



# LEGISLATIVE UPDATE



## June 19, 2020

Welcome to GHLA @ the Capitol, your weekly update about news you need to know related to Georgia's lodging industry and the 2020 General Assembly. GHLA's legislative team will be your eyes and ears under the Gold Dome.

### Legislative Session Resumes

The legislature reconvened this past Monday at 10:00 AM, and the activity picked up right where it left off in mid-March. Members of the General Assembly began the unenviable task of creating a state budget with a nearly \$2.5 billion revenue shortfall. While the cut wasn't as deep as initially proposed, it was still almost 11%, which required layoffs, furloughs, and significant efficiencies from most state agencies. Unlike past budget crises, no program was exempted from the cuts.

Looming over members of the General Assembly is the pressure to pass a Hate Crimes Bill in Georgia while contemplating the hundreds of proposals that remain live for consideration. Within a few days, it was reported that four staff members had contracted COVID-19, appropriately followed by the introduction of SR19 in the House Rules Committee. This Resolution will allow for a Constitutional Amendment to address future voting/legislative activity in the event of a pandemic or disaster. Currently, Georgia has no means by which to hold session remotely which poses health concerns during the pandemic.

While there are hundreds of eligible bills, very few measures of consequence have been contemplated outside of the state budget and some potential tax cut eliminations. The team is advocating for a vote on HB448, the Lodging Facilitator Bill, by Rep. Matt Dollar (R-Marietta) in the Senate before time runs out. The team is armed with new statistics regarding lost revenue to local municipalities in Georgia, which is estimated to be up to \$125M annually. Additionally, Airbnb was included in the CARES Act PPP loans, but Conventions and Visitors Bureaus were not deemed eligible.

### Legislative Safe Harbor Legislation Introduced

On day 30, the Senate Public Safety Committee introduced the much-anticipated liability protection bill for businesses and healthcare providers. The legislation would keep providers from being held liable if workers or customers contracted COVID-19 if they've taken reasonable precautions consistent with state and federal guidelines.

Because we are past Day 28, otherwise known as "crossover day" to Capitol regulars, the Committee had to use what is referred to as a vehicle. A vehicle is a bill that has already been voted out of its house of origin. The legislation they chose was HB216 by Representative Teri Anulewicz (D-Smyrna) related to creating specialty license plates for the Georgia Tennis Foundation.

GHLA and allied businesses across Georgia have explained how challenging the tort environment is in Georgia. This legislation will offer some protection from needless lawsuits as our state reopens for business. The bill passed through Committee with a 5-3 vote and is now eligible for consideration in the Senate Rules committee. Additionally, there are multiple proposals HB167 and SB359 that will contain language for safe harbor. Procedurally, advocates are working to ensure this bill can pass in some form before they conclude the 2020 session.

### Legislative Alcohol Delivery Heard in Senate Regulated Industries

This afternoon the Senate Committee on Regulated Industries heard testimony on a substitute bill of HB879 by Chairman Brett Harrell (R-Snellville). The bill seeks to address a provision of home delivery of beverage alcohol. The Chairman explained that the language is tightly crafted and requires any home delivered products to be compliant across three tiers. 1) The product is required to be delivered to the proper jurisdiction, so taxes are collected appropriately. 2) Delivery must be during the operating hours of the originating store. 3) Someone must sign for the delivery. The Department of Revenue will regulate these rules.

The committee added four additional proposals that will streamline alcohol-related code in Georgia. HB674, a bill that GHLA has advocated for over the last year, was added in first. HB674 by

Chairman Alan Powell (R-Hartwell) creates a streamlined permitting process for alcohol permitting for businesses by 2021. The Department of Revenue came to weigh in on the enactment of the legislation and indicated that an effective date for 2022 would allow them enough lead time to create the mechanism by which all permitting and applications could be on one portal. This is essentially a customer-service bill— it provides a mechanism for hotels applying for new liquor licenses to have a more streamlined process moving forward. The Committee also added on Senator Frank Ginn's (R-Dahlonega) package store tasting bill as well as a distancing requirement bill from Rep. Ron Stephens (R-Savannah) The bill was passed out of Senate Regulated Industries and is eligible for consideration in Rules.

### **Hate Crimes Legislation Debuts in Senate**

The Senate held a hearing for the first time on the Georgia Anti-Hate Crimes Act this Thursday and finished out the week with a second committee hearing where they voted the measure through. The original proposal was introduced by Rep. Chuck Efstrotation (R-Dacula) last year. The House passed the legislation over a year ago in March of 2019. This bill provides sentencing guidelines for someone convicted of targeting a victim based on factors such as sexual orientation, race, color, religion, physical disability, or gender.

On Wednesday, Lieutenant Governor Geoff Duncan introduced his hate-crimes proposal that would make these crimes a separate charge instead of a sentencing enhancement. The House Speaker has urged the Senate to adopt their version of the bill, whereas the Lieutenant Governor has characterized HB462 as a "good starting point."

Duncan's proposal adds on additional classes to the House version that imposes penalties for a hate crime related to "exercise of religious beliefs" and "culture," among other things. HB426 was not given a vote on Thursday, but if it is amended, it would need an "agree" motion in the House before it could go to the Governor for signature.

While the push for a Hate Crimes bill is considered a "must-do" in most legislative circles, the House and Senate Minority Caucuses have introduced several proposals they've labeled the Justice for All Agenda. These bills would not be eligible to pass without overcoming serious procedural hurdles and tackle items related to police enforcement and citizen's arrest.

The hearing ended with a committee substitute late on Friday evening when Senator Bill Cowsert (R-Athens) introduced language that includes protections for EMTs, police officers, and first responders. For the time being it appears as though the Lieutenant Governor has scrapped his own version of the bill to support the committee substitute for HB462. At this time, it is unclear if the House will agree on the changes that are likely to be passed through the Senate. House and Senate Democrats reportedly view the changes as a "nonstarter."

### **Legislative Action on Miscellaneous Items of Interest:**

- *Records Expungement:* The Special Committee on Access to the Civil Justice System passed a substitute for SB288 by Senator Tonya Anderson (D-Lithonia). Senate Bill 288 expands the ability of individuals convicted of certain misdemeanors or convicted of non-serious or non-sexual felonies and are later pardoned to petition for the restriction and sealing of their criminal history record information. Specific misdemeanor offenses, along with violent or sexual felonies, are excluded. Exceptions are provided to allow for criminal history record information that was previously restricted and sealed to be unrestricted and unsealed for specific purposes. The motion passed.
- *Online Sports Betting:* Senate Committee on Special Judiciary voted on HB903 by Rep. Bert Reeves (R-Marietta) related to online sports betting. The motion passed.
- *Family Sick Leave:* House Industry and Labor Committee passed SB408 by Senator Brian Strickland (R-McDonough) that pushes out the sunset for Paid Family Sick Leave. This bill was combined with a Department of Labor bill that extends authority to the DOL Commissioner during a state of emergency.
- *Human Trafficking:* SB394 by Senator Albers (R- Roswell) has passed out of House Judiciary Non-Civil this week. The legislation allows the Attorney General to grant peace officers the ability to assist with human trafficking investigations.
- *Human Trafficking:* The House Judiciary Non-Civil passed SB435, sponsored by Senator Brian Strickland (R-McDonough); it allows for record restrictions for individuals convicted of crimes as a result of their victimhood in human trafficking.
- *Elevator Inspections:* In the House Insurance Committee, they passed SB377 by Senator Burt Jones (R-Jackson) related to allowing the Department of Insurance to inspect elevators on a less frequent basis. DOI will have the authority to push an inspection out a year as opposed to every

six months. They are not meeting this requirement now and cannot hire more inspectors, given the budget constraints.

- *Liability Protection*: Representative Matt Gambill introduced HB1188 related to COVID-19 civil liability protections for businesses and it was referred to the Special Committee on Access to the Civil Justice System. Procedurally this bill would not be able to pass in 2020.

### **Legislative Tracking Update**

Please [click here to go to our Legislative tracking page](#) for the complete list of bills we are watching.

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