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April 11, 12 & 14: Last Three Days of 2011 Session

## Georgia Legislators Seek to Protect State's Constitutional Rights

*"The General Assembly considers it a duty of the sovereign State of Georgia to protect for the state and its people the powers reserved to them under the Tenth Amendment. If the federal government should take or threaten any action to penalize or otherwise act against the interests of the state and its people because of any delay authorized under subsection (b) of this Code section, it shall be the duty of the Attorney General to promptly and vigorously litigate in opposition to such federal action on the basis of any applicable Tenth Amendment grounds and on any other relevant and applicable legal grounds."* – S.B. 9

On the morning of March 7, 2011 a release by the Senate Press Office quoted Senate Majority Leader Chip Rogers as follows: "The federal government has repeatedly overstepped its bounds and took powers not provided to it by the Constitution. Today, we're sending a message to Washington by designating 10<sup>th</sup> Amendment Day in the Georgia State Senate." That release listed the following three constitutional rights bills the Senate would consider that day.

**S.B. 9** introduced by Senator Mitch Seabaugh January 25<sup>th</sup> passed the Senate on March 7<sup>th</sup>, "10<sup>th</sup> Amendment Day." If it passes the House, the governor could delay implementation of federal "cap and trade" energy plans until he has proof the plans are in the best interest of Georgians.

Also quoted was Seabaugh's explanation of S.B. 9: "We cannot allow the federal government to force a one-size fits all system when it comes to mandating programs that will significantly and negatively affect the citizens of Georgia ... [S]pecial interests groups stand to make a lot of money from a cap and trade system. We must remain focused on what is best for Georgians through sound science, responsible and open government that is cultivated at the state level."

**ACTION – Support.** Contact House Natural Resources & Environment Representatives Lynn Smith, Ch., 404 656-7149; Nix, V-Ch., 404 656-0177; Hanner, Sec., 404 656-7859; Anderson, 404 656-0298; Buckner, 404 656-0116; Coleman, 404 656-9210; Drenner, 404 656-0202; Dutton, 404 656-0188; England, 404 463-2245; Fullerton, 404 656-0126; Gardner, 404 656-0265; Geisinger, 404 656-0254; Harden, 404 656-0188; Holmes, 404 656-0177; Lane, 404 656-5087; Long, 404 656-0325; Manning, 404 656-7857; McCall, 404 656-5115; McKillip, 404 656-0177; Meadows, 404 656-5141; Morris, 404 656-5099; Riley, 404 656-0188; Kip Smith, 404 656-0213; Richard Smith, 404 656-6831; Stuckey Benfield, 404 656-7859; Tankersley, 404 656-0287; Thomas, 404 656-0220; and Wilkinson, 404 463-8143.

### *Traditional Light Bulbs*

**S.B. 61** introduced by Senator Loudermilk February 9<sup>th</sup> removed from federal regulations incandescent light bulbs made in Georgia. If it passes, Georgians could possess, use, buy, sell, manufacture, install, transport or globally export bulbs manufactured commercially or privately in Georgia, but could not export them to another state. Such bulbs must be manufactured from basic materials, without significant parts imported from any other state. Unless S.B. 61 passes, traditional incandescent bulbs in the U.S. must be replaced by the year 2014 with mercury-containing compact fluorescent bulbs made only in China. Their danger prompted EPA to issue strict guidelines for broken-bulb clean-ups and recycling of others. S.B. 61 passed the Senate March 7<sup>th</sup> and has been in the House Science and Technology Committee since March 8<sup>th</sup>.

**ACTION – Support.** Contact Science and Technology Committee Representatives Amerson, Ch., 404 657-8443; Battles, V-Ch., 404 656-0152; Byrd, Sec., 404 656-0298; Dudgeon, 404 656-0298; Kidd, 404 656-0202; C. Martin, 404 656-5064; Reece-Massey, 404 656-7859; Oliver, 404 656-0265; S. Scott, 404 656-0314; and Watson, 404 656-0109.

## ***Constitutional Amendment to Put Healthcare Decisions in Hands of Patients***

*“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”*

– Tenth Amendment to the U.S. Constitution

**S.R. 55**, Georgia’s Health Care Freedom of Choice Constitutional Amendment that Senator Judson Hill introduced January 27<sup>th</sup>, did NOT pass on “10<sup>th</sup> Amendment Day,” but lost 35 to 18, one not voting, two excused. It fell short of passage because constitutional amendments require a two-thirds vote in the legislature. S.R. 55 states that individuals cannot be compelled to buy a particular health care plan or fined or punished if they refuse to purchase a plan. Senator Hill explained, “Although we changed Georgia law to provide these freedoms and protections in 2010, a constitutional amendment will solidify these rights for Georgians.”

After the vote, Senator Hill moved for reconsideration, holding it for another vote at any time. Since it did not pass the Senate by the end of the 30<sup>th</sup> day, it cannot pass this session, unless it is attached to a bill that has already passed either House or Senate and is germane to the subject.

**ACTION – Support.** Ask your legislator to vote FOR S.R. 55, when it is attached to another bill.

### ***State Sovereignty & Private Property***

**S.B. 62**, introduced by Senator William Ligon, passed the Senate on March 16<sup>th</sup> to protect property in Georgia. In part it states: “No private property within the borders of this state shall be alienated in any manner to any other state, territory, or nation or to the federal government except as otherwise expressly provided in this article if such action would result in the extinguishment or diminution of the state’s right to exercise sovereignty or jurisdiction over such property without the express approval of the General Assembly ... by two-thirds of the members ... however [it] shall not prohibit the conveyance of property to a foreign sovereignty which has diplomatic relations with the United States for use as an embassy or consulate. ...

“Any act which results in the extinguishment or diminution of ... sovereignty or jurisdiction over any property over which the state’s sovereignty and jurisdiction extends pursuant to Code Section 50-2-20 shall not be recognized by the state and shall be void and of no effect.”

Representative Lane’s Judiciary subcommittee held a hearing on this bill, but did not vote. It could be on his agenda at any time April 11, 12 or 14<sup>th</sup>, the last three days of this session.

**ACTION – Support.** Call Judiciary Subcommittee Representatives Lane, Ch., 404 656-5087; Allison, 404 656-0188; Crawford, 404 656-0265; Hatfield, 404 656-0109; Maddox, 404 656-0152; McKillip, 404 656-0177; Nix, 404 656-0177; Oliver, 404 656-0265; and Stephenson, 404 656-0126.

### ***PASSED: Special Advisory Commission on Mandated Health Insurance***

**S.B. 17** introduced by Senator Tim Golden January 26<sup>th</sup>, passed the Senate 32 – 16, one not voting and seven excused, on February 24<sup>th</sup>. On March 30<sup>th</sup> the House passed it 98 – 67, with eleven not voting and six excused.

A 16-member Special Advisory Commission on Mandated Health Insurance Benefits will be established by February 1, 2012 to advise the governor and General Assembly on the social and financial impact of current and proposed mandated health insurance benefits and providers. Its 16 members and three ex officios will serve four-year terms, beginning February 1, 2012. The first meeting will be no later than March 1, 2012 and its first report is due December 31, 2012. The governor will appoint 12 members from the fields of medicine, business and insurance. The Senate Committee on Assignments and the House Speaker will appoint two members each.

## ***S.B. 177: High-Jacked & Gutted, Emerges as a Pro-Abortion Bill***

**S.B. 177**, if it had remained as Senator Charlie Bethel introduced it on March 1, 2011, would have led Georgia to adopt the Health Care Compact with this noble purpose: to secure States' rights to regulate health care and reject conflicting federal laws, rules, regulations, etc.

**But it was hijacked and gutted** by the House Insurance Committee that **deleted every word** and inserted Obamacare abortion provisions. The House committee substitute **now** requires state taxes to fund abortions in cases of **rape or incest**, although the only abortions Georgia taxes have ever funded are those necessary to save the life of the mother.

If the committee substitute passes, regular audits of companies participating in health insurance exchange plans would be required to ensure their compliance with this bill and all exchange regulations. In response to such drastic in-your-face changes, Mike Griffin, Legislative Director for Georgia Right to Life circulated this statement at the State Capitol on March 31<sup>st</sup>:

"Dear Georgia House Members:

"It is my responsibility to communicate to you that Georgia Right to Life DOES NOT SUPPORT any legislation that has 'Rape and Incest' exceptions. We will be tracking ALL votes on any legislation that compromises the life position beyond the 'Life of the Mother' exception. Please VOTE NO for any last minute legislation that has 'Rape and Incest' exceptions. Georgia Right to Life will defend any Legislator who votes no. We will make sure your constituents know the reason why you voted no on a piece of legislation labeled 'Pro-life.'

"No law in Georgia has been passed in 12 years that allows for 'rape and incest' exceptions. All 9 Georgia Constitutional Officers have been elected in the last election cycle with 'the life of the mother' exception only. THERE IS NO POLITICAL REASON TO CONDESCEND TO 'RAPE AND INCEST' EXCEPTIONS! If you have any questions please call me on my cell 706 436-2646 or see me in the hall. Thanks for Standing for Life." (Emphasis in the original.)

**ACTION – Oppose.** Ask your representative to vote NO on S.B. 177.

## ***H.B. 33: One of Two Zero-Base Budgeting (ZBB) Bills Poised for Passage***

**H.B. 33** introduced by Representative Stephen Allison January 12<sup>th</sup>, passed the House Budget and Fiscal Affairs Oversight Committee March 4<sup>th</sup> and the full House March 14<sup>th</sup> by a vote of 126 – 45, four not voting and five excused. It was sent to the Senate Appropriations Committee on March 16<sup>th</sup>, where it remains at this writing.

ZBB would more effectively evaluate budgets and appropriate funding for government agencies and departments that previously have not been required to justify their expenditures. It provides for ZBB in Georgia beginning January 2012 and creates a Joint Fiscal Affairs Subcommittee, as successor to the Senate Budget Office and House Budget Office. That new office would hold hearings and/or review ZBB submissions. The governor and the Office of Planning and Budget would prescribe the forms and format for ZBB budgets and serve as coordinating entities for the executive branch. Entities required to perform a ZBB must include an analysis of their two previous fiscal years, as well as proposed and prioritized fiscal spending plans with program, object class and revenue source data, purpose statements and benchmarks indicating efficiency and scope. Unless the plan is reauthorized, ZBB would sunset June 30, 2019.

**ACTION – Support.** Call Appropriations Committee Senators Jack Hill, Ch., 404 656-5038; Goggans, V-Ch., 404 463-5263; Golden, Sec., 404 656-7580; Brown, 404 656-5035; Balfour, 404 656-0095; Cowser, 404 463-1383; Bulloch, 404 656-0040; Fort, 404 656-5091; Grant, 404 656-0082; Hamrick, 404 656-0036; Heath, 404 656-3943; Murphy, 404 656-7127; Mullis, 404 656-0057; Hooks, 404 656-0065; Jackson, 404 651-7738; Rogers, 404 463-1378; Seabaugh, 404 656-6446; Seay, 404 656-5095; Staton, 404 656-5039; Curtis Thompson, 404 463-1318; Steve Thompson, 404 656-0083; Tate, 404 463-8053; Tolleson, 404 656-8081; Unterman, 404 463-1368; Williams, 404 656-0089; Butterworth, 404 651-7738; Judson Hill, 404 656-0150; Carter, 404 656-5109; Crosby, 404 463-5258; Sims, 404 463-5259.

### ***S.B. 33: One of Two Zero-Based Budget (ZBB) Bills Poised for Passage***

**S.B. 33** introduced by Senator David Shafer and unanimously approved in the Senate March 1, 2011 would move Georgia government into a system of zero-based budgeting. “This bill will give the General Assembly valuable tools to identify and eliminate wasteful spending. It will help us be better stewards of the budget,” said Shafer.

The Senate has approved ZBB bills four times in the last eight years. Senate Bill 1 passed the Senate and House, unanimously, in 2010 but Governor Perdue vetoed it. The Senate overrode the veto early this year and passed S.B. 33 after the House put the veto override in committee.

Under the current budgeting system, expenditures approved in prior years are routinely rolled over into a single line item and passed together as a “continuation.” S.B. 33 requires that “no more than one-third nor less than one-quarter” of the state budget is rebuilt from scratch each year. That would justify the entire budget over a governor’s four-year term. The Office of Planning and Budget would decide which programs submit ZBB plans each year, with none to be required more than once every four years. S.B. 33 went to Rules Committee March 30<sup>th</sup>.

**ACTION – Support.** Contact your representative and several House Rules Committee members as listed below. Representatives Meadows, Ch., 404 656-5141; V-Ch., Golick, 404 656-5943; Sec. Mills, 404 657-8441; Bearden, 404 656-5096; Benton, 404 656-0177; Casas, 404 656-0254; Channell, 404 656-5103; Cooper, 404 656-5069; Dempsey, 404 656-0213; Drenner, 404 656-0202; Ehrhart, 404 463-2247; Greene, 404 656-0202; Hanner, 404 656-7859; Hembree, 404 656-6801; Manning, 404 656-7857; Mitchell, 404 656-0126; Morris, 404 656-5099; Mosby, 404 656-0287; Parrish, 404 463-2247; Randall, 404 656-0109; Rice, 404 656-5912; Roberts, 404 656-7153; Setzler, 404 656-0177; Sheldon, 404 656-5025; L. Smith, 404 656-7149; R. Smith, 404 656-6831; Smyre, 404 656-0116; Stephens, 404 656-5099; L. Walker, 404 656-5146; Weldon, 404 656-0152; and Willard, 404 656-5125. Ex-Officio: Abrams, 404 656-5058; Hugley, 404 656-5058; J. Jones, 404 656-5072; Lindsey, 404 656-5024; O’Neal, 404 656-5052

### ***PASSED: H.B. 200, No Penalty for Prostitutes Under Age 18***

#### *Prostitutes Younger Than 18 Get “Victim” Status and Victim Compensation*

The Senate’s 54 – 0 vote for H.B. 200 completed the process to shift Georgia into a drastic culture change, effective July 1<sup>st</sup>. That date will signal individuals under 18 that they may provide penalty-free prostitution, pornography, masturbation for hire and sodomy/solicitation for sodomy with no legal restraint. The two senators that didn’t vote are Balfour and Cowsert.

On March 2<sup>nd</sup>, representatives in the House passed H.B. 200 by a vote of 168-1, five not voting and six excused. The passage of Representative Lindsey’s H.B. 200 was possible because it *seemed* to focus on sex traffickers, pimps and johns. But that, simply, cleverly camouflaged the REAL goal of H.B. 200 – the decriminalization of underage prostitution. In 2009 that goal was defeated in Representative Willard’s H.B. 582 that removed charges for prostitutes under 18 and Senator Unterman’s S.B. 304 of 2010 that removed such charges for offenders under 16.

By passing H.B. 200, 168 representatives and 54 senators abandoned their roles as protectors of youth, while yielding to the global agenda that redefines prostitution as respectable “sex work.” In some countries prostitution is already regarded as an acceptable form of employment and the U.S. is quickly conforming to that international standard, which is vastly foreign to U.S. culture.

**Conclusion.** Unless H.B. 200 is vetoed, teen prostitutes will multiply in Georgia and, by age 18, will comprise a new class of welfare recipients. **The governor’s number is 404 656-1776.**



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