



Legislative Update

February 18, 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 have not been any truck weight bills introduced this year, there are several truck weight bills held over from last session. We recently received word that the House Transportation Committee will hold a hearing on [House Bill 496](#) by Representative James Burchett (R-Waycross) at some point this session. GRA opposes the bill and is working to ensure that it will not pass out of committee.

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. 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. 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.

Overview of General Assembly

This week legislators convened for Legislative Days 16 through 18, breaking for a committee work day on Wednesday. At this point in the session, committee activity has picked up considerably, and the number of newly introduced bills has started to drop off. House and Senate members now have just under a month in which to get their bills passed out of committee and the chamber in which they originated. After Crossover Day, which is March 15, House members will shift their attention to Senate bills, and the Senate will review House bills for the remainder of the 40-day session.

Since this is the second year of a two-year term, bills not passed out of their chamber of origin by the Crossover Day deadline are effectively dead- that is, unless a legislator can get the language from their bill added onto a related bill later in the legislative process, a tactic often employed by members in the final days of the legislative session. After Presidents' Day, legislators will be back under the Gold Dome Tuesday and Thursday for Legislative Days 19 and 20—Wednesday will once again serve as a committee work day for members.

Mental Health

Addressing mental health in Georgia remains a top priority for legislators this session. This week the House Health and Human Services Committee held a three-hour hearing on House Bill 1013. The fact that the bill is being carried by House Speaker David Ralston (R-Blue Ridge), which is a procedural rarity, indicates the significance of the issue to state leaders.

Two of the bill's cosponsors who have worked together closely on the drafting of the bill, Representative Mary Margaret Oliver (D-Decatur) and Representative Todd Jones (R-Cumming), presented the bill to the committee on Wednesday. The bill's provisions come from the recommendations made by the Georgia Behavioral Health Reform and Innovation Commission.

Representative Jones said the bill would require compliance with the standards in the federal Mental Health Parity and Addiction Equity Act for both private insurers and public insurers, i.e., Medicaid, State Health Benefit Plan, and PeachCare, and would create reporting requirements for insurance companies ensure compliance. The bill would also require care management organizations (CMOs) that provide services for Medicaid and PeachCare to comply with a minimum of an 85 percent medical loss ratio, which reflects the percentage of each dollar spent directly on medical care for patients covered under these plans.

Representative Oliver said the bill seeks to address the mental health professional workforce issue through the creation of a cancellable loan program for mental health and substance abuse professionals. She also reviewed the section of the bill which would allow a police officer to involuntarily commit an individual experiencing a mental health crisis who the officer may reasonably expect is in danger of harming themselves or others. Current law requires a threat to be "imminent" for a police officer to authorize transportation to an emergency receiving facility.

The bill would also extend the Georgia Behavioral Health Reform and Innovation Commission to 2025- the commission is currently set to expire next year.

A substitute version of the bill with more significant revisions is expected to be heard, and potentially voted on, by the House Health and Human Services Committee next week.

Anti-Gang Legislation

This week the House passed House Bill 1134 by House Judiciary Chairman Chuck Efstrotation (R-Dacula) by a margin of 101 to 56. The bill, which part of Governor Kemp's anti-gang legislative package, would give the attorney general and prosecuting attorneys the ability to work across multiple jurisdictions without the approval of the local district attorney. In his presentation of the bill on the House floor, Representative Efstrotation said the bill would give the attorney general's office the opportunity to have prosecutors with specialized knowledge in anti-gang prosecutions.

Across the hall, the Senate has also been looking to address gang-related violence. Senate Bill 359, the "Safe and Secure Georgia Act," by Senator John Albers (R-Roswell) would expand venue provisions in

the prosecution of gang cases, expand the statutory authority of the Georgia Bureau of Investigation, and allow for evidence of prior acts of abuse of a minor, disabled person, or elderly person. Senator Albers said he worked with judges, sheriffs, police chiefs, the Georgia Bureau of Investigation, and prosecutors to help draft the bill.

Fulton County District Attorney Fani Willis supports Albers' bill, which she said would allow a district attorney prosecuting gang activity in his or her jurisdiction to add charges involving crimes committed in another district attorney's jurisdiction. DeKalb County District Attorney Sherry Boston opposes the bill, arguing the bill should include a provision requiring the approval of the district attorney of the county where the additional crimes were committed. The bill has a long list of Republican cosigners and has been assigned to the Senate Judiciary Committee for consideration.

Horse Racing

On Thursday the Senate Regulated Industries Committee considered a series of bills by Senator Jeff Mullis (R-Chickamauga) and Senator Brandon Beach (R-Alpharetta) that would legalize horse racing in Georgia:

- Senate Bill 212, by Senate Rules Chairman Jeff Mullis, would allow for horse racing at a limited number of licensed equestrian centers and would create the Georgia Horse Racing Commission;
- Senate Resolution 131, also by Chairman Mullis, proposes an amendment to Georgia's constitution that would allow for betting on horse racing;
- Senate Bill 30, by Senator Brandon Beach, would create the Georgia Horse Racing Commission; and
- Senate Resolution 53, also by Senator Beach, which proposes an amendment to the Georgia constitution that would legalize pari-mutuel betting.

The passage of both a bill and resolution would be required to legalize betting on horseracing in Georgia since it is currently prohibited by Georgia's constitution. An amendment to the state's constitution requires the approval of two-thirds of each chamber as well as the approval of a majority of voters through a ballot measure.

Senator Billy Hickman kicked the meeting off with a presentation on the economic impacts of the horseracing industry done by Georgia Southern University. Senator Hickman, who is an accountant, said that he and his wife raise, train, and sell racehorses for races in other states, so he is very familiar with the industry. The economic impact study estimated the current equine industry in Georgia contributes approximately \$545.5 million and 7,212 jobs to the state economy, and presenters argued that legalizing pari-mutuel betting would further increase the economic benefits to the state.

The bills were scheduled for a hearing only and did not receive a vote by the committee.

School Mask Mandates

Last week Governor Kemp announced he would be pushing for legislation that would prohibit school districts from imposing mask mandates. Kemp said that politics, not science, has fueled the decision of several school districts to maintain mask mandates. This week Governor's Floor Leader Senator Clint Dixon (R-Buford) introduced Senate Bill 514, the "Unmask Georgia Students Act." The bill would prevent any local board of education from requiring students to wear face masks while on school property unless parents had the option to exempt their children. It has been assigned to the Senate Education and Youth Committee for consideration, where it awaits a hearing.

Social Media Discrimination

This week the Senate Regulated Industries passed Senate Bill 393 by Senator Greg Dolezal (R-Cumming). The bill falls under the ‘standing up to big tech’ legislative priority of the Senate majority caucus. The ‘Common Carrier Non-Discrimination Act’ would establish social media networks with over 20 million active users in the United States as common carriers, e.g., Facebook and Twitter, and would limit the platforms’ ability to discriminate against and censor the views of their users. It would also create a right of action for social media users who are the target of such discrimination to sue social media platforms.

In the committee hearing this week, Senator Dolezal clarified that the bill would eliminate viewpoint-based censorship, but said that it would not prevent standards-based censorship. The issue is part of the ongoing national discussion regarding the censorship of conservative political opinions by social media platforms. The measure passed out of the Regulated Industries Committee along a party line vote and must next be passed out of Rules Committee to be considered by the Senate.

Public Official and Election Updates

Among the biggest political news of this week was House Appropriations Chairman Terry England’s (R-Auburn) announcement that he would not seek reelection. As chairman of the House committee that writes the state’s budget, England is among the legislature’s most powerful members. He has served in the legislature since 2005 and has served as Appropriations Chairman for 12 years.

Across the hall of the Capitol, this week Senate Higher Education Chairman Lindsey Tippins (R-Marietta) announced that he would not seek reelection. Tippins has served in the Senate since 2010.

An April 5 special election has been set to fill the East Cobb House seat vacated by Representative Matt Dollar, which means the seat will remain vacant through the end of this legislative session. The victor of the race will have to run for election again in the May primary and November general election for the 2023-2024 term. House Health and Human Services Committee Chairman Sharon Cooper (R-Marietta), who was drawn into the 45th House district, will run for the seat. She will face Democrat Dustin McCormick, who has said he intends to run in both the special election as well as the May primary and November general election for the next legislative term.

Last week Georgia Supreme Court Chief Justice David Nahmias announced he would be stepping down from the bench in July in order to spend more time with his family. The announcement came as a shock to many; Chief Justice Nahmias has served on the bench for 12 years. This week Kemp announced he would appoint Judge Andrew Pinson to the Georgia Supreme Court to fill the vacancy. Pinson, who is a former law clerk for U.S. Supreme Court Justice Clarence Thomas, was appointed to the Court of Appeals in August.

Also this week, Governor Kemp’s former Chief of Staff Tim Fleming announced he would run for House in District 114. The district is currently represented by Dave Belton, who will not be running for reelection. Fleming, who previously served on the Newton County Board of Commissioners, will face Morgan County businessman Wendell McNeal in the Republican primary in May.