

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

John F. King, New Insurance Commissioner for Georgia

“Now, therefore, pursuant to the authority vested in me as Governor of the State of Georgia, it is hereby ordered that the Honorable John F. King is hereby appointed Commissioner of Insurance for the State of Georgia, for the term of office ending January 9, 2023. This 3rd day of December, 2021.”

– Governor Brian Kemp, December 3, 2021

Why was a new Commissioner of Insurance appointed? On December 2, 2021, former Insurance Commissioner Jim Beck reported to a federal prison at Maxwell Air Force Base in Montgomery, Alabama, to begin serving a seven years, three months sentence for 37 counts, including wire fraud, mail fraud, money laundering and tax fraud, through which he diverted over \$2.5 million from the state-chartered Georgia Underwriting Association (GUA) into his own bank accounts. Prior to his election to public office, Beck was manager of GUA.

The former commissioner was under federal investigation before his 2018 election, and was indicted after taking office in 2019. After an eight-day trial, jurors found him guilty in less than two hours. In October District Judge Cohen sentenced Beck, but allowed him to be at home in Carrollton (electronically monitored) until after Thanksgiving. Then, he reported to prison.

New District Maps Free Online, Hard Copies for Sale¹

“Maps, reports, and digital files of statewide plans are available on our website at no charge.”

– www.legis.ga.gov/joint/reapportionment

The Legislative and Congressional Reapportionment Office (LCRO) is a joint office of the Georgia General Assembly. LCRO members of the Georgia House of Representatives and Georgia Senate are responsible for reapportioning the State population into equally divided districts for the (a) State House, (b) State Senate, and (c) Georgia’s 14 members of Congress.

After the Census concludes at the end of each decade, the General Assembly must convene a special session to adjust district maps to comply with the federal Voting Rights Act. Georgia residents provided in-put to LCRO during ten information-gathering town hall meetings in June and July, as legislators gathered data for the Special Session that began November 3rd.

Although Georgia’s population grew almost ten percent in the last ten years, primarily in urban areas, Georgia’s delegation to Congress remains at 14. But district maps must be redrawn to average 765,136 residents in each of the 14 congressional districts. Each of 56 Senate districts will average 191,284 residents; and the 180 House districts will average 59,511 residents each. Currently, Republicans have an 8 – 6 majority in the congressional delegation.

Reapportionment Bills² that Passed

	Votes	
H.B. 1EX House Districts	House 99-79	Senate 32-21
S.B. 1EX Senate Districts	House 96-70	Senate 34-21
S.B. 2 EX Congressional Districts	House 96-68	Senate 32-21

¹ Maps may be viewed and ordered at www.legis.ga.gov/Joint/reapportionment tab “Proposed Plans.”

Large color maps (34 inches x 44 inches) cost \$15; large black and white maps (34 x 44) cost \$10. 11 x 17 color maps are \$5 and a GIS (Geographic Information Systems) Shape File is \$15. Make a check or money order payable to the Georgia General Assembly and send to: Reapportionment Office, 407 CLOB, 18 Capitol Square, Atlanta, GA 30334.

² Governor Kemp’s S.R. 5EX suspending motor/diesel fuel passed the Senate, but died in the House.

General Assembly Convenes January 10, 2022

“The General Assembly shall meet in regular session on the second Monday in January of each year, or otherwise as provided by law, and may continue in session for a period of no longer than 40 days in the aggregate each year.”

– Constitution of the State of Georgia, Article III, Section IV, Paragraph 1

Since the up-coming session is the second year of the current two-year term, the 2022 General Assembly inherits a hefty left-over work-load of 854 bills and 170 resolutions introduced in 2021 but carried into next session. If those bills are not voted out of committee, they will die.

On November 15, 2021 senators and representatives began pre-filing legislation for 2022. Although those bills have been assigned numbers, they must be officially introduced on or after the session convenes January 10, 2022. For early perusal, the pre-filed bills are listed below:

Legislation Pre-filed for 2022

S.B. 323 Repeal the State Income Tax Law in its Entirety, Senator Butch Miller pre-filed November 15th, states: “For taxable years on or after January 1, 2023, no income taxes whatsoever shall be levied or collected by the state or any political subdivision and no income tax returns shall be required to be filed for such taxable years.”

S.B. 324 Incorporate Buckhead City, pre-filed November 18th by Senator Brandon Beach, is a 54-page bill to charter and provide boundaries and government for Buckhead City.

H.B. 855 Workers’ Compensation Coverage for First Responders, Representative Gregg Kennard pre-filed November 15th. Effective July 1, 2022 post-traumatic stress disorder would be covered by workers’ compensation, whether or not it is accompanied with physical injury.

H.B. 856 Establish a Legislative Commission on Disparate Impact of COVID-19, pre-filed November 18th by Representative Kim Schofield, creates a 20-member appointed commission to serve without compensation, but with a per diem expense allowance. It would appoint and convene two or more working groups to analyze the pandemic’s impact on various Georgia groups – racial, ethnic, gender, and socioeconomic. Public hearings could be held. The commission will establish its by-laws and may meet as often as needed. Gifts, donations or bequests could be accepted to fund commission duties. No later than January 1, 2023 and annually thereafter, a report must be submitted to the Governor, House Speaker and Senate majority leader. This Code section would be repealed by operation of law on June 30, 2024.

H.B. 857 Sex Ed & AIDS Standards to Include Consent in Grades K – 9, pre-filed November 19th by Representative Jasmine Clark, requires “consent” instruction to be added to sex ed and AIDS instruction pre-K - 9. This appears to suggest that pre-school and elementary pupils, may consent to sexual contact. It allows parents to elect, in writing, to remove their children from such instruction, but schools are not required to accommodate parental requests.

Parental authority is being lost in Georgia. (a) In the late 1960s age and marital status were deleted from the Georgia Family Planning Act, allowing minors to get “family planning services.” (b) Since 1985 Georgia has deemed sexually active minors “emancipated,” i.e., not under parental authority. (c) In 2016 Governor Deal signed H.B. 1058 to *delete mandatory* parental notification if a minor is diagnosed with AIDS/HIV, *making notification permissible.*

ACTION – Oppose. Already, Georgia parents are denied too much legal authority over their own children. Teaching pupils that they may “consent” to sexual contact defies reason. Teach them to “Just say NO!”

Legislation Pre-filed for 2022 Session

(continued)

H.B. 856 Property Exempt from Seizure or Forfeiture, Representative Sandra Scott pre-filed November 22nd, protects from seizure or forfeiture (a) real property that has a homestead exemption, (b) \$541.00 or less in currency, and (c) a motor vehicle up to \$5,000.00 in value.

H.B. 860 Seized and Forfeited Property Report to Carl Vinson Institute, Representative Sandra Scott pre-filed November 22nd, requires law enforcement that seizes property and the state attorney handling each case to update case tracking systems and the public website with required information. The Vinson Institute, 120 days after the close of each fiscal year, would report such data to the House Speaker, President of the Senate, the Attorney General and the Governor. The Vinson Institute may charge a fee for law enforcement agencies to file a report and law enforcement agencies may use forfeiture proceeds to pay such fees.

H.B. 861 Increase Access to Menstrual Products in Schools, by Representative Sandra Scott pre-filed November 22nd, would do so in jail/prison, social service shelters and public housing.

H.B. 862 Cemetery and Funeral Services, by Representative Sandra Scott pre-filed November 22nd, provides more time for buyers of burial lots, burial rights, burial merchandise, and burial services to pursue a civil case against sellers that violate such laws.

H.B. 863 University System of Georgia, No-Cost Menstrual Products that Representative Sandra Scott pre-filed November 22nd would provide hygiene products to certain students.

H.B. 864 Seeks to Use Public Assistance Benefits to Buy Diapers & Hygiene Products, pre-filed November 22nd by Representative Sandra Scott, requires a waiver request by the Department of Human Services, if such waiver becomes available through the U.S. Department of Agriculture Food and Nutrition Service.

H.B. 865 Workers' Compensation was pre-filed by Representative Tom Kirby November 22nd to revise the terms "professional employer organization" and "employing unit" and explain their roles and responsibilities.

H.B. 866 Employers Provide Workers' Compensation, Representative Tom Kirby pre-filed November 22nd, amends current law by inserting "or she" where he is mentioned, then defines the term "supervises" or "supervision" and requires those who employ or supervise three or more persons in a calendar year to obtain workers' compensation insurance for all employees, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant.

H.B. 867 Truth in Prescription Pricing for Patients Act, pre-filed by Representative Mark Newton December 1st, requires a pharmacy benefits manager for a health plan to disclose to an insured at the point of sale the true net cost for a prescription drug. If the final net cost calculation is different from its true net cost, the pharmacy benefits manager shall disclose and remit the excess amount of the final net cost to the insured within 60 days of the calculation. If the calculation reveals that the insured under-paid the cost of the drug, the insured cannot be held responsible for the amount underpaid.

Note

These pre-filed bills will die unless they are officially introduced in 2022. At least 2,000 new bills will be introduced. It's not too early to alert legislators about issues that concern you.

No Women in the Draft

Thanks to the coordinated efforts and intense lobbying by Eagle Forum, Concerned Women for America and the Center for Military Readiness, the National Defense Authorization Act (NDAA) was stripped of language requiring women to be included if the draft were reinstated. Special appreciation is expressed for the following U.S. senators and representatives:

Senators Jim Inhofe (R-OK), Josh Hawley (R-MO), and Mike Lee (R-UT) who introduced amendments to strike the language from the NDAA, should it come to a vote.

Representatives Vickie Hartzler (R-MO) would have offered a bill to eliminate the language, had it come to a vote, and Mike Rogers (R-AL) would have done so in conference committee.

The last time the U.S. instituted a military draft was the Vietnam War. Currently, all male U.S. citizens ages 18 to 25 must register with the Selective Services System, which would have applied to women, as well, if the word “female” had not been removed from the NDAA.

Georgia Wins “Three-for-Three” Against Vaccine Mandate

▪ *Vaccine Mandate for Federal Contractors*

On October 29, 2021, Governor Brian Kemp and Attorney General Chris Carr filed a federal lawsuit challenging the vaccine mandate for federal contractors, which applies to multiple public and private employers in Georgia that receive certain federal funding, which includes the Department of Agriculture and the University System of Georgia. The state asked for a preliminary injunction to temporarily stop the Administration’s enforcement of the mandate. On December 7, 2021, the U.S. District Court Augusta Division granted a temporary injunction to stop federal enforcement of the mandate *nationwide*. The mandate was BLOCKED NATIONWIDE!

▪ *Vaccine Mandate for Businesses with 100 or more Workers*

On November 5, 2021, Governor Kemp and the Attorney General filed suit in the U.S. Court of Appeals, Eleventh Circuit to challenge the vaccine mandate for employers with 100 or more workers, as issued by the Occupational Safety and Health Administration (OSHA) and the U.S. Department of Labor

On November 12, 2021, the U.S. Court of Appeals for the Fifth Circuit reaffirmed its decision to *halt the employer vaccine mandate* as part of a *nationwide stay*, and OSHA *temporarily suspended enforcement*. A final decision will come from the U.S. Court of Appeals for the Sixth Circuit, where lawsuits from all states challenging the OSHA mandate have been consolidated into one case. So, the mandate was BLOCKED NATIONWIDE!

▪ *Vaccine Mandate for Healthcare Workers*

On November 15, 2021, Governor Kemp and the Attorney General filed a lawsuit in the U.S. District Court for the Western District of Louisiana (Monroe Division) to challenge the vaccine mandate for all eligible staff at healthcare facilities that participate in the Medicare and Medicaid programs.

On November 30, 2021, the U.S. District Court for the Western District of Louisiana (Monroe Division) *granted the state’s motion for a preliminary injunction* to temporarily stop the Centers for Medicare and Medicaid Services (CMS) and the U.S. Department of Health and Human Services from enforcing the mandate *nationwide*. So, it was BLOCKED NATIONWIDE!

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