



*Final 2021 Legislative Update*

*April 9, 2021*

GRA Legislative Agenda Items

**Extension of Short Line Tax Credit – PASSED**

Earlier this session House Transportation Chairman Rick Jasperse (R-Jasper) introduced [House Bill 452](#), which will extend the sunset for the short line income tax credit by five years from December 30, 2023 to December 30, 2028. In the final weeks of the session, provisions from several tax bills were added to [Senate Bill 6](#), including the Class III railroad sunset extension.

Senate Bill 6 went back and forth between the House and Senate several times during the last weeks of session, and a conference committee was appointed so that the two chambers could come to an agreement on the provisions of the bill. The final version of the bill that was sent to Governor Kemp's desk includes the extension of the short line tax credit sunset from December 30, 2023 to December 30, 2026. The bill has been sent to Governor Kemp's desk and is currently awaiting his signature.

**Freight and Logistics – PASSED**

Following the work done by the Joint Commission on Freight and Logistics over the last two years, this session Senator Steve Gooch (R-Dahlonega) introduced legislation to create a similar commission with a slightly different name. [Senate Resolution 102](#) would create the Georgia Commission on E-Commerce and Freight Infrastructure Funding. The resolution recognizes that the "current and future economic health of Georgia relies on a thriving and productive freight and logistics industry." It also mentions the Freight and Logistics Commission's finding from last year that the state needs to invest \$1.5 billion annually in our freight and logistics infrastructure. The resolution passed the House and Senate unanimously and has been sent to the governor for his signature.

**Truck Size and Weight – DID NOT PASS**

Oppose any legislation that increases the allowable size and weight of truck carrying freight. Typically, advocates seek to revise O.C.G.A. 32-6-26 (g) (1), which allows for a weight increase and various radius distance increases for forest products, live poultry, cotton, feed, granite, raw ore or minerals, solid waste concrete or poultry.

Earlier this session the Senate Transportation Committee considered, but did not take action on Senator Tyler Harper's (R-Ocilla) [Senate Bill 118](#), which would allow for the issuance of an annual forest product permit allowing 100,000 lbs. for vehicles hauling forest products from the forest where cut to the first point of marketing or processing if the vehicle has six axles.

The bill did not progress through the Senate Transportation Committee, but the committee's Chairman Frank Ginn created a subcommittee to analyze and research the bill between this session and the next session. The subcommittee members are Sen. Ginn, Sen. Steve Gooch (R-Dahlonega), Sen. David Lucas (D-Macon), Sen. Burt Jones (R-Jackson), Sen. Lindsey Tippins (R-Marietta), and the bill's author Sen. Tyler Harper (R-Ocilla).

This session Representative James Burchett (R-Waycross) introduced [House Bill 496](#), which also seeks to increase the allowable weight to 95,000 lbs. for trucks carrying forest products. Like the Senate version, this bill did not pass out of the Transportation Committee and did not cross over to the Senate. We continued to monitor the legislation through final days of session to ensure the bill was not attached to another measure.

### **Two Man Crew – NO LEGISLATION INTRODUCED**

Oppose any legislation which would seek to require a train that is in use for the movement of freight to operate with at least two crew members. Similar legislation was introduced in the 2019 session. We closely monitored this issue throughout the 2021 session, but no legislation was introduced.

### **Blocked Crossing – DID NOT PASS**

Oppose any bills that would prevent a railroad common carrier from authorizing the operation of a train that causes a road to be blocked for longer than 15 minutes. Similar legislation has been introduced in recent years. This year freshman Representative Mesha Mainor (D-Atlanta) introduced [House Bill 139](#), which would prohibit a train from blocking any street, road, or highway grade crossing for longer than 15 minutes, except under certain circumstances. This bill never received a hearing by the House Transportation Committee this session, so it did not pass.

### **Georgia 811— DID NOT PASS**

Oppose any legislation which would remove the Georgia 811 exemption for railroads, thereby requiring them to join Georgia 811, "call before you dig." Georgia code currently exempts railroads from mandatory Georgia 811 membership. Any attempts to change the law to make Georgia 811 membership compulsory for railroads would be harmful to the industry, as it would slow railroads down.

[House Bill 449](#), introduced by Representative Vance Smith (R-Pine Mountain) earlier this session, would revise the 'Georgia Utility Facility Protection Act' in order to enhance the processes for locate requests of underground utility facilities or infrastructure and to require that 9-1-1 be contacted if an excavator damages a gas or hazardous liquid pipeline. This session we monitored this bill to ensure that it was not amended in any way that would adversely impact the rail industry.

After passing the House, the bill was amended in the Senate with regard to the definition of a "utility facility." The amendment continued to exempt railroads from being a part of the 8-1-1 call center; but no agreement was reached, and the legislation failed to gain final approval. The House did, however, name a sub-committee within the Energy, Utilities and Telecommunications Committee to address concerns raised in the Senate. It will convene over the summer.

### **Georgia Freight Railroad Program – PASSED**

This session House Transportation Committee Chairman Rick Jasperse (R-Jasper) introduced [House Bill 588](#), which would redirect the state sales and use tax charged for locomotive diesel fuel from the general

budget to the GDOT budget for use in freight rail related projects that provide a "substantial public benefit" as determined by the GDOT Commissioner.

The gratuities clause of the Georgia Constitution prohibits public funds from being used for private purposes in the absence of a substantial public benefit. The measure seeks to define what may reasonably constitute a "substantial public benefit," which includes, but is not limited to "enhanced public safety, enhanced mobility of goods, congestion mitigation.... or other public benefits identified and approved by a majority of the board."

The bill has been sent to Governor Kemp's desk for his signature, and there are some questions as to whether the legislation conflicts with another measure that rededicates other funds not related to railroads. GRA will work to urge the governor to sign the bill.

### **Overview of General Assembly**

The 2021 Legislative Session adjourned Sine Die on Wednesday, March 31 a few minutes after midnight. Going into this year's session, there were significant concerns about the extent to which the pandemic would affect the session after legislators were forced to take a several month break in the middle of the 2020 session. COVID protocols under the Gold Dome this year closely mirrored those put in place during the second part of the session last year with the additional requirement that all General Assembly members and their staff members be tested for COVID twice weekly.

Fortunately, the legislature was able to operate in a relatively normal manner, ultimately sending several dozen bills to Governor Kemp's desk for consideration. Bills that did not make it all the way through the legislative process to the governor's desk this year can still be considered next year. The governor and his staff are now within the 40-day bill review period during which they will pour over the legislation that was passed by the House and Senate this session. Based on the review process, Governor Kemp will decide which bills to sign and which to veto. If the governor takes no action on a bill, the bill becomes law. A governor's veto of a bill requires a two-thirds majority of both the House and Senate to override.

The 2021 General Assembly will be most remembered for the passage of House Bill 479, which repeals and replaces Georgia's 150-year-old citizen's arrest statute, and Senate Bill 202, which revises Georgia election code in the aftermath of the 2020 election. The juxtaposition of these two bills provides unique insight into the current Georgia political/business climate, which can simultaneously produce historic bipartisan achievements and bitter fights.

The repeal of the citizen's arrest statute is historically significant because that 150-year-old statute had been used to justify an initial lack of prosecution in the highly publicized killing of Ahmaud Arbery. House Bill 479, along with the 2020 passage of Georgia's hate crimes law, represents considerable progress on the civil and social justice front in Georgia.

At the same time, the passage of the election reform package has resulted in ongoing reactions from the business community, social activists, and defenders of the law. From the beginning of the session, election reform was the most widely discussed topic under the Gold Dome, resulting in dozens of bills being filed in response to the controversies surrounding both the 2018 and 2020 elections.

Governor Kemp has already signed several pieces of legislation passed this session into law, including Senate Bill 202, the election reform bill, and House Bill 593, which increases the standard deduction for taxpayers in Georgia. Several notable bills that did not make it to the governor's desk this session include a measure which would have allowed legal out-of-state gun owners to carry in Georgia, bills that

would have legalized casinos, horseracing, and sports betting in the state, as well as a measure that would have required hospitals and long-term care facilities to allow visitors during a public health emergency.

### **Budget – PASSED**

The passage of the budget is the only constitutionally required action item for legislators and easily the most important piece of legislation passed each session. Since the passage of [House Bill 80](#), the Amended Fiscal Year 2021 budget earlier this session, members have been working to craft their budget recommendations for the “big budget” for Fiscal Year 2022, which begins July 1. The House, led by House Appropriations Chairman Terry England (R-Auburn), sent its Fiscal Year 2022 budget recommendations, compiled in [House Bill 81](#), over to the Senate on March 5.

Appropriations Chairman Blake Tillery (R-Vidalia) presented the Senate’s recommendations during the final weeks of the session, noting that the 206-page document reflected a carefully crafted budget of \$27.2 billion, which is a growth of 2.85 percent from last year, with the largest adds coming in education and healthcare. While the chairman explained that the state is financially “in a better position than we thought we would be in last year,” he cautioned that there still exists “a lot of uncertainty on the horizon.”

The Senate unanimously approved the budget presented by Chairman Tillery, but because of the differences between the House and Senate’s budget recommendations, the Lieutenant Governor and Speaker appointed a conference committee so that an agreement could be reached between the two chambers, which is a typical step of the budget process each year. The House and Senate voted to approve their final agreed-upon version of the budget in the final hour of the session.

In June of last year, the General Assembly voted to cut the state budget by 10 percent in response to economists’ warnings of a looming recession from the COVID-19 pandemic. Much to the relief of budget writers, tax collections have far outpaced projected state revenue numbers. The final budget generally followed Governor Kemp’s recommendation to restore many of the funding cuts made last year, including an agreement to backfill 60 percent of the cuts made to education last year. Other budget items that made it into the final version include \$40 million for a rural innovation fund, \$10 million to extend high-speed internet in rural areas, and an additional \$60 million for state-funded mental health programs, many of which have seen significantly more traffic as a result of the pandemic.

### **Election Reform – PASSED**

The widely publicized election reform bill, [Senate Bill 202](#), was approved by both chambers and signed by Governor Kemp in the final weeks of the session. The measure, originally authored by Senate Ethics Chairman Max Burns (R-Sylvania) was amended in the House Special Committee on Election Integrity to include provisions from several election reform bills that had already been considered this session.

Provisions from the final version of the bill include, but are not limited to, requiring two mandatory Saturday early voting dates and allowing counties up to two Sunday early voting dates; requiring voters to provide their driver’s license or state ID card number to request and submit an absentee ballot in place of signature verification; formally codifying drop boxes, placing them in early voting locations, and ensuring they are actively monitored by elections officials; and requiring a shorter timeline for the processing of absentee ballots and the certification of election results. The bill prohibits anyone from distributing food and water to voters waiting in line, but allows poll workers to make self-service water available. It also sets up a hotline within the Attorney General’s office for voters to report illegal election activities. The final version signed by Governor Kemp on March 25 also retains no-excuse absentee voting.

### **Citizen’s Arrest- PASSED**

[House Bill 479](#) , sponsored by Governor’s Floor Leader Representative Bert Reeves (R-Marietta), repeals Georgia’s 150- year-old citizen’s arrest law, which Governor Kemp has described as “vague and outdated,” by eliminating any potential legal loopholes and clarifying when a citizen, business owner, or law officer may reasonably detain an individual. The legislation, for example, will allow an owner of a retail establishment or restaurant to detain an individual who is attempting to steal, a provision which was widely supported by Georgia’s business community. The bill was unanimously passed by the House on Crossover Day and was sent over to the Senate, where it was amended to also allow those conducting business on someone else’s property to detain an individual suspected of committing a crime. The House agreed to the changes made by the Senate, and the bill is now sitting on Governor Kemp’s desk for his signature.

### **Omnibus Tax Reform Bill – PASSED**

In its original form, Senator John Albers’ (R-Roswell) [Senate Bill 6](#) would allow the chairmen of the House Ways and Means and Senate Finance Committees to request economic analyses of up to five existing or proposed tax incentives per chairmen. The General Assembly approved a similar bill during the 2019 session, but it was vetoed by Governor Kemp, who said that the bill should specify that independent auditor would complete the economic analyses, not a state official.

The measure was amended in the House Ways and Means Committee to include several provisions that were previously included in [House Bill 586](#) and [House Bill 587](#). House Bill 586, the ‘Georgia Economic Recovery Act of 2021,’ extends the sunset for the exemption for projects of regional significance; exempts certain fine arts performance ticket sales from sales and use tax; and reinstates the exemption on the maintenance and replacement parts for the equipment used to mix and transport concrete.

House Bill 587, the ‘Georgia Economic Renewal Act of 2021,’ creates a tax credit for jobs created by a medical equipment or pharmaceutical manufacturer; provides for tax credits for high-impact aerospace defense projects; and extends the sunset for an existing tax credit for Georgia’s short line railroads.

The bill was also amended during the legislative process to include language from [Senate Bill 148](#), authored by Senate Finance Chairman Chuck Hufstetler (R-Rome), which would create the Special Council on Tax Reform and Fairness for Georgians. This provision would allow for a study of the state’s current revenue structure and make a report of findings and recommendations for legislation. This provision was ultimately pulled from the final conference committee version of the bill.

The final version of the bill also included provisions from [House Bill 428](#), which provides for the auditing of preferential tax laws and added a reporting requirement for companies using a technology purchasing sales tax incentive.

### **Sports Betting – DID NOT PASS**

This session, legislators introduced bills that would legalize casinos, horseracing, and online sports betting in Georgia. The only measures left standing after Crossover Day this year were those that would allow for online sports betting in Georgia. [Senate Resolution 135](#), sponsored by Senate Rules Chairman Jeff Mullis (R-Chickamauga), would amend the State Constitution to allow for sports betting if a majority of voters at the polls approve of the measure. A related bill, [Senate Bill 142](#), also sponsored by Chairman Mullis, would have set up the structure for sports betting in the state. Both passed the Senate on Crossover Day and went over to the House for final passage. The measures were scheduled for a House floor vote earlier this session, then removed from the calendar, amended, and added back to the calendar for consideration several times in the last weeks of session. However, the bills were not ultimately called

up for a vote in the House. Although these measures did not make it to Governor Kemp's desk this year, they are still eligible for consideration next year, which will be the second year in the two-year session.

### **Gun Bill – DID NOT PASS**

Another notable bill that did not make it to Governor Kemp's desk was [House Bill 218](#), sponsored by Representative Mandi Ballinger (R-Canton). The original bill would have allowed legal gun owners from another state to also carry their guns in Georgia. The Senate amended the bill to also allow probate judges to process gun carry licenses and license renewals online. Another Senate amendment would have allowed certain businesses and churches to continue or resume operations during a declared public health state of emergency as long as they adhered to safety guidelines set by the governor. It would have prohibited the governor from enacting any guidelines that "specifically limit the practice of any religion" during a public health emergency. The bill was not called back up in the House for an 'agree' motion after it was amended by the Senate, so it did not make it to the governor's desk.

### **Daylight Savings Time – PASSED**

This session there were two bills in play which attempted to address Daylight Savings Time in Georgia. The original Senate version, [Senate Bill 100](#), sponsored by Senator Ben Watson (R-Savannah), would have Georgia observe Standard Time year-round until Congress passes legislation allowing states the option to observe Daylight Savings Time year-round, at which point Georgia would observe Daylight Savings Time permanently. The original House bill, [House Bill 44](#), sponsored by Representative Wes Cantrell (R-Woodstock), differed from the Senate version in that it would have Georgia continue to switch between Standard Time and Daylight Savings Time until Congress authorizes states to observe Daylight Savings Time permanently, at which point Georgia would permanently observe Daylight Savings Time.

Senate Bill 100 ended up passing both chambers with the provisions from the House version, so if Governor Kemp signs the measure, Georgia will continue to switch between observing Daylight Savings and Standard Time until Congress authorizes states to permanently observe Daylight Savings Time.

### **Hospital and Long-Term Care Facility Visitation – DID NOT PASS**

A proposed measure that received a great deal of attention this session was [House Bill 290](#), sponsored by Representative Ed Setzler (R-Acworth), which, in its original form, would have prevented hospitals and long-term care facilities from banning visitors during a public health emergency. During the session, the bill was weakened so that it would require hospitals and long-term care facilities to establish visitation policies, but with the caveat that the policies could not be any more restrictive than the guidelines set forth by the federal Centers for Medicare and Medicaid Services. The bill went back and forth between the House and Senate several times, but it was not taken back up by the Senate in time for a vote before the Sine Die deadline.

### **'Defund the Police' Legislation – PASSED**

[House Bill 286](#), authored by Representative Houston Gaines (R-Athens), restricts the ability of counties or cities to reduce funding for their police departments by more than five percent of the previous year's funding except in certain circumstances. It would not apply if, for example, a county's revenue decreases by more than five percent from one year to the next. The measure, which received national attention, seeks to address the "defund the police" movement. The House agreed to changes made to the bill by the Senate on the final day of the session, and it has been sent to Governor Kemp's desk for consideration.

### **Paid Parental Leave for Public Employees – PASSED**

This session Representative Houston Gaines (R- Athens) refiled [House Bill 146](#), which would make both male and female state employees eligible for up to 120 hours of paid parental leave after six months of full-time employment. An identical piece of legislation overwhelmingly passed the House last session, but it stalled in the Senate in the final moments of the session. The measure was amended in the Senate Insurance and Labor Committee and passed unanimously by the Senate. It was sent back to the House, where members voted to agree to the changes made in the Senate, and the bill was sent to Governor Kemp.

### **Mixed Drinks to Go – PASSED**

[Senate Bill 236](#), sponsored by Senator Matt Brass (R-Newnan), codifies the ability of restaurants to sell mixed drinks for off-premises consumption in approved containers under certain conditions. The measure would apply to food service establishments that are licensed to sell distilled spirits for consumption on the premises. It would allow individuals to purchase up to two mixed drinks to go per entree ordered, but requires customers to place the beverages somewhere in the car they cannot be accessed while driving, such as in the back of the vehicle, the locked trunk, or in the glove compartment. The measure was approved by the House in the final days of the session and has been sent to Governor Kemp.

### **Remote Online Notary – DID NOT PASS**

In the height of the COVID-19 pandemic, Governor Kemp issued an Executive Order allowing for remote notarization and witnessing of all documents with the use of real-time electronic video conferencing. [House Bill 334](#), sponsored by Representative Joseph Gullett (R-Dallas), would have codified remote online notary beyond the governor's Executive Order. The bill passed the House at the beginning of March and was sent over to the Senate for consideration. The Senate amended the bill in committee to exclude real estate transactions from using online notary. On the final day of the session the exclusion of real estate transactions from the bill became a point of contention between the House and Senate, which ultimately resulted in the bill's failure to achieve final passage. The measure is still eligible for consideration during the 2022 Legislative Session.

### **Street Racing – PASSED**

In response to the dramatic uptick in street racing and stunt driving, particularly in and around metro Atlanta, Representative Josh Bonner (R-Peachtree City) introduced [House Bill 534](#) this session. Governor Kemp recognized street racing as a serious issue, noting that “our streets, highway, and parking lots have become a free-for-all speedway for criminals” in a press conference this session. The bill increases penalties for street racing and allows authorities to suspend the licenses of some violators for up to a year. The bill was passed by both chambers and has been sent to Governor Kemp's desk for consideration.