



*Legislative Update*

**March 5, 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) introduced [House Bill 189](#) earlier this session, which would increase truck weight limits to 90,000 pounds (80,000 pounds with a 12.5 percent variance), 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).

The House Transportation Committee, chaired by Representative Rick Jasperse (R-Jasper), has held several hearings on the legislation and considered different iterations of the bill. After passing out of Transportation for the second time, this week the House Rules Committee sent the bill back to Transportation once again for further consideration.

After the House adjourned on Thursday evening, the House Transportation Committee met to consider several bills, including a committee substitute version of House Bill 189. The most recent version of the bill (attached to this email) would allow a 10 percent variance (up to 88,000 pounds) for the specific commodities currently covered in Georgia Code, e.g., forest products, live poultry, granite, concrete, etc.

The bill passed out of the House Transportation Committee by a margin of 12 to 7 this week, so it is now once again eligible for selection by the House Rules Committee for a floor vote. We are monitoring this bill in the Rules Committee and preparing for a possible vote on the House floor.

On the Senate side, Senator Russ Goodman (R-Cogdell) has introduced [Senate Bill 165](#), which is identical to the original House version that was introduced. 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).

On Monday, the Senate Transportation Committee held a hearing on the bill, but did not take any action. After the hearing, Chairman Dolezal indicated he planned to wait and see what would happen with the House version of the bill.

**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.

**Freight and Logistics:** Following a two-year study on freight and logistics by the House and Senate, House Transportation Chairman Rick Jasperse has introduced [House Bill 617](#), which would provide for the development and maintenance of a statewide freight and logistics implementation plan. The bill, which passed the House Transportation Committee on Thursday evening, would create the Georgia Freight 2050 Program, subject to appropriations by the General Assembly. The bill is now eligible for selection by the House Rules Committee for floor consideration.

### **Overview of General Assembly**

This week the General Assembly convened Monday through Thursday for Legislative Days 24 through 27. Monday, March 6 is Crossover Day, which is the final day that a bill can pass out of the chamber in which it originated to stay alive this year. In the Senate, Wednesday was the final day a bill could be passed by a committee to make it to the floor for a vote by Crossover Day. The House held a committee workday on Friday to allow committees to pass out additional legislation ahead of Crossover Day on Monday.

The Senate Rules Committee met late Thursday night after the Senate adjourned to set the calendar for Monday, placing more than 60 bills on the calendar on top of the number of bills that were tabled on Thursday that could be brought back up at any time. The House Rules Committee has set a shorter calendar for Monday, but will likely meet several times throughout the day to create supplemental calendars to add more bills to the floor for consideration.

On the Senate side, this week was notable for measures that did not pass including City of Buckhead City legislation and sports betting, which were voted down, and a bill that would limit gender discussion in schools and religious freedom, or 'RFRA' legislation, both which did not make it on to Monday's Crossover Day calendar.

After Crossover Day on Monday, legislators will convene Tuesday through Thursday for Legislative Days 29 through 31, though the days immediately following Crossover Day do not typically see much legislative action.

### **Amended Fiscal Year 2023 Budget**

Last week the Senate passed its version of the Amended Fiscal Year 2023 budget, [House Bill 18](#), and immediately transmitted the bill back to the House for consideration. The House and Senate typically come up with their own versions of the budget based on their members' priorities. Procedurally, when each chamber insists on its position, a conference committee made up of three House members and three Senators is appointed to resolve the differences between the two versions.

This week Lieutenant Governor Burt Jones appointed Senate President Pro Tempore John Kennedy (R-Macon), Majority Leader Steve Gooch (R-Dahlonega), and Appropriations Chairman Blake Tillery (R-Vidalia) to serve as conferees, and Speaker John Burns appointed Speaker Pro Tempore Jan Jones (R-Milton), Majority Leader Chuck Efstrotation (R-Dacula), and Appropriations Chairman Matt Hatchett (R-Dublin) to the conference committee. Once an agreement is reached among conferees, both chambers will vote on the conference committee report, which reflects the agreed upon AFY23 budget. The passage of a balanced budget is the only constitutionally required action item for the legislature each year.

### **Tort Reform**

- [Senate Bill 196](#), sponsored by Senator Ben Watson (R-Savannah), would allow for evidence of seat belt nonuse or use to be considered by the jury in a car accident case. In a Senate Transportation Committee hearing this week, Senator Brandon Beach (R-Alpharetta) amended the bill to make ride shares exempt from the legislation. The bill was favorably reported out of the committee by substitute and was put on the Senate floor for a vote on Thursday, where it failed by a margin of 24 to 30.
- [Senate Bill 191](#), sponsored by Senator Shawn Still (R-Norcross), would take away the ability for plaintiffs to join motor carrier and insurance companies in the same action. The measure was passed by the Senate Transportation Committee last week and was selected by the Rules Committee for a floor vote on Thursday. After the failed vote on

Senate Bill 196 earlier in the day, Senate Bill 191 was tabled, although the measure could be brought back up on the Senate floor for a vote at any point on Crossover Day.

- [Senate Bill 203](#), sponsored by Senator Jason Anavitarte (R-Dallas) is entitled the “Trucking Opportunity Act of 2023.” It would repeal a provision that allows for lawsuits to be brought against motor carriers and their insurance companies as co-defendants. It would also allow veterans to access tuition-free training programs, provide standard maximum driving hours for motor carriers in intrastate commerce, and clarify that an individual issued a commercial driver’s license in accordance with state law is considered to have the necessary qualifications for commercial vehicle operation.
- [Senate Bill 186](#), sponsored by Senator Greg Dolezal (R-Cumming), is entitled the “Georgia Landowners Protection Act.” It would revise current standards for landowners found liable for certain incidents taking place involving third party criminals. This week it was passed out of the Senate Insurance and Labor Committee, and on Thursday night it was selected by the Rules Committee to be placed on the calendar for a Senate vote on Monday.
- Another tort reform measure, [Senate Bill 200](#), is also on the Senate calendar for Monday. The measure, sponsored by Senator Bill Cowsert (R-Athens), would codify the Apex Doctrine, which provides for a trial court to prevent or limit a deposition if the high-ranking officer has no unique, personal knowledge of relevant facts of the case. This is an issue that has garnered the attention and support of many CEOs and C-suite members.

## **Tax Credits Analysis**

On Thursday morning, Speaker Jon Burns and Lieutenant Governor Burt Jones joined Governor Kemp to announce that the General Assembly would be undertaking a thorough review of all Georgia tax credits, including Georgia’s film tax credit, later this year. According to the press release, the “review is meant to support Georgia businesses while ensuring a significant return on investment for Georgia’s taxpayers.”

The review process will take place in the interim between the 2023 and 2024 sessions of the Georgia General Assembly so that any legislative changes which may be proposed could be considered during the 2024 session. The House and Senate will work with the Governor’s Office of Planning and Budget, the Georgia Department of Economic Development, and the Georgia Department of Revenue as well as industry stakeholders throughout the process. The press release noted that further details on the review process would be announced after the 2023 session adjourns at the end of March.

## **Sports Betting**

There are a number of bills moving that would legalize sports betting in Georgia.

After passing the Economic Development Committee last week, on Thursday the Senate considered [Senate Bill 57](#) by Senator Billy Hickman (R-Statesboro), which would allow sports betting as well as fixed-odds betting on horseracing in Georgia. The bill was amended on the floor to require that regulations governing the treatment and aftercare of horses consider and

utilize standards published by the Horseracing Integrity and Safety Authority. The bill failed by a vote of 19 to 37.

There are several other bills, both on the House and Senate side, that could still potentially move on Crossover Day, some of which include a proposed amendment to Georgia's constitution. There is still some level of disagreement under the Gold Dome as to whether legalizing sports betting requires a constitutional amendment approved by voters. Former chief justice of the Georgia Supreme Court Harold Melton recently wrote a legal opinion 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.

Another measure to keep an eye on on Monday is [House Bill 380](#), sponsored by Representative Marcus Wiedower (R-Watkinsville), which would legalize sports betting and place it under the purview of the Georgia Lottery. Wiedower's bill does not include the legalization of any type of horse racing. The measure was passed by substitute in the Higher Education Committee this week and is now on the House's general calendar for Monday, meaning that it is eligible for selection by the Rules Committee on a supplemental calendar.

### **City of Buckhead City**

On Thursday the Senate was slated to vote on two companion bills that would de-annex the City of Buckhead City from Atlanta if approved by voters, [Senate Bill 113](#) and [Senate Bill 114](#). The day before the vote, the cityhood movement was dealt a blow when the Governor's Executive Counsel, David Dove, sent a public letter to the Governor's Floor Leaders in the Senate which raised a number of questions regarding the constitutionality of the bills, including questions of how Atlanta and Buckhead would share general obligation bond debt and what would become of Buckhead's children who currently attend Atlanta Public Schools.

Although Lieutenant Governor Burt Jones has been supportive of the measure in the past in his capacity as a state senator, his office has indicated that the bill is not one of his legislative priorities this session. After a lengthy debate on the floor Thursday evening, Senate Bill 114 failed with a floor vote of 23 to 33, and Senate Bill 113 was tabled.

### **Governor Kemp's Legislative Priorities**

- [House Bill 147](#), or the 'Safe Schools Act,' was introduced earlier this session by Representative Will Wade (R-Dawsonville). It would require school safety plans to be submitted to the Georgia Emergency Management and Homeland Security Agency (GEMA); require intruder alert drills for all public schools; and would provide for a school safety and anti-gang endorsement for eligible certificated professional personnel issued by the Professional Standards Commission. This week, the bill passed the House by a margin of 148 to 20 and was referred to the Senate Education and Youth Committee for consideration.
- [House Bill 128](#), sponsored by Representative Soo Hong (R-Lawrenceville), seeks to increase the representation of businesses owned by minorities, women, and veterans in the procurement of state contracts for construction, services, equipment, and goods. The

bill was scheduled for a vote on the House floor on Thursday, but the vote was postponed to the next legislative day.

- [House Bill 130](#), introduced earlier this session by Representative Matthew Gambill (R-Cartersville), would create a program to repay up to \$20,000 in educational loans for up to 800 officers in exchange for 5 years of service. The bill passed the House unanimously on Wednesday and now heads to the Senate for consideration.
- Earlier this session, Governor’s Floor Leader Soo Hong (R-Lawrenceville) introduced [House Bill 129](#), which would expand Temporary Assistance for Needy Families (TANF) benefits to pregnant women. After passing the House by a margin of 173 to 1 earlier this session, the bill is now moving through the Senate—this week, the newly created Senate Children and Families Committee voted to pass the measure. It is now eligible for selection by the Rules Committee for a vote on the Senate floor.
- Last week the House passed [House Bill 162](#), sponsored by Governor’s Floor Leader Lauren McDonald (R-Cumming), 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. This week the Senate referred the measure to the Finance Committee.

### **Mental Healthcare Reform**

After passing out of committee by substitute earlier this week, on Thursday the House considered [House Bill 520](#). The 44-page measure, which was presented on the floor by cosponsors Representatives Todd Jones (R-South Forsyth) and Mary Margaret Oliver (D-Decatur), who carried last year’s mental health reform bill, would expand Georgia’s loan forgiveness program for mental health care providers; create new authorities for sharing and collecting data; seeks to define “serious mental illness;” and includes a funding mechanism to allow the legislature to appropriate funds in the Fiscal Year 2024 budget for crisis services in Fulton, Laurens, and Muscogee counties. The bill builds upon the sweeping mental healthcare legislation passed last session under the leadership of the late Speaker David Ralston. It passed the House 163 to 3 and now heads to the Senate for consideration.

### **Crime-Related Legislation**

This week the House and Senate considered a number of bills that seek to address crime.

- This week the House considered [House Bill 505](#) on the floor. Sponsored by Representative Mike Cheokas (R-Americus), House Bill 505 would make rioting a felony punishable by one to 20 years in prison. After a lengthy floor debate, the measure passed the House by a margin of 98 to 73 along a party-line vote. It now heads to the Senate for consideration, where it has been assigned to the Judiciary Committee.
- [Senate Bill 92](#) was considered on the Senate floor on Thursday morning. The measure would create the Prosecuting Attorneys Oversight Commission, which could investigate, discipline, and remove a prosecutor. The measure passed the Senate by a vote of 32 to 24 and next heads to the House for consideration. A similar bill, [House Bill 231](#), authored by Representative Joseph Gullet (R-Dallas), was favorably reported by the Judiciary Non-Civil Committee this week.



## **Election Reform**

Late Thursday evening, the Senate took up [Senate Bill 222](#), sponsored by Senator Max Burns (R-Sylvania), which would require that all costs and expenses relating to election administration be paid for with “lawfully appropriate public funds,” effectively prohibiting donations to county election offices from nonprofits like Mark Zuckerberg’s Center for Tech and Civic Life, which donated an estimated \$43 million to Georgia counties in Georgia for election administration during the COVID pandemic in 2020. The measure passed 33 to 23 and now heads to the House for consideration.

Another elections-related measure which was passed out of the Ethics Committee earlier this week, [Senate Bill 221](#), would have banned absentee ballot drop boxes and allowed voter challenges based on change-of-address records. The bill was not selected by the Rules Committee for a floor vote on Monday.

## **Electric Vehicle Legislation**

This week the House passed [House Bill 406](#), sponsored by Transportation Chairman Rick Jasperse (R-Jasper), which would allow convenience stores to sell electricity for EV charging by the kilowatt hour, create regulations for EV chargers, and sets up a tax structure similar to the gas tax for electricity used to power electric vehicles. The bill comes after an off-session study committee, co-chaired by Chairman Rick Jasperse and Senate Majority Leader Steve Gooch (R-Dahlonega) travelled the state to discuss the future of the electrification of transportation in Georgia. The measure passed the House unanimously on Wednesday and has been assigned to the Senate Regulated Industries and Utilities Committee for consideration.

## **Booting Legislation**

This week Senator Josh McLaurin (D-Sandy Springs) introduced [Senate Bill 247](#), which would prohibit a towing and storage firm from placing an instrument designed to restrict movement of a motor vehicle on a motor vehicle in an unauthorized location. The bill, which has bipartisan cosponsors, has been assigned to the Public Safety Committee for consideration. Because it has not already received a committee hearing at this point in the session, the bill will not be eligible for passage by the Senate this year, but it can still be considered next session.

## **New State Representative**

In the crowded race to fill the seat of former House Appropriations Chairman Terry England, which was vacated by Representative-Elect Danny Rampey, no candidate was successful in reaching the 50 percent plus one threshold at the end of January. The House District 119 seat went to a special election runoff between Republicans Holt Persinger and Charlie Chase. This week, Persinger won the runoff with 59 percent of the vote. When he is sworn in, Republicans will have 101 seats in the House. An open Democratic-leaning seat in Clayton County will be filled in a special election in March after Representative Mike Glanton stepped down earlier this session for health reasons.

