



## *Legislative Update*

*February 28, 2020*

The legislature was in session every day this week for Legislative Days 17 through 21. Legislators wishing to pass legislation this session are running up against the clock with Crossover Day quickly approaching. 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 originated 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.

Because this is an election year for all House and Senate members, legislators wishing to represent their districts under the Gold Dome next year must run for reelection. Legislators planning to run for their seats again next year must qualify to do so next week. The makeup of the legislature is anticipated to change a fair amount next year, both because many members have already announced their intention not to run for reelection as well as because some districts that were close last election could possibly be lost by incumbents this year.

### **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**. After being favorably reported out of the Senate Transportation Committee last week, Senate Bill 371 on Thursday the Rules Committee picked the bill to be heard on the Senate floor on Friday, where it passed unanimously. It next heads to the House, where it will be sent to a committee for consideration.

**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 last week it was heard in the Senate Transportation Committee, where it passed unanimously. It must now pass out of 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. Last week, SB 370 was heard in the Senate Transportation Committee and received a unanimous “do pass” recommendation. It now must pass out of 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.

**Burning of Crossties:** We are monitoring two bills that relate to the burning of crossties. Two identical bills have been introduced, one in the House and one in the Senate. Both would prohibit the burning of certain chemically treated wood products for the purposes of commercial energy generation. Senate Bill 385 by Senator John Wilkinson (R-Toccoa) was passed out of the Senate Regulated Industries Committee on Thursday afternoon, and House Bill 857 by Representative Alan Powell (R-Hartwell) is scheduled for a hearing in a House subcommittee of the Natural Resources and Environment Committee on Tuesday of next week.

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

### **Film Tax Credit**

While Georgia’s film tax credit has propelled the state to a position of prominence in the movie and television production world, the credit has faced some recent criticism following two audits released by Georgia’s Department of Audits and Accounts. In response to some of these criticisms, Representative Matt Dollar (R-Marietta) introduced House Bill 1037 to address several of the issues raised by the audits. The bill was dropped Wednesday afternoon and its major provisions include requiring mandatory audits of all productions, tightening up the process for how audits are conducted, and authorizing the Department of Revenue to set up a third-party independent auditor list. Dollar presented his bill to the House Working Group on Creative Arts and Entertainment on Thursday afternoon. Public testimony is scheduled for later this afternoon, and a vote is scheduled for Monday. If it passes the working group, next it will head to the House Ways and Means Committee for a hearing.

### **Tax Credit Audits**

Also relating to tax credits, this week the Senate unanimously passed Senate Bill 302 by Senator John Albers (R-Roswell). The bill, which passed the Senate Finance Committee last week, would allow the House Ways and Means Committee and Senate Finance Committee to each select five tax credit programs each year to receive an economic analysis by an independent auditor. Governor Kemp vetoed a similar piece of legislation last year that would have used the state's auditor to perform the economic analyses and suggested he would support the legislation if the analyses were instead conducted by an independent auditor.

### **Tort Reform**

Tort reform continues to be a major topic of conversation under the Gold Dome this week. Last week, Senator Steve Gooch (R-Dahlonega) introduced Senate Bill 390, an omnibus legal reform bill which addressed many of the recommendations from the Senate Study Committee on Reducing Georgia's Cost of Doing Business. The bill was referred to the Senate Judiciary Committee last week, but has not yet received a hearing. Later last week, Senator Gooch introduced another tort reform bill, Senate Bill 415. Compared to Senate Bill 390, Senate Bill 415 does not include much of the civil procedure language. Some of the major provisions that stayed in SB 415 include premises liability and accuracy in damages (eliminating phantom damages). A lengthy hearing was held on Wednesday morning by a subcommittee within the Senate Insurance and Labor Committee, though no action was taken on the bill.

### **Sports Betting**

One of the most widely discussed subjects ahead of this session was gambling, and while the casino and horseracing bills have not seen significant legislative movement in recent weeks, this week Senator Burt Jones (R-Jackson) introduced Senate Resolution 821, which proposes an amendment to the Georgia's Constitution to allow for sports betting. Because the resolution is a constitutional amendment, it will require both the Senate and the House to approve by a two-thirds vote in each chamber before it can go on the ballot. If voters were to approve the measure on the ballot, Georgia Lottery would manage an online sports wagering system that would benefit the state's HOPE scholarship.

### **Gun-Related Legislation**

This week the Senate Judiciary Committee heard Senate Bill 357 by Senator Bill Heath (R-Bremen), which would allow some gun owners to carry weapons into places of worship and schools run by religious organizations. Heath says he was prompted to file the legislation following several high-profile shootings at places of worship across the country. The committee did not take any formal legislative action on this piece of legislation following its hearing.

A separate piece of gun-related legislation, House Bill 787, by Representative Mandi Ballinger (R-Canton) was passed by the House Public Safety Committee this week. The bill would allow someone with a carry permit from any other state to carry their firearms in Georgia. Georgia currently operates under reciprocity, which means that the only out-of-state individuals authorized to carry firearms in Georgia are those from states that allow Georgia carry permit holders to carry a firearm in their state. The bill heads next to the House Rules Committee before it can reach the floor for a full House vote.

### **Distracted Driving**

Following a hearing in the House Public Safety Committee several weeks ago, a new version of House Bill 113 by Representative John Carson (R-Marietta) was heard this week in committee. The bill seeks to raise the fines for drivers found texting and driving. Following Carson's presentation of the bill, Representative Alan Powell (R-Hartwell) presented a committee substitute to the bill, which made several changes to the original version of the bill, including a total ban of any cell phone use by any driver under the age of 18. This version of the bill would also create a new fine structure: each infraction would cost

the driver \$25 to \$100. The substitute passed the committee by a vote of 7 to 4 and next heads to the House Rules committee before it can reach the floor for a full House vote.