

**Members of the Senate Insurance and Labor Committee
2013 Session**

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RULES
SENATE INSURANCE AND LABOR COMMITTEE
2013-2014

1. Quorum of the Committee shall be five (5) members.
2. The Chairman shall determine the agenda of the bills and resolutions to be considered and the order in which they are called.
3. The Chairman shall have the authority to refer bills and resolutions to subcommittees for study. Such subcommittees shall have the authority to make recommendations to the full committee. All actions of any subcommittee shall be approved or disapproved by the standing committee.
4. The Committee shall convene, recess, and adjourn upon the order of the Chairman. Notice of meetings shall conform to Senate Rules.
5. Committee Rules may be amended upon motion duly made and subsequently approved by two-thirds of the members of the Committee.
6. A bill, resolution or other matter shall be considered only after presentation by its principal author or legislator who he/she designates to do so. In the event that more than one member of the General Assembly has signed a measure, the principal author shall be the one whose name appears first in the list of authors.
7. Where Rules are silent on specific issues, the Rules of the Senate, as adopted, shall govern.

MINUTES OF THE SENATE INSURANCE AND LABOR COMMITTEE
Wednesday, January 30, 2013

The Senate Insurance and Labor Committee held its first meeting of the 2013 Session on Wednesday, January 30, in room 450 of the Capitol. Chairman Tim Golden called the meeting to order at 2:05 p.m. Members present at the meeting were as follows:

Senator Tim Golden, 8th, Chairman
Senator Charlie Bethel, 54th
Senator Burt Jones, 25th
Senator Josh McKoon, 29th
Senator Renee Unterman, 45th

NOTE: Senators Hill, 32nd, Harbison, 15th, Ramsey, 43rd, and Shafer, 48th, were absent from the meeting.

Chairman Golden called the meeting to order. He welcomed and recognized **Representative Richard Smith**, Chairman of the House Insurance and Labor Committee. The Chairman then had members present introduce themselves. Chairman Golden then asked for a motion on the 2013 Committee Rules. Senator Bethel, 54th, pointed out a typographical error stating that the number for the quorum (5) was correct but that the written number on the rules was “six” and needed to be changed to “five” to correspond correctly. Senator Bethel, 54th, then moved that the Rules be adopted as amended. Senator Unterman, 45th, seconded the motion. The 2013 Senate Insurance and Labor Committee Rules were adopted unanimously (5-0).

NOTE: Yeas were Golden, 8th, Bethel, 54th, Jones, 35th, McKoon, 29th, and Unterman, 45th.

COMMITTEE RULES ADOPTED

With no further business, Chairman Golden adjourned the meeting at 2:15 p.m.

Respectfully submitted,

/s/ Senator Tim Golden, 8th, Chairman

/s/ Laurie Sparks, Recording Secretary

MINUTES OF THE SENATE INSURANCE AND LABOR COMMITTEE
Thursday, February 21, 2013

The Senate Insurance and Labor Committee held its second meeting of the 2013 Session on Thursday, February 21, 2013, in room 450 of the Capitol. Chairman Tim Golden called the meeting to order at 1:05 pm. Members present at the meeting were as follows:

Senator Tim Golden, 8th, Chairman
Senator David Shafer, 48th, Vice Chairman
Senator Judson Hill, 32nd, Secretary
Senator Charlie Bethel, 54th
Senator Burt Jones, 25th
Senator Ronald Ramsey, 43rd
Senator Renee Unterman, 45th

NOTE: Senators Harbison, 15th, and McKoon, 29th, were absent from the meeting.

Chairman Golden called the meeting to order. The following legislation was discussed.

[SB 140](#) (Murphy, 27th) Insurance; include contracts, agreements, and instruments for repair of a motor vehicle

Senator Bethel shared that **SB 140** was heard in subcommittee and passed out of subcommittee as a substitute unanimously. The following summary was shared with the committee.

Extended Warranties for Specific Auto Repairs

SUMMARY

- Allows certain auto services and repairs to be offered as an extended warranty and, therefore, as a form of property insurance.

ANALYSIS

This legislation allows certain auto services and repairs to be offered as an extended warranty and, therefore, as a form of property insurance. The specific services involve:

- The repair of rips, burns, tears, holes, and punctures to interior fabric or carpet;
- The cosmetic repair of minor scuffs, scratches, scrapes, or rash on exterior plastic surfaces;
- The cosmetic repair to aluminum or painted wheels when the normal appearance of the wheel is altered with minor curb scuffs, scratches, scrapes, or rash; and
- Exterior reconditioning of foggy or yellowed headlights to restore clarity and luster.

Chairman Golden, 8th, asked for a motion on the legislation. Senator Bethel, 54th, moved *SB 140 Do Pass by Substitute*. Senator Jones, 25th, seconded the motion. The bill passed unanimously (5-0).

SB 140 DO PASS BY SUBSTITUTE

NOTE: Yeas were Golden, 8th, Bethel, 54th, Jones, 25th, Unterman, 45th, Shafer, 48th.

NOTE: Senators Hill, 32nd, and Ramsey, 43rd, arrived.

HB 154 (Hamilton, 24th) Worker's compensation; awards and benefits; change certain provisions

Representative Mark Hamilton presented *HB 154* and the following summary was shared with the committee:

Workers' Compensation

SUMMARY

- Amends various provisions related to Workers' Compensation benefits.

ANALYSIS

Section One – Cap on Medical Benefits

Section One establishes a 400-week cap on medical benefits for non-catastrophic injuries. There is currently no such cap.

Section Two – Mileage payments

Under current law, mileage reimbursements to claimants must be paid within 30 days. This section shortens the deadline to within 15 days.

Section Three – Interest on Lump Sum Payments

Under current law, the Workers' Compensation board may order the employer to pay out a lump sum of benefits equal to the sum of all future payments, but reduced to their present value upon the basis of interest calculated at 7 percent per year. This section decreases the annual interest rate from 7 percent to 5 percent.

Section Four – Trial Return-to-Work Period

This section establishes a minimum amount of time of eight hours or one workday, whichever is greater, that a claimant must attempt a suitable job during a 15-day trial return-to-work period. The employer may suspend benefits if the claimant does not fulfill this requirement.

Sections Five and Six – Maximum Weekly Benefits Increased

Section Five increases the maximum weekly benefit for a temporary total disability from \$500 to \$525, while Section Six increases the maximum weekly benefit for a temporary partial disability from \$334 to \$350.

Representative Hamilton stated that the Worker's Compensation Review Board recommended passage of this bill. Chairman Golden asked if there were any questions in the audience. **Jimmy Hwang**, citizen, asked how this bill would affect those workers who have non-catastrophic injuries that turn into life-long issues. Chairman Golden recognized **Robert Potter** and **William Clark**, both members of the Review Board, who stated that this legislation was a compromise between organizations on opposite sides of the issue. There has to be some give and take and a 400-week cap on medical benefits for non-catastrophic injuries was one such compromise and did apply to all.

Chairman Golden, 8th, asked for a motion on the legislation. Senator Unterman, 45th, moved **HB 154 Do Pass**. Senator Bethel, 54th, seconded the motion. The bill passed unanimously (6-0).

HB 154 DO PASS

NOTE: Yeas were Hill, 32nd, Bethel, 54th, Jones, 25th, Ramsey, 43rd, Shafer, 48th, and Unterman, 45th.

With no further business, Chairman Golden adjourned the meeting at 1:45 pm.

Respectfully submitted,

/s/ Senator Judson Hill, 32nd, Secretary

/s/ Laurie Sparks, Recording Secretary

MINUTES OF THE SENATE INSURANCE AND LABOR COMMITTEE
Thursday, February 28, 2013

The Senate Insurance and Labor Committee held its third meeting of the 2013 Session on Thursday, February 28, 2013, in room 450 of the Capitol. Chairman Tim Golden called the meeting to order at 1:05 pm. Members present at the meeting were as follows:

Senator Tim Golden, 8th, Chairman
Senator David Shafer, 48th, Vice Chairman
Senator Charlie Bethel, 54th
Senator Burt Jones, 25th
Senator Joshua McKoon, 29th
Senator Ronald Ramsey, 43rd
Senator Renee Unterman, 45th

NOTE: Senators Hill, 32nd, and Harbison, 15th, were absent from the meeting.

Chairman Golden called the meeting to order. The following legislation was discussed.

HB 198 (Smith, 134th) Patient Protection and Affordable Care Act; licensing of health insurance navigators; provide

Representative Smith, 134th, presented **HB 198** to the committee. The following summary was shared:

Health Insurance Exchange Navigators

SUMMARY

- Provides for the licensing of navigators who will provide insurance advice and guidance to uninsured individuals and groups seeking health insurance coverage through a health insurance exchange.

ANALYSIS

The Affordable Care Act (ACA) requires the formation of health insurance exchanges in every state to be operated federally or by a state entity. These exchanges serve as an online insurance marketplace for individuals and small businesses. This legislation provides for the licensing of navigators who will provide insurance advice and guidance to uninsured individuals and groups seeking health insurance coverage through a health insurance exchange.

Applicants for a navigator's license must fulfill the following requirements:

- Establish to the satisfaction of the Insurance Commissioner that he or she has the background, experience, knowledge, and competency in the subject matter that will enable him or her to deliver accurate information and advice to individuals and groups seeking to obtain health insurance coverage under the provisions of the ACA;

- Successfully complete at least 35 hours of instruction in health benefit insurance and the exchange provisions of the ACA through a training program approved by the Commissioner;
- Pass an examination required by the Commissioner unless the applicant is exempted by the Commissioner based on experience and qualifications;
- Be at least 18 years old and of good moral character and must submit in a form approved by the Commissioner such information, including criminal history and regulatory background information; and
- An applicant for a renewal license must have completed continuing education classes approved by the Commissioner.

Navigators are prohibited from soliciting any person or business that is currently insured under an existing health benefit plan. Navigators are also prohibited from receiving any commission or compensation from any insurer, health benefit plan, business, or consumer but will instead be compensated for advice or services rendered pursuant to the ACA.

Licensing as a navigator does not constitute licensing as an agent or administrator and navigators may not, except as specifically authorized by the ACA:

1. Engage in any activities that would require an agent's or administrator's license;
2. Provide advice concerning the benefits, terms, and features of a particular health benefit plan or offer advice about which health benefit plan is better or worse for a particular individual or business, except in the capacity of a licensed agent or administrator; or
3. Recommend a particular health benefit plan or advise individuals or businesses about which health benefit plan to choose, except in the capacity of a licensed agent or administrator.

This legislation will become applicable only upon the notification by the responsible federal or state agency that a health insurance exchange has been created or approved to operate within Georgia, or upon the initiation of operation of any such exchange

After conversations with stakeholders before the meeting, Representative Smith agreed to offer the following amendment to the committee:

By striking line 49 on page 2 and inserting in lieu thereof the following:

“in health benefit insurance, the exchange provisions of the federal act, the medical assistance program provided for by Article 7 of Chapter 4 of Title 49, and the PeachCare for Kids Program provided for by Article 13 of Chapter 5 of Title 49 satisfactory to”.

By striking line 71 on page 3 and inserting in lieu thereof the following:

“the provisions of the federal act only as provided for by the federal act,”.

There was no testimony for or against the legislation.

Chairman Golden, 8th, asked for a motion on the amendment and the legislation. Senator Bethel, 54th, moved HB 198 Do Pass by Substitute as amended by the committee. Senator McKoon, 29th, seconded the motion. The legislation passed unanimously (5-0).

HB 198 DO PASS BY SUBSTITUTE

NOTE: Yeas were Bethel, 54th, Jones, 25th, McKoon, 29th, Ramsey, 43rd, and Unterman, 45th.

NOTE: Chairman Golden, 8th, agreed to be the Senate sponsor of **HB 198**.

NOTE: Senator Ramsey left to attend another meeting.

HB 103 (Shaw, 176th) Insurance; issuance of group life insurance policy to certain groups as approved by the Commissioner; allow

Representative Shaw, 176th, presented **HB 103** to the committee. The following summary was shared:

Discretionary Group Life Insurance

SUMMARY

- Authorizes the establishment of discretionary group life insurance coverage; and
- Repeals requirement that group plans can only be issued if at least 75 percent of the group's members choose to participate.

ANALYSIS

Current law authorizes group life insurance coverage to be issued to narrowly defined groups or associations. This legislation authorizes the creation of discretionary groups. No discretionary group policies will be issued in Georgia unless the Commissioner finds that:

- The issuance of such group policy is not contrary to the best interest of the public;
- The issuance of the group policy would result in economies of acquisition or administration; and
- The benefits are reasonable in relation to the premiums charged.

Discretionary group policies offered in Georgia by an insurer under a policy issued in another state must have requirements substantially similar to those contained in current law.

The premium for the policy must be paid either from the policyholder's funds or from funds contributed by the covered persons, or from both. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

This legislation also repeals the requirement that group plans can only be issued if at least 75 percent of the group's members choose to participate.

Testimony in support of the legislation was given by **Marty Wilson**, Georgia Association of Life Insurers.

Chairman Golden, 8th, asked for a motion on the legislation. Senator Bethel, 54th, moved **HB 103 Do Pass**. Senator Unterman, 45th, seconded the motion. The legislation passed unanimously (5-0).

HB 103 DO PASS

NOTE: Yeas were Golden, 8th, Bethel, 54th, Jones, 25th, McKoon, 29th, and Unterman, 45th.

SB 1 (Ligon, 3rd) Child's Health Insurance Information and Records; provide that both parents have equal access (Subcommittee Sub LC 37 1549S)

Senator Bethel, 54th, shared the subcommittee report on this legislation and stated that a substitute had been drafted based on the subcommittee recommendations. The following summary of the substitute was shared with the committee:

Health Insurance – Allow Parent to Review Child’s Records

SUMMARY

- Requires health insurers to provide a parent the right to inspect, review, or attain copies of health insurance records relating to his or her own child.

ANALYSIS

This legislation requires health insurers to provide a parent the right to inspect, review, or attain copies of health insurance records relating to his or her own child. If the parent is not the named insured or the owner of the policy, then he or she must provide to the insurer a certified copy of his or her divorce decree, parenting plan, or any other court document establishing that the parent has access to such records. Health insurance records and information pertaining to the child must not be withheld from the custodial or noncustodial parent unless a court order has specifically removed the right of the noncustodial parent to such information or unless parental rights have been terminated.

This legislation also requires that access to a child’s health insurance records be included in parenting plans.

There was no testimony for or against the legislation.

Chairman Golden asked for a motion on the legislation. Senator Jones, 25th, moved that *SB 1 Do Pass by Substitute*. Senator Unterman, 45th, seconded the motion. The legislation passed unanimously (5-0).

SB 1 DO PASS BY SUBSTITUTE

NOTE: Yeas were Senators Golden, 8th, Bethel, 54th, Jones, 25th, McKoon, 29th, and Unterman, 45th.

SB 224 (Golden, 8th) Invest Georgia Fund; create

Chairman Golden, 8th, presented **SB 224** to the committee. The following summary was shared:

Invest Georgia Fund

SUMMARY

This legislation establishes the Invest Georgia Fund within Georgia Tech's Advanced Technology Development Center (ATDC) to provide access to seed capital for Georgia-based, high-tech and innovation companies.

Invest Georgia will be overseen by a five-member appointed board. Through a competitive bid process the board will select a third-party fund administrator, which will then competitively select venture capital funds to manage investment activities focused on both Georgia early or seed stage and growth stage companies. The venture capital funds must have or establish a physical presence in Georgia in order to ensure that the investments are Georgia-focused.

The State will contribute \$95 million over a five-year period into the Fund to serve as principal. The returns from the investments by the venture funds would be distributed in the following manner: the principal amounts of the investment will be retained by the Invest Georgia Fund as well as 80 percent of the profit, while the remaining 20 percent will be retained by the venture fund as profit.

ANALYSIS

Invest Georgia Board

The five-member appointed Invest Georgia Board will oversee the Invest Georgia Fund. Its primary responsibilities include:

- Selecting a fund administrator to administer the provisions of this legislation;
- Establishing an investment policy for the selection of a fund administrator;
- Giving final approval to allocations of designated capital to the venture capital funds; and
- Establishing a policy with respect to the use of capital and profits returned to the State.

Venture Capital Funds

Only two types of venture capital funds are allowed to participate in the Program: "Early stage venture capital funds" and "Growth stage venture capital funds."

Early stage venture capital fund is defined as:

- A fund that has at least one principal employed to direct the investment of the designated capital;
- A fund whose principals have at least five years of experience in the venture capital, angel capital, or private equity sector by investing primarily in Georgia-domiciled companies or a fund whose managers have been based, as defined by having a principal office, in Georgia;
- At the discretion of the fund administrator and the board, one or more early stage venture capital funds may be first-time Georgia-based funds, so long as the fund managers have at least five years of experience in venture capital or angel capital investing in Georgia-based business enterprises; and
- A fund which primarily invests in seed or early stage businesses with high growth potential. A minimum of 10 percent of the committed capital of the fund must be committed by the institutional investors, fund principals, or other accredited investors.

Growth stage venture capital fund is defined as:

- A fund having its principal office and a majority of its employees in Georgia that has at least two principals employed to direct the investment of the designated capital;
- A fund whose principals have at least five years of experience in the venture capital, angel capital, or private equity sector by investing primarily in Georgia domiciled companies or a fund whose principals have been based, as defined by having a principal office, in Georgia; and
- A fund which invests primarily in growth stage businesses with high return potential. A minimum of 50 percent of the committed capital of the fund must be committed by the institutional investors, fund principals, or other accredited investors.

Funding of Investments

The Invest Georgia Fund is created as a separate fund maintained by the board and will be capitalized through grants from the existing Seed-Capital Fund, designated State appropriations to ATDC, and private contributions to the board. The capital raised will be periodically distributed to the venture capital funds selected by the fund administrator.

State funding will be dispersed annually over a five-year period in the following amounts:

- \$10 million;
- \$10 million;
- \$15 million;
- \$25 million; and
- \$35 million.

The entire cost of administration of the Invest Georgia Fund may be paid from the assets of the Invest Georgia Fund.

Qualified Businesses

There are two types of businesses that can receive money from a venture capital firm: Qualified Early Stage or Seed Businesses and Qualified Growth Stage Businesses. Both types of companies must have their principal business operations in Georgia and intend to maintain operations in the state for at least three and five years respectively after receiving an investment from the venture capital fund, or risk losing the investment. Qualified businesses must not engage substantially in: retail sales; real estate; entertainment, amusement, recreation, or athletic or fitness activity; insurance, banking, lending, financial, brokerage, or investment activities; natural resource extraction; or professional services by accountants, attorneys, or physicians.

'Qualified early stage' or 'Seed' business is a business that:

- Has 20 or fewer employees;
- Has a current gross annual revenue run rate of less than \$1 million; and
- Has not obtained during its existence more than \$2 million in aggregate cash proceeds from the issuance of its equity or debt investments, not including commercial loans.

'Qualified growth stage business' is a business that:

- Is either a corporation, limited liability company, or a general or limited partnership located in this state;
- Has 100 or fewer employees; and
- Has a current gross annual revenue run rate of greater than \$1 million.

Schedule of Investments

Forty percent of the contributed capital in the Board will be allocated among the early stage venture capital funds. Each early stage venture capital fund will be:

- Eligible for a minimum \$10 million allocation of designated capital and a maximum \$15 million to be contributed to the funds over a five-year period;
- Required to obtain other independent investors. A minimum of 10 percent of the committed capital of the early stage venture capital fund must be committed by independent institutional investors, fund principals, or other accredited investors; and
- Required to invest in Georgia-based qualified early stage businesses and qualified growth stage businesses, an amount that matches or exceeds the amount of the fund's designated capital.

Sixty percent of the total contributed capital in the Board will be allocated among the growth stage venture capital funds. Each growth stage venture capital fund will be:

- Eligible for a minimum \$10 million allocation of designated capital over a five-year period;
- Required to obtain other independent investors. A minimum of 50 percent of the committed capital of the growth stage venture capital fund must be committed by independent institutional investors, fund principals, or other accredited investors; and

- Required to invest in Georgia-based qualified early stage businesses and qualified growth stage businesses, an amount that matches or exceeds the amount of the fund's designated capital.

Share of Distribution or Profit

Designated capital resulting from the qualified investments will be retained and used to make additional qualified investments in venture capital funds. However, the Invest Georgia Fund must receive any and all returns representing the principal portion of designated capital and will also receive 80 percent of investment returns in excess of designated capital from each respective venture capital fund. The remaining 20 percent of investment returns will be retained by each respective venture capital fund.

Annual Review Submitted to the State

By December 31st of each year, each venture capital fund must report the following to the Board:

- The amount of designated capital remaining uninvested at the end of the preceding calendar year;
- All qualified investments made during the preceding calendar year, including the number of employees of each business at the time the qualified investment was made and as of December 31st of that year;
- For any qualified investment in which the venture capital fund no longer has a position as of the end of the calendar year, the number of employees of the business as of the date the investment was terminated; and
- Any other information the Board requires to ascertain the impact of this legislation on the state's economy.

Board's Report to the Governor and General Assembly

By January 1st of each year, the Board will submit a detailed report on the implementation of this legislation and the program to the Governor and General Assembly. The report will also be placed on the ATDC's website in a publicly available format.

There was no testimony for or against the legislation.

Chairman Golden, 8th, asked for a motion on SB 224. Senator Unterman, 45th, moved SB 224 Do Pass. Senator Bethel, 54th, seconded the motion. The legislation passed unanimously (5-0).

[SB 224 DO PASS](#)

NOTE: Yeas were Senators Golden, 8th, Bethel, 54th, Jones, 25th, McKoon, 29th, and Unterman, 45th.

NOTE: Senator Shafer, 48th, arrived at the meeting.

SR 378 (Mullis, 53rd) General Assembly; provide by law; dedication of revenues collected; sale of fireworks; funding of trauma care/firefighter services in state of Georgia-CA

Senator Mullis, 53rd, presented **SR 378** to the committee. The following summary was shared:

Fireworks

SUMMARY

- Amends the State Constitution to allow for the dedicating of revenues raised from the sale of fireworks to fund trauma care and firefighter services.

ANALYSIS

This legislation amends the State Constitution to allow the General Assembly to enact a law for the dedicating of revenues raised from the sale of fireworks to fund trauma care and firefighter services.

Senator Mullis stated that fireworks are used in our state every year despite the fact they are illegal and that our state loses revenue every year with them being purchased in bordering states. His thought was to make fireworks legal in the state so that we can regulate their use and put the revenue earned from the sale of fireworks toward trauma care and firefighter services.

Chairman Golden, 8th, recognized Senator Unterman, 45th, with a concern regarding the wording of the amendment so that people knew that they were voting on the funds that were generated by the sale of fireworks. Senator Mullis agreed with Senator Unterman but asked that the committee allow him that give in the House committee. He also asked Senator Unterman to be a part of the conference committee at the end of session so that she could be assured that the language was clarified.

Chairman Golden recognized the following with opposing testimony:

David Tatum, Children's Healthcare

Rick Ward, American Academy of Pediatrics

Ethan James, Georgia Hospital Association

Chairman Golden, 8th, asked for a motion on the resolution. Senator McKoon, 29th, moved **SR 378 Do Pass**. Senator Bethel, 54th, seconded the motion. The resolution passed unanimously (5-0).

SR 378 DO PASS

NOTE: Yeas were Senators Golden, 8th, Bethel, 54th, Jones, 25th, McKoon, 29th, and Unterman, 45th.

With no further business, Chairman Golden adjourned the meeting at 2:05 pm.

Respectfully submitted,

/s/ Senator Tim Golden, 8th, Chairman

/s/ Laurie Sparks, Recording Secretary

MINUTES OF THE SENATE INSURANCE AND LABOR COMMITTEE
Monday, March 4, 2013

The Senate Insurance and Labor Committee held its fourth meeting of the 2013 Session on Monday, March 4, 2013, in room 125 of the Capitol. Chairman Tim Golden called the meeting to order at 11:05 a.m. Members present at the meeting were as follows:

Senator Tim Golden, 8th, Chairman
Senator David Shafer, 48th, Vice Chairman
Senator Charlie Bethel, 54th
Senator Burt Jones, 25th
Senator Joshua McKoon, 29th
Senator Renee Unterman, 45th
Senator Jeff Mullis, 53rd, Ex-Officio 3/4/13

NOTE: Senators Hill, 32nd, Ramsey, 43rd, and Harbison, 15th, were absent from the meeting.

Chairman Golden called the meeting to order. The following legislation was discussed.

SB 227 (Millar, 40th) Employment Security; provide changes to the determination of eligibility for unemployment benefits

Senator Millar, 40th, presented a substitute to **SB 227**, and the following summary was shared with the committee:

Unemployment Benefits

SUMMARY

- Prohibits certain private employees working for an educational institution from collecting unemployment benefits during certain periods, such as summer breaks between two successive academic years, or during an established and customary vacation or holiday recess.

ANALYSIS

Under current law, teachers are prohibited from collecting unemployment benefits during certain periods, such as summer breaks between two successive academic years, or during an established and customary vacation or holiday recess.

This legislation extends this provision to individuals who perform services for a private employer holding a contractual relationship with an educational institution, institution of higher education, or Pre-K program and there is a reasonable assurance of returning to work for the institution. If compensation is denied to the individual and that individual is not offered the opportunity to return to work, then he or she will be entitled to retroactive payment for each week during that period of unemployment, provided that they meet all other eligibility requirements. This provision also applies to such individuals.

Testimony in support of the legislation was given by:
Ellen Reynolds, GA Child Care Association
Kyle Jackson, NFIB

Testimony in opposition to the legislation was given by:
Eric Robertson, Teamsters
Chris Baumann, Worker's United

Chairman Golden asked for a motion on the legislation. Senator McKoon, 29th, moved ***SB 227 Do Pass by Substitute***. Senator Jones, 25th, seconded the motion. This bill passed unanimously (5-0).

SB 227 DO PASS

NOTE: Yeas were Senators Golden, 8th, Bethel, 54th, Jones, 25th, McKoon, 29th, and Shafer, 48th.

SB 234 (Jones, 25th) Insurance; limited licenses to sell travel insurance; comprehensive revision of provision; issuance and regulation

Senator Jones, 25th, presented **SB 234** and the following summary was shared with the committee:

Travel Insurance

SUMMARY

- Authorizes the Insurance Commissioner to issue limited lines travel insurance producer licenses.

ANALYSIS

This legislation authorizes the Insurance Commissioner to issue to an individual or business entity a limited lines travel insurance producer license which allows the producer to sell, solicit, or negotiate travel insurance. A travel retailer may offer travel insurance under a limited lines license only if the following conditions are met:

- The producer or retailer provides to purchasers of travel insurance:
 - A description of the material terms or the actual material terms of the insurance coverage;
 - A description of the process for filing a claim;
 - A description of the review or cancellation process for the travel insurance policy; and
 - The identity and contact information of the insurer and limited lines travel insurance producer;
- At the time of licensure, the producer must establish and maintain a register of each travel retailer that offers travel insurance;

- The retailer must designate one of its employees who is a licensed individual producer as the person responsible for the travel insurance producer's compliance with the travel insurance laws, rules and regulations of this state; and
- The producer must require each employee or authorized representative of the travel retailer whose duties include offering travel insurance to receive a program of instruction or training, which may be subject to review by the Commissioner. The training material must, at a minimum, contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers.

No pre-licensing examination or continuing education will be required for issuance of a limited.

Testimony in support of the legislation was given by the following:

John Fielding, U.S. Travel Insurance Association

Chairman Golden asked for a motion on the legislation. Senator Bethel, 54th, moved **SB 234 Do Pass**. Senator McKoon, 29th, seconded the motion. This bill passed unanimously (5-0).

SB 234 DO PASS

NOTE: Yeas were Senators Golden, 8th, Bethel, 54th, Jones, 25th, McKoon, 29th, and Shafer, 48th.

SB 236 (Jones, 25th) Insurance; require insurers; indicate amount of the premium increase; Patient Protection and Affordable Care Act

Chairman Golden added this bill at the last minute to meet the crossover deadline. Insurance Commissioner **Ralph Hudgens** explained this was Department of Insurance legislation that Senator Jones, 25th, agreed to sponsor. A direct response to the Patient Protection and Affordable Care Act, this legislation would require of health insurers to provide, concurrently with any notice of a premium increase or offer of new coverage because of discontinuance of an existing plan, an estimate explaining the amount or percentage of any premium increase which is attributable to the Affordable Care Act. This notice requirement would also apply to the State Health Benefit Plan.

Each notice would be required to include the following statement:

“These increases are due to the federal Patient Protection and Affordable Care Act and not the enactment of any laws or regulations of the Governor of Georgia, the Georgia General Assembly, or the Georgia Department of Insurance.”

This legislation would sunset on December 31, 2014.

State Insurance Commissioner **Ralph Hudgens** shared the following information with the committee:

- The full implementation of the Patient Protection and Affordable Care Act will lead to substantial rate increases beginning in 2014.
- Rates have not officially been filed with the Department of Insurance. However, the Department has met with several insurance companies and those companies confirmed that health insurance rates for many Georgians could more than double as a result of the Patient Protection and Affordable Care Act.
- Georgians have a right to know why their insurance premiums will substantially increase overnight.
- SB 236 would require insurance companies to fully disclose to Georgians what percentage of their health insurance rates are attributable to the Patient Protection and Affordable Care Act.
- Insurance companies have already done these calculations and this bill will simply require them to disclose that information to consumers.

One Insurance Company's Projection:

- A 21 year old male with a \$10,000 high-deductible health plan could see his premium go from \$854 to \$2,298. A 145% increase.

Testimony in support of the legislation was given by:

Graham Thompson

Kyle Jackson, NFIB

There was no opposing testimony.

Chairman Golden asked for a motion on the legislation. Senator Shafer, 48th, moved SB 236 Do Pass. Senator McKoon, 29th, seconded the motion. This bill passed unanimously (5-0).

SB 236 DO PASS

NOTE: Yeas were Senators Golden, 8th, Bethel, 54th, Jones, 25th, McKoon, 29th, and Shafer, 48th.

NOTE: Senators Bethel and Shafer left the meeting. Senator Unterman arrived. Senator Mullis was named Ex-Officio by the Office of the Lt. Governor.

SB 229 (Mullis, 53rd) Fireworks; authorize possession/transportation of consumer fireworks and authorize the sale; local governing authority of municipalities/counties (Substitute LC 35 2968S)

Senator Mullis, 53rd, presented a substitute to **SB 229** to the committee and the following summary was shared:

SUMMARY

- Authorizes local governments to allow the sale and use of any fireworks in their respective jurisdictions;
- Imposes a 10 percent excise tax on the sale of fireworks; and
- Dedicates revenues collected from the excise tax to the Georgia Trauma Care Network Commission and the Georgia Firefighter Standards and Training Council in equal amounts.

ANALYSIS

This legislation authorizes local governments to allow the sale and use of any fireworks approved by the U.S. Consumer Product Safety Commission in their respective jurisdictions. If a governing authority authorizes the sale of fireworks, then such governing authority must not prohibit the use of fireworks within such jurisdiction.

This legislation also imposes a 10 percent excise tax, in addition to any other taxes, on the sale of fireworks. The excise tax will be advanced and paid by the fireworks distributor to the Revenue Commissioner. Whenever consumer fireworks are shipped from outside the state to anyone other than a distributor, the person receiving the consumer fireworks will be deemed to be a distributor and will be responsible for the tax.

All revenues collected from the excise tax will be dedicated to the Georgia Trauma Care Network Commission and the Georgia Firefighter Standards and Training Council in equal amounts.

This legislation becomes effective on January 1, 2015, but only if a state Constitutional Amendment authorizing the General Assembly to dedicate revenues for the funding of trauma care and firefighter services is ratified at the November, 2014 general election.

Testimony in opposition to the legislation was given by:

David Tatum, Children's Healthcare of Atlanta

Janine Brown, Citizen

Testimony in support of the legislation was given by:

Jerry Bastecky, Phantom Fireworks

Testimony in support of a portion funding the Trauma Network with some concerns:

John Walraven, Joseph M. Still Burn Center

Chairman Golden recognized Senator Unterman with several clarifying questions for local and county governments.

Chairman Golden asked for a motion on the legislation. Senator McKoon, 29th, moved *SB 229 Do Pass by Substitute*. Senator Jones, 25th, seconded the motion. This bill passed unanimously (5-0).

SB 229 DO PASS BY SUBSTITUTE

NOTE: Yeas were Senators Golden, 8th, Jones, 25th, McKoon, 29th, Unterman, 45th, and Mullis, 57th (Ex-Officio).

With no further business, Chairman Golden adjourned the meeting at 12:05 p.m.

Respectfully submitted,

/s/ Senator Tim Golden, 8th, Chairman

/s/ Laurie Sparks, Recording Secretary

OFFICE OF THE LIEUTENANT GOVERNOR

240 State Capitol
Atlanta, Georgia 30334

Casey Cagle
Lieutenant Governor

March 4, 2013

Mr. Bob Ewing
Secretary of the Senate
353 State Capitol
Atlanta, GA 30334

Dear Bob:

In accordance with the Senate Rules, the Senate Committee on Assignments hereby appoints Senator Jeff Mullis to serve as Ex-Officio for the Senate Insurance and Labor Committee meeting on March 4, 2013. This appointment shall expire upon the adjournment of the committee meeting.

Sincerely,

/s/ Casey Cagle
Lt. Governor Casey Cagle
President of the Senate

MINUTES OF THE SENATE INSURANCE AND LABOR COMMITTEE
Monday, March 11, 2013

The Senate Insurance and Labor Committee held its fifth meeting of the 2013 Session on Monday, March 11, 2013, in room 125 of the Capitol. Chairman Tim Golden called the meeting to order at 1:20 pm. Members present at the meeting were as follows:

Senator Tim Golden, 8th, Chairman
Senator Charlie Bethel, 54th
Senator Burt Jones, 25th
Senator Joshua McKoon, 29th
Senator Renee Unterman, 45th

NOTE: Senators Harbison, 15th, Hill, 32nd, Ramsey, 43rd, and Shafer, 48th, were absent from the meeting.

Chairman Golden called the meeting to order. The following legislation was heard by the committee:

[SB 191](#) (Albers, 56th) “Ava’s Law”; provide definitions; certain insurance coverage for autism spectrum disorders

Senator Albers, 56th, presented ***SB 191*** and introduced **Ava Bullard** to the committee. Senator Albers pointed to Ava, the lovely young lady who was the catalyst for the legislation that bears her name, as an example of the results that can be obtained when children receive early treatment. Her bright and expressive smile illuminated for the committee why it was so important to seriously consider mandating that these particular treatments be covered by insurance companies. He explained that Ava’s Law is a bill that was drafted by a consortium of Georgia’s leading autism organizations that would require state-regulated health plans to provide coverage for the evaluation, assessment, testing, screening, diagnosis and treatment of autism spectrum disorder using evidence-based practices which would include Pharmacy Care, Psychological Care, Psychiatric Care, Therapeutic Care and Behavioral Health Treatment. Senator Albers stated thirty two states had passed similar legislation and the remaining majority of states left were currently pursuing passage. Senator Albers, 56th, also noted that Tricare and the Federal Employee Health Plan already provide coverage.

The following bill summary was shared with the committee:

Insurance Coverage for Autism Spectrum Disorder

SUMMARY

- Requires health insurers to provide coverage for autism spectrum disorder.

ANALYSIS

This legislation requires health insurers to provide coverage for autism spectrum disorder. This mandated coverage is limited to \$50,000 per year but is not subject to any limits on the number of visits or hours per visit. The Insurance Commissioner will adjust the maximum benefit annually for inflation, which is based on the Medical Care Component of the Consumer Price Index for all Urban Consumers (CPI-U).

The following gave testimony in support of the legislation:

Senator **Tommie Williams**, Ava's Great Uncle

Judith Ursitti, Austism Speaks

Alan Weintraub, MD, Developmental Pediatrician

Coby Lund, PhD BCBD, Board Certified Behavior Analyst

Rick Ward, American Academy of Pediatrics

Anna Bullard, Ava's parent

Megg Andrades, Parent

Melissa Solares, Parent

Kathleen Leard, Parent

Randy Grayson, Parent/Attorney

Julie Evans, Small Business Owner

Nicole Hilmes, BCBA/Small Business Owner

Bill Buchanon, Georgia Psychological Association

Gary Jackson, Parent and Municipal Court Judge

Chairman Golden, 8th, thanked everyone for their participation in the Hearing on **SB 191**. He stated he was personally committed to continue working on the mandate issue along with the Governor's Advisory Commission on Insurance Mandates to find a workable solution.

[SB 191 HEARING ONLY](#)

With no further business, Chairman Golden adjourned the meeting at 4:05 p.m.

Respectfully submitted,

/s/ Senator Tim Golden, 8th, Chairman

/s/ Laurie Sparks, Recording Secretary

MINUTES OF THE SENATE INSURANCE AND LABOR COMMITTEE
Thursday, March 14, 2013

The Senate Insurance and Labor Committee held its sixth meeting of the 2013 Session on Thursday, March 14, 2013, in room 450 of the Capitol. Chairman Tim Golden called the meeting to order at 2:15 p.m. Members present at the meeting were as follows:

Senator Tim Golden, 8th, Chairman
Senator Burt Jones, 25th
Senator Ronald Ramsey, 43rd
Senator Ed Harbison, 15th
Senator Brandon Beach, 21st, Ex-Officio

NOTE: Senators Bethel, 54th, Hill, 32nd, McKoon, 29th, Unterman, 45th, and Shafer, 48th, were absent from the meeting.

NOTE: Senator Brandon Beach, 21st, was made Ex-Officio for this meeting, and the official letter is included in these minutes.

Chairman Golden called the meeting to order, and the following legislation was discussed:

HB 246 (Golick, 40th) **Georgia World Congress Center Authority; benefit programs to its officers, employees, and other agents; provide** (Substitute LC 37 1609S)

Representative Golick, 46th, presented a substitute to **HB 246**, and the following summary was shared with the committee:

Georgia World Congress Center Authority – Employee Benefits

SUMMARY

- Authorizes the Georgia World Congress Center Authority to establish a flexible employee benefit plan for its employees and to elect or reject any optional plans for its employees.

ANALYSIS

This legislation authorizes the Georgia World Congress Center Authority to establish a flexible employee benefit plan for its employees.

This legislation also authorizes the Authority to irrevocably elect or reject any optional plans for its employees no later than June 30, 2014. Any new optional plans or any contracting with new or additional insurers under existing plans must be approved by the Employee Benefit Plan Council.

Testimony in support of the legislation was given by **Stephanie Kindregan**, Georgia World Congress Center Authority.

There was no testimony in opposition and no questions from the committee.

Chairman Golden asked for a motion on the legislation. Senator Jones, 25th, moved ***HB 246 Do Pass by Substitute***. Senator Ramsey, 43rd, seconded the motion. This bill passed unanimously (5-0).

HB 246 DO PASS BY SUBSTITUTE

NOTE: Yeas were Golden, 8th, Jones, 25th, Harbison, 15th, Ramsey, 43rd, and Beach, 21st, (Ex-Officio).

NOTE: Senator Burt Jones, 25th, agreed to be the Senate sponsor.

HB 393 (Hamilton, 24th) Georgia Workforce Investment Board; provide for powers and duties; provisions

Representative Hamilton, 24th, presented ***HB 393*** and the following summary was shared with the committee:

Workforce Investment Boards

SUMMARY

- Expands and clarifies the role and duties of the Georgia Workforce Investment Board; and
- Establishes local workforce investment boards.

ANALYSIS

This legislation expands and clarifies the role and duties of the Georgia Workforce Investment Board. In general, the State Workforce Investment Board oversees the Governor's state workforce development initiatives and ensures these initiatives.

This legislation also establishes local workforce investment boards to operate in one or more contiguous local governments; consistent with either a local labor market area or a metropolitan statistical area; and of a size sufficient to have the administrative resources necessary to provide for the effective planning, management, and delivery of workforce development.

After receiving the recommendations of the Georgia Workforce Investment Board, the Governor will publish a proposed designation of local workforce investment areas for the planning and delivery of workforce development. Local governments, business and labor organizations, and other affected persons and organizations will be given an opportunity to comment on and request revisions to the proposed areas. After considering all comments and requests for changes, the Governor will make the final designation of the local workforce investment areas.

There was no testimony for or against the legislation. Chairman Golden, 8th, recognized Senator Ramsey, 43rd, who had some concerns about giving the Governor the ability to make the final designation this legislation and how that might affect DeKalb County.

Chairman Golden asked for a motion on the legislation. Senator Beach, 21st, moved ***HB 393 Do Pass***. Senator Harbison, 15th, seconded the motion. This bill passed (4-1).

HB 393 DO PASS

NOTE: Yeas were Senators Golden, 8th, Jones, 25th, Harbison, 15th, and Beach, 21st, (Ex-Officio). Nay vote was Ramsey, 43rd.

NOTE: Senator Brandon Beach, 21st, agreed to be the Senate sponsor.

HB 389 (Taylor, 173rd) Insurance; provide conversion and enhanced conversion rights and coverage; sunset requirements

Representative Taylor, 173rd, presented ***HB 389*** to the committee and shared the following summary:

Georgia Health Insurance Enhancement Act of 2013

SUMMARY

No longer requires insurers to offer conversion rights and coverage or policies under the Georgia Health Insurance Assignment System and Georgia Health Benefits Assignment System once the guaranteed issue coverage provision of the Affordable Care Act (ACA) goes into effect.

ANALYSIS

This legislation no longer requires insurers to offer conversion and enhanced conversion rights and coverage or policies under the Georgia Health Insurance Assignment System and Georgia Health Benefits Assignment System once the guaranteed issue coverage provision of the Affordable Care Act (ACA) goes into effect on January 1, 2014.

This legislation also allows each insurer to terminate, cancel, or nonrenew all such existing policies once the guaranteed issue coverage provision of the ACA goes into effect and once the insurer provides at least 90 days' notice prior to the discontinuance of the coverage to policyholders and to the Commissioner. An insurer may not terminate, cancel, or nonrenew any such policies if, at the end of the 90 day cancellation period, the insured would not have at least 90 days of remaining open enrollment to obtain insurance coverage through a health insurance exchange created from the ACA.

There were no questions from the committee, and no testimony for or against the legislation.

Chairman Golden asked for a motion on the legislation. Senator Jones, 25th, moved ***HB 389 Do Pass***. Senator Ramsey, 43rd, seconded the motion. This bill passed unanimously (5-0).

HB 389 DO PASS

NOTE: Yeas were Senators Golden, 8th, Jones, 25th, Harbison, 15th, Ramsey, 43rd, and Beach, 21st, (Ex-Officio).

NOTE: Chairman Tim Golden, 8th, agreed to be the Senate sponsor

HB 312 (Carson, 46th) Insurance; regulating insurance holding company systems; provide comprehensive revision of provisions

Representative Carson, 46th, presented this legislation and shared the following summary with the committee:

Insurance Holding Companies

SUMMARY

- Makes several updates to the statues related to insurance holding companies; and
- Codifies the authority of HMOs to purchase medical malpractice insurance for their provider group.

ANALYSIS

This legislation makes several updates to the statutes related to insurance holding companies. Its significant provisions include:

- Requires the insurers to file enterprise risk reports with the Insurance Commissioner. Enterprise risk is defined as any activity, circumstance, event, or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or its insurance holding company system as a whole. Enterprise risk reports must identify the material risks within the insurance holding company system that could pose enterprise risk to the insurer;
- Enhances the Commissioner's access to holding company accounting records in order to understand the financial health of an insurer and its risks;
- Grants the Commissioner more freedom to coordinate and streamline the administrative process for acquisitions and mergers of insurers; and
- Authorizes the Commissioner to establish and participate in a supervisory college with other regulators charged with supervision of the insurers or affiliates, including other state, federal, and international regulatory agencies. The purpose of a supervisory college is to assess the business strategy, financial position, legal and regulatory position, risk exposure, risk management and governance processes of individual insurers.

This legislation also codifies the authority of HMOs to purchase medical malpractice insurance for their provider group.

Testimony in support of the legislation was given by **Jay Florence**, Department of Insurance. There was no opposing testimony. There were no questions from the committee.

Chairman Golden asked for a motion on the legislation. Senator Harbison, 15th, moved ***HB 312 Do Pass***. Senator Ramsey, 43rd, seconded the motion. This bill passed unanimously (5-0).

HB 312 DO PASS

NOTE: Yeas were Senators Golden, 8th, Jones, 25th, Harbison, 15th, Ramsey, 43rd, and Beach, 21st, (Ex-Officio).

NOTE: Chairman Tim Golden, 8th, agreed to be the Senate sponsor.

HB 229 (Teasley, 37th) **Insurance; removing the insurer annual publication requirement; provide**

Representative Teasley, 37th, presented ***HB 229*** to the committee and shared the following summary:

Property and Casualty Insurers

ANALYSIS

Under current law, each property and casualty insurer is required to submit an annual report to the Commissioner detailing its direct writing in Georgia. This legislation no longer requires this to be done statutorily, and instead allows the Commissioner to require the reports by rule or regulation.

Testimony in support of the legislation was given by **Jay Florence** and **Steve Manders**, Department of Insurance. There was no opposing testimony. There were no questions from the committee.

Chairman Golden asked for a motion on the legislation. Senator Harbison, 15th, moved ***HB 312 Do Pass***. Senator Ramsey, 43rd, seconded the motion. This bill passed unanimously (5-0).

HB 229 DO PASS

NOTE: Yeas were Senators Golden, 8th, Jones, 25th, Harbison, 15th, Ramsey, 43rd, and Beach, 21st, (Ex-Officio).

NOTE: Senator Jones, 25th, agreed to be the Senate sponsor.

HB 179 (Welch, 110th) Pharmacies; the Pharmacy Audit Bill of Rights; change certain provisions

Representative Welch, 110th, presented *HB 179* to the committee and shared the following summary:

Pharmacy Audits

SUMMARY

- Allows pharmacies to correct errors in pharmacy audits.

ANALYSIS

This legislation addresses audits of pharmacy records conducted by a managed care company, insurance company, third-party payor, DCH under the Medicaid Act, or any entity that represents such companies, groups, or department. Under the current Pharmacy Audit Bill of Rights, any clerical or record-keeping error regarding a required document or record may be subject to recoupment.

This legislation provides that no recoupment of the cost of drugs or medicinal supplies properly dispensed will be required if an error has occurred and been resolved in accordance with this legislation. A pharmacy will be allowed at least 30 days after the conclusion of an on-site audit or receipt of the preliminary audit report in which to correct a clerical or record-keeping error or produce documentation to address any discrepancy found during an audit.

This legislation does not apply to the DCH conducting audits under the Medicaid Act.

Testimony in support of the legislation was given by **Andrew Freeman**, Pharmacy Association. There were no questions from the committee.

Chairman Golden asked for a motion on the legislation. Senator Jones, 25th, moved *HB 179 Do Pass*. Senator Ramsey, 43rd, seconded the motion. This bill passed unanimously (5-0).

HB 179 DO PASS

NOTE: Yeas were Senators Golden, 8th, Jones, 25th, Harbison, 15th, Ramsey, 43rd, and Beach, 21st, (Ex-Officio).

NOTE: Chairman Golden, 8th, agreed to be the Senate sponsor.

With no further business, Chairman Golden adjourned the meeting at 2:45 p.m.

Respectfully submitted,

/s/ Senator Tim Golden, 8th, Chairman

/s/ Laurie Sparks, Recording Secretary

OFFICE OF THE LIEUTENANT GOVERNOR

240 State Capitol
Atlanta, Georgia 30334

Casey Cagle
Lieutenant Governor

March 14, 2013

Mr. Bob Ewing
Secretary of the Senate
353 State Capitol
Atlanta, GA 30334

Dear Bob:

In accordance with the Senate Rules, the Senate Committee on Assignments hereby appoints Senator Brandon Beach to serve as Ex-Officio for the Senate Insurance and Labor Committee meeting on March 14, 2013. This appointment shall expire upon the adjournment of the committee meeting.

Sincerely,

/s/ Casey Cagle
Lt. Governor Casey Cagle
President of the Senate

MINUTES OF THE SENATE INSURANCE AND LABOR COMMITTEE
Tuesday, March 19, 2013

The Senate Insurance and Labor Committee held its final meeting of the 2013 Session on Tuesday, March 19, 2013, in room 125 of the Capitol. Chairman Tim Golden called the meeting to order at 2:08 p.m. Members present at the meeting were as follows:

Senator Tim Golden, 8th, Chairman
Senator David Shafer, 48th, Vice Chairman
Senator Charlie Bethel, 54th
Senator Burt Jones, 25th
Senator Ed Harbison, 15th
Senator Josh McKoon, 29th
Senator Rick Jeffares, 17th, Ex-Officio 3/19/13
Senator Mike Dugan, 30th, Ex-Officio 3/19/13

NOTE: Senators, Hill, 32nd, Ramsey, 43rd, and Unterman, 45th were absent attending other meetings.

NOTE: Senator Rick Jeffares, 17th, and Senator Mike Duggan, 30th, were assigned Ex-Officio positions by the office of the Lt. Governor to help maintain a committee quorum. Official letters have been included in these minutes.

Chairman Golden called the meeting to order. The following legislation was discussed:

[HB 240](#) (Carson, 46th) **Medicaid and PeachCare for Kids; certain speech-language pathology services; require reimbursement**

Representative Carson, 46th, presented **HB 240** and the following summary was shared with the committee:

Medicaid and PeachCare

SUMMARY

- Requires Medicaid and PeachCare reimbursement for certain speech-language pathology services.

ANALYSIS

This legislation requires DCH to ensure that services provided by speech-language pathologists, who are clinical fellows licensed by the State Board of Examiners for Speech-Language Pathology and Audiology, are reimbursed as medical assistance under Medicaid or PeachCare in the same amount as would be paid for such services if provided by fully licensed speech-language pathologists.

DCH must submit any necessary modifications to the Medicaid state plan in order to fulfill this legislation's requirements.

There was no testimony for or against the legislation.

Chairman Golden, 8th, asked for a motion on **HB 240**. Senator Jones, 25th, made a motion **HB 240 Do Pass**. Senator Harbison seconded the motion. This legislation passed unanimously (5-0).

HB 240 DO PASS

NOTE: Yeas were Bethel, 54th, Harbison, 15th, Jones, 25th, Dugan, 30th, and Jeffares, 17th.

NOTE: Senator Miller, 49th, agreed to be the Senate sponsor.

NOTE: Senator McKoon, 29th, arrived.

NOTE: The following three bills considered by the full committee were passed out of the insurance subcommittees unanimously. Testimony on this legislation was heard by the subcommittees.

HB 458 (Atwood, 179th) Condominiums; maximum allowable casualty insurance deductible imposed by associations; change

Representative Atwood, 179th, presented **HB 458** and the following summary was shared with the committee:

Condominiums – Insurance Deductibles

SUMMARY

Current law limits the maximum allowable casualty insurance deductible allocated by a condominium association to any one unit holder to \$2,500 per casualty loss. This legislation increases the maximum deductible to \$5000.

There was no testimony for or against the legislation. Chairman Golden, 8th, asked for a motion on **HB 458**. Senator Jones, 25th, moved **HB 458 Do Pass**. Senator Bethel, 54th, seconded the motion. The legislation passed unanimously (6-0).

HB 458 DO PASS

NOTE: Yeas were Senators Harbison, 15th, Bethel, 54th, Jones, 25th, McKoon, 29th, Dugan, 30th, and Jeffares, 17th.

NOTE: Senator Ligon, 3rd, agreed to be the Senate sponsor.

HB 375 (Williamson, 115th) Insurance; cancellations under certain circumstances relating to policy terms that permit an audit or rate investigation and noncompliance by insured; provide

Senator Jones, 25th, presented **HB 375** for Representative Williamson, 115th, and the following summary was shared with the committee:

Cancellation of Insurance Policy

SUMMARY

- Allows an insurer to cancel an insurance policy after 10 days from the cancellation notice under certain circumstances.

ANALYSIS

Under current law, an insurer is prohibited from cancelling an insurance policy within 30 days from a cancellation notice. This legislation allows an insurer to cancel an insurance policy after 10 days from the cancellation notice under the following circumstances only:

- The terms of the policy permit an audit and the insured fails to submit to or allow an audit;
- The insurer has attempted to notify the policyholder and the policyholder's agent of the potential cancellation twice, via certified mail or overnight delivery; and
- The cancellation notice is mailed after 20 days from the first attempt to notify the policyholder of potential cancellation.

There was no testimony for or against the legislation. Chairman Golden, 8th, asked for a motion on **HB 375**. Senator Bethel, 54th, moved **HB 375 Do Pass**. Senator Jeffares, 17th, seconded the motion. The legislation passed unanimously (6-0).

HB 375 DO PASS

NOTE: Yeas were Senators Bethel, 54th, Jones, 25th, Harbison, 15th, McKoon, 29th, Dugan, 30th, and Jeffares, 17th.

NOTE: Senator Jones, 25th, agreed to be the Senate sponsor.

HB 361 (Lindsey, 54th) Labor organizations membership; provide for definitions; provisions

Representative Lindsey, 54th, and Senator Fran Millar, 40th, presented the subcommittee a substitute for **HB 361**, and the following summary was shared with the committee:

Organized Labor and Collective Bargaining

SUMMARY

- Prohibits certain acts involving labor unions and collective bargaining; and
- Requires annual authorization of union dues.

ANALYSIS

Rights Protected Under Federal Labor Laws

This legislation provides that the rights protected under federal labor laws include, but are not limited to:

- An employer's or employee's right to express views in favor of or contrary to unionization and any other labor relations issues to the full extent allowed by the First Amendment and the National Labor Relations Act;
- An employee's right to participate in, and an employer's right to demand, a secret ballot election, including the full procedural protections afforded by such laws for defining the unit, conducting the election campaign and election, and making any challenges or objections; and
- An employer's right to:
 - Oppose the recognition of a labor organization based solely on reviewing authorization cards absent a secret ballot election;
 - Refuse to release sensitive and private employee information beyond the requirements of federal labor laws;
 - Maintain the confidentiality of employee information; and
 - Restrict access to its property or business.

Prohibited Acts

This legislation prohibits the State and local governments from enacting any law or imposing any other condition that requires an employer or employee to waive rights granted under federal labor laws. Moreover, such governments are prohibited from enacting any law that requires an employer to accept any provisions that are mandatory or non-mandatory subjects of collective bargaining, including limitations on an employer's right to negotiate with a labor organization, limitations on lock outs, or limitations on operating during a work stoppage.

No employer or labor organization may be forced to enter into any agreement that subverts the established process by which employees may make informed and free decisions regarding representation and collective bargaining rights.

Union Dues

Finally, this legislation requires annual written consent by every employee contributing union dues. The consent can be revoked by the employee at any time. This provision does not apply to any collective bargaining agreement under the Railway Labor Act, to any professional associations composed of educators, law enforcement officers, or firefighters not engaged or engaging in contracting or collective bargaining.

The following opposed the bill:

Tony Tilly, Communication Workers of America

Mary Lou Waymer, United Food and Commercial Workers

Eric Robertson, Teamsters

Stan Jones, Nelson Mullins

Charlie Fleming, Georgia AFL-CIO

Chairman Golden asked for a motion on the legislation. Senator Jones, 25th, moved ***HB 361 Do Pass by Substitute***. Senator Bethel, 54th, seconded the motion. The legislation passed (5-1).

HB 361 DO PASS BY SUBSTITUTE

NOTE: Yeas were Senators Bethel, 54th, Jones, 25th, McKoon, 29th, Jeffares, 17th, and Dugan, 30th. Nay was Senator Harbison, 15th.

NOTE: Senator Beach, 21st, agreed to be the Senate sponsor.

With no further business, Chairman Golden adjourned the meeting at 2:45 p.m.

Respectfully submitted,

/s/ Senator Tim Golden, 8th, Chairman

/s/ Sharon Wilder, Recording Secretary (for Laurie Sparks)

OFFICE OF THE LIEUTENANT GOVERNOR

240 State Capitol
Atlanta, Georgia 30334

Casey Cagle
Lieutenant Governor

March 19, 2013

Mr. Bob Ewing
Secretary of the Senate
353 State Capitol
Atlanta, GA 30334

Dear Bob:

In accordance with the Senate Rules, the Senate Committee on Assignments hereby appoints Senator Mike Dugan to serve as Ex-Officio for the Senate Insurance and Labor Committee meeting on March 19, 2013. This appointment shall expire upon the adjournment of the committee meeting.

Sincerely,

/s/ Casey Cagle
Lt. Governor Casey Cagle
President of the Senate

OFFICE OF THE LIEUTENANT GOVERNOR

240 State Capitol
Atlanta, Georgia 30334

Casey Cagle
Lieutenant Governor

March 19, 2013

Mr. Bob Ewing
Secretary of the Senate
353 State Capitol
Atlanta, GA 30334

Dear Bob:

In accordance with the Senate Rules, the Senate Committee on Assignments hereby appoints Senator Rick Jeffares to serve as Ex-Officio for the Senate Insurance and Labor Committee meeting on March 19, 2013. This appointment shall expire upon the adjournment of the committee meeting.

Sincerely,

/s/ Casey Cagle
Lt. Governor Casey Cagle
President of the Senate

April 9, 2013

Honorable Bob Ewing
Secretary of the Senate
State Capitol
Room 353
Atlanta, GA 30334

Dear Mr. Ewing:

Along with the minutes of the **Senate Insurance and Labor Committee**, I am returning the following Bills:

[SR 444](#)

[SB 2](#)

[SB 20](#)

[SB 38](#)

[SB 46](#)

[SB 47](#)

[SB 98](#)

[SB 118](#)

[SB 164](#)

[SB 173](#)

[SB 191](#)

[SB 245](#)

Respectfully submitted,

/s/ Laurie Sparks
Recording Secretary
Senate Insurance and Labor Committee