



Legislative Update

March 6, 2020

The legislature convened this week Monday through Thursday for Legislative Days 22 through 25. House and Senate members hoping to pass legislation this session are quickly running out of time because Crossover Day, which is Legislative Day 28, is next Thursday, March 12. For a bill to stay alive this session, legislators only have until then to get it passed out of the chamber in which it originated and moved to the other chamber for consideration. That means bills will have to be passed out of their respective committees and make it through their chamber's Rules Committee by the beginning of next week. Because 2020 is the second year of a two-year session, bills not passed out of their original chambers by Crossover Day cannot move any further through the legislative process this year and would need to be reintroduced for consideration next year.

In addition to all of the legislative action under the Gold Dome this week, individuals planning to run for local, state, or federal office have been qualifying to do so on the second floor of the Capitol this week. All State House and Senate members are up for re-election, and 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. As of the middle of the week, nearly two dozen legislators had announced that they will not be qualifying to run for re-election.

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 Senate Transportation Committee this week by a unanimous vote. Senate Majority Whip Steve Gooch has a similar piece of legislation, Senate Bill 371. After being favorably reported out of the Senate Transportation Committee, Senate Bill 371 was heard on the Senate floor, where it passed unanimously. It is now the House, where it has been assigned to the House Transportation 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. After receiving a unanimous “do pass” recommendation by the Senate Transportation Committee, the bill was unanimously passed by the full Senate this week. It now heads to the House for consideration.

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 last week, and House Bill 857 by Representative Alan Powell (R-Hartwell) was passed out of the House Natural Resources and Environment Committee this week. Both bills must now pass their chambers’ respective Rules Committees before they can head to the floor for a vote.

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

Daylight Savings Time

On Monday of this week, Senate Bill 351 by Senator Ben Watson (R-Savannah) passed the Senate by a vote of 53-0; the bill has headed across the hall to the House, where it must go through a similar process to make it to the governor’s desk. Senate Bill 351 would provide a referendum on the question of whether Georgia should continue changing the clocks for Daylight Savings Time. Changing to permanent Daylight Savings Time would require Congressional approval if the voters were to choose that; staying on Standard Time would not require Congressional approval. A similar piece of legislation in the House by Representative Wes Cantrell (R-Woodstock), House Bill 709, is still awaiting a hearing in the House State Planning and Community Affairs Committee.

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, last week Representative Matt Dollar (R-Marietta) introduced House Bill 1037 to address several of the issues raised by the audits. The bill's 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. Following several hearings by the House Creative Arts and Entertainment Working Group last week, on Monday the bill was favorably reported out of the working group. It then moved to the House Ways and Means Income Tax Subcommittee, where it passed unanimously. The bill must now pass the full Ways and Means Committee before it can be considered in the House Rules Committee.

Tort Reform

Two tort reform bills by Senator Steve Gooch (R-Dahlonega) address many of the recommendations from the Senate Study Committee on Reducing Georgia's Cost of Doing Business. Senate Bill 390, an omnibus legal reform bill, received its first hearing in the Senate Judiciary Committee this week, where the bill was passed out by committee substitute. Senate Bill 415, which is a legal reform bill largely relating to insurance, was passed out of the full Senate Insurance and Labor Committee this week. Following passage by their respective committees, both bills must pass out of the Senate Rules Committee in order to be considered for a vote by the full Senate by Crossover Day.

Distracted Driving

Following the passage of a committee substitute of House Bill 113 by Representative John Carson (R-Marietta) last week, this week the Senate worked to tackle distracted driving. Carson's bill, which is sitting in the House Rules Committee, raises fines for those caught using their phones while driving; prohibits teenagers from using their phones while driving for any reason, including navigation; and eliminates what many legislators call the "get out of jail free" provision, which allows first-time offenders to bring a receipt for a hands free device to a judge to have the citation dismissed. Senate Bill 479 by P.K. Martin (R-Lawrenceville) was passed in the Senate Public Safety Committee Wednesday. Like the House version, the Senate version would require offenders to pay a fine between \$25 and \$100, but the Senate version removed the under-18 prohibition on cell phones. The bill now heads to the Senate Rules Committee before it can head to the Senate floor.

Surprise Billing

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. Identical bills have been introduced in both the House and the Senate to address surprise billing. Last week Senate Bill 359 by Senator Chuck Hufstetler (R-Rome) passed the Senate and went over to the House for consideration, where it was referred to the Special Committee on Access to Quality Healthcare. Following its passage out of the Special Committee on Access to Quality Healthcare last week, House Bill 888 by Representative Lee Hawkins (R-Gainesville) was heard on the House floor this week, where it passed 164-4. Hawkins' bill now heads to the Senate for consideration.

Testing in Public Schools

This week the Senate voted unanimously to pass out Senate Bill 367 by Senator P.K. Martin (R-Lawrenceville), which would cut the number of required tests in public schools. Earlier in the session, Governor Kemp held a press conference, flanked by both Republican and Democrats, in which he announced he would back legislation that would further reduce the number of tests required for public school students. This push for fewer tests came after Kemp's statewide tour last year in which he listened

to the concerns of school leaders, teachers, and parents. Among the concerns the governor heard was the burdensome number of standardized tests that students are required to take each year. Senator Martin echoed these concerns in his presentation of the bill on the Senate floor, noting that the overburdensome testing environment had been the number one complaint he had received since becoming Senate Education Chairman. In 2016, the legislature already reduced the number of mandatory standardized tests from 32 to 24, but this is still significantly higher than the 17 tests that are required by federal laws. The bill heads next to the House for consideration.

Possession of Hemp

House Bill 847 by Representative John Corbett (R-Lake Park), which would allow arrests for illegal hemp possession, passed the House this week by a vote of 157-9 after being favorably reported by the House Agriculture and Consumer Affairs Committee. The passage of last year's hemp farming bill created a legal gray area- because of the similarity between hemp and marijuana, some Georgia prosecutors stopped prosecuting misdemeanor marijuana cases. The bill would make it illegal to possess hemp without a farming or processing license. The bill next heads across the hall to the Senate for consideration.