

# Georgia insight

Sue Ella Deadwyler  
www.georgiainsight.org  
“She hath done what she could.”  
Mark 14:8a  
“...and having done all ... stand.”  
Ephesians 6:13c

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## Governor Kemp Signed 300 Bills, Vetoed 14

“All bills and all resolutions which have been passed by the General Assembly intended to have the effect of law ... shall become law if approved or not vetoed by the Governor within 40 days from the date of any such<sup>1</sup> adjournment.”

– *The Constitution of the State of Georgia, Article III, Section V, Paragraph XIII*

### Random Examples of Bills Signed by Governor Kemp

**H.B. 182** requires internet retailers to collect sales taxes if annual Georgia sales reach \$100,000.

**H.B. 186** relaxes certain regulations that protect nonprofit hospitals from competition.

**H.B. 213** allows farmers to grow hemp for CBD oils and other products.

**H.B. 228** increases the minimum age for marriage from 16 to 17.

**H.B. 282** requires sexual assault evidence to be preserved until crimes are solved.

**H.B. 316** replaces the state’s 27,000 electronic voting machines with a \$150 million voting system that uses touchscreens, printers and optical scanners.

**H.B. 321** extends the “provider fee” funding of hospitals that treat Medicaid patients.

**H.B. 323** pharmacy benefit managers must report rebates they pocket or pass on to patients.

**H.B. 324** permits medical marijuana growing, manufacturing, testing, and dispensary sales.

**H.B. 346** protects renters from eviction when they complain to landlords.

**H.B. 454** creates rules for electric scooters.

**H.B. 471** makes clear to suspected DUI offenders that breath-tests can’t be used against them.

**H.B. 481** outlaws abortion once a doctor can detect the heartbeat of the baby in the womb.

**H.B. 501** establishes oyster farming in Georgia.

**H.B. 530** requires child protective services to check on students withdrawn from school.

**H.B. 551** regulates kratom<sup>2</sup> and makes it illegal for minors.

**S.B. 6** requires one-year sentence for those guilty of willfully flying drones over a prison or jail.

**S.B. 25** clarifies when traffic must stop for a school bus.

**S.B. 77** requires vandal damaging a Georgia monument to pay triple for repairs and legal fees.

**S.B. 83** expands options for Bible-related elective courses in high school, effective July 1<sup>st</sup>.

**S.B. 171** Gives 5% raises to sheriffs, tax commissioners, superior court clerks, probate judges.

<sup>1</sup> “Any such adjournment” refers to a 40-day adjournment **within or after** a regular legislative session.

<sup>2</sup> After attributing 36 deaths to kratom, the FDA warned consumers *not* to use any product that’s *labeled* kratom or any supplement or dietary product that *contains* kratom or its psychoactive compounds. Kratom affects the same brain receptors as morphine and appears to expose users to addiction, substance abuse, and dependence on kratom.

## Excerpts from Governor Kemp’s Official Reasons for 14 Vetoes Full Explanations Available Online

**H.B. 598, Change City of Harlem Boundaries**, was vetoed at the author’s request.

**H.B. 83, Recess for Grades K-5**, would dramatically restrict local control, by stripping long-held authority from school boards. Currently, local boards of education hold broad authority to establish recess policies for students K – 8<sup>th</sup> grade. This local control allows school boards to set these policies based on a thorough understanding of day-to-day educational operations as well as regular interaction with administrators, educators, families, and students.

**H.B. 187, Insurance Coverage for Obesity Treatment**, would provide for a three-year pilot program covering prescription drugs for the treatment and management of obesity and related conditions for State Health Benefit Plan (hereinafter, “SHBP”) members. SHBP is a self-funded program sustained through employer contributions and employee premium. In analyzing this legislation’s fiscal impact, state officials prepared projections for cost scenarios which ranged tens of millions of dollars.

**H.B. 279, Use of Department Vehicles by Certain Law Enforcement Officers**, would allow the Commissioner of the Department of Revenue to authorize agency law enforcement personnel to utilize department vehicles while working off-duty jobs involving police powers. This legislation would create potential liability for the State and negatively affect Automobile Physical Damage insurance programs.

**H.B. 311, Sovereign Immunity Waived in Certain Instances**, would create a waiver of sovereign immunity for claims brought against state government. As Governor Deal correctly stated in his May 3, 2016 veto statement for H.B. 59, “[w]hile the concept of sovereign immunity is relatively simple on its face, it is complex in application...” In considering the possible ramifications of a waiver, it is essential that the provisions be appropriately tailored in conjunction with the executive branch to provide pathways for judicial intervention without unduly interfering with the daily operations of the state.

**H.B. 516, Professional Structural Engineer Certificate of Registration**, would create a new certificate of registration for a “professional structural engineer” in addition to existing regulatory schemes for professional engineers and professional land surveyors through the Georgia Board of Professional Engineers & Land Surveyors. In 1986, the Georgia General Assembly established the Georgia Occupational Regulation Review Council (GORRC) to weigh the necessity of new and ongoing occupational regulation by the State.

**S.B. 15, Keeping Georgia Schools Safe**, is a well-intentioned piece of legislation, but many school superintendents, non-partisan advocacy groups, and educators across Georgia have expressed concern over its provisions. These stakeholders agree that this legislation undermines local control, generates an unfunded mandate for school safety coordinators and places a ministerial duty on school administrators, increasing their exposure to legal liability. In stark contrast, H.B. 30 – the State’s Amended 2019 Budget – allocates \$69,000,000 in school security grants to every public school and allows local leaders – who best understand the needs and operations of their communities – to decide how to use this funding for safer learning environments.

**S.B. 53, DeKalb County Independent School Jurisdiction Boundaries**, would provide that the jurisdictional limits of independent school systems no longer be coterminous with the geographical limits of municipalities in DeKalb County unless expressly approved in a separate referendum following a successful municipal annexation.... This act would subject referenda outcomes to legislative review, subjugate home rule, and invite litigation.

**S.B. 75, State Board of Veterinary Medicine**, would increase the membership of the State Board of Veterinary Medicine from six to seven members and authorize the Board to create a professional health program for monitoring and rehabilitation of impaired veterinarians by reason of illness, a mental or physical condition, or the use of alcohol, drugs, narcotics, chemical, or related substances. This legislation does not strike the appropriate balance between protecting the rights of consumers with the concerns surrounding the impairment of a veterinarian resulting in his or her inability to practice with reasonable skill and safety. This legislation shields any information related to a veterinarian's impairment and participation in the Board's professional health program.

**S.B. 80, Georgia Sports Hall of Fame**, would allocate state funding for marketing purposes of the Hall. Over the years, the Georgia Sports Hall of Fame has funded operations through the solicitation of private contributions and local government appropriations. At this time, there is no demonstrated need for state appropriations for this entity to continue to operate.

**S.B. 103, County-Owned Airports**, as well as airports owned by a municipality or political subdivision of this State, would be required to provide a minimum of two priority parking spaces for veterans.... Current law does not prohibit airport facilities from voluntarily designating priority parking spaces for veterans, and I would strongly encourage airports to do so, if feasible.

**S.B. 120, Georgia Tax Credit Business Case Act**, would create a new section in the Georgia Fiscal Note Act allowing the State House Ways and Means Committee Chair and State Senate Finance Committee Chair to each request as many as three "economic analyses" from the State Auditor on an annual basis.... Given the State Auditor's intimate involvement in preparing a tax proposal's fiscal note, I believe that an independent auditor should conduct any subsequent analysis of the effectuated tax measure, allowing for more objective analysis and comparison between the terms of the fiscal note and the tax measure's real impact.

**S.B. 153, Trauma Scene Clean-Up Service**, would impose unfunded and extensive regulation on the crime- and trauma-scene cleaning services industry through the GBI. In 1986, the Georgia General Assembly established the Georgia Occupational Regulation Review Council (GORRC) to weigh the necessity of new and ongoing occupational regulation in the State.... This legislation did not receive statutorily mandated review and approval through GORRC.... This legislation also received no fiscal analysis to determine the costs associated with this proposed regulatory scheme.

**H.R. 51, Boundary Line Commission for Three States**, would create the Joint Georgia-North Carolina and Georgia-Tennessee Boundary Line Commission. Purportedly, the Commission would confer with counterpart commissions in North Carolina and in Tennessee on boundary line disputes. At this time, however, North Carolina and Tennessee have not created boundary line dispute commissions.

## **S.B. 7, Though Not Signed, It Became Law May 13<sup>th</sup>**

### **Governor Kemp's explanation for NOT signing S.B. 7 DeKalb Board of Ethics**

By not signing **Senate Bill 7**, it will become law on May 13 pursuant to GA. Const. Art. III, Section V, Paragraph XIII. This issue is a matter of great importance to the citizens of DeKalb County for the proper governance of their community. Whereas the underlying policy of reconstituting the Board of Ethics is supported, it is unfortunate that DeKalb County's elected leaders and the county's legislative delegation could not come to a consensus on a structure that could be supported by all.

S.B. 7 provides for a county-wide referendum for adoption of the proposed Board of Ethics structure provided in Senate Bill 7. I have faith in the people of DeKalb County to determine for themselves what Board of Ethics structure best suits the needs of their county. This referendum will be an important election, and I encourage the citizens of DeKalb County to vote and allow their voices to be heard on this important issue.

**Therefore, so as not to endorse either viewpoint in the debate over the Board of Ethics structure, I have declined to sign Senate Bill 7 and have allowed it to become law.** (emphasis in original)

### **What's the difference between Head Shops and Dispensaries?**

Source: "A Guide for Beginner Stoners," by Dianna Benjamin, January 4, 2019

**Dispensaries** sell marijuana and a range of marijuana paraphernalia, merchandise, and products. They cater to either medical or recreational users and employ "budtenders" who can help customers navigate their marijuana menus. Dispensaries started as marijuana stores for medical patients.

**Head shops** are retail outlets specializing in paraphernalia used for consumption of marijuana and tobacco, plus items related to marijuana culture and its countercultures. Products may include magazines about marijuana culture, marijuana cultivation, tattooing and music, as well as clothing, posters and wall hangings with drug culture themes. Some sell oddities – antique walking sticks, sex toys, bullet belts, leather boots, and tee shirts featuring band logos.

**Seven head shops are listed in Georgia cities** – Valdosta, Blue Ridge, Kennesaw, Conyers, Young Harris, Atlanta, and Hephzibah. All seven are listed as Head Shops and Smoke Shops; three are listed as Vape Shops (retail electronic cigs); and one is on the list of Tobacco Shops.

Head shops do not sell marijuana. They sell paraphernalia under the façade of tobacco and counter-culture merchandise and supply the tools needed to smoke or vape.

**"Higher Standards" head shops** were the subject of Alexis Stevens' February 28, 2019 article entitled, "Pot City Market? High-end Smoke Shop coming to Atlanta Beltline." Higher Standards is a smoke shop brand, but fancier than other head shops. It is expected to open at 675 Ponce De Leon Avenue, N.E. – "in one of the hippest shopping centers in Atlanta...nestled among stores like J. Crew and West Elm" – showing how mainstream marijuana has become.

Higher Standards' general manager said it's "a contemporary take on a traditional shop." Then he explained, "We're trying to elevate the experience. Now you have executives, professionals, parents, grandparents. They expect that type of service in all aspects of their lives."

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