

The Senate Retirement Committee offered the following substitute to HB 987:

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act entitled "An Act to provide a pension and retirement plan and fund for  
2 certain employees and officers of the Macon Board of Water Commissioners," approved  
3 December 30, 1953 (Ga. L. 1953, Nov. - Dec. Sess., p. 2831), as amended, particularly by  
4 an Act approved March 24, 1994 (Ga. L. 1994, p. 3947), so as to define a certain term; to  
5 raise the employee contribution; to increase the benefit calculation factor; to change the  
6 vesting provision; to grant a cost of living adjustment to retirees and beneficiaries; to revise  
7 the method of determining permanent and total disability; to provide that persons who retire  
8 under the disability provisions of the plan may elect a life annuity or a joint and survivor  
9 option; to provide conditions for effective dates and automatic repeal; to repeal conflicting  
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

12 An Act entitled "An Act to provide a pension and retirement plan and fund for certain  
13 employees and officers of the Macon Board of Water Commissioners," approved December  
14 30, 1953 (Ga. L. 1953, Nov. - Dec. Sess., p. 2831), as amended, particularly by an Act  
15 approved March 24, 1994 (Ga. L. 1994, p. 3947), is amended by adding at the end of Section  
16 2 a new subsection (h) to read as follows:  
17

18 "(h) 'Permanently and totally disabled' shall mean that the member has been determined  
19 to be disabled within the meaning of the federal Social Security Act and regulations  
20 thereunder and is actually drawing Social Security benefits on account of such disability."

**SECTION 2.**

21 Said Act is further amended by striking paragraph (1) of subsection (a) of Section 4 and  
22 inserting in lieu thereof a new paragraph (1) to read as follows:  
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1 in the fund; provided, further, that such employee shall be entitled, at his or her option,  
 2 to receive actuarially reduced benefits prior to 63 years of age, when his or her service  
 3 would have totaled 25 years had he or she remained in the service of the authority. A  
 4 member shall be notified of his or her option to leave his or her contributions in the plan  
 5 by certified mail, return receipt requested, and shall have 12 months in which to make an  
 6 election to remain in the plan or withdraw his or her contributions. The contributions of  
 7 a member who fails to make an election within 12 months will be paid to the member as  
 8 provided in paragraph (7) of this subsection."

#### 9 **SECTION 5.**

10 Said Act is further amended by adding at the end of subsection (a) of Section 6 a new  
 11 paragraph (16) to read as follows:

12 "(16) The monthly benefit of every member and beneficiary who is retired and receiving  
 13 benefits shall be increased every five years by 2 percent, retroactive to April 1, 1994. This  
 14 cost-of-living adjustment shall be effective as of October 1, 2004."

#### 15 **SECTION 6.**

16 Said Act is further amended by striking paragraph (1) of subsection (b) of Section 6 and  
 17 inserting in lieu thereof a new paragraph (1) to read as follows:

18 "(1) Permanent and total disability shall be determined as provided in subsection (h) of  
 19 Section 2 of this Act. In the event it is determined by the federal Social Security  
 20 Administration that a member is no longer disabled and such member is not drawing  
 21 benefits under the Social Security Act, the authority may order that the member return  
 22 to active service with the authority and that the member's pension payments be  
 23 discontinued during the period of such active employment. In the event the member so  
 24 ordered by the authority to return to active employment with the authority fails or refuses  
 25 to do so within 30 days of written notice, the right of the member to disability payments  
 26 shall be conclusively and for all time terminated. In the event such member shall return  
 27 to active employment with the authority as ordered by the authority, he or she shall  
 28 resume payment of contributions then required by the pension plan, and shall likewise be  
 29 entitled to further service credit during the time he or she remains in the active service of  
 30 the authority. Such member shall not be entitled to other retirement benefits of the plan  
 31 save by relinquishment of any and all rights to any disability benefits."

#### 32 **SECTION 7.**

33 Said Act is further amended by striking paragraph (1) of subsection (c) of Section 6 and  
 34 inserting in lieu thereof a new paragraph (1) to read as follows:

