

House Bill 1579

By: Representatives Oliver of the 56th, Post 2, Watson of the 60th, Post 2, Bannister of the 70th, Post 1, Stephens of the 123rd, Smith of the 13th, Post 2, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 9 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated,
2 relating to the Subsequent Injury Trust Fund, so as to provide that the Subsequent Injury
3 Trust Fund shall not reimburse a self-insured employer or an insurer for a subsequent injury
4 for which a claim is made after June 30, 2004; to provide that the fund shall continue to
5 reimburse self-insured employers and insurers for claims made prior to July 1, 2004; to
6 provide for dissolution of the fund; to provide an effective date; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 9 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to the
11 Subsequent Injury Trust Fund, is amended by inserting at the end thereof a new Code section
12 to read as follows:

13 "34-9-368.

14 (a) The Subsequent Injury Trust Fund shall not reimburse a self-insured employer or an
15 insurer for a subsequent injury for which a claim is made after June 30, 2004. The
16 Subsequent Injury Trust Fund shall continue to reimburse self-insured employers or
17 insurers for claims filed prior to July 1, 2004, which qualify for reimbursement.

18 (b) Self-insured employers and insurers shall continue to pay assessments pursuant to
19 Code Section 34-9-358 to the extent necessary to fund claims filed prior to July 1, 2004.

20 (c) Upon or in contemplation of the final payment of all claims filed for subsequent
21 injuries for which claims are filed prior to July 1, 2004, the board of trustees shall adopt
22 and implement resolutions providing for the final dissolution of the Subsequent Injury
23 Trust Fund. Such resolutions shall become effective when all claims made prior to July 1,
24 2004, have been fully paid or otherwise resolved and shall include provisions for:

25 (1) The termination of assessments against insurers or self-insurers;

26 (2) The pro rata refund of assessments previously collected and unexpended;

1 (3) The termination of employment of the employees of the fund or the transfer of
2 employment of any employees to any other state agency desiring to accept them;

3 (4) A final accounting of the financial affairs of the fund; and

4 (5) The transfer of the books, records, and property of the fund to the custody of the State
5 Board of Workers' Compensation.

6 Upon the completion of all matters provided for in such resolutions, but not later than
7 December 31, 2015, the Subsequent Injury Trust Fund and the members of its board of
8 trustees shall be discharged from their duties."

9 **SECTION 2.**

10 This Act shall become effective on July 1, 2004.

11 **SECTION 3.**

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