

Crossover Day Report 2021

Middleton Public Affairs

Budget

The passage of a balanced budget is the only constitutionally required action item for legislators each year. Earlier this session, House and Senate leaders came to an agreement on changes made to [House Bill 80](#), the Amended Fiscal Year 2021 budget, and sent the bill to the governor's desk for his signature. Governor Kemp signed the AFY21 budget on February 15, which set state funding for the remainder of the fiscal year, which ends on June 30, 2020.

On Friday morning the House took up the Fiscal Year 2022 budget, [House Bill 81](#). House Appropriations subcommittees have been hard at work for weeks, convening to hear testimony from relevant department heads, to develop their budget recommendations for the new fiscal year, which runs from July 1, 2021 to June 30, 2022.

Appropriations Chairman Terry England (R-Auburn) took the podium on the House floor on Friday morning to walk his colleagues through many of the highlights of the budget they had crafted. The \$27.2 billion budget is an increase of 5.2 percent over the previous fiscal year. 56.4 percent of the House's budget recommendations would be dedicated to education, which, like the governor's budget recommendations, includes a 60 percent restoration of the education funding cuts made last year to combat a projected revenue shortage due to the pandemic. The budget [passed by a vote of 136 to 31](#) and was immediately transmitted to the Senate.

Election Reform Bills

The House and Senate Majority Caucuses have both come out with their own versions of an omnibus election reform bill this year. Earlier this session, Senate Majority Leader Mike Dugan (R-Carrollton) introduced [Senate Bill 241](#), which passed out of the Senate Ethics Committee last week and was considered by the full Senate on Crossover Day. Its provisions include, but are not limited to, creating a hotline within the Attorney General's office for voters to report cases of election irregularities and voter intimidation; clarifying the duties of the State Election Board; requiring the Secretary of State to participate in a multistate voter registration system to cross-check voter registration in other states; and designating certain voters, including those 65 and older, as eligible to absentee vote, though it clarifies that any voter would be eligible to vote early. After several hours of debate on Crossover Day, the measure [passed by a margin of 29-20](#).

Other elections bills passed out of Senate on Day 28 include [Senate Bill 72](#), sponsored by Senator Jeff Mullis (R-Chickamauga), which would require county registrars to obtain updated records of deaths in the county every month and would require registrars to use this information to determine which individuals should be removed from voter registration records ([passed 48-5](#)); [Senate Bill 74](#), also sponsored by Senator Mullis, which would expand the areas in which poll watchers have access in tabulation centers ([passed 36-18](#)); [Senate Bill 62](#), sponsored by Senator Lindsey Tippins (R-Marietta), which would require that all election ballots contain additional security elements, as well as the name and designation of the voting precinct

(passed 37-15); [Senate Bill 202](#), by Senator Max Burns, which would prohibit anyone other than the Secretary of State or local elections officials from sending absentee ballot applications to voters who have already requested, received or voted with an absentee ballot (passed 32-20); and [Senate Bill 253](#), sponsored by Senator Nikki Merritt (D-Grayson), which would require that signs be posted at the original polling place in the event that a polling location changes (passed 53-0).

The Georgia House Republican Caucus released its own omnibus election reform bill, [House Bill 531](#), sponsored by Representative Barry Fleming (R-Harlem), who chairs the House Special Committee on Election Integrity. Like the Senate omnibus election bill, HB 531 also proposes significant changes to Georgia's election laws. The measure would replace the signature match used for absentee ballot verification with ID verification; require that ballot drop boxes are actively monitored; ban out of precinct voting; and promote quicker results on Election Day. After several hours of debate on the House floor last week, the measure passed by a vote of 97 to 72 and will be considered by the Senate next.

In response to critics who say there is a financial barrier to many Georgians obtaining proper identification to vote, last week Speaker David Ralston (R-Blue Ridge) announced a proposal for the state to offer free state identification to individuals who would need it in order to vote under the new proposed election law.

Citizen's Arrest

[House Bill 479](#) would repeal Georgia's 150- year-old citizen's arrest law, which Governor Kemp has described as "vague and outdated," by eliminating any potential legal loopholes and clarifying when a citizen, business owner, or law officer may reasonably detain an individual. The proposed legislation, for example, would allow an owner of a retail establishment or restaurant to detain an individual who is attempting to steal, a provision which has been widely supported by Georgia's business community. The bill was carried by Governor's Floor Leader, Representative Bert Reeves (R-Marietta), and was passed by the House on Crossover Day by a vote of 173-0.

Gambling Bills

[Senate Resolution 135](#), sponsored by Senate Rules Chairman Jeff Mullis (R-Chickamauga), would amend the State Constitution to allow for sports betting if a majority of voters at the polls approve of the measure. A related bill, [Senate Bill 142](#), also sponsored by Chairman Mullis, would set up the structure for sports betting in the state. Senator Bill Cowsert (R-Athens) successfully amended Senate Bill 142 to clarify that the effective date would be January 1, 2023, if approved by voters in the 2022 general election. The measures would place sports wagering under the purview of the Georgia Lottery Corporation, and net proceeds would be required to go towards educational improvements in the state. SR 135 and SB 142 both passed the Senate on Friday, by a vote of 41-10, and a vote of 34-17, respectively.

[Senate Bill 212](#), also sponsored by Senator Mullis, would legalize horse racing in Georgia at a limited number of licensed equestrian centers and would create the Georgia Horse Racing

Commission to regulate it. It was assigned to the Senate Regulated Industries Committee for consideration, but it did not pass out of the committee in time this session, so it **did not cross over to the House**.

Earlier this session Representative Ron Stephens (R-Savannah) filed [House Resolution 30](#), which would ask Georgians on the 2022 ballot whether they support allowing casinos in the state. Earlier this session, the measure was approved by the Regulated Industries Lottery Oversight Gaming Subcommittee, chaired by Representative Kasey Carpenter (R-Dalton), though the bill did not successfully make it out committee and out of the House before Day 28, so it **did not cross over to the Senate**.

[House Bill 86](#), also sponsored by Representative Ron Stephens (R-Savannah), seeks to allow those 21 and older who are physically present in the state to participate in online sports betting and, like Mullis' bill, would place it under the authority of the Georgia Lottery Corporation. The measure specifically prohibits sports betting on collegiate sporting events, horse racing events, or fantasy or simulated contests. Its vote on the House floor was postponed for several legislative days, and because it did ultimately not get called up for a vote, it **did not cross over to the Senate**.

Hospital and Nursing Home Legislation

One of the most contentious bills heard on the floor in the House on Crossover Day was [House Bill 290](#). The measure, which is sponsored by Representative Ed Setzler (R-Acworth), and is known as the 'Patient and Resident Representation and Visitation Act,' would prohibit a hospital or long-term care facility from implementing any policy that limits a patient or resident's access to in-person physical contact with a designated legal representative for less than one hour per day during any hospitalization, treatment, or residence that last longer than 12 hours. After several hours of debate on the floor, the measure **passed by a vote of 113-57**.

Daylight Savings Time Legislation

Last week the Senate considered [Senate Bill 100](#), sponsored by Senator Ben Watson (R-Savannah), which would have Georgia observe Standard Time year-round until Congress passes legislation allowing states the option to observe Daylight Savings Time year-round, at which point Georgia would observe Daylight Savings Time. In his presentation on the floor, Chairman Watson cited the health issues that stem from switching between Daylight Savings and Standard Time every year. He also noted that states are unable to legally opt to observe Daylight Savings Time year-round, though Congress is considering legislation that would allow states to observe Daylight Savings Time, which he said he would prefer. The measure was **passed by a vote of 46-7**.

On Crossover Day, the House took up a related bill, [House Bill 44](#), sponsored by Representative Wes Cantrell (R-Woodstock). This measure, which **passed by a vote of 112-48**, would have Georgia observe Daylight Savings Time year-round after states are authorized by Congress to do so. Unlike SB 100, this would have Georgia continue to switch between Standard Time and Daylight Savings Time until Congress acts.

Elected Official Salary Legislation

The House and Senate both considered measures on Crossover Day that would increase the salaries for several elected officials, including members of the General Assembly, the Attorney General, and the Commissioners of Agriculture, Insurance, and Labor. The Senate version, [Senate Bill 252](#), sponsored by Senator Valencia Seay (D-Riverdale), was considered by the Senate on Crossover Day, but did not receive enough votes to cross over to the House (**failed 20-33**). The House version of the measure, House Bill 675 sponsored by Representative Wes Cantrell (R-Woodstock) was on the Rules calendar on Crossover Day, but was never called up for a vote, so it **did not cross over** to the Senate.

Two other measures considered by the Senate on Crossover Day would address the compensation for public officials who are suspended because of indictment for a felony. [Senate Resolution 134](#), sponsored by Senator Larry Walker (R-Perry) is a proposed constitutional amendment which, if approved by voters, would suspend compensation for public officers indicted for a felony. The suspension would last until reinstatement. [Senate Bill 218](#), also by Senator Walker, would suspend the compensation for certain public officers who are suspended because of indictment for a felony. Both measures **passed by a vote of 51-1**.

Transgender Bills

[Senate Bill 266](#), the “Save Girls Sports Act,” sponsored by Senator Marty Harbin (R-Tyrone) would make it unlawful for public or private schools in Georgia whose students or teams compete against public schools to operate, sponsor, or facilitate athletic activities that allow a person whose gender is male to participate in an athletic activity that is designed for females. The bill received a “do pass by substitute” recommendation from the Senate Education and Youth Committee last week, but because it was not considered and passed by the full Senate, the bill **did not cross over**.

[House Bill 276](#), sponsored by Representative Philip Singleton (R-Sharpsburg), would make it illegal for public or private schools whose students compete against a public school to operate athletic programs that permit a person whose gender is male to participate in an athletic program that is designated for females. HB 276 was not called up for a vote and **did not cross over**.

[House Bill 372](#), by Representative Rick Jasperse (R-Jasper), would define gender in the Code as it relates to schools as a “person’s biological sex at birth” and would require that students participate on male or female sports teams in school according on that definition of gender. The bill, which did not pass out of the Education Committee, **did not cross over**.

[House Bill 401](#), the ‘Vulnerable Child Protection Act,’ sponsored by Representative Ginny Ehrhart (R-Marietta), would make it a felony for a healthcare professional to administer treatment or perform a medical procedure on a minor undergoing transgender transition. The bill did not pass out of the Health and Human Services Committee this session and **did not cross over**.

Mixed Drinks To Go

[Senate Bill 236](#), sponsored by Senator Matt Brass (R-Newnan), would codify the ability of restaurants to sell mixed drinks for off-premises consumption in approved containers under certain conditions. The measure would apply to food service establishments that are licensed to sell distilled spirits for consumption on the premises. It would allow individuals to purchase up to two mixed drinks to go per entree ordered. The bill was passed out of the Senate Regulated Industries and Utilities Committee last week and then **passed by the full Senate on Friday by a vote of 36-10.**