

House Bill 1372 (AS PASSED HOUSE AND SENATE)

By: Representative Harbin of the 118th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to
2 employees' insurance and benefit plans, so as to provide for mechanisms for termination of
3 coverage for nonpayment of premium; to provide for notification to employers; to provide
4 an exemption from the eight-year service requirement for correctional officers injured by
5 inmate violence when five years or less from becoming eligible for medicare medical
6 coverage; to provide for fiscal notes for bills impacting the state health benefit plans; to
7 provide for the House Asthma Strategic Planning Study Committee; to provide for automatic
8 repeal; to provide for related matters; to provide an effective date; to repeal conflicting laws;
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to employees'
13 insurance and benefit plans, is amended striking Code Section 45-18-5, relating to county
14 officers and employees, and inserting in lieu thereof a new Code Section 45-18-5 to read as
15 follows:

16 "45-18-5.

17 (a) The board is authorized to contract with the various counties of this state for the
18 inclusion of the employees of any county within any health insurance plan or plans
19 established under this article. The various counties of this state are authorized to contract
20 with the board as provided in this Code section. In the event that any such contract is
21 entered into, it shall be the duty of any counties so contracting to deduct from the salary or
22 other compensation of its employees such payment as may be required under any health
23 insurance plan and to remit the same to the board for inclusion in the health insurance fund.
24 In addition, it shall be the duty of such county or counties to make the employer
25 contributions required for the operation of such plan or plans. Should such county or
26 counties fail to remit such deductions or such employer contributions, the commissioner
27 may, upon written notice to such county or counties, terminate the coverage for such

1 employees as of the day following the last day for which such deductions or such employer
 2 contributions were remitted to the board. Coverage may be reinstated upon the tender of
 3 any such deductions or employer contributions not previously remitted.

4 (b) County officials may elect to be included in a health insurance plan, health
 5 maintenance organization, or other health benefits plan offered or provided by a county for
 6 its county officials or any health plan or plans established under this article. The governing
 7 authority of a county may elect by majority vote to provide for payment in a uniform
 8 manner of any portion, all, or none of the employer contributions for or required premiums
 9 or payments due from the county officials or former county officials who under this Code
 10 section are eligible for inclusion in the health plan or plans established under this article.
 11 The board is authorized to contract with the County Officers Association of Georgia on
 12 behalf of the various counties of this state for the inclusion in any health insurance plan or
 13 plans established under this article of officials, spouses, and dependents of officials serving
 14 in one or more of the following capacities: probate judge, sheriff, tax commissioner or tax
 15 collector, clerk of the superior court, full-time or part-time state court judge, solicitor, state
 16 court clerk, or solicitor-general, chief magistrate, juvenile court judge, or members of the
 17 county governing authority and officials, spouses, and dependents of officials leaving
 18 office on or after December 31, 1996, who have served at least 12 years in one or more of
 19 the following capacities: probate judge, sheriff, tax commissioner or tax collector, clerk of
 20 the superior court, full-time or part-time state court judge, solicitor, state court clerk, or
 21 solicitor-general, chief magistrate, juvenile court judge, or members of the county
 22 governing authority. The County Officers Association of Georgia is authorized to contract
 23 with the board as provided in this Code section. In the event that such a contract is entered
 24 into, it shall be the duty of the County Officers Association of Georgia to collect from the
 25 various counties of this state with which it has contracted under this subsection and remit
 26 to the board such payment as may be required under any health insurance plan for inclusion
 27 in the health insurance fund. The County Officers Association of Georgia may add a
 28 reasonable fee to the premiums required under the plan to cover necessary administrative
 29 costs. In addition, it shall be the duty of the County Officers Association of Georgia to
 30 maintain and remit to the board accurate records of official, dependent, and other
 31 information required by the board to administer this Code section. Should the County
 32 Officers Association of Georgia fail to remit such payment, the commissioner may, upon
 33 written notice to the County Officers Association of Georgia, terminate the coverage for
 34 such officials as of the day following the last day for which such payment was remitted to
 35 the board. Coverage may be reinstated upon the tender of any such deductions or employer
 36 contributions not previously remitted.

1 (c) The various counties of this state are authorized to contract with the County Officers
2 Association of Georgia for the inclusion in any health insurance plan or plans established
3 under this article of officials, spouses, and dependents of officials serving in one or more
4 of the following capacities: probate judge, sheriff, tax commissioner or tax collector, clerk
5 of the superior court, full-time or part-time state court judge, solicitor, or solicitor-general,
6 chief magistrate, juvenile court judge, or members of the county governing authority and
7 officials, spouses, and dependents of officials leaving office on or after December 31, 1996,
8 who have served at least 12 years in one or more of the following capacities: probate judge,
9 sheriff, tax commissioner or tax collector, clerk of the superior court, full-time or part-time
10 state court judge, solicitor, state court clerk, or solicitor-general, chief magistrate, juvenile
11 court judge, or members of the county governing authority. The County Officers
12 Association of Georgia is authorized to contract with the various counties of the state as
13 provided in this Code section. In the event that any such contracts are entered into, it shall
14 be the duty of any counties so contracting to deduct from the salary or other compensation
15 of its officials and otherwise collect from former officials such payment as may be required
16 under any health insurance plan and to remit the same to the County Officers Association
17 of Georgia for payment to the board. To the extent employer contributions are not fully
18 made by a county, it shall be the duty of the covered officials and former officials to make
19 such employer contributions required on their behalf for the operation of such plan or
20 plans. Should the County Officers Association of Georgia fail to remit such payment, the
21 commissioner may, upon written notice to the County Officers Association of Georgia,
22 terminate the coverage for such officials as of the day following the last day for which such
23 payment was remitted to the board. Coverage may be reinstated upon the tender of any
24 such deductions or employer contributions not previously remitted.

25 (c.1) Any local board of education may elect for members thereof and their spouses and
26 dependents to be included in any health plan or plans established under Code Section
27 20-2-918. It shall be the duty of any local boards of education so electing to deduct from
28 the salary or other compensation of its members such payment as may be required under
29 paragraph (1) of subsection (b) of Code Section 20-2-55 and to remit the same to the health
30 insurance fund created under Code Section 20-2-918. Should any local board of education
31 fail to remit such payment to the board, the provisions of subsection (b) of Code Section
32 20-2-920 shall be applicable to such nonpayment.

33 (d) In administering this Code section, it shall be the responsibility of the board to develop
34 rates for coverage based on the actual claims experience of the individuals covered by this
35 Code section. The board shall require a bond satisfactory to the commissioner to assure the
36 contractual performance of any entities with which it contracts under this Code section.

1 (e) Nothing in this Code section shall preclude the exercise of any options or rights
 2 otherwise available to such county officers or members of local boards of education under
 3 other state or federal laws which relate to extension or continuation of health benefits."

4 SECTION 2.

5 Said chapter is further amended by striking Code Section 45-18-5.1, relating to licensed blind
 6 or otherwise seriously disabled vendors, and inserting in lieu thereof a new Code Section
 7 45-18-5.1 to read as follows:

8 "45-18-5.1.

9 The Department of Labor is authorized to contract with the Georgia Cooperative Services
 10 for the Blind, Inc., a nominee agent designated by the Division of Rehabilitation Services
 11 of the Department of Labor, for the inclusion of licensed blind persons or other persons
 12 with disabilities operating a vending facility in accordance with Article 2 of Chapter 15 of
 13 Title 34 within any health insurance plan or plans established under this article. In the
 14 event any contract is entered into, it shall be the duty of the Georgia Cooperative Services
 15 for the Blind, Inc., to deduct the payment required under the plan from the earnings or other
 16 compensation of licensed blind persons or other persons with disabilities and remit it to the
 17 Department of Labor for inclusion in the health insurance fund. In addition, it shall be the
 18 duty of the Georgia Cooperative Services for the Blind, Inc., to make the employer
 19 contributions required for the operation of such plan or plans. Should the Georgia
 20 Cooperative Services for the Blind, Inc., fail to remit such deductions or such employer
 21 contributions through the Department of Labor, the commissioner may, upon written notice
 22 to the Georgia Cooperative Services for the Blind, Inc., terminate the coverage for such
 23 employees as of the day following the last day for which such deductions or such employer
 24 contributions were remitted to the board. Coverage may be reinstated upon the tender of
 25 any such deductions or employer contributions not previously remitted."

26 SECTION 3.

27 Said chapter is further amended by striking Code Section 45-18-5.2, relating to sheltered
 28 employment center employees, and inserting in lieu thereof a new Code Section 45-18-5.2
 29 to read as follows:

30 "45-18-5.2.

31 The board is authorized to contract with public and private nonprofit sheltered employment
 32 centers which contract with or employ persons within the Division of Rehabilitation
 33 Services of the Department of Labor and the Division of Mental Health, Developmental
 34 Disabilities, and Addictive Diseases of the Department of Human Resources for the
 35 inclusion of employees working in the sheltered employment centers within any health

1 insurance plan or plans established under this article. The board is authorized to adopt
 2 regulations for entering into any contract. In the event any contract is entered into, it shall
 3 be the duty of the sheltered employment center to remit any funds that may be deducted
 4 from the earnings or other compensation of such sheltered employees for inclusion in the
 5 health insurance fund. In addition, it shall be the duty of the sheltered employment center
 6 to make the employer contributions required for the operation of such plan or plans.
 7 Should the sheltered employment center fail to remit such deductions or such employer
 8 contributions to the board, the commissioner may, upon written notice to the sheltered
 9 employment center, terminate the coverage for such employees as of the day following the
 10 last day for which such deductions or such employer contributions were remitted to the
 11 board. Coverage may be reinstated upon the tender of any such deductions or employer
 12 contributions not previously remitted."

13 SECTION 4.

14 Said chapter is further amended by striking Code Section 45-18-7.1, relating to employees
 15 of the Georgia Development Authority, and inserting in lieu thereof a new Code Section
 16 45-18-7.1 to read as follows:

17 "45-18-7.1.

18 The board is authorized to contract with the Georgia Development Authority for the
 19 inclusion in any health insurance plan or plans established under this article of the
 20 employees and retiring employees of the Georgia Development Authority and their spouses
 21 and dependent children, as defined by the regulations of the board. It shall be the duty of
 22 the Georgia Development Authority to deduct from the salary or other remuneration of its
 23 employees such payment as may be required under the board's regulations. In addition,
 24 it shall be the duty of the Georgia Development Authority to make the employer
 25 contributions required for the operation of such plan or plans. Should the Georgia
 26 Development Authority fail to remit such deductions or such employer contributions to the
 27 board, the commissioner may, upon written notice to the Georgia Development Authority,
 28 terminate the coverage for such employees as of the day following the last day for which
 29 such deductions or such employer contributions were remitted to the board. Coverage may
 30 be reinstated upon the tender of any such deductions or employer contributions not
 31 previously remitted."

32 SECTION 5.

33 Said chapter is further amended by striking Code Section 45-18-7.2, relating to Agrirama
 34 Development Authority employees, and inserting in lieu thereof a new Code Section
 35 45-18-7.2 to read as follows:

1 "45-18-7.2.

2 The board is authorized to contract with the Georgia Agrirama Development Authority for
 3 the inclusion in any health insurance plan or plans established under this article of the
 4 employees and retiring employees of the Georgia Agrirama Development Authority and
 5 their spouses and dependent children, as defined by the regulations of the board. It shall
 6 be the duty of the Georgia Agrirama Development Authority to deduct from the salary or
 7 other remuneration of its employees such payment as may be required under the board's
 8 regulations. In addition, it shall be the duty of the Georgia Agrirama Development
 9 Authority to make the employer contributions required for the operation of such plan or
 10 plans. Should the Georgia Agrirama Development Authority fail to remit such deductions
 11 or such employer contributions to the board, the commissioner may, upon written notice
 12 to the Georgia Agrirama Development Authority, terminate the coverage for such
 13 employees as of the day following the last day for which such deductions or such employer
 14 contributions were remitted to the board. Coverage may be reinstated upon the tender of
 15 any such deductions or employer contributions not previously remitted."

16 **SECTION 6.**

17 Said chapter is further amended by striking Code Section 45-18-7.3, relating to employees
 18 of Peace Officers' Annuity and Benefit Fund, Georgia Firefighters' Pension Fund, and
 19 Sheriffs' Retirement Fund of Georgia, spouses, and dependent children, and inserting in lieu
 20 thereof a new Code Section 45-18-7.3 to read as follows:

21 "45-18-7.3.

22 The board is authorized to contract with the Peace Officers' Annuity and Benefit Fund,
 23 Georgia Firefighters' Pension Fund, and the Sheriffs' Retirement Fund of Georgia for the
 24 inclusion in any health insurance plan or plans established under this article of the
 25 employees and retiring employees of said Peace Officers' Annuity and Benefit Fund,
 26 Georgia Firefighters' Pension Fund, and Sheriffs' Retirement Fund of Georgia and their
 27 spouses and dependent children, as defined by the regulations of the board. It shall be the
 28 duty of said Peace Officers' Annuity Benefit Fund, Georgia Firefighters' Pension Fund,
 29 and Sheriffs' Retirement Fund of Georgia to deduct from the salary or other remuneration
 30 of their employees such payment as may be required under the board's regulations. In
 31 addition, it shall be the duty of said Peace Officers' Annuity and Benefit Fund, Georgia
 32 Firefighters' Pension Fund, and Sheriffs' Retirement Fund of Georgia to make the
 33 employer contributions required for the operation of such plan or plans. Should the Peace
 34 Officers' Annuity and Benefit Fund, Georgia Firefighters' Pension Fund, or Sheriffs'
 35 Retirement Fund of Georgia fail to remit such deductions or such employer contributions
 36 to the board, the commissioner may, upon written notice to the Peace Officers' Annuity

1 and Benefit Fund, Georgia Firefighters' Pension Fund, or Sheriffs' Retirement Fund of
 2 Georgia, as the case may be, terminate the coverage for such employees as of the day
 3 following the last day for which such deductions or such employer contributions were
 4 remitted to the board. Coverage may be reinstated upon the tender of any such deductions
 5 or employer contributions not previously remitted."

6 **SECTION 7.**

7 Said chapter is further amended by striking Code Section 45-18-7.5, relating to employees
 8 of Georgia Housing and Finance Authority, spouses, and dependent children, and inserting
 9 in lieu thereof a new Code Section 45-18-7.5 to read as follows:

10 "45-18-7.5.

11 The board is authorized to contract with the Georgia Housing and Finance Authority for
 12 the inclusion in any health insurance plan or plans established under this article of the
 13 employees and retiring employees of the Georgia Housing and Finance Authority and their
 14 spouses and dependent children, as defined by the regulations of the board. It shall be the
 15 duty of the Georgia Housing and Finance Authority to deduct from the salary or other
 16 remuneration or otherwise collect such payment from its qualified employees, retired
 17 employees, or dependents as may be required under the board's regulations. In addition,
 18 it shall be the duty of the Georgia Housing and Finance Authority to make the employer
 19 contributions required for the operation of such plan or plans. Should the Georgia Housing
 20 and Finance Authority fail to remit such deductions or such employer contributions to the
 21 board, the commissioner may, upon written notice to the Georgia Housing and Finance
 22 Authority, terminate the coverage for such employees as of the day following the last day
 23 for which such deductions or such employer contributions were remitted to the board.
 24 Coverage may be reinstated upon the tender of any such deductions or employer
 25 contributions not previously remitted."

26 **SECTION 8.**

27 Said chapter is further amended by striking Code Section 45-18-7.6, relating to employees
 28 of Georgia-Federal State Inspection Service, spouses, and dependent children, and inserting
 29 in lieu thereof a new Code Section 45-18-7.6 to read as follows:

30 "45-18-7.6.

31 The board is authorized to contract with the Georgia-Federal State Inspection Service for
 32 the inclusion in any health insurance plan or plans established under this article of the state
 33 employees of, retiring employees of, and employees who retired under the Employees'
 34 Retirement System of Georgia on or before July 1, 2000, from the Georgia-Federal State
 35 Inspection Service and their spouses and dependent children, as defined by the regulations

1 of the board. It shall be the duty of the Georgia-Federal State Inspection Service to deduct
 2 from the salary or other remuneration or otherwise collect such payment from its qualified
 3 employees or dependents as may be required under the board's regulations. In addition,
 4 it shall be the duty of the Georgia-Federal State Inspection Service to make the employer
 5 contributions required for the operation of such plan or plans. Should the Georgia-Federal
 6 State Inspection Service fail to remit such deductions or such employer contributions to the
 7 board, the commissioner may, upon written notice to the Georgia-Federal State Inspection
 8 Service, terminate the coverage for such employees as of the day following the last day for
 9 which such deductions or such employer contributions were remitted to the board.
 10 Coverage may be reinstated upon the tender of any such deductions or employer
 11 contributions not previously remitted."

12 SECTION 9.

13 Said chapter is further amended by striking Code Section 45-18-7.7, relating to employees
 14 and dependents of critical access hospitals in health plans, and inserting in lieu thereof a new
 15 Code Section 45-18-7.7 to read as follows:

16 "45-18-7.7.

17 (a) The board is authorized to contract with any public or nonprofit critical access hospital
 18 that meets such requirements as the department may establish for the inclusion of the
 19 employees and dependents of such critical access hospitals in any health plan established
 20 under this article. It shall be the duty of such critical access hospital to deduct from the
 21 salary or other remuneration or otherwise collect such payment from its qualified
 22 employees as may be required under the board's regulations. In addition, it shall be the
 23 duty of such critical access hospital to make the employer contributions required for the
 24 operation of such plan. Should any critical access hospital fail to remit such deductions or
 25 such employer contributions to the board, the commissioner may, upon written notice to
 26 such critical access hospital, terminate the coverage for such employees as of the day
 27 following the last day for which such deductions or such employer contributions were
 28 remitted to the board. Coverage may be reinstated upon the tender of any such deductions
 29 or employer contributions not previously remitted.

30 (b) The board is authorized to contract with any federally qualified health center, as
 31 defined in Section 1395x(aa)(4) of Title 42 of the United States Code Annotated, that meets
 32 such requirements as the department may establish for the inclusion of the employees and
 33 dependents of such federally qualified health centers in any health plan established under
 34 this article. It shall be the duty of the federally qualified health center to deduct from the
 35 salary or other remuneration or otherwise collect such payment from its qualified
 36 employees as may be required under the board's regulations. In addition, it shall be the

1 duty of such federally qualified health center to make the employer contributions required
 2 by the board for the operation of such plan. The department shall make a determination,
 3 no later than January 1, 2005, as to whether a federally qualified health center is an agency
 4 or instrumentality of the State of Georgia. In the event that the department determines that
 5 such centers are agencies or instrumentalities of the State of Georgia, then all employees
 6 and dependents of such centers shall be eligible for inclusion in the state employees' health
 7 insurance plan. Should any such federally qualified health center fail to remit such
 8 deductions or such employer contributions to the board, the commissioner may, upon
 9 written notice to such federally qualified health center, terminate the coverage for such
 10 employees as of the day following the last day for which such deductions or such employer
 11 contributions were remitted to the board. Coverage may be reinstated upon the tender of
 12 any such deductions or employer contributions not previously remitted.

13 (c) The authority granted to the board pursuant to Code Sections 45-18-5.1, 45-18-5.2,
 14 45-18-7.1, 45-18-7.2, 45-18-7.3, 45-18-7.5, and 45-18-7.6; by this Code section; or by any
 15 other provision of this article may be exercised only upon a determination by the
 16 department that the employer is an agency or instrumentality of the State of Georgia or, if
 17 the department determines that such entities are not agencies or instrumentalities of the
 18 State of Georgia, then employees and dependents of such entities may be included in the
 19 state employees' health insurance plan up to the point that such health plan would not be
 20 able to retain its exempt status under the federal Employee Retirement Income Security Act
 21 of 1974."

22 SECTION 10.

23 Said chapter is further amended by adding a new subsection (c) to Code Section 45-18-10,
 24 relating to the right of continuation of insurance benefits for former state employees, to read
 25 as follows:

26 "(c) Any other provision of this article to the contrary notwithstanding, any employee who
 27 is injured by an act of inmate violence while he or she is employed as a correctional officer
 28 in a correctional facility in this state and is five years or less from becoming eligible for
 29 medicare medical coverage shall be exempt from the eight or more years of service
 30 requirement and shall be entitled to continue full coverage and participation, including
 31 coverage for his or her spouse and dependent children, in the health insurance plan upon
 32 the payment of the monthly premium fixed by the board for active state employees. The
 33 first monthly premium provided for in this subsection must be paid within 30 days
 34 following receipt of a notice of premium to be sent to such person by the commissioner.
 35 If such premium is not paid within such time limit, such insurance coverage shall be
 36 canceled and such person shall not again be eligible to participate in such plan."

SECTION 11.

Said chapter is further amended by striking Code Section 45-18-16, relating to certification to departments and other entities of the state of employer payment percentage for ensuing fiscal year, and inserting in lieu thereof a new Code Section 45-18-16 to read as follows:

"45-18-16.

~~On or before June 1 of each year~~ Not less than 30 days prior to the commencement of the plan year, the commissioner of community health shall certify to the director or chief administrative officer of each state department, bureau, institution, board, commission, or authority having employees covered by this article the amount of percentage adopted by the board as employer payments for the ensuing fiscal year; and they shall, in their annual budget, make provisions for funds with which to pay the board the required employer payments."

SECTION 12.

Said chapter is further amended by adding new Code sections to read as follows:

"45-18-20.

Any bill prepared by the General Assembly which would impact the state employees' health insurance plan established under this article shall require a fiscal note in accordance with the procedures of Code Section 28-5-42.

45-18-21.

(a) There is created the House Asthma Strategic Planning Study Committee to be composed of five members of the House of Representatives to be appointed by the Speaker of the House of Representatives, as well as representatives from the Governor's office, the Public Employee Health Benefits Division and the Division of Medical Assistance of the Department of Community Health, the Department of Education, the Department of Early Care and Learning, the American Lung Association, and Children's Healthcare of Atlanta. The Speaker of the House of Representatives shall designate a member of the committee as chairperson of the committee. The chairperson shall call all meetings of the committee. The committee shall undertake a study of the current prevalence of asthma in Georgia and determine a state-wide strategy for reducing the prevalence of the disease as well as improving the health status of Georgians with asthma.

(b) The committee shall undertake a study of the conditions, needs, issues, and problems mentioned above or related thereto and recommend any action or legislation the committee deems necessary or appropriate. The committee may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of

1 this resolution. The legislative members of the committee shall receive the allowance
2 provided for in Code Section 28-1-8 of the Official Code of Georgia Annotated. Citizen
3 members shall receive a daily expense allowance in the amount specified in subsection (b)
4 of Code Section 45-7-21 of the Official Code of Georgia Annotated as well as the mileage
5 or transportation allowance authorized for state employees. Any member who is a public
6 official or employee other than a member of the General Assembly shall not receive a daily
7 expense allowance but may be reimbursed for actual expenses by his or her public
8 employer. All funds necessary to carry out the provisions of this resolution shall come from
9 funds appropriated to the House of Representatives. The expenses and allowances
10 authorized by this resolution shall not be received by any member of the committee for
11 more than five days unless additional days are authorized. In the event the committee
12 makes a report of its findings and recommendations, with suggestions for proposed
13 legislation, if any, such report shall be made on or before December 31, 2006.

14 (c) This Code section shall be repealed and the committee shall stand abolished on
15 December 31, 2006."

16 **SECTION 13.**

17 This Act shall become effective on July 1, 2006.

18 **SECTION 14.**

19 All laws and parts of laws in conflict with this Act are repealed.