



*Legislative Update*

*January 28, 2022*

### **GRA Legislative Agenda Items**

**Short Line Tax Credit:** This week Representative Mack Jackson (R-Sandersville) introduced [House Bill 1039](#), which would extend Georgia's short line tax credit through the end of 2028. GRA is supportive of any enhancements made to the current tax credit program, including an extension of the tax credit.

**Truck Size and Weight:** 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. We are closely monitoring this issue, and although there are still live bills from last session, there has not been any movement on these bills yet this year, nor has there been any new legislation introduced so far this session.

**Two Man Crew:** 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 are closely monitoring this issue, but no legislation has been introduced at this point.

**Blocked Crossing:** 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. We are closely monitoring this issue, but no legislation has been introduced at this point.

**Georgia 811:** 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. We are closely monitoring this issue.

### **Overview of General Assembly**

Following Joint Appropriations hearings last week, this week House and Senate members resumed the legislative calendar, convening for Legislative Days Five through Eight. This week the legislature considered a wide variety of legislation, ranging from election reform bills to mental health reform to a [bill](#) to make the opossum the state marsupial.

The legislature typically sets its calendar in a number sections, so it was a surprise for many this week when the House and Senate released [Senate Resolution 382](#), which set the legislative calendar for the entirety of the 40-day session. Next week, the General Assembly convenes Tuesday through Thursday for Legislative Days 9 through 11. Crossover Day, the deadline by which a bill must pass out of its chamber of origin, is set for March 15, and the General Assembly will adjourn Sine Die on April 4 this year.

## **Mental Health**

This week David Ralston (R-Blue Ridge) introduced a piece of legislation, which is a rarity for the Speaker, whose long list of responsibilities include presiding over the House, assigning pieces of legislation to committees, and assigning House members to serve on committees and subcommittees. This goes a long way to emphasize the importance of the bill to the House's highest-ranking member.

Ralston held a press conference at the Capitol Wednesday morning flanked by bipartisan co-sponsors of the bill, the state's commissioners of the departments of Insurance, Corrections, and Juvenile Justice, and other mental health advocates to discuss [House Bill 1013](#). Provisions of the comprehensive 74-page mental health reform bill include increasing the number of mental health professionals in Georgia, requiring mental health parity with insurance companies to ensure that they cover mental health in the same manner they do physical health, and assisting first responders who are called to help in a mental health crisis. The bill is a product of the recommendations developed by the Georgia Behavioral Health Reform and Innovation Commission.

Governor Kemp expressed his support for the bill, noting that the "pandemic has further exacerbated these [mental health] needs" across the state and that he is confident that the legislation will create a "lasting, positive impact."

The Senate also has a bipartisan mental health bill across the hall, [Senate Bill 342](#), sponsored by Kay Kirkpatrick (R-Marietta), which requires parity for mental health in health insurance plans. The bill is awaiting a hearing by the Senate Insurance and Labor Committee.

## **Vaccine Passport Legislation**

This week in the Senate, two bills were filed which seek to prevent vaccine passports. [Senate Bill 345](#) by Senate Rules Chairman Jeff Mullis (R-Chickamauga) was first read and assigned to the Senate Health and Human Services Committee. The bill would prohibit state and local governments from mandating vaccine passports.

Senator Brandon Beach (R-Alpharetta) dropped a more specific bill later in the week that would prohibit individuals from being required to get a vaccine that has been authorized for emergency use, i.e. the COVID-19 vaccine. [Senate Bill 372](#) also prohibits the government, an employer, or a public accommodation from requiring someone to have a vaccine passport. There were concerns with Mullis's bill that it would have inadvertently removed all vaccine requirements for public schools; SB 372 clarifies that it does not apply to vaccine requirements prescribed for schools. It also exempts assisted living communities, skilled nursing facilities, and personal care homes in cases where it would violate CMS or CDC guidelines, and specifies that a health care facility would not be in violation by asking an employee to volunteer his or her vaccination status in order to determine if certain accommodations must be made for the safety of other employees, patients, and visitors. Chairman Mullis is a co-signer on Senator Beach's version of the bill, which indicates Senate Bill 372 is more likely to move.

Before the session, Representative Charlice Byrd (R-Woodstock) pre-filed [House Bill 869](#), which, like the Senate bills, would prohibit state or local governments from issuing vaccine passports; it also would prohibit the government from requiring face masks. The bill has not yet been first read and assigned to a committee in the House.

### **Tort Reform**

Georgia's apportionment statute came out of the Tort Reform Act of 2005; it requires a defendant to pay damages only for the percentage for which they are determined to be responsible. A recent Supreme Court of Georgia case, *Alston & Bird, LLP v. Hatcher Management Holdings, LLC*, held that damages cannot be apportioned to non-parties in cases where there is one defendant.

The business community banded together this week to push a piece of tort reform legislation- dozens of businesses have signed on to a letter of support for [House Bill 961](#). House Judiciary Chairman Chuck Efrstration (R-Dacula) introduced the bill which allows for apportionment of damages in single-defendant lawsuits, and it was passed out of the House Judiciary Committee on Wednesday afternoon.

### **Elections Bill**

This week the Senate considered [Senate Resolution 363](#), by President Pro Tempore Butch Miller (R-Gainesville), which proposed an amendment to the Georgia's constitution which would explicitly ban noncitizens from voting. State law already prevents noncitizens from voting, but a constitutional amendment would have prevented the law from being changed in the future to allow noncitizens to vote, which is occurring in other parts of the country. The Senate voted along party lines, failing to meet the two-thirds majority required for a constitutional amendment.

### **Senate Majority Caucus Priorities**

After the Senate adjourned on Tuesday, the majority caucus, led by Majority Leader Mike Dugan (R-Carrollton), held a press conference to lay out its 2022 legislative priorities: public safety, standing up to big tech, protecting our children from being taught divisive concepts, and creating more opportunities for our workers. Dugan said the caucus intends to make Georgia the first state to regulate social media and eliminate the sale of personal data.

### **City of Buckhead**

Public safety remains top of mind for many under the Gold Dome, including Governor Kemp, who also named it as a top priority for him this session. We expect to see some sort of omnibus crime legislative package carried by one of the governor's floor leaders later in the session.

The City of Buckhead movement has been a key component of the large crime discussion at the Capitol, though the push to annex the wealthy neighborhood from the City of Atlanta may be losing steam. Speaker Ralston invited newly elected Atlanta Mayor Andre Dickens to address the House this week, where he received three standing ovations. The City of Buckhead movement has received a warmer reception among members of the Senate, though Lieutenant Governor Geoff Duncan assigned [Senate Bill 324](#), the bill that would allow Buckhead residents to vote on cityhood, to the Urban Affairs Committee, where it is unlikely to pass with all Democratic members.

### **Support for Law Enforcement**

This week Senator Larry Walker (R-Perry) introduced [Senate Bill 361](#), dubbed the "Law Enforcement Strategic Support" or "LESS Crime Act." The bill, which includes a large number of bipartisan

cosigners, would create a tax credit for donations made to local law enforcement foundations- up to a \$5,000 tax credit for single filers and \$10,000 for a married couple filing a joint return or for an 'S' corporation. The structure of the tax credit closely resembles existing tax credit programs, including the tax credit program that benefits Georgia's rural hospitals.