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## After-Session Action by the Governor

*“Except as otherwise provided in the Constitution, before any bill or resolution shall become law, the Governor shall have the right to review such bill or resolution intended to have the effect of law which has been passed by the General Assembly. The Governor may veto, approve, or take no action on any such bill or resolution. In the event the Governor vetoes any such bill or resolution, the General Assembly may, by a two-thirds’ vote, override such veto as provided in Article III of the Constitution.”*

– Constitution of the State of Georgia, Article V, Section II, Paragraph IV

For 40 days a total of 137 Republicans – 34 senators and 103 representatives – along with 99 Democrats – 22 senators and 77 representatives – passed 294 bills and adopted 752 resolutions of the 2,100 bills and resolutions introduced since the General Assembly convened January 13<sup>th</sup>. Only 9 bills and 1 resolution were lost, withdrawn or unfavorably reported by committee. So, 1,044 pieces of this year’s legislation remain alive for the 2022 legislative session.

Governor Brian Kemp signed 307 bills and resolutions, and vetoed only one – S.B. 156 – during the 40 days after the legislative session ended. The governor’s 40-day sign/veto limit is in Article III, Section V Paragraph XIII of the *Constitution of the State of Georgia*.

### Why did Governor Kemp Veto S.B. 156?

*Problem (a):* S.B. 156 gave the *appointee* equal power with the *elected* Labor Commissioner.

*Problem (b):* The chief labor officer could have been appointed (or fired) only by the Speaker of the House, if confirmed by the Senate Committee on Government Oversight.

*Problem (c):* Voters were not included in the process.

**S.B. 156 Create a Position of Chief Labor Officer** within the Department of Labor (DOL) was introduced by Senator Marty Harbin during the pandemic, when unemployment applications were overwhelming that department. S.B. 156 was meant to provide relief to DOL until the proposed office was abolished in December 31, 2022. FOX 5 reported Senator Harbin’s explanation: “We saw, really, a crisis with [unemployment] that there were people who were needing unemployment benefits.” S.B. 156 passed March 31<sup>st</sup>, was vetoed May 10<sup>th</sup>.

### Governor Kemp Explained the Veto

The new position created by S.B. 156 was temporary. It would have existed until December 31, 2022 and was empowered to “exercise the authority of the Commissioner of Labor in matters specified in this Code section and whose actions in such matters shall have the same force and effect as the actions of the Commissioner of Labor.”

S.B. 156 gave the actions of an *appointed* chief labor officer “the same force and effect” as actions of the *elected* Commissioner of Labor, in violation of the separation of powers, as the Georgia Supreme Court ruled in *Perdue v. Baker* in 2003. Also, the bill failed to provide a “conflict resolution mechanism” to settle disputes between the *appointed* chief labor officer and the *elected* Commissioner of Labor.

# **Governor Kemp’s Explanation for Signing Three Interstate Compacts H.B. 34, H.B. 268 & H.B. 395**

## **Compacts are Subject to Immigration Laws**

These compacts are subject to the Official Code of Georgia, including laws that require state and local governments to verify that recipients of services and benefits, as well as employment and contract personnel, are lawfully present in the U.S.

**H.B. 34 Audiology and Speech-Language Pathology Interstate Compact** passed March 25<sup>th</sup>, and Georgia became the eleventh state to enact it. Its goal is to streamline professional licensure across state lines and enhance regulatory information-sharing. It was favorably recommended by the Georgia Occupational Regulation Review Council. Governor Kemp noted, “Uniform licensure is especially beneficial for the military community and service members, along with their family.”

**H.B. 268 Occupational Therapy Licensure Compact Act**, also passed on March 25<sup>th</sup>, made Georgia the second state to enact it. However, it does not become effective until it’s enacted in ten states. Governor Kemp received numerous letters of support from Georgia’s military leaders concerned about their spouses who move from state-to-state with families. This, also, is favorably recommended by the Georgia Occupational Regulation Review Council.

**H.B. 395 Professional Counselors Licensure Compact Act** passed March 23<sup>rd</sup>. Georgia is the first state to enact this Compact, which will not become effective until it’s enacted in ten states. The Georgia Occupational Regulation Review Council issued a favorable recommendation for this compact, as well. It, also, is very important to military families.

## **Did you hear that he signed these?**

### **H.B. 593 Increased Income Tax Standard Deduction**

Beginning January 1, 2022, the standard income tax deduction for a head of household will be \$5,400.00 – an \$800.00 increase; for a married taxpayer filing a separate return, \$3,550.00 – a \$550.00 increase; for a married couple filing a joint return, \$7,100.00 – a \$1,100.00 increase.

### **H.B. 114 Increased Tax Credit for Adoption of Foster Children**

Retroactive to January 1, 2021, the tax credit for five taxable years will increase from \$2,000.00 to \$6,000.00 for adopting a child who is in foster care or under DFACS. After five years, the rate will be \$2,000.00 per taxable year until the child reaches age 18. Then, it ceases.

### **H.B. 156 Homeland Security, Military and Cyber Attacks**

(a) Any utility required to report to the U.S. government a cyber-attack, data breach, or known use of malware, must, within two hours, report identical information to the director of emergency management and homeland security, unless such information is prohibited.

(b) The governor may work with the military to provide better education or jobs in technology, science, engineering, math, or cyber security. Funding is subject to appropriations.

### **S.B. 222 Pecan, Georgia’s Official State Nut**

The pecan is, now, the official state nut. (*You may be acquainted with others!!!!*)

Georgia’s 45 state symbols include the green tree frog (the amphibian), state wildflower (azalea), Brown Thrasher (bird), Peanut (crop), Cherokee Rose (flower), Honeybee (insect), Grits (prepared food), Live Oak (tree), and Vidalia Sweet Onion (vegetable).

## He signed these, too!

### **S.B. 235 Offense of Wearing Mask, Hood, or Device to Conceal Identity**

Until this passed, it was a misdemeanor in Georgia to wear “a mask, hood, or device ... to conceal the identity of the wearer” on public or private property, with legitimate exceptions. S.B. 235 legalizes mask-wearing as follows: “Wearing a mask ... to prevent the spread of COVID-19 or other coronaviruses or influenza or other infectious diseases.”

### **H.B. 498 Agricultural Equipment and Certain Farm Equipment, Expand Tax Exemption**

This provides a (a) sales tax exemption for mechanically propelled watercraft sold by a dealer for use outside Georgia to a person living outside Georgia. Also, (b) the definition of “family owned farm entity” is clarified. As required, this passed by two-thirds’ vote in both House and Senate, and takes effect if a majority vote YES to this question on the November 2022 ballot:

*“Shall the Act be approved which expands a state-wide exemption from ad valorem taxes for agricultural equipment and certain farm products held by certain entities to include entities comprising two or more family owned farm entities, and which adds dairy products and unfertilized eggs of poultry as qualified farm products with respect to such exemption?”*

### **S.B. 59 Additional QBE Funding for Students in Local Charter Schools**

The State Constitution defines a charter school as “a public school that operates under the terms of a charter [contract] between the State Board of Education and a charter petitioner.”

The State Constitution, Article VIII, Section V, Paragraph II provides this: “*Each school system shall be under the management and control of a board of education, the members of which shall be elected as provided by law.*” However, charters control charter schools.

### **Charter Schools, a Federal Initiative to Diminish Local Control**

In 1991 President G.H.W. Bush created the New American Schools Development Corporation, inviting businesses to help develop a “radical, break-the-mold school” in each congregational district. “Break-the-mold” meant removing local control of schools, diluting academics, and focusing on job training, so K-12 and technical colleges would produce world-class workers.

A public-private partnership (PPP) was born between government and business, although PPP is not a free enterprise principle. By voice vote, Congress passed the School-to-Work (STW) Opportunities Act in 1994. Result: (a) education shifted to workforce training; (b) school schedules and duties of educators, staff, and volunteers were adjusted so (c) private partners (*including non-U.S. citizens*) could start, manage, and control tax-funded public schools.

**Georgia.** After State School Superintendent Linda Schrenko visited Germany to observe its School-to-Work education, STW came to Georgia in the 1996 Schrenko-Breeden Youth Workforce Development Plan. That agreement between the Department of Labor (DOL) and the Department of Education (DOE) was used to integrate technical education K – 12 and put 75-80 percent of pupils on career tracks. The expectation: STW graduates would take local jobs and remain in local jobs throughout their careers. With NO constitutional amendment, NO new law and NO consultation with parents, education’s focus switched to workforce training.

The November 21-22, 1996, Georgia’s DOL Workforce Development conference focused on “seamless education” *via* the (a) Federal Goals 2000 Act, (b) Improving America’s Schools Act and (c) School-to-Work laws. By 1998, 34 states had charter school laws and President Clinton signed the Charter School Expansion Act that allotted \$100,000,000 annually to the project for five years. A National School-to-Work Office was created to focus on student career majors.

## **Cherokee County Board of Education Rejects CRT, as Parents Request**

*“Critical race theory – which espouses the idea that race is not natural, but social constructed to oppress and exploit people of color – is an offshoot of the Karl Marx-influenced critical theory social philosophy that was promoted by the Frankfurt School of thought.”*

– Stephen Miller, America First Legal, Also Former Adviser to President Trump

**Cherokee County.** On May 20, 2021, after hearing from the over-flow crowd inside and outside the board room meeting, Cherokee County’s elected local school board voted 4-1 (two not voting) to ban CRT and the 1619 from local public schools, giving parents a victory!

*But, that brings up questions.* Will that decision affect the Cherokee Charter Academy? Will the Cherokee Charter Academy implement CRT training and the 1619 Project? Since the Cherokee Charter Academy is under contract (charter) with the Georgia DOE, does the charter supersede the May 20<sup>th</sup> decision of the locally elected board of education?

### **CRT, A Critical National Issue**

**President Trump EO 13950.** On September 22, 2020 President Donald Trump issued Executive Order 13950 “Combating Race and Sex Stereotyping” to “combat offensive and anti-American race and sex stereotyping and scapegoating ... that some people, simply on account of their race or sex, are oppressors; and that racial and sexual identities are more important than our common status as human beings and Americans.” This took effect in the Federal workforce and the Uniformed Services and, also, prohibited the use of federal grants for such training.

**On January 20, 2021 President Biden revoked EO 13950 by issuing EO 13985** “Advancing Racial Equity and Support for Underserved Communities Through the Federal Governments.” EO 13985, Section 10 states: “(a) Executive Order 13950 of September 22, 2020 (“Combating Race and Sex Stereotyping”) is hereby revoked.... (b) The head of each agency shall, within 60 days ... consider suspending, revising, or rescinding any such actions ... [within] EO 13950.”

**America First Legal.** Stephen Miller, former adviser to President Trump, explained to *Fox News*, “We’re also looking for plaintiffs – if we can find them – who are willing to stand up and file suit on critical race theory.” He, especially, encouraged federal workers who had CRT training to contact him at America First Legal and share their experiences.

**Georgia.** On May 20<sup>th</sup> *Governor Kemp*’s tweeted letter urged the State Board of Education to take “immediate steps to ensure that Critical Race Theory and its dangerous ideology do not take root in our state standards and curriculum.”

*Attorney General Carr* joined a multi-state coalition of 20<sup>1</sup> attorneys general urging the Biden administration to reconsider proposals that impose on schools CRT and the 1619 Project.

**Oklahoma.** After Governor Kevin Stitt signed H.B. 1775 to ban the teaching of CRT in Oklahoma schools, he was “kicked off” the Centennial Commission.

**Tennessee.** On May 24<sup>th</sup> Governor Bill Lee signed a ban on CRT that “Among other things, Tennessee’s teachers can’t instruct that an individual by virtue of the individual’s race or sex is inherently privileged, racist, sexist or oppressive, whether consciously or subconsciously.” Tennessee schools found guilty of violating the ban could lose state funding.

<sup>1</sup>Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, Texas, Utah, and West Virginia.