

The Senate Transportation Committee offered the following substitute to HB 156:

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 for indemnification for death or disability, procedure for making of payments, and
3 appeal, so as to change provisions relative to the indemnification of injured state highway
4 employees; to provide for the intent and authority of the General Assembly; to provide for
5 applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

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

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

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

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

22 ~~(3)~~(2) In the case of a total permanent disability suffered in the line of duty by a law
23 enforcement officer, firefighter, emergency medical technician, emergency management
24 rescue specialist, state highway employee, or prison guard, the injured person may elect
25 to receive a payment of \$75,000.00 paid in equal monthly installments for five years or

26 a lump sum of such amount reduced to its present value upon the basis of interest
 27 calculated at the rate of 6 percent per annum; or
 28 ~~(4) In the case of a total permanent disability suffered in the line of duty by a state~~
 29 ~~highway employee, the eligible person may elect to receive a payment of \$25,000.00 paid~~
 30 ~~in equal monthly installments for five years or a lump sum of such amount reduced to its~~
 31 ~~present value upon the basis of interest calculated at the rate of 6 percent per annum;~~
 32 ~~(5)~~(3) In the case of death or organic brain damage suffered in the line of duty by a law
 33 enforcement officer, firefighter, emergency medical technician, emergency management
 34 specialist, state highway employee, or prison guard, payment shall be made to the
 35 surviving unremarried spouse or the dependents of the spouse or deceased person as
 36 shown in his or her most recent tax return or to the legal guardian of the organically brain
 37 damaged person. The surviving unremarried spouse, dependents, or the legal guardian
 38 may elect to receive payment in a lump sum payment of \$100,000.00 paid in equal
 39 monthly installments for five years or a lump sum of such amount reduced to its present
 40 value upon the basis of interest calculated at the rate of 6 percent per annum; or
 41 ~~(6) In the case of death or organic brain damage suffered in the line of duty by a state~~
 42 ~~highway employee, payment shall be made to the surviving unremarried spouse or the~~
 43 ~~dependents of the spouse or deceased person as shown in his or her most recent tax return~~
 44 ~~or to the legal guardian of the organically brain damaged person. The surviving~~
 45 ~~unremarried spouse, dependents, or the legal guardian may elect to receive payment in~~
 46 ~~a lump sum payment of \$40,000.00 paid in equal monthly installments for five years or~~
 47 ~~a lump sum of such amount reduced to its present value upon the basis of interest~~
 48 ~~calculated at the rate of 6 percent per annum."~~

49 **SECTION 2.**

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

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

56 **SECTION 3.**

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