
H.B. 923, Changes in Georgia Health Insurance Rules and Rates

With medical costs going sky high and presidential candidates declaring they'll make health insurance affordable for everyone, Georgia Insurance Commissioner John Oxendine is asking legislators to pass another law that'll affect health coverage for all of us. It's H.B. 923 introduced on January 16th by Representative Carl Rogers from Gainesville in District 26. He's an insurance agent, himself.

Georgia's current insurance law defines small groups as two to 50 people, but this bill cuts the two in half and doubles the 50 to 99. So, in this age of changing word meanings, one person is a "group," if you want to buy or sell group health insurance in Georgia.

H.B. 923 requires group insurance agents to expand the categories of plans they want to sell. They could no longer sell health insurance to groups only. Beginning July 1, 2008, they must offer *individual* consumers a *choice* from at least two approved plans for comprehensive *individual* accident and sickness insurance. One choice must be a high-deductible consumer driven individual health insurance and the other would be comprehensive accident and sickness coverage. The commissioner would regulate the design, benefits and limitations for both plans.

The comprehensive accident and sickness insurance is defined as major medical coverage in the form of indemnity or managed care with a lifetime benefit level beginning at \$1,000,000, with varying coverage in certain circumstances that are more fully explained in the bill that's available on the internet or by calling the State Capitol. Insurance companies that refuse to offer such plans in the general individual market will lose their license to operate in Georgia.

H.B. 923 requires insurers to send the commissioner copies of rate manuals and possible rate changes, at least 90 days before any premium change is implemented. If manuals aren't available, insurance companies may send a list of proposed rates to the commissioner. He will allow premium discounts for programs known to improve the health and lower overall health costs. The commissioner has 90 to 180 days to decide which proposed rates he'll approve.

Also, insurance companies operating under Georgia law will be required to accept timely reassignment of individuals that lose coverage, due to their insurance company's liquidation, suspension, or rehabilitation. Insurance companies may appeal for exemptions from these new requirements, if they would suffer a financial hardship or undue burden.

Commissioner Oxendine's proposal in H.B. 923 is available for your input, but don't call him. Call the House Insurance Committee that can (a) pass the bill as is or (b) change it according to your wishes or (c) kill it in committee. The committee needs to hear from individuals or groups that want to *buy* health insurance, as well as insurance companies that sell it.

ACTION – You decide. Call House Insurance Committee Representatives **Republicans:** Knox, Ch., 404 656-7855; Maxwell, 656-3904; Meadows, 656-0298; Davis Dollar & Mumford, 656-0254; Forster, 656-3947; Golick, 651-7737; Harbin & Rogers, 436-2247; Hembree, 656-5146; Holt, 656-0152; Keen, 656-5052; Smith, 656-0109; Wilkinson, 463-8143. **Democrats:** Epps, 656-7859; Heard, Lucas & Watson, 656-0220; Jackson, 656-6372; Jacobs, 656-0152; Lord, 656-7859; Murphy, 656-0265; Sailor, 656-0287; Sinkfield, 656-6372.

H.B. 301, Makes Dog Fighting a Felony in Georgia

Until last year, most of us didn't realize Georgia had a dog-fighting problem, until a famous Falcons quarterback was investigated, indicted by a Federal Grand Jury and charged in the U.S. District Court of Richmond, Virginia. On July 17, 2007, he and his three partners were charged with one count of conspiracy to travel in interstate commerce in aid of unlawful activities and to sponsor a dog in an animal-fighting venture.

After the four conspired to go into the dog-fighting business in Virginia, the quarterback paid about \$34,000 for property at 1915 Moonlight Road, Smithfield, Virginia. It had a double purpose. They could set up their dog-fighting operation and fence the property so outsiders couldn't see the kennels and watch as dogs were trained. Also, the men could live in the house while developing and managing their new creation – Bad Newz Kennels, the main staging area where they would house, train and breed pit bulls and host animal-fights.

Law enforcement agencies in Virginia started investigating their activities in 2001, when the four partners began buying and accumulating pit bulls from other states. Soon, they were using shirts and headbands to promote their enterprise and bring attention to their Bad Newz Kennels. As early as February 2002, dogs that didn't "test" well were executed. Others were, routinely, shot or hanged or electrocuted, if they lost fights or were badly injured. The case filed against the defendants charged that the quarterback and his buddies executed approximately 8 dogs in one month alone. That was April 2007 and "executed" is the term the court used.

Their unlawful activity included gambling in Surry County, Virginia. Gambling is a violation of the Virginia Code, as is cruelty to animals. The state violations are still pending.

After his partners were tried and found guilty of the federal charges, the quarterback chose to plead guilty instead of going to trial and was sentenced to 23 months in prison. Soon, he was transferred from Richmond to another prison in Leavenworth, Kansas where he, voluntarily, entered a drug treatment program that could reduce his sentence to 12 months.

When they were found guilty, the three defendants had to vacate and forfeit the property and everything connected with it, including the remaining 54 American Pit Bull Terriers. Some of the dogs were badly scared and injured, but many are being rehabilitated for adoption.

Since some folks might *still* believe there's nothing wrong with a little dog fighting, let me explain some facts about the case. Although the state of Virginia was the "staging" area, the dogs were taken across state lines from at least six other states, including Georgia. That made it a big-money, multi-state operation and a violation of interstate commerce laws. Gambling on the fights drew spectators into Virginia from other states, including New York, New Jersey, Texas, Maryland and North Carolina. Some brought their own dogs to participate in fights.

H.B. 301, Georgia fights back with legislation. Two bills to tighten Georgia dog-fighting laws were introduced in 2007, but left over for this session. Now, there's action. On January 28th, the House passed H.B. 301 by a huge margin, 165 to 6 and it went to the Senate, that's likely to pass it. If it does, dog-fighting will be a felony in Georgia with a first-offense penalty of one-to-five years in prison and a \$5,000 fine. Subsequent convictions would bring up to ten years in prison and a \$15,000 fine. Each act would be a separate offense.

ACTION – Support. Call Agriculture and Consumer Affairs Senators Bulloch, Ch., 404 656-0040; Hudgens, 656-4700; Hawkins, 656-6578; Goggans, 463-5263; Orrock, 463-8054; Powell, 463-0314; and Tarver, 656-0340.

H.B. 89, Guns in the Parking Lot

**Passed the House 2-12-07, 130 – 38; Passed the Senate 1-17-08, 41-15 by Substitute
Back in House for Action on Senate Substitute**

Early in last year's session, Representative Tim Bearden of District 68 introduced H.B. 89 entitled, the "Business Security and Employee Privacy Act." As indicated by that descriptive title, the (a) basic premise of this bill concerns firearms carried by employees onto their employer's property. (b) It changes specific provisions about transporting and carrying firearms, (c) as well as the issuance of licenses to carry. (d) It allows a citizen of the United States to appeal and recover attorney fees when a license to carry or a temporary permit or a renewal license is delayed or denied. (e) It prohibits employers from searching the private vehicles of employees. Also, (f) it prohibits employers from conditioning employment based on the employer's rules about possession of firearms, (g) while providing *some* immunity for employers. (h) It makes it a felony for any person or any combination of individuals to try to solicit, persuade, encourage, or entice a dealer to transfer or provide a firearm to anyone other than the actual buyer. Of course, these restrictions do not apply to a federal law enforcement officer or a peace officer.

Section 6 of H.B. 89 prohibits private or public employers from requiring or allowing *locked* privately owned vehicles to be searched in the employer's parking lot. Job applicants and employees that have a Georgia license to carry firearms could take firearms onto the employer's business property, if the firearms are in their personal vehicles and locked out of sight.

Section 7 is not germane to the rest of H.B. 89. Section 7 involves an entirely different scenario and vastly different sets of circumstances. It removes any civil liability that might be brought against emergency workers that might unknowingly or negligently injure or damage personal property previously damaged during governor-declared emergencies. Such emergencies include biological, chemical, or nuclear attacks; terrorism; pandemics or epidemics of infectious disease; catastrophic acts of nature that include, but is not limited to, fire, flood, earthquake, wind, storm, or wave action, or any other occurrence of that magnitude.

Since Section 7 is not in the same Code Section and is not about the same subject, it's not germane, *i.e.* "closely related." A publication entitled, "Rules, Ethics and Decorum of the House of Representatives," explains what to do with non germane amendments. Rule 117.2 states, "When in the Speaker's opinion a Senate amendment to a House bill is not germane, the Speaker is authorized on the Speaker's own motion or upon a point of order being made to rule out such amendment. ...Such point of order shall take precedence over a motion to agree."

Since H.B. 89 was changed in the Senate after it passed the House, the House is required to agree or disagree with the changes. In this case, House Speaker Glenn Richardson can rule that section to be non germane or Representative Bearden, who introduced the bill, can disagree with it himself. On the other hand, if the House agrees with the Senate version and this bill becomes law exactly as it passed the Senate, someone could file a lawsuit to challenge the law, and a court could strike down that section as non germane. Let's save the court some time and ask Speaker Richardson to rule that Section 7 is not germane.

ACTION – Ask Speaker Glenn Richardson to rule Section 7 non germane to H.B. 89. His number is 404 656-5020*.
Georgia Insight

H.B. 978, Vehicle is Contraband, if Illegal Alien Causes Accident

With so many laws being broken and federal officials doing absolutely nothing to stem the tide of illegal aliens driving without licenses on roads and highways, our legislators are becoming very creative in ways to stop the madness, protect motorists and recoup a little funding.

Legislators must be remembering what happened in the year 2000, when 5,133 babies were born to illegal aliens in Georgia. Those births cost Georgia taxpayers \$13 million, not including the upkeep in free services to them and their parents after the babies were born. In 2001, births to illegal aliens in Georgia almost doubled. The number was 9,528, at a cost to taxpayers of a whopping \$23 million that year. Also, in 2001 the Georgia Department of Human Resources reported that 27-percent of all TB cases were among foreign-born individuals. They must also be remembering that a prenatal program in Coweta County had to close in 2002 because 99-percent of the patients were non-citizens that didn't pay.

But, 2003 surpassed previous years with 11,188 births to illegal aliens in Georgia, costing taxpayers another \$27 million. Add the cost of those births from 2001 to 2003 to learn that, in those three years, Georgia paid \$63 million to cover the medical cost of 25,849 births to illegal aliens, some of whom crossed the border into the U.S. just in time to have their babies here.

In 2002 the WIC nutrition program for pregnant and breastfeeding women and children had increased in Georgia to 57,283 recipients, 35,152 of which were Latino. Compared to statistics from 1998, that was a 61-percent increase in Latino participants in the WIC program. Also in 2002, the *Marietta Daily Journal* reported on March 21st that the student growth in public schools there came, entirely, through an increase in the Hispanic student population.

In December 2002, the *Atlanta Journal-Constitution* also reported that Gwinnett's gang task force estimated there were 171 gangs in the county in October. On March 28, 2003, the *Atlanta Journal-Constitution* reported that the Gwinnett County school system cited the increase in non-English speaking students as part of the reason for its first tax increase in eight years.

H.B. 978 affects illegal alien drivers. Those costs are just a fraction of what illegal aliens siphon from Georgia taxes. So, I have absolutely no problem with Representative James Mills' H.B. 978, adding a new section of uniform rules of the road. His bill allows law enforcement agencies to declare as contraband, subject to forfeiture to the state, any vehicle involved in an accident while operated by a person in this country illegally. The forfeiture would be finalized when the illegal alien is convicted of charges arising from the accident.

The vehicle would be seized immediately and within 20 days delivered to the district attorney of the county where it was confiscated. If the vehicle is rented or leased, it will be returned to the company, unless personnel there, knowingly, allowed an illegal alien to use it. If it's the only family transportation or is required for a family member to get to work, it could be transferred to a family member with a legitimate driver's license.

ACTION – Support. Contact Special Rules Committee Representatives Calvin Hill, Ch., 404 656-0129; Keown, 656-0177; and Holt, 656-0152.

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