



Legislative Update

February 11, 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. We are continuing to closely monitor this issue—although there are still live truck weight 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.

Short Line Tax Credit: Earlier this session 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.

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

This week members of the General Assembly convened Monday, Tuesday, Thursday, and Friday for Legislative Days 12 through 15. Wednesday was reserved as a committee work day for committees to consider active legislation. Members have until March 15, which is Crossover Day, to move their bills through the committee process and get them passed over to the other chamber.

Although legislators still have over a month until Crossover Day, they are quickly running out of time to introduce bills and get them all the way through the committee process by the deadline. Many of the larger committees also require a bill to receive a favorable recommendation from a subcommittee before it can be considered by a full committee. Next week legislators will convene Monday, Tuesday, and Thursday for Legislative Days 16 through 18, and next Wednesday has been reserved for another committee work day.

Appropriations Bill—Amended Fiscal Year 2022

After weeks of subcommittee hearings, on Thursday the House Appropriations Committee met to discuss and vote on [House Bill 910](#), the Amended Fiscal Year 2022 (AFY22) budget. Ahead of the full committee meeting, each of the Appropriations subcommittee chairmen held short meetings to review and vote on their subcommittees' budgets.

On Friday Appropriations Chairman Terry England (R-Auburn) presented the AFY22 budget, and the House approved the measure. The budget process is far from over—after receiving a vote in the House, the budget was transmitted across the hall where the Senate will have its turn at reviewing the numbers and making its own recommendations. A conference committee made up of top House and Senate leaders is appointed later in the session to resolve the differences between the chambers' budget proposals. The legislature will repeat a similar process for the 'big budget' for Fiscal Year 2023.

Mask Mandates

Governor Kemp announced this week that he will be pushing for legislation that would prohibit school mask mandates, insisting that the decision should be left up to parents. Kemp criticized school districts that have maintained mask mandates, arguing that politics rather than science have fueled these decisions. Several metro Atlanta school districts have kept the mandates in place up until this point, including Atlanta Public Schools, DeKalb County Schools, and Gwinnett Public Schools, which is the state's largest school district. Kemp said we can expect to see a bill dropped in the next several days.

Gun Bills

Following the introduction and movement of several gun-related bills last week, namely Senator Jason Anavitate's (R-Dallas) [constitutional carry bill](#), this week several new pieces of gun legislation were dropped. Like many of the bills introduced last week, [Senate Bill 478](#) by Senate Rules Chairman Jeff Mullis (R-Chickamauga) seeks to expand gun carry rights. It would remove provisions in the law that require gun owners to have valid weapons carry licenses in order to carry guns in parks and historic sites. It would also allow any person who is not legally prohibited from possessing a firearm to transport a handgun or long gun in any private passenger vehicle without a valid weapons carry permit.

[Senate Bill 479](#) by Governor's Floor Leader Bo Hatchett (R-Cornelia) specifies that a convicted felon or first offender probationer found in possession of multiple firearms would be receive separate charges for each firearm. Both bills have a long list of Republican signers.

Abortion Legislation

This week the Senate Health and Human Services Committee heard testimony on [Senate Bill 456](#) by Senator Bruce Thompson (R-White). The bill would require pregnant women to visit a physician in-person and receive an exam before they would be eligible to receive abortion-inducing drugs. It would require the physician providing the medication to be "credentialed and competent to handle complication

management, including emergency transfer” or to have an agreement with an associated physician who could handle any potential complications from the medication.

With the rise of virtual physician appointments during the pandemic, the Biden administration began allowing abortion pills to be mailed in April; the FDA recently made the accommodation permanent. Interest groups on both sides of the issue were well-represented in the contentious committee hearing this week, and committee chairman Ben Watson (R-Savannah) limited testimony to two minutes per person.

An earlier version of the [bill](#), also authored by Senator Thompson, would have required doctors to tell their patients that their medication abortion could be reversed. The new version heard in committee this week specifies that doctors “may” tell their patients that their abortions can be reserved. The earlier version would have also created a private right of action for patients to sue physicians who prescribe the abortion pill or treat patients experiencing complications and who do not properly follow newly created guidelines. The bill passed out of committee by a vote of 7 to 5 along party lines. It now heads to the Rules Committee for consideration.

Education

All eyes were on the Education Committees this week as they considered several hotly contested measures. A House Education subcommittee voted to pass [House Bill 1084](#) by Representative Will Wade (R-Dawsonville). The bill would prohibit educators from teaching specific “divisive concepts,” including claims that the United States is “fundamentally or systematically racist” and that people are “inherently racist or oppressive, either consciously or unconsciously.” The bill must now be passed out of the larger House Education Committee to continue through the legislative process.

A similar critical race theory bill, [Senate Bill 377](#) by Governor’s Floor Leader Bo Hatchett (R-Cornelia), was discussed earlier in the week by the Senate Education and Youth Committee, but it has yet to receive a vote. Hatchett’s bill would also establish monetary penalties for schools that violate the provisions of the bill.

On Wednesday afternoon the Senate Education and Youth Committee voted to favorably report [Senate Bill 435](#) by Senator Marty Harbin (R-Tyrone). The “Save Girl Sports Act” would ban a public or private school that competes with a public school from operating, sponsoring, or facilitating athletic programs that “permit a person of one gender to participate in an athletic program or activity designated for persons of the opposite gender.” The bill next heads to the Senate Rules Committee for consideration.

On Thursday the Senate considered [Senate Bill 231](#) by Senator Jason Anavitarte (R-Dallas), which would create a pilot program in certain charter schools for people between ages 21 and 35 who have not received a high school diploma. The bill passed the Senate by a vote of 51 to 3 and heads to the House for consideration.

[House Bill 1217](#) by House Education Committee Vice Chairman Chris Erwin (R-Homer) would require schools to use technology to filter out pornography and other obscene materials from internet and electronic devices in schools. The ‘Student Technology Protection Act,’ which includes signers Speaker Pro Tempore Jan Jones (R-Milton) and House Education Chairman Matt Dubnik (R-Gainesville), would require the Georgia Department of Education to develop a list of approved contractors that school districts could use to provide the mandatory filtering service. The bill has been assigned to the Education Committee but has not yet received a hearing.

Elections Updates

Vernon Jones suspended his candidacy for governor this week and announced that he would instead be running for Georgia's 10th US House District, where he said he "can best serve the people of Georgia."

Following Representative Matt Dollar's (R-Marietta) resignation and Representative Mike Wilensky's (D-Dunwoody) announcement that he would not be seeking reelection in November, this week Representative Zulma Lopez (D-Atlanta) announced she would not be seeking reelection. Representative Lopez adds her name to the already-long list of incumbents who will not be returning next year, which means we can expect a large number of freshmen members when the General Assembly convenes in 2023.

In other election-related news, this week U.S. District Judge Steve Jones said he would consider delaying Georgia's primary election, which is currently set for May 24, if he rules that the Georgia's newly drawn political boundaries illegally impact minority voters. Candidates are set to qualify to run for office from March 7 through 11 in the State Capitol. The general election will be November 8.

Turning to election legislation, this week the Senate Rules Committee passed [House Bill 333](#) by Representative Chuck Efstrotation (R-Dacula). The "Ethics in Government Act of 2021" was amended in the standing Senate Rules Committee by Chairman Jeff Mullis (R-Chickamauga) to ensure that anyone running for state office would not be able to fundraise during the legislative session, regardless of whether they are the incumbent in their race. Current law only restricts sitting state officials from raising funds during the session, which some argue provides a competitive advantage for challengers looking to unseat incumbents. In a recent court case which examined the legality of leadership committees for fundraising, U.S. District Judge Mark Cohen suggested that legislative action could address Governor Kemp's concern that his primary challenger David Perdue has a advantage due to his ability to fundraise during the legislative session.

Tax Credit Programs

This week the Senate unanimously passed bipartisan bills that would create two new tax credit programs—one benefitting foster care organizations, the other benefitting law enforcement foundations. [Senate Bill 370](#), sponsored by Senator Bill Cowsert (R-Athens), would establish a tax credit for taxpayers' donations to qualified child support organizations and would authorize the Department of Family and Children Services to certify foster child support organizations.

On Thursday the Senate passed [Senate Bill 361](#) by Senator Larry Walker (R- Perry), which would create a tax credit for donations made to local law enforcement foundations. The tax credit would be capped at \$5,000 for individuals and \$10,000 for married couples filing jointly and for 'S' corporations, and the aggregate amount of the tax credit would be capped at \$100 million annually.

Both pieces of legislation are policy priorities for Lieutenant Governor Geoff Duncan, who, in somewhat of a procedural rarity, testified in committee last week in support of the bills. The measures now head across the hall to the House for consideration.

Cobb Cityhood Legislation

After the House approved [legislation](#) to create the city of East Cobb last week, the legislature is now considering bills which would create three additional Cobb County cities- [Vinings](#), [Lost Mountain](#), and [Mableton](#). Bills which would create the cities of Vinings and Lost Mountain were passed out of the House this week and now await consideration by the Senate. The city of Mableton proposal was heard by

the Government Affairs Special Committee on Cityhood on Thursday and next heads to the full committee for a vote. The East Cobb cityhood bill was passed by substitute by the Senate on Thursday and immediately transmitted to the House—the House must decide whether to agree or disagree with the changes made by the Senate.

These Cobb cityhood bills are significantly less controversial than the city of Buckhead bill because the proposed Cobb cities are all currently part of unincorporated Cobb County, and the Buckhead proposal would require deannexing the area from the city of Atlanta before creating a new city. On the topic of Buckhead cityhood—the movement received another blow this week when Lieutenant Governor Geoff Duncan openly stated that he was opposed to the creation of the new city. This is not surprising after he sent the Buckhead cityhood bill to a committee that would be unlikely to advance the measure.