

Georgia insight

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

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Getting Serious about Questions on November 7th Ballot

This newsletter is designed to stimulate voter thinking about this:

What will or will not happen if each question on the ballot is approved by a majority of voters.

When asked, "Are you going to vote?" most people think only about candidates, but there's much more at stake than who wins which office. Questions are always on the ballot because voters must decide whether some of the bills the legislature passes, actually, become laws.

Let me explain. Although our state representatives and senators pass legislation that would *change the state constitution*, (a) the constitution, itself, requires voters to have the last word on whether to amend it. In addition to that, (b) voters must approve or reject referenda questions meant to *change certain local or state laws* in the Official Code of Georgia.

Proposed amendments to the *Constitution of the State of Georgia* are about matters that affect the entire state, but referenda questions are different. Some of them apply to local government only, while others change state laws, depending on the language of each bill.

Nine questions will be on the November 7th ballot. Three ask voters to decide whether to amend the state constitution as proposed in three bills. The other six questions ask voters to decide whether to amend certain laws in the Official Code of Georgia.

Last month's newsletter asked whether you want to "reduce someone's taxes." The usual knee-jerk, sympathetic vote would most often prompt a YES because we're all taxed to the gills.

But, set aside all sympathetic and empathetic reactions and consider the hard facts.

H.B. 81 asks two questions about homestead tax exemptions. As you read the first question, please note that this benefit would *not* be based on the survivor's financial need for homestead exemption. It's an across-the-board perk based on the occupation of the person who died. Does selecting only those jobs for special benefits minimize the value of other workers in dangerous occupations? Are spouses of police and fire fighters more deserving than surviving spouses of employees killed on other jobs? If this passes, how much would ad valorem taxes increase for other property owners that must take up the slack?

Question: Shall the Act be approved which provides a homestead exemption for the full value of the homestead with respect to all ad valorem taxes for the unremarried surviving spouse of a peace officer or firefighter who was killed in the line of duty?

H.B. 81 also asks voters to decide whether to prohibit increased tax assessments for the homes of certain surviving spouses, unless they vacate the premises.

Question: Shall the Act be approved which provides that, with respect to base year assessed value homestead exemptions, the surviving spouse of a deceased spouse who has been granted such a homestead exemption shall receive that exemption at the same base year valuation that applied to the deceased spouse so long as that surviving spouse continues to occupy the home as a residence homestead?

Think, Think, Think

If some get tax breaks, how much will taxes be raised for the people who don't?

H.B. 173 expands ad valorem tax exemption for veterans' organizations to include facilities to refurbish, make airworthy and operate historic military aircraft. Current tax exemptions cover only property for headquarters, post home or similar facilities for veterans' organizations.

How many organizations restore and operate historic military aircraft? Should tax-payers fund such businesses? Would other taxpayers have to pay more to take up the slack?

Question: Shall the Act be approved which expands the ad valorem tax exemption for veterans organizations to include certain additional nonprofit veterans organizations which refurbish and operate historic military aircraft for educational purposes?

H.B. 203 expands the ad valorem tax exemption for farm equipment. Will this help small family farms stay in business or is it, specifically, tailored to benefit large operations?

Question: Shall the Act be approved which expands the ad valorem tax exemption for agricultural products and equipment to include certain additional farm equipment held under a lease purchase agreement?

H.B. 848 requires in-depth discussion. Some years ago, a Hollywood actress bought Braselton, Georgia and later sold it. But, suppose she had been a charitable organization that bought every building in town, became the sole employer, used every public service, but hired only a few town residents. The majority of the town's employees commuted from neighboring "bed-room" communities outside the city limits. So, they paid no property taxes in Braselton.

If the question below had been the law and a charity had bought the town, everything in it would've been tax exempt and, after expenses, all profits could've been siphoned from the town and given to charity. No taxes would've been collected and the town would go broke.

Given such a scenario, who would have paid for Braselton's government, public schools, police force and fire department? Would the few workers that lived in Braselton be stuck with outrageously high taxes? Shouldn't the question below be defeated until restrictions pass?

Question: Shall the Act be approved which grants an exemption from ad valorem taxation on property owned by a charitable institution which generates income when that income is used exclusively for the operation of such charitable institution?

H.B. 848 is much more reasonable. It requires voters to decide whether to authorize *state homestead tax exemptions* for persons 65 or older. The exemption would apply only to their primary residence and as much as ten contiguous acres of land. It doesn't change local taxes.

Question: Shall the Act be approved which provides a homestead exemption for senior citizens in an amount equal to the actual levy for state ad valorem tax purposes on the homestead?

Except for the homestead exemption for everyone age 65 or older, all of the above tax breaks are limited to special groups of people, regardless of income. Wouldn't across-the-board tax cuts for everyone be the way to make more friends and influence more voters?

Proposed Constitutional Amendments for November 7th

S.R. 67 adds the following paragraph to the *Constitution of the State of Georgia*:

“Paragraph XXVIII. **Fishing and hunting.** The tradition of fishing and hunting and the taking of fish and wildlife shall be preserved for the people and shall be managed by law and regulation for the public good.”

Is there a threat to individuals’ freedom to hunt and fish? Is there an effort to control or commercialize these particular activities? Would passage of this amendment give the state all fishing and hunting license fees? Would a new agency be created to handle this change?

Question: Shall the Constitution of Georgia be amended so as to provide that the tradition of fishing and hunting and the taking of fish and wildlife shall be preserved for the people and shall be managed by law and regulation for the public good?

H.R. 1306 does not adequately protect private property rights and should be rejected. A local official speaking in favor of unlimited eminent domain power asked, “Should any *one* person hold up the city’s planned revitalization?” Turn that around and ask this question: Is a city’s plan to revitalize so important that a person’s right to keep his own property can be trampled?

Simply put, that’s the issue voters will decide. Shall the constitutional right to be secure in one’s own property become secondary to the plans of community, city and state designers?

Until the 2005 U.S. Supreme Court decided the *Kelo* case, individual property owners were more secure in their property than they are now. In that decision, the U.S. Supreme Court gave government complete control of all property, allowing officials to decide which property individuals can keep and which property government can take for whatever purpose.

The Senate Eminent Domain and Economic Development Study Committee held hearings throughout the state in 2005 in order to recommend ways to protect private property. In 2006 the committee reported that (a) eminent domain should be used only for traditional public purposes as intended by the Fifth Amendment. (b) In areas where blight is a concern, it recommended the use of Georgia’s Nuisance Abatement Code, not eminent domain that sidesteps due process laws designed to protect property owners. (c) Where crack houses are a problem, law enforcement is already authorized to confiscate property used to commit crimes.

Although H.R. 1306 eliminates the use of eminent domain by *non-elected* folks, it leaves such power in the hands of elected officials. By doing so, it defies committee recommendations and other bills introduced in 2005 to protect private property rights over government’s right to *take* private property. The governor’s staff ignored committee findings and rewrote the bills so property can be taken, sold to developers and transformed into more lucrative uses, if elected officials decide to do so. Private owners will get a raw deal so government can grow.

H.R. 1306 authorizes property to be taken for economic development, in addition to the traditional use for government buildings, roads and bridges. The phrase “as defined by general law” authorizes the General Assembly to change what the term “public use” includes.

Question: Shall the Constitution of Georgia be amended so as to prohibit the use of eminent domain by certain nonelected authorities and to prohibit the contested use of eminent domain except for public use as defined by general law?

More Food for Thought

Should government be the broker for charities and their contributors?

H.R. 1564 authorizes (a) 30 special motor vehicle license plates for (b) optional purchase at an additional cost of \$25, a portion to go to the designated fund. (c) The revenue will never go into the state's general treasury and (d) a minimum of 1,000 of the same design must be bought before it's manufactured. (d) Changes in this law must pass by two-thirds' majority.

Question: Will more government workers be needed to collect and disburse the funds?

Special license plates and recipients of funds from their sale:

1. *Georgia Center for the Book*, to the Center to purchase books for Georgia public libraries
2. *Children's Healthcare of Atlanta*, to fund the pediatric hospital system
3. *Georgia War Veterans Nursing Home*, funneled into Dept. of Veterans Service for the Home
4. *Georgia Automobile Racing Hall of Fame Assn.*, to preserve the Association's history
5. *Alzheimer's Association, Georgia Chapter*, to the Association for research and enhanced care
6. *School Health & Physical Education*, to the Department of Education
7. *Stroke Awareness*, disbursed to the Center for Telehealth of the Medical College of Georgia
8. *Project Lifesaver*, disbursed to Department of Public Safety, for Alzheimer's victims that get lost
9. *Cure Kids' Cancer*, disbursed to Department of Community Health for Indigent Care Trust Fund
10. *Support Improved Child Care*, to Minority Alliance for Child Care Development Advocates
11. *In God We Trust*, disbursed to the Boy Scouts of America for development of scouting programs
12. *Prevent Child Abuse*, to Foster Family Foundation of Georgia for victims of child abuse
13. *Thanks Mom and Dad Fund*, to Department of Human Resources for needs of older population
14. *Pediatric Cancer Research*, to Joanna McAfee Childhood Cancer Foundation for research
15. *Keep Cobb Beautiful*, to Keep Cobb Beautiful, Inc. for Cobb County beautification projects
16. *AIDS Survival Project*, to AIDS Survival Project to provide support to HIV-infected people
17. *Support Our Troops*, to Georgia Support Our Troops, Inc.
18. *Sons of Confederate Veterans*, disbursed to Georgia Sons of Confederate Veterans
19. *Lou Gehrig's Disease (ALS)*, to ALS Association of Georgia for research and education
20. *Foster Parents in Georgia*, to Adoptive and Foster Parent Association of Georgia, Inc., for support
21. *Atlanta Braves Foundation*, to Department of Community Affairs to support Braves Fdn. charities
22. *Atlanta Falcons Foundation*, to Department of Community Affairs to support Falcons charities
23. *Georgia Beautiful Foundation, Inc.*, for beautification projects in Georgia
24. *Choose Life*, to Choose Life of Georgia, Inc., for counseling women to consider adoption
25. *Maritime History of Georgia's Coast*, to Georgia Maritime Foundation, Inc., for education projects
26. *Brain-Related Disorders*, to Pilot International, for programs about brain-related disorders
27. *Georgia Agriculture*, to Georgia 4-H and Future Farmers of America to promote agriculture
28. *Georgia Equine Industry*, to Agricultural Commodity Commission for Equines, promotions
29. *African American History and Tourism*, to organizations preserving that history in Georgia
30. *Bronze Star Veterans*, to the National Guard Family Foundation

Question: Shall the Constitution of Georgia be amended so as to authorize the General Assembly to provide for special motor vehicle license plates and dedicate the revenue from such plates for stated purposes, including dedications for the ultimate use of agencies, funds, or nonprofit corporations where it is found that there will be a benefit to the state?

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