-20, 2021

For more information visit
www.jmwood.com



**NATIONAL
TRENCH SAFETY**

***Competent Person for
Excavation Safety Training***

Mobile, AL

March 18, 2021

To register call:
(251) 443-7080

***AUCA 2021 Spring General Meeting,
Golf Tournament and Shrimp & Crawfish Boil***

Thursday, April 22, 2021

Arrowhead Country Club - Montgomery, AL



***AUCA 2021 Fall General Meeting
& Sporting Clay Shoot***

Thursday, October 14, 2021

Lower Wetumpka Shotgun Sports Club - Montgomery, AL





AUCA 2021 Spring General Meeting & Golf Tournament

*Thursday, April 22, 2021
Arrowhead Country Club
50 Ocala Drive Montgomery, AL 36117*

General Meeting & Lunch - 11:30 a.m.
Golf Tournament - 1:00 p.m. Shotgun Start
Low Country Shrimp & Crawfish Boil
(Immediately Following Golf Tournament)



General Meeting & Lunch
Guest Speaker: Lauren Sisler - ESPN and AL.com
Cost: \$20/Person
(Included with Golf Registration or Corporate Sponsorship)

Attend the statewide General Meeting, "safely" enjoy a delicious lunch and then hear a great presentation from our special guest speaker.

12th Annual Golf Tournament
4-Person Scramble Format
Cost: \$600/Team or \$150/Individual

Complete attached registration form and return ASAP.
Hole and Corporate Sponsorship opportunities available.
Sign up now before the event fills up!



Low Country Shrimp & Crawfish Boil
Cost \$20/Person
(Included with Golf Registration or Corporate Sponsorship)

Come out and "safely" enjoy networking with your industry peers at our after tournament Low Country Shrimp & Crawfish Boil.



APRIL 22, 2021 - EVENT REGISTRATION FORM



To register, please complete this form and return to the AUCA office by fax or email.
A copy of the registration form should also be submitted with payment.

Registration Deadline is April 16, 2021

Company Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Person: _____

Phone Number: _____

Email: _____

GOLF TOURNAMENT



4-PERSON TEAM - \$600



INDIVIDUAL - \$150

Includes: Lunch, Golf/cart, goodie bag, beverage tickets, prizes, and Low Country Boil

- 1.) _____
- 2.) _____
- 3.) _____
- 4.) _____

- Handicap: _____
- Handicap: _____
- Handicap: _____
- Handicap: _____

SPONSORSHIP OPPORTUNITIES



CORPORATE SPONSOR - \$250

Includes: Company logo on event signage and promotional materials, and admission for two (2) company representatives to General Meeting & Low Country Boil



HOLE SPONSOR - \$100

Includes: Name recognition on hole signage and may set-up tent on course to network with golfers and distribute company prizes or literature during tournament

GENERAL MEETING

General Meeting Lunch: \$20/Person x Quantity () = \$ _____

LOW COUNTRY SHRIMP & CRAWFISH BOIL

Low Country Boil: \$20/Person x Quantity () = \$ _____

PAYMENT MUST BE RECEIVED BEFORE OR ON DAY OF TOURNAMENT! Return form and payment to:

Alabama Utility Contractors Association

P.O. Box 383185

Birmingham, AL 35238-3185

Phone: (205) 582-9436

Fax: (205) 582-9155

Email: tim@aluca.org

To pay by credit card, please contact the AUCA office at (205) 582-9436.

News & Notes:

ASCE Infrastructure Report Card

The American Society of Civil Engineers will release the 2021 Report Card for America's Infrastructure on March 3, 2021.

The quadrennial assessment will grade the condition and performance of 17 categories of infrastructure – including drinking water, roads, the energy grid, levees, dams, and much more.

After the grades are unveiled, a program of elected officials, decision makers, and thought leaders will discuss solutions to raising our infrastructure GPA.



Anyone interested in attending the free virtual event can do so by registering at the following link:

<https://2021ircsummit.rsvpify.com/>

Alabama Damage Prevention Alliance (ADPA):

The Alabama Damage Prevention Alliance (ADPA) was established to promote public safety and prevention of damages to utility infrastructure through education, cooperation and communication efforts among all stakeholders.



The ADPA met virtually on February 10th. The topic of "Large Projects" continues to be a point of emphasis for the group. AUCA Director Tim Ayers is serving on the ADPA Large Project Committee. However, there needs to be additional voices to help fairly represent the Excavating industry. The work of this group may serve as the framework for future legislative changes to the One-Call Law.

If you would be willing to get involved with ADPA, or help serve on the Large Project Committee, please let us know.



News & Notes:

AUCA 2021 Scholarship Program:

- AUCA has budgeted to award six (6) Scholarships worth \$1,500 each.
- Money will be paid directly to the College or Trade School of the applicant's choice.

Application Criteria:

- Must be a resident of Alabama.
- Must be enrolling in, or attending a community college, technical school, or university in Alabama.
- Open to any field of study, but preference may be given to applicants enrolled/enrolling in a construction-related curriculum.
- Must be either employed by, or have a parent or grandparent employed by a current AUCA member company.
- Application must be received by April 30, 2021.
- Applications are available on the AUCA website:

<http://www.aluca.org/scholarship-program.html>



2021 AUCA Membership Dues Renewal

January kicked off the membership renewal period. We are grateful to the many companies that have already paid their 2021 AUCA dues. For those that have not yet renewed, please make arrangements to submit your payment as quickly as possible.

Should you have any questions, need another copy of the invoice sent to you, or wish to pay by credit card, please contact the AUCA office at (205) 582-9436.



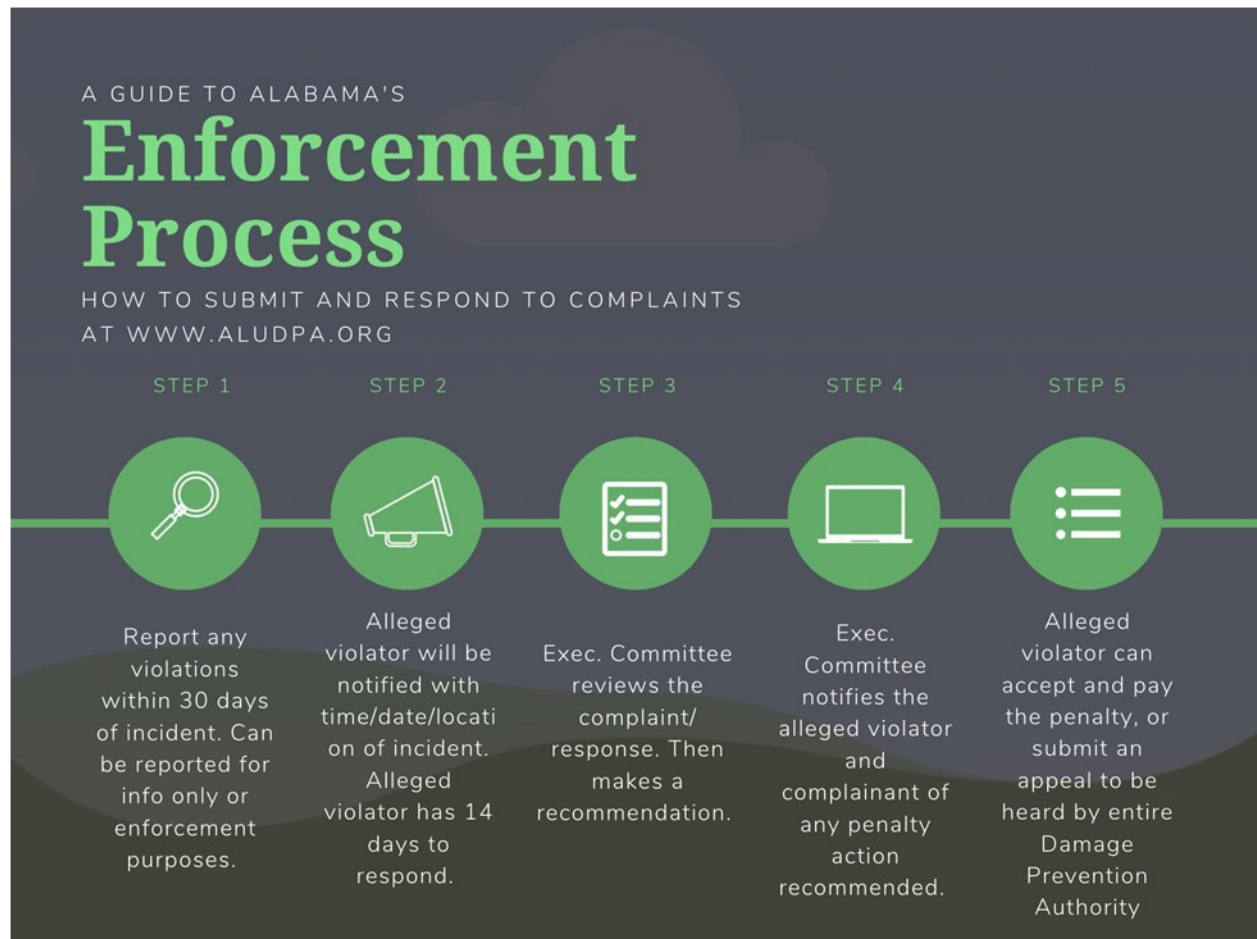
News & Notes:

Alabama Underground Damage Prevention Authority (ALUDPA)

The Alabama Underground Damage Prevention Authority (ALUDPA) was established for the purpose of enforcing the Alabama Underground Damage Prevention State Law, for reviewing penalty provisions, and for reviewing the adequacy of the Alabama State Law Enforcement Program.

The Enforcement Program is a complaint-driven process where a complaint may be submitted against an entity for violation of the Alabama Underground Damage Prevention State Law. A complaint may be submitted as information only and not designated for enforcement penalties.

A complaint may be submitted using the Complaint Form [at this Website](#) no later than 30 days after the occurrence of an alleged violation. The submitted Complaint Form is reviewed by the ALUDPA for determination of an alleged violation and for penalty provisions that may apply. The reported violator is then notified by the ALUDPA that a response may be submitted using the Response Form at this Website no later than 14 days after the ALUDPA notification.



Alabama Legislative News:

The 2021 Alabama Legislative Session convened in Montgomery at noon on Tuesday, February 2nd. Governor Ivey delivered her 2021 State of the State Address later that evening via video feed. Because of the COVID-19 Pandemic, the Governor spoke without a live audience in the State Capitol. Legislative procedures and access to the State House have also been vastly impacted due to the Pandemic. As of the writing of this report, lawmakers have met for 9 of the possible 30 legislative meeting days and introduced 470 bills in the House, and 275 in the Senate.

Below you will find a list and synopsis of bills introduced that we have identified as of interest. We will continue to update our members on these, as well as any newly introduced bills, throughout the remainder of the 2021 Legislative Session.

HB49 - Onsite Wastewater Board, Sunset Law review, Continued until Oct 1, 2023

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Onsite Wastewater Board until October 1, 2023.

HB127 - State Transportation Commission

Relating to the Department of Transportation; to establish the State Transportation Commission; to provide for the members, duties, responsibilities, and compensation and expenses of the commission; to prohibit a person serving on the State Transportation Commission from benefiting by entering employment with or contracting with companies that do business with the Department of Transportation while he or she serves on the Commission or for a period of two years thereafter; to provide for the appointment and duties of the Director of the Department of Transportation; and for this purpose to amend Sections 23-1-21 and 23-1-21.2, Code of Alabama 1975, relating to the appointment and authority of the Director of the Department of Transportation.

HB146 - Wastewater Treatment Facilities

Relating to construction of wastewater treatment facilities; to amend Section 22-34-11, Code of Alabama 1975; to extend the loan payback period for a loan by the Alabama Water Pollution Control Authority to a local governing body to finance construction expenses of a wastewater treatment facility in certain circumstances.

HB220/SB194 - Division of Construction Management Educational Institution Exemption

Relating to state property; to amend Sections 41-4-400 and 41-4-353, Code of Alabama 1975, to further provide for the authority of the Division of Construction Management; and to provide that the Department of Education has authority to manage the construction and renovation of state property that is part of a K-12 public school, and the governing board of each public postsecondary institution and public institution of higher education has authority to manage the construction and renovation of property as it relates to that institution.

HB234/SB220 - Indemnification Provisions in Certain Public Works Contracts

Relating to public works contracts for roads and bridges; to prohibit certain indemnification provisions in the contracts requiring a party to indemnify another party for damages caused by the conduct of the other party.

HB245/SB4 - Construction Zone Traffic Violations

Relating to the rules of the road; to amend Section 32-5A-176.1, Code of Alabama 1975, to provide further for construction zone speed violations to include moving violations; to further provide criminal penalties; and in connection therewith

(Continued on page 9)



Alabama Legislative News:

(Continued from page 8)

would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

HB318 - Onsite Wastewater Board Administrative Fine Increases

To amend Sections 34-21A-6 and 34-21A-25, Code of Alabama 1975, relating to the Alabama Onsite Wastewater Board; to delete the requirement that the board transfer certain funds to the State General Fund at the end of each fiscal year; to increase the maximum fine allowed for violations from \$1,000 to \$5,000 per violation; to authorize the board to recover actual court costs sustained as the result of a violation; and in connection therewith would have as its purpose of effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

HB384/SB224 - Alabama Board of Electrical Contractors

To amend Sections 34-36-3, 34-36-4, 34-36-6, 34-36-7, 34-36-8, 34-36-9, 34-36-13, and 34-36-16, Code of Alabama 1975, relating to the Alabama Board of Electrical Contractors; to provide further for definitions, to delete references to master electrician; to provide further for the election of board officers; to provide further for the duties of the board, including the subpoena of witnesses, the investigation of complaints, and providing for reciprocity; to provide an individual previously issued a provisional license three years to take the licensure examination, and require the board to waive the examination fee for one sitting; to lessen the time frame for restoring an expired license from five years to two years; to provide further for exemptions; to remove the authority of a county or municipality to require an additional electrical contracting proficiency examination before issuing a local license to work within the county or municipality; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

HB398 - State General Fund Transfers From Licensing Boards

To amend Sections 34-8-25, 34-21A-6, 34-27B-6, and 34-36-17, Code of Alabama 1975, relating to the funds of the State Licensing Board for General Contractors, the Alabama Onsite Wastewater Board, the Alabama State Board of Respiratory Therapy, and the Alabama Board of Electrical Contractors; to remove the requirement that monies in those funds annually transfer to the State General Fund.

HB408 - Employment

Relating to employment; to require an employer to use specified guidelines in order to determine whether a worker is engaged in employment for purposes of employment benefits and tax liabilities; to require a state agency, when applicable, to use those same specified guidelines to determine whether a worker is to be considered as an employee; and to provide exemptions for workers' compensation purposes.

HB446 - Utility Energy Services

Relating to utility energy services; to prohibit governmental entities from adopting or enforcing any policy that prohibits the provision or purchase of any utility energy service and related connections or reconnections based upon the type or source of utility energy service or fuel; and to provide for an exception.

HB461 - State Minimum Wage

Relating to employment wages; to require employers to pay employees a minimum wage of \$10 per hour or the federal minimum wage, whichever is higher.



Alabama Legislative News:

(Continued from page 9)

SB30 - Coronavirus Immunity for Certain Entities

Relating to civil immunity; to provide legislative findings; to provide definitions; to provide civil immunity for certain entities and individuals from certain damages claimed by individuals who allege that they contracted or were exposed to Coronavirus during a declared state of emergency; to provide civil immunity for certain health care providers relating to the performance of certain health care services or treatment during the Coronavirus pandemic; to provide for a statute of limitations for certain claims; and to provide for retroactive effect.

SB49 - Sewer Laterals

Relating to sewer laterals; to authorize a county, municipality, or authority incorporated under Title 11, Code of Alabama 1975, to transfer or use public funds for the repair or replacement of private sewer laterals; and to provide a method by which a county, municipality, or authority transferring or using public funds to repair or replace sewer laterals may recover those public funds.

SB58 - Underground Damage Prevention Fund

Relating to underground utilities; to amend Section 37-15-10, Code of Alabama 1975, as amended by Act 2019-407 of the 2019 Regular Session, and Section 2 of Act 2019-407 of the 2019 Regular Session, now appearing as Section 37-15-10.1, Code of Alabama 1975, to establish the Underground Damage Prevention Fund in the State Treasury and to further provide for the terms of members of the authority; and to provide for the deposit of monies into that fund.

SB74/HB381 - Shelby County Privately Owned Sewer Systems

Relating to Shelby County, to propose a local constitutional amendment to the Constitution of Alabama of 1901, relating to privately owned sewer systems; to bring certain privately owned sewer systems that use public rights-of-way of public roads under the jurisdiction of the Public Service Commission under certain conditions.

SB99/HB340 - Sales & Use Tax Exemption Certificates

To amend Section 40-9-14.1 of the Code of Alabama 1975, relating to certificates of exemption from sales and use tax for governmental entities and their contractors for the purchase of construction materials for use on construction projects for the governmental entities; to include any contract for the construction of highways, roads, or bridges entered into after January 1, 2022, in the contracts required to be granted a certificate of exemption by the Department of Revenue for the purchase of construction materials to become a part of the project.

SB109/HB334 - Competitive Bid Laws

To amend Section 39-2-6, Code of Alabama 1975, relating to competitive bidding on state public works contracts; to allow a local board of education or a public two-year or four-year institution of higher education authority to negotiate with the lowest responsible and responsive bidder under certain specified circumstances.

SB208 - Plumbers and Gas Fitters Examining Board

Relating to the Alabama Plumbers and Gas Fitters Examining Board; to repeal Chapter 37, Title 34, Code of Alabama 1975, and replace that chapter with Chapter 37A, Title 34, Code of Alabama 1975; to transfer and update the law relating to the board and its operations; to reorganize and simplify definitions; to require the registration of a principal master for one entity at a time; to authorize the board to require continuing education for certificate renewal; to authorize the board to issue emergency certificates during a declared state of emergency; to provide transitional language; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.



Alabama Legislative News:

(Continued from page 10)

SB215 - Alabama Digital Expansion Authority

Relating to broadband; to create the Alabama Digital Expansion Authority; to provide for the membership and duties of the authority; to provide for the appointment of a director and employees of the authority; to create the Connect Alabama Fund for the deposit of appropriations, gifts, grants, and other funds; to create the Connect Alabama Advisory Board; to provide that the authority is exempt from competitive bid laws; to require certain reports to the Legislature and the public; to provide general rulemaking authority; and to create the Alabama University Research Alliance; to provide for its members and duties; to create the Alabama Digital Finance Corporation; and to provide for its members and duties.

SB248 - Civil Liability for Contractors

Relating to civil liability; to amend Sections 6-5-701, 6-5-702, and 6-5-703, Code of Alabama 1975; to eliminate certain conditions under which a contractor who performs work on a road, bridge, or street may not be granted civil immunity.

SB252/HB428 - County Engineer for Elmore County

Relating to Elmore County; to amend Section 45-26-130 of the Code of Alabama 1975, as amended by Act 2019-90 and Act 2019-205 of the 2019 Regular Session, to further provide for the employment of the county engineer.

SB257/SB261 - Indemnification in Contracts for the Professional Services of a Design Professional

Relating to professions and businesses; to provide certain prohibitions, authorizations, and requirements for contracts for the professional services of a design professional.

SB273/HB463 - Joint Road Improvement Authorities

Providing for the creation of joint road improvement authorities for counties and participating municipalities; providing a procedure for incorporation; providing for the qualifications, procedure for election, and terms of the officers and directors of an authority; providing for the procedure for reincorporating and ratifying the existence of previously created road improvement commissions in counties containing a Class 4 municipality incorporated under Chapter 44B of Title 11, Code of Alabama 1975; providing for the issuance, sale, and execution of bonds; providing for the disposition of proceeds from sale of bonds and refunding bonds; providing for the making of grants and the amendment of articles; providing for powers of an authority; providing for certain exemptions from taxation; providing for limited liability; providing a procedure for validating bond issues; authorizing other governmental bodies to appropriate funds and donate property to an authority; providing for the dissolution of authorities and transfer of funds and assets upon dissolution; allowing municipalities, counties, the state, the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, the State Insurance Fund, and fiduciaries to invest in bonds issued by an authority; and authorizing bonds to be pledged as security.

Remember to check our weekly "Legislative Pipeline" email report for continuous Legislative updates



Clean Water Construction Coalition Report

From Dan Kennedy - Chairman CWCC & Sante Esposito - Key Advocates

February 3, 2021

PRIORITIES OF NEW PRESIDENT & CONGRESS TAKE SHAPE

Congress ended 2020 by passing the Consolidated Appropriations Act of 2021. Besides providing \$900 billion for Covid-19 economic relief, the Act funded \$1.4 trillion for federal fiscal year 2021 which include very slight increases for the EPA's primary water infrastructure programs and a 1-Year extension of Surface Transportation Funding.

President Biden's campaign included a "Build Back Better" plan that commits to a national effort aimed at creating the jobs that build a modern, sustainable infrastructure and deliver an "equitable clean energy future." Biden's team believes we are in a "climate crisis," thus the Administration's infrastructure proposal will reflect this concept.

The Biden Administration plans to first move another \$1.3 trillion Covid-19 rescue plan with minor construction related funding. Later in February or March, the Administration has stated that they intend to introduce an economic recovery proposal that will "make historic investments in infrastructure, along with manufacturing, research and development and clean energy". The \$1.3 trillion plan is proposed to be spent over 10 years with a \$50 billion investment in year 1 for the federal Highway Trust fund program. Funding for federal water and wastewater programs are noted but no funding levels have surfaced at this time.

Key Advocates has reported on various vehicles for funding increases to support water infrastructure investment, some measures that may be considered during the next session of Congress. With the run-off elections for the two Georgia Senate seats decided, the balance of Congress is weighted in favor of the Biden Administration's priorities.

COVID-19 is still greatly impacting the congressional legislative process and the operations for all CWCC members. National in-person activities planned for "Water Week" have again been shifted to a virtual experience later in the spring. CWCC is in communication with our national partners and will share options for you to register for those virtual events and materials. We are trying our best to meet or exceed the impact of our efforts in these challenging times.



Fleet Safety:

Provided by J. Smith Lanier & Co., a Marsh & McLennan Agency LLC company

Looking Ahead When Driving

Human instinct is to look directly at what is in front of us. It is a hard habit to break. But how far ahead should one look when driving, and why is this so important?

To avoid hard braking or steering, it is vital to look well down the path of travel. Looking ahead allows one to operate the vehicle more safely and smoothly. Seeing a hazard well ahead of time allows you to avoid it without resulting in drastic measures. Also, when you act earlier, the drivers behind you have more time to react as well.

The NHTSA recommends looking down the road a minimum of 12 to 15 seconds to get a clear picture of upcoming problems. 12 to 15 seconds is one to two blocks, or traffic lights, in urban areas. On the highway, a quarter to half mile ahead is a good scanning distance.

Looking ahead allows you to see vehicles entering the roadway, changing lanes and turning. It also lets the driver see brake lights, road obstacles, turns in the road, and exit and entrance ramps. Seeing a potential problem ahead of time allows the driver to adjust speed or change lanes to avoid a problem. Here are some tips on how to scan ahead.

- Stay alert and focused
- Avoid distractions
- Use a systematic search pattern
- Look for potential hazards and unusual traffic conditions
- Picture the path of vehicle travel
- Look down the middle of the road
- Look at least 12 to 15 seconds ahead
- Search side to side

Scanning ahead is part of good driving habits that also include checking mirrors every 5 to 8 seconds and adjusting speed for traffic and road conditions. Looking ahead should be a lifetime habit for all drivers. Seeing a hazard well in advance helps you avoid driving into it.



A Solution For Employers

Contractors Retirement Plan *Features:*

Employer

- No cost to employer, no TPA or audit fees
- Fiduciary relief from most 401k liabilities
- Powerful recruiting and retention tool
- Association leadership oversees the plan operation

Employee

- Reduced "group" costs on investments
- High focus on *Retirement Readiness*
- Easy enrolling, daily investment changes
- Call center is both live and 24/7 voice response
- Brand name, diverse investment options

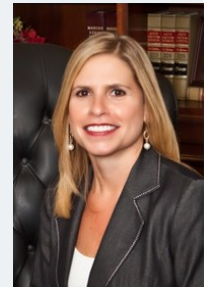
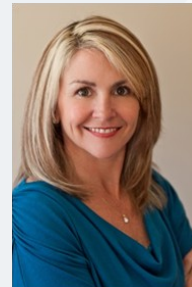
Plan administrator

- We track eligibility and mail enrollment kits to home address
- Participants call vendor for all issues
- New compliance process eliminates costly errors
- Arduous paper notices mailed by vendor
- Loans, hardship, etc., all handled by vendor!



For more information please contact
**Linda Smith and Jodi McMahon at
205-536-9204**

Linda Smith and Jodi McMahon are registered Investment Advisors Representative, with Cambridge Investment Research Advisors, Inc., A broker dealer, member FINRA/SPIC. Cambridge, BenSource Employee Benefits, and AUCA are not affiliates.



Alabama Utility Contractors Association
P.O. Box 383185
Birmingham, AL 35238-3185
Phone: 205-582-9436
Fax: 205-582-9155
E-mail: tim@aluca.org

***AUCA IS A MEMBER-DRIVEN, NEEDS
FOCUSED TRADE ASSOCIATION CREATED
SOLELY TO PROMOTE AND ADVANCE THE
UTILITY INDUSTRY IN THE STATE OF
ALABAMA.***

**We're on the Web !
www.aluca.org**

Please print out this newsletter to share with others in your company. And, if you are receiving this for the company owner, please print out a copy for him/her.

**Let AUCA Be Your Source For All Your
Training Needs**

Contact the Association Office for more information

facebook



@AlabamaUCA

LinkedIn

