



Legislative Update

March 10, 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 seeks to increase maximum allowable truck weights in Georgia. The original version of the bill would have allowed trucks of up to 90,000 pounds (80,000 pounds with a 12.5 percent variance) and removed any reference to specific commodities that could use the variance, so that the heavier weight limits would apply to all trucks.

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. Last week the committee passed out a third version of the bill, which would allow a 10 percent variance (up to 88,000 pounds) for trucks carrying the specific commodities currently covered in Georgia Code, e.g., forest products, live poultry, granite, concrete, etc.

After a lengthy floor debate on Monday night, the measure ended up passing in the final hour of Crossover Day by a two-vote margin. Although we are disappointed in the vote, we are grateful to our champions in the House, including Representative Teri Anulewicz (D-Smyrna) and Representative Darlene Taylor (R-Thomasville), who took to the well to speak against the measure ahead of the floor vote. We are currently working to stop the bill from advancing in the Senate.

On the Senate side, Senator Russ Goodman (R-Cogdell) introduced [Senate Bill 165](#) earlier this session, which is identical to the original House version that was introduced (90,000 pound maximum for all trucks). Several weeks ago, the Senate Transportation Committee, chaired by Senator Greg Dolezal (R-Cumming) held a hearing on the measure, but did not take a vote, so the bill was ineligible for floor action on Crossover Day.

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 28 through 31. Monday, March 6 was Crossover Day, which is the last day that a bill can pass out of the chamber in which it originated to stay alive this year. Bills that did not pass out of one chamber by the time the legislature adjourned Monday are effectively dead this session, though they may be considered next year. However, no bill is truly dead until midnight on Legislative Day 40—language from bills that did not meet the Crossover Day deadline can sometimes be added to related pieces of legislation later on in the process.

With dozens of bills for each chamber to consider on Crossover Day, the House and Senate were both in session until after 11 PM on Monday. The rest of the week was considerably lighter for legislators on the floor, though committees were in full swing later in the week for senators to vet House legislation and representatives to consider legislation that crossed over from the Senate.

Crossover Day is as notable for what passes as it is for what legislation does not make it across the finish line. Religious freedom, or ‘RFRA,’ legislation never made it on a floor calendar for a

vote, nor did legislation that would have limited gender discussion in schools. One measure that would have amended Georgia's constitution to legalize sports betting failed in the Senate, while a House bill that would have also allowed for sports betting was never called up for a floor vote.

The influx of new bills introduced each day has slowed dramatically at this point in the session since it is now past the Crossover Day deadline, but as of Wednesday of this week, the Office of Legislative Counsel, which is responsible for drafting legislation for all members of the General Assembly, reported having produced drafts of 4161 bills and resolutions.

The General Assembly will be back in session next week Monday through Thursday for Legislative Days 32 through 35. As *Sine Die* (Legislative Day 40) sneaks closer, we anticipate committee and floor action to pick up substantially next week.

Amended Fiscal Year 2023 and Fiscal Year 2024 Budgets

The passage of a balanced budget is the only constitutionally required action item for the Georgia General Assembly each session. Last week Speaker Jon Burns and Lieutenant Governor Burt Jones appointed top-ranking legislators to serve on the conference committee to [House Bill 18](#), the Amended Fiscal Year 2023 budget. Conferees were responsible for reconciling differences between the House and Senate versions of the AFY23 budget. On Crossover Day, both the House and Senate overwhelmingly voted to approve the conference committee report and to immediately transmit the bill to Governor Kemp's desk, where it is currently awaiting his signature, pending his review.

After many weeks of subcommittee hearings, the full House Appropriations Committee, chaired by Representative Matt Hatchett (R-Dublin), convened Wednesday to consider the Fiscal Year 2024 budget, [House Bill 19](#). The measure was passed out of committee and put on the House floor for consideration the following day. On Thursday, Chairman Hatchett presented the House's version of the FY24 budget, which includes \$13.1 billion to fully fund QBE, the most ever spent in Georgia on public education; a \$4,000 pay increase for law enforcement officers; a \$2,000 pay bump for all other state employees, including public school teachers; and \$1.25 million for a new Georgia State Patrol satellite post in Buckhead. The FY24 budget passed 167 to 1 and was immediately transmitted to the Senate for consideration.

Sports Betting

On Crossover Day, there were a handful of bills in play to legalize sports betting in Georgia. Among supporters for sports betting, there are two schools of thought regarding its legalization. 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 since there is already a constitutional amendment to allow for the Georgia Lottery.

Senator Billy Hickman's (R-Statesboro) [Senate Bill 57](#), which would allow sports betting as well as fixed-odds betting on horseracing in Georgia, failed on the Senate floor last week with a vote of 19 to 37.

On Crossover Day the Senate took up [Senate Resolution 140](#), authored by Senator Bill Cowsert (R-Athens), which proposes an amendment to the Georgia Constitution to legalize sports betting. While the measure received a majority of the votes on the Senate floor, a two-thirds majority is required for any resolution which seeks to amend Georgia's constitution, so the measure will not move on to the House.

Another measure, [House Bill 380](#), sponsored by Representative Marcus Wiedower (R-Watkinsville), would legalize sports betting and place it under the purview of the Georgia Lottery. The measure, which would have only required a simple majority to pass, was placed on a supplemental calendar by the House Rules Committee on Crossover Day. However, it was never called up for a vote on the floor before the House adjourned Monday night, effectively killing the legislation for this session.

Tort Reform

There were a number of tort reform bills in play this session, most of them on the Senate side. Recall that last week the Senate voted down Senator Ben Watson's (R-Savannah) [Senate Bill 196](#), which would allow for evidence of seat belt nonuse or use to be considered by the jury in a car accident case. The measure failed on the Senate floor by a vote 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 bill was tabled last Thursday and was eligible for consideration on Monday, but it was not brought back up for a vote before the Senate adjourned.
- [Senate Bill 203](#), sponsored by Senator Jason Anavitarte (R-Dallas) is entitled the "Trucking Opportunity Act of 2023." The original version of the bill would have repealed a provision that allows for lawsuits to be brought against motor carriers and their insurance companies as co-defendants. However, the measure was amended on the Senate floor on Crossover Day, stripping the tort reform provisions from the bill. The version of the bill that the Senate took a vote on would provide tuition-free commercial truck training to veterans. The measure passed 54 to 1 and has been assigned to the Defense and Veterans Affairs Committee in the House.
- [Senate Bill 186](#), sponsored by Senator Greg Dolezal (R-Cumming) would revise current standards for landowners found liable for certain incidents taking place involving third party criminals. The measure was scheduled for a floor vote in the Senate on Monday, but the bill was tabled and was not brought back up for a vote before the Senate adjourned Monday night.
- Another tort reform measure, [Senate Bill 200](#), was 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. The measure was tabled on Monday and was never brought back up for a vote.
- However a similar piece of legislation, [House Bill 530](#) by Representative James Burchett (R-Waycross), passed the House 156 to 8 last week and has been assigned to the Senate

Regulated Industries and Utilities Committee for consideration. This was ultimately the only piece of tort reform legislation that successfully crossed over this session.

Transgender Legislation

On Monday the Senate considered [Senate Bill 140](#), sponsored by Senator Carden Summers (R-Cordele). The legislation would prohibit certain procedures and therapies for the treatment of gender dysphoria in minors. After a lengthy debate on the Senate floor Monday night, the measure passed 33 to 22.

Another transgender-related bill failed to make it out of the Health and Human Services Committee and to the Senate floor by Crossover Day. [Senate Bill 141](#), sponsored by Senator Clint Dixon (R-Buford), would have prohibited health care providers from performing or aiding in the performance of medical practices on minors relating to gender.

Georgia Promise Scholarship Act

On Crossover Day the Senate considered [Senate Bill 233](#), sponsored by Senator Greg Dolezal (R-Cumming), the “Georgia Promise Scholarship Act.” The bill would create promise scholarship accounts to be funded by the state of \$6,000 per school year for each participating student. Earlier in the legislative process, the bill was amended to ensure the school vouchers would only be funded in years in which the state’s public schools are also fully funded. The bill was further amended on the floor to restrict the scholarships to students zoned in school districts that perform in the bottom 25 percent in the state. After a lengthy floor debate, the legislation was ultimately passed along party lines; it will next be considered by the House.

Prosecuting Attorneys Oversight Council

On Crossover Day, the House considered [House Bill 231](#), sponsored by Representative Joseph Gullett (R-Dallas), which would create the Prosecuting Attorneys Oversight Commission. The commission would have the power to discipline or remove an elected district attorney or solicitor general, a commission similar to the existing Judicial Qualifications Commission. After a lengthy floor debate, the House passed the measure along party lines with Republican support and the support of one Democrat, Representative Meshia Mainor (D-Atlanta). It has been assigned to the Senate Judiciary Committee for consideration.

Antisemitism Legislation

On Crossover Day the House considered [House Bill 30](#), which would provide a legal definition of ‘antisemitism’ in Georgia Code and would add any antisemitic actions to Georgia’s hate crimes statute. The bill is co-sponsored by Representative John Carson (R-Marietta) and the only Jewish member of the General Assembly, Representative Esther Panitch (D-Sandy Springs). After a lengthy floor debate and impassioned speeches from the bill’s cosponsors, the measure passed 136 to 22. It has been assigned to the Judiciary Committee in the Senate.

New Senate Study Committees

On Thursday Lieutenant Governor Burt Jones announced the creation of four priority Senate Study Committees which will expand the critical work on his 2023 legislative priorities:

- [Senate Resolution 85](#): The Senate Occupational Licensing Study Committee sponsored by Senator Larry Walker (R – Perry) addresses Georgia’s current occupational licensing laws and requirements.
- [Senate Resolution 275](#): Senator John Albers (R – Roswell) sponsored the Senate Study Committee on Expanding Georgia’s Workforce, which will examine current practices, pilot programs, private-public partnerships, and initiatives by industries across Georgia to increase workforce opportunities.
- [Senate Resolution 279](#): The Senate Study Committee on Certificate of Need (CON) Reform sponsored by Senator Greg Dolezal (R – Cumming) will address CON reform policies that will preserve the ability of hospitals to continue to provide open access to all patients in a community.
- [Senate Resolution 282](#): Senator Kay Kirkpatrick (R – Marietta) sponsored the Senate Study Committee on Foster Care and Adoption, which will review current guidelines and processes related to foster care and adoption.

Appointments to all of the study committees will be announced after the conclusion of the 2023 Legislative Session. The study committees will hold meetings around Georgia and notices regarding meetings will be shared with the public.