



## The Capitol Report March 25th, 2006

Provided by The Georgia Railroad Association

P.O. Box 2363

Woodstock, GA 30188

770-516-4636

*The General Assembly will reconvene Monday for the final three days of the 2006 Georgia legislative session. The exact schedule for next week will depend on the progress of conference committees dealing with the budget and the eminent domain bill.*

### **Railroad code bill awaits "motion to agree."**

The House of Representatives this week approved a substitute version of SB 285, GRA's bill introduced last year to eliminate archaic and federally pre-empted sections of Georgia law relating to railroads. The substitute is an expanded version of the original bill, including several additional code sections. All that remains is for Senator Chip Rogers, the bill's original sponsor, to move to agree with the House version. That motion is expected on Day 39 or Day 40.

SB 285 should have been a simple, non-controversial bill, but it wasn't. Organized Labor opposed the substitute briefly, but backed away from that opposition once they understood the bill's provisions. Plaintiff lawyers, on the other hand, testified against SB 285 before the House Transportation Committee. Majority Whip Barry Fleming, who added the substitute language, dismantled the plaintiff lawyer opposition point-by-point, and the Committee gave the bill a unanimous "do-pass" vote. The plaintiff lawyer opposition and Rep. Fleming's rebuttals are shown below.

- Section 1 – "Railroads should be required to file with the superior court any contracts leasing out their lines to another rail company." Fleming responded that railroads are now covered by the Uniform Corporate Code, just like other corporations, and no longer file leases in superior court.
- Section 2 – "Repealing this section would make it easier for railroad to condemn property." Fleming responded that repeal of this section does exactly the opposite, making condemnation more difficult than it was when this section was actually a functioning part of the law.
- Section 2 – "Rural citizens may not want to repeal this requirement that railroads build cattle guards." Fleming pointed out that this section is more than 100 years old, and that the problems existing with livestock at that time simply do not occur today. And, livestock losses are covered just like other property under modern statutes.
- Section 5 – "Provisions related to the placement of blowposts are not preempted by federal law and should not be repealed." Fleming responded that placement of blowposts required by this statute is based on archaic practices using specific distances from grade crossings or other points. Current regulations allow for use of technology based on train speed as well as distance.

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- Section 5 – "Other safety provisions relating to ringing of bells, sign postings, rail crossings, etc., should not be repealed, especially with the growing use of remote controlled locomotives." Fleming detailed why each provision was archaic, and noted that remote controlled locomotives are used almost exclusively in rail yards where there is little or no public contact."

Rep. Fleming's responses handed the plaintiff lawyers a rare unanimous defeat. After that the plaintiff lawyers backed off, and the bill passed the full House without a dissenting vote.

#### **Cargo theft bill on Senate floor Monday.**

GRA's bill to toughen penalties for cargo theft cleared the Senate Rules Committee yesterday, and will be considered by the full Senate on Monday. HB 1275 provides for revocation of the commercial driver's license for up to three years for anyone convicted of stealing cargo from a railroad or other common carrier.

HB 1275 was introduced by House Transportation Chairman Vance Smith of Pine Mountain. Senator Jim Whitehead of Evans will carry the bill on the Senate floor.

#### **High risk pool measure amended.**

As passed by the House, HB 1359 would have required employers, including self-insured employers, to pay for coverage of high risk individuals who are not their employees. This week the Senate Insurance and Labor Committee, with concurrence by the bill's sponsor, removed the provision which would have required self-insured employers to pay an assessment of \$24 per year per employee to fund the "Georgia Assignment Pool Underwriting Authority."

Vigorous opposition from the business community led to the removal of the assessment provision. Instead of assessing employers, the bill now anticipates an appropriation from the General Fund to cover administration and an actuarial study in the first year. Future legislatures would then determine whether, and how, to fund the program in subsequent years. Business groups are pointing out that the state already collects over \$300 million from the premium tax, and all of that money now goes to the General Fund.

The new version of HB 1359 is expected to pass the Senate next week, and the House is expected to agree to the Senate version.

#### **Bill Status Report...**

**HB 1106 – Axle Weights** -- Would 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 Senate.

**HB 1313 – Eminent Domain** – Administration bill to limit the authority of local governments to employ eminent domain has passed the House and substitute version passed the Senate. Now in House/Senate Conference Committee. Senate version would require railroads to get court approval as well as approval from the Public Service Commission before carrying out any condemnation.

**HB 1326 – Unemployment Compensation** – Introduced by Rep. Mike Coan to suspend 75% surcharge on employers that would be triggered by a drop in the reserve ratio of the Employment Security Trust Fund. Passed House and Senate.

**SB 529 – Immigration** – Introduced by Senator Chip Rogers to regulate illegal aliens. Would deny deductibility of wages paid to illegal aliens who did not present documentation from the federal I-9 form. Passed Senate and substitute version passed House.

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## **GRA Spring Conference - 2006**

The Georgia Railroad Association Spring Conference will be May 31-June 2, 2006.

The conference will be held, this year, at Georgia's Lake Lanier Island resort and conference center.



## **GRA Service Directory**

**GRA members are reminded that information on the goods and services of associate members is available on the web site, [www.georgiarailroad.org](http://www.georgiarailroad.org).**

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