



Legislative Update

February 21, 2020

Following a relatively quiet week at the Capitol to allow the House to continue to examine and adjust the budget, session was once again in full swing this week with a significant uptick in the number of bills and resolutions introduced and a large number of committee meetings. The House and Senate reconvened on Tuesday for legislative day 13 and held session the rest of the week. For a bill to stay alive this session, legislators only have until March 12 to get it passed out of the chamber in which it started and moved to the other chamber for consideration.

Because this is the second year of a two year session, Senate bills not passed out of the Senate by March 12 and House bills not passed out of the House by the same date cannot move any further through the legislative process this year and would need to be reintroduced for consideration next year. The legislature has a busy week ahead, with legislative days scheduled for Monday through Friday.

GRA Legislative Agenda Items

House Bill 820, introduced by House Transportation Chairman Kevin Tanner, is a product of the Freight and Logistics Commission's recommendations. It would create a budget placeholder for rail and would create the Georgia Freight Railroad Program, which would be administered under the Georgia Department of Transportation. The bill was favorably reported out of the House Transportation Committee and now sits in the House Rules Committee before it can head to the House floor for a full vote. Senate Majority Whip Steve Gooch has a similar piece of legislation in the Senate, Senate Bill 371. This week Senate Bill 371 was favorably reported by the Senate Transportation Committee and must now be passed out of the Senate Rules Committee before it can be considered on the Senate floor.

House Resolution 935 would extend the Joint Committee on Freight and Logistics Commission for an additional year. In past weeks, it was adopted by the House by a vote of 169 to 0, and this week it was heard in the Senate Transportation Committee, where it passed unanimously. It heads next to the Senate Rules Committee before it can head to the floor for a full Senate vote.

Senate Bill 370: Protecting Railroad Right of Way: In 2019, the General Assembly passed SB 2, designed to facilitate Electric Membership Corporations (EMCs) to provide broadband services to rural Georgia. One provision allows the EMCs to add additional facilities on existing electric easements without additional consideration or safety measures. GRA has been working with members to address the concerns raised by SB 2. Senate Majority Whip Steve Gooch filed Senate Bill 370, which specifies that EMCs are required to comply with the application, review, safety, and permit requirements of railroad companies and state agencies when working in an electric easement that is located on property controlled by railroads or state agencies. This week, SB 370 was heard in the Senate Transportation Committee and

received a unanimous “do pass” recommendation. It heads next to the Senate Rules Committee where GRA will advocate for it to be allowed to the Senate floor for a vote.

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. Though there has not been legislation introduced relating to truck weights, we are keeping a close eye on this issue following a recommendation by the Senate Study Committee on Reducing Georgia’s Cost of Doing Business during the interim to address truck weights.

We are continuing to keep an eye on several pieces of legislation that did not pass last session, but are still in play for this session:

HB 190, Two Man Crew: GRA opposes HB 190, introduced by Representative Rick Williams, which seeks to require a train that is in use for the movement of freight to operate with at least two crew members. The bill also seeks to require railroad companies to provide automated external defibrillators on trains and provides for monetary penalties for failure to comply with the proposed provisions in the bill. There has not been any movement on this piece of legislation yet this session.

HB 375, Rail Crossings: GRA opposes HB 375, introduced by Representative Joseph Gullett. The proposed legislation 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, except under certain circumstances. There has not been any movement on this piece of legislation yet this session.

SB 96, Whistle Posts: GRA opposes SB 96, introduced by Senator Randy Robertson last session, which would require railroad companies to put up and maintain whistle posts at least 0.25 miles ahead of an approaching private grade crossing. There has not been any movement on this piece of legislation yet this session.

Overview of General Assembly

Budget

Unsurprisingly, the budget continues to take all of the oxygen out of the room as the legislature inches closer to the halfway point of the session. Following a second full week of House Appropriations Subcommittee hearings, the full Appropriations Committee met Tuesday morning to finalize the FY20 budget. The committee restored or reduced some of the cuts recommended by the Governor. It was then taken up on the House floor on Wednesday morning, passing by a vote of 126 to 46; it now heads to the Senate for a vote.

Next, all eyes turn to the FY21 budget, which is expected to be even more contentious with Governor Kemp’s call for state agencies to cut their budgets by 6 percent in addition to his recommendation to give teachers another \$2,000 raise, fulfilling his campaign promise to raise teacher pay by \$5,000. House Speaker David Ralston (R- Blue Ridge) this week reiterated his commitment to cutting the income tax rate from 5.75 percent to 5.5 percent following the legislature’s decision to cut taxes from 6 percent to 5.75 percent in 2018.

Adoption Legislation

Senator Marty Harbin (R-Tyrone) introduced Senate Bill 368 on February 5, and after the two week recess, it was first-read in the Senate on Tuesday and referred to the Senate Judiciary Committee. The bill would allow faith-based adoption agencies to refuse to place children with couples that violate “certain religious or moral convictions.” Harbin said the bill is intended to preserve choice for mothers who want to ensure their child grows up in a particular religious background. Religious freedom legislation has received a great deal of attention in past sessions and is often contentious.

In a similar vein, though presumably less contentious, several pieces of legislation were introduced this week that would make fostering and adopting children easier in Georgia, which is another one of Governor Kemp’s top legislative priorities for this year. House Bill 912 by Representative Bert Reeves (R-Marietta) would allow foster parents to arrange for short-term babysitting. House Bill 913, also introduced by Reeves, would strengthen, clarify, and update provisions related to the protection of children, including foster children and adopted children. House Bills 912 and 913 were first read this week in the House and referred to the House Juvenile Justice Committee. Reeves also introduced House Bill 934 this week, which raises the tax credit for adopting a child from \$2,000 to \$6,000 for the first five years. The tax credit would then be \$2,000 a year after that until the adopted child turns 18.

On the Senate side, Senator Matt Brass (R-Newnan) has Senate Bill 335, which would strengthen support for foster families by reducing certain training requirements, adding data collecting and tracking procedures, allowing DFCS to contract with more child-placing agencies, and allowing free admission for foster families to state park. The bill was passed out of the Senate Judiciary Committee this week and later passed the full Senate with a vote of 53 to 1.

Tort Reform

One of the biggest pieces of legislation to drop this week was Senate Bill 390, by Senator Steve Gooch (R- Dahlonega). Last session, the Senate adopted Senate Resolution 433, creating the Senate Study Committee on Reducing Georgia’s Cost of Doing Business. The committee, chaired by Senate Agriculture and Consumer Affairs Chairman John Wilkinson (R- Toccoa), spent the interim leading up to this year’s legislative session examining Georgia’s legal climate and its impact on the cost of doing business and performing healthcare services in Georgia. Following several meetings all across the state, the study committee released a lengthy list of legislative recommendations, addressing everything from capping punitive damages, to using allowing the failure to wear a seatbelt to be used as evidence in court, to premises liability reform. Senate Bill 390, an omnibus legal reform bill, addresses a large number of the issues raised by the study committee.

Surprise Billing

The two bills introduced this session to address surprise billing are continuing to move through the legislative process. This week, House Bill 888, sponsored by Lee Hawkins (R- Gainesville) and Senate Bill 359, sponsored by Senator Chuck Hufstetler (R-Rome), passed through the House Special Committee on Access to Quality Health Care and Senate Health and Human Services Committee, respectively. Surprise billing, which Governor Kemp has identified as a legislative priority for his team this session, occurs when a patient goes to an in-network provider but ends up with a large bill from a member of their care team who was out-of-network.