



## The Capitol Report February 6th, 2005

Provided by The Georgia Railroad Association

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*The General Assembly has completed 13 of the prescribed 40 days for the 2006 session. They will return today, and then recess on Tuesday for the funeral of Coretta Scott King. The lawmakers will reconvene Wednesday.*

### **Adverse possession bill in the works.**

Senator Jeff Chapman is expected to introduce legislation this week on behalf of GRA to change Georgia's adverse possession law. Over the years, that law has allowed neighboring landowners to take possession of portions of railroad rights of way just by using the land for a period of seven years or more.

Chapman's bill would extend to railroads an exemption from adverse possession that already exists for the State. Under Chapman's bill, the official railroad maps filed with the Interstate Commerce Commission in 1913 would be the primary determining factor in any disputes over railroad rights of way.

### **Panel approves hit on employer property rights.**

The House Public Safety Committee Friday gave a "do pass" recommendation to legislation that would force employers to allow firearms in automobiles parked in their parking lots. HB 998 provides that "It shall be lawful for any person who may lawfully possess firearms to park a motor vehicle on any property set aside for the parking of a motor vehicle, whether or not such property is designated as a parking lot, parking facility, or parking space, when the person is lawfully transporting or storing a firearm or firearms in the motor vehicle and the firearms or firearms are locked in or locked to the motor vehicle." A provision was added to the bill allowing an employer to prohibit firearms in its parking lot if that employer provides a system for checking, storing, and securing firearms on its property.

Introduced by Rep. Tom Graves, HB 998 attempts to remove any liability that a property owner might encounter arising from incidents related to the presence of firearms in parked vehicles.

Reps. Mack Crawford, Pat Gardner, and Lynmore James voted against the measure, which passed on a 6 to 3 vote despite vigorous opposition from the Georgia Chamber of Commerce and other business groups. The bill could be on the House floor by Wednesday of next week.

### **Resolution could extend open records to railroads.**

Resolutions have been introduced in both chambers calling for a constitutional amendment extending the open meeting and open records law to "any private corporation performing a public purpose." SR 790 by Senator David Adelman was referred to the Senate Rules Committee, and HR 1235 by Rep. Don Wix was referred to the House Judiciary Committee.

If approved by the General Assembly, the resolutions would put the following question on the ballot for consideration by the voters.

"Shall the Constitution of Georgia be amended so as to provide that all records and meetings of any governmental body, political subdivision of the state, authority, or private corporation performing a public purpose shall be open and accessible to the people?"

This language would clearly include utilities, and railroads are regulated as public utilities by the Public Service Commission.

Every Democrat in the Senate co-sponsored SR 790, and all of the HR 1235 sponsors are Democrats, indicating that the primary purpose of these resolutions may be political.

**Eminent domain moratorium passes out of the Senate.**

The moratorium bill by Senator Jeff Chapman that was pulled from the Senate calendar at the request of the Administration was back on the floor of the Senate on Friday. The measure passed out with a resounding vote of 52-0. Senate bill 391 exempts road projects and governmental facilities from the moratorium. The 120 day moratorium on governments' use of eminent domain will give the Administration time to work on its own eminent domain bill, which will likely be the measure that moves through the General Assembly.

So far, all of the focus has been on stopping local governments from condemning private property just so it can be redeveloped. There appears to be no intention of curbing the traditional use of eminent domain for public infrastructure purposes.

**Other Bills of interest:**

**SB 86: Chapman of the 3rd** – would provide for a limitation on the public purposes for which eminent domain may be exercised. Passed Senate in 2005 but remains in House Judiciary Committee.

**SB 285: Rogers of the 22nd** – a GRA bill to repeal antiquated portions of the Georgia code relating to railroads as well as provisions that have been pre-empted by federal law. Passed the Senate in 2005 but remains in House Transportation sub-committee.

SB 493 relating to ad valorem taxation of property, so as to provide for an exemption from ad valorem taxation on undeveloped land areas within buffer zones established by law or local ordinance adjacent to rivers, perennial streams, or reservoirs, within which buffer zones land-disturbing activity is prohibited and which areas remain in their natural, undisturbed state of vegetation; to eliminate and supersede a provision for current use assessment for buffer zone areas.

**HB 83: Lunsford of the 110th** – would provide that small businesses may select group health coverage plans without regard to mandated coverage. House Insurance Committee.

**HB 137: Lunsford of the 110th** – would create the Georgia Transportation Infrastructure Bank which would be authorized to make loans to qualified borrowers to finance eligible costs of qualified transportation projects by government units and private entities. Ways & Means Committee.

**HB 202: McCall of the 30th** – would provide for a sales and use tax exemption for materials used in the quarrying and manufacturing of granite into items for sale at retail. House Ways & Means Committee.

**HB 230: Bruce of the 64th** – to provide that an employer shall not discharge or penalize an employee for taking reasonable time – up to eight hours per year – to attend a parent-child conference or school program. House Industrial Relations sub-committee.

**HR 254: Smith of the 129th** – A resolution requesting that before any state funds are committed to the Lovejoy to Atlanta rail project that all local governments served by the project agree, by local referendum or other binding document, to subsidize the difference between operating costs and income. Recommitted to House Transportation Committee.

**HB 361: Smith of the 13th** – to change provisions regarding collections and expenditures regarding roads; to change provision regarding priority of expenditures from the State Public Transportation Fund; to change provisions regarding allocation of state and federal road funds; to change applicability of sales and use tax to motor fuel sales. Recommitted to Ways & Means Committee.

**HB 523: Davis of the 109th** – would prohibit public expenditures on passenger rail projects under certain circumstances; would require signed agreements before public expenditures are made on rail projects. House Transportation Committee.

**HB 1106: Graves of the 12th** -- Relating to weight of vehicle and load, so as to exempt from penalties for exceeding axle weights trucks hauling construction aggregates. The exemption would not apply to trucks exceeding the 80,000 pound gross weight limit. Favorably reported by House Transportation Committee February 1.

#### **Upcoming events for GRA**

The planning committee for the *spring conference* will be meeting February 21, 2006 in Atlanta. If you wish to participate in the planning of the Spring Conference please contact the GRA office at 770.516.4636 or Sharon Dunn by email at [sharondunn@alltel.net](mailto:sharondunn@alltel.net). GRA 2006 Spring Conference at Lake Lanier Islands, May 31-June 2. Please mark your calendars.

**Attention Associate Members!** If you have personnel changes or company announcements you would like included in the GRA newsletter you may forward them to [sharondunn@alltel.net](mailto:sharondunn@alltel.net) or [jrpoole1@bellsouth.net](mailto:jrpoole1@bellsouth.net).

#### **GRA Directory: New Members, Services and Categories!**

Remember to use the GRA website when shopping for goods and services. It's fast and easy! Just go to [www.georgiarailroad.org](http://www.georgiarailroad.org) and click on "DIRECTORY" on the upper left navigation bar on the home page. Then click on "services" at the top of the directory page for a list of service providers from "bridges" to "welding."