



Legislative Update

March 4, 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.

This week the House Transportation Committee held a hearing on [House Bill 496](#) by Representative James Burchett (R-Waycross). A substitute version of the bill would expand the proposed 95,000-pound weight limit for trucks to “agricultural commodities,” which includes any and all agricultural, horticultural, floricultural, and vegetable products produced in this state. The original version of the bill would have allowed for the increased weight limits for trucks carrying forest products.

GRA joined the associations representing the counties and cities of Georgia and GDOT to testify in opposition to the bill at the committee hearing. We are working to determine whether House Transportation Committee Chairman Rick Jasperse (R-Jasper) intends to bring the bill back up for a vote by the committee before the Crossover Day deadline, and we are continuing to work with other groups at the State Capitol which are also opposed to an increase in truck weights to ensure this legislation does not pass.

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. This week the bill was passed by the House Ways and Means Committee this week and will be considered on the House floor on Tuesday.

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. This week 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 has been assigned to the

House Transportation Committee for consideration. GRA is working to prevent the measure from passing.

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.

Railroaders Day: This week President Pro Tempore Butch Miller (R-Gainesville) passed [Senate Resolution 602](#), which recognized March 1, 2022 as Georgia Railroaders Day. The resolution noted that Georgia’s railroaders have been essential on the front lines during the COVID-19 pandemic.

Overview of General Assembly

This week legislators convened for Legislative Days 21 through 24, breaking on Wednesday for a full day of committee meetings. Legislators working to get their bills out of committee and passed out of the chamber in which they originated are inching dangerously close to the March 15 Crossover Day deadline.

A highlight for many legislators, staffers, and lobbyists this week was the visit by Georgia Bulldogs Coach Kirby Smart, who led the team to win their first national title since 1980. The national championship trophy also took the trip from Athens to the State Capitol for the day. Coach Smart stopped by the House and Senate chambers for some brief remarks before heading back to Athens, where he said the team has been hard at work preparing for the upcoming season.

Mental Health Parity Act

Speaker David Ralston (R-Blue Ridge) testified at the House Health and Human Services Committee this week to urge members to pass [House Bill 1013](#). He said that he expected the bill to be the first step in a multiyear conversation on how to best address glaring issues in the state when it comes to mental healthcare access and quality. He added that the legislation would be paired with funding, both in the amended FY 2022 and FY 2023 budgets to provide investments in mental health and public safety—approximately \$100 million overall, \$29 million of which would provide funding for the provisions in House Bill 1013.

Cosponsors of the measure, Representatives Mary Margaret Oliver (D-Decatur) and Todd Jones (R-South Forsyth), were back before the committee to review changes and answer questions from committee members. Representative Oliver noted that discussions on transports, pediatric coordinated care, and the ‘imminent harm’ standard were ongoing. One amendment discussed in committee this week included adding broader criteria for determining if an individual experiencing a mental health crisis should be taken to a crisis center or emergency department to allow for greater flexibility. Another amendment would allow the Criminal Justice Coordinating Council to make grants for subsequent transfers for an individual in mental health crisis, i.e., transfers to a treatment facility after a preliminary transport to a crisis center or emergency department.

The newest version of the bill also specifically references the new advance directive for psychiatric care as a tool to be used in addressing mental health—the Psychiatric Advance Directive Act, [House Bill 752](#) by HHS Chairman Sharon Cooper (R-Marietta) has already passed the House and has made its way over to the Senate for consideration.

To address healthcare workforce issues, the substitute version of the bill also includes a broader definition of ‘mental health or substance abuse professional’ to allow more eligible healthcare workers access to the proposed cancelable educational loan program.

The bill passed unanimously out of the House Health and Human Services Committee and now awaits selection by the Rules Committee before it can go to the House floor for consideration.

Gun Bills

This week the Senate took up three gun-related bills on the floor. [Senate Bill 479](#) by Governor’s Floor Leader Bo Hatchett (R-Cornelia) specifies that convicted felons found in possession of multiple firearms will be charged separately for the possession of each firearm. The way the law is currently written, felons found in possession of an arsenal of firearms could only be charged for being in possession of a single firearm. There was no debate on the bill, and it passed the Senate by a vote of 43 to 9.

Next the Senate considered [Senate Bill 259](#) by Senate Rules Chairman Jeff Mullis (R-Chickamauga). The bill would prohibit local governments from banning the discharge of firearms on someone’s property if the property is 10 acres or more. The measure would also impose penalties on local governments that fail to auction off eligible weapons within one year. The measure passed along party lines by a vote of 33 to 20.

Finally the Senate took up its third gun bill of the day, [Senate Bill 319](#) by Senator Jason Anavitarte (R-Dallas), the ‘Georgia Constitutional Carry Act of 2021.’ The measure would strike the requirements 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.

Senator Michelle Au (D-Johns Creek) offered an amendment to Senate Bill 319 which would have extended the requirement of background checks to private gun sales at the point of sale. The amendment was voted down, and after a lengthy debate on the Senate floor, the underlying bill passed along party lines by a vote of 34 to 22. All three gun bills from this week now head over to the House for consideration.

Abortion Legislation

This week the considered [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. After a lengthy debate, the bill, which has 31 Republican cosponsors, passed 31 to 22. It now heads to the House for consideration.

Horse Racing

This week the Senate Regulated Industries and Utilities Committee passed [Senate Bill 212](#) and [Senate Resolution 131](#), both by Rules Chairman Jeff Mullis (R-Chickamauga), which would legalize horse racing in Georgia. If it passes both chambers with at least two-thirds support, Senate Resolution 131 would pose a ballot question to voters on legalization of horse racing—more than fifty percent of voters would need to agree with the measure to approve the amendment to the Georgia constitution. Senate Bill 212, which is the enacting legislation required for the constitutional amendment question, would establish the Georgia Horse Racing Commission, which would license and regulate no more than five horse racing tracks in the state. 3.75% of all total money bet at horse racing facilities would go back to the state to address gambling addiction, education, health care, and rural development. Senator Lindsey Tippins (R-Marietta) was the only committee member to vote against the two measures, which are now headed to the Senate Rules Committee.

Income Tax Cut

On Tuesday Speaker David Ralston and other members of House leadership announced plans to cut Georgia's income tax by about a billion dollars. The announcement comes less than a week after the House Ways and Means Committee passed out a [measure](#) that would provide \$1.6 billion in one-time refunds for all Georgia taxpayers. The income tax cut measure, [House Bill 1437](#), is being carried by House Ways and Means Chairman Shaw Blackmon (R-Bonaire). It would flatten the current progressive tax rate to 5.25%, eliminate deductions besides charitable contributions, and dramatically increase standard exemptions from \$2,700 to \$12,000 for single filers and \$7,400 to \$24,000 for married couples filing jointly. If passed by the House and Senate, the tax cut would not take effect until 2024.

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 has united in support of tort reform legislation- dozens of businesses have signed on to a letter of support for [House Bill 961](#). The business community and tort reform advocates point to Georgia's national reputation as a "judicial hellhole," a jurisdiction where judges in civil cases systematically apply laws and procedures in an unfair and unbalanced manner, generally to the disadvantage of defendants.

To address concerns with Georgia's legal environment, House Judiciary Chairman Chuck Efstrotation (R-Dacula) introduced the bill this session which allows for apportionment of damages in single-defendant lawsuits, and after being delayed for a vote in the House several times over the last several weeks, it passed unanimously this week. Next the tort reform measure heads across the hall to the Senate for consideration.

Amended Fiscal Year 2022 Budget

On Thursday the Senate approved the Amended Fiscal Year 2022 budget, [House Bill 910](#). Senate Appropriations Chairman Blake Tillery (R-Vidalia) held a full Appropriations Committee hearing first thing Monday morning to review budget highlights and changes with members. The Senate approved budget recommendations from Governor Kemp including a \$2,000 raise for teachers, the restoration of \$390 million in cuts previously made to K-12 education, a \$5,000 raise for eligible state employees, and \$1.6 billion in tax refunds for Georgians. Additions to the Senate's budget include \$189 million to

provide the state match to federal infrastructure funds and \$5 million for the state's nursing schools to address a significant nursing workforce issue. Since passing the AFY22 budget on February 11, the House has been firming up its budget recommendations for Fiscal Year 2023. Once the 'big budget' passes the House, it will head over to the Senate for consideration. The passage of a balanced budget is the only constitutionally required action item of the state legislature each year.

Political Updates

This week U.S. District Court Judge Steve Jones ruled this week that newly redrawn political maps in Georgia could remain in place. If the maps had been struck down, the upcoming election dates would have likely needed to be pushed out, but with this ruling, there is now confirmation that the May 24 primary election and November 8 general election will go on as planned.

Legislators who will be running for reelection or higher office must officially register to do so beginning on Monday, March 7 during the week-long qualifying period. Many legislators running for reelection are eagerly awaiting qualifying week to see if they have drawn primary or general election opposition.

Also this week, the Georgia Board of Regents voted unanimously to make Sonny Perdue the next chancellor of the University System of Georgia. Perdue has served two terms as governor—the first Republican governor in the state since Reconstruction-- and as U.S. Secretary of Agriculture under President Trump. He is also the first cousin of former Senator David Perdue, who is challenging Brian Kemp in the gubernatorial primary in May.