Georgia insight

Sue Ella Deadwyler
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"She hath done what she could."
Mark 14:8a
"…and having done all … stand."
Ephesians 6:13c

Immediate Action Needed!

Threat Percolating under the Gold Dome; Will Georgia get two casinos or six?

S.B. 79 and H.B. 158, as introduced, authorize two casinos.
S.R. 249 proposed constitutional amendment authorizes SIX!

S.R. 249, a proposed constitutional amendment dropped in the House hopper February 17th to be officially introduced February 20th, authorizes the General Assembly to license "no more than six" destination resorts (with embedded casinos) "at any given time." Six casinos are three times the number of casinos authorized in the original versions of S.B. 79 and H.B. 158.

S.R. 249 prohibits all other forms of casino gaming, stating that the prohibition will be enforced by law. Proceeds from licensing, regulation, and taxing of casinos will be used for education *after* pay-outs, operating expenses, and addictive gambling prevention programs are funded.

Legalizing Casino Gambling could authorize Indian[1] Casinos in Georgia

The Indian Gaming Regulatory Act is a 1988 U.S. federal law that establishes the jurisdictional framework governing Indian gaming. There was no federal gaming structure before this Act (Pub. L. 100-497, 25 U.S.C. 2701 *et seq*.), that established the following three gaming classes:

Class I gaming is defined as (1) traditional Indian gaming, that may be part of tribal ceremonies, and celebrations, and (2) social gaming for minimal prizes. Class 1 gaming regulatory authority is vested exclusively in tribal governments.

Class II gaming is a game of chance commonly known as bingo and, if played in the same location, includes card games that are played exclusively against other players rather than against the house or a player acting as a bank. The Act specifically excludes from the definition of class II games slot machines or electronic facsimiles of any game of chance.

Class III gaming is broad. It includes all forms of gaming that are neither class I nor II. Games commonly played at casinos, such as slot machines, blackjack, craps, and roulette, clearly fall in the class III category, as well as wagering games and electronic facsimiles of any game of chance. Generally, class III is often referred to as casino-style gaming. For Indian tribes to establish and operate casinos, the following conditions must be in place:

(a) Class III gaming must be permitted in the state.
(b) The tribe and state must have negotiated a compact with approved regulatory procedures.
(c) The Tribe must have a tribal gaming ordinance approved by the commission chairman.

A 1976 U.S. Supreme Court decision was interpreted to allow states to address only "crimes and civil disputes" in tribal issues. That ruling opened the gates for the Indian gaming industry to become the most widely successful economic initiative on reservations across the country.

ACTION – OPPOSE S.B. 79 and S.R. 249. Vote expected by Thursday, February 23rd. Call Regulated Industries and Utilities Committee Senators Jeffares, Ch., 463-1376; Ginn, V-Ch., 404 656-4700; McKoon, Sec., 463-3931; Cowsert, 463-1366; Gooch, 656-9221; Harbison, 656-0074; Henson, 656-0085; Hill, 656-5038; Kennedy, 656-0045; Lucas, 656-5035; Miller, 656-7454; Mullis, 656-0057; Shafer, 656-0048; Unterman, 463-1368.

February 20, 2017

Class III Gaming Paves the Way for Tribal Casinos

"The Attorney General of Georgia, Sam Olens, in a letter dated February 1, 2012, regarding the Indian Gaming Regulatory Act, explained that Class III gaming includes casino-like gambling and pari-mutuel betting. An Indian tribe which can show that a state allows Class III gaming has legal ground to pursue Indian Lands for the purpose of casino gambling within that state."

– Dissent of the Senate Study Committee on Horseracing in Georgia, 2012

In November and December of 2012, a Georgia Senate committee held hearings concerning horseracing in Georgia. Of the five[1] members on the committee, Senator Jack Murphy and Senator Jeff Mullis signed the report supporting pari-mutuel wagering on horseracing, but specifically stated in the report that they had no desire to endorse open-ended casino gambling.

In November and December of 2012, two other members of that horseracing study committee – Senator Hardie Davis and Senator William Ligon – filed a three-point dissent to the committee report. Their third point applies to the casino issue currently before the General Assembly.

Senators Davis and Ligon reported recent efforts by the Creek Indian Band's submission of an application to the Bureau of Indian Affairs for recognition of property in Glynn County, no doubt, emboldened by the prospect that Class III gaming would accompany horseracing.

Although the Georgia Council on American Indian Concerns consistently resists the opportunity to allow gambling on any tribal land, other tribes could gain a foothold in Georgia and run gambling establishments, if the state legalizes Class III gaming.

Federal Law recognizes Class III gaming as Open Door to Indian Tribe Casinos[2]

The fact that there is no recognized tribe or tribal land in Georgia is totally irrelevant. Note the following:

1997 The Oklahoma-based Keetowah band of the Cherokee Nation proposed creating a 34-acre reservation for bingo in north Georgia's Bartow County.

1999 The Kialegee tribe from Oklahoma, which is part of the Creek Nation, sought to buy land in Carroll County, Haralson County and Hancock County to build casinos. According to the *Augusta Chronicle*, "Federal regulations allow the tribe to establish a reservation in Hancock County because old treaties show that the impoverished tribe was native to Georgia."

2011 The Kialegee tribe from Oklahoma filed a land-into-trust application for 300 acres to build a casino in Glynn County.

2015 The Seminole and Creek tribes made presentations on building casinos at the November 2, 2015 Study Committee on the Preservation of the HOPE Scholarship Program in Savannah.

2017 Possibly, the United Keetoowah band of the Cherokee is seeking to build a casino in Cherokee County.

ACTION – Oppose H.B. 158. Call Regulated Industries Committee members: Representatives Maxwell, Ch., 404 656-5143; Harrell, V-Ch., 463-3793; Hawkins, Sec., 0213; Bennett, 656-0203; Beskin, 656-0254; Chandler, 656-0254; Cooke, 656-0188; Cooper, 656-5069; Deffenbaugh, 656-0202; Golick, 656-5943; Jones, 657-0498; Kirby, 656-0177; Martin, 656-5064; Mitchell, 656-0126; Powell, 463-3793; Rakestraw, 656-0177; Rogers, 651-7737; Rutledge, 656-0254; Stephens, M., 656-0265; Welch, 656-5912; and Williams, Rick, 656-0287.

[1] The fifth member of the horseracing study committee, Senator Ronnie Chance, did not sign the report or the dissent.
[2] Source: Tanya Ditty, CWA of Georgia Director

Back the Badge Act of 2017

"In the last year alone, Georgia has lost ten officers serving in the line of duty. While nothing can bring these heroes back to be with their loved ones, we are committed to finding ways to provide greater support for our law enforcement officers and their families. Whether enforcing tougher penalties or examining local officers' pay, we are bringing every resource to the table to protect those who protect us.
I will always back the badge and our law enforcement community."
– Lt. Governor Casey Cagle, February 17, 2017

The above statement explained the Valentine's Day introduction of the following three bills:

S.B. 160 by Senator Harper adds two new criminal offenses committed against public safety officers, and revises the jurisdiction, definition, and penalties for current crimes and offenses.

- The two new criminal offenses are (a) *aggravated assault upon a public safety officer* while on duty or because of performing official duties, and (b) *aggravated battery upon a public safety officer* while on duty or on account of having performed official duties.
- While current law refers to "peace officers," S.B. 160 replaces that narrow term with correctional officers, emergency health workers, firefighters, highway emergency response operators, officers of the court, and public safety officers.
- The penalty for knowingly committing aggravated assault upon a public safety officer who is on duty is five to 20 years in prison, and a judge cannot modify the sentence.
- The superior court will have exclusive original jurisdiction over the trial of a child age 13 to 17 allegedly guilty of aggravated assault or aggravated battery on a public safety officer.
- The term of imprisonment for aggravated battery upon a public safety officer is ten to 20 years, and no judge can change it.

The law against obstructing or hindering law enforcement officers would be amended to provide the same penalties for hindering or obstructing a prison guard, jailer, correctional officer, community supervision officer, county or Juvenile Justice Department probation officer, probation officer pursuant to Article 6 Chapter 8 Title 42, or conservation officer.

S.B. 160 specifies that causing any of these officers to come into contact with human or animal urine, feces, vomitus, or seminal fluid by throwing, tossing, projecting, or expelling such fluid or material would be a felony, punishable by prison for one to five years.

S.B. 154 by Senator Greg Kirk adds a $5,000.00 fine to the penalty for the crime of aggravated assault or aggravated battery upon a public safety officer. Fifty percent would be used by the State Indemnification Fund in the event of an officer's death or disability, and the Criminal Justice Coordinating Council would get 50 percent to promote law-abiding behavior in Georgia.

S.B. 154, also, removes the limit on fines against a parent or guardian for a minor child's willful or malicious acts upon a public safety officer, if it causes medical expense or property damage.

S.B. 155 by Senator Greg Kirk would create the Local Law Enforcement Officer Compensation Commission to meet twice annually to review the salaries and benefits of local law enforcement officers and report annually to the General Assembly.

ACTION – Support S.B. 160, S.B. 154, and 155. Call Public Safety Committee Senators Harper, Ch., 463-5263; Albers, V-Ch., 463-8055; Dugan, Sec., 463-2478; Anderson, Tonya, 463-2598; Anderson, Lee, 656-5114; Hill, Hunter, Ex-Of., 463-2518; Jones, Harold, 463-3942; Seay, 656-5095; Williams, 656-7127.

Attacking Freedom *via* Education
H.B. 16 Squelches Freedom of Speech

This year the culture changers got a head-start when H.B. 16 was pre-filed and, officially, introduced February 2nd. H.B. 16 is a repeat of last year's bill about bullying in schools. Georgia's current law against bullying in school applies to all students equally; it does not categorize students; and its standard penalties are administered to violators, regardless of their personal identity.

H.B. 16, introduced by Representative Keisha Waites, changes the focus of the state bullying law by classifying students according to their actual or perceived sexual orientation and inserting a laundry list of alternate lifestyles – gender, sexual orientation, gender identity or expression. Gender expression includes speech, attire, mannerisms, and affectations.

Since sexual orientation, gender identity and gender expression include lifestyles that some people may or may not agree with, there's a real possibility that negative comments about certain behaviors may be uttered by students K – 12.

Lines 237 and 238 state the following: "Nothing in this Code section is intended to interfere with the First Amendment rights of free speech and expression of any person affected."

Those lines, clearly, indicate that someone's free speech *will* be considered bullying if H.B. 16 becomes law. Regardless of the disclaimer, free speech will be squelched since negative comments about gender, sexual orientation, gender identity or gender expression, have been classified as bullying under policies such as this. Children and adults in the United States have a constitutional right to express disagreement, without a difference of opinion being construed as bullying.

H.B. 16 would provide more protection for those who may be involved in various sexual behaviors than for students or teachers who hear comments about being too fat or too skinny. Right now, Georgia's bully law treats all bullies and victims the same. H.B. 16 should not pass.

ACTION – Oppose. Call House Education Committee Representatives Coleman, Ch., 404 656-9210; Casas, V-Ch., 656-0254; Benton, Sec., 656-5126; Belton, 656-0152; Beskin, 656-0254; Brockway, 656-0188; Cantrell, 656-0152; Carter. A., 463-2248; Carter, D., 656-0220; Chandler, 656-0254; Dickerson, 656-0314; England, 463-2245; Glanton, 657-1803; Hill, 656-0325; Hilton, 656-0202; Howard, 656-6372; Jones, 656-5072; LaRiccia, 656-0213; Lopez, 656-6372; Maxwell, 656-5143; Nix, 656-5146; Paris, 656-0109; Setzler, 656-7857; Stovall, 656-0314; Tanner, 656-3947; and Teasley, 463-8143.

H.B. 230 Squelches Freedom of Religion

H.B. 230, introduced February 2nd by Representative Rhonda Burnough, discriminates against *colleges and universities* that adhere to Biblical morality. In addition, it discriminates against *Christian students* by allowing post-secondary scholarships to be used ONLY in higher education institutions that practice non-Biblical standards.

If passed, H.B. 230 would squelch the freedom of religion and religious expression of students and colleges that practice Christian standards. Therefore, H.B. 230 is unconstitutional.

ACTION – Oppose. Call Higher Education Committee Representatives Jasperse, Ch., 404 656-7857; Williams, V-Ch., 656-0254; Kelley, Sec., 657-1803; Bentley, 656-0287; Burnough, 656-0116; Casas, 656-0254; A. Carter, 463-2248; Chandler, 656-0254; Dempsey, 463-2248; Dickey, 463-2246; Dreyer, 656-0265; Dubnik, 656-0188; Ehrhart, 463-2246; Gardner, 6560-0265; Gasaway, 656-0325; Holcomb, 656-6372; Knight, 656-5099; Mathiak, 656-0287; Metze, 656-6372; Pezold,656-0188; Reeves, 656-0298; Smyre, 656-0109; and Williams, R., 656-0287.