
Be Encouraged! What a difference a Year makes!

The 2022 session of the Georgia General Assembly convened January 10th and ended April 4th at midnight. Some observers breathed a sigh of relief, others were exasperated. But perhaps the rigors of the pandemic catapulted into view deep problems with school curricula and the tension on college campuses. That could be why H.B. 1, which was introduced *January 29, 2021*, a year ago, was resurrected and passed the last day of this session to protect the right of students to freely speak and express themselves on campuses of colleges and universities.

Passed! Gag Orders Prohibited at Georgia Colleges and Universities

H.B. 1 Forming Open and Robust University Minds (FORUM), prefiled by Representative Josh Bonner November 16, 2020, was officially introduced January 29, 2021. It went to the House Higher Education Committee that favorably reported it March 5, 2021. On March 31, 2021 it was sent back to the Higher Education committee, where it languished until February 10, 2022, when it was ... again ... favorably reported and passed the House 93-62. It went to the Senate Judiciary committee which favorably reported it March 25, 2022, but it was tabled April 1, 2022, then taken off the table April 4, 2022 and passed the Senate 33-18. The House sent it to the Governor on April 6, 2022 and it becomes law July 1, 2022, unless it is vetoed. That arduous, year-long battle was caused by opponents of free speech and free expression.

H.B. 1 in a Nut-Shell

- It protects expressive activity which consists of speech and other conduct protected by the First Amendment to the U.S. Constitution. It includes, but is not limited to, lawful verbal, written, audio-visual, or electronic expression that communicates ideas, including all forms of peaceful assembly, literature distribution, carrying signs, circulating petitions, demonstrations, protests, and speeches, including those by guest speakers.
- Such conduct would not be considered a substantial disruption if it is protected under the Georgia Constitution or the First Amendment to the U.S. Constitution.

Passed! Recess for Pupils

H.B. 1283 QBE: Recess for Students passed the Senate 54-0 April 1st, after it was taken off the table in the Senate. Agreeing with the Senate substitute, the House passed it 159-6, April 4th. So, beginning in the 2022-2023 school year public schools will have a daily recess for students in kindergarten and grades one through five, with one exception – recess will not be scheduled on physical education days. Local boards of education will develop policies authorizing school staff to schedule recess times and conditions.

Passed! Equal Protection for 4-H Students

H.B. 1292 Rights of Students in 4-H Activity requires students participating in 4-H activities or programs (a) to be credited as present at school in the same manner as an educational field trip and (b) not counted absent (excused or unexcused) for a day, portion of a day, or missed school days. (c) A school principal or a designee may request proof that the student actually participated in the program. It passed the House March 1st and the Senate March 28th.

Passed! DOE Complaint Policy due September 1st

S.B. 226 QBE: Materials Harmful to Minors, Complaint Policy that passed the House 97-61 and the Senate 29-21, provides a way to remove objectionable material from schools as follows:

- *By September 1, 2022*, the Department of Education must provide a complaint policy for parents or permanent guardians to report allegations of harmful material that has been provided or is currently available to a student in the local school system.
- *By January 1, 2023* each local board of education must adopt a policy to resolve complaints.
- Complaints must be in writing with reasonably detailed descriptions of the alleged material.
- *Within seven business days*, the principal or designee must investigate/review the material and decide whether (a) the allegations are correct and (b) should be removed or restricted.
- *Within ten business days* the principal must confer with complainants about those decisions.
- Appeals of the principal's decision are subject to review by the local board of education.
- *Within 15 business days* of the decision, titles of harmful material must be published on the local school board website, where they will remain for 12 months.
- A parent or permanent guardian may request access to material determined to be harmful.

Passed! H.B. 1084 carried S.B. 435 to Victory

The “vehicle” that gave the stalled bill a ride ...

H.B. 1084 Protect Students First Act prohibits using critical race theory (CRT) or parts of it in curricula or training programs. H.B. 1084 passed the House 92-63 and the Senate 32-21 by substitute. Then, it went back to the House where Representative Will Wade added S.B. 435.

Results of combining the bills: (a) CRT teaching and training are prohibited in public schools and (b) high school sports athletes are assigned to teams based on their biological identity.

The “passenger” that was stalled in the House ...

S.B. 435 Integrity and Safety in Sports prohibits biological males from participating in interscholastic or intramural athletics designated for females and vice versa in high schools that receive QBE funding. Any high school that does not comply with this Code section will forfeit its allotted funding under this article. S.B. 435 passed the Senate 34-22 February 24th, stalled in the House, but becomes law as an amendment to H.B. 1084.

Congratulations! Senator Marty Harbin for introducing and guiding S.B. 435 to passage!

Congratulations! Representative Will Wade who introduced H.B. 1084 and agreed to amend S.B. 435 onto his own bill, so both could pass on the final day of the 40-day legislative session!

Passed! Parental Rights Protection

S.B. 514 Unmask Georgia Students Act prohibits local school boards, school superintendents or school administrators, teachers or other school personnel from requiring elementary and secondary school students to wear face masks or face coverings on school property, *unless* parents are provided a way to opt-out a student without providing a reason. It became law on March 29th, when the Governor signed it and will stand repealed June 30, 2027.

Passed! Constitutional Gun-Carry

S.B. 319 Georgia Constitutional Carry Act of 2021 deletes the gun license law and authorizes “lawful weapons carriers” to carry in government buildings, schools/zones/functions/buses, worship places, game and fish events, polling places, courts, vehicles, and certain private places, for ages 21 or 18 (if in the military). Georgia is the 25th state to enact a lawful weapons carrier law, and the fourth state to do so in 2022. Governor Kemp signed it April 12th.

Passed! H.B. 1013, Georgia Mental Health Parity

Note: H.B. 1013 does not mention an age limit, parental notification or consent.

H.B. 1013 Mental Health Parity is a 76-page bill that amends Titles 15, 20, 31, 33, 37, 45, and 49 of the O.C.G.A. relating to (a) courts, (b) education, (c) health insurance, (d) mental health, (e) public officers and employees, and (f) social services. As it applies to education, will the duties of school resource officers (peace officers) include taking any student to an emergency receiving facility *if the officer believes* a student is mentally ill and needs involuntary treatment and *if a physician* authorizes transportation of the student for evaluation?

H.B. 1013, repeatedly, states its focus on mental health for “children, adolescents and adults,” never mentioning an age limit, never mentioning parental authority or contacting a parent or next-of-kin or seeking parental consent. Will parents be notified? If so, who will notify them?

Good Bills that Died

H.B. 888 Intellectual Freedom of Students, Faculty & Staff prohibiting use of CRT or its components in curricula or training died in committee. [H.B. 1084 that passed prohibits CRT.]

H.B. 905 Invasion of Privacy by Surveillance Requires Consent would prohibit placing a GPS or tracking device to monitor an adult, without personal consent. It died in committee.

H.B. 1152 Fair Business Practices Act would have protected buyers’ right to pay cash for purchases and required merchants to accept cash. It passed a House committee, but died. .

H.B. 1271 Right to Display the U.S. Flag authorized displaying the U.S. flag in covenant-controlled communities. It passed the House but died in the Senate committee.

H.B. 1274 Antisemitism Defined used the International Holocaust Remembrance Alliance definition. H.B. 1274 passed the House and a Senate committee, but was tabled in the Senate.

H.B. 1394 No Mandatory Vaccination would have prohibited vaccine or immunization passports or passes or any document to certify individual health status, wearing face masks or coverings to affect the spread of infectious disease. It died in committee.

S.B. 316 Offense of Stalking a Minor would have increased the penalty for stalking a minor to a high and aggravated misdemeanor. It passed the Senate and the House committee, but died.

S.B. 325 Provisions Relating to Absentee Ballot Drop Boxes would have (a) repealed current law that allows multiple ballot drop-boxes in districts and would have (b) required drop boxes to be in local government buildings or other specified locations. It died in committee.

S.B. 326 Supreme Court Justice Clarence Thomas Monument authorized a monument of Supreme Court Justice Clarence Thomas to be placed within the capitol building or grounds, if funded by gifts and donations. It passed the Senate, but died in the House Rules Committee.

S.B. 351 Women’s Health and Safety Act would have made it a crime to have abortion-inducing drugs in school facilities or on state property, but it died in committee.

S.B. 449 Parents’ Bill of Rights would have affirmed parental rights to direct the upbringing and moral or religious training of a minor child. It passed the Senate, but died in the House.

S.B. 456 Abortion-inducing Drugs in Schools would have prohibited the providing of RU-486 and other such drugs in schools or on state grounds. It passed the Senate and died in the House.

H.B. 228 Proper ID for Voting in Georgia would have prohibited non-citizen voting and required a temporary license or special ID card that said, “not voter ID.” It died in committee.

Other Bills that Died

H.B. 917 Lifetime Weapons Carry & Possession authorized county probate judges to issue a life-long weapons carry license to county domiciled applicants age 21 or older that were sworn, investigated, had paid the \$200 fee, and were eligible non-U.S. citizens. It died in committee.

H.B. 932 In-State Tuition for Noncitizens made “special immigrants” eligible for in-state tuition. It died in committee.

H.B. 999 Georgia Educational Freedom Act would have established state-funded “promise” scholarships of \$6,000 per school year for students residing in Georgia, regardless of citizenship status. Non-citizen parents would be put on a to-be-appointed committee. It died in committee.

S.B. 323 Repeal State Income Tax in Entirety would have repealed Title 48 Chapter 7, but did not explain what taxes would be levied to replace the income tax. It died in committee.

H.R. 529 Hunting & Fishing in Ocmulgee River Corridor is an issue because a National Park Service study may recommend the creation of a *national* park along a 50-mile stretch between Macon and Hawkinsville, which would interfere with the Georgia Department of Natural Resources (DNR) control and regulation of the property. It died in committee.

S.B. 327 Homestead Exemption for Educational Purposes would have allowed a renewable exemption from property tax for education if the school district “substantially deviated” from State Board of Education curricula. It affirmed the SBOE resolution against CRT, but it died.

S.R. 360 Homestead Exemption for Education proposed a constitutional amendment to authorize the exemptions proposed in S.B. 327. However, both died in committee.

S.B. 477 Local Boards of Education Nonpartisan Election would have placed on the November 2022 ballot a non-binding question: “Shall local boards of education in Georgia all be elected on a nonpartisan basis without party designation on the ballot?” It died in committee.

S.B. 478 Weapons Carry in a Park, Historic Site, or Recreation Area changed weapons carry law, including, but not limited to telemarketing, computer use, home repair, personal ID, and disrupting the General Assembly and Capitol Square buildings. It died in committee.

Not Passed ... Yet: Federal Take-Over of Elections

H.R. 1 For the People Act is an 886-page federal take-over of elections that would strip away the constitutional right of states to control elections. It passed the U.S. House 220-210 March 3, 2021 (a year ago) and was scheduled for a Senate vote March 24, 2021, which never happened.

It authorizes (a) *Internet* voter registration and data up-dates; (b) *automatic* registration, (c) *same-day registration and voting*, (d) *no proof-of-residency*. It (e) *prohibits cross-checking with states*. It authorizes (f) *curbside voting*; (g) *state grants* for minors’ election action; (h) *registration of minors*; (i) *voting without proof-of-citizenship*; (j) *voting without ID*; (k) *voting of felons* on probation, after sentence is completed or when otherwise released from prison.

ACTION: Ask U.S. Senators Ossoff and Warnock to vote NO. Call 1 877 762-8762 and ask to speak to each one.

(NOTE: Bills passed this session take effect July 1, 2022, unless otherwise stipulated therein.)

Georgia Insight is a conservative publication financed entirely by its recipients.