



The Capitol Report February 17th, 2006

Provided by The Georgia Railroad Association

P.O. Box 2363

Woodstock, GA 30188

770-516-4636

Today marked the halfway point of the 2006 Georgia legislative session as the General Assembly completed its 20th legislative day. Hopes for a quick and easy session have dimmed somewhat due to wide differences between House and Senate versions of the 2007 budget. The legislature will be in session only three days next week – Tuesday through Thursday – and will likely follow a similar schedule the following week

Panel to hear cargo theft bill.

A House Judiciary subcommittee will consider legislation Tuesday that could provide a significant tool for combating cargo theft. HB 1275, introduced by House Transportation Chairman Vance Smith, would provide for revocation of the commercial driver's license of anyone convicted of cargo theft from a railroad or other common carrier.

GRA suggested last year that revocation of the commercial drivers' license might be a strong deterrent to cargo theft. Indications are that HB 1275 will be approved by the subcommittee and move on to the full House Judiciary Committee.

Governor's eminent domain bill receives first hearing.

The Administration's eminent domain bill, HB 1313, was heard in the Judiciary committee on Tuesday of this week. HB 1313 provides that neither the state nor any political subdivision nor any other condemning entity "shall use eminent domain unless it is necessary for public use."

GRA has met with administration staff and the Governor's Floor Leader, Rep. Rich Golick, to state some concerns with the legislation as currently written. In this bill, railroad companies still retain the power of eminent domain, but inconsistencies in some sections could be troublesome in future litigation. The administration and sponsor are willing to accept suggestions from GRA that would make the language consistent throughout the bill.

In addition to HB 1313, the Governor's eminent domain package includes a proposed Constitutional amendment, HR 1306, limiting the condemnation powers of un-elected authorities and requiring that the condemnation of property for redevelopment must be approved by the governing authority of the local government.

Has gun bill hit a snag?

Just a couple of weeks ago, legislation to require employers to allow employees to keep guns in their cars on company parking lots seemed destined for quick passage. The NRA-backed bill zipped through the House Public Safety Committee on Feb. 6 and had the support of key House leaders as it reached the Rules Committee. However, HB 998 remains on the General Calendar and still has not made it onto the Rules Committee consideration calendar.

Passage of HB 998 this election year would put Governor Perdue in a no-win situation. Veto the bill and he draws the ire of the NRA and a possible avalanche of mailings against his

re-election. Sign the bill and he goes against a major part of his political base, a business community united in opposition to the measure.

Adverse possession likely a project for '07.

Even as a state senator backed away from sponsoring adverse possession legislation, a respected state representative has taken a strong interest in the issue. While a bill could be introduced this year, the complexities of the issue probably will make this a GRA project for 2007.

Senator Jeff Chapman informed GRA this week that he will be unable to sponsor an adverse possession bill this year due to his heavy involvement in the eminent domain legislation. However, Rep. Mack Crawford, an attorney from Concord, is now exploring the issue in detail. Rep. Crawford will make a decision soon on whether to introduce legislation this year or hold off until the 2007 legislative session.

Bill Status Report:

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.

SR 790: Golden: A Resolution proposing an amendment to the Constitution so as to provide that all records and meetings of any government, authority, or private corporation performing a public purpose shall be open to the public; to provide for the submission of this amendment for ratification or rejection.

SB 524: Mullis of the 53rd – to provide that noise-related local ordinances may not be construed to regulate land use. Referred to Senate State and Local Government Operations 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. Still in Ways & Means 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 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 trucks hauling construction aggregates from penalties for exceeding axle weights. The exemption would not apply to trucks exceeding the 80,000 pound gross weight limit. Passed House and now in Senate Transportation.

HR 1235: Wix of the 33rd -- A RESOLUTION proposing an amendment to the Constitution so as to provide that all records and meetings of any government, authority, or private corporation performing a public purpose shall be open to the public; to provide for the submission of this amendment for ratification or rejection.

HB 1337: Lunsford of the 110th – relating to limited access roads, to allow DOT to lease certain state property for the purpose of commercial development. Referred to House Transportation Committee.

HR 1339: O'Neal of 146th – A Resolution proposing a Constitutional Amendment to authorize the General Assembly to provide by statute for the creation and regulation of infrastructure development districts. Referred to House Ways & Means Committee.

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 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."