



Governmental Affairs

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Weekly Legislative Report #3

Week Ending February 1st, 2019

Approaching Lift-Off

Much like a heavy-loaded jet lumbering down the tarmac, the 2019 legislative session seems to need just a tad more runway before it really takes off. The session started on the latest date possible under the constitutional mandate to convene on the second Monday in January. The next week was MLK, Jr.'s birthday, which is traditionally used for budget hearings, but not legislative days. The third week of the session technically met three days, gaining some momentum, but slowed on Tuesday as the fear of snowflakes caused a shut-down of state offices. Thursday and Friday were declared recess days so the city could be turned over to the Super Bowl throngs. Monday will be a Super Bowl recess day as well, thus it will be Tuesday before the House and Senate wings of the General Assembly get entirely airborne.

Support for Military Families

Rep. Dave Belton (R-Buckhead), who incidentally, really does fly jets (Delta, international flights) has introduced two bills to make life easier for the families of service men and women stationed at Georgia's military bases. [HB 59](#) would allow students of active duty military families to enroll in public elementary and secondary schools based on official military orders prior to physically establishing residency in a local school district.

[HB 60](#) says dependent children of Georgia-based active duty military members shall be classified as "in-state" for purposes of tuition and fees by the University System and the Technical College System of Georgia. They may remain "in-state" students should the military member be transferred out of state after the undergrad is enrolled.

One of the Pentagon's prime considerations when assigning new or expanded missions to military bases is how well the service families are treated by surrounding communities. Belton, the son of a career submarine officer, with 20 years as a military pilot himself, has lived in 15 locations in four different countries – enough personal experience to understand the needs of frequently transferred military families. He chairs the House Military Affairs Working Group. (Rep. Belton has also

written three teen novels and plays banjo in a local bluegrass band . . . which makes us wonder what he's been doing with that bachelor's degree in Chemistry!)

Broadband Expansion

Not to get bogged down in military concerns, but another issue important to base communities – and all rural communities -- is high-speed broadband access. Two bills that came out of the House Rural Development Council meetings held during the interim period between sessions address the issue of expanding high-speed broadband to rural areas. [HB 22](#) authorizes telephone cooperatives and their broadband affiliates to provide broadband services. [HB 23](#) does the same for Electric Membership Cooperatives (EMCs). Both bills passed out of the Economic Development and Tourism Committee last week and are expected on the House floor soon. [SB 2](#) and [SB 17](#) have been dropped in the Senate hopper with the same purpose in mind.

Gov. Kemp Appoints Three to Posts

Gov. Brian Kemp made three appointments to lead state agencies last week. Vic Reynolds, former Cobb County District Attorney, was named to lead the Georgia Bureau of Investigation (GBI). Allen Poole, Chairman of the Haralson County Board of Commissioners, was selected to be Director of the Governor's Office of Highway Safety. And, Kirk Shook, a longtime educator, will be the new Director of the Georgia Nonpublic Postsecondary Education Commission.

Political Intrigue In Play

While the legislative process may still be approaching take-off, things in the political realm seemingly never experience a layover. Newly-installed Lt. Governor Geoff Duncan is apparently challenging 64 appointments to various state boards and commissions that Gov. Nathan Deal made between the special session last November and his final day in office, the morning of January 14. According to Duncan's attorney, former Athens legislator Regina Quick, the Deal administration submitted the list of appointees to Duncan on January 14 *PRIOR* to the time he was sworn in after lunch. Quick's interpretation of the law indicates the process was flawed because the nominations were submitted to Duncan before he officially became Lt. Governor, whereas they should have been submitted to the Secretary of the Senate instead. (As added intrigue, Quick was appointed to a Superior Court judgeship in October 2017 by . . . then Governor Nathan Deal. She subsequently lost reelection to the bench in November 2018.)

The Senate usually approves Gubernatorial appointments in such a routine fashion that the process rarely makes news. The significance of this development is that Gov. Brian Kemp would suddenly have 64 more slots that could go to his supporters, including three to the Board of Regents, one of the most sought-after boards in the state. Such a maneuver by Duncan would certainly endear him to the new Governor. Of course, even if the appointments were submitted correctly, the Senate is not obligated to approve them. Could all of this possibly impact the balance of power among the triad of control at the Capitol – Governor, Lt. Governor and Speaker? Stay tuned.

Republican Party Chair to Retire

Last week we reported about the changing of the guard in the state Democratic Party. This week we learn that Georgia Republican Party Chair John Watson will not seek reelection to that post after a three-year stint. Watson, who worked for Gov. Sonny Perdue and whose current day job is as a lobbyist at the state Capitol, is credited with getting the GOP's state operations back on firm financial footing and calming some of its internal squabbles. Bruce Azevedo, a real estate agent who chairs the Ninth District GOP, has made his intentions known that he will seek the job. Other candidates can be expected to announce as well.

Three Times the Charm?

It's not often that a judge rules an election must be re-played. It's even more rare that an election must be held for the third time. But that's just what has happened in House District 28 (Banks, Stephens and part of Habersham Counties).

In the first race in November, a significant number of voters were given ballots for the wrong legislative district in a race where newcomer Chris Erwin (R-Homer) defeated incumbent Dan Gasaway (R-Homer) in the primary. Because of the tightness of the election, Superior Court Judge David Sweat ruled the outcome should be decided by holding a second election. However, last Friday, Sweat ruled that four voters had moved out of the district more than 30 days prior to election day. It might seem unlikely that only four unallowable ballots would be cause for yet another complete election, but this time Erwin won the race with only a two-vote margin.

Erwin must step down from the seat he was sworn into a little more than two weeks ago until a new election is held . . . or so says Gasaway's attorney. We haven't seen anything official on that. The date for round three of this election has not yet been set.

Next Week

The General Assembly will be in session and at full throttle Tuesday through Friday. Buckle your seatbelts!

Tracking List

Here are the bills we are tracking. **New activity is noted in red.** Click on the [Bill Number](#) to access the current version of the bill.

The 2019 Legislative Session is the first session of the 2019-2020 Term of the Georgia General Assembly. Therefore, bills not passed or defeated during this session will be carried over to the 2020 session. Bills pending in the House or Senate Rules Committees at adjournment sine die of the 2019 session will be recommitted to the committee from whence they came.

Aging

[HB 70, guardian and conservators of minors and adults; Revise Provisions](#) (Rep. Chuck Efstoration-R)

Relating to guardian and ward, so as to revise provisions relating to guardians and conservators of minors and adults; to amend various provisions of the O.C.G.A., so as to make conforming revisions. **Status:** Referred to Juvenile Justice Cmte

Business

[SB 20, Counties and Municipal Corporations; Establishment of banking improvement zones in underserved areas](#) (Sen. Michael Rhett-D)

Relating to general provisions relative to provisions applicable to counties and municipal corporations, so as to provide for the establishment of banking improvement zones to encourage opening of banks in areas underserved by banks; to provide for definitions; to provide for application and standards of approval for a banking improvement zone; to provide for the establishment of an agreement for the deposit of public funds in banks within a banking improvement zone. **Status:** Referred Banking and Financial Institutions Cmte

City & County Governments and Regional Commissions

[HB 15, Develop and implement policies granting housing preferences to veterans who are homeless](#) (Rep. Sandra Scott)

Relating to powers of housing authorities generally, so as to require housing authorities to develop and implement policies granting housing preferences to veterans who are homeless individuals. **Status:** Referred to Governmental Affairs Cmte

[HB 34, Taxpaying business owners to be appointed to development authorities](#) (Rep. Rhonda Burnough-D)

Relating to development authorities directors, officers, compensation, adoption of bylaws, delegation of powers and duties, conflicts of interest, and audits, so as to provide for taxpaying business owners to be appointed to development authorities; to provide for removal of directors from development authorities. **Status:** Referred to Governmental Affairs Cmte

[HB 37, Expand Medicaid Now Act](#) (Rep. Robert Trammell-D)

Relating to medical assistance generally, so as to provide for the authorization of appropriations for the purposes of obtaining federal financial participation for medical assistance payments to providers of Medicaid expansion under the federal Patient Protection and Affordable Care Act and Health Care and Education Reconciliation Act of 2010; to provide for a maximum percent of the federal poverty level. **Status:** Referred to Appropriations Cmte

[HB 49, Metropolitan North Georgia Water Planning District; certain interbasin transfers shall be included in water supply and water conservation management studies and plans](#) (Rep. Marc Morris-R)

Relating to water supply and water conservation management plan and interbasin transfers relative to the Metropolitan North Georgia Water Planning District, so as to provide that certain interbasin transfers shall be included in water supply and water conservation management studies and plans. **Status:** Referred Natural Resources & Environment Cmte

[HB 57, Eligible electors mailed an absentee ballot for each primary, election and runoff in which they are eligible to vote](#) (Rep. Dar'shun Kendrick-D)

Relating to primaries and elections generally, so as to provide that all eligible electors shall be mailed an absentee ballot for each primary, election, and runoff in which they are eligible to vote; to provide for procedures; to provide for cancellation of such ballots under certain circumstances. **Status:** Referred to Governmental Affairs Cmte

[HB 59, Military students enroll in public school based on official military orders prior to physically establishing residency](#) (Rep. Dave Belton-R)

Relating to eligibility for enrollment in elementary and secondary educational programs, so as to allow military students to enroll in a public school based on official military orders prior to physically establishing residency. **Status:** Referred to Education Cmte

[HB 60, Dependent children of active duty military members shall be classified as in-state for purposes of tuition and fees by the University System of Georgia and the Technical College System of Georgia](#) (Rep. Dave Belton-R)

Relating to postsecondary education and vocational, technical, and adult education, respectively, so as to provide that dependent children of active duty military members shall be classified as in-state for purposes of tuition and fees by the University System of Georgia and the Technical College System of Georgia. **Status:** Referred to Higher Education Cmte

[HB 65, Add that certain payments to cloud based software services may be funded via County special purpose local option sales tax](#) (Rep. Eddie Lumsden-R)

Relating to county special purpose local option sales tax, so as to add that certain payments to cloud based software services may be funded. **Status:** Referred to Ways and Means Cmte

[HB 76, Counties and municipalities may regulate alcohol licenses as to certain distances in a manner that is less but not more restrictive than those distances specified by the state](#) (Rep. Ron Stephens-R)

Relating to alcoholic beverages, so as to specify that counties and municipalities may regulate alcohol licenses as to certain distances in a manner that is less but not more restrictive than those distances specified by the state. **Status:** Referred to Regulated Industries Cmte

[HB 93, Control of Water Pollution and Surface-Water Use](#) (Rep. Jeff Jones-R)

Relating to control of water pollution and surface-water use, so as to provide notice to local governing authorities prior to the dewatering of coal combustion residual surface impoundments. **Status:** Referred to Natural Resources & Environment Cmte

[HB 94, Relating to Solid Waste Management](#) (Rep. Jeff Jones-R)

Relating to solid waste management, so as to provide for safe disposal of coal ash in municipal solid waste and commercial industrial solid waste landfills. **Status:** Referred to Natural Resources & Environment Cmte

[SB 30, State Election Board shall provide by rule or regulation for the electronic return of absentee ballots of Uniformed and Overseas Citizens Absentee Voting Act by fax or email](#) (Sen. Kay Kirkpatrick-R)

Relating to primaries and elections generally, so as to provide that the State Election Board shall provide by rule or regulation for the electronic return of absentee ballots of Uniformed and Overseas Citizens Absentee Voting Act electors by fax or by email, in addition to regular mail; to update a cross-reference; to provide for requirements and procedures; to provide for the counting of such ballots. **Status:** Referred to Ethics Cmte

Economic Development

[HB 22, Public Utilities and Public Transportation; telephone cooperatives and their affiliates to provide broadband services](#) (Rep. Penny Houston-R)

Relating to public utilities and public transportation, so as to specifically authorize telephone cooperatives and their broadband affiliates to provide broadband services; to authorize certain financing and partnerships for the provision of broadband services. **Status:** Referred Economic Development & Tourism Cmte, Passed Cmte, Pending Rules Cmte

[HB 23, Public utilities and public transportation; electric membership corporations and their affiliates to provide broadband services](#) (Rep. Penny Houston-R)

Relating to public utilities and public transportation, so as to specifically authorize electric membership corporations and their affiliates to provide broadband services; to authorize certain financing and partnerships for the provision of broadband services; to prohibit cross-subsidization between the provision of broadband services and an electric membership corporation's natural gas activities or electricity services activities. **Status:** Referred Economic Development & Tourism Cmte, Passed Cmte by Substitute, Pending Rules Cmte

[HB 100, Public utilities and public transportation; electric membership corporations and their affiliates to provide broadband services](#) (Rep. Don Parsons-R)

Relating to public utilities and public transportation, so as to specifically authorize electric membership corporations and their affiliates to provide broadband services; to provide for definitions; to authorize certain financing and partnerships for the provision of broadband services; to prohibit cross-subsidization between the provision of broadband services and an electric membership corporation's natural gas activities or electricity services activities **Status:** **Dropped in the hopper**

[SB 2, Public Utilities and Public Transportation; electric membership corporations and their affiliates; authorize; broadband services](#) (Sen. Steve Gooch-R)

Relating to public utilities and public transportation, so as to specifically authorize electric membership corporations and their affiliates to provide broadband services; to authorize certain financing and partnerships for the provision of broadband services; to prohibit cross-subsidization between the provision of broadband services and an electric membership corporation's natural gas activities or electricity services activities. **Status:** Referred Regulated Industries and Utilities Cmte

[SB 17, Public Utilities and Public Transportation; authorize telephone cooperatives and their broadband affiliates; provide broadband services](#) (Sen. Steve Gooch-R)

Relating to public utilities and public transportation, so as to specifically authorize telephone cooperatives and their broadband affiliates to provide broadband services; to authorize certain financing and partnerships for the provision of broadband services **Status:** Referred Regulated Industries and Utilities Cmte

Health – General

[HB 26, Psychology Interjurisdictional Compact; enter into an interstate compact](#) (Rep. Dave Belton-R)

Relating to psychologists, so as to enter into an interstate compact known as the "Psychology Interjurisdictional Compact"; to authorize the State Board of Examiners of Psychologists to administer the compact in this state; to revise provisions relating to exceptions to licensure. **Status:** Referred Interstate Cooperation Cmte

[SB 36, Authorization of appropriations for purposes of obtaining federal financial participation; Medicaid expansion](#) (Sen. Steve Henson-D)

Relating to medical assistance generally, so as to provide for the authorization of appropriations for the purposes of obtaining federal financial participation for medical assistance payments to providers of Medicaid expansion under the federal Patient Protection and Affordable Care Act and Health Care and Education Reconciliation Act of 2010. **Status:** **Referred to Health and Human Services Cmte**

[HB 37, Expand Medicaid Now Act](#) (Rep. Robert Trammell-D)

Relating to medical assistance generally, so as to provide for the authorization of appropriations for the purposes of obtaining federal financial participation for medical assistance payments to providers of Medicaid expansion under the federal Patient Protection and Affordable Care Act and Health Care and Education Reconciliation Act of 2010; to provide for a maximum percent of the federal poverty level. **Status:** **Referred to Appropriations Cmte**

Hospitals

[HB 84, Provide for consumer protections regarding health insurance](#) (Rep. Richard Smith-R)

Relating to insurance, so as to provide for consumer protections regarding health insurance; to provide for definitions; to provide for disclosure requirements of providers, hospitals, and insurers; to provide for billing, reimbursement, and arbitration of certain services. **Status:** **Referred to Insurance Cmte**

[SB 16, "Interstate Medical Licensure Compact Act"](#) (Sen. Kay Kirkpatrick-R)

Relating to physicians, assistants, and others, so as to enter into an interstate compact known as the "Interstate Medical Licensure Compact Act"; to authorize the Georgia Composite Medical Board to administer the compact in this state; to require fingerprint records checks; to provide for application of an expedited license; to provide for a coordinated information system; to provide for joint investigations and discipline; to provide for a commission to administer the compact among the member states. **Status:** Referred to Health and Human Services Cmte

Hospitals-CON

[HB 89, Integrated ambulatory surgery centers; provide exemption from certificate of need requirements](#) (Rep. Chuck Martin-R)

Relating to state health planning and development, so as to provide for an exemption for integrated ambulatory surgery centers from certificate of need requirements. **Status:** Referred to Special Committee on Access to Quality Health Care

Insurance

[HB 61, Offer qualified active duty military service members between the ages of 18 and 24 motor vehicle insurance policies underwritten at rates for such service members 25 years of age or older.](#) (Rep. Mike Glanton-D)

Relating to insurance, so as to require motor vehicle insurance companies to offer qualified active duty military service members between the ages of 18 and 24 motor vehicle insurance policies underwritten at rates for such service members 25 years of age or older. **Status:** Referred to Insurance Cmte

[SB 18, Direct Primary Care Act](#) (Sen. Kay Kirkpatrick-R)

Relating to kinds of insurance, limits of risks, and reinsurance, so as to provide definitions; to provide that direct primary care agreements are not insurance; to exempt such agreements from regulation as insurance; to provide for discontinuance of services under certain circumstances. **Status:** Referred to Health and Human Services Cmte

Pharmaceuticals

[HB 63, Require Insurance health benefit plans to establish step therapy protocols](#) (Rep. Sharon Cooper R)

Relating to insurance generally, so as to require health benefit plans to establish step therapy protocols; to provide for a step therapy exception process; to provide for definitions; to provide for statutory construction; to provide for applicability. **Status:** Referred to Insurance Cmte

Public Health

[HB 17, Smoking inside vehicle when a person under 13 is present; provide for offense](#) (Rep. Sandra Scott-D)

Relating to general provisions regarding offenses against public health and morals, so as to provide for the offense of smoking inside any motor vehicle when a person who is under 13 years of age is present; to provide for a criminal penalty. **Status:** Referred to Judiciary Cmte Non-Civil

Study Committees

[SR 19, Create Georgia Commission on Freight and Logistics](#) (Sen. Brandon Beach-R)

A resolution creating the Georgia Commission on Freight and Logistics **Status:** Referred to Senate Transportation Cmte

[HR 37, Create Georgia Commission on Freight and Logistics](#) (Rep. Kevin Tanner-R)

A resolution creating the Georgia Commission on Freight and Logistics **Status:** Referred to House Transportation Cmte

Taxes

[HB 48, Reinstate exemption on public mass transit vehicle excise tax](#) (Rep. Carl Gilliard-D)

Relating to levy of excise tax, rate, taxation of motor fuels not commonly sold or measured by gallon, rate, but rather at a bulk purchase facility, prohibition of tax on motor fuel by political subdivisions, exception, and exempted sales, so as to reinstate excise tax exemptions for public mass transit vehicles, vehicles operated by a public campus transportation system, and school buses **Status:** Referred to Ways and Means Cmte

Transportation

[SR 24, Amend the allocation of funds collected through federal motor fuel taxes](#) (Sen. Brandon Beach-R)
A resolution urging the United States Congress to amend the allocation of funds collected through federal motor fuel taxes; and for other purposes. **Status:** Referred to Transportation Cmte

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