



## The Capitol Report February 9th, 2007

Provided by The Georgia Railroad Association

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*Today marks the 16th legislative day of the 40-day Georgia General Assembly. The lawmakers will be in session again tomorrow and will meet Monday through Thursday of next week. At that point the 2007 legislative session will be one day past the mid-point of the session. After recessing on Friday February 16, the legislature will reconvene on Tuesday the 20th and meet through Thursday, February 22. Friday the 23rd and Monday the 26th are scheduled as recess days.*

### **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 will be introduced after Chairman Ralston has the additional co signers. After the bill is assigned a bill number and committee you will be encouraged to contact members to voice your support for this legislation.

### **Senate panel passes "bring your guns to work" bill.**

Late yesterday, the Senate Judiciary Committee approved legislation to prohibit employers from banning guns in parking lots, but not before making a bad bill worse. SB 43 by Senator Chip Rogers of Woodstock is now in the Senate Rules Committee.

As introduced, SB 43 exempted employers from liability arising out of any act related to guns in their parking lots. At the request of the Georgia Trial Lawyers Association, the Committee amended the bill to put employer liability into the bill, even when the employer "should have known" that an act of violence might occur. In effect, this leaves employers in a "catch 22" where any action they take -- or don't take -- can make them liable for the gun-related acts of employees. If an employer takes action against an employee that they think might be dangerous and that employee responds with a violent, gun-related act, the employer may be liable. Conversely, if the employer does nothing and the individual commits a violent act with a gun, the employer may be liable because he "should have known" such an act would occur.

As approved by the Senate Judiciary Committee, SB 43 still exempts employers who provide "a secure parking area which restricts general public access through the use of a gate, security station, or other similar means of limiting public access." The bill also does not apply to company vehicles.

GRA members concerned about this legislation should contact their state Senators right away. Contact information can be found at [www.legis.state.ga.us](http://www.legis.state.ga.us). Arguments against SB 43

- Diminishes employer property rights.
- Diminishes employers' ability to set policies for their own operations on their own property.

- Undermines Georgia's status as an "employment-at-will" state, and opens the door for state interference on any number of company policy issues.
- Create huge new liabilities for employers that they simply will not be able to avoid, regardless of any action they take or don't take.

Similar legislation, HB 143, is still in the House Judiciary-Non-Civil Committee, and no hearing has yet been scheduled on that measure.

### **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.

### **Go21 at the Capitol**

Go21 is a non profit, public interest organization that promotes the increase use of freight rail transportation. Kristin Siegel with Go21 was at the Capitol this week making contact with key legislators. GRA assisted her in identifying key legislators in Congressmen Lewis, Linder and Westmoreland's districts. State legislators were asked to send a letter to the Delegation requesting their support of the Capacity Expansion Act (S. 3742)

### **GRA Spring Conference**

Don't forget to mark your calendar for the 2007 Spring Conference at the King & Prince Resort on St. Simons Island. The conference will be May 29-31. The format will be the same as previous conferences with receptions, golf tournament, group dinner and morning meetings. If you have ideas for the agenda please let us know at sharondunn@alltel.net

### **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. Passed **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 **Ways and Means**

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 and 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 and 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 and 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 and 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. **Passed 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 and Means**

HB 289 Roberts 154, Freeman 140, Williams 178, Sims 119, Hatfield 177, Peake 137 A BILL to be entitled an Act to amend Article 11 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of public utilities, so as to provide an exemption for eligible expenses for maintenance, repairs, and improvements of a railroad equipment company's railroad cars. **Ways and 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. **Passed 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**

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