

House Resolution 263

By: Representatives Bannister of the 70th, Post 1, Smith of the 13th, Post 2, Ralston of the 6th, Williams of the 4th and Maddox of the 59th, Post 2

A RESOLUTION

- 1 Creating the Subsequent Injury Trust Fund Joint Study Committee; and for other purposes.
- 2 WHEREAS, the Subsequent Injury Trust Fund was created to encourage employment of
3 handicapped persons by providing employers relief from excess liability for compensation
4 when injury to a handicapped employee merges with a preexisting permanent impairment;
5 and
- 6 WHEREAS, in light of the federal Americans with Disabilities Act, questions have been
7 raised as to whether or not the Subsequent Injury Trust Fund should cease to exist; and
- 8 WHEREAS, the incentive of the Subsequent Injury Trust Fund may now be vitiated by the
9 requirement under the Americans with Disabilities Act that failure to hire the handicapped
10 is an illegal action; and
- 11 WHEREAS, a major policy determination is necessary as to the continued usefulness and
12 viability of the fund.
- 13 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
14 GEORGIA that there is created the Subsequent Injury Trust Fund Joint Study Committee to
15 be composed of 12 members as follows: three members of the House of Representatives
16 appointed by the Chairperson of the House Industrial Relations Committee; three members
17 of the Senate appointed by the chairperson of the Senate Insurance and Labor Committee;
18 three members appointed by the Speaker of the House of Representatives representing the
19 insurance industry, organized labor, and the business community; and three members
20 appointed by the Lieutenant Governor representing the legal profession, self-insured
21 employers, and the general public. The Speaker of the House of Representatives shall
22 designate a member of the House and the Lieutenant Governor shall designate a member of
23 the Senate who shall serve as chairperson of the committee. The committee shall meet at the
24 call of the co-chairpersons.

1 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,
2 needs, issues, and problems mentioned above or related thereto and recommend any actions
3 or legislation which the committee deems necessary or appropriate. The committee may
4 conduct such meetings at such places and at such times as it may deem necessary or
5 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
6 accomplish the objectives and purposes of this resolution. Citizen members shall receive a
7 daily expense allowance in the amount specified in subsection (b) of Code Section 45-7-21
8 of the Official Code of Georgia Annotated as well as the mileage or transportation allowance
9 authorized for state employees. The members of the committee shall receive the allowances
10 authorized for legislative members of interim legislative committees but shall receive the
11 same for not more than five days unless additional days are authorized. The funds necessary
12 to carry out the provisions of this resolution shall come from the funds appropriated to the
13 House of Representatives and Senate. In the event the committee makes a report of its
14 findings and recommendations, with suggestions for proposed legislation, if any, such report
15 shall be made on or before December 1, 2003. The committee shall stand abolished on
16 December 1, 2003.