

House Bill 603

By: Representatives Willard of the 51<sup>st</sup>, Dollar of the 45<sup>th</sup>, Martin of the 49<sup>th</sup>, Jacobs of the 80<sup>th</sup>, Jones of the 47<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing in Fulton County a system for pension and retirement to pay  
2 teachers and employees of the Board of Education of Fulton County, approved February 2,  
3 1945 (Ga. L. 1945, p. 528), as amended, particularly by an Act approved May 11, 2009 (Ga.  
4 L. 2009, p. 4004), so as to revise disability pension benefit eligibility for new plan members  
5 in certain instances; to provide an offset of disability benefits by any workers' compensation  
6 indemnity benefits related to loss of income for new plan members; to limit the effect of  
7 workers' compensation or similar laws on the plan; to provide for related matters; to provide  
8 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other  
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act providing in Fulton County a system for pension and retirement to pay teachers and  
13 employees of the Board of Education of Fulton County, approved February 2, 1945 (Ga. L.  
14 1945, p. 528), as amended, particularly by an Act approved May 11, 2009 (Ga. L. 2009, p.  
15 4004), is amended by revising Section 6.01 as follows:

16 "SECTION 6.01.

17 Disability benefit.

18 (a)(1) A participant who becomes disabled while employed by the employer after  
19 attaining at least ten years of creditable service, as calculated under Sections 2.02 and  
20 2.03 of this Act, and prior to attaining normal retirement age, shall be eligible for a  
21 disability benefit, calculated as of the date of disability in the same manner as set out in  
22 Article IV of this Act, without adjustment for early commencement.

23 (2) A participant who:

24 (A) Becomes disabled after separation from the service of the employer;

25 (B) Is eligible for an early retirement benefit or a deferred vested benefit; and

26 (C) Who has not commenced receipt of his or her benefit as of the date of disability  
 27 shall be eligible for a disability benefit calculated as of the date of his or her separation  
 28 from service in accordance with Article V or Article VII of this Act, as applicable,  
 29 without adjustment for early commencement.

30 (3) This subsection applies to participants who become members of the plan prior to  
 31 July 1, 2016.

32 (b) A participant who becomes a member of the plan on or after July 1, 2016, and who  
 33 becomes disabled while employed by the employer after attaining at least ten years of  
 34 creditable service, as calculated under Sections 2.02 and 2.03 of this Act, and prior to  
 35 attaining normal retirement age, shall be eligible for a disability benefit, calculated as of  
 36 the date of disability in the same manner as set out in Article IV of this Act, without  
 37 adjustment for early commencement."

38 **SECTION 2.**

39 Said Act is further amended by revising Section 6.04 as follows:

40 "SECTION 6.04.

41 Payment of disability benefit.

42 The trustee shall commence payment to the participant of the disability benefit in the form  
 43 of a single life annuity payable monthly for the life of the participant; provided, however,  
 44 that subject to satisfaction of the requirements for survivor benefits and any employee  
 45 contribution as provided in Section 2.07 of this Act, the disability benefit shall be paid as  
 46 a joint and 70 percent survivor annuity; provided, further, that a disability benefit payable  
 47 to a participant pursuant to Section 6.01 of this Act, the Alternate Plan of 1959, shall be  
 48 payable in the form of a joint and 75 percent survivor annuity. Any payment of disability  
 49 benefits as authorized under this section to a member who becomes part of the plan on or  
 50 after July 1, 2016, shall be offset by payments relating to workers' compensation loss of  
 51 income indemnity benefits as authorized by provisions of Chapter 9 of Title 34 of the  
 52 O.C.G.A. or similar laws on an actuarial equivalent basis."

53 **SECTION 3.**

54 Said Act is further amended by revising Section 10.07 as follows:

55 "SECTION 10.07.  
56 Workers' compensation.

57 Except as expressly provided in Section 6.04 of this Act, this Act shall not affect or be  
58 affected by the provisions of Chapter 9 of Title 34 of the O.C.G.A., relating to workers'  
59 compensation, or similar laws."

60 **SECTION 4.**

61 This Act shall become effective on July 1, 2016, only if it is determined to have been  
62 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
63 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
64 become effective and shall be automatically repealed in its entirety on July 1, 2016, as  
65 required by subsection (a) of Code Section 47-20-50.

66 **SECTION 5.**

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