



*Legislative Update*

**February 17, 2023**

**GRA Legislative Agenda Items**

**Oppose Truck Size and Weight Increases:** 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.

Representative Steven Meeks (R-Screven) has introduced [House Bill 189](#), which would increase truck weight limits to 90,000 pounds, remove any reference to a specific commodity, and remove the current mile radius restrictions. Cosponsors of the bill include House Majority Caucus Whip James Burchett (R-Waycross), who carried the truck weight increase bill last year, Representative John Corbett (R-Lake Park), Representative Spencer Frye (D-Athens), Representative Robert Dickey (R-Musella), and Representative Patty Bentley (D-Butler).

Last week the House Transportation Committee, chaired by Representative Rick Jasperse (R-Jasper) held a hearing on the bill. The bill's sponsor distributed a substitute version of the bill to committee members to consider just hours before the hearing. The substitute version includes financial penalties for overweight trucks as follows:

- 5 cents per pound for every pound over 80,000 pounds if the truck is less than 95,000 pounds;
- 10 cents per pound for every pound over 80,000 pounds if the truck is more than 95,000 pounds; and
- 15 cents per pound for every pound over 80,000 pounds if the truck is over 100,000 pounds.

Recall that, after a nearly six-hour hearing, the House Transportation Committee voted to pass the bill by a vote of 18 to 11.

This week, the House Rules Committee referred the bill back to the Transportation Committee, meaning that it would need to once again be passed by the committee to be eligible for selection by the Rules committee for floor consideration.

On the Senate side, this week Senator Russ Goodman (R-Cogdell) introduced an identical bill, [Senate Bill 165](#). The bill has approximately 30 bipartisan cosponsors and has been

referred to the Senate Transportation Committee, which is now chaired by Senator Greg Dolezal (R-Cumming).

**Defend the Short Line Tax Credit:** Defend the 50 percent short line tax credit of \$3500 per mile that is currently in place until the end of 2026.

- There have been no credible threats to the short line tax credit this session, though there exists a vocal faction of legislators, particularly among Senate Republicans, that opposes tax credits, generally. We are closely monitoring the Senate Finance Committee to ensure that there are no threats to the tax credit.

### **Oppose Anti-Industry Legislation:**

**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. Legislation mandating a two-man crew was introduced in the 2019 session.

- There has not been any legislation introduced this session that addresses the two-man crew.

**Blocked Crossings:** 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. There were several bills and resolutions introduced during the 2022 session which would address train length and blocked crossings, including [House Resolution 1023](#), [House Resolution 1027](#), [House Bill 1473](#), and [House Resolution 919](#).

- There has not been any legislation introduced this session that addresses blocked crossings.

### **Overview of General Assembly**

The General Assembly convened Monday through Thursday again this week for Legislative Days 17 through 20, with Thursday marking the halfway point in the 40-day session. This week once again saw a significant uptick in the number of bills introduced and considered by committees. As of Wednesday, the Office of Legislative Counsel, which works with House and Senate members to draft legislation, reported producing more than 2,800 drafts since the beginning of the session.

Members now have just eight legislative days to get their bills passed out of their assigned committees and over to the opposite chamber for continued consideration this session—Crossover Day is set for Monday, March 6. Additionally, House Appropriations Subcommittees continued to meet throughout the week to work on developing the House’s budget recommendations for Fiscal Year 2024.

Legislators are back in session next week Tuesday through Thursday for Legislative Days 21 through 23.

### **Update on Governor Kemp’s Legislative Priorities**

- This week [House Bill 162](#), sponsored by Representative Lauren McDonald (R-Cumming), cleared its first hurdle, passing out of the Ways and Means Income Tax Subcommittee, which is chaired by Representative Bruce Williamson (R-Monroe). The measure would provide a one-time tax credit of \$250 for individuals and \$500 for married couples who filed taxes in Georgia in 2021 and 2022. Next the bill heads to the full Ways and Means Committee for consideration.
- This week the House passed [House Bill 129](#), sponsored by Governor’s Floor Leader Soo Hong (R-Lawrenceville) by a margin of 173 to 1. The bill, which is a legislative priority for Governor Kemp this session, would expand Temporary Assistance for Needy Families (TANF) benefits to pregnant women. The bill has been assigned to the Children and Families Committee in the Senate.
- After a lengthy floor debate and two failed proposed amendments, [Senate Bill 44](#) by Governor’s Floor Leader Bo Hatchett (R-Cornelia) passed the Senate by a margin of 31 to 22 this week. The bill would impose mandatory minimum sentences for violations of the Street Gang Terrorism and Prevention Act—those convicted of recruiting individuals into a gang would be required to serve five to twenty years in prison on top of sentences for other gang-related crimes. The bill has been assigned to the Judiciary Non-Civil Committee in the House.
- [Senate Bill 42](#), sponsored by Senator Mike Hodges (R-Brunswick), would increase the fines for businesses that fail to comply with model notice requirements for the human trafficking hotline. This week the measure passed the Senate by a margin of 51 to 1. The bill has been assigned to the Judiciary Non-Civil Committee in the House.

**There were a number of social issue-related bills that were introduced or had legislative action taken this week:**

**Religious Freedom Legislation**

This week Senator Ed Setzler (R-Acworth) introduced [Senate Bill 180](#), the ‘Georgia Religious Freedom Restoration Act,’ or ‘RFRA.’ The bill is very similar to the federal Religious Freedom Restoration Act (1993), which is significant, because Governor Kemp indicated in 2018 he would only support RFRA legislation in Georgia that was a “mirror image” of the federal law. The bill, which has 25 Republican cosponsors, has been assigned to the Judiciary Committee for consideration.

**Sports Betting Legislation**

This week the Senate Economic Development and Tourism Committee held a hearing on [Senate Bill 57](#) by Senator Billy Hickman (R-Statesboro). The bill would allow sports betting as well as fixed-odds betting on horseracing in Georgia.

Bills that would legalize sports betting and horseracing have passed the Senate with a simple majority vote in the past, but proponents of these bills have failed to get the 2/3 majority required to pass an amendment to Georgia’s Constitution. Former chief justice of the Georgia Supreme Court Harold Melton wrote a legal opinion last month that stating that “sports betting can be

legalized as a state-run lottery for educational purposes solely through legislative action,” meaning that a constitutional amendment would not be required.

The bill received was hearing only in the Economic Development Committee this week, but Chairman Brandon Beach (R-Alpharetta), who is a cosponsor of the bill, said the committee will take a vote on the bill at their next meeting.

A number of other measures that would also legalize sports betting were introduced this week.

- This week Representative Marcus Wiedower (R-Watkinsville) introduced [House Bill 380](#). The bill, which has bipartisan cosigners, would authorize and provide for the regulation and taxation of sports betting in Georgia. The measure was assigned to the Higher Education Committee, which is chaired by Representative Chuck Martin (R-Alpharetta), who is a cosponsor of the bill. The bill received its first hearing in the Higher Education Committee on Thursday afternoon, but the committee did not take any action. There will likely be changes made to the bill, which will be discussed again at an upcoming committee hearing.
- Senator Bill Cowsert (R-Athens) introduced [Senate Bill 172](#), which would authorize and provide for the regulation and taxation of sports betting in Georgia. The measure, which has bipartisan cosponsors, has been assigned to the Regulated Industries and Utilities Committee, which is chaired by Senator Cowsert. A corresponding Senate Resolution, [Senate Resolution 140](#), proposes an amendment to the Georgia Constitution to legalize sports betting.
- Minority Leader James Beverley (D-Macon) has introduced [House Resolution 210](#), which proposes a constitutional amendment to authorize sports betting, pari-mutuel betting, and casino gambling in Georgia. If passed by the 2/3 threshold of the General Assembly required for a constitutional amendment, Georgia voters would be asked whether sports betting, pari-mutuel betting, and casino gambling should be legalized.

## **Transgender Legislation**

This week Senator Carden Summers (R-Cordele) introduced [Senate Bill 140](#), which would prohibit certain surgical procedures for the treatment of gender dysphoria in minors from being performed in hospitals and other licensed healthcare facilities. Gender dysphoria is a condition where a person’s gender identity differs from their gender assigned at birth. The bill, which has 22 Republican cosponsors, has been assigned to the Health and Human Services Committee for consideration. The committee is chaired by Senator Ben Watson (R-Savannah), who is the second cosigner on the bill.

A related bill, [Senate Bill 141](#), by Senator Clint Dixon (R-Buford), was also introduced this week. This measure would prohibit health care providers from performing specified practices on minors relating to altering a person’s appearance relating to gender. It would also prohibit school nurses and other school employees from engaging in certain conduct relating to a minor’s perception of his or her gender. The measure, which has 15 Republican signers including Senate

Majority Leader Steve Gooch (R-Dahlonega), has also been assigned to the Health and Human Services Committee.

### **Obscene Materials in School Libraries**

This week Senator Greg Dolezal (R-Cumming) introduced [Senate Bill 154](#), which would criminalize school librarians who let students check out books with obscene materials. Current law protects librarians at public, school, and university libraries from criminal prosecution for distributing harmful materials to minors. This legislation would remove the exemption for school librarians. The bill, which has 21 Republican cosigners, has been assigned to the Education and Youth Committee for consideration. The chairman of the committee, Senator Clint Dixon (R-Buford) is a cosponsor of the legislation.

### **TikTok Ban**

On Thursday the Senate voted unanimously to pass legislation that would prohibit a state employee from installing or using a social media platform that is controlled or influenced by a foreign adversary on state equipment. [Senate Bill 93](#) would require the Georgia Emergency Management and Homeland Security Agency (GEMA) to maintain and update a list of foreign adversaries. The measure, which has 32 Republican cosponsors, now heads to the House for consideration.

### **Marijuana Legislation**

This week Representative Pedro Marin (D-Duluth) introduced [House Bill 337](#), which would authorize the use, production, manufacturing, and dispensing of medical marijuana in Georgia. It lists medical conditions for which medical marijuana could legally be used. The bill, which has all Democratic signers, has been assigned to the Judiciary Non-Civil Committee for consideration.

[House Bill 387](#) was introduced by Representative Kimberly Alexander (D-Hiram). The bill would codify the proclamation by President Biden's office that would grant a pardon and restore full political, civil, and other rights regarding the offense of simple possession of marijuana. This bill also has all Democratic cosponsors and has been assigned to the Judiciary Non-Civil Committee.

[House Bill 388](#), also sponsored by Representative Kimberly Alexander, would decriminalize the possession of marijuana. Currently, those charged with possession of an ounce or less of marijuana would face misdemeanor charges and could face jail time of up to a year and a fine of up to \$1,000. If passed, it would not be a criminal offense to possess less than an ounce of marijuana in Georgia. This measure also has all Democratic signers and has been sent to the Judiciary Non-Civil Committee for consideration.