

Senate Bill 58

By: Senators Gooch of the 51st, Mullis of the 53rd, Miller of the 49th, Jackson of the 24th, Tolleson of the 20th and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to  
2 payment of indemnification for death or disability, procedure for making of payments, and  
3 appeal, so as to change provisions relating to indemnification for the death or disability of  
4 a state highway employee; to provide a short title; to provide for the intent and authority of  
5 the General Assembly; to provide for applicability; to repeal conflicting laws; and for other  
6 purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Spencer Pass Hero Memorial Act."

10 **SECTION 2.**

11 Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to payment of  
12 indemnification for death or disability, procedure for making of payments, and appeal, is  
13 amended by revising subsection (a) as follows:

14 "(a) Indemnification shall be paid under this article as follows:

15 (1) In the case of a partial permanent disability suffered in the line of duty by a law  
16 enforcement officer, firefighter, emergency medical technician, emergency management  
17 rescue specialist, state highway employee, or prison guard, the eligible disabled person  
18 may elect payment of \$35,000.00 paid in equal monthly installments for five years or a  
19 lump sum of such amount reduced to its present value upon the basis of interest  
20 calculated at the rate of 6 percent per annum;

21 ~~(2) In the case of a partial permanent disability suffered in the line of duty by a state~~  
22 ~~highway employee, the eligible person may elect to receive a payment of \$12,000.00 paid~~  
23 ~~in equal monthly installments for five years or a lump sum of such amount reduced to its~~  
24 ~~present value upon the basis of interest calculated at the rate of 6 percent per annum;~~

25 ~~(3)~~(2) In the case of a total permanent disability suffered in the line of duty by a law  
 26 enforcement officer, firefighter, emergency medical technician, emergency management  
 27 rescue specialist, state highway employee, or prison guard, the injured person may elect  
 28 to receive a payment of \$75,000.00 paid in equal monthly installments for five years or  
 29 a lump sum of such amount reduced to its present value upon the basis of interest  
 30 calculated at the rate of 6 percent per annum; or

31 ~~(4) In the case of a total permanent disability suffered in the line of duty by a state  
 32 highway employee, the eligible person may elect to receive a payment of \$25,000.00 paid  
 33 in equal monthly installments for five years or a lump sum of such amount reduced to its  
 34 present value upon the basis of interest calculated at the rate of 6 percent per annum;~~

35 ~~(5)~~(3) In the case of death or organic brain damage suffered in the line of duty by a law  
 36 enforcement officer, firefighter, emergency medical technician, emergency management  
 37 specialist, state highway employee, or prison guard, payment shall be made to the  
 38 surviving unremarried spouse or the dependents of the spouse or deceased person as  
 39 shown in his or her most recent tax return or to the legal guardian of the organically brain  
 40 damaged person. The surviving unremarried spouse, dependents, or the legal guardian  
 41 may elect to receive payment in a lump sum payment of \$100,000.00 paid in equal  
 42 monthly installments for five years or a lump sum of such amount reduced to its present  
 43 value upon the basis of interest calculated at the rate of 6 percent per annum; or

44 ~~(6) In the case of death or organic brain damage suffered in the line of duty by a state  
 45 highway employee, payment shall be made to the surviving unremarried spouse or the  
 46 dependents of the spouse or deceased person as shown in his or her most recent tax return  
 47 or to the legal guardian of the organically brain damaged person. The surviving  
 48 unremarried spouse, dependents, or the legal guardian may elect to receive payment in  
 49 a lump sum payment of \$40,000.00 paid in equal monthly installments for five years or  
 50 a lump sum of such amount reduced to its present value upon the basis of interest  
 51 calculated at the rate of 6 percent per annum."~~

### 52 **SECTION 3.**

53 (a) It is the intent of the General Assembly that the revised indemnification amounts for state  
 54 highway employees shall be applicable to all incidents involving state highway employees  
 55 occurring on or after January 1, 2011.

56 (b) The retroactive application of these changes with regard to state highway employees is  
 57 based on the authority of Ga. Laws 2000, p. 2007, Section 1, adding Article III, Section VI,  
 58 Paragraph VI(g) of the Georgia Constitution.

59

**SECTION 4.**

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