

House Bill 200

By: Representatives Coan of the 101<sup>st</sup>, Ehrhart of the 36<sup>th</sup>, Knox of the 24<sup>th</sup>, Keen of the 179<sup>th</sup>,  
Smith of the 129<sup>th</sup>, 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 an injury occurring  
4 after April 15, 2005, for which a claim is made after April 15, 2005; to provide that the fund  
5 shall continue to reimburse self-insured employers and insurers for claims made prior to  
6 April 15, 2005; to provide an effective date; to repeal conflicting laws; and for other  
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**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 striking Code Section 34-9-368, relating to the  
12 dissolution of the Subsequent Injury Trust Fund, and inserting in lieu thereof the following:

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 for an injury occurring after ~~June~~  
16 ~~30, 2008~~ April 15, 2005. The Subsequent Injury Trust Fund shall continue to reimburse  
17 self-insured employers or insurers for claims for injuries occurring on and prior to ~~June 30,~~  
18 ~~2008~~ April 15, 2005, which qualify for reimbursement.

19 (b) Self-insured employers and insurers shall continue to pay assessments pursuant to  
20 Code Section 34-9-358 to the extent necessary to fund claims for injuries occurring on and  
21 prior to ~~June 30, 2008~~ April 15, 2005.

22 ~~(c) The Subsequent Injury Trust Fund is directed to complete an actuarial study not later~~  
23 ~~than January 1, 2005.~~

24 ~~(d)~~(c) Upon or in contemplation of the final payment of all claims filed for subsequent  
25 injuries for which claims are filed for injuries occurring on and prior to ~~June 30, 2008~~ April  
26 15, 2005, the board of trustees shall adopt and implement resolutions providing for the final

1 dissolution of the Subsequent Injury Trust Fund. Such resolutions shall become effective  
2 when all claims made for injuries occurring on and prior to ~~June 30, 2008~~ April 15, 2005,  
3 have been fully paid or otherwise resolved and shall include provisions for:

- 4 (1) The termination of assessments against insurers or self-insurers;
- 5 (2) The pro rata refund of assessments previously collected and unexpended;
- 6 (3) The termination of employment of the employees of the fund or the transfer of  
7 employment of any employees to any other state agency desiring to accept them;
- 8 (4) A final accounting of the financial affairs of the fund; and
- 9 (5) The transfer of the books, records, and property of the fund to the custody of the State  
10 Board of Workers' Compensation.

11 Upon the completion of all matters provided for in such resolutions, but not later than  
12 December 31, 2020, the Subsequent Injury Trust Fund and the members of its board of  
13 trustees shall be discharged from their duties except for such personnel necessary to  
14 administer any remaining claims."

## 15 SECTION 2.

16 This Act shall become effective upon its approval by the Governor or upon its becoming law  
17 without such approval.

## 18 SECTION 3.

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