

## A View from the House

By Representative Doug Holt

Last week, the flow of Senate bills coming up through the House committee process grew from a trickle to a steady stream, with 58 bills and resolutions considered.

SB 238 provides immunity from civil liability to individuals or organizations only providing financial support to charitable fundraising events. It is intended to promote charitable giving by removing any fear of being pulled into a lawsuit if something goes wrong at an event. This immunity is only for strictly financial contributions, however. Supporters who are involved in organizing or running an event can still be held liable, as well as those whose donations are non-monetary (event locations, products, food and beverages or labor). I thought this was a very reasonable protection, and so did the rest of the House. We passed the bill unanimously.

SB 454 requires State Patrol vehicles used for traffic law enforcement be clearly marked to make their purpose obvious. Even the notorious "unmarked" cars will now have to have very clear, six inch high "State Patrol" lettering on them, though each State Patrol post will be allowed to raise the number of such cars from a maximum of two to five. I thought this was a good protection from "speed traps", nicely balanced by the increase in the number of allowed lettered, though otherwise unmarked cars. I voted yes, and the bill passed by 158 to 1.

SB 396, modeled on Florida's "Castle Doctrine" law, provides that someone who is attacked has no duty to retreat, and has the right to meet force with force – including deadly force (firearms). The bill grants individuals acting under this provision immunity from prosecution. I voted yes, and the bill passed by 115 to 42.

Probably the most significant bill of the week was SB 529, which is a major effort to deal with the illegal alien problem. I have had many discussions with folks in this district on the issue, and while people clearly want something done (to the extent the state can do something, since this is mainly a federal problem), they don't want drastic measures that will damage Georgia's economy. The House amended the Senate version extensively, and achieved what I consider to be a pretty reasonable middle ground. While the bill deals with several peripheral aspects of the problem, some of which are designed to create an incentive to become "legal", I'm going to concentrate on the key provisions, in the interest of being to the point.

The key parts of the bill deal with employment of illegal aliens, and denial of public services to them. First, employers are given a grace period on illegal employees, extending through the end of 2007. After that, they will have to verify citizenship or lawful presence of job applicants. A firm hiring a sub-contractor will not be required to verify that the sub-contractor's employees are legal. There will be an Internet based service for performing verification, set up by the state and federal governments. This online verification system will be designed so that checks can be done in a matter of a couple of minutes. State and local government will be subject to these requirements, just like private enterprise. If an employer still hires someone who can't prove citizenship or legal presence, then that employer will only be allowed to deduct the first \$600 of payroll for each such individual on state income tax returns. Since even low paid illegal workers still earn a lot more than that, this will put a significant disincentive on hiring them.

The public service denial provisions will kick in on July 1<sup>st</sup>, 2007. Anyone 18 or older will have to demonstrate lawful presence to be able to receive such services. Note that this means that children will be exempted – the logic behind this being that children a) can be easily assimilated into the "melting pot", becoming American in their habits, whether they ultimately stay or go, and b) they did not make the choice of coming or being born here. Some other exemptions are: emergency medical treatment (which, if they can't pay, can be covered by the wire transfer tax I mentioned in an earlier column); non-cash disaster relief; immunizations that would protect public health in Georgia; short term aid and crisis counseling, in which only non-cash assistance is

provided; prenatal care (facing the fact that children born with preventable ailments would be a more significant drain on state resources); and post secondary education (in recognition of federal requirements). I can't say as I agree with all of these, but they were necessary compromises to pass the bill.

Finally, any illegal alien who falls into our penal system must be reported to the federal government. This is in (hopeful) anticipation of federal action, which would deport, or otherwise handle illegals. In other words, if we have them in custody, we want to be sure the feds know.

While this is far from a perfect bill, and will displease many on both sides of the issue, I felt it was still a good enough compromise that we should go forward with it and do something, rather than nothing. I voted yes, with the bill passing by solid majority of 123 to 51.

SB 285 was an interesting bill because it is a clarification and repeal of obsolete, or federally superceded law concerning railroads. I had the opportunity to work on this bill in the Rail Subcommittee of Transportation. It was a fascinating exercise to examine archaic laws, most of which had last been applicable almost a century ago. Our present rail code has a lot of provisions dealing with trains killing livestock (from days before most fields were fenced); a number of specific instructions on the operations of trains that apply to old style steam engines, or have been rendered pointless by modern technology; and a several stipulations about how rail corporations can be formed and operated (now superceded by general federal and state corporation law. The goal of the bill is to make the reading of Georgia rail code clear and applicable to the modern day. I think a good "housecleaning" of code sections is quite sensible. We have far too much regulation in many areas as is. Obviously, I voted yes for this bill all the way from Subcommittee to the House floor vote. It passed unanimously.

For reference: bills and live session and committee video are online at [www.legis.state.ga.us](http://www.legis.state.ga.us).  
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