

Week 7 Legislative Update 2024



This week was a busy one for General Assembly members under the Gold Dome— they convened Tuesday through Thursday for Legislative Days 23 through 25. While it was a relatively light load on the House and Senate floor this week, dozens of committees and subcommittees have been hard at work all week, some meeting well into the night to consider and take action on pending legislation.

Legislators have until next Thursday, February 29th to successfully shepherd their bills through the committee process and get them passed out of at least one chamber. Bills not passed out of their chamber of origin by Crossover Day, which is Legislative Day 28, are effectively dead and would need to be reintroduced in the 2025 Legislative Session. Of course, no bill is truly dead until the end of the 40-day session—later in the legislative process, multiple bills can be combined, or language from one bill can be substituted into another bill that is farther along in the process.

Legislators will be back for one of the busiest weeks of the year next week—they will convene Monday and Tuesday for Legislative Days 26 and 27; Wednesday will serve as a committee work day; and they will reconvene Thursday for Crossover Day.

Amended Fiscal Year 2024 Budget

This week the legislature became one step closer to completing its only constitutionally required action item of passing a balanced budget. On Thursday the Senate passed [House Bill 915](#), the Amended Fiscal Year 2024 budget. In his presentation of Senate’s version of the AFY24 budget on the floor, Appropriations Chairman Blake Tillery (R-Vidalia) noted that for approximately 95 percent of the budget, there was agreement among the House, Senate, and governor on how to appropriate funds.

As a matter of procedure, after voting to pass the budget, the Senate immediately transmitted the AFY24 budget back to the House; the House and Senate both insisted on their own versions of the budget; and a conference committee made up of three House members and three Senate members was appointed to allow the two chambers to negotiate and come to agreement on a final version of the budget to send to the governor’s desk for signature.

Tort Reform

This week the Senate Insurance and Labor Committee considered a measure that deals with premises liability from last session, the ‘Georgia Landowners Protection Act.’ [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, which was tabled in the Senate before Crossover Day last session, was passed by the Insurance Committee on Wednesday and is now eligible for selection by the Senate Rules Committee.

Another premises liability bill was introduced this week: [House Bill 1371](#) by Whip James Burchett (R-Waycross) would clarify the liability of property owners regarding third-party criminal activity.

This 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. Data that the Insurance Commissioner could request includes the number of tort lawsuits filed against an insurer, the total attorneys’ fees and court costs for such tort lawsuits, and the total value of the incurred claims from any tort lawsuits. 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 now heads to the Senate for consideration.

This week Representative Clay Pirkle (R-Ashburn) introduced [House Bill 1295](#), which would provide for the failure to wear a seat belt as admissible evidence in civil actions. The measure has been assigned to the Judiciary Committee for consideration.

Tax Credits

Several bills that seek to amend Georgia’s tax credits saw committee action taken this week and are moving forward in the legislative process. All of these bills were assigned to the Ways and Means Committee for consideration, meaning they all require two subcommittee hearings before they could be brought before the full Ways and Means Committee.

Creative Arts and Entertainment Committee Chairman Kasey Carpenter (R-Dalton) is carrying [House Bill 1180](#), which received its second subcommittee hearing in the Income Tax Subcommittee and a favorable recommendation by the full Ways and Means Committee this week. The proposed measure, which had minor changes made to it this week, seeks to amend Georgia’s film tax credit by:

- Increasing the minimum spend requirement for a production to be eligible to receive the film tax credit;
- Imposing additional requirements for productions to receive the 10 percent uplift; and

- Limiting the amount of tax credits transferred per year to 2.5 percent of the state budget for the corresponding fiscal year.

[House Bil 1192](#), sponsored by Chairman John Carson (R-Marietta), seeks to address Georgia's data center tax exemption. The measure, which was amended in committee this week, received its second hearing in the Sales Tax Subcommittee and a favorable recommendation by the full Ways and Means Committee. 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 newest version of the bill that passed out of committee 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 substitute version of 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.

[House Bill 1181](#), by Chairman Chuck Martin (R-Alpharetta), would reduce the carryforward period for dozens of tax credits. It would also place a December 31, 2029 sunset on a number of tax credits. This week the measure received its second hearing in the Public Finance Subcommittee and a favorable recommendation by the full Ways and Means Committee.

All three measures are now eligible for selection by the Rules Committee to receive a vote on the House floor.

Social Issues

On Thursday night the Senate Judiciary Committee considered [Senate Bill 180](#), the 'Georgia Religious Freedom Restoration Act.' 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 apply at the state or local levels. The measure passed out of the Senate Judiciary Committee 6 to 3 and is now eligible for selection by the Rules Committee for a Senate floor vote.

Also this 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 has been assigned to the Children and Families Committee for consideration.

Another bill introduced this week, [Senate Bill 532](#), 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. The bill, which is sponsored by

Education and Youth Committee Chairman Clint Dixon (R-Buford), has been assigned to the Education and Youth Committee for consideration.

One of the bills considered by the Senate Education and Youth Committee this week was [Senate Bill 365](#) by Senator Greg Dolezal (R-Cumming), which would require school systems to allow parents to elect to see what content their children are accessing at school libraries. The measure was passed by the committee by a 5 to 4 margin. The Education and Youth Committee also considered [Senate Bill 154](#), also by Senator Dolezal, which would provide that libraries near schools are subject to the prohibitions relating to the sale or distribution of harmful material to minors. The bill's sponsor said the legislation would close a potential loophole that currently allows content that is harmful to minors to be available to students near schools. The legislation was slated for a hearing only and did not receive a vote.

Certificate of Need

This week the newly appointed House Rules Chairman Butch Parrish (R-Swainsboro) introduced [House Bill 1339](#) to reform Georgia's certificate of need laws. The bill, which was introduced this week, received a hearing, but no formal vote, in the House Health Committee.

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 piece of pending legislation introduced in the Senate last session.

The bill introduced this week proposes a number of changes to existing CON regulations, including, but not limited to:

- 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 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 legislation still needs a favorable recommendation from the Health Committee to be eligible for a House floor vote.

Fantasy Sports Contests

This week Economic Development Committee Chairman Ron Stephens (R-Savannah) introduced legislation that would authorize and provide for the regulation of fantasy sports in Georgia. [House Bill 1329](#) defines fantasy sports as ‘any online fantasy or simulated game or contest of skill with an entry fee’ and would place it under the purview of the Georgia Lottery. Under the bill, an operator would be taxed 20 percent of its adjusted gross fantasy contest receipts. The measure has been assigned to the Economic Development and Tourism Committee for consideration.

Human Trafficking

This week the Senate passed [Senate Bill 370](#), which is a legislative priority for Governor Kemp. The measure, carried by Governor’s Floor Leader Mike Hodges (R-Brunswick), would require certain establishments to post human trafficking hotline information and provide for human trafficking training for board members of massage therapy practices. Further, it would provide for inspections of massage therapy practices and require licensees to display a photograph along with their massage practice therapy licenses. The bill passed 50 to 1 and next heads to the House for consideration.

Elections

This week newly elected Senator Tim Bearden was officially sworn into office. Senator Bearden, who is a former House member, got 59 percent of the vote last week in the election to fill the west Georgia Senate seat of Mike Dugan, who resigned just ahead of the session to run for Congress.

There are still two vacancies in the House—following last week’s election to fill the Augusta-area House seat of Barry Fleming, who was appointed by Governor Kemp as a superior court judge, no candidate received more than 50 percent of the vote. Former Columbia County Commissioner Gary Richardson will face off against 21-year-old political activist CJ Pearson on March 12.

The special election to fill the Columbus-area House seat of Chairman Richard Smith, who passed away last month, has been set for April 9.

This week, Representative Penny Houston (R-Nashville) announced this week that she will not seek reelection after 26 years of service in the House. Representative J Collins (R-Villa Rica) also announced he would not seek reelection after eight years of service in the House. All legislators must decide whether they will run for reelection in the next two weeks—qualifying is set for March 4-8.