



The Capitol Report March 4th, 2005

Provided by The Georgia Railroad Association

P.O. Box 2363

Woodstock, GA 30188

770-516-4636

Only 12 legislative days remain for the 2005 Georgia General Assembly. The lawmakers will be in recess Monday, Tuesday, and Wednesday of next week, and will reconvene for sessions Thursday through Saturday.

School bus crossing bill introduced.

A bill introduced in the House of Representatives this week would amend code section 32-6-200 to mandate placement of lights, bells, and automated gates at any railroad grade crossing on the regular assigned route of a school bus. HB 715 was introduced by Rep. Shiela Jones, a member of the House Transportation Committee.

Perhaps more troubling than the bill itself is the fact that this code section appears to be inconsistent with federal regulations and other parts of the Georgia code dealing with signals at grade crossings. Current language in this code section provides that, if no agreement is reached between a railroad and a governmental entity regarding the placement of crossing signals or gates, DOT or the local government "may order the railroad company or companies involved to proceed with the acquisition and installation of protective devices, as indicated in the plan and specifications accompanying its order."

According to House Transportation Chairman Vance Smith, HB 715 will be assigned to the Railroad Subcommittee chaired by Rep. Barry Fleming. With the session almost two-thirds complete, HB 715 will probably remain in the subcommittee. However, the bill will carry over and be eligible for further consideration in the 2006 legislative session.

House approves truck weight variance.

Despite opposition from the Georgia Department of Transportation and the Georgia Railroad Association, the House of Representatives this week passed legislation to provide a weight variance for hauling farm or forest products from the field or forest. The bill is now in the Senate Transportation Committee.

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.

DOT will continue its efforts to reduce the weight variance to 2% as the bill is considered in the Senate. DOT has said that enforcement and penalties will become more stringent if the bill becomes law.

Infrastructure finance bill still in committee.

Legislation to provide for funding of infrastructure improvements, including rail infrastructure, is still languishing in the House Ways & Means Committee. However, Rep. John Lunsford, the bill's sponsor, is working to address concerns raised about HB 436, and still hopes to move the measure this year.

HB 436 would create the Georgia Environment and Infrastructure Financing Authority to provide "grants, loans, bonds, and other forms of financial and technical assistance" to local governments and the state for industrial development purposes.

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 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 19: Johnson of the 1st – relating to class action law suits, would provide for immediate appeal of class certification. Favorably reported by Senate Judiciary Committee Feb. 16.

SB 86: Chapman of the 3rd – would provide for a limitation on the public purposes for which eminent domain may be exercised. Passed Senate Judiciary Committee Feb. 24.

SB 107: Williams of the 19th – would add a section of SR 15 to the Developmental Highway System. Passed Senate and favorably reported by House Transportation.

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. Passed Senate Feb 24.

SB 160: Pearson of the 51st – removes references to national highways and to federal-aid primary roads. Passed Senate Transportation March 3.

SB 174: Staton of the 18th – to authorize insurers to offer a choice of benefits health plan in addition to other health insurance policies. Allows employers to offer plans without many of the expensive mandated coverages. Would continue mandates for pap smears, prostate tests, well baby care, and diabetes supplies. Favorably reported by Senate Insurance and Labor March 3.

SB 231: Whitehead of the 24th -- would allow DOT to pay stipends in certain design-build contracts. Similar to HB 530. Favorably reported by Senate Transportation Committee March 3.

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. Still in 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 based on gross receipts. Passed House and Senate.

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. Passed House.

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. Passed House and referred to Senate Transportation.

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. Still in 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. Favorably reported by House Ways & Means Committee Feb 24.

HB 416: Ralston of the 7th – to limit asbestos related claims to those individuals with related physical impairments. Passed House Feb. 24.

HB 436: Lunsford of the 110th – would create an infrastructure funding authority for financing economic development projects, including rail infrastructure. Still in House Ways & Means.

HB 458: Smith of the 129th – relating to the Department of Motor Vehicle Safety, to create the Commercial Transportation Advisory Committee. Favorably reported by House Transportation Committee Feb 24.

HB 488: O'Neal of the 146th – would enact "State and Local Tax Revision Act," conforming Georgia tax code to federal law and providing for improved clarity. Substitute version favorably reported by House Ways & Means March 3.

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. Still in House Transportation Committee.

HB 530: Smith of the 129th – would allow DOT to pay stipends in certain design-build contracts. Favorably reported by House Transportation Committee Feb. 24.

HB 551: Orrock of the 58th – to ensure that the award of economic development subsidies generates improvements in wage levels and access to health insurance for working families. Still in House Ways & Means.

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. Favorably reported by House Transportation Committee March 3.

###

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."