# Georgia insight

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

## When the Light of Day Killed H.B. 67, Consumers Dodged a Bullet!

### *If H.B. 67 were to pass, what would be the state's annual take?*

- Estimated benefit to the state would be an additional $350 million in new revenue.
- Since several groups of people do not file income tax returns because they are not required to do so (see below), it's unclear whether they could or would recoup the grocery sales tax.
- The state would make a bundle on interest before remitting the four-percent from taxpayers that *do* file income tax returns. The interest goes to the state *not* to taxpayers. Bummer!
- The state would keep all taxes collected from out-of-state tourists who would dole out four percent more for groceries, making vacationing in Georgia more expensive.

**H.B. 67** introduced by Representative Chuck Sims of District 169 on January 14th was touted as a break for taxpayers, because it would provide another deduction on their state income tax return. But to get that deduction,

(a) they must pay a new four-percent state sales tax on eligible groceries and beverages and
(b) save their cash register receipts, which they would total at the end of the year. Then,
(c) claim a tax credit for four percent of the total cost of their groceries.

So, the bill called an "income tax deduction" is, actually, a four-percent tax on food and folks who don't file Georgia income tax returns would, probably, never get it back.

Currently, state law allows three state income tax deductions – the (1) taxpayer, (2) spouse of the taxpayer and (3) natural or legally adopted child of the taxpayer. If this bill had passed, consumers could claim a fourth income tax deduction the year *after* they pay more taxes.

On March 5th, H.B. 67 passed the House Ways and Means Committee, of which the bill's author, Representative Chuck Sims, is chairman. But, as it worked through the committee process, by March 11th it had caused such an uproar from consumers that Representative Mark Burkhalter, who represents Johns Creek and is House Speaker Pro Tem, confirmed its death.

This might be the end of H.B. 67, but it will never be the end of shrewd ways to restore old taxes or present new ones. Vigilance is in order!

***How will consumers get a tax credit, if they don't file income tax returns?***
*Who does not file income tax returns?* A person who earns less than $8,000 annually, a couple that earns less than $14,000 annually, and the majority of senior citizens.

*Who needs that four-percent more than anyone?* A person earning less than $8,000 annually, a couple earning less than $14,000 annually, and the majority of senior citizens.

***"Eternal vigilance is the price of liberty."***
- Wendell Phillips

March 13, 2009

## *Since it's <u>not</u> necessary, why are they trying to pass an electronic tracking bill?*

**H.B. 306,** introduced by Representatives Walker, Ralston and Reese, passed the House 153 – 0 on March 9th. It creates a law allowing release of a defendant pending trial, *if* he agrees to wear an electronic monitor and comply with the rules. Although it was amended to prohibit the use of microchips, it's *still* unnecessary, because electronic anklets and bracelets are *already in use*.

H.B. 306 went into the Senate Public Safety Committee March 10th. The dangers of passing it aren't evident in the bill. The author allowed the microchip prohibition to be inserted, but a slight future "tweak" of the law could eliminate that amendment and allow microchip implants.

**ACTION – Oppose. It creates a law that could be <u>interpreted</u> to authorize unacceptable practices.** Call Senate Public Safety Committee Senators Murphy, 404 656-7127; Mullis, 656-0057; Chapman, 656-0045; Butler, 656-0075; Crosby, 656-5091; Douglas, 656-0503; Grant, 656-0082; Jones, 656-0502; Seay, 656-5095; and Sims, 463-5259.

### *Another Tracking Bill Just Introduced*

**S.B. 255** introduced March 9th by freshman Senator Butterworth of District 50 will be held for the 2010 session, *unless it's added to another bill*, such as H.B. 306 outlined above. Again, its subject is electronic tracking of criminals, this time for 23 categories of crimes. It, specifically, mentions GPS devices equipped with alarms, the cost to be paid by the criminal being tracked, but indigent criminals would not be charged for their tracking device. *This is big business!* Competitive proposals would be considered before contracts are awarded to one or more GPS monitoring service providers who would supply the monitors and track the wearers.

**ACTION – Oppose. A "tweak" could require tracking *via* microchip implants.** Call Judiciary Senators Smith, Ch., 404 656-0034; Harp, 463-3931; Hamrick, 656-0036; Adelman, 463-1376; Brown, 656-5035; Cowsert, 463-1366; Crosby, 463-5258; Fort, 656-5091; Judson Hill, 656-0150; Reed, 463-1379; Seabaugh, 646-6446; and Wiles 657-0406.

**Just a reminder:** It's common knowledge that, for a long time, electronic tracking devices have been used to monitor prisoners on house arrest or pretrial defendants. It's known because the media publicizes the confinement of celebrities, such as Martha Stewart, who serve the last of their prison term in house arrest, while under surveillance *via* an electronic bracelet or anklet.

Since this is already being done, I've asked several legislators why bills are surfacing to write this practice into law. Since no one had a satisfactory answer, I looked a little deeper.

Forces propelling these bills have something more in mind than electronic bracelets and anklets. They want a "broader" law so they can expand the kinds of electronic devices they can use without identifying which ones they want to implement. It's a legislative reality that broader laws are written to allow actions that wouldn't pass a "smell test" if the true result were known.

**Question:** Could it be that the real goal of such a bill is to pass a law that could be "tweaked" in the future to legalize microchip implants for various groups of people, particularly prisoners? Already, the United Kingdom has a mandatory program to implant RFID chips in prisoners and Georgia's House Judiciary subcommittee chaired by Representative Jacobs recently tabled H.B. 38, because it required personal consent before a microchip could be implanted in the person's body.

**Five groups Representative Lindsey wants to implant:** The primary objector to H.B. 38 was Representative Ed Lindsey who quickly cited five groups of people he wants implanted with microchips – law enforcement personnel, senior citizens with Alzheimer's disease, prisoners who are flight risks, pedophiles on probation and mentally handicapped individuals. He blithely cited that list with a total disregard for the constitutional rights of those people.

## *Human Embryo Protection Bills May Pass This Session*

**S.B. 169** passed the Senate 34 – 22 late on cross over day (30th day of session), making it illegal to create or attempt to create an in vitro human embryo by any means other than fertilization or sperm injection of a human egg by a human sperm. It also restricts its use to its transfer into the uterus of a human female to treat infertility. It has not been assigned to a House committee, yet.

**H.B. 388**, the "Option of Adoption Act," passed the House 96 – 66 on cross over day and a vote to reconsider failed 67 – 93. It's been assigned to the Senate Judiciary Committee, which you may contact with the numbers listed under S.B. 255 on page 2.

## *Peanut Butter!*

"Georgia peanuts are safe. Georgia peanut butter is safe. My children have continued to eat peanut butter and I'm confident in their safety. However, we as a legislature have recognized the need to strengthen Georgia's food safety laws. To that end, we passed the Food Safety Testing, Reporting & Record Keeping bill, which imposes stricter guidelines on food testing for processing plants in response to the nationwide salmonella outbreak linked to a peanut butter plant in Blakely, Georgia.

"The bill primarily requires processors to give the Department of Agriculture access to their testing results without having a warrant. Processors are already testing on a regular basis (more than once a year); this bill encourages more reporting and access to the facilities. The lack of reporting and recalling products with the contaminated processed peanut butter paste lead to many illnesses and tragedies that could have been prevented. We're working with the Georgia Department of Agriculture in finding balanced solutions to maintaining food safety as well as allowing good businesses to prosper."

*Statement by Senate President Pro Tem, State Senator Tommie Williams, 19th Senate District*

**S.B. 80** introduced by Senators Bulloch, Crosby, Hooks, Tolleson, Hudgens, Sims, *et al* passed the Senate 50 – 3 on February 18th and went into the House Agriculture and Community Affairs Committee that passed it into Rules Committee on March 4th. It adds a new paragraph, plus an extensive new section to the law about adulteration and misbranding of food.

New rules and regulations for testing for contaminants harmful to consumers will be consistent with FDA's Bacterial Analytical Manual. A new food safety plan will include a hazard analysis critical control point, preventive controls, records of corrective actions and plant spot-checks. Food plants will pay for the tests and, within 24 hours, reports of contamination must be sent to the commissioner who will have free access to the plants during regular operating hours.

**Georgia, first in the U.S.** Georgia is the number one peanut producer in the nation, producing 45 percent of U.S. peanuts. In 2008, Georgia produced 2.3 billion pounds of peanuts, compared to 1.6 billion pounds in 2007. Peanut farms number 14,160 and some 250 peanut related businesses provide more than 50,000 jobs in Georgia.

**ACTION – Support. Please ask a member of the Rules Committee to put S.B. 80 on the calendar for a vote on the House floor.** Contact Rules Committee Representatives Ehrhart, Ch., 656-5141; Lunsford, 656-7146; Mills, 656-5099; Hugley & Porter, 656-5058; Barnard, 656-5138; Burkhalter, 656-5072; Casas, 656-0254; Chambers, 656-3949; Channell, 656-7856; Coan, 656-6801; Cole, 651-7737; Cooper, 656-5069; Drenner, 656-0202; Greene, 656-0314; Hanner, 656-7859; Jacobs, 656-0152; Jones, 656-5024; Keen, 656-5052; Lane, 656-5115; Manning, 656-7857; Millar, 656-5064; Morris, 656-0152; Mosby, 656-0287; Parham, 656-0202; Parrish, 463-2247; Randall, 656-0109; Rice, 656-5912; Rberts, 656-5025; Austin Scott, 656-5132; Shaw, 656-7859; Lynn Smith, 656-7149; Vance Smith, 656-7153; Bob Smith, 463-2247; Smyre, 656-0116; Stephens, 656-5122; Len Walker, 656-0152; & Willard, 656-5125.

## *Georgia Congressional Delegation's Plea[1], Drill Here, Drill Now*

*"Exploration and recovery of these resources is critical to our national security and economic wellbeing."*

**January 22, 2009 the Georgia Republican delegation[2] wrote the following to the President:** We write in regards to recent news reports that your Administration is considering ordering a hold on an executive order issued by President Bush to allow offshore drilling in previously banned areas. These same news reports indicate that the Department of Interior will rescind a plan to develop oil shale fields in the western United States. We respectfully write to ask that you not reinstate an executive moratorium on offshore energy exploration and production and that you not rescind the department of Interior plan for oil shale exploration and recovery.

Environmentally responsible offshore oil and natural gas exploration and recovery, as well as oil shale exploration and recovery, are essential components of a comprehensive energy policy that will enable the United States to become energy independent. Exploration and recovery of these resources is critical to our national security and economic wellbeing. We believe allowing for exploration in these areas is also consistent with your priorities of economic growth and environmental protection.

**March 3, 2009 Senators Isakson and Chambliss and 32 other Republicans wrote to him:** Decreasing our nation's dependence on foreign oil was a prominent part of your campaign energy platform and has our full support. In addition to improved energy efficiency and the development of renewable resources, tapping new domestic sources of conventional energy will help relieve stress on family budgets, put Americans to work, and free us from dangerous and unstable foreign regimes. To achieve these substantial benefits, we urge you to limit any delay and complete as expeditiously as possible your Administration's five-year plan for offshore oil and gas development.

Experts have estimated that our Outer Continental Shelf (OCS) contains roughly 100 billion barrels of untapped oil. Combined, production occurring off of our Atlantic, Pacific, Gulf and Alaska coasts could displace OPEC imports for approximately 50 years. These areas also contain tremendous reserves of clean burning natural gas – enough supply to last for decades. Production of these resources will help keep energy prices low for consumers and businesses. Conversely, restricting access will burden individuals and our economy by keeping prices higher than they need to be.

The federal government is responsible for the prudent stewardship of the natural resources that lie beneath our public lands and the OCS. Failure to utilize these valuable resources has left America overly dependent on foreign countries and threatened our energy, economic, and national security. We can no longer continue on this unsustainable path of self-imposed debility.

Decades of experience with modern drilling technology show that it is possible to balance the production of domestic resources and the protection of our environment. An affirmative decision by you not to reinstate the Presidential Moratorium on U.S. offshore oil production, along with your leadership in delivering a new offshore drilling plan in an expeditious manner, will benefit all Americans.

[1] Source: http://chambliss.senate.gov/public/index.cfm?FuseAction=NewsCenter.PressReleases&Con

[2] Signatories: U.S. Senators Isakson and Chambliss, Representatives Kingston, Price, Westmoreland, Gingrey, Broun, Deal and Linder.

## ***Guns***

**Courts.** The Supreme Court in *D.C. v. Heller* ruled that the right to bear arms means to carry them, but opined that federal and state courts have never interpreted it to the carrying of concealed guns. The 1921 North Carolina *State v. Kerner* Supreme Court decision struck that state law requiring a permit to openly carry a handgun, calling it an unconstitutional violation of that state's constitutional right to bear arms.

**Georgia General Assembly.** Representative Tim Bearden of District 68 introduced H.B. 89 in 2008. It passed to repeal Georgia's law against carrying a gun in state parks and airports and in restaurants that serve alcohol. This year he introduced a follow-up bill to coincide with similar bills introduced in South Carolina and Oklahoma, plus those Texas and Arkansas are drafting.

**H.B. 615** introduced March 3, 2009 is Representative Bearden's gun carry bill for this session. This would authorize a person who is licensed to carry a firearm to carry it anywhere in the state, EXCEPT into buildings where a courtroom, jail or prison is located. Also prohibited in those locations would be explosive compounds or knives designed for offense or defense.

This would not restrict weapons entering courtrooms as exhibits in legal proceedings, although they must be secured and handled as directed by the judge or other authorized personnel. The Secretary of State would be authorized to charge $15.00 for a five-year license to carry a concealed weapon and $40.00 for a permanent license. First-time applications and renewals would be available from the Secretary of State or free-of-charge online.

**Question: If returning military personnel receive counseling for war-related anxieties, would they be denied the right to carry a weapon?** The bill states that no permit would be issued a person who has been involuntarily hospitalized as an inpatient in any mental hospital or alcohol or drug treatment center within five years of the date of application.