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Weekly Legislative Report #23

Week Ending June 20, 2020

The Georgia General Assembly reconvened on Monday after a three-month coronavirus hiatus. They hit full-speed pretty quickly . . . and kept working all the way through an extremely rare Saturday session. Here are some of the highlights.

Budget Goes to Conference

A Conference Committee composed of three members from each House was appointed to tackle differences between the March-passed House version and last week's Senate post-pandemic version of the FY21 budget, [HB 793](#). Those individuals, all Republicans, are:

House

Terry England (Auburn) Appropriations Chair
Jon Burns (Newington) Majority Leader
Jan Jones (Milton) Speaker Pro Tem

Senate

Blake Tillery (Vidalia) Appropriations Chair
Mike Dugan (Carrollton) Majority Leader
Butch Miller (Gainesville) President Pro Tem

They've got just a few days to arrive at compromises on hundreds of line-item cuts totaling \$2.6 billion necessitated by a staggering drop in state income due to the economic damage caused by COVID-19. Education will have to take significant cuts, primarily because 54% of the state's spending is now allocated for education purposes.

Hate Crime Legislation

While nearly everyone says they want a hate-crimes bill, the devil is in the details. The Senate tried to come up with entirely different legislation than [HB 426](#), sent over from the House way back in 2019. By the end of the week, however, the Republican majority in the Senate Judiciary Cmte. had simply amended that bill to include the category of first responder victims and a mandate to establish a hate crime database. The bill has not yet been heard on the Senate floor, but

is expected to be a point of contention between Republicans and Democrats, and eventually between House and Senate. The original bill passed the House with only a handful of votes to spare. Speaker Ralston has worried aloud that Senate changes could handicap it too much to pass again.

Elderly Protection Bill

Spurred by an *Atlanta Journal-Constitution* series on abuses in long-term care facilities, [HB 987](#) (Sharon Cooper-R), sets out a series of new requirements on long-term care operations to increase transparency and safety for elderly residents. The Georgia Council on Aging (Co-Age) and the Association of Area Agencies on Aging are applauding legislators for making the bill a priority prior the pandemic, but especially after the high toll it took among those in nursing homes. The bill must return to the House for agreement on some COVID-specific and other Senate amendments.

Podiatrists Can Team With Physicians

Current law in Georgia declares that a corporation can be formed only by a single profession, with some stated exceptions such as ophthalmologists/optometrists and engineers/architects. With the Senate's passage of [HB 932](#) (Houston Gaines-R) on Saturday, podiatrists and physicians will also be able to form a professional corporation together. In addition to everyday foot ailments, podiatrists are on the front line of the battle against diabetic wounds with Georgia's rate of diabetes 8% higher than the national average. It's hoped the new law will encourage podiatrists and primary care docs to set up shop together in rural and underserved areas so that diabetic issues are attacked earlier, avoiding so many toe, foot and leg amputations. The bill now awaits the Governor's signature.

Right to Farm Amended

The Senate passed [HB 545](#) (Tom McCall-R) by the absolute narrowest of margins on Friday, 29-21 (Senate rules require 29 yeas to pass). Known as the "Right to Farm" bill, it now goes back to the House where its fate is uncertain. At its core, say proponents, the bill is about protecting farmers from nuisance complaints by people who move into a farming community but are offended by the smells, noise, lights, etc. that often accompany farming practices. Opponents of the bill say it would open the door for large corporate operations to move into communities with an initial small hog operation, but expand it exponentially once a two-year window on nuisance suits expires. The Senate amendment allows nuisance suits within two years of an offending noise, smell or whatever being noticed, rather than within two years of a farm commencing operations. Some farmers have come down on each side of the legislation, so its future remains to be seen.

That'll be 50 cents for the Man, Please

The Senate approved a 50-cent fee per ride-for-hire on Thursday to replace Georgia's current sales tax on taxi or Uber-style transportation. For multiple people on a single ride, the fee is 25 cents per person. The current sales tax makes Atlanta one of the highest-cost ride share markets in the country. Monies collected through the fee will be dedicated to transit. The underlying portion of [HB 105](#) (Sam Watson-R) still provides a tax credit for farmers on disaster relief payments (finally) received following Hurricane Michael in 2018.

Tax Credits Under Attack

Searching for new income, the Senate Finance Committee ambushed [HB 1035](#) on Thursday, amending it with a list of current Georgia tax credits to be removed or reduced. Lobbyists were not allowed to testify on the consequences of the bill during the hearing. The Georgia Chamber of Commerce, Sugar Creek Capital, the Georgia Affordable Housing Coalition and other major forces are working behind the scenes to point out the jobs, housing, personal income, developments, etc. that are created or enhanced by several of the tax credits. Committee Chairman Chuck Hufstetler (R-Rome) admitted there are credits in the bill that some people like and credits that some people don't like. He said the goal was to get the bill into a House-Senate conference committee where they could be sorted out (the public usually doesn't get to testify at conference committees). The bill, if it passes on the Senate floor, must go back to the House where Speaker David Ralston has already panned it as a jobs killer.

Numerous Health-Related Bills Advance

As usual, healthcare legislation claims an enormous amount of Gold Dome energy. Following are just a few such bills that advanced last week. [SB 303](#) (Ben Watson-R), the Georgia Right-to-Shop bill that requires health insurers to publicly post cost information, passed the House. [SB 391](#) (Kay Kirkpatrick-R) cleared the House on a unanimous vote. It allows insurers to waive time restrictions on prescription medication refills during an emergency. In short, when a hurricane is coming, patients could get a 90-day supply, instead of a 30-day supply of a prescription. It's only a committee vote, but the Senate Finance Committee amended [HB 882](#) (Penny Houston-R) with an increase to the cigarette tax from 37 cents to \$1.35 per pack (national average is \$1.80). The House Regulated Industries Committee passed [SB 321](#) (Chuck Hufstetler-R), which sets the number of physician assistants and APRNs a doctor can supervise at one time to four each. The Senate unanimously approved [HB 888](#) (Lee Hawkins-R), the surprise billing legislation that has been in the works for several years.

On Saturday, the House gave final passage to [SB 395](#) (Ben Watson-R) which would increase the standard of indigency to 138% of the Federal Poverty Level for hospital authority irrevocable trusts. This bill also allows the Chatham County Hospital Authority more flexibility in investing indigent care funds resulting from the sale of Memorial Health to HCA. [HB 991](#) (Matt Hatchett-R) passed the Senate Saturday, but will have to return to the House for "agreement" next week. It sets up the Healthcare Transparency and Accountability Oversight Committee to review the performance of all state health benefit plan contractors and pharmacy benefits managers.

COVID-19 Liability Shield

[HB 216](#) is one of those bills whose original purpose vanishes over the long vetting process. It started out creating an automobile specialty tag to benefit the Georgia Tennis Foundation. That language was completely stripped in committee (but may end up attached to another similar bill). HB 216 would now establish protections for businesses, nonprofits, governments and healthcare providers against liability should customers, workers or visitors contract COVID-19 on their turf. These groups would not be protected if they were found guilty of gross negligence, willful and wanton misconduct, reckless or intentional infliction of harm. This bill passed the Senate Public Safety Committee. We expect it, or perhaps another vehicle with similar language, to finish the drill. Speaking of COVID-19, the early Father's Day report on the Department of Public Health's [COVID-19 tracking page](#) shows 63,809 Georgia cases with 2,642 deaths.

Next Week

Leadership apparently feels that the social distancing, longer votes, and restricted areas imposed on the Capitol have worked well enough that they can complete the full 40 legislative days allowed by the State Constitution. A new adjournment resolution has fixed the schedule for the remainder of the session with official meeting days Monday through Friday. Adjournment sine die is planned for Friday evening.