

## 2024 CROSSOVER DAY REPORT



Last week was one of the busiest for legislators under the Gold Dome. House and Senate members convened Monday, Tuesday, and Thursday of last week. Last Thursday was Legislative Day 28, which is the deadline by which a bill must pass out of at least one chamber. Any bill that did not successfully make it out of the chamber it started in is technically dead this session, though language from one bill that is dead can be added to a related bill that is farther along in the legislative process.

The Senate Rules Committee held its traditional lengthy pre-Crossover Day meeting last Wednesday to set the floor calendar for Thursday, and the House Rules Committee held three meetings on Crossover Day to set the floor consideration calendar. Both chambers voted on dozens of pieces of legislation last Thursday, with the Senate wrapping up around 9 PM and the House adjourning after 11 PM.

This week the legislature was back in session Monday, Tuesday, Thursday, and Friday for Legislative Days 29 through 32; Wednesday served as a Committee Work Day as committees began to focus their attention on bills that crossed over from the opposite chamber. *Sine Die* is set for Thursday, March 28. Because this is the second year of a two-year session, any bills that are not passed by both chambers and signed by Governor Kemp this year must be reintroduced next year.

This week was also qualifying—all members of the General Assembly are up for election this year and must formally qualify to run for office at the Capitol between March 4<sup>th</sup> and 8<sup>th</sup>. Several legislators have already announced they will not seek reelection—Senate Minority Leader Gloria Butler (D-Stone Mountain), Representative Penny Houston (R-Nashville), Representative J Collins (R-Villa Rica), Representative Roger Bruce (D-Atlanta), and Representative Mandisha Thomas (D-South Fulton) have all announced they will not run again.

### **Amended Fiscal Year 2024 Budget**

Earlier last week the House and Senate agreed to a conference committee report on [House Bill 915](#), the Amended Fiscal Year 2024 budget. On Crossover Day, Appropriations Chairmen Matt Hatchett (R-Dublin) and Blake Tillery (R-Vidalia), Lieutenant Governor Burt Jones, Office of Planning and Budget Director Rick Dunn, and a number of House and Senate members joined Governor Kemp for the ceremonial signing of the AFY24 budget.

The amended budget utilizes \$5 billion in surplus funds to allocate:

- \$102.5 million for K-12 classrooms;
- \$1.5 billion for Georgia Department of Transportation projects;
- \$50 million to expand the rural workforce housing program;

- \$100 million for rural economic development projects through the OneGeorgia Authority;
- \$178 million for a new dental school at Georgia Southern University in Savannah;
- \$50 million for building the Medical School at the University of Georgia;
- \$250 million within the Georgia Environmental Finance Authority for local water and sewer projects;
- Over \$591 million for facility and security improvements within the Department of Corrections;
- \$5.9 million to upgrade the Georgia Public Safety Training Center;
- Nearly \$70 million in additional funding for the Department of Behavioral Health and Developmental Disabilities;
- \$1 million to expand the Veterans Mental Health Services Program; and
- A late addition of \$400 million to build a new legislative office building across the street from the Capitol and to complete other Capitol renovations.

Legislators are now hard at work on the budget for July 1, 2024 through June 30, 2025, or Fiscal Year 2025, which is [House Bill 916](#). The passage of a balanced budget is the only constitutionally required action item for the General Assembly each session.

### **Tort Reform**

There have been a number of tort reform bills introduced this session—some have already crossed over, others are not moving, and one bill received a vote on the House floor on Crossover Day.

[House Bill 1371](#) introduced by Whip James Burchett (R-Waycross) earlier this session deals with premises liability, but the bill was significantly amended during a Thursday Rules Committee meeting. The substitute version that came out of the Rules Committee says that a landowner cannot be held responsible for injuries arising from a third-party criminal activity in an instance where the third-party came on the owner's premises for the purpose of committing a crime that is punishable by more than a year in prison. The measure also provides that, in a case where there are injuries as a result of third-party criminal activity, whether a premises is located in a high-crime area can be considered as a *part* of the case regarding reasonable foreseeability, but specifies that the mere fact that the premises is situated in a high-crime area is not enough to establish a duty to keep the premises safe from criminal activity. The measure passed the House unanimously on Crossover Day and now heads to the Senate for consideration.

A Senate premises liability measure, [Senate Bill 186](#), the 'Georgia Landowners Protection Act' by Senator Greg Dolezal (R-Cumming), was approved by the Insurance and Labor Committee earlier this session, but was not placed on a Rules calendar for a floor vote by the Crossover Day deadline.

Earlier this month the Senate approved [Senate Bill 426](#) by Senator Blake Tillery (R-Vidalia), which would limit how individuals injured in accidents with big trucks can sue insurance companies. Lawsuits could still be brought against an insurance company in some instances, for example if the driver or the business is insolvent or bankrupt, or if the driver or company cannot be located to be served with the lawsuit. The bill has been assigned to the House Judiciary Committee for consideration.

Last week the House voted 132 to 32 to pass [House Bill 1114](#), the ‘Data Analysis for Tort Reform Act.’ The measure, by Representative Will Wade (R-Dawsonville), would require the Insurance Commissioner to request data from insurers to make findings on the impact of tort lawsuits and the assessment of tort related risks. The Insurance Commissioner would then be responsible for making certain determinations regarding the assessment of tort related risks by insurers, including the degree to which tort related risk is reflected in insurance premiums, the specific aspects of tort related risk that have the largest monetary impact on insurance premiums, and the potential impact of any changes to tort law on insurance premiums. The measure has been assigned to the Insurance and Labor Committee for consideration on the Senate side.

[House Bill 1295](#) by Representative Clay Pirkle (R-Ashburn) would provide for the failure to wear a seat belt as admissible evidence in civil actions. This week the House Judiciary Committee unfavorably reported the measure, so it was not eligible for further action.

## Immigration

This week Georgians all over the state mourned the tragic death of nursing student Laken Riley in Athens. Riley was killed by an illegal immigrant, which prompted new legislation from several Republican members of the House and Senate this week.

Earlier this week Athens Representative Houston Gaines (R-Athens) introduced [House Bill 1415](#), which would require law enforcement officers to cooperate with federal authorities on the enforcement of immigration laws. Representative Gaines attempted to fast-track the legislation, but he was stopped by Democrats since suspending House rules requires approval of two-thirds of the members. Portions of Representative Gaines’s bill were instead added to House Bill 1105, which was considered on the House floor this week.

[House Bill 1105](#), the ‘Georgia Criminal Alien Track and Report Act of 2024,’ sponsored by Representative Jesse Petrea (R-Savannah), would require local law enforcement to notify federal officials if they have detained an undocumented immigrant. The measure passed the House 97 to 74 and now heads to the Senate for consideration.

On Thursday, Senator Jason Anavitarte (R-Dallas) and Senator Brian Strickland (R-McDonough) announced two new legislative initiatives addressing criminal procedure concerning individuals who immigrate to the state illegally.

The first proposal is a resolution amending Georgia’s constitution, which would empower the Georgia General Assembly to either outlaw parole for undocumented immigrants or establish specific parole terms and conditions for those who fall into this category. The second initiative is a bill delineating the criteria for bail hearings concerning undocumented immigrants, as well as individuals charged with a felony punishable by imprisonment for one year or more and deemed removable or dismissible aliens. These immigration discussions come following the passage of [Senate Resolution 543](#) and [House Resolution 1019](#) two weeks ago, which condemn President Joe Biden’s handling of the border and urge for the reinstatement of several Trump-area executive orders relating to the border. Governor Kemp also

announced two weeks ago that the Georgia National Guard will deploy additional troops to the U.S. southern border to provide additional support to the Texas Guard.

## Social Issues

Last Thursday evening the Senate passed [Senate Bill 180](#), the ‘Georgia Religious Freedom Restoration Act,’ or ‘RFRA.’ The measure, which is sponsored by Senator Ed Setzler (R-Acworth), restricts state and local governments from burdening a person’s exercise of religion, even if the burden results from a rule of general applicability. The bill mirrors a federal RFRA law that does not currently apply at the state or local levels. The measure passed the Senate 33 to 19 and now heads to the House for consideration. [Senate Bill 532](#), sponsored by Education and Youth Committee Chairman Clint Dixon (R-Buford), would prohibit sex education courses from being taught in public schools in Georgia before fifth grade and would require public schools to make sex education curricula available to parents and guardians. Senate Bill 532 was slated for a Senate floor vote on Crossover Day but was tabled and not called up for a vote before the Senate adjourned.

Last week Senate Health and Human Services Committee Chairman Ben Watson (R-Savannah) introduced [Senate Bill 519](#), which would prohibit hospitals from prescribing or administering certain hormone replacement therapies and puberty blocking medications to minors. The bill was not voted out by the Children and Families Committee and was therefore not eligible for action by the Senate on Crossover Day.

This week House and Senate Democrats announced two new pieces of legislation—[House Bill 1424](#), sponsored by Representative Marvin Lim (D-Norcross) and Representative Teri Anulewicz (D-Smyrna) and [Senate Bill 565](#), sponsored by Senator Elena Parent (D-Atlanta). House Bill 1424, the ‘Right to Contraception Act,’ would codify the right to contraceptives. It was assigned to the House Health Committee. With the recent Alabama Supreme Court’s IVF ruling that classifies frozen embryos as children and its direct impact on reproductive healthcare, Senator Parent’s Senate Bill 565 would codify that a human egg or fertilized human embryo outside a human uterus is not considered a child or minor under state law for any purpose. The measure was assigned to the Health and Human Services Committee. Neither bill was eligible for action on Crossover Day because they were introduced too late in the legislative process.

The House also took up several gun-related measures this week. [House Bill 971](#) by Representative Mark Newton (R-Augusta), would allow individuals to use up to \$300 of their state income tax obligation to pay for an instructional course on safe firearm handling or to pay for a gun safe storage device. The measure passed the House with bipartisan support 162 to 3 and has been assigned to the Finance Committee in the Senate for consideration.

On Tuesday the House also took up [House Bill 1018](#), the ‘Georgia Firearms Industry Nondiscrimination Act.’ The bill, sponsored by Representative Jason Ridley (R-Chatsworth) makes it an unlawful discriminatory practice for a financial institution to require the usage of a firearms code in a way that distinguishes a firearms retailer in the state from other merchandise retailers, or for a financial institution to decline a lawful payment card transaction based solely on the assignment or

nonassignment of a firearms code. The bill would also prevent any person or government entity from creating or maintaining a multijurisdictional database of people who have applied for weapons carry licenses or a record of privately owned firearms. After a lengthy debate the measure passed the House 106 to 60. Next the measure moves on to the Senate for consideration.

### Tax Credits

Several bills that seek to make changes to some of Georgia's tax credits were passed by the House this week.

On Tuesday the House took up [House Bill 1192](#), sponsored by Chairman John Carson (R-Marietta), which seeks to address Georgia's data center tax exemption. Current law allows for the issuance of certificates of exemption on the sales and use tax of high-tech data center equipment that meet minimum investment thresholds. The bill that came out of the Ways and Means Committee last week would pause the issuance of certificates of exemption between July 1, 2024 and June 30, 2026. The legislation excludes high-tech data center customers that have already applied for a certificate of exemption before July 1, 2024. The bill also creates the 14-member Special Commission on Data Center Energy Planning, which would be responsible for reviewing the existing electric grid and energy supply; making recommendations for data center location; making recommendations to expand grid center capacity; making recommendations on any energy generation, transmission, and distribution necessary to serve the industry; and proposing related legislation and budget recommendations. After a lengthy debate on the measure, it passed the House 96 to 71. It has been assigned to the Finance Committee for consideration on the Senate side.

On Tuesday the House also took up [House Bill 1181](#), by Chairman Chuck Martin (R-Alpharetta). The measure would reduce the carryforward period for dozens of tax credits and place a December 31, 2029 sunset on a number of tax credits. This bill passed the House unanimously and has also been assigned to the Senate Finance Committee.

On Crossover Day the House took up [House Bill 1180](#), which seeks to make changes to Georgia's film tax credit law. The measure, which is sponsored by Creative Arts and Entertainment Committee Chairman Kasey Carpenter (R-Dalton), would:

- Change the minimum spend requirement threshold for productions to be eligible to receive the film tax credit;
- Impose additional requirements for productions to receive the 10 percent uplift; and
- Limit the amount of tax credits transferred per year to 2.5 percent of the state budget for the corresponding fiscal year.

After a debate on the measure on the House floor, House Bill 1180 passed 131 to 34. It has also been assigned to the Senate Finance Committee.

## **Certificate of Need**

On Tuesday the House took up [House Bill 1339](#) by Rules Chairman Butch Parrish (R-Swainsboro), which would amend Georgia's certificate of need laws. Certificates of need are currently required in Georgia to establish or modify healthcare facilities or services and are granted by the Department of Community Health if it determines there is a need for the facility or service in a particular area. Georgia has used CON to review healthcare projects since 1975, and there have been a number of attempts to modify or abolish it in recent years, including a pending piece of legislation introduced in the Senate last session. Highlights of the proposed changes to CON laws in House Bill 1339 include:

- Eliminating the capital and equipment expenditure thresholds for healthcare facilities;
- Requiring DCH to update the state health plan every five years beginning in 2025;
- Streamlining the certificate of need application process;
- Expanding the CON exemption to allow existing hospitals to increase bed capacity in certain circumstances;
- Expanding the CON exemption to allow healthcare facilities in urban counties to relocate within five miles of the existing facility; and
- Creating four new CON exemptions.

In addition to the proposed changes to the certificate of need regulations, House Bill 1339 would also create the Comprehensive Health Coverage Commission to advise the Governor, legislature, and Department of Public Health on issues related to access and quality of healthcare for Georgia's low income and uninsured populations. The legislation would also amend Georgia's existing rural hospital tax credit by providing for several administrative changes in the program, extending the sunset from the end of 2024 to the end of 2029, and increasing the annual aggregate amount of the credit from \$75 million to \$100 million.

The measure passed 166 to 1 in the House and has been assigned to the Regulated Industries Committee on the Senate side.

## **Sports Betting**

This week the Senate approved a measure that seeks to amend Georgia's constitution to legalize sports betting. [Senate Resolution 579](#) by Regulated Industries Committee Chairman Bill Cowser (R-Athens) passed 41 to 12. Because the resolution would amend Georgia's constitution, it requires approval from two-thirds of both the House and Senate and then a majority of Georgia's voters would also need to approve the proposed change to the constitution.

[Senate Bill 386](#) by Senator Clint Dixon (R-Buford), which was passed by the Senate earlier this session, serves as the enabling legislation for Senate Resolution 579. Senator Dixon's bill was amended on the floor to add the requirement of a corresponding constitutional amendment. Under Senate Bill 386, sports betting would be authorized and placed under the purview of the Georgia Lottery. Up to 16 licenses could be awarded - seven that would be issued via an open procurement process, one to the Georgia Lottery, and the remaining licenses could be awarded to professional sports teams in Georgia,

Augusta National, the PGA Tour, and NASCAR. Individuals involved with professional sports teams, like athletes, players, and coaches, would be prohibited from betting under the law. Senate Bill 386 has been assigned to the Higher Education Committee on the House side.

### **Human Trafficking**

On Thursday the Senate passed two pieces of legislation focused on human trafficking and sex crimes. [Senate Bill 512](#) by Senator Shawn Still (R-Norcross) would create a Human Trafficking Victims Fund for people of all ages, whereas current laws only support minors with victim fund support. Further, it would shift the burden of accountability from minors convicted of misdemeanor sexual solicitation to the adult in respective scenarios. Lastly, this measure pushes Georgia hotels and motels to efficiently train their employees, specifically housekeeping and temporary employment agency staffers, by utilizing materials published by the Criminal Justice Coordinating Council (CJCC). The CJCC training package includes educational material on identifying and reporting signs of human trafficking.

[Senate Resolution 616](#) proposes an amendment to Georgia's constitution which would activate Senate Bill 512's fund for victims to receive care, rehabilitative and social services for individuals in Georgia. If it is passed by the House later this session, the constitutional amendment would need to be approved by Georgia voters on the ballot in November.

### **Non-Citizen Voting**

A House Resolution that would have clarified that only U.S. citizens have the right to vote in elections in Georgia failed to receive the requisite two-thirds majority required on the House floor to move on to the Senate on Crossover Day. The measure, sponsored by Representative Jesse Petrea (R-Savannah), was the last bill taken up by the House before they adjourned late Thursday night. [House Resolution 780](#), which would have required 120 votes in the House to move on to the Senate, failed with 98 nays and 61 nays.

### **Swatting**

Georgia State Senate passed [Senate Bill 421](#), sponsored by Chairman of the Senate Committee on Education and Youth Senator Clint Dixon (R-Buford). This legislation would revise punishments for the offense of making an unlawful request for emergency services assistance. The measure was a legislative priority for Senator Dixon, Lieutenant Governor Burt Jones, and others who were victims of swatting in the months leading up to the legislative session. The bill has been assigned to the Judiciary Non-Civil Committee for consideration in the House.

### **Small Business Protection Act**

Earlier this week the Georgia Senate passed [Senate Bill 429](#), sponsored by Chairman of the Senate Committee on Transportation and Chief Deputy Whip Senator Greg Dolezal (R-Cumming). This measure, the "Small Business Protection Act of 2024," would allow for the Governor, the Lieutenant Governor, or any member of the Georgia General Assembly to request that the Office of Planning and Budget and the Department of Audits and Accounts prepare a small business impact analysis on any bill introduced

during a legislative session. This analysis would estimate the economic costs and benefits that such bill may have on small businesses in the state. The bill has been assigned to the Budget and Fiscal Affairs Oversight Committee in the House.