

House Bill 200 (AM)

By: Representatives Coan of the 101st, Ehrhart of the 36th, Knox of the 24th, Keen of the 179th,
Smith of the 129th, 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 December 31, 2005, for which a claim is made after December 31, 2005; to provide that
5 the fund shall continue to reimburse self-insured employers and insurers for claims made
6 prior to December 31, 2005; to provide an effective date; to repeal conflicting laws; and for
7 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 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~~ December 31, 2005. The Subsequent Injury Trust Fund shall continue to
17 reimburse self-insured employers or insurers for claims for injuries occurring on and prior
18 to ~~June 30, 2008~~ December 31, 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~~ December 31, 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~~
26 December 31, 2005, the board of trustees shall adopt and implement resolutions providing

1 for the final dissolution of the Subsequent Injury Trust Fund. Such resolutions shall
2 become effective when all claims made for injuries occurring on and prior to ~~June 30, 2008~~
3 December 31, 2005, have been fully paid or otherwise resolved and shall include
4 provisions for:

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

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

16 **SECTION 2.**

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

19 **SECTION 3.**

20 All laws and parts of laws in conflict with this Act are repealed.