

The House Committee on Insurance offers the following substitute to SB 58:

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 short titles; to revise provisions relating to  
5 indemnification payments in the case of death or organic brain damage suffered in the line  
6 of duty by a law enforcement officer, firefighter, emergency medical technician, emergency  
7 management specialist, or prison guard; to provide for duties of the Georgia State  
8 Indemnification Commission; to provide for the intent and authority of the General  
9 Assembly; to provide for applicability; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 SECTION 1.

12 This Act shall be known and may be cited as the "Jarrett Little Act" or as the "Spencer Pass  
13 Hero Memorial Act."

14 SECTION 2.

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

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

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

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

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

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

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

48 (i) The deceased's spouse;

49 (ii) In the event there is no surviving spouse, to the deceased's dependent children;  
 50 and

51 (iii) In the event there is no surviving spouse or dependent children of the deceased,  
 52 equally to such other surviving dependents of the deceased, including his or her  
 53 dependent parents and siblings.

54 (B) In the case of organic brain damage suffered in the line of duty by a law  
 55 enforcement officer, firefighter, emergency medical technician, emergency  
 56 management specialist, or prison guard, payment shall be made to the legal guardian  
 57 of the organically brain damaged person.

58 A person entitled to payment under this paragraph may elect to receive payment in a sum  
 59 of \$100,000.00 paid in equal monthly installments for five years or a lump sum of such  
 60 amount reduced to its present value upon the basis of interest calculated at the rate of 6  
 61 percent per annum. For purposes of this paragraph, the term 'dependent' shall have such

62 meaning as shall be established by the rules and regulations of the department subject to  
63 the approval of the commission.

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

72 **SECTION 3.**

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

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

79 **SECTION 4.**

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