



The Capitol Report
February 18th, 2005
Provided by The Georgia Railroad Association
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The Georgia General Assembly has passed the halfway mark of the 40-day legislative session. Highlighting the action this week was final passage of a very favorable tort reform bill, signed by the Governor just two days after it cleared its final legislative hurdle. The legislature will be in recess Monday and reconvene for the 22nd legislative day on Tuesday, February 22.

Infrastructure improvement measure includes rail.

A bill introduced in the House this week would amend a current law dealing with financing environmental facilities to include financing other forms of infrastructure, including railroad facilities. HB 436 would convert the existing Environmental Facilities Authority into the Georgia Environment and Infrastructure Financing Authority. Sponsors include Rep. John Lunsford, Majority Leader Jerry Keen, Administration Floor Leader Rich Golick, Ways & Means Chairman Larry O'Neal, and Transportation Chairman Vance Smith.

HB 436 defines "infrastructure" as "a highway, air transport, airport, *rails*, or transit project which provides public benefits by enhancing mobility and safety, promoting economic development, or increasing the quality of life and general welfare of the public; mass transit systems including, but not limited to, monorail and mass transit systems; land acquisition, *rail spurs*, access roads, gas and electric lines, equipment or other fixed assets, infrastructure for businesses creating or retaining jobs..." The definition further includes "belt line railroad sidings and lead tracks, bridges, causeways, terminals for railroad, automotive, and air transportation, transportation facilities incidental to the project..."

The new Georgia Environment and Infrastructure Financing Authority would provide "grants, loans, bonds, and other forms of financial and technical assistance to local governments and instrumentalities of the state" for industrial development purposes as well as conservation and environmental purposes. The bill is now in the House Ways & Means Committee.

Panel amends, passes truck weight variance.

The House Transportation Committee yesterday amended then favorably reported legislation to provide a weight variance for hauling farm or forest products from the field or forest. As introduced, HB 279 would have provided a 10 % weight variance for trucks traveling up to 150 miles after leaving the field or forest. As amended in the Committee, the bill provides a 5% weight variance and a 100-mile travel distance.

Sponsored by Reps. Johnny Floyd, Jay Roberts, Richard Royal, and Mack Crawford, HB 279 was approved over the objections of the Georgia Department of Transportation as well as GRA. The DOT made a good case for lowering the weight variance to 2%, but to no avail.

HB 279 is now in the House Rules Committee and could go before the full House of Representatives next week. Members of GRA are encouraged to contact their State Representatives regarding this legislation.

Mandated leave bill tabled.

The Georgia Railroad Association joined the Georgia Chamber of Commerce and several other business groups in testifying against a bill that would require employers to grant employees time off to attend school functions. HB 230 was tabled by a House Industrial Relations subcommittee, but may be reconsidered next week.

Introduced by Rep. Roger Bruce of Atlanta, the bill would require employers to grant eight hours leave annually for parent-teacher conferences and other school functions, and would create a cause of action against any employer who refused to grant such leave or penalized the employee for taking leave.

HB 230 would be especially troublesome for small businesses, which could see a substantial percentage of their workforce take off to attend a school function. For instance, a small railroad operating out of a small community could be practically shut down for a full day if a number of employees chose to attend a school function. The bill clearly will not pass the subcommittee in its present form, but amendments may be considered.

Bill status report.

SB 3: Smith of the 52nd – amends code sections relating to civil justice, so as to change provisions relating to evidentiary matters and liability in tort actions; to change provisions relating to venue in actions with joint defendants; to change provisions relating to affidavits; to provide for defendants' access to plaintiff's health information in medical cases; to provide for offers for judgment. Passed Senate and House. Signed by the Governor Feb. 16.

SB 5: Moody of the 56th – to provide for comprehensive regulation of public-private infrastructure projects; to provide for property dedication, eminent domain, and the exercise of police powers. Still in Senate Economic Development Committee.

SB 18: Golden of the 8th – would amend Employment Security law to make persons who are discharged due to absenteeism ineligible for unemployment compensation. Still in Senate Insurance and Labor Committee.

SB 86: Chapman of the 3rd – would provide for a limitation on the public purposes for which eminent domain may be exercised. Favorably reported by Senate Judiciary Committee Feb. 7.

SB 107: Williams of the 19th – would add a section of SR 15 to the Developmental Highway System. Passed Senate Feb. 16.

SB 143: Mullis of the 53rd – to create the Georgia Rural Development Council. Still in Senate Economic Development Committee.

SB 144: Mullis of the 53rd – relating to the creation of the State Advisory Committee on Rural Development. Still in Senate Economic Development Committee.

SR 1: Thompson of the 5th -- A Resolution proposing a Constitutional Amendment to provide that funds derived from motor fuel taxes may be appropriated for and grant made for maintaining an adequate system of public roads and bridges. Still in Senate Appropriations Committee.

SB 160: Pearson of the 51st – removes references to national highways and to federal-aid primary roads. Referred to Senate Transportation Committee

HB 16: Davis of the 109th – relating to the allocation of funds for public roads, so as to change the provisions regarding the balancing of federal and state funds. Still in House Transportation Committee.

HB 24: Royal of the 171st – would provide for gradual reduction and eventual repeal of the corporate income tax. The income tax on corporations would be abolished after January 1, 2011. Still in Ways & Means Committee.

HB 52: Teilhet of the 40th – relating to labor and industrial relations, to provide that an employer shall allow an employee who is a victim of a crime to take unpaid leave to attend judicial proceedings related to the crime. Still in House Industrial Relations Committee.

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

HB 94: Borders of the 175th – Similar to SB 18, would make employees discharged for absenteeism ineligible for unemployment compensation. Still in House Industrial Relations 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.

HB 191: O'Neal of the 146th – would change the current three-factor formula for apportioning corporate income tax to a single factor formula. Passed House and referred to Senate Finance Committee.

HB 194: Martin of the 47th – would provide income tax credits for tele-working. Still in House 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. Still in 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. Tabled in a House Industrial Relations Sub-committee.

HB 279: Floyd of the 147th – to allow weight variances for trucks hauling timber out of the forest. Amended and favorably reported by House Transportation Committee.

HB 281: Vance Smith – to give Georgia Regional Transportation Authority additional powers to enter any upon any lands for the purpose of making surveys, drillings, and examinations; to provide for a sales and use tax exemption for property purchased or used by the Authority. Referred to House Ways & Means 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. Referred to Ways & Means Committee.

HB 389: Roberts of the 154th – to provide for an additional tax credit for creation of manufacturing, processing, distribution or telecommunications jobs in less developed counties of the state. Referred to Ways & Means.

HB 393: Casas of the 103rd – to provide for an income tax credit for employers who convert a certain percentage of their work force to telecommuting status. Referred to Ways & Means.

HB 416: Ralston of the 7th – to limit asbestos related claims to those individuals with related physical impairments. Favorably reported by House Industrial Relations Committee Feb. 17.

HB 458: Smith of the 129th – relating to the Department of Motor Vehicle Safety, to create the Commercial Transportation Advisory Committee. Referred to House Transportation Committee.

2005 Associate Members

Thanks to the following companies, which have renewed their associate memberships with the Georgia Railroad Association for 2005.

APAC – Southeast, Inc.	Atlantic Track & Turnout Co.
Atlas Railroad Construction	Boatright Enterprises
Casey Gilson Leibel, P.C.	Crouch Engineering
GE Capital Railcar	Georgia Rail Consultants
Lanier Steel Products	L. B. Foster
MBA of Maryland	Midway Railroad Construction Co
Neel-Schaffer, Inc.	Palmer & Cay of Georgia, Inc.
Performance Railway Services	Progress Rail Service
Rail Training & Consulting	Railcar Management
R. J. Corman Derailment	Southern Rail Leasing
Walden's Railroad Repair	Zurich North America

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."