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Weekly Legislative Report #4

Week Ending February 5, 2021

Election-Related Bills Flood Gold Dome

A tsunami of election-related legislation flooded the Gold Dome last week with the introduction of 22 different bills seeking to change the way Georgians vote. Although the Capitol's majority party fared perhaps better than expected with legislative seats, Republicans are not happy with the loss of two U.S. Senate seats or the fact that Joe Biden won Georgia's presidential electors in November. They blame voting procedures for this shift in traditional outcomes, and insist changes must be made in the name of voting integrity.

[HB 270](#) (Barry Fleming-R) has already passed out of committee on a party line vote. The bill would set a deadline for officials to issue absentee ballots at 10 days prior to an election as opposed to the current Friday before the election. It's worth noting that Republicans have a 10-4 margin over Democrats on the House Special Committee on Election Integrity, while in the Senate they enjoy a 9-4 edge in the Ethics Committee that is hearing these bills. Expect plenty of noise as these bills are heard under the Gold Dome.

Senate Wants to Examine Tax Credits

The Senate unanimously passed [SB 6](#) (John Albers-R), last week, a bill that would allow the respective chairs of the General Assembly's tax committees to request independent economic impact reviews of up to five tax breaks each year. The bill moves over to House for consideration.

Bill Would Curb Visitation Prohibitions

[HB 290](#) (Ed Setzler-R) would prohibit Georgia hospitals and nursing homes from completely prohibiting family members from visiting patients, even during a public health emergency. As introduced, HB 290 sets up a regime where facilities must approve at least two family members or friends who would be permitted to visit a patient for at least two hours daily. It doesn't say how those family members should be chosen or what happens when families disagree on the

designees. The bill declares that facilities would not be held liable for claims of damages brought by the family or other patients/families who were harmed by such visitations.

Easing the Process for Prior Authorizations

Talk about a running start, Kay Kirkpatrick, MD (R-Marietta) has 31 of 56 fellow senators signed on as co-sponsors for a bill that would regulate how insurance companies handle prior authorizations. [SB 80](#) is intended to make the prior authorization regimen more patient/doctor-friendly by regulating the manner in which insurance companies employ such prior review systems. The bill has not been heard yet, but was assigned to the Insurance and Labor Committee chaired by bill co-signer and physician Dean Burke (R-Bainbridge).

Midyear Budget Makes Progress

The Amended FY21 Budget cleared another important hurdle this week, passing out of the Senate Appropriations Committee on Thursday. The Senate has been in behind-the-scenes discussions with the House since the bill was introduced in an effort to move it quickly should a Coronavirus outbreak force an unscheduled recess. Thus, there were comparatively few changes made to [HB 80](#) by the panel. Of note, where the House had added three upper-level positions to the Department of Public Health, the Senate increased that by two more positions for data and financial management. The Senate also bumped up from \$18 million to \$27 million spending to upgrade computer capacity to improve pandemic and other data management.

Distracted Driving Free Pass In Jeopardy

Three years ago, Georgia passed a law that prohibited holding a cell phone while driving, but the penalty portion of the law gave first offenders an out – bring to court your receipt for purchase of a hands-free device and the charges would be dropped. [HB 247](#) to eliminate that provision has been introduced by John Carson (R-Marietta), sponsor of the original bill. Records for dismissed cases are not uniformly kept or shared across the state, thus judges often don't know for sure that it really is a "first time" case. Atlanta alone recorded 7,500 instances where the "receipt" option was used. The new bill would leave existing fines in place: \$50 plus 1 point for first offense; \$100 plus two points for second offense; and \$150 plus 3 points for third offense.

School Teacher Longevity

We don't know how long it's been since a student actually presented their teacher with an apple, or whether there were any residual health benefits for the educator if said gifting transpired. But, according to testimony from the Teachers Retirement System (TRS), something has contributed to the longevity of the state's school teachers. During committee testimony, TRS Executive Director Buster Evans told legislators that after suffering from initial devastating financial losses due to COVID, the retirement system has had a strong fiscal recovery. And that's important because he also mentioned a gasp-generating statistic – of the 137,000 former teachers in the system, 8,590 are over age 85 and a whopping 81 (only one of whom is male) are older than 100!

Next Week

The General Assembly will meet on Monday, but that's as far as the official schedule extends at this time. However, we're told the full Senate will take up the midyear budget on Tuesday, and we expect committees to begin churning out bills next week in the absence of a COVID surge.

Tracking List

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

The 2021 Legislative Session is the first session of the 2021-2022 Term of the Georgia General Assembly. Therefore, bills not passed or defeated during this session will be carried over to the 2022 session. Bills pending in the House or Senate Rules Committees at adjournment sine die of the 2021 session will be recommitted to the committee from whence they came.

Sections:

[Business](#)

[City & County Governments & Regional Commissions](#)

[Economic Development](#)

[Elections](#)

[Health – General](#)

[Hospitals](#)

[Insurance](#)

[Taxes](#)

Business

[HB 112](#), To provide for certain immunities from liability claims (Rep. Trey Kelley-R)

To provide for certain immunities from liability claims regarding COVID-19; extend for one year. **Status:** Referred to Special Cmte on Access to the Civil Justice System, [Passed Cmte](#), [Sent to Rules Cmte](#)

[SB 55](#), To create the Family Medical Leave Fund (Sen. Gloria Butler-D)

To create the Family Medical Leave Fund; to provide for contributions to such fund; to provide for the promulgation of rules and regulations by the Department of Labor. **Status:** [Referred to Insurance and Labor Cmte](#)

City & County Governments and Regional Commissions

[SR 26](#), An amendment to the Constitution to authorize GO Bonds (Sen. Tyler Harper-R)

Proposing an amendment to the Constitution to authorize the state to incur general obligation debt in order to make loans or grants to certain counties, cities, local authorities and local commissions that own airports. **Status:** Referred to Appropriations Cmte, Passed by the Appropriations Transportation Subcmte, Pending Appropriations Cmte, [Passed Cmte](#), [Sent to Rules Cmte](#)

[HB 98](#), Conditions for meetings to be held by teleconference (Rep. Eddie Lumsden-R)

To provide conditions for meetings and public hearings to be held by teleconference in emergency conditions. **Status:** Referred to Governmental Affairs Cmte

[HB 107](#), Workforce Development Board Meetings (Rep. Carolyn Hugley-R)

Local workforce development board to conduct meetings via teleconference. **Status:** Referred to Governmental Affairs Cmte

Economic Development

[HB 86](#), Sports Wagering (Rep. Ron Stephens-R)

To provide for the lottery game of sports wagering; to provide oversight of such lottery game by the Georgia Lottery Corporation. **Status:** Referred to Economic Development & Tourism Cmte, **Passed Cmte, Sent to Rules Cmte**

[HR 30](#), Authorizing Licensed Destination Resort Casinos (Rep. Ron Stephens-R)

A Resolution proposing an amendment to the Constitution so as to authorize the General Assembly to provide by law for the local authorization of a limited number of licensed destination resort facilities casino resorts within the state; to authorize the operation and regulation of limited casino gaming within the state; to provide for the submission of this amendment for ratification or rejection. **Status:** Referred to Economic Development and Tourism Cmte

[SB 30](#), To provide for pari-mutuel horse racing (Sen. Brandon Beach-R)

To provide for pari-mutuel horse racing in this state at a limited number of licensed equestrian centers and create the Georgia Horse Racing Commission. **Status:** Referred to Regulated Industries & Utilities Cmte

[SB 65](#), Universal Access Fund (Sen. Steve Gooch-R)

Relating to public utilities so as to provide for funding of the deployment for certain communication services throughout the state, so as to allow for funds to be used for deployment of broadband services.

Status: **Referred to Regulated Industries & Utilities Cmte**

[SR 53](#), To provide for pari-mutuel betting (Sen. Brandon Beach-R)

To provide for pari-mutuel betting in this state. **Status:** **Referred to Regulated Industries & Utilities**

Elections

[HB 62](#), Relating to primaries and elections (Rep. Joseph Gullett-R)

Relating to primaries and elections generally, so as to prohibit boards of elections, boards of elections and registration, local election superintendents, and county boards of registrars from accepting or expending private funds; to provide that such local elections officials can only accept lawful appropriations of public funds or authorized fees. **Status:** **Referred to Special Cmte on Election Integrity**

[HB 113](#), Relating to primaries and elections (Rep. Kimberly Alexander-D)

Relating to primaries and elections generally, so as to provide for same day registration and voting. **Status:** **Referred to Special Cmte on Election Integrity**

[HB 132](#), Relating to primaries and elections (Rep. Mesha Mainor-D)

Relating to primaries and elections generally, so as to provide for written operating procedures for elections and voter registration activities in each county; to provide for State Election Board approval; to provide for contents and scope of procedures; to provide for sanctions for failure to submit acceptable operating procedures. **Status:** **Referred to Special Cmte on Election Integrity**

[HB 136](#), Relating to primaries and elections (Rep. Eddie Lumsden-R)

Relating to primaries and elections generally, so as to provide for the appointment of acting election superintendents in the event of a vacancy or incapacitation in the office of judge of the probate court of counties without a board of elections. **Status:** **Referred to Special Cmte on Election Integrity**

[HB 227](#), Relating to elections and primaries (Rep. Lee Hawkins-R)
Relating to elections and primaries so as to provide for submission of identification in connection with absentee ballot applications; to provide for the submission of photocopies of voter identification for absentee ballot applications. **Status:** [Referred to Special Cmte on Election Integrity](#)

[HB 228](#), Relating to presentation of identification to poll worker (Charlice Byrd-R)
Relating to presentation of identification to poll workers, form of proper identification, so as to require the term Bearer Not a U.S. Citizen. **Status:** [Referred to Special Cmte on Election Integrity](#)

[HB 267](#), Relating to elections and primaries (Rep. Brad Thomas-R)
Relating to elections and primaries generally, so as to provide that persons who register to vote by mail shall vote for the first time in person. **Status:** [Referred to Special Cmte on Election Integrity](#)

[HB 270](#), Relating to elections and primaries (Rep. Barry Fleming-R)
Relating to elections and primaries generally, so as to provide for the time periods for the mailing and issuance of absentee ballots. **Status:** [Referred to Special Cmte on Election Integrity, Passed Cmte, Pending Rules Cmte](#)

[HB 280](#), Relating to elections and primaries (Rep. William Boddie-D)
Relating to primaries and elections, so as to eliminate certain electors list maintenance activities. **Status:** [Referred to Special Cmte on Election Integrity](#)

[HB 284](#), Relating to elections and primaries (Rep. Wes Cantrell-R)
Relating to elections and primaries generally, so as to provide that counties and municipalities may choose to utilize instant run-off voting under certain circumstances. **Status:** [Referred to Special Cmte on Election Integrity](#)

[HB 285](#), Relating to elections and primaries (Rep. Wes Cantrell-R)
Relating to elections and primaries, so as to provide for instant-run-off voting in the election of presidential electors; to provide for the implementation of the instant run-off voting. **Status:** [Referred to Special Cmte on Election Integrity](#)

[SB 29](#), Relating to elections and primaries generally (Sen. Jason Anavitarte-R)
So as to provide for the submission of certain forms of identification by electors with absentee ballot applications and absentee ballots. **Status:** [Referred to Ethics Cmte](#)

[SB 62](#), Relating to elections and primaries (Sen. Lindsey Tippins-R)
Relating to elections and primaries, so as to provide the name and designation of the precinct appears on her ballot. **Status:** [Referred to Ethics Cmte](#)

[SB 67](#), Relating to elections and primaries (Larry Walker-R)
Relating to elections and primaries generally, so as to provide for the submission of identification in connection with absentee ballot applications. **Status:** [Referred to Ethics Cmte](#)

[SB 68](#), Relating to elections and primaries (Sen. Jeff Mullis-R)
Relating to elections and primaries, so as to revise the manner of delivery of voted absentee ballots. **Status:** [Referred to Ethics Cmte](#)

[SB 69](#), Relating to elections and primaries (Sen. Jeff Mullis-R)
Relating to elections and primaries, so as to provide that persons desiring to register to vote through an application for a driver's license shall be required to affirmatively indicate such desire on such application. **Status:** [Referred to Ethics Cmte](#)

[SB 70](#), Relating to elections and primaries (Sen. Jeff Mullis-R)

Relating to Elections and Primaries, so as to provide that a person who votes in a general election in another state and subsequently moves to this state shall be ineligible to vote in a runoff in this state. **Status:** Referred to Ethics Cmte

[SB 71](#), Relating to elections and primaries (Sen. Jeff Mullis-R)

Relating to Elections and Primaries, so as to revise the definition of “absentee elector” to provide for reasons for voting by absentee ballot and to provide for certain exemptions. **Status:** Referred to Ethics Cmte

[SB 72](#), Relating to elections and primaries (Sen. Jeff Mullis-R)

Relating to Elections and Primaries, so as to provide that the county registrars shall obtain monthly from the coroner, probate judge and funeral homes in the county identifying information about who has died in the county during the previous month. **Status:** Referred to Ethics Cmte

[SB 73](#), Relating to elections and primaries (Sen. Jeff Mullis-R)

Relating to elections and primaries, so as to limit the distribution of absentee ballot applications. **Status:** Referred to Ethics Cmte

[SB 74](#), Relating to elections and primaries (Sen. Jeff Mullis-R)

Relating to elections and primaries, so as to revise the ability of poll watchers at tabulating centers to observe the vote county process. **Status:** Referred to Ethics Cmte

[SB 89](#), Relating to elections and primaries (Sen. Butch Miller-R)

Relating to elections and primaries generally, so as to provide for a chief elections assistance officer; to provide for the qualifications, appointment, supervision, and duties of such officer; to provide for election assistance coaches; to provide for the identification of low-performing county election superintendents; to provide for comprehensive on-site evaluation of election management practices. **Status:** Referred to Ethics Cmte

Health – General

[HB 163](#), Express lane enrollment for medical assistance for children (Rep. Sharon Cooper-R)

Instructs the Department of Human Services to submit a state plan amendment to federal officials to provide automatic enrollment in Medicaid of eligible children enrolled in the Supplemental Nutrition Assistance Program (SNAP). **Status:** Referred to Health & Human Services Cmte

[HB 245](#), Podiatry practice provision relating to background checks (Rep. John LaHood-R)

Relating to podiatry practice, so as to amend a provision relating to fingerprint and criminal background checks. **Status:** Referred to Health & Human Services Cmte

[SB 5](#), To provide protection measures for patients undergoing sedation (Sen. Kay Kirkpatrick-R)

To provide patient protection measures for patients undergoing sedation in certain settings, including dental settings and medispas; to provide for patients under varying levels of sedation in physician offices and medispas. Status: Referred to Health and Human Services Cmte

Hospitals

[HB 234](#), Relating an option for self-funded healthcare plans (Rep. Lee Hawkins-R)

Relating to insurance, so as to provide an option for self-funded healthcare plans, to opt in Georgia’s Surprise Billing Consumer Protection Act. **Status:** Referred to Special Committee on Access to Quality Health Care

[HB 261](#), Care and protection of indigent and elderly (Rep. Todd Jones-R)

To provide for the establishment of a pilot program to conduct a simulated exchange for health care facilities to purchase and sell charity care credits to meet their charity care requirements. **Status:** Referred to Finance Cmte

[**HB 290**](#), Relating to regulation of hospitals and related institutions (Rep. Ed Setzler-R)

Relating to regulation of hospitals and related institutions, so as to prohibit hospitals and nursing homes from instituting any policy during a declared public health emergency that limits patients' abilities to be visited by designated family members or friends as a condition precedent to obtaining or maintaining a permit to operate a hospital or nursing home. **Status:** Referred to Human Relations & Aging Cmte

[**SB 19**](#), Surgical Smoke Evacuation Systems (Sen. Gloria Butler-D)

To require hospitals and ambulatory surgical centers to utilize surgical smoke evacuation systems during surgical procedures to protect patients and health care works. **Status:** Referred to Health & Human Services Cmte

[**SB 31**](#), Care and protection of indigent and elderly (Sen. Chuck Hufstetler-R)

To provide for the establishment of a pilot program to conduct a simulated exchange for health care facilities to purchase and sell charity care credits to meet their charity care requirements. **Status:** Referred to Finance Cmte

Insurance

[**HB 115**](#), Relating to insurance, so as to prohibit certain information (Rep. Mike Wilensky-R)

Relating to insurance, so as to prohibit certain insurers from using information derived from genetic testing for any nontherapeutic purpose in the absence of a diagnosis of a condition related to such information. **Status:** [Referred to Insurance Cmte](#)

[**HB 241**](#), Relating to Property Insurance (Rep. Matthew Gambill-R)

Relating to property insurance, contract requirements, rules, regulations and exemptions, so as to revise the meaning of property insurance. **Status:** [Referred to Insurance Cmte](#)

[**SB 1**](#), Georgia All-Payer Claims Database (Sen. Dean Burke-R)

Relating to the Georgia All-Payer Claims Database, so as to provide that entities that receive certain tax credits and that provide self-funded, employer sponsored health insurance plans are submitting entities and provide for related matter. **Status:** Referred to Finance Cmte, [Hearing Only](#)

[**SB 80**](#), Ensuring Transparency in Prior Authorization Act (Sen. Kay Kirkpatrick-R)

Relating to insurance, so as to provide for standards for utilization review; to provide for statutory construction; to provide for applicability; to provide for definitions. **Status:** [Referred to Insurance & Labor Cmte](#)

Taxes

[**SB 6**](#), State Tax Exemptions (Sen. John Albers-R)

Relating to fiscal bills to provide for independent economic analyses to be procured by the Office of Planning and Budget for certain tax benefits upon request by the chairpersons of the House Committee on Ways and Means and the Senate Finance Committee. **Status:** Referred to Finance Cmte, [Rules Cmte](#), [Passed Senate](#), [Sent to the House](#), [Referred to Ways & Means](#)

[**HB 104**](#), Equipment Rental Tax (Rep. Ron Stephens-R)

So as to levy and impose a tax on persons who enter certain rental agreements with certain equipment rental companies within a certain period of time. **Status:** Referred to Ways and Means Cmte

[**HB 122**](#), To Extend Sales Tax Exemption for manufacturers of concrete (Rep. John Corbett-R)

To extend the sunset for a manufacturers' sales tax exemption for concrete mixers to 2026. **Status:** Referred to Ways and Means Cmte

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