



The Capitol Report March 5th, 2007

Provided by The Georgia Railroad Association

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The Georgia General Assembly is in recess, having completed 27 of the maximum 40-day legislative session. The current two-week recess is intended to allow time for the U.S. Congress to decide whether to help fund health insurance coverage for uninsured children in several states, including Georgia.

HB 430 clears major hurdle

HB 430 unanimously passes the House Judiciary committee last week. HB 430 is the GRA initiated bill to remedy problems with railroad rights of way being lost due to adverse possession. The only change made to the bill in committee was additional language to address property that the railroad has abandoned. The amendment reads: "and railroad corporations or railroad companies as defined in Code Section 46-1-1 for railroad property that has not been the subject of a formal abandonment before the Surface Transportation Board, the track has not been removed, and the railroad corporation or railroad company has made a documented decision that it will not restore operations." GRA will request that Rep. Ralston, the sponsor of the bill, ask that the bill be put under modified structured rule which means that amendments have to be approved by the sponsor of the bill. The bill needs to come out of Rules committee no later than March 27th which will be the 30th legislative day.

Legislature sets second half schedule.

Few things are more subject to change than legislative schedules, but the General Assembly has adopted a timetable for most of the second half of the 40-day legislative session. The lawmakers will return from a two-week recess on Monday, March 19, and from that point the schedule will look like this:

Tuesday, March 20...legislative day 29

Tuesday, March 27- Friday March 30...legislative day 30-33

Tuesday, April 10-Thursday April 12...legislative day 34-36

Tuesday, April 17...legislative day 37

No schedule has yet been set for the final three days of the session, but it seems likely that the legislature will meet for day 38 on Wednesday, April 18, recess for Thursday, reconvene for the 39th day on Friday, and then adjourn sine die after just 39 legislative days.

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. The room rates are as follows: Oceanfront Rooms - \$175 Oceanview Rooms - \$160 Resortview Rooms - \$150. The number for reservations is 800-342-0212. There is a link to the King & Prince Resort at www.georgiarailroad.org

Bills of Interest

HB 268 Davis 109th, Franklin 43rd, Lane 167th to amend Article 9 of Chapter 9 of Title 46, relating to the Georgia Rail Passenger Authority, so as to repeal said article in its entirety; to provide for related matters. **Transportation**

HB 269 Davis 109th, Lakly 72nd to amend Chapter 9 of Title 32, relating to mass transportation, so as to provide for a referendum to approve funding for a commuter rail project within or through a county or municipality. **Transportation**

HB 289 Roberts 154th Freeman 140th Williams 178th Sims 119th Hatfield 177th Peake 137th to amend Article 11 of Chapter 5 of Title 48, 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; to provide for related matters; to provide for a referendum. **Ways & Means**

HB 426 Jones 44th, Fludd 66th, Sims 151st, Rynders 152nd, Smith 129th to amend Code Section 32-6-200, relating to the installation of protective devices at railroad grade crossings, so as to provide for legislative findings; to define a certain term; to provide that local school districts shall provide the Department of Transportation with information regarding rail crossings without active warning devices that are used by school buses; to provide that local school districts shall use best efforts to reroute buses to minimize use of such crossings. **Favorably reported from Transportation, now in Rules committee**

HB 430 Ralston 7th, Roberts 154th, Hatfield 177th, Crawford 127th to amend Title 44 of the O.C.G.A., relating to property, so as to clarify the scope of the provisions applicable to the acquisition of title to land by adverse possession, the acquisition of easements and private ways through prescription, and the acquisition of land by railroad corporations or railroad companies; to amend Article 2 of Chapter 4 of Title 24 of the O.C.G.A., relating to presumptions and estoppel, so as to provide that occupancy of a railroad right of way is by permission; to amend Code Section 46-8-100 of the O.C.G.A., relating to the general powers of railroad companies, so as to provide that issues arising as to the dimensions of property acquired by a railroad corporation or railroad company prior to 1913 shall be determined by reference to the official map filed with the Interstate Commerce Commission pursuant to the Railroad Valuation Act of March 1, 1913. **Favorably reported from Judiciary now in Rules committee.**

HB 434 Martin 47th, Royal 171st, Burns 157th, Benefield 85th, Fludd 66th to amend Title 48 relating to revenue and taxation, so as to provide for a regional sales and use tax for transportation; to provide for definitions; to provide for the levy and collection of such tax; to provide for procedures, conditions, and limitations; to provide for expenditure of proceeds; to provide for collection and administration; to provide for powers, duties, and authority of the state revenue commissioner; to amend Part 1 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to the Georgia State Road and Tollway Authority, so as to provide for a Georgia Regional Transportation Fund to finance transportation projects. **Ways & Means**

HB 440 O'Neal 146th amend Chapter 7 of Title 48, relating to income taxation, so as to revise certain provisions relating to certain business income tax credits; to provide for definitions; to provide for administration; to provide for related matters. **Ways & 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**

HR 509 Smith 129th Floyd 147th A RESOLUTION proposing an amendment to the Constitution so as to provide for the creation of a Transportation Trust Fund; to provide for a levy of a 1 percent sales and use tax on the purchase of tangible goods and certain services at retail; to provide for the deposit of the proceeds of such tax into such trust fund; to provide for the governance of such trust fund by the State Transportation Board and oversight of such trust fund by a Transportation Trust Fund Oversight Committee; to provide for the administration of such fund by a Transportation Trust Fund Agency; to provide for purposes and limitations on expenditures from such trust fund; to provide for the periodic submission of the continuance of such levy to the people for approval or disapproval.

Transportation

SB 43 Rogers 21st, Whitehead 24th, Williams 19th, Johnson 1st, Heath 31st, Mullis 53rd to amend Part 3 of Article 4 of Chapter 11 of Title 16, 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. **Senate Rules committee**

SB 179 Staton 18th, Powell 23rd, Unterman 45th, Hudgens 47th, Murphy 27th, Butler 55th to amend Article 2 of Chapter 5 of Title 21, relating to campaign contributions, so as to repeal the prohibition against persons acting on behalf of a public utility regulated by the Public Service Commission contributing to political campaigns; to prohibit public utilities regulated by the Public Service Commission from contributing to Public Service Commission candidates or campaign committees for such candidates; to prohibit electric membership corporations from contributing to political campaigns. **Favorably reported Senate Rules**

SB 203 Harp 29th, Staton 18th, Mullis 53rd, Shafer 48th, Hamrick 30th to amend Article 14 of Chapter 1 of Title 10, Code Section 16-8-12, and Chapter 1 of Title 46 of the O.C.G.A., relating to secondary metals recyclers, penalties for certain theft crimes, and general provisions for public utilities and public transportation, respectively, so as to provide for increased penalties for certain crimes involving public utility property; to change certain provisions relating to inspection by law enforcement officers; to change provisions relating to actions to recover property; to change provisions relating to penalties for violating Article 14 of Chapter 1 of Title 10; to provide for forfeiture of certain property and procedure therefor; to provide for legislative findings and preemption; to provide for the Governor to appoint certain special officers for purposes of investigating certain thefts of public utility property. Favorably reported from **Regulated Industries and Utilities Committee**

SB 233 Thompson 5th, Stoner 6th to amend Title 32, relating to highways, bridges, and ferries, so as to change certain provisions regarding collections, expenditures, and exemptions with respect to certain revenue regarding roads; to change certain provisions regarding priority of expenditures from the State Public Transportation Fund; to change certain provisions regarding allocation of state and federal road funds. **Transportation**

SR 263 Balfour 9th, Hudgens 47th, Cowser 46th, Unterman 45th, Shafer 48th, Thompson 5th, urging the Congress of the United States to provide funding for the engineering, construction, and land acquisition and other necessary costs for commuter rail connecting Athens to Atlanta. **Favorably reported from Senate Transportation**

SR 282 Seabaugh 28th, Rogers 21st, Pearson 51st, Heath 31st, Hill 32nd A RESOLUTION proposing an amendment to the Constitution so as to eliminate and prohibit the subsequent imposition of state ad valorem taxes and state income taxes and impose in lieu thereof a comprehensive consumption tax to be known as the Georgia One Tax; to provide for

procedures and requirements; to provide for the submission of this amendment for ratification or rejection. **Finance Committee**

SR 341 Thompson 5th, Reed 35th, Stoner 6th A RESOLUTION proposing an amendment to the Constitution so as to provide that funds derived from motor fuel taxes may be appropriated for and grant made for all activities incident to providing and maintaining an adequate system of public roads and bridges in this state and for any or all transportation purposes; to authorize the General Assembly to allocate and specify and direct the use of such funds by general law. **Transportation**

SR 365 Mullis 53rd, Pearson 51st, Whitehead 24th, Hill 32nd, Goggans 7th, Reed 35th A RESOLUTION creating the Joint Study Committee on Transportation Funding.
Transportation

Thanks to the following associate members who have rejoined the association:

Adams – Warnock
Atlas Railroad Construction
Aon Risk Services Inc.
Atlantic Track & Turnout
Boatright Enterprises Inc.
Century Group
C & S Signaling
Crouch Engineering
Hatch & Kirk
Hulcher Services
Holland LP
Johnson Railwa
Koppers Inc

Lanier Steel Products
LB Foster Co.
McCord Tie & Timber
Neel – Schaffer
National Railway Equipment Co.
Progress Rail Services
Railcar Management
Railworks Track Group
Railway Tie Association
Tangent Rail
Trinity Rail Group
Zurich North America

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