



The Capitol Report March 3rd, 2006

Provided by The Georgia Railroad Association

P.O. Box 2363

Woodstock, GA 30188

770-516-4636

The General Assembly is in recess today and will reconvene Monday for the 27th legislative day. All bills must pass their House of origin by the 30th legislative day to be eligible for further consideration.

Cargo theft bill passes out of House.

HB 1275 easily passed out of the House of Representatives yesterday and is now going over to the Senate. This GRA proposed legislation provides for revocation of the commercial driver's license for a minimum of one year to a maximum of three years of anyone convicted of cargo theft from a railroad or other common carrier. Indications are that the bill will be assigned to the Senate Transportation committee. Senator Jim Whitehead is expected to carry the bill in the Senate.

Adverse possession bill introduced.

Rep. Mack Crawford from Concord is introducing on behalf of GRA legislation that would prohibit anyone from adversely possessing property from a railroad company. The bill was in the hopper late Thursday and will have a bill number early next week. Under existing adverse possession law, Georgia railroads have lost properties when adjacent landowners encroached onto the rights of way.

Governor initiates energy planning process.

Acting on executive orders from Governor Sonny Perdue, the Georgia Environmental Facilities Authority this Wednesday hosted an "Energy Plan Kickoff Meeting" as the first step in development of a state-wide energy plan. A new web site, www.georgiaenergyplan.org gives a comprehensive look at the planning process as well as a means for input into the plan.

Stake-holder groups may make recommendations for the energy plan throughout the month of March. During April and May, the Environmental Facilities Authority will draft an energy plan, and then open a comment period on the draft during June. Revisions to the draft will be made during July and August, with the second draft going to the Governor's Energy Advisory Council in September.

GRA members are encouraged to register at the website and make recommendations individually or through GRA.

Other bills of interest...

HB 715 - relating to the installation of protective devices at railroad grade crossings, so as to require the Department of Transportation, county governing authorities, and municipal governing authorities to order the upgrade of protective devices at passive railroad crossings routinely used by school buses. Will be heard in the Railway sub committee of the House Transportation committee Monday, no vote expected.

HB 1106 – 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 Senate Transportation and now in Senate Rules.

HB 1313 – Eminent Domain – The House Judiciary Committee this week approved a substitute version of this administration bill. HB 1313 provides that neither the state nor local governments shall use eminent domain unless it is necessary for public use. The bill further provides that "The public benefit of economic development shall not constitute a public use." Now on House Rules calendar.

HB 1359 – Assigned Risk Health Plan – The House Insurance Committee approved a substitute version of this legislation that would create the "Georgia Assignment Pool Underwriting Authority." The bill would provide that when claims exceed premiums collected from subscribers, payors shall be assessed an amount not to exceed \$2.00 per covered person per month. "Payors" are defined as insurance companies or "any other entity providing a plan of health insurance or health benefits subject to state insurance regulation."

HR 1464 – Tax Study – The Ways & Means Committee this week approved Chairman Larry O'Neal's resolution to create the "House Comprehensive Tax Reform study Committee. The Resolution is now on the House General Calendar.

HR 1537 –resolution creating a House Study committee on Rail Crossing Safety. The study committee would primarily look at school bus safety at railroad grade crossings. Currently in House Transportation Committee.

SB 285 –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 524 –to provide that noise-related local ordinances may not be construed to regulate land use. Passed out of Senate State and Local Government Operations Committee.

SB 529 – Immigration – The Senate Public Safety Committee favorably reported this comprehensive measure to regulate illegal aliens. The only provision related to employers would deny deductibility for state income tax purposes of wages paid to illegal aliens. Employers would not be penalized for reliance on identification and employment authorization documents such as the Federal I-9 form.

SB 634 – Guns in Automobiles – Five Senators introduced this week a bill identical to HB 998 as it passed out of the House Public Safety Committee on February 6. Both bills would force employers to allow anyone to have a gun in their automobile while parked on company property. The House version of the bill remains stuck in the Rules Committee. The sponsors of SB 634 are Jeff Mullis, Bill Heath, Greg Goggans, and Chip Rogers.

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