

Georgia insight

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

Seven Days Left, Session Ends April 2nd

To pass in the 40-day Georgia General Assembly, legislation must be half through the process before Cross-Over Day which is Day 30 of the 40-day session. Since the 30th day was March 11th, no House bill can pass this session, unless it passed the House and was introduced in the Senate on/before March 8th. Likewise, no Senate bill can pass this session, unless it passed the Senate and was introduced in the House on/before March 8th. However, an entire bill may be amended onto other legislation that passed either House or Senate by the end of March 8th, if the subjects of the bill to be amended and the additional language to be attached are germane.

Bills Poised to Pass

H.B. 426 Hate Crime, Enhances Penalties for crimes, actually or perceived to be, based on the victim's sexual orientation or gender. It passed the House 96-64 March 7th, requiring added penalties for suspects of certain crimes. They would be sentenced for their thoughts in addition to the sentence required for the crime. This creates a two-tiered penalty – a regular penalty for a crime involving “straight” individuals and a stiffer penalty for victims in alternate lifestyles.

ACTION – Oppose. All crimes are hate crimes. This values some victims more than others. Call Judiciary Committee Senators Stone, Ch., 404 463-1314; Cowser, V-Ch., 463-1366; Tillery, Sec., 656-0089; Heath, 656-3943; Jones, H., 463-3942; Kennedy, 656-0045; Ligon, 463-1383; Parent, 656-5109; Rhett, 656-0054; Strickland 656-7454.

S.B. 104 Non-Resuscitation of Minor Requires Parental Consent passed the Senate 46-0 March 5th. It requires consent before an order not to resuscitate may be issued, thereby changing current law that allows parental consent before non-resuscitation is ordered. It defines parent as a “biological parent, legal guardian, custodian or other person with legal authority to act on behalf of either a minor or an adult without decision-making capacity.” Note the inclusion of minor and adult children.

ACTION – Support. Call House Judiciary Committee Representatives Fleming, Ch., 404 656-5125; Jones, T., V-Ch., 656-0213; Kelley, Sec., 656-5024; Nix, Randy, ExO, 656-5146; Efstration, 656-5105; Powell, J., 656-5141; Reeves, 651-7737; Rich, 655-0254; Rutledge, 656-0254; Scoggins, 656-0325; Silcox, 656-3949; Welch, 656-5912.

S.B. 77 State Flag, Seal, Monuments, Symbols dedicated to a historical entity or historically significant military, religious, civil, civil rights, political, social, or cultural events or series of events on public property could not be removed, relocated, altered, or concealed, except for necessary construction projects. Penalty for violations: “Any person or entity that damages, destroys, or loses a monument or that takes or removes a monument without replacing it shall be **liable for treble the amount of the full cost** of repair or replacement ... and exemplary damages unless such person or entity was authorized to take such action by the public entity owning such monument. ... [T]he person or entity shall also be **liable for the attorney's fees and courts costs ... in any action or proceeding required....**”

ACTION – Support. Call House Governmental Affairs Committee Representatives Rynders, Ch., 404 656-6801; Jones, T., V-Ch., 656-0213; Blackmon, Sec., 463-7853; Burnough, 656-0116; Collins, 656-1803; Gravley, 463-8143; Gullett, 656-0177; Lumsden, 656-5087; Nguyen 656-0314; Oliver, 656-0265; Powell, A., 463-3793; Powell, J., 656-5141; Shannon, 656-7859; Taylor, 656-0109; Trammell, 656-5058; Turner, 656-0152; Williams, M., 656-0287; Williams, Rick, 656-0287; Williamson, 656-5024; Fleming, 656-5125.

Bills Poised to Pass (Continued)

H.B. 228 Raises Marriage Age to 17. The first change this bill makes is the requirement of documentary proof that a minor applying for a marriage license is emancipated, meaning the child is no longer under parental control. However, for decades, the State of Georgia has viewed sexually active minors as emancipated. Otherwise, minors could not have abortions and medical treatment without parental consent. This does not prohibit sexual activity for minors. It denies marriage until age 17; deletes current language requiring marriage to be between male and female; then inserts “both persons,” who are subsequently referred to as “such persons;” who must complete six-hours of premarital education in the 12 months prior to their wedding. Despite parental authority, the court will appoint an attorney for the child.

ACTION – Oppose. This passed the House 158-13 February 26th. Call Senate Judiciary Committee Senators Stone, Ch., 404 463-1314; Cowser, V-Ch., 463-1366; Tillery, Sec., 656-0089; Heath, 656-3943; Jones, H., 463-3942; Kennedy, 656-0045; Ligon, 463-1383; Parent, 656-5109; Rhett, 656-0054; Strickland 656-7454.

H.B. 213 Georgia Hemp Farming Act would put Georgia in the hemp-farming business, although only laboratory tests can distinguish between marijuana plants grown for hemp and marijuana plants grown for recreation. This authorizes the Department of Agriculture to issue (a) an unlimited number of licenses to **grow hemp in Georgia fields and greenhouses**, plus (b) twelve permits annually to process the product. Although, currently, hemp marijuana is a controlled substance, H.B. 213 authorizes hemp growers and processors to do so legally. All marijuana plants – whether grown for hemp or otherwise – produce flowers and leaves that may be dried and smoked for “highs.” That fact should preclude hemp-farming in Georgia.

ACTION – Oppose. H.B. 213 passed the House 163-3 February 27th. Call Senate Agriculture and Consumer Affairs Senators Wilkinson, Ch., 404 463-5257; Anderson, V-Ch., 656-5114; Black, Sec., 656-6597; Burke, 656-0040; Heath ExO, 656-3943; Karinshak, 656-0048; Rahman, 463-1318; Sims, 463-5259; Walker, 656-7454.

H.B. 481 Living Infants Fairness and Equality (LIFE) Act provides that (a) no abortion could be performed on an unborn child that has a heartbeat, (b) except to avert the mother’s death, the death of the unborn, or was conceived by rape or incest; (c) abortions after the first trimester must be in a state-licensed facility; (d) violators could be sued. (e) For the homicide of a child in the womb, a right to recover full value of life begins with the child’s heartbeat. (f) An unborn child at any stage of development who is carried in the womb would be included in state population determinations. To avoid possible blurring of parental authority, the preceding sentence could be deleted. By a vote of 3-2, H.B. 481 passed the House March 7th, then passed the Senate Science and Technology committee March 18th. It is eligible for the Senate Rules Committee on Thursday, March 21st. Ask Rules Committee members to delete lines 131-133.

ACTION – Ask senators to amend H.B. 481 by deleting lines 131-133. Call Senate Rules Committee Senators Mullis, Ch., 404 656-0057; Hill, V-Ch., 656-5038; B. Jones, 656-0082; Beach, 463-1378; Burke, 656-0040; Butler, 656-0075; Cowser, 463-1366; Dugan, ExO, 463-2478; Gooch, ExO 656-9221; Hrper, 463-5263; Henson, 656-0085; H. Jones, 463-3942; Kennedy, ExO, 656-0045; Miller, ExO, 656-6578; Tate, 463-8053; Unterman, 463-1368.

H.B. 26 Psychology Interjurisdictional Compact (PIC) that passed the House 169-1 on February 25th authorizes the State Board of Examiners of Psychologists to administer a Georgia PIC. A special commission would license psychologists to practice across state lines by using telecommunication technology. However, it could prompt dramatic state and local culture changes by transferring unacceptable values across state lines. Psychologists would project politically correct attitudes, language and terminology to clients. Provided on page three are examples of values that could be transferred and could adversely affect local culture.

Example No. 1: California allows the prosecution of nursing home residents who fail to use the preferred pronoun of nursing home residents who adopt an identity of the opposite sex through declaration, transvestitism, hormonal treatment or surgery. Since Georgia has no such law, psychologists licensed by California under California values could adversely affect the mental health of Georgians by insinuating such values when counseling vulnerable clients.

Example No. 2: New York recently legalized abortion through the date of birth and other states are considering even more ominous measures. Georgia has no such law and Georgia recipients of counseling by telepsychologists from New York and like-minded states could receive/adopt mental health counseling that is subtly presented, ill advised, uninvited and contradictory of personal values and state culture.

Example No 3: H.B. 26 allows psychologist licensure by foreign universities and colleges, thereby creating possible infusion of *international values* into the U.S. via mental counsel.

APA Telepsychological Guideline 8, updated July 31, 2013, encourages, but does not require, psychologists to be familiar with and comply with relevant laws and regulations when counseling **across jurisdictional and international borders**.

Other APA guidelines suggest, but do not require telepsychologists to (a) take reasonable steps to ensure personal competence in technology; (b) make every effort to meet expected ethical standards and practices; (c) strive to obtain documented informed consent; (d) protect and maintain data confidentiality; (e) take reasonable steps to ensure security is in place to protect and/or dispose of data and information; and (f) prohibit unauthorized access to data.

ACTION – Oppose. Call Senate Health and Human Services Senators Watson, Ch., 404 656-7880; Burke, V-Ch., 656-0040; Kirk, 463-5258; Butler, 656-0075; Cowser, 463-1366; Dolezal, 656-7127; Henson, 463-2071; Hufstetler, 656-0034; Jackson, 463-2279; Kirk, 463-5258; Kirkpatrick, 656-3932; Ligon, 463-1383; Orrock, 657-9728; Unterman, 463-1368; Walker, 656-7454; Watson, 656-7880.

Mental Health Commission* Proposed

H.B. 148 Genetic Counselors Act passed the House 148-3 February 15th, which could be a coincidence or a focus for the proposed Georgia Mental Health and Reform Commission. This is in the Senate Health and Human Services Committee listed below. It needs to stay there.

H.B. 514 Create the Georgia Mental Health Reform and Innovation Commission* passed the House 152-10 March 7th to promote continued progress of state behavioral health systems. Schools will be used to identify and treat children, adolescents and adults for mental illnesses. The appointed commission would include the full spectrum of psychologists, psychiatrists, education officials, law enforcement officers, behavioral health advocates, licensed behavioral health professionals, and four legislators. Its 23 members would review behavioral health issues and recommend action, rules, regulations, policies, programs and legislation. They may hire lawyers, consultants, subject matter experts, economists, budget analysts, data analysts, statisticians, persons and/or organizations at will. Members will work in subcommittees¹.

ACTION – Oppose H.B. 148 and H.B. 514. Call Health and Human Services Committee Senators Watson, Ch., 404 656-7880; Burke, V-Ch., 656-0040; Kirk, 463-5258; Butler, 656-0075; Cowser, 463-1366; Dolezal, 656-7127; Henson, 463-2071; Hufstetler, 656-0034; Jackson, 463-2279; Kirk, 463-5258; Kirkpatrick, 656-3932; Ligon, 463-1383; Orrock, 657-9728; Unterman, 463-1368; Walker, 656-7454; Watson, 656-7880.

¹ **Commission Subcommittees:** (a) Children & Adolescent Behavioral Health; (b) Involuntary Commitment; (c) Hospital & Short-Term Facilities; (e) Mental Health Courts & Corrections; and (e) Workforce & System Development.

Will Genetic Counseling be Part of the Mental Health Strategy?

Georgia's CHIP plan – PeachCare for Kids® – that began in 1998, includes mental health treatment as part of its comprehensive coverage to uninsured children. In 1997, Congress created Title XXI of the Social Security Act that enabled states to create State Children's Health Insurance (S-CHIP) programs. It was reauthorized in January 2018 for a decade.

Neither Congress nor States Can Control Con Con Delegates

Article V does not restrict a convention to only one amendment.

A two-thirds vote required of Congress by Article V is not required of convention delegates.

Article V does not require delegates to be U.S. citizens or citizens of a state in the U.S.

Article V does not say who will preside, what rules will be followed, or who must attend.

Article V does not give Congress authority to limit a convention.

If Congress cannot limit a constitutional convention, state law cannot limit one, either.

S.R. 237 Article V Constitutional Convention (Con Con) passed the Senate 31-20 on March 7th authorizing Congress to pass a call to convene a con con. Once convened, a con con is unlimited, self-governing, and could re-write the entire Constitution.

Although it is not poised to pass, H.R. 53, also, calls for a con con and could be attached to another bill with a germane subject. Currently, it is assigned to the House Rules Committee.

Opinions from Constitutional Experts

Source: publiushulda@gmail.com

- (a) As first U.S. Supreme Court Chief Justice John Jay wrote in April 1788, another convention would run an “**extravagant risqué [risk]**.”
- (b) In Federalist No. 49, James Madison said that **a convention is neither proper nor effective to restrain government** when it encroaches.
- (c) In his Nov. 2, 1788 letter to Turberville, Madison said he “**trembled**” at the prospect of a 2nd convention.
- (d) In Federalist No. 85, Hamilton said he “**dreads**” the consequences of another convention because the enemies of the Constitution want to get rid of it.
- (e) Justice Arthur Goldberg said in his 1986 editorial in the Miami Herald that “it cannot be denied that” **the Philadelphia convention of 1787 “broke every restraint intended to limit its power and agenda,” and “any attempt at limiting the agenda [at an Article V convention] would almost certainly be unenforceable.”**
- (f) In his June 1988 letter to Phyllis Schlafly, Chief Justice Warren Burger said, “...there is no effective way to limit or muzzle the actions of a Constitutional Convention... **After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda...** A new Convention could plunge our Nation into constitutional confusion....”
- (g) Justice Scalia said on April 17, 2014: “**I certainly would not want a Constitutional Convention. I mean, whoa. Who knows what would come out of that?**”

ACTION – Oppose. Call House Rules Committee Representatives Jay Powell, Ch., 404 656-5144; Hatchett, V-Ch., 656-5025; R. Smith, Sec., 656-6831; Burns, 656-5052; Kelley, 656-5024; Ballinger, 656-7153; Benton, 656-5126; Blackmon, 463-7853; Carson, 656-0287; cooper, 656-5069; Dempsey, 463-2248; Efstoration, 656-5105; Flemingm, 656-5125; Greene, 656-5105; Harrell, 656-5103; Hawkins, 656-7855; Jan Jones, 656-5072; Knight 463-2248; Lumsden, 656-5087; Martin, 656-5364; Morris, 656-5115; Parrish, 463-2246; Alan Powell, 463-3793; Rogers, 656-0254; Setzler, 656-7857; Smith, 656-7149; Stephens, 656-5115; Tankersley, 656-7855; Tanner, 656-9210; Taylor, 656-0109; Williamson, 656-5024.

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