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**Weekly Legislative Report #4**

**Week Ending February 3, 2023**

**FYA 2023 Budget**

Only four weeks into the session the FYA 2023 budget document is making rapid strides. On Wednesday, the House Appropriations Subcommittees began reporting out their respective sections of the budget at 7:00 a.m., followed by full committee passage before the Rules Committee met in the same room at 9:00 a.m. By noon Thursday the $32.56 billion measure, [HB 18](https://www.legis.ga.gov/legislation/63505), won approval of the Committee of the Whole House, and passed the full House on a 170-1 vote (the one was Charlice Byrd, a Woodstock Republican). The House made few changes to the Governor’s specific recommendations in a bill that is designed to “true-up” spending over the last several months of the fiscal year ending June 30. However, appropriators did “find” additional money and they applied it to new items not mentioned in the Governor’s plan.

How do they find new money? A few examples would be: Employee positions that were included in the original FY23 bill but were never filled (often because they couldn’t find a qualified taker); grants that were approved, but never awarded for one reason or another ($29 million in this category); and big dollars by simply re-figuring the estimates as to how many people will be served by Medicaid, school systems, and dozens of other programs. The code for that kind of change is often simplified to the term, “later data.” Such updated calculations helped the House find $100 million when it reduced from $1.1 billion to only $1 billion the amount needed to compensate local governments for property tax rebates the Governor has promised to home-owners.

A sizeable chunk of the House’s new spending is the $100 million to be directed to the State Health Benefit Plan over a three-year phase-in. Based on worries about long-term solvency, the Governor’s budget had increased the amount of support state agencies and local school systems would have to contribute to the self-funded health plan benefitting current and retired teachers and state employees. There was a lot of push-back, especially from school systems, on the financial burden that would create. The House’s $100 million was directed to reduce that strain.

In keeping with an improve-the-workforce theme this year, another addition to the budget was $3.3 million to fund heavy equipment simulators for the Construction Industry Programs at 32 high schools around the state. An additional $5.7 million was dedicated to buy eight aircraft and build T-hangers for the Middle Georgia State University Aviation Program. Both programs provide specific training for industry needs. The FYA 2023 budget now moves to the Senate for consideration, while the House begins work on the FY 2024 budget.

**Special Elections Settled – Almost**

Four special elections for the Georgia General Assembly took place this past week. Johnny Chastain, a Republican banker, was victorious in the race for House District 7. He defeated Sheree Ralston, widow of the late Speaker David Ralston. Republican Sam Watson won the race for the state Senate seat in District 11 in Southwest Georgia. Republican Chas Cannon of Moultrie was elected to replace Watson in House District 172. Finally, a runoff election will be held in House District 119 to determine the replacement of Representative-elect Daniel Rampey of Statham following his recent arrest for stealing prescription drugs from retirement home occupants. None of these elections resulted in a switch of political parties occupying the seat.

**Alternative to Election Runoffs**

Georgia is the only state in the nation that holds run-offs after every primary and general election in which no candidate receives a majority of the vote. Republican Joseph Gullet of Dallas has introduced [HB 200](https://www.legis.ga.gov/legislation/63905) to take some of that pressure and expense off of local governments. His bill would not impact statewide elections yet, rather it would allow (not require) local governments to try out a ranked-voting process that allows voters to pick a second choice in addition to a first choice. A poll conducted by the *Atlanta Journal Constitution* recently reported that 58% of Georgians would prefer a system other than runoff elections. Gullett reasons that if local elections work out satisfactorily, a statewide change can be made. If problems are identified locally, they can be corrected before going statewide.

**Statistic of the Week**

A tsunami of legislative paperwork flooded the offices of the House Clerk and Senate Secretary last week. By our count during the four-day period, Representatives and Senators dropped a total of **173 bills** covering the gamut from [SB 24](https://www.legis.ga.gov/legislation/63659) that would expand Medicaid coverage to [HB 189](https://www.legis.ga.gov/legislation/63881) that would regulate maximum truck weights. Another **110 Resolutions**, which do not carry the force of law, were read for the first time. Some of these are “privileged” resolutions honoring distinguished citizens, championship sports teams and the like. Others are “urging” resolutions such as [HR 95](https://www.legis.ga.gov/legislation/63871) that encourages the Governor to declare the fourth Wednesday of each February as Hypertrophic Cardiomyopathy Awareness Day in Georgia.

**Truck-Weight Limitations**

A bill that would increase the variance allowed on truck-weight limits was introduced and is scheduled for action in the House Transportation Committee next Thursday. If passed, the 12.5% variance permitted in [HB 189](https://www.legis.ga.gov/legislation/63881) (Steven Meeks-R) would allow trucks to travel Georgia highways with a total weight of 90,000 pounds. The current weight limit is 80,000. The legislation would also delete current references to specific commodities and remove existing mile radius restrictions.

**Increase in Tobacco/Vaping Taxes Offered**

Rep. Ron Stephens (R-Savannah) dropped two bills this week that would impact smokers/vapers and perhaps the state budget as well. [HB 191](https://www.legis.ga.gov/legislation/63896) would raise the excise tax on a pack of cigarettes from 37 cents (second lowest in the nation) to 57 cents. Anti-smoking groups will advocate for an even more significant bump in hopes of providing a financial incentive for smokers to quit. [HB 192](https://www.legis.ga.gov/legislation/63897) would up the seven-percent tax on vaping products to 15 percent of cost. Both bills would direct proceeds from these taxes to “address healthcare issues affecting Georgia residents.” Budget analysts are considering not only additional revenues, but the positive impact that fewer nicotine-related illnesses could have on Medicaid appropriations. Income and savings estimates are all over the place, but legislators intent on reducing the state income tax rate are looking for ways to replace income thereby lost.

**Vaping Restrictions**

And, not only will vaping perhaps become more expensive, it may become more restricted. Sen. Chuck Hufstetler (R-Rome) has introduced [SB 47](https://www.legis.ga.gov/legislation/63778) which would add the term “vaping” to the Georgia Smoke-Free Air Act, existing law that regulates smoking in various venues. In short, vaping would be prohibited by law anywhere that smoking is prohibited. The bill, urged by the Department of Public Health, has bipartisan cosponsors and was sent to the Senate HHS Committee.

**Biomarker Insurance Coverage**

[HB 85,](https://www.legis.ga.gov/legislation/63669) a bill sponsored by Public Health Cmte. Chair Sharon Cooper (R-Marietta), would require biomarker testing to be included by health insurance companies offering coverage in Georgia. Biomarker testing refers to identification of gene mutations, protein expression, known gene-drug interactions for medications, characteristics of genes and other indicators of health conditions. The testing is a significant advancement in developing the correct diagnosis and treatment for patients. The bill will be heard in the Health and Life Subcommittee of the House Insurance Committee on Monday.

**Next Week**

Next week’s schedule is heavy on committee hearings. Monday is Legislative Day 13 with the General Assembly meeting through Thursday.

**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 2023 Legislative Session is the first session of the 2023-2024 Term of the Georgia General Assembly. Therefore, bills not passed or defeated during this session will be carried over to the 2024 session. Bills pending in the House or Senate Rules Committees at adjournment sine die of the 2023 session will be recommitted to the committee from whence they came.

**Sections:**

[Aging](#bookmark=id.30j0zll)

[Business](#bookmark=id.3znysh7)

[City & County Governments & Regional Commissions](#bookmark=id.2et92p0)

[Economic Development](#bookmark=id.tyjcwt)

[Elections](#bookmark=id.3dy6vkm)

[Environmental & Natural Resources](#bookmark=id.1t3h5sf)

[Government – General](#bookmark=id.4d34og8)

[Health – General](#bookmark=id.2s8eyo1)

[Hospitals – CON (Certificate of Need)](#bookmark=id.17dp8vu)

[Hospitals](#bookmark=id.3rdcrjn)

[Insurance](#bookmark=id.26in1rg)

[Mental Health & Developmental Disabilities](#bookmark=id.lnxbz9)

[Pharmaceuticals](#bookmark=id.1ksv4uv)

[Public Health](#bookmark=id.44sinio)

[Study Committee](#bookmark=id.2jxsxqh)

[Taxes](#bookmark=id.z337ya)

[Transportation](#bookmark=id.3j2qqm3)

[Workers’ Comp](#bookmark=id.1y810tw)

**Aging**

[HB 91](https://www.legis.ga.gov/legislation/63678), Notices to Estate Beneficiaries regarding issuance of letters testamentary (Rep. Will Wade - R)

Relating to wills, trusts, and administration of estates, so as to require personal representatives to send notices to beneficiaries regarding the issuance of letters testamentary or letters of administration; to provide for revocation of such letters as to personal representatives who fail to comply; to provide for trust beneficiary representation. **Status:** Referred to Judiciary Cmte

[SB 61,](https://www.legis.ga.gov/legislation/63803) Sick Leave for Care of Immediate Family Members (Sen. Brian Strickland - R)

Relating to the use of sick leave for care of immediate family members, so as to repeal the sunset provision relating to such sick leave requirements. **Status:** Referred to Insurance and Labor Cmte

**Business**

**City & County Governments and Regional Commissions**

[HB 42,](https://www.legis.ga.gov/legislation/63545) Ad Valorem Tax; County Tax Commissioner Duties (Rep. Marvin Lim - D)

Relating to ad valorem taxation, so as to revise provisions concerning the duties of county tax commissioners with respect to the assessment and collection of municipal taxes and fees. **Status:** Referred to Ways & Means Cmte

[HB 72,](https://www.legis.ga.gov/legislation/63633) Revise provisions relating to compensation and benefits for employees and members of governing bodies (Rep. Debra Bazemore - D)

Relating to home rule powers, so as to revise provisions relating to the compensation and benefits for employees and members of governing authorities; to provide for elections and other related matters. **Status:** Referred to Governmental Affairs Cmte

[HB 77,](https://www.legis.ga.gov/legislation/63641) Provide for a fourth judge in Dougherty Judicial Circuit (Rep. Gerald Greene - R)

Relating to the number of judges of superior courts, so as to provide for a fourth judge of the superior courts of the Dougherty Judicial Circuit. **Status:** Referred to Judiciary Cmte, Passed Cmte, Pending Rules Cmte

[HB 132,](https://www.legis.ga.gov/legislation/63762) Authorize certain uses of ungraded lumber in GA state standard codes (Rep. David Jenkins - R)

Relating to an amendment of the GA Codes, so as to authorize certain uses of ungraded lumber. **Status:** Referred to Agriculture and Consumer Affairs Cmte

[HB 193,](https://www.legis.ga.gov/legislation/63898) Increase value of certain public works construction contracts (Rep. Victor Anderson - R)

Relating to public works contracting and bidding requirements, so as to increase the dollar values of certain public works construction contracts exempt from bidding requirements. **Status:** Referred to Governmental Affairs Cmte

[SB 26,](https://www.legis.ga.gov/legislation/63660) Development Authority and Community Improvement District Meetings to be held via teleconferencing (Sen. Greg Dolezal - R)

Relating to state government, so as to permit meetings and public hearings of development authorities and community improvement districts to be held by teleconference. **Status:** Referred to Economic Development and Tourism Cmte, Passed Cmte, Pending Rules Cmte

**Economic Development**

[SB 57,](https://www.legis.ga.gov/legislation/63793) “Georgia Sports Betting Integrity Act” (Sen. Billy Hickman - R)

Relating to sports betting, so as to authorize and provide for the regulation and taxation of sports betting in Georgia; to provide additional powers of the Georgia Lottery Corporation; to provide for the Georgia Lottery Corporation to engage in certain activities related to sports betting; to create a public corporation to regulate sports betting that will be governed by the Georgia Sports Betting Commission; to provide for the procedures, limitations, requirements, and qualifications of the licensing of any person offering, operating, or managing sport betting in this state; to provide for criminal background checks; to regulate wagers and provide requirements for bettors; to provide for bettors to restrict themselves from placing certain wagers; to provide certain resources for individuals with problem gambling or a betting or gambling disorder; to provide for the collection and disposition of fees; to prohibit certain conduct by commissioners, employees of the commission, licensees, and other persons; to provide for certain penalties. **Status:** Referred to Economic Development and Tourism Cmte

**Elections**

[HB 200](https://www.legis.ga.gov/legislation/63905) Municipalities to use instant runoff voting for their elections (Rep. Joseph Gullett - R)

Relating to primary and general elections, so as to provide the option for the use of instant runoff voting in local elections. **Status:** Referred to Governmental Affairs Cmte

**Environmental & Natural Resources**

[HB 71,](https://www.legis.ga.gov/legislation/63631) Okefenokee Protection Act (Rep. Darlene Taylor - R)

Relating to surface mining, so as to prohibit the director of the Environmental Protection Division of the Natural Resources Department from issuing, modifying, or renewing any permit or accepting any bond to conduct surface mining operations on Trial Ridge for future permit applications and amendments. **Status:** Referred to Natural Resources and Environment Cmte

**Government -- General**

**Health – General**

[HB 82,](https://www.legis.ga.gov/legislation/63666) Limit eligibility for rural physician tax credit to physicians (Rep. Mack Jackson - D)

Relating to state income tax credits, so as to limit eligibility for the rural physician tax credit to persons who qualify; to create a new tax credit for rural physicians, dentists, nurse practitioners, and physician assistants. **Status:** Referred to Ways and Means Cmte

[HB 129](https://www.legis.ga.gov/legislation/63759), Expand temporary assistance for needy families eligibility criteria to pregnant women (Rep. Soo Hong - R)

Relating to public assistance, so as to expand temporary assistance for needy families eligibility criteria to pregnant women. **Status:** Referred to Public Health Cmte

[HB 140,](https://www.legis.ga.gov/legislation/63770) Three-year pilot program to provide coverage for the diagnosis and treatment of certain pediatric disorders (Rep. Lee Hawkins - R)

Relating to the health insurance plan of state employees, so as to provide coverage for the diagnosis and treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcus infection (PANDAS) and pediatric acute-onset neuropsychiatric syndrome (PANS) under the state health benefit plan. **Status:** Referred to Health Cmte

[HB 196,](https://www.legis.ga.gov/legislation/63901) Georgia Access to Medical Cannabis Commission (Rep. Alan Powell - R)

Relating to access to medical cannabis, so as to provide that the Georgia Access to Medical Cannabis Commission shall be subject to the Administrative Procedure Act and laws governing open meetings and open records. **Status:** Referred to Judiciary Non-Civil Cmte

[SB 65,](https://www.legis.ga.gov/legislation/63887) Establishing a Commissioner of Insurance Advisory Committee (Sen. Ben Watson - R)

Relating to general provisions, so as to authorize the Commissioner of Insurance to take certain actions, including but not limited to promulgating rules, applying for federal money, and establishing an advisory committee, to create, implement, or operate a state, federal, or partnership exchange or marketplace. **Status:** Referred to Insurance and Labor Cmte.

**Hospitals -- CON (Certificate of Need)**

**Hospitals**

[SB 16,](https://www.legis.ga.gov/legislation/63644) “Georgia EMS Reform Act” (Sen. John Albers - R)

Relating to emergency medical services, so as to amend provisions relative to the Emergency Medical Systems Communications Program administered by the Department of Public Health; to provide for legislative findings, determinations, and declarations; to authorize local entities to establish boundaries for the provision of emergency medical services. **Status**:Referred to Health and Human Services Cmte

[SB 20,](https://www.legis.ga.gov/legislation/63655) “Surprise Billing Consumer Protection Act” (Sen. Kay Kilpatrick - R)

To create the “Surprise Billing Consumer Protection Act” to ensure consumer access to quality healthcare by setting adequacy standards for network plans offered by an insurer. **Status:** Referred to Insurance and Labor

**Insurance**

[HB 63,](https://www.legis.ga.gov/legislation/63622) Require insurance policies for groups of 20 or more to furnish claims experience (Rep. Noel Williams Jr. - R)

Relating to furnishing claims experience to policyholders, so as to require insurers providing policies for groups of 20 or more to timely furnish claims experience at the request of a group policyholder; to allow such insurers that use other methods to apply to the Commissioner for approval of the use of an alternative form of claims experience reporting. **Status:** Referred to Insurance Cmte

**Mental Health & Developmental Disabilities**

[HB 41,](https://www.legis.ga.gov/legislation/63544) Emergency Involuntary Treatment for Mental Health and Alcohol and Drug Dependency (Rep. Marvin Lim - D)

Relating to mental health, so as to revise procedures regarding emergency involuntary treatment for mental health and alcohol and drug dependency; to require that certain documents become part of the patient’s clinical record. **Status:** Referred to Public Health Cmte

**Pharmaceuticals**

[HB 85,](https://www.legis.ga.gov/legislation/63669) Require Health Benefit Policy Coverage for Biomarker Testing (Rep. Sharon Cooper - R)

Relating to general provisions regarding insurance, so as to require health policy coverage for biomarker testing if supported by medical and scientific evidence; to provide for request exceptions or appeal adverse determinations. **Status:** Referred to Insurance Cmte

**Public Health**

[HB 66,](https://www.legis.ga.gov/legislation/63625) Grant Program for physicians and nurse practitioners (Rep. Mandeisha Thomas - D)

Relating to the Department of Public Health, so as to provide for the establishment of a grant program to provide funding for liability premiums for physicians and nurse practitioners under certain conditions and to provide for eligibility requirements. **Status:** Referred to Health Cmte

[HB 69,](https://www.legis.ga.gov/legislation/63628) Georgia Triple Threat SNAP Act (Rep. Mandisha Thomas - D)

Relating to general provisions for public assistance, so as to provide for a pilot program to provide a monthly supplemental benefit of $75 to certain federal Supplemental Nutrition Assistance Program recipients who have been diagnosed with high glucose, high cholesterol, and high blood pressure. **Status:** Referred to Public Health Cmte

[HB 143,](https://www.legis.ga.gov/legislation/63776) Include Continuous Glucose Monitors as a Pharmacy Benefit for Medicaid Recipients (Rep. Danny Mathis - R)

Relating to medical assistance generally, so as to require the Department of Community Health to include continuous glucose monitors as a pharmacy benefit for Medicaid recipients. **Status:** Referred to Public Health Cmte

[HB 191](https://www.legis.ga.gov/legislation/63896), Increase tax rate on pack of cigarettes (Rep. Ron Stephens - R)

Relating to taxes on tobacco and vaping products, so as to increase the rate of the tax on each pack of cigarettes; to provide that the proceeds derived from such increase are intended to be appropriated for healthcare purposes. **Status:** Referred to Judiciary Cmte

[HB 192,](https://www.legis.ga.gov/legislation/63897) Increase tax rate on Consumable Vapor Products (Rep. Ron Stephens - R)

Relating to taxes on tobacco and vaping products, so as to increase the rate of the tax on consumable vapor products; to provide that the proceeds derived from such increase are intended to be appropriated for healthcare purposes. **Status:** Referred to Ways & Means Cmte

[HB 201,](https://www.legis.ga.gov/legislation/63906) Authorize Dept. of Public Health to Increase Valvular Heart Disease Awareness (Rep. Kim Schofield – D)

Relating to general provisions regarding health, so as to authorize the Department of Public Health to carry out projects to increase education, awareness, or diagnosis of valvular heart disease and to reduce the incidence of sudden cardiac death caused by valvular heart disease; to provide for priority of projects for target populations; to provide for coordination with other state agencies; to provide for the collection and publishing of data regarding best practices for healthcare providers. **Status:** Referred to Public Health Cmte

[HR 10,](https://www.legis.ga.gov/legislation/63511) House Study Committee on Public Water Systems Serving Disadvantaged Communities (Rep. Mandisha Thomas - D)

Resolution to create the “House Study Committee on Public Water Systems Serving Disadvantaged Communities” to study the drinking water systems in areas serving disadvantaged communities and recommend any action or legislation that the committee deems necessary. **Status:** Referred to Energy, Utilities, and Telecommunications Cmte.

[HR 43](https://www.legis.ga.gov/legislation/63643), Costs and Effects of Smoking Joint Study Committee (Rep. Michelle Au - D)

Resolution to create the “Costs and Effects of Smoking Joint Study Committee” to study the impact of smoking on the health of adults and children; to study the effect that smoking has on the state economy; to recommend any action or legislation it deems necessary. **Status:** Referred to Health Cmte

[HR 95,](https://www.legis.ga.gov/legislation/63871) Hypertrophic Cardiomyopathy Awareness Day (Rep. Sharon Cooper - R)

Resolution to designate the fourth Wednesday in February as Hypertrophic Cardiomyopathy Awareness Day. **Status:** Referred to Public Health Committee

[SB 9,](https://www.legis.ga.gov/legislation/63567) Kathleen Cominski Act (Sen. Michael Rhett - R)

Relating to emergency response within public offices, so as to require that there is at least one functional automated external defibrillator on site at all times for use during emergencies within these spaces. **Status:** Referred to Health and Human Services Cmte

[SB 22,](https://www.legis.ga.gov/legislation/63654) Prohibit the sale of, purchase of, and the offering of samples of hemp products to minors (Sen. Kay Kilpatrick - R)

Relating to offenses against public health and morals concerning hemp farming to prohibit the purchase of, sale of, and the offering of samples of hemp products by or to any individual under the age of 18 years old. **Status:** Referred to Agriculture and Consumer Affairs Cmte

[SB 34,](https://www.legis.ga.gov/legislation/63692) Prohibit food delivery services from committing unfair, unsafe, and unhealthy practices (Sen. Elena Parent - D)

Relating to food service establishments, so as to prohibit a third-party food delivery service from committing unfair, unsafe, and unhealthy practices in this state. **Status:** Referred to Agriculture and Consumer Affairs Cmte

[SB 46,](https://www.legis.ga.gov/legislation/63780) Require physicians to test all pregnant women for HIV and syphilis (Sen. Chuck Hufstletler - R)

Relating to control of sexually transmitted diseases, so as to require physicians and healthcare providers to test all pregnant women for HIV and syphilis at the first prenatal visit, at 28–32 weeks gestation, and at delivery. **Status:** Referred to Health and Human Services Cmte

[SB 47,](https://www.legis.ga.gov/legislation/63778) Vaping in restricted areas is a misdemeanor punishable by fine (Sen. Chuck Hufstetler - R)

Relating to offenses against public health and morals, so as to provide that vaping in restricted areas is a misdemeanor punishable by fine. **Status:** Referred to Health and Human Services Cmte

[SB 50,](https://www.legis.ga.gov/legislation/63783) Schools with grades nine through twelve may provide lifeguarding and aquatic safety instruction (Sen. Max Burns - R)

Relating to elementary and secondary education, so as to provide that local boards of education which operate a school with grades nine through 12 may provide instruction in lifeguarding and aquatic safety; to provide for Carnegie unit curriculum credits. **Status:** Referred to Education and Youth Cmte

**Study Committees**

**Taxes**

**Transportation**

[HB 52,](https://www.legis.ga.gov/legislation/63560) GDoT board election provisions and related transportation matters (Rep. Brad Thomas – R)

To amend provisions relating to GDoT board elections notices; relating to provisions regarding to alternative procurement procedures; relating to the permitting of an off-scene medical examiner to authorize on-the-scene personnel to remove bodies in a fatal automobile accident to clear blocked lanes; and relating to the towing of modular housing. **Status:** Referred to Transportation Cmte, Passed Cmte, Pending Rules Cmte

[HB 189,](https://www.legis.ga.gov/legislation/63881) Provide for allowable Variances for Weight Limitations upon a Vehicle or Load (Rep. Steven Meeks - R)

Relating to dimensions and weight of vehicles and loads, so as to provide for an allowable variance for weight limitations upon a vehicle or load; to repeal certain exceptions which allow for excess weight for vehicles and loads. **Status:** Referred to Transportation Cmte

**Workers’ Comp**

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