

The Senate Public Safety Committee offered the following substitute to SB 119:

A BILL TO BE ENTITLED
AN ACT

1 To enact the "Stevenson-Gibson Act"; to amend Part 1 of Article 5 of Chapter 9 of Title 45
2 of the Official Code of Georgia Annotated, relating to the Georgia State Indemnification
3 Fund for law enforcement officers, firemen, prison guards, and publicly employed
4 emergency medical technicians, so as to provide for a short title; to provide that beneficiaries
5 of such fund include persons who acquired certain conditions in the line of duty that result
6 in a total permanent disability or a delayed death; to provide for a rebuttable presumption;
7 to provide for exceptions; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 This Act shall be known and may be cited as the "Stevenson-Gibson Act."

11 style="text-align:center">**SECTION 2.**

12 Part 1 of Article 5 of Chapter 9 of Title 45 of the Official Code of Georgia Annotated,
13 relating to the Georgia State Indemnification Fund for law enforcement officers, firemen,
14 prison guards, and publicly employed emergency medical technicians, is amended by
15 revising paragraph (12) of Code Section 45-9-81, relating to definitions for the Georgia State
16 Indemnification Fund, as follows:

17 "(12) 'Total permanent disability' means disability due to:

18 (A) Loss of both eyes or blindness in both eyes with only light perception;

19 (B) Loss or loss of use of both hands;

20 (C) Loss or loss of use of both legs;

21 (D) Loss of a lower extremity or the residual effect of an organic disease or injury
22 which so affects the functions of balance or propulsion as to preclude locomotion
23 without resort to a wheelchair at all times; or

24 (E) Organic brain damage; or

25 (F) The inability to perform normal duties as a law enforcement officer, firefighter,
 26 prison guard, or emergency medical technician because of pulmonary injury or disease
 27 or lung injury or disease or due to having contracted HIV/AIDS, meningitis,
 28 mesothelioma, or hepatitis."

29 **SECTION 3.**

30 Said part is further amended by revising Code Section 45-9-85, relating to payment of
 31 indemnification for death or disability generally, beneficiary, designation of the method of
 32 payment, and procedure for making of payments, as follows:

33 "45-9-85.

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

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

41 (2) In the case of a total permanent disability suffered in the line of duty by a law
 42 enforcement officer, firefighter, emergency medical technician, emergency management
 43 rescue specialist, state highway employee, or prison guard, the injured person may elect
 44 to receive a payment of \$75,000.00 paid in equal monthly installments for five years or
 45 a lump sum of such amount reduced to its present value upon the basis of interest
 46 calculated at the rate of 6 percent per annum. For purposes of this paragraph, there shall
 47 be a rebuttable presumption that any of the conditions set forth in subparagraph (F) of
 48 paragraph (12) of Code Section 45-9-81 were acquired in the line of duty unless such
 49 conditions existed at the time he or she first became employed; provided, however, that
 50 such presumption in the case of lung injury or disease or pulmonary injury or disease
 51 shall only be provided to firefighters who have served as firefighters for five years or
 52 more; provided, further, that if a firefighter used tobacco products within five years of the
 53 onset of the total permanent disability, there shall be no such rebuttable presumption with
 54 regard to pulmonary injury or disease or lung injury or disease; or

55 (3) In the case of death or organic brain damage suffered in the line of duty by a law
 56 enforcement officer, firefighter, emergency medical technician, emergency management
 57 specialist, state highway employee, or prison guard, payment shall be made to the
 58 surviving unremarried spouse or the dependents of the spouse or deceased person as
 59 shown in his or her most recent tax return or to the legal guardian of the organically brain
 60 damaged person. The surviving unremarried spouse, dependents, or the legal guardian

61 may elect to receive payment in a lump sum payment of \$100,000.00 paid in equal
 62 monthly installments for five years or a lump sum of such amount reduced to its present
 63 value upon the basis of interest calculated at the rate of 6 percent per annum; or

64 (4) In the case where a total permanent disability due to any of the conditions set forth
 65 in subparagraph (F) of paragraph (12) of Code Section 45-9-81 suffered in the line of
 66 duty results in death or organic brain damage before the payment of the \$75,000.00
 67 required in paragraph (2) of this subsection is paid in full, the department shall pay the
 68 surviving unremarried spouse or the dependents of the spouse or deceased person as
 69 shown in his or her most recent tax return or to the legal guardian of the organically brain
 70 damaged person an amount equal to any amounts still owed from the original award of
 71 \$75,000.00 plus an additional \$25,000.00.

72 (b) After the department, or the commission upon review of a denial by the department,
 73 determines that a law enforcement officer, firefighter, emergency medical technician,
 74 emergency management rescue specialist, prison guard, or state highway employee has
 75 suffered a total permanent disability, a partial permanent disability, organic brain damage,
 76 or death in the line of duty, the department shall be authorized to make the appropriate
 77 payments as provided in subsection (a) of this Code section.

78 (c) If the department denies a claim, any person seeking benefits pursuant to this part may
 79 appeal the department's decision to the commission. Any such appeal shall be filed with
 80 the commission within 60 days of receipt of the department's decision and shall identify
 81 the errors in the department's decision. Appeals shall be considered by the commission at
 82 the commission's semiannual meeting as provided in Code Section 45-9-84."

83 **SECTION 4.**

84 Said part is further amended in Code Section 45-9-86, relating to applications for
 85 indemnification, by adding a new subsection to read as follows:

86 "(d) The 24 month limitation on any claim filed for indemnification pursuant to this Code
 87 section, which claim is based on a total permanent disability or partial permanent disability,
 88 shall not begin to run until such time as the disability is known by the applicant for
 89 indemnification."

90 **SECTION 5.**

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