

ALABAMA UTILITY CONTRACTORS ASSOCIATION

TIM AYERS, EXECUTIVE DIRECTOR
JUNE 2023



Director's Comments:

The 2023 Alabama Legislative Session wrapped-up in Montgomery on June 6th. Alabama became the first state in the nation to pass legislation that eliminates state income tax on overtime compensation. HB217 removes the state's 5% tax on overtime pay, and applies to full-time hourly workers of public and private employers for compensation for work of more than 40 hours a week.

Amazingly, in this polarizing political climate, HB217 received unanimous and bipartisan support in both chambers and has been signed into law by Governor Ivey as Act #2023-421. The law becomes effective on January 1, 2024 and should allow hard-working Alabamians to keep more of what they earn, but also help businesses boost productivity and retain employees in a tight labor market.

Governor Ivey has also called for a special session of the Legislature that will begin in Montgomery on July 17th. The sole purpose of the special session is to redraw Alabama's Congressional District Map after the U.S. Supreme Court ruled on June 8th that the current map likely violates the Voting Rights Act. One has to believe that this process will not go as smoothly with the same unanimous and bipartisan support as was the case with the overtime pay legislation.

Lastly, the AUCA Board of Directors met earlier this month in Montgomery. One of the items to come from the meeting is the formation of a committee to begin the process of creating a "Utility Contractor Hall of Fame" to honor the many pioneers of our industry here in Alabama. Be on the lookout for more information to come, and we would also welcome your feedback on this topic.

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Tim



Upcoming Meetings & Events:

AUCA Industry Lunch Meetings
Dates and Locations To Be Announced



September 19-21, 2023

The Lodge at Gulf State Park, Gulf Shores

www.alabama.damagepreventionsummit.com



***AUCA 2023 Fall General Meeting
& Sporting Clay Shoot***

Thursday, October 12, 2023

**Lower Wetumpka Shotgun Sports Club
Montgomery, AL**



***AUCA 2024 Spring General Meeting,
Golf Tournament and Shrimp & Crawfish Boil***

Thursday, April 18, 2024

**Arrowhead Country Club
Montgomery, AL**



News & Notes:

2023 AUCA Scholarship Program Award Winners:

After reviewing a record number of applications, the AUCA Board of Directors approved the nominations of five scholarship applicants at the June 8th Board Meeting in Montgomery. All recipients have tremendous resumes, and are extremely deserving of these scholarships. Each scholarship awarded is worth \$1,500 per student.

The 2023 AUCA scholarship recipients are:

Paxton Cooper

Paxton is from Mobile, AL and will be a Freshman at Coastal Alabama Community College in Brewton. He is a 2023 graduate of Baker High School and the son of Donald Cooper from Uniti Fiber.

Keaton DeBoard

Keaton is from Crossville, AL and will be a Freshman at Birmingham Southern College. He is a 2023 graduate of Collinsville High School and the son of DJ DeBoard from Benchmark Construction, LLC.

Seth Mitchell

Seth is from Athens, AL and will be a Freshman at The University of North Alabama in Florence. He is a 2023 graduate of Lindsay Lane Christian Academy and the son of Todd Mitchell from Warrior Tractor & Equipment Company.

Kate Murphree

Kate is from Tuscaloosa, AL and will be a Sophomore at The University of Alabama in Tuscaloosa. She is a 2022 graduate of Tuscaloosa Academy and the daughter of Richard Murphree from Empire Pipe & Supply and granddaughter of Don Murphree from John Plott Company.

Jessica Poling

Jessica is from Northport, AL and will be a Freshman at The University of Alabama in Tuscaloosa. She is a 2023 graduate of Tuscaloosa County High School and the daughter of Chris Poling from Ikaros, LLC.

Alabama Set to Receive \$1.4 Billion to Expand Access to Broadband:

The National Telecommunications and Information Administration has released the state allocations from the Broadband Equity, Access and Deployment program. Alabama will receive \$1.4 billion from the U.S. Department of Commerce to boost ongoing efforts to expand broadband access to unserved areas.

The Alabama Department of Economic and Community Affairs (ADECA), which oversees state broadband initiatives, will be the administering agency for the grant funds.



News & Notes:

Notice of ADEM Director Job Performance Evaluation:

The Alabama Environmental Management Commission (Commission) is providing the opportunity for interested persons to submit written comments on Alabama Department of Environmental Management (ADEM) Director Lance LeFleur's job performance as part of the Commission's upcoming ADEM Director Job Performance Evaluation.

Written comments from interested persons regarding Director LeFleur's job performance should be directed to: John (Jay) Masingill, III, Chair, Alabama Environmental Management Commission, P.O. Box 301463, Montgomery, AL 36130-1463 (street address: 1400 Coliseum Boulevard, Montgomery, AL 36110-2400) or by e-mail at aemc@adem.alabama.gov. Written comments should include "ADEM Director Job Performance Evaluation" as the subject of the written submissions.

Written comments for the current ADEM Director Job Performance Evaluation should cover the period from October 15, 2022, to July 31, 2023, the deadline for receipt of comments for the upcoming evaluation.

Written comments must be received in the Commission Office prior to 5:00 p.m. on July 31, 2023.

This notice is hereby given this 13th day of June, 2023, by authority of the Chair of the Commission.

AUCA New Member Company:

Jordan Excavating, LLC

Hoover, AL

Company Representatives: Rusty Palmer & Bill Palmer

www.jordan-excavating.com

AUCA 2024 Board of Directors Nominations:

AUCA will be soliciting the membership for candidates to serve on the 2024 AUCA Board of Directors. If you have someone in mind that you think would be an asset on the AUCA Board, please email us by August 31st to recommend them to the AUCA Nominating Committee. If you are interested in serving yourself, please feel free to list your name as well.

Nomination Forms will be sent out electronically to all member companies. The Nominating Committee will review the nomination forms of those desiring to serve on the 2024 Board at the September 7th AUCA Board Meeting. The proposed slate of nominees will be announced to the membership and the candidates will be voted on by the members in attendance at the October 12th Fall General Meeting in Montgomery.



News & Notes:

Weaver Environmental Services Company Event - June 13

AUCA Board of Directors Member Shaun Gonzales from Weaver Environmental Services Company (WESCO) in Huntsville hosted a great event for friends and business associates at Old South Clays.



Alabama Legislative News:

The 2023 Alabama Legislative Session concluded on Tuesday, June 6th as lawmakers met in Montgomery for the 30th and final Legislative Day before adjourning Sine Die.

Governor Kay Ivey has since called for a special session of the Legislature to redraw Alabama's Congressional District Map after the U.S. Supreme Court ruled on June 8th that the current map likely violates the Voting Rights Act. The special session will begin in Montgomery on July 17th.

The Legislature is scheduled to return for the 2024 Regular Session on Tuesday, February 6, 2024.

Bills of interest signed in to law in 2023:

Act #2023-1 - Supplemental Appropriations from the ARPA State Fiscal Recovery Fund
To make supplemental appropriations from the American Rescue Plan Act - Coronavirus State Fiscal Recovery Fund for the fiscal year ending September 30, 2023.

Act #2023-45 - State Board of Licensure for Professional Engineers and Land Surveyors Sunset Law
Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Licensure for Professional Engineers and Land Surveyors until October 1, 2027.

Act #2023-50 - Alabama Construction Recruitment Institute Sunset Law
Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Construction Recruitment Institute until October 1, 2026.

Act #2023-83 - Alabama Onsite Wastewater Board Sunset Law
Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama On-site Wastewater Board until October 1, 2024.

Act #2023-99 - State Licensing Board for General Contractors Sunset Law
Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors until October 1, 2024.

Act #2023-180 - U.S. Produced Iron on Public Works Contracts
Relating to public contracts; to amend Section 39-3-4, Code of Alabama 1975, to provide requirements for the use of iron produced within the United States for certain public works projects under certain conditions.

Act #2023-288 - Municipal or County Motor Fuel Tax
Relating to municipalities and counties; to require the proceeds from motor fuel taxes levied by municipalities and counties to be used for road and bridge construction and maintenance with certain exceptions.



(Continued on page 7)

Alabama Legislative News:

(Continued from page 6)

Act #2023-316 - Contractor Liability

Relating to civil liability; to amend Sections 6-5-700, 6-5-702, and 6-5-703, Code of Alabama 1975, to establish certain conditions under which a contractor who performs work on a road, bridge, highway, or street shall be granted civil immunity; and to repeal Section 6-5-701, Code of Alabama 1975.

Act #2023-365 - Alabama Credential Quality and Transparency Act

Relating to credentials and the workforce; to create the Alabama Credential Quality and Transparency Act as a new Division 9, commencing with Section 41-29-350, Article 3, Chapter 29, Title 41, Code of Alabama 1975; to create the Alabama Terminal on Linking and Analyzing Statistics on Career Pathways Act as a new Division 10, commencing with Section 41-29-360, Article 3, Chapter 29, Title 41, Code of Alabama 1975; and to establish the Alabama College and Career Readiness Act by adding Section 41-29-298 to the Code of Alabama 1975; to provide for the creation of a free, searchable public online registry of educational and occupational credentials; to restrict the release of personally identifiable information; to provide procedures for handling data breaches; to establish a statewide definition of college and career readiness; 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 Section 111.05 of the Constitution of Alabama of 2022.

Act #2023-414 - Dam Safety

Relating to dam safety; to provide for the inspection of certain dams and reservoirs by an engineer; to provide for the Alabama Department of Environmental Management to serve as a public repository for dam related documents; to require certain dam owners to develop emergency action plans; to require certain dam owners to notify the department of any new dam construction or enlargement; and to provide for a Dam Rehabilitation Loan Program.

Act #2023-421 - Overtime Pay Taxation

Under existing law, gross income is defined for the purpose of state income tax. Also existing law exempts certain amounts from the calculation of gross income. This bill would exclude work performed in excess of 40 hours in any week from being included in the calculation of gross income.

Act #2023-433 - County Engineer for Marshall County

Relating to Marshall County; to further provide for the residency requirement of the county engineer.

Act #2023-443 - County Engineer for Talladega County

Relating to Talladega County; to amend Sections 1 and 3 of Act 91-522 of the 1991 Regular Session (Acts 1991, p.923), as amended by Act 2018-101 of the 2018 Regular Session, to further provide for the employment and duties of the county engineer; and to repeal Section 2 of Act 91-522, providing for nominations to fill the position by the state highway director.



Alabama Legislative News:

(Continued from page 7)

Act #2023-465 - Water Utilities

Relating to water utilities; to amend Act 2022-378 of the 2022 Regular Session, now appearing as Section 41-5A-12.2 of the Code of Alabama 1975, relating to certain nonprofit corporations providing water service and providing a one-time audit by the Department of Examiners of Public Accounts, to specify that the law applies to nonprofit corporations providing water service to its members or the public; and to authorize the department to conduct a one-time audit of a public corporation organized under Article 9 of Chapter 50 of Title 11, Code of Alabama 1975, providing water service if the department suspects fraud or mismanagement of funds.

Act #2023-497 - Threshold Dollar Amount Increase for which Competitive Bidding is Generally Required

Relating to public contracts; to amend Sections 41-16-50, 41-16-51, 41-16-52, 41-16-53, 41-16-54, and 41-16-55, Code of Alabama 1975, to increase the threshold dollar amount for which competitive bidding is generally required for certain state and local public awarding authorities, with exceptions; to amend Sections 39-2-2 and 39-2-4, Code of Alabama 1975, to increase the threshold dollar amount for which competitive bidding is generally required for public works contracts; to provide a legislative method for the increase of the threshold dollar amounts; 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 Section 111.05 of the Constitution of Alabama of 2022.

Act #2023-526 - Sales & Use Tax Exemption Certificates

Relating to taxation and revenue; to provide for the Department of Revenue to grant certificates of exemption from sales and use taxes to contractors and subcontractors licensed by the State Licensing Board for General Contractors for the purchase of building materials and construction materials to be used in the construction of a building or other project for an entity statutorily exempt from paying sales and use taxes; and to provide for accounting for purchases and enforcement for violations.

Act #2022-529 - Legal Notices

Relating to counties; to provide alternative virtual or electronic methods for the posting of certain public notices required by law.

Act #2023-530 - Industrial Access Roads and Bridges

Relating to use of industrial access roads and bridges; to amend Section 23-6-9, Code of Alabama 1975, to exclude certain industrial access roads constructed by certain public corporations from the public highway and street system of the state; and to make nonsubstantive, technical revisions to update the existing code language to current style.

Act #2023-534 - Joint Transportation Committee

Relating to the Joint Transportation Committee; to amend Sections 29-2-3 and 29-2-4, Code of Alabama 1975, to revise the process for electing the chair and vice-chair and provide further for the duties of the committee.



Alabama Legislative News:

(Continued from page 8)

Act #2023-537 - Alabama Transportation Infrastructure Bank

Relating to the Alabama Transportation Infrastructure Bank; to amend Sections 23-7-2 and 23-7-15, Code of Alabama 1975, to include additional entities, including tax increment districts, Alabama improvement districts, and cooperative improvement districts, as government units that may receive loans or financial assistance from the bank; to reduce the minimum project cost to be eligible for assistance from the bank; and to further provide for the bank's annual reporting requirements.

Act #2023-547 - Professional Services Contracts

Relating to contracts for professional services; to amend Section 41-4-133, Code of Alabama 1975, as last amended by Act 2022-357, to provide for the procurement of certain professional service contracts based on competitive, qualification-based policies and procedures; to provide for the advertisement of such contracts; and to subject such contracts to a fee schedule established by the Division of Construction Management of the Department of Finance, with exception.



Health & Safety:

June is Trench Safety Month:

June 2023 has been declared "Trench Safety Month" by the National Utility Contractors Association. This declaration of safety further highlights the association's innovative educational and safety program, the "Trench Safety Stand Down" week was held June 19-23, 2023.

TRENCHING SAFETY

5 Things You Should Know to Stay Safe

- ## 1

Ensure there's a safe way to enter and exit.
See 1926.651(c)


- ## 2

Trenches must have cave-in protection.
See 1926.652(a)


- ## 3

Keep materials away from the edge of the trench.
See 1926.651(j)


- ## 4

Look for standing water or other hazards.
See 1926.651(h)


- ## 5

Never enter a trench unless it has been properly inspected.
See 1926.651(k)



Occupational Safety and Health Administration
WWW.OSHA.GOV/TRENCHING • 800-321-OSHA (6742) • TTY 877-889-5627

OSHA 3774-06-2019



Health & Safety:

Avoiding Heat Stress

The sun and warm weather of summer can also bring special hazards for those working outdoors. The combination of heat, humidity and physical labor can lead to fatalities. The two most serious forms of heat-related illnesses are heat exhaustion (primarily from dehydration) and heat stroke, which could be fatal. Signs of heat exhaustion or heat stroke need immediate attention. Recognizing those warning signs and taking quick action can make a difference in preventing a fatality.

The following are guidelines all employees should follow during the warm weather months:

1. Understand what heat stress is and be able to recognize the symptoms. It is a signal that says the body is having difficulty maintaining its narrow temperature range. The heart pumps faster, blood is diverted from internal organs to the skin, breathing rate increases, sweating increases, all in an attempt to transfer more heat to the outside air and cool the skin by evaporation of sweat. If the body can't keep up then the person suffers effects ranging from heat cramps to heat exhaustion, and finally to heat stroke.

Symptoms of **Heat Exhaustion** include headaches, dizziness, lightheadness or fainting; weakness and moist skin; mood changes such as irritability or confusion; upset stomach or vomiting.

Symptoms of **Heat Stroke** include dry, hot skin with no sweating; mental confusion or loss of consciousness; seizures or convulsions. Seek professional assistance immediately.

2. Dry clothes and skin do not mean that you are not sweating. In dry climates, you might not feel wet or sticky, but you are still sweating. On a very warm day, you can lose as much as two liters of fluid.

3. Beat the Heat. Help Prevent the ill effects of heat stress by:

- Drinking water frequently and moderately (about eight ounces every 15 minutes.)
- If possible, avoid direct sunlight or other heat sources.
- Plan your day to tackle more strenuous jobs during the cooler morning hours.
- Utilizing the ventilation or fans in enclosed areas.
- Rest frequently in cool, shaded areas.
- Avoid alcoholic or caffeinated beverages and eat lightly.
- Remembering that it takes about one to two weeks for the body to adjust to the heat; this adaptation to heat is quickly lost — so your body will need time to adjust after a vacation or extended absence.
- Wearing lightweight, light-colored and loose fitting clothes.

4. Be prepared to act. In the event you recognize these symptoms in yourself or a co-worker, immediately notify your supervisor and contact emergency professionals.





OSHA ALERT

Prevent Heat Illness at Work

Outdoor and indoor heat exposure can be dangerous.

Nearly **3 out of 4** heat illness fatalities happen during the **first week of work**. New and returning workers need to build tolerance to heat by taking frequent breaks and working shorter shifts in the heat to start.

Dangerous heat exposure can occur indoors or outdoors, in any season. Employers can keep workers safe by following these simple safety practices:

- **Follow the 20% Rule** — on the 1st day, don't allow employees to work more than 20% of a shift at full intensity in the heat. Increase their time by no more than 20% a day until they are used to working in the heat.
- **Provide cool drinking water** — encourage workers to drink at least one cup every 20 minutes, even if they are not thirsty.
- **Rest breaks** — allow workers time to recover from heat in a shady or cool location.
- **Dress for the heat** — have workers wear a hat and light-colored, loose-fitting, breathable clothing if possible.
- **Watch out for each other** — encourage workers to monitor themselves and others for signs of heat illness.
- **Look for any signs of heat illness**, including fainting, dizziness, nausea, and muscle spasms, and act quickly — when in doubt, **call 911**.
- **Offer training** on the hazards of heat exposure and how to prevent illness.
- **Develop an Emergency Action Plan** on what to do if a worker shows signs of heat-related illness.

To learn more about heat illness prevention and first aid, visit www.osha.gov/heat.



OSHA alerts are issued on occasion to draw attention to worker safety and health issues and solutions.

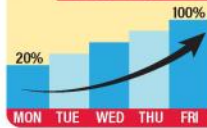


Prevent Heat Illness at Work

Outdoor and **indoor** heat exposure can be dangerous.

Ways to Protect Yourself and Others

Ease into Work. Nearly 3 out of 4 fatalities from heat illness happen during the first week of work.



- ✓ **New** and **returning** workers need to build tolerance to heat (acclimatize) and take frequent breaks.
- ✓ **Follow the 20% Rule.** On the first day, work no more than 20% of the shift's duration at full intensity in the heat. Increase the duration of time at full intensity by no more than 20% a day until workers are used to working in the heat.



Drink Cool Water

Drink cool water even if you are not thirsty — at least 1 cup every 20 minutes.



Take Rest Breaks

Take enough time to recover from heat given the temperature, humidity, and conditions.



Find Shade or a Cool Area

Take breaks in a designated shady or cool location.



Dress for the Heat

Wear a hat and light-colored, loose-fitting, and breathable clothing if possible.



Watch Out for Each Other

Monitor yourself and others for signs of heat illness.



If Wearing a Face Covering

Change your face covering if it gets wet or soiled. Verbally check on others frequently.

First Aid for Heat Illness

The following are signs of a medical emergency!



- Abnormal thinking or behavior
- Slurred speech
- Seizures
- Loss of consciousness

1

» **CALL 911 IMMEDIATELY**

2

» **COOL THE WORKER RIGHT AWAY WITH WATER OR ICE**

3

» **STAY WITH THE WORKER UNTIL HELP ARRIVES**



Watch for any other signs of heat illness and act quickly. When in doubt, call 911.

If a worker experiences:

Headache or nausea
Weakness or dizziness
Heavy sweating or hot, dry skin
Elevated body temperature
Thirst
Decreased urine output



Take these actions:

- » Give water to drink
- » Remove unnecessary clothing
- » Move to a cooler area
- » Cool with water, ice, or a fan
- » Do not leave alone
- » Seek medical care if needed



**Occupational
Safety and Health
Administration**

**For more information: 1-800-321-OSHA (6742)
TTY 1-877-889-5627 www.osha.gov/heat**

Federal law entitles you to a safe workplace. You have the right to speak up about hazards without fear of retaliation. See www.osha.gov/workers for information about how to file a confidential complaint with OSHA and ask for an inspection.

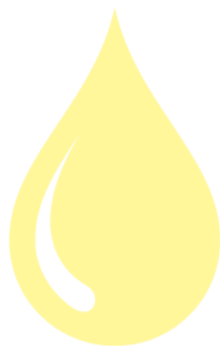
Health & Safety:

Dehydrated? **Urine trouble.**



Well hydrated

No trouble here!
Maintain hydration.



Hydrated

Drink a little more water
to stay out of trouble!



Dehydrated

Trouble! Drink water until
you are well hydrated.



Severely dehydrated

Big trouble!
Drink water
immediately!

Don't wait to hydrate! Prevent heat illness.



**Heat Illness
Prevention**

osha.gov/heat



**Occupational
Safety and Health
Administration**





United States
Consumer Product Safety Commission

Fireworks Injuries & Deaths

2022 REPORT

#CelebrateSafely

Safety Tips

- ★ Never allow children to play with or ignite fireworks, including sparklers.
- ★ Make sure fireworks are legal in your area before buying or using them.
- ★ Keep a bucket of water or a garden hose handy in case of fire or other mishap.
- ★ Light fireworks one at a time, then move back quickly.
- ★ Never try to re-light or pick up fireworks that have not ignited fully.
- ★ Never use fireworks while impaired by alcohol or drugs.
- ★ More Fireworks Safety Tips:
[cpsc.gov/fireworks](https://www.cpsc.gov/fireworks)

Injuries & Deaths



10,200

people were
treated in ERs
for fireworks injuries in 2022

11 Deaths
from Fireworks in 2022



How & When Injuries Occurred

2022 Injuries
by Firework Type



73%

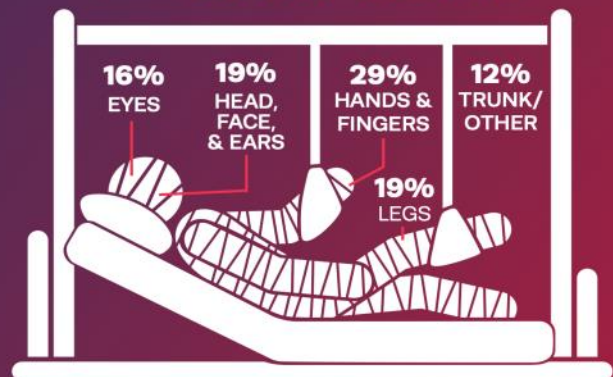
of injuries occurred
in the weeks before &
after the July 4th holiday



Most Injured Body Parts



38% of the injuries were
burns



Source: U.S. Consumer Product Safety
Commission 2022 Fireworks Annual Report



CPSC.gov
f @ i v
USCPS

Clean Water Construction Coalition Report

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

June 2023 Insights

Debt Limit Extension Agreement: the "Fiscal Responsibility Act of 2023"

- **Raises the debt ceiling:** Increases the debt limit for two years until January 1, 2025.
- **Caps non-defense spending:** Rolls back to FY22 levels, described as "remaining essentially flat," with a 1% annual growth for the next six years.
- **Defense spending:** Would be protected, rising about 3% for FY24.
- **Protects veterans' medical care:** Maintains full funding for veterans' health care and increases support for the PACT Act's toxic exposure fund by nearly \$15B for FY24.
- **Expands work requirements:** Temporarily broadens work requirements for certain adults receiving food stamps. Currently, childless, able-bodied adults ages 18 to 49 are only able to get food stamps for three months out of every three years unless they are employed at least 20 hours a week or meet other criteria. Raises the age to 54. Also expands exemptions for veterans, people who are homeless and others in the Supplemental Nutrition Assistance Program, or SNAP, as food stamps are formally known. All changes would end in 2030. No work requirements for Medicaid.
- **Recovers unspent Covid-19 relief funds:** Rescinds approximately \$30B in unspent funds from the Covid-19 relief packages but state and local government funds not included.
- **Cuts Internal Revenue Service funding:** Cancels the FY23 staffing funding for new IRS agents.
- **Restarts student loan repayments:** Requires borrowers to pay back their student loans starting at the end of August.
- **Appropriations incentives:** Requires all the appropriations bills be passed by year's end and, if not, a 1% spending cut would be enforced evenly to defense and nondefense programs.
- **Environmental permitting:** Limits Federal environmental reviews to one or two years.
- **Reduces the deficit:** By \$1.5T over a decade, according to the Congressional Budget Office.

Non-defense Spending Caps

The agreement does NOT specify or include specific program cuts. What it includes is an overall total cap on spending (for FY24, \$703.7B), leaving it to the appropriations process to decide how to "live" within the cap. Therefore, the agreement does not necessarily mean that each nondefense program will be cut by 1%. Some could be cut more; some not at all. Some could even get an increase as long as funding for other programs is offset. Of concern to the Coalition is what impact the nondefense spending caps will have on FY24 funding for the SRF's.

Clean Water and Safe Drinking Water SRF's: FY24 Versus FY22 Funding

For informational purposes, the following compares FY22 versus FY24 funding for the SRF's.



(Continued on page 17)

Clean Water Construction Coalition Report

(Continued from page 16)

For FY24, the general fund appropriation for the CWSRF base allotment (does not include takedowns like emerging containments) is expected to be \$1.639B plus another \$2.628B from the Bipartisan Infrastructure Law (BIF) for a total of \$4.267B. However, two factors could alter these – earmarks as a takedown as was done in FY22 (\$443M) and FY23 (\$863M), and/or an agreement to cap FY24 levels at FY22 amounts, as the House Republicans have proposed.

The same for the SDWRF. For FY 24, the general fund appropriation for the SDWSRF base allotment (does not include takedowns for emerging components, lead line replacement, etc.) is expected to be \$1.126B plus another \$3B from the BIF for a total of \$4.126B, again subject to a possible earmark takedown and/or or an agreement to cap FY24 levels at FY22 amounts, as the House Republicans have proposed.

For FY22, the CWSRF base allotment general fund appropriation after the earmark takedown was \$1.195B plus another \$1.902B from the BIF for a total of \$3.097B. So that's \$3.097B in FY22 versus potentially \$4.267B in FY24.

For FY22, the SDWSRF base allotment general fund appropriation after the earmark takedown was \$728.3M plus another \$1.902B from the BIF for a total of \$2.630.3B. So that's \$2.630B in FY22 versus potentially \$4.126B in FY24.

FY24 Appropriations Bills

No markups yet in either House. Bills on hold pending resolution of debt limit extension issue. A Continuing Resolution is becoming more and more likely. Uncertainty, per the above, as to how funding for the SRF's fares given the FY24 cap.

Earmarks

The Coalition continues to express concern about the FY23 appropriations process regarding final funding of the CWSRF and related earmarks. Going into final deliberations of the House and Senate Interior Appropriations Bills, funding for the CWSRF was basically about the same in both bills - @\$1.6B. Then came the decision to reduce spending overall. Instead of reducing earmark spending – owing to Member pressure – programs were cut including the CWSRF base allotment which was reduced to \$775.8M to accommodate related earmarks. The Coalition stated that continuance of that approach for FY24 and beyond is a real problem and counter to the goal of the Bipartisan Infrastructure Law which was to increase CWSRF spending over and above increases in the traditional appropriations process and not in lieu of reductions by that process. Regarding earmarks in general, this year both House Republicans and Democrats are heavy participants in the earmark process – House members requested about 5,000 earmarks, a nearly 7% increase over last year, for a total of \$19.4B. Also, 70% of House Republicans are participating in the earmark process this year compared to 50 percent two years ago. Senate earmark numbers are still being tabulated, but there is heavy participation from both sides.



Clean Water Construction Coalition Report

(Continued from page 17)

President's FY24 Budget

For the CWSRF, \$1.638B and for the Safe Drinking Water SRF, \$1.2B. The President's Budget rejects earmarks as a takedown from the basic SRF funding. For Title XVI, \$4M, the same as the FY23 Biden Budget but increased by the appropriators to \$60M, of which \$20M was for WIIN grants.

Issues/Bills of Interest

Alternative Water Source Program Funding - regarding the AWSP, it was authorized in the Bipartisan Infrastructure Law but was not funded. Again, all were in support of funding for the Program, which includes the language the Coalition requested that makes USBR recycled water projects that have not received construction funds eligible to apply for AWSP grants.

Mega Recycled Water Project Funding – continue to look for opportunities to increase funding for mega recycled water projects over and above the \$450M provided in the Bipartisan Infrastructure Law.

STREAM Act – on May 24, at the request of staff of Senator Feinstein, the Coalition sent a letter of support for the bill regarding its plan introduction. The bill is basically the same bill the Senator introduced last Congress and includes the following: \$300M over five years for water recycling, \$750M for surface and groundwater storage and conveyance projects, \$150M for desalination projects, \$100M for projects to provide drinking water for disadvantaged communities, and \$250M for environmental restoration projects.

Napolitano WIIN Grant Reform Bill - waiting on her office and the Natural Resources Committee Democrats for next steps. Her staffer said that the major features of the bill - increased funding, federal share increase, and repeal of prior approval appropriations requirement - were all included in the Bipartisan Infrastructure Law, and that now they are focusing on smaller items, if any, that were not included. This is an issue that the Coalition needs to research further because the Coalition's view is that the Napolitano bill, which authorizes the WIIN grant program, is different than the Bipartisan Infrastructure Law which appropriated WIIN grant funding, and thus, is still needed to support funding beyond the life of the Bipartisan Infrastructure Law, to codify the Federal share increase which was done this year by the USBR administratively and not by law and thus, could be undone as well, etc. Also, if the Napolitano bill of last Congress is not needed because it was overtaken by the Bipartisan Infrastructure Law, then why is Feinstein pursuing the STREAM Act which addresses the same issues as the Napolitano bill?

If there is an effort to pursue non-controversial infrastructure items, advocate for programs of interest such as those included in the House-passed "Build Back Better" bill:

- \$30B for Safe Drinking Water SRF lead service line replacement projects;
- \$100M for state public water systems;



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- \$700M to reduce lead in school drinking water;
- \$100M for large scale water recycling projects;
- \$1.15B for emergency drought relief;
- \$125M for Alternative Water Source Program grants;
- \$2B for sewer overflow and storm water reuse grants;
- \$4B for reduction of carbon in the surface transportation sector;
- \$4B for affordable and safe transportation access; and,
- \$6B for local surface transportation projects.

No funding for the Clean Water SRF is included in the House BBB. It does include new taxes.

Bill Tracking

Many bills are introduced. Most of them for political reasons. Most do not advance beyond introduction – committee hearing, markup, Floor action. Accordingly, we will only note bills of interest that are advancing through the legislative process and/or come to our attention.



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