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## PUBLIC OFFICERS AND EMPLOYEES

### ***State Employee Health Insurance: Provide for Inclusion in State Health Insurance Plan of State Employees of the Georgia-Federal State Inspection Service Who Are Active or Retired Members of the Employees' Retirement System of Georgia***

CODE SECTION: O.C.G.A. § 45-18-7.6 (amended)  
BILL NUMBER: HB 40  
ACT NUMBER: 314  
GEORGIA LAWS: 2001 Ga. Laws 1032  
SUMMARY: The Act changes the Georgia Code concerning state health insurance plan coverage of inspection service employees. The Act also provides for an effective date of coverage for retired employees.  
EFFECTIVE DATE: April 27, 2001<sup>1</sup>

#### *History*

Representative Jay Shaw of the 176th House District authored HB 40.<sup>2</sup> The Georgia Code previously included “state employees and *retiring* employees of the Georgia-Federal State Inspection Service and their spouses and dependent children” in the health plan.<sup>3</sup> However, the language was supposed to read “state employees and *retired* employees.”<sup>4</sup> This inadvertent wording change happened at some time after the bill came out of committee.<sup>5</sup> As a result, the 2000 Act excluded six individuals from coverage under the state health insurance plan.<sup>6</sup> Because of this exclusion, one retired employee was paying about a thousand dollars a month for coverage for himself and his wife.<sup>7</sup> Georgia lawmakers became aware of the problem when one of the

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1. See 2001 Ga. Laws 1032, § 2-3, at 1033. The Act became effective upon approval by the Governor. See *id.*, § 2, at 1033.

2. See Telephone Interview with Rep. Jay Shaw, House District No. 176 (Apr. 5, 2001) [hereinafter Shaw Interview].

3. 2000 Ga. Laws 1411, § 1, at 1411 (formerly found at O.C.G.A. § 45-18-7.6 (Supp. 2000)) (emphasis added).

4. See Shaw Interview, *supra* note 2.

5. *Id.*

6. *Id.*

7. *Id.*

retirees got a notice in the mail that he would not have insurance coverage.<sup>8</sup> When legal counsel confirmed that the language of the bill would exclude members who retired before July 1, 2000, several Representatives decided to introduce another bill to correct the situation.<sup>9</sup> Representative Shaw noted that these employees are valuable to the state and that HB 40 “just made a wrong a right.”<sup>10</sup>

### *HB 40*

Representatives Jay Shaw, Newt Hudson, Richard Royal, Bob Hanner, and Robert Ray of the 176th, 156th, 164th, 159th, and 128th Districts, respectively, sponsored the bill.<sup>11</sup> Representative Shaw introduced the bill on the House floor on January 8, 2001.<sup>12</sup> The House assigned the bill to its Committee on Insurance, which favorably reported the bill, as substituted, on January 25, 2001.<sup>13</sup> The House substitute provided coverage for employees who retired on or before July 1, 2000.<sup>14</sup> The House adopted the Committee substitute and passed the bill unanimously on January 26, 2001.<sup>15</sup>

On January 29, 2001, the Senate assigned the bill to its Retirement Committee, which favorably reported the bill, without change, on March 14, 2001.<sup>16</sup> Senator Vincent Fort carried the bill in the Senate, as he chairs the Retirement Committee.<sup>17</sup> The Senate adopted the House Committee substitute and passed the bill unanimously on March 19, 2001.<sup>18</sup> One factor that led to quick passage in both houses was the fact that there would be no cost to the state to cover these employees because the employees would be paying into the plan; all the amendment did was

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8. *Id.*

9. *Id.*

10. *Id.*

11. *See* HB 40, as introduced, 2001 Ga. Gen. Assem.

12. *See* State of Georgia Final Composite Status Sheet, HB 40, Mar. 21, 2001.

13. *Id.*

14. *Compare* HB 40, as introduced, 2001 Ga. Gen. Assem., *with* HB 40 (HCS), 2001 Ga. Gen. Assem.

15. *See* Georgia House of Representatives Voting Record, HB 40 (Jan. 26, 2001); State of Georgia Final Composite Status Sheet, HB 40, Mar. 21, 2001.

16. *See* State of Georgia Final Composite Status Sheet, HB 40, Mar. 21, 2001.

17. *See* Telephone Interview with Sen. Vincent Fort, Senate District No. 39 (Apr. 5, 2001) [hereinafter Fort Interview].

18. *See* Georgia Senate Voting Record, HB 40 (Mar. 19, 2001); State of Georgia Final Composite Status Sheet, HB 40, Mar. 21, 2001.

allow them access to that plan.<sup>19</sup> Governor Roy Barnes signed the bill into law on April 27, 2001.<sup>20</sup>

### *The Act*

The Act amends Georgia Code section 45-18-7.6 regarding coverage of retired employees under the state health insurance plan.<sup>21</sup> The Act provides for coverage of employees who retired before July 1, 2000.<sup>22</sup> The Act allows the Department of Community Health to bring six retired individuals under the plan;<sup>23</sup> only three have expressed interest in the plan coverage.<sup>24</sup>

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19. See Fort Interview, *supra* note 17; Shaw Interview, *supra* note 2.

20. See 2001 Ga. Laws 1032, § 3, at 1033.

21. Compare 2000 Ga. Laws 1411, § 1, at 1412 (formerly found at O.C.G.A. § 45-18-7.6 (Supp. 2000)), with O.C.G.A. § 45-18-7.6 (Supp. 2001).

22. Compare 2000 Ga. Laws 1411, § 1, at 1412 (formerly found at O.C.G.A. § 45-18-7.6 (Supp. 2000)), with O.C.G.A. § 45-18-7.6 (Supp. 2001).

23. See Shaw Interview, *supra* note 2.

24. See Fort Interview, *supra* note 17.