

House Bill 902

By: Representatives Cummings of the 27th, Shanahan of the 10th and McBee of the 88th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and
2 pensions, so as to provide that certain persons may not become members of the Teachers
3 Retirement System of Georgia in a certain manner on or after a certain date; to define certain
4 terms; to provide that certain public school employees may elect to become members of such
5 retirement system; to provide for employee and employer contributions; to provide for
6 creditable service for certain prior service; to provide for matters relative to the foregoing;
7 to provide conditions for an effective date and automatic repeal; to repeal conflicting laws;
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is
12 amended by inserting at the end of Code Section 47-3-63, relating to membership in the
13 Teachers Retirement System of Georgia by certain public school employees, the following:
14 "(d) No person shall be entitled to become a member of this retirement system pursuant
15 to this Code section on or after July 1, 2002."

16 **SECTION 2.**

17 Said title is further amended by inserting immediately following Code Section 47-3-63 a new
18 Code section, to be designated Code Section 47-3-63.1, to read as follows:
19 "47-3-63.1.

20 (a) As used in this Code section, the term:

21 (1) 'Public school' means any day school conducted within the state under the authority
22 and supervision of a duly elected or appointed county or independent board of education.
23 (2) 'Public school employee' or 'employee' means all those employees of public schools
24 including postsecondary vocational-technical schools governed by the Department of
25 Technical and Adult Education who work at least 30 hours per week and at least nine

1 months per year and who are not 'teachers' as defined in paragraph (28) of Code Section
2 47-3-1. The term specifically includes, but is not limited to, school bus drivers, school
3 lunchroom personnel, school maintenance personnel, and school custodial personnel.

4 (b) Any person who is employed as a public school employee on June 30, 2002, may elect
5 to become a member of this retirement system by so notifying the board of trustees of this
6 retirement system and the board of trustees of the Public School Employees Retirement
7 System in a manner determined by the respective boards of trustees not later than June 30,
8 2003, or be forever barred from making such election.

9 (c) The State of Georgia shall pay the employer contributions for all public school
10 employees electing to become members of this retirement system pursuant to subsection
11 (b) of this Code section.

12 (d) Any person who elects to transfer membership from the Public School Employees
13 Retirement System to this retirement system pursuant to subsection (b) of this Code section
14 shall be entitled to receive creditable service for prior service as a public school employee
15 while a member of the Public School Employees Retirement System as provided in this
16 subsection. The board of trustees of the Public School Employees Retirement System
17 shall, within 30 days after receiving the employee's notice, pay to the board of trustees of
18 this retirement system the total employee and employer contributions made to such
19 retirement system by or on behalf of the employee, together with interest thereon at the rate
20 of 6 percent per annum. The employee shall be granted such creditable service in this
21 retirement system as the board of trustees determines that amount will allow without
22 creating any accrued liability, as a result of granting such creditable service, against this
23 retirement system. If the amount of creditable service so obtained is less than the amount
24 of prior service as a public school employee for which such creditable service is allowed,
25 the member may obtain all or a portion of the remainder by paying the employer and
26 employee contributions which would have been made if he or she had been a member of
27 this retirement system together with interest at the rate of 6 percent per annum,
28 compounded annually; provided, however, that the amount transferred to this retirement
29 system from the Public School Employees Retirement System shall be deemed to have
30 purchased the member's earliest allowable prior service credit. The board of trustees is
31 authorized to adopt rules and regulations governing such transaction. Each local school
32 system shall be authorized, but not required, to pay any portion of the member's
33 contribution provided for by this subsection."

SECTION 3.

1 Said title is further amended by inserting at the end of Code Section 47-4-40, relating to
2 eligibility for membership in the Public School Employees Retirement System, a new
3 subsection (f) to read as follows:

5 "(f) No public school employee who elects to become a member of the Teachers
6 Retirement System of Georgia pursuant to Code Section 47-3-63.1 may become or again
7 become a member of this retirement system unless such person subsequently becomes
8 ineligible for membership in the Teachers Retirement System of Georgia, in which event
9 such person shall not be entitled to any transfer of credit to this retirement system. In no
10 event shall an active member of the Teachers Retirement System of Georgia
11 simultaneously be a member of this retirement system."

SECTION 4.

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

SECTION 5.

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