

House Bill 931 (AS PASSED HOUSE AND SENATE)

By: Representatives Cummings of the 27<sup>th</sup>, Shanahan of the 10<sup>th</sup> and McBee of the 88<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the  
2 Employees' Retirement System of Georgia, so as to provide that persons who retired with  
3 at least ten years of actual service as an officer of the Uniform Division of the Department  
4 of Public Safety may return to service in certain capacities and continue to receive a full  
5 retirement benefit; to provide that certain employees of community service boards may  
6 obtain creditable service for certain prior service as employees of private hospitals; to  
7 provide for application and the payment of employee and employer contributions; to provide  
8 that the board of trustees of such retirement system may reduce the amount of certain  
9 employee contributions under certain conditions; to provide conditions for an effective date  
10 and automatic repeal; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the Employees'  
14 Retirement System of Georgia, is amended by striking in its entirety subsection (c) of Code  
15 Section 47-2-110, relating to retirement age, application and eligibility for a retirement  
16 allowance, suspension of retirement allowance upon reemployment, and health benefits, and  
17 inserting in lieu thereof the following:

18 ~~"(c)(1) Anything in this chapter to the contrary notwithstanding~~ Except as provided in  
19 this subsection, if a member accepts employment with or renders services to any  
20 employer after his or her retirement, payment of his or her retirement allowance shall be  
21 suspended and no contributions to the retirement system shall be made on account of such  
22 service either by that member or his or her employer, provided that, upon termination of  
23 such service, all rights shall vest in that member as if he or she had continued his or her  
24 option to retire; ~~provided, further, that payment of his~~  
25 (2) The retirement allowance of a retired member who accepts employment with or  
26 renders services to any employer after his or her retirement shall not be suspended if the

1 employee performs no more than 1,040 hours of service for the employer in any calendar  
 2 year; provided, ~~further~~ however, that no such employee so employed shall be eligible for  
 3 employee health benefits other than those available to the member as a part of his or her  
 4 retirement benefits or for any annual leave, any sick leave, or any other employee benefit  
 5 available to a state employee in the classified service of the State Merit System of  
 6 Personnel Administration established by Chapter 20 of Title 45.

7 (3) The retirement benefits of a retired member who retired on a normal service  
 8 retirement with at least ten years of actual service as an officer or trooper of the Uniform  
 9 Division of the Department of Public Safety shall not be suspended if he or she accepts  
 10 full-time or part-time employment with the Department of Public Safety or the  
 11 Department of Motor Vehicle Safety as a radio operator or a driver's license examiner;  
 12 provided, however, that this paragraph shall cease to apply on or after July 1, 2007. No  
 13 such employee so employed shall be eligible for employee health benefits other than  
 14 those available to the member as a part of his or her retirement benefits or for any annual  
 15 leave, any sick leave, or any other employee benefit available to a state employee in the  
 16 classified service of the State Merit System of Personnel Administration established by  
 17 Chapter 20 of Title 45. No employer or employee contributions to this retirement system  
 18 shall be paid for or on behalf of any such member. The salary paid to any such person  
 19 shall be commensurate with the position for which he or she is employed with credit for  
 20 no more than five years of prior experience."

#### 21 SECTION 1A.

22 Said chapter is further amended by inserting following Code Section 47-2-298 a new Code  
 23 section to read as follows:

24 "47-2-299.

25 (a) Any member who is an employee of a community service board created by Code  
 26 Section 37-2-6 may obtain creditable service for prior service as an employee of a private  
 27 nonprofit hospital which was deemed to be the community health center through a  
 28 contractual master agreement with the Department of Human Resources and which was  
 29 authorized to bill medicaid for outpatient clinic option services under the state community  
 30 mental health program prior to December 31, 1991, and who, without a break in service,  
 31 became an employee of the community service board in the same position he or she held  
 32 with the private hospital. Such credit shall be granted regardless of whether any prior  
 33 service has been used or may be used in the determination of the member's eligibility for  
 34 retirement benefits or allowances in a private retirement system.

35 (b) In order to obtain creditable service as provided by this Code section, the member shall  
 36 make application to the board of trustees in such form as the board deems proper,

1 accompanied by such evidence of prior employment as the board deems necessary and  
 2 payment of such amount as determined by the actuary as necessary to grant such benefit  
 3 without creating any accrued actuarial liability as to this retirement system.

4 (c) Application for the creditable service provided by this Code section must be made not  
 5 later than December 31, 2002."

## 6 SECTION 2.

7 Said chapter is further amended by striking in its entirety subsection (c) of Code Section  
 8 47-2-334, relating to service retirement allowance, calculation, employee membership  
 9 contributions, employer contributions, optional membership, conditions, and construction of  
 10 provision, and inserting in lieu thereof the following:

11 "(c) From and after July 1, 1990, every member subject to this Code section shall  
 12 contribute employee membership contributions in ~~the~~ an amount of not less than 1  
 13 percent nor greater than 1 1/2 percent of earnable compensation, which shall be deducted  
 14 by each employer from the earnable compensation of each member for each and every  
 15 payroll period and paid monthly to the board of trustees; provided, however, that any  
 16 reduction in such percentage shall be based upon the recommendation of the actuary of  
 17 the board of trustees, the maintenance of the actuarial soundness of the fund in  
 18 accordance with the standards provided in Code Section 47-20-10 or such higher  
 19 standards as may be adopted by the board, and such other factors as the board deems  
 20 relevant. Of the ~~1 1/2 percent~~ percentage deducted from the earnable compensation of  
 21 members, ~~1 1/4 percent~~ shall be credited to the individual accounts of the members in the  
 22 ~~annuity savings fund and the remaining one-fourth of 1 percent~~ shall be credited to the  
 23 group term life insurance fund in lieu of any other deduction therefor and the remaining  
 24 portion shall be credited to the individual accounts of the members in the annuity savings  
 25 fund. In the event a member is not covered by group term life insurance, the entire ~~1/2~~  
 26 ~~percent~~ amount deducted from the member's earnable compensation shall be credited to  
 27 the member's individual account in the annuity savings fund."

## 28 SECTION 3.

29 This Act shall become effective on July 1, 2002, only if it is determined to have been  
 30 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
 31 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
 32 become effective and shall be automatically repealed in its entirety on July 1, 2002, as  
 33 required by subsection (a) of Code Section 47-20-50.

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**SECTION 4.**

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