



The Capitol Report: April 29th, 2003

Provided by The Georgia Railroad Association

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The longest Georgia legislative session in over 100 years ended at midnight Friday, with lawmakers not knowing if Governor Sonny Perdue will call them back into special session due to differences in the budget. The General Assembly balanced the \$16 billion budget with a tobacco tax, budget cuts, and one-time "adjustments" not favored by the Governor.

Railroads fare better than most in tort reform.

The watered-down civil justice bill that passed the legislature on the final day was a disappointment to business, as all of the most important provisions in the original bill had been stripped away. Remaining in the bill, however, is a venue provision particularly important to railroads. The "forum non-conveniens" provision would allow Georgia judges to send out-of-state cases back to the state where the cause of action originated.

An entirely separate bill passed by the legislature will strengthen railroad defenses in liabilities growing out of grade crossing accidents. SB 173 lists specific duties and responsibilities of motorists crossing railroad tracks, including a simple prohibition on driving a vehicle over a grade crossing when a train is approaching. This bill

In addition to the forum non-conveniens provision, the tort reform bill also made a needed change in Georgia's dismissal rule, preventing plaintiffs from dismissing cases at any point in the process and then refiling.

Unemployment Comp bill sent to Governor.

Literally in the closing seconds of the 2003 session, the House gave final approval to SB 167, delaying for at least one year a pending 75% surcharge against employers to prop up the sagging Employment Security Trust Fund. Instead, the bill allows the Labor Commissioner, in consultation with the Governor, to increase the overall tax rate up to 40% when the state-wide reserve ratio drops below 1%.

A provision to extend unemployment benefits to part-time workers was removed from the bill prior to passage.

Lawmakers approve rail excursion bill.

Legislation to create a new railroad excursion authority in south Georgia passed on the final day of the session. As passed, HB 497 includes two amendments proposed by GRA: (1) elimination of condemnation of authority from the bill, and (2) a provision that freight traffic takes precedence over any excursion trains.

The East Central Georgia Railroad Excursion Authority would include the counties of Emanuel, Telfair, Wheeler, Burke, Bibb, Twiggs, Wilkinson, Laurens, Treutlen, Montgomery and Toombs. The Authority would consist of one representative from each of the counties, and one representative of each municipality where the county seat is located.

No movement on remote controlled locomotives.

As expected, legislation to prohibit railroads from using remote controlled locomotives remained in the Senate Transportation Committee at adjournment. Sponsored by Senators Rene Kemp and Seth Harp, SB 325 will carry over to the 2004 legislative session.

While, SB 325 did not move, two resolutions related to remote controlled locomotives were approved. SR 453 by Senator Mike Crotts and HR 767 by Rep. Johnny Floyd both commend railroads operating in Georgia for taking advantage of remote controlled locomotives to improve safety and efficiency. More on this issue next legislative session, and at the GRA meeting in June.

House approves transportation study.

The House of Representatives approved a resolution by Rep. Mickey Channell to create a study committee on "Meeting Georgia's Transportation Needs Through the Year 2025. HR 760 provides for five members of the House to be appointed to the study committee by the Speaker of the House.

HR 760 notes that transportation costs are expected to outstrip available revenues by some \$15 billion between 2001 and 2025. The study committee is not compelled to make a report, but any report must be made by December 1, 2003, at which time the study committee will be dissolved.

Bill Status Report

HB 131: Holmes of the 48th- would amend Title 41 relating to nuisances so as to enact "The Georgia Neighborhood Protection Act." Would create a cause of action by a property owner adversely affected by pollution, impairment or destruction of natural resources. Defines "natural resources" as including but not limited to all mineral, animal, botanical, air, water, land, timber, soil, quietude, recreational, and historic resources. Remained in House Judiciary Committee, and will carry over to 2004.

HB 541: Stephens of the 123rd, Royal of the 140th, and others- would amend Article 1 of Chapter 8 of Title 48 relating to state sales and use taxation, is amended by striking Code Section 48-8-3.1, relating to application of sales and use tax to motor fuels. This engrossed bill remained in the House Ways & Means Committee, and will carry over to 2004.

HB 633: Bobleby of the 58th to amend Title 34, relating to labor and industrial relations, so as to change the provisions relating to prohibitions against sex discrimination in employment; to prohibit certain discrimination in employment and in membership in labor organizations on the basis of sex, race, or national origin. Remained in House Industrial Relations Committee and will carry over to 2004.

HB 1022: McCall of the 78th, to update Article 6, Chapter 8 of Title 46 relating to trains generally, so as to update the code and make technical corrections. Remained in House Transportation Committee and will carry over to 2004.

Just a reminder:

The GRA Spring Conference will be held June 8 – 10 at Brasstown Valley.
