



*Legislative Update*

*March 19, 2021*

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.

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.

Senate Transportation Committee Chairman Frank Ginn created a subcommittee to analyze and research the bill between this session and the next session. The Sub-committee 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).

While we are encouraged by Chairman Ginn's action and the fact that the bill did not cross over to the House, we are continuing to actively oppose the bill through the end of session.

Earlier 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, but we are continuing to monitor this legislation and to actively work with other groups opposed to increased truck weights to ensure this legislation does not pass.

**Short Line Tax Credit:** 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. The bill was included in [House Bill 587](#) (see page 24 of the bill), the Georgia Economic Recovery Act of 2021, which also addresses several other income tax credits.

The bill was carried by House Majority Caucus Secretary/Treasurer Bruce Williamson (R-Monroe) in the House. GRA has been actively lobbying for the short line tax credit sunset extension, and HB 587 was favorably reported out of the Ways and Means Committee last week. It was passed by the House earlier this session by a vote of 157 to 14 and has been assigned to the Senate Finance Committee for consideration. We are actively lobbying Senate members to get the measure heard and passed out of the Finance Committee.

**Freight and Logistics:** Following the work done by the Joint Commission on Freight and Logistics over the last two years, this session Senator Steve Gooch (R-Dahlonega) has 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 was unanimously passed out of the Senate earlier this session, and on Thursday the House Transportation Committee approved the measure.

**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. Freshman Representative Mesha Mainor (D-Atlanta) introduced [House Bill 139](#), which prohibits 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, so it did not cross over to the Senate.

**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.

[House Bill 449](#), introduced by Representative Vance Smith (R-Pine Mountain) earlier this session, revises 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. We are monitoring this bill, which has been assigned to the Senate Regulated Industries and Utilities Committee, to ensure that the bill is not amended in a way that would adversely impact the rail industry in any way.

### **Overview of General Assembly**

House and Senate members convened this week Monday through Thursday for Legislative Days 32 through 35. This leaves only one more full week of session for the year, with Sine Die scheduled for Wednesday, March 31<sup>st</sup>. Legislators also have several full days of committee meetings scheduled next week to allow members sufficient time to present their bills to committees of the opposite chamber. Following a bill’s passage by its assigned committee, it must be selected by the Rules Committee in order to be considered by the full House or full Senate. If a chamber makes any amendments to a bill, members of the two chambers must work together to come to an agreement on their versions of the bill.

One notable bill still in the works is [House Bill 81](#), the Fiscal Year 2022 budget, which is currently being worked on by the Senate Appropriations Committee, chaired by Senator Blake Tillery (R-Vidalia). Once the Senate finalizes its budget recommendations, House and Senate leaders will engage in negotiations to resolve differences in their budgets so that a final agreed upon version can be sent to Governor Kemp for his signature.

Bills that successfully make it past the goal line ahead of the midnight deadline on Day 40 are then sent to the governor’s desk for consideration. Governor Kemp and his team then begin the 40-day process of reviewing the bills on which the House and Senate were able to come to an agreement. Based on his review, he 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 the Senate to override.

The final week and a half of session is scheduled as follows:

Monday, March 22 ..... convene for legislative day 36  
Tuesday, March 23 .....convene for legislative day 37  
Wednesday, March 24 .....committee work day  
Thursday, March 25 .....convene for legislative day 38  
Friday, March 26 .....committee work day  
Monday, March 29 .....convene for legislative day 39  
Tuesday, March 30 .....committee work day  
Wednesday, March 31 .....convene for legislative day 40 (SINE DIE)

**State Income Tax Cut**

On Thursday, the Senate approved [House Bill 593](#), authored by House Ways and Means Chairman Shaw Blackmon (R-Bonaire). The ‘Tax Relief Act of 2021’ would increase the standard deduction for a single taxpayer by \$800, \$1,100 for a married couple, and \$1,300 for a taxpayer who is over 65 or blind. The progress of House Bill 593 came into question last week when the federal government announced a provision in the \$1.9 trillion COVID relief package that said states could not use federal relief money for tax cuts. During the discussion of the measure on the Senate floor, Senate Majority Whip Steve Gooch (R-Dahlonega) argued that, considering that Georgia’s “budget is the highest it’s been in the history of our state” it makes sense to send the relief money “back to the people who sent it to us, to be good stewards of their funds.” Senator Larry Walker (R-Perry) carried the bill on the Senate floor, and it passed by a vote of 35-15; it is now on its way to the governor’s desk for his consideration.

**COVID-19 Liability**

[House Bill 112](#), by House Majority Whip Trey Kelley (R-Cedartown), would extend the sunset for COVID-19 liability protection for Georgia businesses through July of 2022. In early February, it passed the House by a vote of 99 to 68 along party lines, with Republicans arguing that businesses need these legal protections in order to operate, and Democrats saying that it would prevent employees from seeking legal relief if they are forced to work in unsafe conditions. This week the measure was considered by the full Senate and, after a great deal of discussion, it was passed without any amendments. Had the bill been amended, it would have needed to go back to the House so that the House and Senate could reconcile their versions of the bill. It now heads to Governor Kemp’s desk for his signature.

### **Election Reform Bills**

The House Majority Caucus omnibus election reform bill, [House Bill 531](#), was heard by the Senate Ethics Committee this week, though the committee took no formal action. The Senate's omnibus election bill, which would remove no-excuse absentee voting, has also not had formal action taken by the House Committee.

It is common practice, particularly in the final days of session, for legislative members to use "vehicles" to dramatically amend a bill that falls under the same Code section in Georgia law. The original version of [Senate Bill 202](#), authored by Senator Max Burns (R-Sylvania), would prohibit third-party groups from sending absentee ballot applications to voters who have already requested one. The measure passed the Senate by a vote of 32 to 20 on Crossover Day and was assigned to the House Special Committee on Election Integrity for consideration.

This week Chairman Barry Fleming (R-Harlem) introduced a substitute to the bill that would significantly reform Georgia's voting laws, though he noted that much of the material has already been vetted in other House and Senate bills. The House Special Committee on Election Integrity held lengthy hearings on the substitute version of the bill on Wednesday and Thursday afternoon, but has not yet taken formal action. Chairman Fleming announced that there would be additional minor revisions to the bill that are currently being worked on related to drop boxes and Sunday early voting.

### **Citizen's Arrest**

A measure which seeks to repeal Georgia's 150-year-old citizen's arrest law cleared an additional hurdle this week. [House Bill 479](#), sponsored by Governor's Floor Leader, Representative Bert Reeves (R-Marietta), eliminates any potential legal loopholes with Georgia's citizen's arrest law and clarifies when a citizen, business owner, or law officer may reasonably detain an individual. The bill must now be selected by the Senate Rules Committee in order to be considered by the full Senate ahead of Sine Die on March 31<sup>st</sup>.

### **Businesses and Churches in a Public Emergency**

This week the House Judiciary Committee approved [Senate Bill 200](#), sponsored by Senator Jason Anavitarte (R-Dallas), which would allow certain businesses and churches to continue or resume operations if the governor declares a public health state of emergency as long as they adhere to safety guidelines set by the governor. The ability of churches and businesses to open during the COVID-19 pandemic has been a widely discussed topic over the last year. The measure prohibits the governor from enacting guidelines that "specifically limit the practice of any religion" during a state of emergency. The bill, which passed the Senate by a vote of 29 to 19 earlier this month, must next be selected by the House Rules Committee to be considered by the full House for a vote.