



The Capitol Report April 23rd, 2007

Provided by The Georgia Railroad Association

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The 2007 Georgia General Assembly adjourned sine die at midnight Friday night, ending one of the longest and most contentious sessions in the state's history. The day started with a bang as the House voted 163 - 5 to override Governor Sonny Perdue's veto of the supplemental budget. Governor Perdue had the last laugh, however, as the Senate never received the veto message and never voted on the veto, leaving it in effect. The main 2008 budget passed late in the day, leaving open the question of whether the Governor will call a special session to pass the supplemental spending bill.

Adverse Possession Beats the Clock!

GRA initiated legislation HB 430 survives in the waning hours of the 2007 legislative session. As reported in past reports HB 430 seeks to preserve railroad rights of way in the state of Georgia. The Senate amended HB 430 at the request of the Georgia Homebuilders Assn. The amendment had to do with zoning issues between home builders and local governments. GRA agreed to the amendment only if it did not jeopardize the bill. The bill successfully passed the Senate 44-3. The House had to Agree because of the amendment and that vote passed 154-0. The only question in the House about the agree vote came from Rep. Jeanette Jamieson. She had been previously assured that this bill was not retroactive and she wanted to clarify that the amendment did not change that. GRA members are encouraged to contact Rep. David Ralston (Blue Ridge) and thank him for his hard work on our behalf. His contact information is: P.O. Box 1196 Blue Ridge, GA 30513 and his office number is 706.632.2221. Rep. Ralston and Matt Williams are on the agenda for the spring conference to address the applicability of the new law. To view HB 430 in it's entirety please click on the link below. http://www.legis.ga.gov/legis/2007_08/sum/hb430.htm

Gun bill recommitted.

An attempt to resurrect the "guns in the parking lot" bill was left on the Senate calendar for a second time earlier last week, and Lt. Governor Casey Cagle made it clear the bill was dead for this year. The Lt. Governor also made it clear that it was not just the tragedy in Virginia, but the strong opposition of Georgia business that led to the bill's failure.

After SB 43 failed to clear the Senate before the 30-day crossover deadline, proponents worked to attach a revised version of the measure to a House-passed bill clarifying where firearms could be carried in automobiles. The revised version attempted to cloud the impact on property rights by creating an employment-at-will exception that would have essentially prohibited employers from firing employees who bring guns onto company property.

Senators who opposed the powerful gun lobby on this issue have reportedly already been targeted for defeat in the 2008 elections. In addition to Lt. Governor Cagle, one of the most notable opponents of the bill was Senator John Douglas of Social Circle, a long-time supporter of Second Amendment rights. Senator Douglas was outspoken in his opposition to the bill which he regarded as unwarranted intrusion into private property rights.

Tax reform measure introduced.

While some House leaders were saying that the sales tax on energy and more liberal exemptions for manufacturing machinery would be top priorities next year, House Speaker Glenn Richardson and others have introduced a proposed Constitutional Amendment that would make all sales tax exemptions moot. HR 900 will form the basis for tax reform debate prior to and during the 2008 legislative session.

HR 900 is co-sponsored by Majority Leader Jerry Keen, Speaker Pro Tempore Mark Burkhalter, Ways & Means Chairman Larry O'Neal, and Majority Whip Barry Fleming. It would eliminate essentially all existing taxes and replace them with a flat tax on income for individuals and a value-added tax on business. The rate for both would be 5.75 percent.

While the proposed Constitutional Amendment is not specific in how the value-added tax would work, it would apparently be applied at each step in which value is added to a product or service. This tax would be the total dollar value of all sales during the year less all purchases from other businesses. There would also be exemptions for charitable contributions and bad debts.

The flat tax on individuals would include exemptions for mortgage interest, rent for primary residences, social security benefits, unemployment benefits, and "other designated tax-exempt benefits.

GRA Spring Conference

Don't forget to register for the GRA Spring Conference at St. Simons on May 29-31. Registration forms have been sent out and are available on the website. The format will be similar to past conferences. May 29th there will be a reception and dinner on your own. The meetings on the 30th and 31st will be half day meetings. The golf tournament will be on the 30th and a group dinner at the hotel that evening. 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.

Carry Over Bills for 2008

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 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. Transportation

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

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

HR 900 Richardson 19th, Keen 179th, Burkhalter 50th, O'Neal 146th, Fleming 117th, Roberts 154th. A RESOLUTION proposing an amendment to the Constitution so as to provide for the comprehensive revision of provisions regarding taxation and finance and abolish most state and local taxes; to provide for a comprehensive flat tax to be known as the fair tax; to provide for procedures, conditions, and limitations; to provide for local revenue guarantee proceeds; to provide for applicability of prior tax provisions; to change certain provisions regarding certain defaulters; to change certain provisions regarding specific powers and limitations of powers of the General Assembly; to change certain provisions regarding other or supplementary appropriations; to change certain provisions regarding appropriations; to eliminate certain provisions regarding the motor fuel tax; to provide for the submission of this amendment for ratification or rejection; and for other purposes. Ways & Means Committee

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

SR 263 Balfour 9th, Hudgens 47th, Cowser 46th, Untermyer 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 House 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. Favorably reported House Transportation

SR 428 Mullis 53rd, Staton 18th, Goggans 7th, Douglas 17th, Stoner 6th A RESOLUTION to create the Senate Railroad Safety and Security Study Committee. Rules