



The Capitol Report February 2nd, 2007

Provided by The Georgia Railroad Association

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Today marks the 14th legislative day of the 40-day Georgia General Assembly. The pace has been slow so far this session. With the legislature in recess Monday, Tuesday and Wednesday of next week, House and Senate committees will have time to report more bills for possible consideration on the floor. The lawmakers will reconvene next Thursday for a three-day week, including a rare Saturday session.

Adverse Possession to be introduced next week.

Rep. David Ralston who is chairman of the House Judiciary – Non Civil committee will be the lead sponsor for the legislation to remedy future adverse possession problems in Georgia. GRA anticipates having a few other key sponsors as well. The bill to be introduced next Thursday will be the same as HB 1588 from last year's legislative session. After the bill is assigned a bill number and committee you will be encouraged to contact members to voice your support for this legislation.

EPD to schedule meeting to discuss locomotive emissions.

The Georgia EPD is currently designing a comprehensive air quality management plan to address violations of the 8 hour and 24 hour air quality standards. EPD states that in order to properly analyze the air quality impact of railyard equipment they need an accurate inventory of railyard emissions. Georgia EPD is requesting assistance from the Class I and shortline railroads in deriving a credible emissions inventory as well as in identifying feasible control measures for the non-attainment sector in Georgia. After the analysis is completed they will begin a stakeholder process to address the air quality impact from railyards and any state rulemaking that needs to take place.

The following counties are classified as non-attainment for the 8 hour ozone standard: Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties. Floyd County is listed as its own non attainment area. Chattanooga non-attainment area includes Chattooga and Walker Counties. The Macon non-attainment area includes Bibb and part of Monroe County.

Georgia EPD would like to set up the meeting between February 19- March 2 to discuss among other items the railroads perspective on their industry and activities relating to air quality. Please contact Susan Jenkins of your availability at 404-362-4598 or via email at susan_jenkins@dnr.state.ga.us by Feb. 6. A representative from GRA will attend this meeting whenever it is scheduled.

Railroad Day at the State Capitol scheduled.

GRA will host the 1st Annual Railroad Day at the Capitol February 14, 2007. The briefing for this event will be February 13 at 3:00 at the Hyatt Regency in Atlanta. Please plan on attending this event and schedule a dinner or meeting with your local representative during this time. A drop in breakfast for legislators will begin at 7:30am the morning of the 14th to provide more opportunities to meet with legislators. Registration material for this event will be coming soon.

Other Bills of Interest

HB 66 Davis 109th, A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to abolish the state income tax; to increase the rate of tax on the retail purchase, retail sale, rental, storage, use, or consumption of certain tangible property and on certain services; to provide for applicability with respect to building and construction materials and to certain services; to provide for application of sales and use taxes with respect to certain sales of motor fuels; to provide for conforming changes with respect to certain tax ceilings, imposition of taxes, collection from dealers, disposition of certain excess taxes, compensation of dealers for reporting and paying taxes, and payment of taxes by certain contractors; to provide for editorial revision; to provide for other matters relative to the foregoing. Ways and Means

HB 67 Martin 47th, Royal 171st, Collins 27th, Knight 126th, Scott 2nd, Mumford 95th A BILL to be entitled an Act to amend Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to specific, business, and occupation taxes, so as to repeal the corporate net worth tax. Ways and Means

HB 110 Jones 46th, Burkhalter 50th, Rice 51st, Mills 25th, Rogers 26th A BILL to be entitled an Act to amend Code Section 36-34-2 of the Official Code of Georgia Annotated, relating to general powers regarding administration of municipal government, so as to provide for additional requirements with respect to certain franchise fees. Energy, Utilities & Telecommunication

HB 124 Stephens 164th, Day 163rd, Tumlin 38th, Sims 169th Martin 47th, Royal 171st. A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem tax exemptions, so as to provide for an exemption for all tangible personal property constituting the inventory of a business. Ways and Means

HB 136 Coan 101st, Shaw 176th, O'Neal 146th, Rogers 26th, Millar 79th, Lindsey 54th. A BILL to be entitled an Act to amend Code Section 13-8-2 of the Official Code of Georgia Annotated, relating to contracts contravening public policy generally, so as to provide that any contract of insurance which provides for indemnification against liability for damages arising out of bodily injury to persons or damage to property caused by a promisee or indemnitee in connection with a contract or agreement relative to the construction, alteration, repair, or maintenance of a building structure, appurtenances, and appliances is against public policy, void, and unenforceable; to provide for related matters. Judiciary

HB 138 Coan 101st, Shaw 176th, O'Neal 146th, Rogers 26th, Millar 79th, Lindsey 54th BILL to be entitled an Act to amend Title 13 of the Official Code of Georgia Annotated, relating to contracts, so as to provide for the rejection of construction contracts when contractors, subcontractors, low tier subcontractors, or materialmen do not provide required insurance coverage; to provide for the definitions of certain terms; to prohibit an owner, contractor, or subcontractor from rejecting work completed, rejecting material supplied, or withholding payment due to lack of conforming insurance following acceptance of a policy or certificate of insurance. Judiciary

HB 143 Graves 12th, Day 163rd, Ehrhart 36th, Talton 145th, Teilhet 40th, Scott 2nd. A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to prohibit certain employers from prohibiting employees from lawfully carrying and possessing firearms in locked motor vehicles; to provide for immunity for employers who allow employees to possess firearms in locked vehicles on the premises of such employer; to provide for civil remedies. Judiciary Non Civil

HB 161 Lunsford 110th, Yates 73rd, Ashe 56th, Royal 171st, Floyd 147th A BILL to be entitled an Act to amend Titles 32 and 48 of the Official Code of Georgia Annotated, relating, respectively, to highways, bridges, and ferries and revenue and taxation, so as to provide for an additional method of right of way acquisition by the Department of Transportation; to provide for income tax credits with respect to qualified right of way acquisition; to provide for definitions; to provide for conditions, limitations, and exclusions; to provide for authority of the state revenue commissioner and the Department of Transportation with respect to the foregoing; to provide for reassessment of property with respect to which a right of way has been acquired. Ways and Means

HB 173 Holmes 61st, Bruce 64th, Books 63rd, Williams 89th, Stanley Turner 53rd, Fludd 66th A BILL to be entitled an Act to amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, so as to authorize the imposition of a local option sales and use tax for transportation within special districts; to provide for applicability with respect to the ceiling on local sales and use taxes; to establish special districts; to provide for procedures, conditions, and limitations for the imposition, collection, disbursement, and removal of the tax; to provide for powers, duties, and authority of the state revenue commissioner

HB 176 Scott 2nd, Loudermilk 14th, Neal 1st, Setzler 35th Franklin 43rd A BILL to be entitled an Act to amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxes, so as to provide for a gradual reduction in the state income tax rate for corporations over a period of years; to abolish the state income tax for corporations effective for tax years beginning on or after January 1, 2010; to provide for the collection of income taxes prior to such abolishment. Ways & Means

HB 178 Scott 2nd, Graves 12th, Lindsey 54th, Stephens 164th, Williams 4th A BILL to be entitled an Act to amend Code Section 48-8-49 of the Official Code of Georgia Annotated, relating to dealers' sales and use tax returns, so as to change certain provisions regarding estimated tax liability; to repeal conflicting laws. Ways & Means

HB 182 Martin 47th, Royal 171st, Scott 2nd, Williams 4th A BILL to be entitled an Act to amend Code Section 48-5-274 of the Official Code of Georgia Annotated, relating to the establishment of the equalized adjusted property tax digest, so as to provide that positive tax allocation increments shall not be used in calculating certain tax digest amounts. Ways & Means

HB 186th Cole 125th, O'Neal 146th, Smith 129th, Golick 34th, Maddox 172nd, Pruett 144th A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide for a five-year exemption regarding the sale of tangible personal property to, or used in or for the construction of, a new alternative fuel facility dedicated exclusively to the processing and production of ethanol, biodiesel, and butanol; to provide for definitions; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing. Ways & Means

HB 192 Smith 129th, Everson 106th Rogers 26th Loudermilk 14th A BILL to be entitled an Act to amend Code Section 32-2-61 of the O.C.G.A.,, relating to limitations on the Department of Transportation's power to contract, so as to provide for an increase in the amount for which the department may execute a negotiated contract; to amend Code Section 32-2-70 of the O.C.G.A., relating to bonds to be posted by successful bidders on department contracts, so as to increase the amount of the contract that requires such bonds; to amend Code Section 32-4-63 of the O.C.G.A., relating to limitations on a county's power to contract, so as to provide for an increase in the amount for which a county may execute a negotiated contract; to amend Code Section 32-4-67 of the O.C.G.A., relating to the proposal guaranty by the bidder on a county contract, so as to exempt contracts for engineering or other professional services from the guaranty. Transportation

HB 193 Burkhalter 50th, Ehrhart 36th, Harbin 118th A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxation, so as to provide for an additional, limited period of time for a sales and use tax exemption under certain circumstances of jet fuel sold to or used by certain qualifying airlines. Ways & Means

HR 48 Rogers 26th, Harbin 118th, Smith 129th, Smith 113, Floyd 147th, Graves 12th. A RESOLUTION proposing an amendment to the Constitution so as to provide that funds derived from sales and use and motor fuel taxes with respect to jet fuel and aviation gasoline may be appropriated for and grant made for all activities incident to providing and maintaining an adequate system of public-use airports in this state; to authorize the General Assembly to allocate and specify and direct the use of such funds by general law; to provide for submission of this amendment for ratification or rejection; and for other purposes. Ways and Means

HR 149 Epps 128th, Buckner 130th, Nix 69th A RESOLUTION creating the Joint Study Committee on the Viability of Commuter Rail Service from Atlanta to West Point; and for other purposes. Transportation

SB 13 Brown 26th, Davenport 44th A BILL to be entitled an Act to amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, so as to provide for a substantive and comprehensive reform of provisions regarding the minimum wage law; to provide for legislative findings; to provide for an increase in the minimum wage; to provide for annual minimum wage increases to match the rising cost of living; to provide a credit toward the minimum wage for employers of tipped workers; to eliminate various eligibility exemptions from the minimum wage. Insurance and Labor

SB 43 Rogers 21st, Whitehead 24th, Williams 19th, Johnson 1st, Heath 31st, Mullis 53rd A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to prohibit certain employers from prohibiting employees from lawfully carrying and possessing firearms in locked motor vehicles; to provide for immunity for employers who allow employees to possess firearms in locked vehicles on the premises of such employer; to provide for civil remedies. Judiciary

SB 73 Shafer 48th, Hudgens 47th, Moody 56th A BILL to be entitled an Act to amend Article 3 of Chapter 20A of Title 33 of the Official Code of Georgia Annotated, relating to managed health care plans, so as to provide for continued access to care for all managed health care plan enrollees subsequent to the termination of physician and facility contracts. Insurance & Labor

SB 92 Pearson 51st, Mullis 53rd, Balfour 9th, Seabaugh 28th, Rogers 21st A BILL to be entitled an Act to amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, so as to provide for collection of certain data; to provide for powers, duties, and authority of the state revenue commissioner, the Department of Revenue, and the Department of Community Affairs with respect to the foregoing; to provide for other matters relative to the foregoing. Finance

SB 96 Golden 8th, Stoner 6th A BILL to be entitled an Act to amend Article 11 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to drug-free workplace programs, so as to provide for onsite testing; to provide for oral testing Insurance & Labor

Please remember to use the website: www.georgiarailroad.org to stay current on GRA activities

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