



The State Senate

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UPCOMING ISSUES FOR THE 2006 LEGISLATIVE SESSION

This document is a report of selected issues that are likely to be addressed during the 2006 Session of the Georgia General Assembly, and is solely intended to provide a general overview. This document also contains an index of pending legislation. If more information on a particular area of interest is needed, please contact the Senate Research Office.

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APPROPRIATIONS

REVENUES

For the first four months of the 2005 State Fiscal Year July 1, 2004 through October 31, 2004, state revenues were \$4.7 billion and for the same period of the 2006 Fiscal Year, July 1, 2005 through October 31, 2005, revenues were \$5.2 billion, a 9.4 percent increase. Each of these four months of Fiscal Year 2006 had positive revenue growth. The 2006 State Fiscal Year budget is based on a state fund revenue estimate of \$17.4 billion. This amount includes several state fund sources not collected by the Department of Revenue. Approximately \$1.5 billion of the state fund revenue estimate is collected by other state agencies, including: lottery receipts; tobacco settlement funds; and, insurance premium taxes. Accounting for these differences, a comparable amount between the state budget and monthly amounts reported by the Department of Revenue is \$15.9 billion. The State Fiscal Year 2006 budgeted revenue amount is \$1 billion more than the previous State Fiscal Year 2005 budgeted revenue amount, a 7 percent increase.

MAJOR REVENUE CATEGORIES

The impact from the suspension of the State Motor Fuel Taxes after Hurricane Katrina was estimated to have been \$66 million. The actual decrease, as compared to October 2004, was \$56 million. Motor fuel taxes account for 4.5 percent of all revenue collected by the Department of Revenue.

Corporate income taxes have increased 78 percent for the first four months of the year, or \$266 million, with \$40 million coming from the WorldCom litigation for tax evasion. Corporate taxes account for 5 percent of all revenue collected by the Department of Revenue.

Individual income taxes account for 49 percent of the state's revenue and this category of revenue was up 9.5 percent for the first four months of the 2006 State Fiscal Year. Sales and use taxes account for 36 percent of total revenues and were up 8.7 percent for the first four months of the 2006 State Fiscal Year. The estate tax category continues to decline due to the phase out of the federal credit on which the tax is based.

RESERVES

House Bill 509 from the 2005 Legislative Session changed how the revenue shortfall reserve account is maintained. The maximum reserve allowed is 10 percent of net revenue collections. As of June 30, 2005, the maximum reserve is \$1,581,399,667 and the actual reserve is \$381,147,634. Of this amount, \$158,139,967 can be used for K-12 needs in the amended 2006 budget, which will be determined in the 2006 Legislative Session.

EDUCATION

The proposed mid term adjustment for Quality Basic Education (QBE) is \$120 million in the amended Fiscal Year 2006 budget to account for growth in student population. The \$120 million does not include the influx of some 10,000 students from those areas affected by Hurricane Katrina.

In its budget request for the Fiscal Year 2007, the Department of Education requested that the QBE formula increase by \$10.3 million for staff development and for additional instructional resources for students in middle grades who score at level 1 (does not meet minimum level of proficiency) in the Criterion-Referenced Competency Test in reading and math.

The total calculated amount for the QBE in the Fiscal Year 2006 budget is \$7,010,921,387. Of this amount, the state share is \$5,675,445,004. Unrestored austerity reductions are approximately \$370 million.

HUMAN RESOURCES

The Department of Human Resources is concentrating on two main strategies in their Fiscal Year 2007 budget: moving those with mental illnesses into the community and

helping families become self-sufficient and healthy. Mental health is helping the transition to community settings by adding slots for community placements and closing buildings at some of the state's hospitals. The Division of Family and Children's Services (DFCS) is seeking to increase resources to make it easier for parents to find and keep employment. DFCS is also seeking to increase their resources so that children in destructive circumstances are discovered quickly and, if removal is necessary, their trauma is minimized. The total Fiscal Year 2007 budget request for the Department of Human Resources is \$2,860,795,915, with \$1,346,192,495 composed of state funds. In state funds, this is an increase of \$28.2 million.

TRANSPORTATION

Due to the expiration of the six-year federal *Transportation Equity Act for the 21st Century* (TEA-21), the Department of Transportation (DOT) is requesting \$11.4 million in motor fuel funds to match \$51.9 million in federal funds for the new six-year Surface Transportation Bill called the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users* (SAFETEA-LU). The previous Act, TEA-21, was signed into law on June 9, 1998, and Congress authorized nearly \$218 billion nationally in federal funding for highway, highway safety, and transit programs. SAFETEA-LU increases the total amount of Federal Administration (FHWA) funds DOT will receive by \$51.9 million for a total of \$63.3 million. With SAFETEA-LU, Georgia's goal will be to improve safety, reduce traffic congestion, improve efficiency in freight movement, increase intermodal connectivity, and protect the environment.

The federal funds Georgia receives from SAFETEA-LU is a 82/18 percent federal/state match with a return of 92 percent for every Highway Account dollar sent to Washington for the Highway Trust Fund. This represents an increase from the 80/20 federal/state match and return of 86 percent of every Highway Account dollar sent to Washington for TEA-21. The fund is built around the proposition that states pay for the transportation system through the collection of a federal per gallon motor fuel tax. FHWA then uses a formula, based on need, to redistribute the funds. Georgia historically has received less than the amount it has contributed.

MOTOR FUEL TAX COLLECTIONS

The state had budgeted \$790 million in motor fuel projects for Fiscal Year 2006, with a carry over of \$60 million in surplus collections from Fiscal Year 2005. DOT expects to expend the total of \$850 million in this Fiscal Year. Should motor fuel tax collections be under \$850 million, the remainder would have to be made up in state general funds.

CORRECTIONS

The Georgia Department of Corrections ranks as the 6th largest prison system in the United States. The Department of Corrections is responsible for nearly 50,000 inmates with an average cost per offender per year of incarceration totaling \$17,332 or \$47.49 per day. Additionally, 134,000 probationers are overseen by the Department of Corrections. In order to maintain and staff facilities for the inmate and probation population for the State Fiscal Year 2007, the Department of Corrections requested a budget of \$927,228,065. This request includes an increase of \$37,080,639 in order to: raise the jail subsidy amount to aid the increasing problem of jail backlogs; provide for the rising healthcare costs as a result of the aging inmate population; cover a utilities deficit; and, open an additional substance abuse treatment facility. Additionally, the Department of Corrections has submitted four off-line requests for a total of \$4,873,132, which includes funding to: reduce the MCG lapse; meet the non-fat dairy milk requirements; purchase ballistic vests for current and new cadets; and, to annualize the private prison CPI. There are two possible pay raise options which include: a 2.5-5 percent pay raise for correctional officers totaling \$13,941,317; or a 5 percent pay raise across the board for all Department of Corrections staff totaling \$25,872,024.

HIGHER EDUCATION

Earlier this year, the Board of Regents of the University System of Georgia (BOR) was appropriated \$4.4 billion for the instruction of 253,552 students in colleges and universities across the state; and for the operations of the central office and various other organized activities. The total budget request for BOR in Fiscal Year 2007 is

\$4,616,079,355, of which \$1,889,105,446 is state funds. This is an increase of \$149,713,500 from Fiscal Year 2006, of which \$86,790,302 was state funds. Of the additional amount being requested in state funds, formula funds account for \$55 million while \$16 million is for pay raises. In addition, \$4.6 million is being requested for various programmatic purposes. These funds will fund the BOR and the University System's 24 programs and 37,900 employees.

The Department of Technical and Adult Education (DTAE) was appropriated \$396 million for Fiscal Year 2006 for the instruction of approximately 147,000 Georgians. The total budget request for DTAE in Fiscal Year 2007 is \$406,864,857, of which \$331,117,740 is state funds. This is an increase of \$10,539,939 in state funds from Fiscal Year 2006. Of the additional amount being requested in state funds, \$8.6 million will correct a payroll error from FY 2005, while \$1.9 million is for pay raises. These funds will fund DTAE's four programs and 3,506 employees.

AGRICULTURE AND CONSUMER AFFAIRS

NUISANCE LAW

On September 7, 2005, the "Right to Farm" case was heard by the Georgia Supreme Court. On appeal, the court is considering whether buildings, such as poultry houses, could be considered a "nuisance" to surrounding property owners.

Senate Bill 26, currently pending in the House Judiciary Committee, deals specifically with this issue. The definition of "agricultural facilities" is amended so as to exempt facilities used for the production or processing of poultry by-products and meat by-products from being considered a nuisance. Legislation may be introduced in the 2006 Legislative Session depending on the decision rendered by the Georgia Supreme Court.

CONSUMER INFORMATION

Senate Bill 230, which passed in the 2005 Legislative Session, requires information brokers to give notice of a breach of their security system to any resident of the state whose personal information was acquired by an unauthorized person. An information broker is a person or entity who, for a monetary fee, furnishes personal information to nonaffiliated third parties. Legislation may be introduced in the 2006 Legislative Session requiring other entities, including government agencies and credit card issuing companies, to notify consumers of a breach in their security systems.

BANKING AND FINANCIAL INSTITUTIONS

TITLE PAWNS

Lawmakers are considering legislation to regulate the title pawn industry. The Senate Banking and Financial Institutions Committee and the House Banks and Banking Committee held hearings over the summer to discuss the title pawn industry and the high interest rates that title companies and operators can charge consumers. The committees heard from title pawn lenders, consumers, and lobbyists. The title pawn industry serves consumers who need quick and easy access to cash, but may not be able to receive a loan from a bank. A consumer transacts with a title pawn lender to receive access to a loan in exchange for such consumer's vehicle title. In order to regain possession of their vehicle title and avoid the actual repossession of their vehicle, a consumer must repay the loan and the high interest accrued according to tightly drawn repayment terms. Currently, there are several legislative bills pending that would lower the interest rate a title pawn lender could charge, and require title pawn lenders to refund to the consumer any money left over from the sale of his or her reposed vehicle.

EDUCATION

WRITTEN NOTIFICATION OF STUDENT PARTICIPATION IN SCHOOL CLUBS AND EXTRACURRICULAR ACTIVITIES

Parental permission for student participation in school clubs and extracurricular activities was introduced during the 2005 Legislative Session as Senate Bill 149 and is currently in the Senate Education and Youth Committee. This legislation requires that prior to a student joining a school club or participating in an extracurricular activity, a parent must sign a permission slip each year, listing a description of the club, the advisor, and planned activities of the club.

Subsequent to the 2005 Legislative Session, this issue was considered by the Georgia Board of Education (Board). At the Board's June 14th meeting, advocates and opponents of the proposed legislation were heard by members of the Board regarding this issue. The Board later voted in a 10-3 decision not to support a rule change that would have allowed local school systems to determine their own way of obtaining parental permission; and it would have required local school systems to notify parents of the clubs and extracurricular activities offered at their child's school.

IMMIGRATION REFORM

During the 2005 Legislative Session, Senate Bill 171 was introduced to prevent non-U.S. citizens or nationals, non-immigrant status aliens, and illegal aliens from being allowed to enroll or otherwise pursue an accredited course of study at an institution within the University System of Georgia (System).

Senate Bill 368 was filed prior to the beginning of the 2006 Legislative Session and counters Senate Bill 171 by providing the Board of Regents with exclusive authority to establish admission and residency requirements for schools within the System.

Additionally, Senate Resolution 640 urges Congress and the President to pass comprehensive immigration reform to protect our homeland, secure continued economic development, and protect the rights of all immigrants.

ETHICS

House Bill 48 passed in the 2005 Legislative Session. This legislation expanded the scope of the "Ethics in Government Act" by providing for additional enforcement mechanisms and requiring additional disclosures by state officials and lobbyists to the State Ethics Commission. This legislation did not require lobbyists to pay registration fees to the State Ethics Commission. The Legislature may address this issue in the 2006 Legislative Session.

FINANCE

AD VALOREM TAXATION

Several bills remain before the Senate Finance Committee. They include bills that call for a constitutional amendment to authorize a maximum amount of ad valorem property taxation for single-family, owner-occupied homes to be set at \$25,000 and an increase for the exemption for tangible personal property from \$7,500 to \$10,000.

Additionally, there is legislation pending allowing for the transfer of a homestead exemption's base year assessed value to a qualified surviving spouse; and an exemption from ad valorem property taxation for properties owned by qualified non-profit organizations whose property is used primarily for veteran-related purposes.

Legislation may be introduced that authorizes an exemption from the state sales tax for energy consumed in manufacturing, and legislation that would limit the growth of the state budget to a formula based on inflation plus population, similar to the Taxpayer's

Bill of Rights (TABOR) in Colorado. Finally, there may be legislation introduced seeking a constitutional amendment that would require a supermajority vote to increase tax rates.

HEALTH AND HUMAN SERVICES

SCOPE OF PRACTICE ISSUES

During the 2006 Legislative Session, Scope of Practice issues will be debated for several professions, including: certain prescriptive rights for nurse practitioners and optometrists; and MRI services by chiropractors.

INSURANCE AND LABOR

THE INSURANCE PREMIUM TAX

Traditionally, insurance companies are taxed on the premiums they write. Georgia's insurance premium tax rate is currently one of the highest in the nation and over twice the national average. The revenue from the premium tax has proven to be a great windfall for the state and local governments in Georgia. In 2003 alone, the premium tax generated over \$297 million for the state and over \$327 million for local governments. All state revenue collected from the premium tax is deposited in the state's general fund.

Tax Rate and Structure

The structure of the insurance premium tax in Georgia is quite simple, and since 1955, there has been no change to the premium tax rate or to the tax base. The tax base is the gross direct premiums received on policies issued in Georgia. Georgia's tax rate is 2.25 percent. The state also collects an additional tax on premiums and disburses it to local governments. These local taxes are an additional 1.0 percent of the life, accident and sickness, and HMO premiums, and 2.5 percent of property and casualty premiums. Therefore, the true tax rate on property and casualty premiums is 4.75 percent while life, accident and sickness, and HMO premiums are taxed at 3.25 percent.

Retaliatory Tax

Authorized under O.C.G.A. § 33-3-26, the retaliatory tax essentially penalizes a company domiciled in a state with a premium tax rate that is higher than that of Georgia. Likewise, a Georgia company writing policies in a state with a premium tax rate lower than Georgia's will have to pay the computed difference to that particular state. For example, if a Tennessee property and casualty company writes a policy in Georgia, it pays Georgia's 4.75 percent tax. If a Georgia company sells a policy in Tennessee, which has 2.50 percent rate, Tennessee collects its 2.50 percent plus the 2.25 percent difference from the Georgia-based company. In the simplest of terms, a Georgia-based insurer writing policies in any state with a lower insurance premium tax than Georgia's, will always have to pay Georgia's 4.75 percent rate.

Possible Action

The reduction or eventual elimination of the state's portion of the premium tax would significantly reduce a Georgia-based insurer's burden of paying the retaliatory tax when writing in other states. A reduced tax would also encourage new insurers to move to Georgia while preventing Georgia-domiciled companies from relocating to other states. Finally, a reduced tax would benefit the consumer by lowering insurance premiums.

HEALTH INSURANCE HIGH RISK POOLS

Currently pending in the Senate Insurance and Labor Committee, Senate Bill 218 seeks to establish the Georgia Health Insurance Risk Pool. Thirty-two states presently operate high-risk pools that offer health insurance coverage to uninsurable residents whom private insurers might turn down because of their health status.

Cost To Purchase a Policy Through a High-Risk Pool

High-risk pool premiums are always more expensive than coverage sold by private insurers, because states set premiums at some multiple of average private plan premiums. In most state high-risk pools, premiums are 1.5 to 2 times higher than those charged by private insurance companies.

Financing High Risk Pools

Generally, establishing a solid financing mechanism is the greatest obstacle when maintaining a high-risk pool. Of the possible funding mechanisms studied, the most likely options for funding a high-risk pool in Georgia are: (1) an assessment on all health insurance carriers in the state, based on the number of people each carrier covers, or (2) utilizing the state portion of the insurance premium tax.

EXPLANATION OF BENEFITS

An Explanation of Benefits (EOB) is a statement from an insurance company to the insured determining how the insurance company has paid claims. Since there is neither a standard doctor's office billing statement nor a standard insurance EOB, it can take time and patience for the insured to understand what is being explained. An EOB from an insurance company can be highly confusing, and often the insurance company does not explain how it calculated its figures, which makes it difficult for the insured to determine what is owed.

Senate Bill 298 and House Bill 908, which are pending before the General Assembly, authorize the Commissioner of Insurance to establish by rule or regulation a standard or uniform explanation of benefits form to be supplied by insurers to their insureds, for the purpose of paying or resolving claims filed under policies or contracts of accident and sickness insurance. This authorization also applies to managed care plans, the state health benefit plan, and the Board of Regents' health plan.

The rule or regulation must, at a minimum, require the EOB form to be easily understood by a reasonable consumer and to contain:

1. The amount of the claim to be paid by the insurer or plan;
2. The amount of the claim to be paid by any other person;
3. The amount of the claim for which the insured, beneficiary, claimant, or enrollee is personally responsible; and
4. Any additional information deemed by the Commissioner to be necessary to reduce confusion and promote the prompt payment and adjudication of claims.

UNEMPLOYMENT INSURANCE PROGRAM

Unemployment insurance (UI) pays temporary cash benefits to workers who have lost jobs through no fault of their own. Weekly benefits replace a percentage of lost wages up to a ceiling.

The UI system is administered as a federal-state partnership. To finance the program, the state levies and collects payroll taxes from employers. The state undertakes most UI administrative activities related to both paying benefits and collecting from employers the payroll taxes that support the program. The funds collected are managed in a trust fund administered by the federal government. Some of the specific issues the legislature may address in 2006 concerning the unemployment insurance program include:

- 1) The UI system operates counter-cyclically, paying out benefits during recessionary times and collecting revenue during recovery times. Is there a better alternative to this pattern which would provide for a more stable trust fund balance in times of recession and recovery periods?
- 2) How many months' worth of benefit payments should Georgia's UI trust fund maintain to provide an adequate reserve of money available to be paid as benefits?

- 3) What is the ratio of Georgia's UI trust fund balance to Georgia's annual total wages in covered employment that would fund an adequate reserve?
- 4) Is Georgia's UI experience rating system and benefit financing model sound and sustainable? Should the system and the model be amended or revamped?

JUDICIARY

EMINENT DOMAIN

The exercise of eminent domain and use of condemnation proceedings by government and its entities has long been held as a reasonable means to provide for public projects for use and enjoyment by the public at large; however, the June decision by the United States Supreme Court of Kelo v. City of New London dramatically broadened the traditional scope for takings under eminent domain. The Kelo Court held that under Connecticut law, the City of New London could take privately held residential and commercial property for an economic development project to be ultimately leased and owned by other private entities. During the 2005 General Assembly Session, Senate Bill 86 was considered. It will likely be debated whether a public purpose may be construed to include the exercise of eminent domain solely or primarily for the purpose of economic development. This debate would likely include limiting the exercise of eminent domain for the purpose of transferring, leasing, or allowing the use of the condemned property to a private entity in an attempt to expand the tax base, to increase the taxable value of the property or to promote economic development.

INVERSE CONDEMNATION

Inverse Condemnation involves situations where the government over-regulates a piece of property to the point that the owner can no longer use his or her property for its current or desired use. In such a case, the government may have "taken" the property without having paid the constitutionally-required just compensation. Other states have enacted legislation providing relief, or payment of compensation, when a new law, regulation, or ordinance of the state unfairly affects private property. Pending Senate Bill 30 addresses this issue by allowing a property owner to bring an inverse condemnation proceeding seeking just compensation.

Senate Resolution 457 created the Senate Inverse Condemnation Study Committee to determine whether additional general laws relating to the regulation of inverse condemnation are needed to protect private property rights. The Legislature is expected to address this issue in the upcoming session. The Committee will likely produce a report of its findings with legislative recommendations.

JUVENILE LAW COMMISSION STUDY COMMITTEE

In 2004, a Carroll County eight-year-old was found strangled to death by a twelve-year-old. The assailant was ordered to serve at least one year in a residential psychiatric treatment facility. Under current law, a juvenile under the age of 13 convicted of murder can receive no more than two years of restrictive confinement. An additional two years may be added by a juvenile court judge at the request of the Department of Juvenile Justice, after the initial two-year sentence is served.

As a result of this tragic incident, the Juvenile Law Commission Study Committee (Committee) was formed to examine and discuss the Juvenile Code and its procedures in order to determine what revisions to the Juvenile Code are necessary and desirable. Most likely, legislation will be an outcome of the Committee, along with a Final Report with recommendations addressing the rewrite of the Juvenile Code.

Possible legislation may reduce the minimum age limits in felony acts and modify the restrictive confinement sentences by juvenile court judges. Specifically, the definition of a "designated felony act" would include certain crimes committed by a child under the age of 13. Additionally, a juvenile court judge may order restrictive confinement for a child at least ten years of age for no more than 60 months if found to have committed a

designated felony act. After the five-year sentence and a hearing, the juvenile court judge may have the option to extend restrictive confinement up to the child's twenty-first birthday.

LEGISLATIVE OVERSIGHT OF THE PUBLIC DEFENDERS STANDARD COUNCIL

The 2003 General Assembly passed the Georgia Indigent Defense Act of 2003. The Act created the Georgia Public Defenders Standard Council. The Council is mandated to submit an annual proposed budget to the Judicial Council of Georgia, as well as draft operating standards to fulfill its responsibility to ensure that adequate and effective legal representation is offered to all qualified indigent defendants. The Legislative Oversight Committee is required to determine which, if any, of these standards give rise to a fiscal impact, and it must submit a report of its findings to the General Assembly prior to the adoption of the General Appropriations Act. The report identifying the applicable fiscal impact will likely be debated.

SEXUAL PREDATOR LAWS

The Jessica Lunsford Act was signed into law on May 2, 2005 by Florida's Governor Bush, significantly altering Florida's sex offender and predator registration laws. Jessica Lunsford was a nine-year-old Florida girl who was abducted and killed by a convicted sex offender. Florida's legislation provides additional verification and notification requirements for sex offenders when they are released from prison, as well as new and increased penalties for sex offender crimes.

Legislation will be introduced expanding Georgia's sex offender laws, to include such measures as: requiring a minimum sentence of 25 years for a person convicted of aggravated child molestation; prohibiting sex offenders from working within a certain distance of areas where children congregate; and requiring the most dangerous sex offenders to wear tracking devices for the remainder of their lives.

Sixty-five percent of American children use the Internet from home, school, or some other location. Although the Internet and other forms of electronic communication offer new and exciting opportunities for children, they also expose children to new threats. For example, federal law enforcement agencies have encountered numerous instances in which adult pedophiles have made contact with minors through online chat rooms, established a relationship with the child, and later made contact for the purpose of engaging in criminal sexual activities. The term "cyberstalking" is often referred to as the use of the Internet, e-mail, or other electronic communications devices to stalk another person. According to *Highlights of the Youth Internet Safety Survey* conducted by the U.S. Department of Justice, "one in five children (10 to 17 years old) receives unwanted sexual solicitations online."

In 1999, Georgia enacted the Computer Pornography and Child Exploitation Act prohibiting electronic solicitation or luring of minors. However, the Legislature may examine these cyberstalking laws to determine if they can be expanded to provide prevention measures for the actual sexual activity before it occurs.

NATURAL RESOURCES AND THE ENVIRONMENT

ENVIRONMENTAL PRIVATIZATION

Senate Resolution 469 created the Environmental Privatization Study Committee to identify existing disincentives to the efficiency and cost effectiveness in state government's enforcement and implementation of environmental programs and to inquire as to whether the introduction of private sector competition and/or incentives might result in higher quality, lower cost, more efficient, and effective implementation of environmental programs. The Study Committee will issue a report of its findings that includes possible recommendations.

Senate Bill 191, pending in the Senate, deals specifically with this issue by allowing permit and variance applications with the Environmental Protection Division (EPD) to be reviewed on an expedited basis by a qualified professional under contract with EPD.

BIOFUELS AND BIOMASS

Biomass is plant matter such as trees, grasses, agricultural crops, or other biological material. It can be used as a solid fuel, or converted into liquid or gaseous forms, for the production of electric power, heat, chemicals, and fuels. Biofuel is a gas or liquid produced from biomass. The two most common biofuels in the United States are ethanol and biodiesel. Both are most often blended with conventional fuels. Like any new industry, the future of biomass energy in Georgia depends on government funding and support to reach commercialization. Legislation may be introduced to encourage research and development of this alternative technology, to develop a statewide educational program about biomass, and/or to provide incentives to encourage businesses to utilize renewable energy sources.

PUBLIC SAFETY, CRIMES AND CRIMINAL JUSTICE

STATE INMATES/COUNTY JAILS

Because of overcrowding in the state prison system, counties maintain some state inmates in county jails. According to the Association County Commissioners of Georgia (ACCG), the state only reimburses about half the cost of housing these inmates and counties only begin receiving reimbursement for a state inmate if he/she is still in the county facility 15 days after he/she has been sentenced. The counties support increasing the per diem for maintaining sentenced state inmates to an amount equal to the state's cost for housing them, beginning on the day the inmate is sentenced.

Moreover, some state inmates who violate the provisions of their probation are housed in county correctional facilities; however, the counties are not reimbursed for inmates who are serving time in county facilities for these technical probation violations. ACCG supports reimbursing counties for housing technical probation violators.

ILLEGAL IMMIGRATION

With an estimated 350,000 illegal aliens in Georgia, illegal immigration has become a significant legislative issue. Consequently, there have been at least four bills introduced in the Senate which are designed to ensure that illegal aliens do not receive taxpayer-funded services.

Senate Bill 170

Pending in the Senate Public Safety Committee, Senate Bill 170 requires the verification of the lawful presence in the United States of any natural person who has made a claim of legal residence or domicile in Georgia for any purpose for which legal residence or domicile is required. Additionally, this legislation prohibits illegal immigrants from state poverty programs such as Medicaid; PeachCare, a health care program for children; and food stamps.

Since court decisions have mandated that local school systems must accept all children, regardless of legal status, and federal law requires hospitals to provide emergency treatment regardless of residency, Senate Bill 170 does not affect access to public schools and emergency hospital care.

Senate Bill 171

Senate Bill 171, pending in the Senate Higher Education Committee, prohibits illegal immigrants from enrolling or otherwise pursuing an accredited course of study at an institution in the University System of Georgia. Currently, those institutions ask potential students whether they are Georgia residents only for the purpose of assigning in-state or out-of-state tuition fees. State officials do not keep track of how many undocumented students are in the University System. [Undocumented students are not entitled to the lottery-funded HOPE college scholarships.]

Senate Bill 172

Currently assigned to the Senate Public Safety Committee, Senate Bill 172 requires all applicants for drivers' licenses to present valid documentary evidence of United States citizenship or legal immigrant status.

Senate Bill 336

Preventing the employment of illegal aliens and enacting penalties upon employers who employ illegal aliens is expected to be a major issue of discussion during the 2006 Legislative Session. Currently, Senate Bill 336, assigned to the Senate Insurance and Labor Committee, addresses this issue by providing that the discharge of any United States citizen or permanent resident alien employee by an employer of this state who, on the date of the discharge, employed an unauthorized alien shall be an unfair trade practice and that the discharged employee will also have a private cause of action. Moreover, compensation provided to any illegal alien is prohibited as a business expense deduction from any income or business taxes. Any corporation operating in this state in violation of this legislation would have its certificate of incorporation suspended.

Finally, the State of Georgia would require, as a condition of the award of a contract or a grant to any business or enterprise, that the business or enterprise enroll and participate in the Basic Pilot Program.¹

SECURITY OF STATE AND COUNTY BUILDINGS

As a result of the Fulton County Courthouse shootings on March 11, 2005, the General Assembly is expected to address concerns over the security of state and county buildings. Senate Resolution 431 created the Senate Study Committee on Security for State and County Buildings. The Committee will issue a report of its findings including any possible recommendations for legislation.

REGULATED INDUSTRIES

EMERGING TECHNOLOGIES

The role of oversight by the Georgia Public Service Commission over the emerging technologies of broadband, voice-over internet protocol, wireless services will be debated. During the 2005 General Assembly Session, Senate Bill 120 was proposed, but was not acted upon by the Senate. Supporters of the legislation in the telecommunications industry claim that it is in the best interest of consumers to promote innovation by further limiting the purview of the Public Service Commission over these technologies. A Joint Study Committee held hearings, and an advisory committee proposed legislation which would authorize state oversight only where it is currently authorized by federal law, the Federal Communications Commission, or by other applicable consumer laws. The Study Committee is recommending action on the legislation which substitutes the existing Senate Bill 120. Opponents argue that any proposed legislation would threaten smaller service providers by blocking access to the "last mile" lines already in place.

LIQUIFIED NATURAL GAS

The recent devastation by Hurricanes Katrina and Rita disrupted the fuel supply to Georgia, the Southeast, and the eastern seaboard. The role of and the need for expansion of the Elba Island, Georgia, liquefied natural gas facility near Savannah will likely be debated. The Elba Island facility is one of a few import locations in the United States, and the future role of LNG in meeting the energy demands of the United States would increase Georgia's role in receiving and distributing that important supply of fuel. The need for Georgia to diversify its fuel supply is readily apparent after the supply disruptions during September; moreover, a Joint Resolution is being proposed urging Congress to authorize an inventory and exploration of Georgia's continental shelf for natural resources.

¹ The Basic Pilot Program is the electronic verification of the work authorization programs of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and operated by the United States Department of Homeland Security which maintains a national program for the electronic verification of work authorization and enabling employers to verify promptly and accurately the employment eligibility of all job applicants.

RETIREMENT

Retirement bills are unique to the General Assembly in that the Committee hears legislation during the first Session of the two-year Term. If it is the pleasure of the Committee, they may forward legislation to the office of the State Auditor who will oversee an actuarial study of the legislation to determine what, if any, fiscal impact the legislation will have on the state budget.

In 2005, the Senate Retirement Committee sent six bills for actuarial study. The House Retirement Committee sent 39 bills for actuarial study. The Senate Committee will have a series of meetings throughout the 2006 Session to consider passage of these bills.

SCIENCE AND TECHNOLOGY

ANTI-PHISHING LEGISLATION

During the 2005 Legislative Session, the Legislature enacted legislation addressing the delivery of spyware and SPAM over the Internet and computer networks. During the 2006 Legislative Session, the issue of Phishing is expected to be addressed. Phishing is a form of identity theft whereby a criminal attempts to trick their victim into submitting personal information. The common application of this approach is to send fake emails (email spoofing) to a victim purporting to come from a legitimate source and requesting information (such as a bank account number and password) or directing the victim to a fake Internet website where this information can be captured (webpage spoofing).

STATE AND LOCAL GOVERNMENT OPERATIONS

ELECTRONIC VOTING AND PAPER RECEIPTS

Throughout the nation and in Georgia, critics of touch-screen voting began calling for a voter-verified paper audit trail after a series of reports questioned the security of electronic voting. Critics assert that the machines can be manipulated to change the outcome of elections, but that a paper record of an electronic ballot that voters could check for accuracy would ease such worries.

In September 2004, Nevada became the first state to employ electronic voting machines with printers that allow voters to confirm their computer selections against a paper receipt. Nevada election officials believe those paper trails instill new confidence in electronic voting. Voters cast an electronic ballot on machines similar to Georgia's, but Nevada's machines have a small black box attached to them that contains a paper copy of the voter's ballot under a piece of clear plastic. The voter reviews their selections to ensure they match the choices that were made on the computer. If they do, the voter touches the screen to make the piece of paper disappear into a locked box. If the paper does not match, the voter can cancel the paper ballot and vote again. If the paper trail is canceled, it prints "VOIDED." Voters cannot take the paper record with them as a receipt.

Opponents of paper receipts have voiced specific concerns about utilizing a paper verification system. Aside from voter privacy issues, opponents have pointed out that uniform technological standards for the printers have not been developed on a national level. Spending approximately \$16 million to outfit Georgia's machines could prove unwise if different standards were later developed that made them obsolete. There are also concerns that the printers could pose a logistical problem for poll workers already overwhelmed by learning a new voting system.

NONPARTISAN ELECTIONS – COUNTY SHERIFFS

Many sheriffs in Georgia are supporting legislation that will allow them to run as nonpartisan candidates. Senate Bill 80 and House Bill 241, currently pending in the General Assembly, authorize counties to allow for the nonpartisan election of sheriffs.

THE INCREASED MUNICIPALIZATION OF FULTON COUNTY

The creation of the City of Sandy Springs in 2005 increased interest in the continued municipalization of Fulton County. It is likely we will see debate over the continuing expansion of existing cities into the unincorporated areas of the county or possibly the creation of entirely new cities.

TRANSPORTATION

The Senate Transportation Committee will explore concepts, ideas, and legislation regarding the culture of transportation in Georgia. Issues such as how best to fund future transportation projects, the relationships and interaction of the various entities who are involved in the transportation process and how better to serve the taxpayers of Georgia, the need to serve both rural and urban regions in Georgia and innovative ideas to the solutions of traffic gridlock, the time it takes to move a project from concept to completion, and the use of emerging technology are among the concepts that will be considered.

PUBLIC-PRIVATE INITIATIVES

The implementation of public-private initiatives (PPI) has begun in Georgia. The PPI is a faster, more streamlined process for meeting Georgia's transportation needs. Public-private initiatives allow the Georgia Department of Transportation (GDOT) to partner with private/corporate businesses to help finance, design, construct, operate and/or maintain transportation projects. Public-private initiatives were introduced in the Georgia Legislature in 2003 and implemented under Senate Bill 257. This law created the process that allows the GDOT to consider unsolicited proposals from private companies to build transportation improvement projects. The Committee will continue to address this important topic to insure that Georgia's taxpayers receive the most cost-effective means to develop transportation projects.

RESTRICTED TRAVEL LANES

Truck only lanes, toll lanes, increased HOV lanes and other ideas will be considered as the committee explores ways to address the congestion on Metro Atlanta's Interstate system.

ATLANTA STREETCAR PROJECT

The Committee will work with the House Transportation Committee to reach agreement on a plan for the downtown Atlanta Streetcar project. Last Session, the Senate passed Senate Bill 150, the Georgia Community Streetcar Development and Revitalization Act.

This Act establishes provisions for the State Road and Tollway Authority (Authority) to implement a program that provides for the development and expansion of streetcar transportation along the Peachtree Street business corridor from Lenox Square to Five Points. The Authority will establish and implement a five-year grant program, to provide assistance to local governmental authorities and public-private initiatives, for the funding of projects.

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SB 26 Nuisances; treatment of agricultural facilities; House Second Readers
SB 96 Halal Foods; House Withdrawn, Recommitted
SB 111 Nuisances; House Second Readers
SB 228 Animal Protection; Senate Read and Referred
SB 229 Animal Fighting/Baiting Act; Senate Read and Referred
SB 289 Sunday Sales; farm product, plants, and seed; Senate Read and Referred
SB 329 Wood Removal; Senate Read and Referred

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SB 108 State Government; Senate Read and Referred
SB 154 State Agency/Officer; House Second Readers
SB 296 Revenue Shortfall Reserve; Senate Read and Referred
SR 1 Motor Fuel Taxes; Senate Read and Referred
SR 38 National Guard Members; Senate Read Second Time

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SB 198 Pawnbrokers; Senate Read and Referred

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SB 5 Georgia Public-Private Infrastructure Act; Senate Read and Referred
SB 143 Georgia Rural Development Council; Senate Read and Referred
SR 41 Senate Music Industry Committee; Senate Read Second Time
SR 156 Textile Industry; House Second Readers
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SB 73 Local School Funding; Senate Read and Referred
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SB 29 Prostate Cancer Treatment; Senate Read and Referred
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SB 78 Dental Hygienist; Senate Read and Referred
SB 83 Community Health, Dept. of; Senate Read and Referred
SB 85 Georgia Rx Act; Senate Read and Referred
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SB 123 Abortion; pharmacist written objection; Senate Read Second Time
SB 128 Hospital care for nonresident indigents; Senate Read and Referred
SB 131 Children's Vision Improvement/Learning Readiness Act; Senate Read and Referred
SB 156 Microbial Contamination Licensing Act; Senate Read Second Time
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SB 184 Chiropractors; scope of practice; Senate Read and Referred
SB 186 Georgia Medical Center Authority; Senate Read Second Time
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SB 211 Optometrists; Senate Read and Referred
SB 242 Health Care Facility; Senate Read and Referred
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SR 350 Georgia State Board of Clinical Nephrology Technicians; Senate Read and Referred
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SB 32 Probate Court Judges; nonpartisan elections; Senate Read Second Time
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SB 193 Patriot Jury Act; Senate Read and Referred
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SB 126 Special License Plate; promoting Georgia Center for the Book; House Second Readers
SB 142 Plates, Prestige License; promote foundation of Atlanta Braves professional sports teams; House Second Readers
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SB 188 Rules of the Road; Senate Read and Referred
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 SB 145 Cosmetologists; House Postponed
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