

Georgia insight

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*"She hath done what she could."
Mark 14:8a*

Georgia's First Comprehensive Statewide Water Management Plan H.R. 1022

Not too many months ago, we watched Lake Lanier get dangerously low, but the Lord sent rain and I'm trusting He'll send more. In the meantime, the governor and our legislators have been doing at least two things – praying and everything they can to solve the drought problem. Legislators have done their part by introducing several bills about water. Of the two identical bills, H.R. 1022 is the one that passed both House and Senate.

In fact, during a breakfast hosted by the Georgia Agribusiness Council just hours before he signed H.R. 1022 into law, the governor announced the upcoming changes it makes in the tough statewide watering bans implemented last year.

H.R. 1022. On February 6th Governor Perdue signed into law the historic H.R. 1022, the first comprehensive Statewide Water Management Plan the Water Council adopted January 8th and sent to the General Assembly January 14th. The basic points of the plan are outlined below.

State Watering Restrictions

Watering lawns. Effective April 1, residents may resume the odd-even schedule of limited hand watering of landscapes and a more thorough and beneficial watering schedule for newly installed lawns and gardens. Hand watering is defined as midnight until 10 a.m. for a 25-minute-per-day watering by one person using a garden hose with a spray nozzle that shuts off when released. Odd numbered addresses water on Tuesday, Thursday and Sunday. Even numbers may water on Monday, Wednesday and Saturday, but no one waters on Fridays.

Swimming pools. The plan allows 6,500 public swimming pools and 92,000 private residential pools to be filled in the 61-county Level Four North Georgia region, where the drought is most severe. Pools may be filled from April through September 2008, despite Level Four Drought Response guidelines that prohibit the filling of outdoor swimming pools. This decision was made after considering the stagnant water that could breed mosquitoes, the cracking or collapsing of dry pools and the possibility that someone might fall into all those empty holes.

Landscapes. Watering new professionally installed landscapes will be allowed for ten weeks, three days a week from midnight 'til 10 a.m. on the odd-even schedule. However, to use that plan, permission must be obtained from the Outdoor Water Use Registration Program through the Urban Agricultural Council Web site, www.urbanagcouncil.com.

Local Watering Restrictions

While adhering to state watering guidelines, local governments and water utilities must achieve the specified water reduction use of at least ten-percent, but may impose more stringent restrictions than the state requires. The reduction goal of ten-percent will be based on the amount of water used during the months of April – September 2007.

Georgia, Tennessee and the Tennessee River

The Tennessee River, that begins where the Holston and French Broad rivers meet at Knoxville, is the largest provider of water into the Ohio River. It drains about 844,000 square miles and flows southwest through Tennessee and Alabama. Then, it turns back into Tennessee and northwest into Kentucky. When it reaches Padukah, Kentucky, it empties into the Ohio River.

Three States and the 35th Parallel

The Tennessee River is outside Georgia as the boundary is drawn. But, if it is true that the 1818 survey erroneously put the boundary 1.1 miles south of the 35th parallel designated by Congress, the western bend of the River would be in the northwest corner of Georgia. If it were, Georgia could exercise water rights.

Several bills have been introduced, including Senator David Shafer's S.R. 822 that would create a Georgia-North Carolina and Georgia-Tennessee Boundary Line Commission to be a joint effort of the states. The commissioners would be responsible for re-surveying and marking the boundaries between the three states.

Research reveals that the northern border of the State of Georgia and the southern borders of North Carolina and Tennessee lie at the 35th parallel, north of the southernmost bank of the Tennessee River. That's where Congress set the boundaries when they were first calculated, but that's *not* where the surveyor drew them. History indicates that the surveyor determining the boundaries made a well-known error that's never been fixed.

S.R. 822 explains it this way. A flawed survey conducted in 1818, but never accepted by the State of Georgia, erroneously marks the 35th parallel south of its actual location. Not willing to let 1.1 miles of land be occupied by the wrong state, legislators of Georgia, North Carolina and Tennessee have tried, repeatedly, to create committees to resolve the boundary questions.

In 1881 North Carolina wanted to appoint commissioners and surveyors to re-survey and mark the boundaries between the three states. But it didn't happen. In 1887, Georgia's General Assembly tried to get it settled with Tennessee, to no avail. In 1889, Tennessee authorized the same project, but it failed.

Again in 1941 and 1947 Georgia passed resolutions requesting a joint survey and settlement of the boundary dispute with Tennessee. In 1971 a Georgia resolution directed communication with the governors of North Carolina and Tennessee to settle it, but somehow, the matter wound up in the U.S. Circuit Court of Appeals in Washington, D.C. At that time, the Chairman of the Tennessee Public Service Commission and Georgia's Public Service Commission Chairman agreed to postpone the resolution of the boundary until a later date, but that date has never come.

S.R. 822 is the latest attempt to create the Georgia-North Carolina and Georgia-Tennessee Boundary Line Commission to meet with commissioners from all three states. Their goal would be to establish, survey and proclaim the true boundary lines between Georgia and North Carolina and between Georgia and Tennessee and to, finally, settle the matter. Since Tennessee is not about to give up its river, this is sure to end up in court. I'd love to see what happens next, wouldn't you?

ACTION – Support. Contact Rules Committee Senators Balfour, 404 656-0095; Hamrick, 656-0036; Seabaugh, 656-6446; Adelman, 463-1376; Butler, 656-0075; Hill, 656-5038; Hooks, 656-0065; Johnson, 656-5109; Moody, 463-8055; Pearson, 656-9221; Thomas, 656-6436; Tolleson, 656-0081; Unterman, 463-1368; Williams, 656-0089; Rogers, 463-1378, (ex officio); Shafer, 656-0048, (ex officio).

H.B. 158, Legitimate Illegitimate Child

“**Legitimation.** In the broad sense, the act of giving the character of lawfulness to that which was unlawful. In the accepted sense, the act of giving the status of a legitimate child to one born out of wedlock, such being done sometimes by statute, at other times by a proceeding provided by statute, but most frequently by the subsequent marriage of the parents.”

– *Ballentine's Law Dictionary*

Wendell Willard is a lawyer in his real job, but in the House of Representatives, he's chairman of the Judiciary Committee. On January 25th, 2007 he introduced H.B. 158 that's sure to make more business for lawyers. You'll understand why I said that, when I explain this. His bill does an end run around the truth. It legitimates an illegitimate child.

For thousands of years, the only way to legitimate a child was *not to give birth* to a child out of wedlock. But things are a changin'. I know that's true, because there's a new business in town. It posts fliers on trees and telephone poles to give contact numbers for DNA testing services. Since DNA tests are most commonly used to prove paternity and catch criminals, I presume the fliers are there to attract unwed mothers or fathers that doubt the paternity of their children.

Then, I connected the DNA fliers with something I saw in a dollar store. There they were, right at the check-out counter where they can't be missed – pregnancy test kits for a dollar. So, if we consider these two facts – fliers that advertise DNA tests and pregnancy test kits available for a dollar – you and I can assume they prove a fact we already knew. Unwed pregnancy is so common these days there's an “explosion” of illegitimate children. Otherwise, there wouldn't be a big market for DNA testing and pregnancy test kits.

This is a fact you might not know. In a given year, 13-percent of births in the U.S. are to teens and 78-percent of the teens aren't married. That leads me to assume something else. Teenagers are the targets of DNA testing services and pregnancy test marketers. So, our legislators, bless 'em, have set out to ease the consequences of children having children out of wedlock.

You'd think legislators would do something like they did about alcohol and tell them they can't drink until they're 21. And about driving – tell them they can't drive until they're 16. But a whole 'nother standard kicks in for children having children. Although it's dangerous and unreasonable, students are taught K – 12 they can begin sexual contact whenever they please.

But legislators decided they can fix that, too, at least they can pave the way for illegitimate children to automatically inherit along with their half-brothers and half-sisters born after their parents married. This is how it'll be done. Before a baby born out of wedlock is a year old, the father and mother could sign a voluntary acknowledgment of paternity and legitimate the birth. If voluntary acknowledgement is *not* convincing, the judge could order DNA tests to prove the identity of the real father.

Just think how much simpler this would be if our legislators said, “Just don't do it.” That's how they treat other harmful things. Why is this so different? Declaring a child to be legitimate won't make it so and the inheritance issue is easily solved. For illegitimate children to inherit along with their half-siblings, all the parents have to do is name them in their will.

ACTION – Contact Senate Judiciary Committee Senators Smith, Ch., 404 656-0034; Harp, 463-3931; Hamrick, 656-0036; Adelman, 463-1376; Brown, 656-5035; Carter, 651-7738; Cowser, 463-1366; Fort, 656-5091; Hill, 656-0150; Meyer von Bremen, 656-0037; Reed, 463-1379, Ex-Officio; Seabaugh, 656-6446, Ex-Officio; Wiles, 657-0406.

Reintroduced as S.B. 350: Vetoed Driver's License Bill

Many businesses sell second-hand clothes. The Salvation Army sells them and uses the money to evangelize and help the poor. Most stores that sell second-hand items are called "thrift stores," while second-hand sports items might be sold in stores named "Second Time Around," or some such. The General Assembly has a similar process with 'peats and repeats of bills.

Very few people pay attention to vetoed bills, but they should, since one of the governor's executive responsibilities is to veto bills. He signs bills when he wants to emphasize his support for them and many become laws unless he vetoes them. But, with a stroke of his pen, he can eliminate bills that would've become laws.

'Peat bills. Many pieces of legislation are killed or left in committee to die a natural death, but some pass both House and Senate, only to be vetoed within 40 days by the governor. We'll call them 'peat bills, short for "repeat." Some of this year's 'peat bills were introduced because the governor vetoed identical or similar ones that passed under different numbers in 2007.

For many years, I've monitored and reported on the General Assembly, but the first day of this year's session was unique. The 180-member House spent the entire morning over-riding about a dozen of the governor's 40 vetoes from last year. The over-ridden bills went immediately to the 56-member Senate that waited several days before agreeing to nullify the governor's action.

However, the dozen or so bills that were reinstated fell short of the 40 he vetoed last year. S.B. 15 was one he vetoed but was not among those reinstated the first day of the session. When he vetoed it last summer, he, probably, never expected it to be reintroduced this session, but it was. Senator Wiles and four other powerful senators introduced S.B. 350 January 17th and it passed the Senate by a vote of 38 to 13 two weeks later. That's fast!

If the House follows the Senate action and passes S.B. 350, a misdemeanor or misdemeanor of a high and aggravated nature would be charged against anyone driving without a license on Georgia roads and highways. Upon conviction, the driver would be fingerprinted and put in prison for at least two days or as much as 12 months and could be fined \$500 to \$1,000.

Second and third convictions within five years would, also, be misdemeanors or misdemeanors of a high and aggravated nature. The punishment for second and third convictions would increase to at least ten days to 12 months in prison and the fine could be as much as \$2,500. S.B. 350, also, requires a background check to determine the nationality of anyone convicted of driving under the influence of alcohol, drugs or other intoxicating substances.

The governor vetoed last year's bill, because he didn't want a fourth conviction for driving without a license to be a felony that could send drivers to prison for one to five years and fine them \$5,000. He, also, knows the "felon" label follows prisoners long after their time in prison.

If S.B. 350 passes the House, it could land on the governor's desk for a veto or signature. It'll be interesting to see what he does with this bill the second time around!

ACTION – Support. Call House Non-Civil Judiciary Representatives Ralston, 404 656-5943; Mumford, 656-0254; Bearden, 656-0287; Byrd & Mangham, 656-0126; Cole, 651-7737; Collins & Everson, 656-0188; Cooper, 463-8142; Franklin, 656-5087; Knox, 656-7855; Lunsford, 656-7146; Setzler, 656-0177; Abdul-Salaam, 656-0325; Abrams, 656-0220; Benfield, 656-7859; Levitas, 656-0116; Randall, 656-0109.