
Georgia Legislature Convenes January 10, 2011 Constitutional Convention, Too Dangerous to Consider

Fact: A Constitutional Convention (Con Con) would be DISASTROUS for the United States. *Their Plan:* Republican legislators in *Georgia, Virginia, Utah, S.C., Indiana and Texas* would like Congress to pass "The Repeal Amendment," that would authorize states to over-ride federal laws and regulations. If that amendment does not pass, their back-up plan is to press states to demand a Con Con, which is an extremely bad idea. The Repeal Amendment is quoted below:

"Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of two-thirds of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed."

Con Con: The National Status

During the last several decades, 32 state legislatures passed Con Con resolutions, but *since 1988 at least twelve repealed* their calls – Alabama, Florida, Louisiana, Idaho, Utah, North Dakota, Arizona, Virginia, South Carolina, **Georgia**, Wyoming and Oklahoma. All past calls for a Con Con in Georgia were rescinded in 2004, when the General Assembly passed H.R. 1343.

The Constitution of the United States, Article V requires Congress to call a Con Con, after two-thirds (34) of the states pass a bill requesting it. The silence of Article V on details relative to convening, regulating or controlling a Con Con leaves an avalanche of uncertainties, such as:

Are *rescinded calls* valid? How many states are required to participate? Will all delegates be U.S. citizens? Where will a Con Con convene? How many days, weeks, months will it meet? May the public participate? Who writes the rules? Who presides? Is it limited to one issue? Could the entire Constitution be rewritten? Could our representative republic be replaced with a different government? Do you find answers to these questions in Article V quoted below?

"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the congress; Provided that no Amendment which may be made prior to the year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

ACTION – Oppose a Constitutional Convention. Contact the following before the session begins January 10th.

(a) Senator Judson Hill, 404 656-0150, fax 404 463-2535. To him, say, "Please do NOT introduce a call for a Con Con."

(b) Governor-Elect Deal's legislative floor leaders should be reminded of the dangers of a Con Con.

Governor's Senate Floor Leaders: Senator Chance, 404 463-1366, fax 404 657-0797;

Senator Jackson, 404 656-5114, fax 404 657-0797; Senator Butterworth, 404 463-5257, fax 404 463-2535;

Governor's House Floor Leaders: Representatives Carter, 404 656-0325; Representative Collins, 404 656-0188;

Representative Huckaby, 1 706 207-6623, hankhuckaby@charter.net

Juvenile Prostitution

Will It Be Decriminalized in Georgia? ... in the Entire U.S.?

On February 26, 2009 House Judiciary Chairman Willard introduced H.B. 582 to eliminate prostitution penalties for individuals under age 18. H.B. 582 died in his Judiciary committee.

A year later on January 12, 2010 Senator Unterman introduced S.B. 304, a more comprehensive bill. First, it decriminalized prostitution for anyone *under age 16*. Then, it amended certain laws about domestic relations, child abuse and social services, to prevent their use against juveniles. Her S.B. 304 died, but a legal staff member said we could expect a new bill in 2011.

Why do I use the term “decriminalize?” “Legalize” applies to a thing created by, based upon or authorized by law. “Decriminalize” is the removal of governmental interest, restrictions, and penalties against affected subjects. The affected subject in these bills is juvenile prostitution.

As proposed in these bills, decriminalization has a four-pronged goal: (1) Prevent criminal charges against *all* under-age prostitutes, (2) so *none* will have a police record. (3) Classify *all* under-age prostitutes as victims of sex trafficking, (4) making *all* of them eligible for victim compensation. But here’s the problem. Although some under-age prostitutes may be forced into prostitution, others *choose* professions in prostitution and a variety of illicit sex businesses, including pornography and massage parlors, which were decriminalized by S.B. 304, also.

H.R. 5575 and S.2925: Federal Bills Decriminalize Juvenile Prostitution

June 23, 2010, Representative Carolyn Maloney (D-NY) introduced H.R. 5575, the Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010. Her intent: “to establish a grant program to benefit domestic minor victims of sex trafficking and for other purposes...”

December 22, 2009, Senator Ron Wyden (D-OR) introduced S.2925 that passed the U.S. Senate on December 9, 2010. It passed the House but was amended. That required another Senate vote to agree or disagree with the change. The Senate did not vote on it again and S.2925 died.

S.2925, also, classifies minors involved in prostitution as sex trafficking victims and requires officials to avoid criminal charges against them. Without criminal charges, prostitutes would be eligible for tax-payer-funded *victim compensation* benefits provided by the federal government *via* Byrne grants. States that qualify for Byrne grants must change their laws as follows:

1. All *prostitutes under age 18 must be deemed sex-trafficking victims*, whether they chose to be professional prostitutes or were forced into the sex trade.
2. To accomplish that, states must repeal prostitution laws for individuals under age 18.
3. Then, state victim compensation laws must include under-age prostitutes.

Note that H.R. 5575 and S.2925 decriminalize prostitution for *all* minors – those that choose *prostitution as a profession*, as well as actual sex trafficking victims that *are forced into it*.

Conclusion: “An ounce of prevention is worth a pound of cure.” Laws against illicit sex are barriers that deter prostitution and other varieties of promiscuity. Abolishing laws to remove penalties for illegal, immoral, unhealthy, destructive degrading acts will not prevent permanent physical and emotional harm to those involved. Removing prostitution laws increases personal vulnerability to disease, danger and unnecessary risk. Victim compensation would not prevent under-age prostitution. It would compensate individuals *after they are in the sex trade*.

ACTION – OPPOSE all attempts to decriminalize prostitution for any age. More info if it becomes an issue in 2011.

Pre-filed Bills for 2011

Georgia legislators are authorized to pre-file legislation as early as November 15th. Some legislators pre-file and others don't. Pre-filed bills and resolutions are assigned a permanent number and included on the Composite Status list, but will not be assigned to a committee until they are officially introduced after the session convenes January 10, 2011. The most prolific pre-filer this year is Representative Franklin, District 43, who pre-filed 29 pieces of legislation.

H.B. 23 Foster Children's Psychotropic Medication Monitoring, by Representative Oliver, requires DHS to write regulations for psychotropic drugs used on foster kids in state custody.

H.B. 6 Emergency Defense of the Home Act, pre-filed by Representative Franklin to repeal the governor's power to suspend or limit the sale or transport of firearms in emergencies.

H.B. 11 Freedom from Compulsory Pandemic Act, pre-filed by Representative Franklin repeals the governor's power to mandate mass vaccinations in emergencies or to quarantine individuals solely for failing to submit to voluntary vaccinations.

H.B. 25 Postsecondary Education; Reserve Benefits to Citizens & Lawfully Present & Eligible Aliens, by Representative Rice, identifies higher education as a state and local public benefit reserved to citizens and foreigners who entered the U.S. legally. Colleges and universities could not enroll applicants until their citizenship status is verified by SAVE.

H.B. 16 Georgia Nuclear Energy Financing Act, pre-filed by Representative Franklin, eliminates provisions for a utility to recover from consumers the building cost of nuclear plants.

"Cabbagegate" & Vegetable Gardening

H.B. 2, Georgia Right to Grow Act was prefiled by Representative Franklin to preempt local ordinances affecting the use of private property. It protects the right to grow food crops and small animals on private property, if they are for the consumption of property occupants, their gardeners and households, but not for commercial use. H.B. 2 would not interfere with private covenants or agreements limiting property use or ordinances against public or private nuisances.

H.B. 12, Georgia Food Freedom Act, also prefiled by Representative Franklin, prohibits political subdivisions of this state from adopting or enforcing prohibitions or regulations against the retail sale or distribution of unprocessed farm products. Unprocessed farm products have not been shelled, canned, cooked, fermented, distilled, preserved, ground, crushed or slaughtered and are raised in Georgia. They must be taken directly from producer to consumer for human consumption. H.B. 12 does not prohibit or impair any other zoning authority of local government or local regulatory power governing land application of human waste.

"Cabbagegate," is the moniker neighbors gave Steve Miller's \$5,200 fine levied in 2010 by the DeKalb County Code Enforcement office. The county declared his garden was too big for the zone where he lives. Miller is a landscaper whose home is on two acres in Clarkston, where he has grown legumes for 15 years. He sells part of his produce at local farmers markets and gives much to friends and neighbors, who say he's the best thing that's happened to their community. He might not make a profit, but says, "It's a way of life ... my passion. If it were my main source of income, I'd have to sell my house." His challenge to the citation was not answered. The county, simply, sent more notices and a subpoena to appear in court. During that process, he won the battle and got his land rezoned, but the county wants him to pay that hefty fine for growing veggies on his two-acre lot and hiring workers to weed his post-season garden.

Food: New Federal Regulations Pass Congress

S.510 the Food Safety Modernization Act of 2010 totaling over 1,900 pages passed Congress unanimously, either December 20 or 21, in the dead of night, with no one speaking against it, and no recorded vote in the Senate. Since S.510 failed to pass on its own merit, slick maneuvering by House leaders tried to attach it to three other bills before they, finally, attached it to H.R. 2751, which is an old 2009 “CASH FOR CLUNKERS” House bill. The “clunkers” language was stripped from H.R. 2751 and replaced with S.510 in its entirety. Thankfully, provisions of the Tester-Hagan Amendment protect small farming operations as follows:

- It clarifies that businesses selling over half of their products directly to individual consumers are exempt from the existing registration *and* new Hazard Analysis & Control Point rules.
- It exempts from FDA’s new “produce safety standards” farms that gross under half-million dollars and sell over half of their products directly to consumers or local restaurants or retail establishments. Therefore, small farms won’t be told how to grow and harvest their crops.
- FDA must (a) conduct, within 18 months, a first-time study of how food producers’ scale and type of operation relate to food-borne illnesses. Then, (b) define the term “very small businesses” to accurately identify businesses exempted from HACCP-type requirements.

State Government Employee Salaries, 2007 Data

Governor	\$ 135,281	Lt. Governor	\$ 88,941
Secretary of State	\$ 120,036	Attorney General	\$ 133,778
Treasurer	\$ 126,500	Public Service Commissioners	\$ 116,452

Georgia Judicial Salaries, 2008 Data

Chief Justice	\$ 167,210	Associate Justices	\$ 167,210
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General Assembly, Salaries 2007 – 2010

Senators	\$ 17,342	Representatives	\$ 17,342
Per diem for Session	\$ 173	Per diem for Session	\$ 173

Incidentally, Georgia’s chief justice salaries rank 15th among salaries of U.S. chief justices. The average salary of U.S. chief justices is \$154,707. Their median salary is \$151,284. Georgia’s associate justice salaries rank 11th in the U.S. The average in the U.S. is \$149,687. The median salary is \$145,983. This data was updated May 27, 2010.

Salaries of State Employees, 2008 Data

In 2008 the state of Georgia and local governments in the state employed a total of 604,002 people. Of those, 498,404 were full-time employees receiving net pay of \$1,728,268,497 per month and 105,598 were part-time employees paid \$110,993,986. Over 55% of the employees were in education or higher education.

Annually, state employees earn 120 hours of sick leave and 120 to 168 hours of vacation, based on length of state service. Employees receive 12 paid holidays per year.

Employee and employer contributions are paid into the retirement fund for the welfare of the members and their beneficiaries. All benefits are paid from this fund. Service retirement requirements are: (1) Age 60 with at least 10 years of creditable service; (2) 25 years of service for person under 60; or (3) 30 years of service at any age. Various monthly benefit options are available upon retirement. Full-time employees participate in the Employees’ Retirement Plan.

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