

Georgia Women for a Change
Final Legislative Wrap Up Report
2010 Georgia General Assembly
June 16, 2010

The 2010 session of the Georgia General Assembly was the longest legislative session in Georgia history. Budget cuts, tax and revenue policy, education, transportation and water dominated a difficult session. This was a challenging but successful year for Georgia Women for a Change with victories in helping to enact good Bills and stopping harmful legislation on budget and tax policy issues, access to healthcare, economic security and reproductive freedom. Georgia Women for a Change thanks all of you who made the difference this session by raising your voices to urge the right policy choices for Georgia's women and girls and their families.

Many of these issues will dominate the coming election season when your engagement is needed to elect the people who hold the power on key issues for women and girls. The Offices of the Governor, Lt. Governor, Secretary of State, Attorney General, Superintendent of Education, Commissioner of Labor, Insurance Commissioner, Agriculture Commissioner and all members of the Georgia House and Senate are all up for election in 2010. To see the change you want next session, help elect progressive women and men who stand for the ideals you believe in.

2010 Top Ten Legislative Highs and Lows for Women

The Good News:

- Restrictions limiting women's access to **abortion** services by criminalizing physicians and burdening providers failed to pass. (SB 529/HB 1155)
- Interstate sales of health insurance that would erase hard fought **consumer insurance coverage and protections** were defeated. (SB 407/HB 1184)
- **Tax breaks for special interests** will be scrutinized and reported just as budget expenditures are now. (SB 206)
- Federal funding subsidies of 65% for **COBRA** coverage remains available to people laid off from small businesses. (SB 1268)
- Despite massive budget cuts across the board, increased state funds for the **family planning** waiver will expand access to services for thousands of adult women with 90% federal funding. (HB 948)

And the Bad:

- **Foreclosure prevention and relief** measures that would address predatory lending practices to protect consumers, afford relief to communities facing a high incidence of foreclosures, and extend the time between notice and foreclosure failed to pass on the final night of the session. (SB 57)
- A refundable **low income tax credit** that reduced the burden of sales tax on low income families and seniors was eliminated, (HB 1069) at the same time that the tax on retirement income (non-wage payments) to the wealthiest seniors in the state was eliminated (HB 1055).

- A House Study Commission to Study deeply entrenched **poverty** and develop solutions did not pass. (HR 1913)
- Measures subject to legal challenge passed that are intended to stop the implementation of **national health reform** in Georgia (SB 411), while efforts failed to pass Georgia protections against lifetime or annual caps on health insurance benefits or to extend dependent coverage to children to age 25 whether or not they are full time students (SB 330).
- A **tobacco tax** increase supported by 85% of Georgians that would have helped to fund budget cuts to critical health and social services failed to pass. (HB 39)

Economic Security

Work Life Balance and Working Women:

*Bills that Passed:*¹

- **SR 1069** *Recognizing Women Entrepreneurs in Georgia* (Sen. Nan Orrock)
This Senate Resolution establishes Feb. 22, 2010 as Women Entrepreneur's Day at the state capitol and recognizes the contributions of women entrepreneurs in Georgia.

Bills that did not Pass:

- **HB 37** *Parent Protection Act.* (Rep. Roger Bruce) would require employers to provide up to 24 hours per year of leave (paid or unpaid) to workers to attend a medical appointment for the employee or the employee's spouse or child; accompany an aging relative to a medical appointment; or attend a school conference for his/her child.
- **HB 1232** *Mandatory Attendance at Parent Conferences* (Rep. Dee Dawkins-Hagler) would require a parent-teacher conference when a child had failed a subject on two consecutive report cards and expand the authority to prosecute a parent in Juvenile Court for failure to attend.

Poverty and Low Income Workers:

Bills that Passed:

- **SB 341** *Residence Required for HOPE GED Voucher* (Sen. Seth Harp)
requires a person must be a legal resident of Georgia to receive a HOPE GED voucher.
- **HB 1085** *Foster Care Permanency Plans* (Rep. Katie Dempsey) provides for increased effort to place siblings together in foster care or provide for sibling visitation, provide continuation where possible in the child's present school at the time of placement, and provide for a plan for transition prior to the child reaching the age of 18 for housing, health insurance, education, mentors, continuing support services, work force supports and employment services after they turn 18.

¹ Except where it is noted that a Bill was VETOED BY GOVERNOR, all Bills that Passed in 2010 have been signed into law. All Bills that did not pass are dead. 2011 will mark the beginning of a new two year legislative term.

- **HB 277** **Regional Transportation Funding** - The 2009 Transportation Funding Bill that died in Conference Committee at the end of the last session was revived as the vehicle for passage of a compromise version of the Governor's 2010 transportation funding Bill (**HB 1218**) and for the rural and human services transportation bill (**SB 22**, see below) and others. The Bill provides for development of 12 regional plans for transportation and transit funding needs with a vote in the 2012 February Presidential Primary to determine whether a region adopts the plan and imposes a one cent sales tax in the region for a period of ten years (renewable thereafter). The Bill also lifts the restriction on the use of capital versus operating expenses for MARTA tax revenues for three years and reduces the size and composition of the MARTA Board. It allows for a Clayton County vote to join MARTA by imposing a one cent sales tax and revive CTRAN service that ended March 31. The Bill also creates a Transit Governance Study Commission for the Atlanta Region through August 2011 that includes legislators and local representatives to address the potential for developing a regional transit system.

Bills that did not Pass:

- **SB 22** **Coordinating Council for Rural and Human Services Transportation** (*Sen. Doug Stoner*) creates a Council consisting of Department heads and representatives from DHS, DBHDD, DOT, DCH, DOL, DCA, DOE, GDC, and regional planning commissions or metropolitan planning organizations and other local government representatives, private and public sector transportation providers, public transit system representatives, representatives of client served by these programs administered by the agencies, etc., to address the coordination of transportation for human services in urban and rural communities. **SB 22 was amended on to HB 277, above, which Passed.**
- **HB 935** **Georgia Commission on Reducing Poverty and Increasing Economic Security** (*Rep. Roger Bruce*) would create a Commission to develop a comprehensive plan to reduce extreme poverty in Georgia by at least half by 2015, and address issues of access to safe, decent, affordable housing; adequate food and nutrition; affordable and quality health care; quality education and training; dependable and affordable transportation; quality affordable child care; opportunities to engage in meaningful and sustainable work that pays a living wage; and adequate income supports. (**HR 1913** that created a House Study Committee on this issue, did not pass.)
- **HB 1054** **Food Stamp Orders On-Line** (*Rep. Len Walker*) would permit food stamp recipients to order eligible food online from nonprofit charitable organizations.
- **HB 1277** **Prohibit Employment Discrimination Based on Individual's Credit History** (*Rep. Toney Collins*) would make it unlawful for an employer to refuse to hire, discharge or discriminate against an individual based on his or her credit history or credit report, unless the information relates directly to a bona fide occupational qualification necessary to the normal operation of that business. A civil remedy is provided for a violation of the Act.

- **HB 1308** *Living Wage* (Rep. Tyrone Brooks) would create a minimum wage of \$15 per hour, provide for annual increases tied to increases in the cost of living and limit exclusions from these requirements for domestic employees, farm workers, tip workers.
- **SB 433** *Barring Employer Access to Credit Reports* (Sen. Donzella James) prohibits employers from accessing credit reports and related financial information about employees or prospective employees unless the report is substantially related to the employee's job, required by law or the employer reasonably believes the employee has engaged in specific illegal activity.

Foreclosure Prevention and Relief:

Bills that Passed:

- **SB 371** *Include GBI in Investigation of Residential Mortgage Fraud* (Sen. Bill Cowser) is the Governor's Bill to expand the authority to investigate the high rates of residential mortgage fraud now harming Georgians by expanding authority to the GBI to aid in investigations and issue subpoenas.

Bills that did not Pass:

- **SB 57** *Foreclosure Prevention* (Sen. Bill Hamrick) would provide consumer protections against predatory mortgage loans that caused a high incidence of foreclosures, and require brokers to consider and document a borrower's ability to repay the loan, ban prepayment penalties, address yield spread premiums (broker kickbacks from lenders), and require brokers to act with a duty to the borrower, etc. The provisions regarding the yield spread premium, borrower's ability to repay, and the broker's duty to the borrower were weak in the version that passed out of the House Committee in 2010. The Bill was strengthened with the addition of the right to cure from **HB 972**, but without extending the time for notice of foreclosure beyond 30 days that would increase a borrower's ability to negotiate a needed loan modification with the lender. A requirement to notify the borrower of the right to cure was incorporated. Another improvement required the owner after foreclosure to record the deed before filing a dispossessory to evict the borrower. This would allow cities and counties to identify the owner after foreclosure in most situations so that they can enforce the duty to maintain the property against the owner. The Bill passed the Senate in 2009 and came out of the House Judiciary Committee in 2009 and 2010, dying in the House Rules Committee both years. (It is believed that some of the consumer protections contained in SB 57 may be covered in the federal financial regulatory Bill that is anticipated to pass this summer, including the requirement that lenders consider and document a borrower's ability to pay the loan.)
- **HB 972** *Extend Notice of Foreclosure and Right to Cure* (Rep. Billy Mitchell) extends the mandatory period of notice of foreclosure to a homeowner from 30 to 90 days, and provides the borrower with a right to "cure" their default during the 90 day period if they tender all past due payments, fees and penalties. (Now a borrower can only cure a default by tendering the entire balance due on the mortgage, etc.) (See **HB 899**.)

- **HB 340** *Tenants in Foreclosure* (Rep. Margaret Kaiser) requires notice of foreclosure to the debtor and the occupant at least 30 days before an occupant (tenant) can be evicted.
- **HB 508** *Foreclosure Rescue Fraud Remedy* (Rep. Billy Mitchell) would provide consumer protections against foreclosure rescue scams by providing a three day right to cancel, require notice that an equity transfer is the sale of the home, afford a right to cure for 30 days after conveyance of the equity, and prohibiting payment of any fee until all services promised in the agreement had been provided.
- **HB 761** *Notice of Foreclosure to Tenants* (Rep. Billy Mitchell) requires 60 days notice to residents of a pending foreclosure.
- **HB 1228** *Right of Redemption of Foreclosed Mortgages* (Rep. Bob Bryant) would provide a right of redemption on foreclosed mortgages held for over five years for 90 days post-foreclosure, upon tendering the full balance due on the mortgage, plus interest and a fee of 12% or 20% depending on whether the property is owned by the mortgage holder or a third party post-foreclosure. The non-waivable right of redemption would be lost if the lender afforded the borrower a six month stay on foreclosure after the loan had been delinquent for at least 61 days.
- **HB 1460** *Sales of Foreclosed Homes* (Rep. Stephanie Stuckey Benfield) prohibits conditioning the sale of a foreclosed home on the purchase of title insurance from a particular company.
- **HR 775** *Urging Support for Federal Legislation Regulating Subprime Lending* (Rep. Pedro Marin) urges Congress to enact legislation to comprehensively address the needs of subprime consumers and eliminate unnecessary home mortgage foreclosures.
- **SR 759** *Prevent Unnecessary Home Foreclosures* (Sen. Gail Buckner) urges mortgage lenders to adopt rent-to-own programs that allow a borrower facing foreclosure to pay reduced rent payments temporarily until able to make full mortgage payments again in order to help eliminate unnecessary home mortgage foreclosures.
- **SB 54** *Revise Georgia Fair Lending Act* (Sen. Steve Thompson) would revise and strengthen consumer protections in the Georgia Fair Lending Act.

Unemployment Insurance and TANF:

Bills that Passed:

HB 1023(see below) - VETOED.

Bills that did not Pass:

- **HB 1163** *Drug Testing to Disqualify Applicants for Unemployment Insurance and TANF Benefits* (Rep. Ben Harbin) would require random drug testing of applicants for unemployment insurance or TANF benefits. Persons testing positive for illegal drugs

would be required to complete a drug counseling program and then enroll in a job training course, or face two years of disqualification for benefits. (See also, **HB 1389** by Rep. Michael Harden).

- **HB 288** *Self Employment Assistance Program* (Rep. Virgil Fludd) would create a program of self employment assistance allowances (paid in lieu of unemployment benefits) to eligible people engaged full time in establishing a business.

Budget Highlights

FY 2010 Amended (HB 947) and FY 2011 (HB 948) Budgets:

Both budgets were dominated by billions of dollars in cuts, especially cuts to education, health and social service programs. Leadership remained substantially unwilling to create new revenue sources to mitigate cuts to safety net programs, although a majority of states raised revenues last year in order to help close budget shortfalls caused by the recession. The results of this budget will mean that many children, seniors and low income families will lose needed services and supports at a time of rising need. Thousands of state employees will be furloughed and thousands laid off, with state budget cuts causing thousands more to be cut from local education systems, city and county government.

The problem becomes even more alarming for FY 2012 as the nearly \$3 Billion in federal stimulus dollars that have helped to fill the holes in the budget in FY 2010 and FY 2011 (particularly for Medicaid and education) will no longer be available.

Significant Budget Cuts (and a few Adds):

Community Health:

- Fund family planning Medicaid demonstration waiver for adult women – increase \$1.275 Million state funds (generating 90% federal match for total funds of \$12.75 Million)
- Increase Medicaid nursing home provider fee \$8.8 Million
- Eliminate Medicaid reimbursement for treatment of hospital acquired infections and conditions (\$1.5 Million)
- Reduce funding for Babies Born Healthy \$400,000: **PROGRAM FACING ELIMINATION**
- End maternal health education and training program \$150,000
- Increase hospital reimbursement rates 12% (\$30 Million)
- Increase premium payments for PeachCare by \$5 for children 6 and above (\$2.3 Million)
- County Health Departments cut \$6.8 Million

Childcare and PreK:

- Increase Pre K slots by 2,000 (\$14.3 Million) (while cutting Resource Coordinator grants that fund social workers providing supportive services to low-income families by \$9.25 Million)

- Annual licensure fee for day care centers, childcare learning centers, group day care homes and family day care homes

Department of Human Services:

- Family Violence Shelters cut \$300,000
- Work assistance supports for needy families cut \$4.1 Million
- Family Connection Partnership cut \$800,000
- Elder community living services cut \$11.4 Million
- Area Agencies on Aging cut dedicated funds for respite care, adult day care, in-home care for seniors, Alzheimer services, kinship care for grandparents raising grandchildren, Senior Legal Hotline, etc.
- More than 22,000 seniors languish on waiting lists for community care services programs
- Reduce independent living program supports for foster children (\$700,000)
- Reduce funds for food stamp and TANF eligibility workers \$3.2 Million)

Education:

- Cut Quality Basic Education formula by \$527 Million State and \$272 Million Federal (\$799 Million total funds)
- 3 days' furlough for all teachers (and all state employees) for FY 2010 Amended
- Cut Regional Education Service Agencies (RESA's) - \$6.1 Million
- Eliminate National Board Certification salary increase for certified teachers - \$7.2 M
- Reduce school nurse program by \$1.6 Million
- Provide local districts the option to cut school days, increase class sizes, reduce obligation to fund 65% of funds in classrooms, etc.
- Cuts to academic coaches, pupil transportation, preschool handicapped programs, nutrition, SAT prep, etc. (Legislative proposals to eliminate funds for PSAT testing, AP tests, eliminate CRCT for grades 1 and 2 and writing assessment for grades 3 and 5 **VEETOED** by Governor.)

State Commissions:

- *Eliminated Judicial Council Commission on Children, Marriage and Family Law*
- *Eliminate the Access and Fairness in the Courts Committee*
- *Transfer Georgia Commission on Family Violence from the Department of Corrections to the Judicial Council*
- *Eliminate Georgia Commission on Women*

Stimulus Options:

Georgia Women for a Change and others have successfully urged legislators and agencies to take advantage of all federal stimulus funds available, including these programs:

- Federal TANF Emergency funds. \$165.4 Million in federal ARRA funds are available to Georgia for one-time expenditures for TANF recipients. Georgia Department of Human Services has been directed by the Budget (HB 948) to spend these funds for non-recurring crisis expenses including wheels to work programs for TANF eligible adults (\$8 M), summer activities fees for TANF eligible youth (\$4M), back to school supplies payments of \$100 (\$700,000), food bank support (\$2 M), family violence supportive

services including housing, rental, utility assistance and per diem for shelter residents and non-residential services for other victims (\$1.6 M), teen summer work programs and subsidized employment for low income adults (\$149.1 M). These funds provide an 80% federal match and must be expended by September 30, 2010.

- \$15 Million in federal funds is available for food stamp administration to help with rising caseloads. The FY 10 Amended and FY 11 Budgets propose reducing Department of Human Services eligibility workers -- 64 workers this year and 138 in 2011. These workers process eligibility applications for food stamps, Medicaid and TANF benefits. However, DHS reports that food stamp caseloads grew 32% between December 2008 and December 2009. Georgia should use these funds to increase caseworkers to reach families in need.

Revenue and Tax Policy

In addition to the weak economy, Georgia's declining revenues can be traced to 20 years of cutting taxes, narrowing the state's tax base as our economy shifted from manufacturing to a service-based economy, and an out-of-date tax system that has not kept pace with changes in the economy. Tax policy that is fair, transparent and responsible will require significant reforms in Georgia. While there are some good proposals to increase transparency and accountability and raise revenues, many legislative initiatives continue to focus on extending, expanding or creating new tax cuts for special interests, especially for corporations and wealthy Georgians -- without a demonstrable benefit to the broad public interest.

Tax Reform:

Bills that Passed:

- **HB 1405** **2010 Special Council on Tax Reform and Joint Committee on Revenue Structure** (Rep. O'Neal) to review and recommend changes to Georgia's tax structure for enactment in 2011 Georgia General Assembly through a special process. An 11 member Council of people named in the Bill, (four specified economists, Governor Perdue, Chair of Georgia Chamber of Commerce and Chair of National Federation of Independent Business, two people each appointed by Lt. Governor and Speaker) will study the state's current revenue structure and make a report of findings and recommendations by January 10, 2011. The report is converted to legislation that will be referral to a special Joint Committee. If approved by the Committee or a substitute agreed upon, the Bill then submitted for a floor vote on each side that cannot be amended.

Bills that did not Pass:

- **HR 1737** **Tax Reform Commission** (Rep. Rick Crawford) would create a Commission to study Georgia's tax system with a view towards modernizing and revitalizing the revenue structure to create an equitable and flexible tax system that balances taxes based on wealth, current expenditures, and current flow of income.

- **SR 90 State Tax Reform Referendum** (*Sen. Steve Thompson*) would amend the Constitution by providing a public referendum on a statewide sales and use tax of one percent to be used for transportation purposes, and providing for a mandatory \$18,000 homeowner's tax exemption each year.

Transparency:

Bills that Passed:

- **SB 206** **Tax Expenditure Report** (*Sen. Greg Goggans*) provides increased transparency to government decisions about tax credits and exemptions by creating a "tax expenditure budget" that identifies the cost of all such policies beginning with the coming budget year.
- **SB 389** **Budget and Financial Information On-Line** (*Sen. Doug Holt*) provides that the State Department of Audits will post on the internet the state budget, audits, agency salaries and expenses, consultant expenses and professional service expenses, performance audits, all federal pass through monies and all end users, etc. for each state agency, Board of Regents, General Assembly, Judicial Branch, and local boards of education.
- **SB 374** **Creates Legislative Economic Development Council** (*Rep. Chip Pearson*) responsible to evaluate the state's economic development strategies, review state funded activities and expenditures and oversee the effectiveness of such strategies, tax incentives and credits, etc. The Bill was amended to include **HB 1466** (*Rep. David Ralston*) that creates a **Martin Luther King, Jr. Advisory Council** within the Department of Community Affairs, consisting of nine members appointed by the Governor, Speaker and Lt. Governor, to promote racial harmony, promote nonviolence, peace and social justice, and awareness and appreciation of the Civil Rights movement and advocacy of the principles and legacy of Martin Luther King, Jr. and develop and coordinate appropriate ceremonies and activities in observance of Dr. King's birthday. **VETOED BY GOVERNOR**

Bills that did not Pass:

- **SB 381** **Annual State Fee Report** (*Sen. Greg Goggans*) requires an annual comprehensive fee report on all fees collected and administered by the state, identifying the fees collected, proposals for any change in the fee and the justification therefore, when the fee was last changed, any proposal to designate the fund where the fee is deposited, etc.

Tax Cuts:

Bills that Passed:

- **HB 1023** ***Jobs, Opportunity and Business Success Act of 2010*** (Rep. Tom Graves with Lt. Gov. Casey Cagle and 20 other members of House and Senate) This Bill provides tax cuts to businesses and to Georgia's wealthiest taxpayers. HB 1023 would:
 - If approved by the US DOL and if it would not increase the tax liability of employers, the Bill would create a tax credit against unemployment insurance taxes of \$100 - \$500 per year per unemployed employee hired;
 - Reduce long term capital gains tax by 25% in the first year after the state's revenue reserve fund exceeds \$1 Billion, and reduce it to 50% in the following year (from 6% to 3%). (Last year, it was estimated that 92% of the benefit of this tax cut would go to 5% of the wealthiest Georgians.) (Research shows that 92% of the benefit of this provision goes to the top 5% of wealthiest Georgians, would have no impact on increasing investment in Georgia and cost \$350 Million per year.)
 - Provide an income tax credit for three years for 20% of the investment in certain startup businesses up to limit of \$3 Million.
 - Eliminate corporate net worth taxes effective January 1, 2011.

VETOED BY GOVERNOR

- **HB 984** ***Prohibit Local Levy of Income Taxes*** (Rep. Larry O'Neal) prohibits any local political subdivision of the state from imposing income taxes.
- **HB 1055** ***Hospital Fee, User Fees and Elimination of State Property Tax and Retirement Income Tax*** (Rep. Kevin Levitas) This omnibus Bill incorporates several pieces of legislation that:
 - Raise state user fees in a range of areas (driver's license fees, court filing fees, appeal fees, vital records fees, inspection and licensure fees, etc., generating \$96 Million per year;
 - Impose a three year 1.45% hospital provider fee (used to leverage Medicaid dollars to fill health funding gaps) in consideration for numerous financial incentives including increased Medicaid reimbursement rates, no legislation in specific areas regarding hospitals, etc;
 - Eliminate the state property tax over a period of years (costing \$95 Million per year); and
 - Eliminate a tax on retirement income for seniors over a period of years (costing \$150 Million per year);
- **HB 1069** ***Low Income Tax Credit Elimination, Angel Investor Tax Credit, Water and Energy Efficiency Tax Credit and Atlanta MOST*** (Rep. Joe Wilkinson) Another omnibus Bill incorporating disparate measures, HB 1069 would:
 - Eliminate the refundable portion of the low income tax credit, that provides up to \$104 per year for a low income family of four and generate \$22 Million. This provision is an especially shocking tax shifting when viewed in conjunction with the elimination of the income tax for the wealthiest seniors' retirement income

(already exempt up to \$70,000 per year). (Note that earned income for seniors is exempted only up to \$4,000.)

- Provide an Angel investment tax credit up to 35% of investment in start ups. Capped at \$10 Million per year for three years.
- Extend Atlanta's Municipal Option Sales Tax that funds water and sewer projects, to be renewed by public vote in 2016.
- Address clean energy tax credits issues.

Bills that did not Pass:

- ***HB 1204 Tax Credit for New Jobs*** (Rep. Ron Stephens) would create a corporate income tax credit for two years equal to 2% of salary or \$700 per year (whichever is less) for each full time employee job created after January 1, 2010 that pays over \$20,000 per year. The credit may be carried forward for 10 years. No criteria are provided for what constitutes a newly created job.

Misc. Revenue Enhancement Proposals:

Bills That Passed:

- ***HB 1221 Sales and Use Taxes*** (Rep. Larry O'Neal) enables Georgia to join the Streamlined Sales Tax Agreement by aligning definitions in our sales tax code with other participating states to allow for tax collection by on line retailers and others. Revenue gain estimated at \$23- \$31 Million per year.
- ***HB 1170 Eliminate Tax Exemption for HMO's*** (Rep. Jim Cole) The Governor's Bill eliminates the tax exemption for HMO's regarding contracts to provide health care services under the Medicaid program.
- ***HB 1198 Expands Definition of Taxable Non Resident*** (Rep. Judy Manning) expands the definition of taxable income for a non-resident to include a person who regularly, casually or intermittently engages for financial gain in this state and receives income in the form of deferred compensation or from the exercise of stock options, equal to the lesser of 5% or more of their total income or \$5,000.
- ***SR 277 Trauma Care Fee*** (Sen. Greg Goggans) submits to referendum a Constitutional amendment to impose a \$10 fee on motor vehicle registrations to fund a statewide trauma care network by generating \$90 Million per year.

Bills that did not Pass:

- ***HB 39 Raise Cigarette Tax*** (Rep. Ron Stephens) would increase the state tobacco tax by \$1 per pack raising approximately \$400 million per year in additional revenue and have the additional health benefit of deterring teens from smoking.
- ***SR 939 Eliminate Sales Tax Exemption on Lottery Tickets*** (Senator Greg Goggans) This constitutional amendment would eliminate the sales tax exemption on

lottery tickets would produce an increase of \$130 million for the state and 492 million per year for cash strapped local governments. (See also **HB 928-933** (Rep. Chuck Sims)).

- **HB 1066** **Temporary Surcharge on Wealthiest Georgians** (Rep. Virgil Fludd) would impose a temporary 1% income tax surcharge on the wealthiest 1% of Georgians earning over \$400,000 per year, generating \$225 Million per year.
- **HB 1065, 1067 and 1068** **Temporarily Cuts 15% of Tax Credits and Exemptions** (Rep. Virgil Fludd) These Bills propose to share the reductions in state expenditures made in every department and program of state government to include the special interest tax credits and exemptions by reducing them 15% across the board.
- **HB 1227** **Tax Ticket to High School or College Athletic Event** (Rep. J. Manning)
- **HB 1246** **Tax Outdoor Advertizing Signs** (Rep. Pat Dooley)
- **HB 1249** **Exempt Ad Valorem Taxes for Businesses Providing New Jobs** (Rep. John Lunsford) (See also, **HR 1448**)
- **HB 1278** **Comprehensive Revenue Enhancement Act** (Rep Doug McKillip) would provide for comprehensive revisions regarding revenue enhancement and tax relief; to create a 1% income tax surcharge on persons earning over \$400,000 per year, provide for an income tax credit in an amount equal to 5 percent of the amount of the federal Earned Income Credit, to eliminate provisions limiting sales and use taxes and exemptions from sales and use taxes, and to raise the excise tax to \$1 per pack of cigarettes.

Access to Health Care and Reproductive Freedom

Anti Federal Health Reform:

Bills that Passed:

- **SB 411 Anti National Health Reform** (Sen. Ralph Hudgens) prohibits requiring any person, employer or health care provider to participate in any health care system, or to purchase insurance.

Bills that did not Pass:

- **SB 399** (Sen. Judson Hill) prohibits any state agency from implementing any part of national health care reform without specific authorizing legislation from the General Assembly.
- **SB 317** (Sen. Judson Hill) statutorily bars any requirement to require purchase of health insurance.

- **HR 1086** (*Rep. Calvin Sims*) is a constitutional amendment that would prohibit any requirement that people purchase health insurance.
- **SR 794** (*Sen. Judson Hill*) is a constitutional amendment to bar any requirement to require purchase of health insurance.
- **SR 795** (*Sen. Seth Harp*) is a constitutional amendment to bar any requirement to require purchase of health insurance.
- **SR 829 and 830** (*Sen. Judson Hill*) are resolutions urging the Attorney General to prepare challenges to the constitutionality of federal health reform that would expand eligibility to receive Medicaid up to 133% of the federal poverty level and require people to participate in a national health insurance plan.

Health Insurance:

Bills that Passed:

- **HB 1268** ***Federal COBRA Subsidies*** (*Rep. Tom Knox*) This bill conforms Georgia law to allow workers laid off from employers of fewer than 20 workers to receive federal subsidies of 65% for COBRA health insurance coverage for up to 15 months (extended from 9 months available last year).
- **SB 316** ***Medicare Supplement Availability for Disabled*** (*Sen. Don Thomas*) requires insurers providing Medicare supplement policies to persons 65 and over to offer such policies to persons under 65 who are eligible for Medicare based on disability or end-stage renal disease.
- **HB 1407** ***Provide Single Administrator for Dental Services for Medicaid and PeachCare*** (*Rep. Carl Rogers*) Requires DCH to contract with a single administrator for dental health services for Medicaid and PeachCare recipients upon expiration or termination of all current contracts with CMOs covering dental services so that all dental services will be provided through a single administrator. **VETOED BY GOVERNOR**

Bills that did not Pass:

- **HB 1184** ***Sale of Out-of-State Health Insurance Policies*** (*Rep. Matt Ramsey*) provides for the purchase of health insurance policies from other states and circumvents the consumer protections required for in-state insurers under Georgia law.
- **SB 407** ***Sale of Out-of-State Health Insurance Policies*** (*Sen. Judson Hill*) (*See also SB 309*) provides for the purchase of health insurance policies from other states and circumvents the consumer protections required for in-state insurers under Georgia law. An amendment passed on the Senate floor purporting to provide the consumer mandated benefits under Georgia law was drafted with no legal effect.

- **SB 443** *Medicaid CMO Legislative Oversight Committee* (Sen. Preston Smith) would create a permanent legislative committee to address complaints about eligibility determinations, payment or coverage issues, compliance with statutory and contract obligations and a performance audit of services provided by CMOs for Medicaid and PeachCare for Kids
- **HB 1317** *Provider Continuity under PeachCare and Medicaid* (Rep. Debbie Buckner) would require DCH to permit people who are patients of a primary health care provider, dentist or specialist providing treatment who is terminated by a CMO under contract to provide services for Medicaid or PeachCare, to offer the person the time to switch enrollment to a different HMO.
- **SB 329** *Help Insure Young Adults* (Sen. Judson Hill) would raise the age parents may provide health insurance coverage for their dependant children to age 25, whether or not such children are enrolled full time in a post-secondary education program.
- **SB 330** *Consumer Health Insurance Protections* (Sen. Preston Smith) would limit the ability of health insurers to cancel or rescind policies or refuse to pay claims based on alleged misstatements or omissions from applications unless that information directly relates to the condition being treated. It extends a parents' right to insure dependent children to age 25, regardless of whether the child is a full time student. HB 330 would bar health insurance plans from imposing annual or lifetime benefit limits.
- **SB 331** *Small Business Co-ops* (Sen. Judson Hill) authorizes small businesses with 2 - 50 workers to cooperate to purchase group health insurance plans, and requires insurers to offer such plans.
- **SB 453** *Create Individual High Risk Reinsurance Pool* (Sen. Judson Hill)
- **SR 1134** *Create Senate Health Care Transformation Study Committee* (Sen. Judson Hill) through December 31, 2010 (without compensation to members).

Consent to Treatment:

Bills that Passed:

- **SB 367** *Influenza Vaccine aka Additional Persons Authorized to Consent* (Sen. Don Balfour) Rep. Mary Margaret Oliver's Bill (**HB 742**) **was substituted on to this Bill and passed on the final night of the session.** It amends existing law regarding persons permitted to consent to surgical or medical treatment to permit adult grandchildren to give consent for a grandparent, adult nephew, niece, aunts and uncles may consent, and includes the concept of an "adult friend" of the patient who may consent in certain circumstances where the patient is unable to act for him or herself, and establishes a procedure for a court to grant temporary authority to act for a person who becomes unable to act for him or herself through a temporary medical consent guardian.

Bills that did not Pass:

- **HB 999** *Portable Medical Order to Withhold Life-Sustaining Procedures* (Rep. Edward Lindsey) would expand existing law that permits an individual facing imminent death, has a terminal medical condition, or is in a state of permanent unconsciousness, to withhold CPR, to include other life-sustaining procedures, medication, machines or interventions, and including nourishment, hydration, and pain medication, where issued by a physician, and to create a registry for recording such orders.
- **HB 1178** *Prohibits Withholding of Nutrition or Hydration* (Rep. Martin Scott) would amend existing law to prohibit use of advance directives to permit withholding of hydration or nutrition.

Health Records and Services:

Bills that did not Pass:

- **SB 334** *Medical Identity Fraud* (Sen. Judson Hill) creates the crime of medical identity fraud and creates a civil remedy for person injured thereby.
- **SB 412** *eHealth Advisory Council* (Sen. Greg Goggans) would create an Advisory Council on telehealth to advise state government regarding the development and implementation of an overall strategy for adoption and use of telemedicine techniques and services in state funded health care and mental health programs and to develop a five year strategic plan by July 1, 2011.

Reproductive Health:

Bills that Passed:

- **HB 948** *FY 2011 Budget*. Adds \$1.25 Million funding in FY 2011 DCH Public Health Budget for better birth outcomes through a Medicaid waiver for a 90-10 federal match for adult family planning services. See above.

Bills that did not Pass:

- **SB 529** *Ban on Abortions Based on Race or Gender* (Sen. Chip Pearson)) In coordination with a well financed billboard campaign targeting African American women who have abortions, this Bill was introduced when it became clear the House Bill 1155 would not cross over. It creates the crime of “criminal solicitation of abortion” for having, performing, soliciting or coercing a person to have an abortion based in any way on the race, color or sex of the fetus or of either parent. It violates the woman’s constitutional right to privacy in deciding whether to bear or beget a child, without a factual basis for the assertion of racial or gender based genocide. It criminalizes physicians and makes a mockery of a woman’s right to decide on her medical care without third party interference. It failed to reach the House floor on the final night of the session. (See also **HB 1155**).

- **SB 169** *Stem Cell Research Ban* (Sen. Ralph Hudgens) limits use of embryos in stem cell research and fertility treatment.

Other

Bills that Passed:

- **HB 910** *Gender Equity Reports* (Rep. Howard Maxwell) modifies the annual reporting requirement for local school systems on issue of gender equity in sports.
- **SR 886** *Improve Nutritional Quality of School Lunches* (Sen. Ronnie Chance) Senate urges Congress and Georgia state agencies to increase the nutritional quality and options provided to students through school lunches.
- **SB 250** *Bullying in Schools* (Sen. Bill Hamrick) makes it a crime to interfere with schools, school buses or school bus stops if done knowingly or intentionally, and expands required reach of school anti-bullying policies to include K-6th grade, as well as middle and high school, seeks to strengthen school responses and protection of children in school against bullying. (Amends Rep. Mike Jacobs' **HB 927** on to this Bill.)

Bills that did not Pass:

- **HB 1466** *Martin Luther King, Jr. Advisory Council* (Rep. David Ralston). Passed as an amendment to **SB 374**, above, but VETOED by Governor.
- **SB 451** *State Response to Death in Family Day-care, Group day-care Home or Day-care Center* (Sen. Freddie Powell Sims) SB 451 creates a process of review and monitoring subsequent to a death occurring in a family day-care home, group day-care home or day care center.

For copies of the Bills, list of sponsors, Committee assignments, votes, amendments, and full reports on any of the legislation listed, or to find out who your Senator or Representative is, go to www.legis.state.ga.us

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