
Gun-Carry Protection

Background. On April 3, 2009, the last day of the legislative session, Senator David Shafer introduced S.B. 291, a gun-carry bill with several components. During the 2010 session, it passed the Senate March 24th, the House April 27th, and the governor vetoed it June 8, 2010.

Far-reaching components of that 2009/2010 bill, allowed anyone with a gun-carry permit to have that licensed firearm in the vehicle when dropping off or picking up passengers at airports or airport facilities. The GBI would have done a background check on U.S. citizens, charged a fee for the investigation and I.C.E. officials would have verified renewal eligibility of non-citizens. Licenses issued to former law enforcement officers would have had a distinctive style or color, making them readily identifiable. And there was more to that bill.

Most importantly, S.B. 291 repealed a Georgia law that violated the Second Amendment. It would have prohibited the seizure of firearms by state and local officials, including the National Guard or other personnel of a political subdivision receiving state funds. If S.B. 291 had not been vetoed, it would have authorized lawsuits against any person violating these provisions.

Senator Shafer Tries Again

S.B. 26, introduced by Senator Shafer on January 26, 2011, adds a new Georgia law to protect the gun-carry rights of citizens. Current law authorizes the Governor of the Georgia to violate the Second Amendment¹ of *the Constitution of the United States* and totally control the possession, transport and purchase of firearms during declared states of emergency.

S.B. 26 states that an officer or employee² of the state or any political subdivision

- *shall not* temporarily or permanently seize or authorize the seizure of, any licensed firearm, unless it is evidence in a criminal investigation;
- *shall not* require the registration of a duly registered firearm;
- *shall not* prohibit the possession of any firearm or promulgate a rule, regulation or order prohibiting possession of a firearm, in any place or by any person where such possession is not otherwise prohibited; and
- *shall not* prohibit the carrying of firearms by any person legally authorized to carry firearms, solely because the person is operating under the direction, control or supervision of a state agency or political subdivision during a declared official state of emergency.
- *Individuals may file suit* against any person violating gun-carry rights or privileges if this becomes law and individuals that win their cases may recover attorney fees.

ACTION – Support. Contact the Senate Government Oversight Committee Members as follows:

Senators Judson Hill, Ch., 404 656-0150; Golden, V-Ch., 404 656-7580; Heath, Sec., 404 656-3943; Shafer, 404 656-0048; Unterman, 404 463-1368; Seabaugh, 404 656-6446; Jeffares, 404 56-0530; Gooch, 404 656-9221; Ramsey, 404 463-2598; Seay, a404 656-5095; Millar, 404 463-2260.

¹ The Second Amendment to *The Constitution of the U.S.*: "A well-regulated Militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

² Also, included in that list are members of the National Guard in the service of the state or other officials of the state or a political subdivision thereof, during a declared official state of emergency.

Driver's License Testing: Should English be "Nuanced" or Required?

"I find it very troubling that we can't garner enough votes in the House to pass a bill which requires the driver's license test to be given in English."

– Representative James Mills

Since Republicans outnumber Democrats 114 to 63 in the 180-member House, Representative James Mills has a right to be puzzled over the Republican failure to pass H.B. 72 on February 9th, since it would considerably reduce the cost of testing driver's license applicants. Thirty Republicans voted with 58 Democrats to allow a freshman Republican to "gut" the bill that was, quickly, tabled to allow representatives to regain their equilibrium about what happened.

H.B. 72 is a simple, forthright amendment to add new language to current law as follows: "All written and oral examinations required pursuant to this Code section shall be administered only in the English language; provided, however, that the department may administer examinations to persons eligible for a temporary license pursuant to Code Section 40-5-21.1 in a language other than English."

Then, the bill accommodates foreigners that apply for temporary licenses in this statement: "Provided, however, that no person shall, during his or her lifetime, be issued temporary licenses or permits by examination in any language other than English for a total combined period of more than ten years."

Those two paragraphs provide driver's license testing in English only, but bend over backward to give foreigners ten years to learn to read and speak English before weaning them off their native tongue for the very short time needed to take a driver's license test.

The Pak amendment, that passed 88 – 78, gutted H.B. 72 with the following language:

"By striking lines 13 through 37 and inserting in lieu thereof the following:

"(e) Not later than January 1, 2012, all written and oral examinations required pursuant to this Code section shall include not fewer than five examination questions which necessitate an ability to read warning signs in English that are more than three words long, including but not limited to, warning signs reading, 'use caution hazardous conditions ahead,' or similar warnings and signs that provide alert information regarding criminal abductions."

Current status. After Pak gutted H.B. 72, the House voted 115 – 50 to table it. Governor Deal's House floor leaders were split on the Pak vote – Carter voted for it, Collins was excused, and Huckaby voted no – but both Carter and Huckaby voted to table it. Governor Deal said, "I have generally supported the idea of English-only because that is our [acknowledged] language. I know there are circumstances that people are concerned about, foreign visitors and companies that come in. We have a fairly liberal temporary driver's license that has a fairly lengthy duration for it. That will resolve most of those concerns."

If H.B. 72 were to pass as amended by Pak, the oral and written driver's license tests would continue to be given in 14 languages. However, applicants would have to read traffic signs written in English, if the signs have three or more words. No wonder we have so many wrecks!

ACTION – Support H.B. 72 as introduced by Representative James Mills, by calling the 30 Republicans that voted for the Pak amendment and explain the need for the bill to pass in its original form. The 30 are as follows:

Use area code 404 for: Representatives Atwood, 656-0152; Brockway, 656-0188; Carter, 651-7737; Casas, 656-0254; J. Clark, 656-0325; V. Clark, 656-0202; Coomer, 656-0109; Cooper, 656-5069; Harbin, 656-3949; Harrell, 656-7859; Jacobs, 656-0152; Lindsey, 656-5024; Martin, 656-5064; Nix, 656-0177; Pak, 656-0254; Pruett, 656-0202; Ramsey, 656-7146; M. Scott, 656-0254; Setzler, 656-0177; Sheldon, 656-5025; Sims, 656-7855; T. Smith, 656-5105; D. Taylor, 656-0177; T. Taylor, 656-0152; Teasley, 656-0177; Watson, 656-0109; Weldon, 656-0152; Wilkinson, 463-8143; Willard, 656-5125; and Williamson, 656-7859.

Council Recommendation: Cancel Consumer Tax Exemptions

On February 2nd, the Special Council on Tax Reform and Fairness reported to the Special Joint Committee on Georgia Revenue Structure. Both entities were created by H.B. 1405 in 2010. The Council **supports** current tax exemptions enjoyed by government, business, manufacturing agriculture, and some miscellaneous categories – transportation, contractors, property, precious metals. The Council’s tax increase chart was in the January 20, 2011 *Georgia Insight*. The following outlines current consumer tax exemptions the Council targeted for elimination.

Proposed New Taxes on Consumer Items: Effective July 1, 2011

- *State tax on groceries* would be reinstated July 1, 2011, in addition to local taxes consumers now pay on groceries – meat, poultry, baby food, candy, gum, vegetables, spices, etc.
- *sales taxes on services* would be collected from local government (a) public transit, (b) public transit authorities, (d) authorized Urban Transit Systems, (d) Hospital and Housing Authorities created by state Law, (e) local government authorities created after January 1, 1980 pertaining to a coliseum, and (f) water delivered through water mains, lines or pipes.

Proposed New Taxes on Consumer Items: Effective July 1, 2012

- *healthcare* and tangible personal property used to treat patients in nonprofit nursing homes, inpatient hospices, general or mental hospitals, including for mentally retarded patients.
- *prescription drugs and eye glasses, contact lenses (and samples)*, sales or use of controlled or dangerous prescribed drugs dispensable without charge to physicians, hospitals, etc., new animal drugs, and free medical devices distributed for clinical trial as approved by FDA
- *blood pressure devices, monitoring equipment, or insulin delivery systems* used exclusively by diabetics: insulin, insulin syringes and blood glucose monitoring strips
- *oxygen, durable medical equipment* or prosthetic devices prescribed by a licensed physician

Proposed New Taxes on Consumer Items: Effective July 1, 2013

- *school lunches* sold/served to pupils and employees of public schools and private schools
- *Rock Eagle 4-H Center* fees for services
- *concession and ticket sales* at public or private K – 12 public or private schools
- *sales to the Georgia DAR* and other cultural non profit institutes
- *specific fundraising sales by religious institutions*
- *pipe organs* or steeple bells to churches
- *services for child-care*, child-placing agency, or maternity homes
- *sales to nonprofit Blood Banks*, teacher organizations, etc.

Proposed New Taxes on Consumer Items: Effective July 1, 2014

- *air and water pollution* machinery and equipment
- *water conservation* machinery/equipment incorporated into a qualified conservation facility
- *vehicles sold* to nonresidents who immediately move them to and title them in another state
- *lottery tickets*
- *funeral merchandise* when paid with Georgia Crime Victims Emergency Funds
- *food and non alcoholic beverages* served at no charge aboard a qualified airline

ACTION – Oppose this massive tax hike. Contact the Special Joint Committee members as follows:

Co-Chair Senator Heath, 404 656-3943; Co-Chair Representative Channell, 404 656-5103; Senator Williams, 656-0089; Representative Jan Jones, 656-5072; Senator Rogers, 463-1378; Representative O’Neal, 656-5052; Senator Brown, 656-5035; Representative Abrams, 656-5058; Senator Steve Thompson, 656-0083; Senator Cowser, 463-1383; and two representatives not yet named.

Incandescent Light Bulbs, U.S. Constitution and Horse Racing

S.B. 61 introduced by Senator Barry Loudermilk would remove from federal regulation and federal law all incandescent light bulbs that are manufactured in Georgia and not exported into another state. His bill cites the *Tenth Amendment*, *Ninth Amendment*, and Article I, Section 8 of the *Constitution of the United States* as authority for this issue.

If S.B. 61 passes as introduced, a person may possess, use, manufacture, purchase, install, transport, sell, or internationally export an incandescent light bulb that is manufactured commercially or privately in Georgia, if the light bulb is not exported to another state. The incandescent light bulb must be manufactured from basic materials, without significant parts imported from another state. The importation of a generic or insignificant part used in other manufacturing or consumer products does not subject the bulb to federal regulations.

ACTION – Support. Contact Agriculture and Consumer Affairs Senators Bulloch, Ch. 404 656-0040; Heath, V-Ch., 404 656-3943; Ginn, Sec., 404 656-4700; L. Jackson, 404 463-5261; Orrock, 404 463-8054; Miller, 404 656-6578; and Goggans, 404 463-5263.

H.R. 153 introduced by Representative Ed Setzler would create a five-member House Study Committee on Tenth Amendment Enforcement. The Speaker would appoint the members.

Since Georgians are concerned that the U.S. Congress and the federal government have overstepped their powers, it is imperative that a study is undertaken to determine how to restore the balance between the constitutional powers of the states and the constitutional powers of the federal government. Such a study is needed to develop potential legislation or executive branch action to help the State of Georgia restore the balance of power to more effectively secure the blessings of liberty to her people.

The committee would study the conditions, needs, issues, and problems mentioned in or related to the resolution and recommend action or legislation, as deemed necessary by the committee. The committee report and recommendations would be due December 31, 2011, the date the committee stands abolished.

ACTION – Support. Contact Governmental Affairs Committee Representatives Hamilton, Ch., 404 656-5132; Purcell, V-Ch., 404 656-5139; Hatfield, Sec., 404 656-0109; Bearden, 404 656-5096; Brockway, 404 656-0188; Brooks, 404 656-6372; Floyd, 404 656-0314; Kidd, 404 656-0202; Meadows, 404 656-5141; Morgan, 404 656-0109; Mosby, 404 656-0287; Oliver, 404 656-0265; O'Neal, 404 656-5052; Jay Powell, 404 656-7856; Alan Powell, 404 656-0202; and Williamson, 404 656-7859.

H.R. 186 introduced February 9th by Representative Geisinger proposes a constitutional amendment to authorize pari-mutuel betting on horse racing by or on behalf of Georgia and matters relating thereto. Revenue in excess of expenses would be allotted to tuition grants, scholarships or loans to Georgia citizens for college and university attendance in this state, to voluntary pre-kindergarten and trauma care services by public and private hospitals and medical facilities in Georgia. If H.R. 186 passes, a referendum in the 2012 General Election would allow voters to vote yes or no on horse racing and pari-mutuel betting in Georgia.

ACTION – Oppose. Call Regulated Industries Committee Representatives Williams, Ch., 404 656-3904; Jerguson, V-Ch., 404 656-0287; Dickson, Sec., 404 463-2247; Bearden, 404 656-5096; Cooke, 404 656-0325; Cooper, 404 656-5069; Von Epps, 404 656-7859; Fludd, 404 656-0314; Harden, 404 656-0188; Harrell, 404 656-7859; James, 404 656-0116; Maddox, 404 656-0152; Martin, 404 656-5064; Mitchell, 404 656-0126; Alan Powell, 404 656-0202; Ramsey, 404 656-7146; and Tom Taylor, 404 656-0152.