



The Capitol Report February 8, 2010

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The Georgia General Assembly has now completed 13 of its prescribed 40 legislative days. The lawmakers will meet Monday through Thursday of this week, and then are expected to meet Tuesday through Thursday for much of the remainder of the session.

Director of Planning testifies before House committee.

Todd Long, Director of Planning at Georgia DOT testified before the House Transportation Committee updating members about the state-wide transportation plan. Long stated that the plan does not favor "planes, trains or automobiles but favors performance, efficiency, and affordable freight movement." The plan must be a financially realistic plan; currently Georgia invests less per capita than any other state with the exception of Tennessee. Long pointed out that other states draw from multiple sources to meet their funding needs while Georgia only draws from two: federal and state motor fuel tax.

Long testified that transportation projects were selected from the Statewide Transportation Improvement Program (STIP). Efforts were made to balance projects in the metro Atlanta area as well as outside of the metro region. Emphasis was also placed on the Port of Savannah. Currently only 18% of containers coming in from the port leave by rail. After the deepening of the Savannah River to allow for bigger ships it will be even more important to have an efficient way to move freight out of the port. To view the state wide plan in full you can [access it on the Georgia DOT website](#).

Administration water bill introduced.

Legislation to implement the Comprehensive Statewide Water Plan was introduced Friday in the House by Natural Resources Committee Chairman Lynn Smith. HB 1094 focuses primarily on voluntary residential and commercial water conservation.

Section 4 of the bill requires the Environmental Protection Division to establish "a program to encourage voluntary monitoring of surface-water withdrawals by permittees." However, there is no mention of withdrawal limits or permit requirements.

Section 7 would require the installation of high efficiency cooling towers in new construction permitted on or after July 1, 2012.

The bill would also create a twelve-member "Joint Committee on Water Supply" to be co-chaired by the chairmen of the House and Senate Natural Resource Committees. The committee would study the current status of the state's reservoir system and "conduct a comprehensive analysis of the state's strategic needs for additional water supply."

Under this bill, the Department of Natural Resources and its Environmental Protection Division, along with the Environmental Facilities Authority, the Department of Community Affairs, the Forestry Commission, the Department of Community Health, Department of Agriculture, and the Soil and Water Conservation Commission must "examine their practices, programs, policies, rules, and regulations to identify opportunities to provide enhanced programming and incentives for voluntary water conservation."

Senate panel approves restrictions on health plans.

The Senate Insurance and Labor Committee this week passed SB 50, a carryover bill that regulates the application of medical fee discounts in group health plans. Introduced by Chairman Ralph Hudgens, the bill intrudes into contractual agreements so that referrals to "downstream" providers would not be bound by any contractual discounts. Backed by the Medical Association of Georgia, the bill would affect self-insured employers as well health insurance plans.

2010 Georgia Logistics Summit

Please plan to attend the 2010 Logistics Summit at the Cobb Galleria Centre April 29th. Guest speakers are Governor Perdue (invited), Victor Mendez FHA (invited), Todd Long, GA DOT, Page Sipplon, Georgia Center of Innovation for Logistics, and private industry speakers. This event sold out early so please reserve your seat soon. Full event information is available on our website www.georgiarailroad.org

Bills of Interest: (click on the bill number to see the bill in it's entirety)

[HB 204](#) Sims 169th amend Part 1 of Article 1 of Chapter 8 of Title 48 relating to general provisions regarding sales and use taxation, so as to change certain provisions regarding applicability of sales and use tax to motor fuel

sales; to **provide for an exemption from state sales and use tax on the sale or use of diesel fuel used to propel locomotives.**

[HB 887](#) Levitas 82nd to amend Chapter 1 of Title 34 , relating to general provisions relating to labor, so as to change provisions relating to an employer's immunity for disclosing job performance information; to provide for civil immunity under certain circumstances; to provide for related matters. *House Industrial Relations*

[HB 1023](#) Graves 12th an Act to enact the Jobs, Opportunity, and Business Success Act of 2010; to amend Title 14 , relating to corporations, partnerships, and associations, so as to provide for a period of time for the waiver of certain filing fees otherwise charged in connection with such entities; to amend Title 34, relating to labor and industrial relations, so as to provide that, for a period of time, employers who hire persons receiving employment security benefits shall be entitled to a credit against employer contributions; to amend Title 48, the "Georgia Public Revenue Code," so as to provide that a portion of net long-term capital gains shall be excluded from state taxable income of corporations and individuals. *Special Committee on Small Business Development and Job Creation*

[HB 1024](#) Scott 2nd an Act to enact the Jobs, Opportunity, and Business Success Refund Act of 2010; to amend and enact provisions intended to provide for tax relief and encourage employment opportunities and business stimulation; to amend Title 48, the "Georgia Public Revenue Code," so as to eliminate the requirement for dealers to make returns and remittances with respect to estimated sales and use tax liability. *House Ways & Means*

[HB 1029](#) Scott 153rd an Act to amend Article 2 of Chapter 7 of Title 48, relating to imposition, rate, computation, and exemptions regarding income taxes, so as to abolish state income tax for corporations; to provide for the collection of prior income taxes; to provide that this Act shall not abate or affect prosecutions, punishments, penalties, administrative proceedings or remedies, or civil actions related to certain violation. *Ways & Means*

[HB 1060](#) Stephens 164th BILL to be entitled an Act to amend Chapter 2 of Title 52, relating to the Georgia Ports Authority, so as to provide for the comprehensive revision of provisions regarding such authority; to change certain provisions regarding definitions; to change certain provisions regarding projects and facilities; to change certain provisions regarding powers of such authority; to change certain provisions regarding revenue bonds; to change certain provision regarding fees, rentals, and charges; to change certain provisions regarding operational duties; to change certain

provision regarding status, investment, sale, and reinvestment of moneys.
House Ways & Means

[HB 1077](#) Fludd 66th an Act to amend Title 48, relating to revenue and taxation, so as to increase the excise tax on motor fuel; to provide for an income tax credit for qualified motor fuel expenses; to provide for a definition; to provide for conditions and limitations; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing. *Ways & Means*

[HB 1087](#) Long 61st an Act to amend Article 1 of Chapter 9 of Title 12 , relating to air quality, so as to provide collective emissions limitations for facilities emitting pentachlorophenol near primary and secondary schools; to provide for penalties for noncompliance with such emissions limitations; to provide that compliance shall not alter the obligation to comply with other laws or regulations; to provide a definition of the term "pentachlorophenol"; to provide for powers and duties of the director of the Environmental Protection Division of the Department of Natural Resources. *House Natural Resources*

[HB 1099](#) Porter 143rd an Act to amend Chapter 8 of Title 48, relating to sales and use taxes, so as to provide for a phase in on the dedication of a portion of the state sales and use tax on motor fuels to transportation purposes; to provide for an exemption from the cap on the imposition of local sales and use taxes. *House Ways & Means*

[HR 1300](#) Porter 143rd A RESOLUTION proposing an amendment to the Constitution so as to provide that an amount equal to the state sales and use tax collected on sales of motor fuels for the purpose of propelling motor vehicles on the public roads of this state not otherwise exempted by general law shall be appropriated for transportation purposes; to authorize the General Assembly to appropriate and direct the use of such funds by general law; to provide for the formation of special transportation districts and authorize the levy of a regional local option transportation sales and use tax if approved by referendum. *House Ways & Means*

[SB 305](#) Mullis 53rd an Act to amend Code Section 32-2-81 relating to use of the design-build method of implementation of transportation projects, so as to increase the percentage of projects that may be contracted for using the design-build method. *Senate Transportation*

[SB 323](#) Pearson 51st an Act relating to the evaluation of private participation in the financing of transportation projects, so as to require local and small business participation in such projects *Senate Transportation*

[SB 365](#) Thomas 54th an Act to amend Part 2 of Article 6 of Chapter 6 of Title 32, relating to railroads, so as to provide for the installation of active warning devices following a collision at any unmarked railroad grade crossing. *Senate Transportation*

[SB 366](#) Stoner 6th an Act to amend Chapter 8 of Title 48 , relating to sales and use taxes, so as to provide for a phase in on the dedication of a portion of the state sales and use tax on motor fuels to transportation purposes; to provide for an exemption from the cap on the imposition of local sales and use taxes; to provide for definitions; to provide for an up to 1 percent sales and use tax to be used to fund transportation purposes in special transportation districts within the state; to provide for exemptions. *Senate Transportation*

[SR 821](#) Shafer 48th A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to allow the Georgia Department of Transportation to enter into multiyear construction agreements without obligating present funds for the full obligation to the state under the full term of such agreements; to provide for procedures, conditions, and limitations; to provide for the submission of this amendment for ratification or rejection; and for other purposes. *Senate Transportation*

[SR 930](#) Douglas 17th recognizing and commending CSX Transportation, Inc.; and for other purposes.

[SR 972](#) Stoner 6th RESOLUTION proposing an amendment to the Constitution so as to provide that an amount equal to the state sales and use tax collected on sales of motor fuels for the purpose of propelling motor vehicles on the public roads of this state not otherwise exempted by general law shall be appropriated for transportation purposes; to authorize the General Assembly to appropriate and direct the use of such funds by general law; to provide for the formation of special transportation districts and authorize the levy of a regional local option transportation sales and use tax if approved by referendum; to provide for submission of this amendment for ratification or rejection; *Senate Transportation*