



Legislative Update

March 24, 2022

GRA Legislative Agenda Items

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.

Last week [House Bill 496](#) by Representative James Burchett (R-Waycross) stalled in the House. The bill would allow vehicles hauling raw forest products, agricultural commodities, and minerals to reach a total gross weight of up to 90,000 pounds with a 2.5 percent allowable variance. This version also reduced the cost of an 'Annual Natural Resources Permit' from \$1,000 to \$150 and included a sunset date of July 1, 2027.

Although the measure did not pass out of the House, GRA is working to ensure language from the bill is not added to another live bill moving through the legislative process.

Short Line Tax Credit: Earlier this month the House passed [House Bill 1039](#) by Representative Mack Jackson (R-Sandersville), which would extend Georgia's short line tax credit through the end of 2028. GRA is supportive of any enhancements made to the Class III railroad tax credit program, including an extension of the tax credit. On the Senate side, the bill has been assigned to the Finance Committee for consideration.

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. 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.

GRA opposes [House Resolution 1023](#), introduced by Representative Jasmine Clark (D-Lilburn) last week, which would urge the Federal Railroad Administration to take action to regulate the blocking of railroad crossings. This measure has been assigned to the House Transportation Committee for consideration and would only require passage by the House to be adopted, so it is still live this session.

[House Resolution 1027](#), also by Representative Jasmine Clark, would create the House Study Committee on Railroad Crossing Blockages to "determine what can be done legislatively or through railroad company policy to reduce the impacts railroad grade crossing blockages have upon local communities and public safety." The measure, which is cosponsored by Representative Vance Smith (R-Pine Mountain),

has been assigned to the House Transportation Committee for consideration and only requires approval by the House, so it is still live this session.

Earlier this month Representative James Burchett introduced [House Bill 1473](#), which would prohibit a train from blocking a crossing for more than 15 minutes unless the train is stopped due to the mechanical failure of the train; necessary to avoid striking an object or person on the track; due to a derailment or other accident; or in order to comply with federal safety regulations. The bill would also impose a penalty of \$500 for every five minutes a stopped train causes a road to be blocked beyond 15 minutes. The bill did not make it out of the House by the Crossover Day deadline and will not be moving forward as a standalone bill this session. We are monitoring related measures to ensure that language from this bill is not added to another bill.

We are also in opposition to [House Resolution 919](#) by Representative Rick Williams (R-Milledgeville), which would urge the Federal Railroad Administration to follow through with efforts to regulate train length. This measure has been assigned to the House Transportation Committee for consideration and would only require passage by the House to be adopted, so it is still live this session.

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. Language in [House Bill 1372](#) by Representative Vance Smith (R-Pine Mountain) exempts railroads from having to join Georgia 811. This measure has been passed by the Senate Regulated Industries and Utilities Committee and is scheduled for a Senate floor vote tomorrow.

Overview of General Assembly

This week the General Assembly convened Monday, Tuesday, Wednesday, and Friday for Legislative Days 32 through 35. Thursday was a committee workday for members. Any bills that did not make it out of their chamber of origin by last Tuesday are no longer eligible for further consideration this session as standalone bills. Legislators now have just a few legislative days left to successfully get their bills out of their assigned committees and onto the floor for a vote by the opposite chamber to make it to Governor Kemp’s desk.

The number of bills passed out of each chambers slows significantly after Crossover Day each year, as the House and Senate both typically take their time to start formally reviewing bills that crossed over from the opposite chamber. After several days of little to no legislative action, House and Senate committee action ramped up dramatically this week.

Next week is the final full week of the 2022 Legislative Session—the legislature will meet Monday, Tuesday, Wednesday, and Friday for Legislative Days 36 through 39. Thursday, Saturday, and Sunday are designated as committee workdays next week, and *Sine Die* is Monday, April 4. When the General Assembly adjourns for the year, the 40-day bill review process by Governor Kemp’s office will begin. The governor and his staff will closely review each bill sent to his desk by the legislature this session to determine which bills he will sign and which bills he will 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 the Senate to override.

Fiscal Year 2023 Budget

The passage of a balanced budget is the only constitutionally required action item for legislators each session. The Amended Fiscal Year 2022 budget ([House Bill 910](#)), which runs from July 1, 2021 to June 30, 2022, has already been passed by the General Assembly and was signed by Governor Kemp last week. The House passed the Fiscal Year 2023 budget ([House Bill 911](#)) on March 11, and for the last several weeks Senate Appropriations subcommittees have been convening and pouring over the contents of the upcoming fiscal year's budget. On Wednesday morning Senate Appropriations Chairman Blake Tillery (R-Vidallia) convened the full Appropriations Committee to review and pass out the Senate's version of the FY23 budget. The budget will be considered on the Senate floor on Friday.

Highlights from Chairman Tillery's budget presentation included a \$5,000 pay raise for state employees, fully funding Georgia's public schools QBE formula, and an additional \$2,000 pay raise for teachers, which fulfills Governor Kemp's campaign promise of a \$5,000 teacher pay bump.

After it passes the Senate, the FY23 budget will go back to the House for consideration; the two chambers will need to reconcile their differences in the budget before it can go to Governor Kemp's desk for his signature.

Vaccine Passports

This week the House Health and Human Services Committee passed a measure that would prohibit state and local governments from mandating vaccine passports. [Senate Bill 345](#) by Senate Rules Chairman Jeff Mullis (R-Chickamauga) was passed by the Senate earlier this month by a margin of 31 to 19. The bill includes a one-year sunset which would expire at the end of June 2023, which will allow the legislature to reevaluate the measure next year. An amendment made on the Senate side also addressed concerns that the bill would have put the state in conflict with federal law when it comes to the vaccination status of healthcare workers. The bill was favorably reported out of committee after a somewhat contentious hearing. It still must be selected by the Rules Committee and passed by the House by Legislative Day 40 to make it to Governor Kemp's desk for his signature.

Gun Bill

On Thursday afternoon the Senate Judiciary Committee passed a substitute version of Representative Mandi Ballinger's (R-Canton) [House Bill 1358](#). The substitute version contains the language passed in Senator Jason Anavitarte's (R-Dallas) [Senate Bill 319](#), which would enact the "Georgia Constitutional Carry Act of 2021," but would rename the bill the "Chairman John Meadows Act," named for the late House Rules Chairman.

The measure would strike the provisions in current law that require a permit to legally carry a firearm. It would also redefine 'carry permit holder' as 'lawful weapons carrier.' To legally carry a firearm, an individual would still need to have legally purchased the firearm and would need to be in possession of the firearm legally. The measure would still allow an individual to apply for a carry permit in order to legally carry a firearm in states with reciprocity.

Senate Judiciary Chairman Brian Strickland (R-McDonough) opted not to allow public testimony on the bill at Thursday's committee meeting because the Judiciary Committee had already debated and heard testimony on an identical piece of legislation earlier in the session. The bill passed out of committee

along a party-line vote. To move forward, it must be selected by the Senate Rules Committee to go to the Senate floor for a vote.

Kemp Signs Income Tax Refund

This week Governor Kemp signed [House Bill 1302](#), which will return more than a billion-dollar state revenue surplus back to taxpayers. The bill, which was a legislative priority for Governor Kemp this year, will provide a one-time tax refund of \$250 for single tax filers, \$375 for heads of household, and \$500 for joint filers. All Georgia taxpayers who file income tax returns for 2020 and 2021 are eligible and can expect to receive payments six to eight weeks after submitting their 2021 state income tax returns.

Mental Health Parity

Speaker David Ralston's (R-Blue Ridge) comprehensive mental health reform bill, [House Bill 1013](#) has been one of the most widely discussed measures under the Gold Dome all session. The bill requires health insurance companies to cover mental health in the same ways they cover physical health, creates a cancellable educational loan program for mental health professionals, and creates a task force to help communities keep patients with severe mental illness out of jails. It passed the House several weeks ago by a vote of 169 to 3, and the Senate has appointed a special Health and Human Services subcommittee to closely review the bill.

The subcommittee is chaired by Senator Dean Burke (R-Bainbridge) and also includes Senator Ben Watson (R-Savannah), Senator John Kennedy (R-Macon), Senator Michelle Au (D-Johns Creek), and Senator Brian Strickland (R-McDonough), who is carrying the measure in the Senate. Hearings on the bill have become increasingly contentious, drawing dozens of interested citizens who are showing up at the Capitol to voice their strong opinions on the bill—some in support, some in opposition.

On Thursday the Georgia Freedom Caucus released a statement expressing its opposition to the bill, which included quotes from Representatives Sheri Gilligan (R-Cumming) and Philip Singleton (R-Sharpsburg), two of the eight legislators who have publicly declared their membership in the caucus. The group's statement said that the bill would, among other things, "massively expand government in the style of ObamaCare" and "enable back door gun-grabbing red flag laws and violate civil liberties"—claims which have been labeled by supporters of the bill as misinformation.

In response to the debate on the measure intensifying over the last two weeks, Speaker Ralston released a list of statements of support from some of the bill's notable proponents, including Piedmont Healthcare, Emory Healthcare, Wellstar Health System, and the Georgia Chamber.

To make it to the governor's desk, the bill must pass out of the full Health and Human Services and the Senate Rules Committee next week, and then be approved by a majority vote on the Senate floor by Day 40. The Senate has indicated that they expect changes to the bill, which would require it to go back across the hall to the House to consider the changes.

Psychiatric Advance Directive Act

Several other mental health bills are still in play this session—one is [House Bill 752](#), by House Health and Human Services Chairman Sharon Cooper (R-Marietta), which would provide for the creation of

psychiatric advance directives in Georgia. This would allow a competent adult with mental illness to specify his or her preferences for treatment and identify an agent who would be authorized to make decisions on his or her behalf in advance of a mental health crisis. The measure was passed out of the House earlier this session, and this week it was taken up by the Senate Judiciary Committee.

In committee, Chairman Cooper noted that the bill would be advantageous to emergency department physicians who may otherwise be unclear on a patient's wishes for emergency mental health treatment. Committee testimony clarified that, in a case in which an individual has both psychiatric advance directive as well as a medical advance directive, the psychiatric advance directive would trump the advance directive when it comes to mental health treatment. The bill was passed unanimously by the Senate Judiciary Committee, and it will be carried in the Senate by Majority Caucus Chairman John Kennedy (R-Macon).

Mental Health Parity Reporting Requirements

Another mental health bill, [Senate Bill 342](#) by Senator Kay Kirkpatrick (R-Marietta) would impose annual reporting requirements for healthcare plans to submit information to the Georgia Department of Insurance to determine whether they are compliant with federal mental health parity requirements. The insurance commissioner would then be required to release an annual summary report to the public. The measure, which passed out of the Senate earlier this session with only three dissenting votes, was passed out of the House Health and Human Services Committee this week. Next it will be considered by the House Rules Committee; it is being carried in the House by HHS Chairman Sharon Cooper (R-Marietta).

Teen Drivers

A bill passed this week by the House Motor Vehicles Committee would allow a newly licensed driver to have one individual at least 21 years of age in the car with them who is not a family member. Current law prohibits drivers under 18 years of age to have a passenger who is not a family member for the first six months that they have their license. Senator Frank Ginn (R-Danielsville) said he introduced [Senate Bill 510](#) to prevent young drivers from having to drive alone if a family member is not available to ride in the car with them. The original version of the bill would have allowed passengers under 21, but the measure was amended in committee to only allow a non-family member in the car if they are 21 or older. Next the bill heads to the House Rules Committee for consideration.

Healthcare Workforce

This week the Senate Oversight Committee favorably recommended a measure that seeks to address concerns with Georgia's health care workforce. [House Bill 1520](#) by Representative Lee Hawkins (R-Gainesville) would create the Georgia Council on Addressing Health Care Workforce Challenges, which would be made up of 27 members appointed by the governor, lieutenant governor, and Speaker. The council would be tasked with providing strategic thought, leadership, and recommendations on the future of the health care workforce in Georgia. At the committee hearing, Appropriations Chairman Blake Tillery (R-Vidalia) expressed concerns about the large size of the proposed council, but the measure ultimately received a 'do pass' recommendation for the committee. The measure must next be selected by the Senate Rules Committee, and it will be carried in the Senate by President Pro Tempore Butch Miller (R-Gainesville).