

House Bill 970

By: Representative Stuckey of the 67th

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 a member of the Employees' Retirement System of Georgia
3 who was formerly a member of the Georgia Defined Contribution Plan may elect to have his
4 or her contributions transferred to the Employees' Retirement System of Georgia and shall
5 receive such creditable service as such amount warrants; to provide that such member may
6 pay to the Employees' Retirement System of Georgia such additional amount as he or she
7 elects for additional creditable service; to provide that the state shall be authorized, but not
8 required, to make contributions on behalf of members of the Georgia Defined Contribution
9 Plan; to provide conditions for an effective date and automatic repeal; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is
14 amended by inserting at the end of Article 5 of Chapter 2, relating to service creditable for
15 retirement under the Employees' Retirement System of Georgia, the following:

16 "47-2-100.

17 (a) Any member who was formerly a member of the Georgia Defined Contribution Plan
18 created by Chapter 22 of this title shall have the option of transferring to the retirement
19 system all contributions credited to him or her in such plan. This option must be exercised
20 within six months after becoming a member of the retirement system. It shall be exercised
21 by notifying, in writing, the board of trustees of the member's desire that such
22 contributions be transferred.

23 (b) Within 30 days after receiving such notification, all contributions credited to the
24 member in the Georgia Defined Contribution Plan shall be transferred to this retirement
25 system. Upon the receipt of such payment, the board of trustees shall deposit that portion
26 representing employee contributions into the annuity savings fund as a credit to the

1 member; and it shall deposit that portion representing employer contributions into the
2 pension accumulation fund. Upon deposit of such contributions, the member shall receive
3 such creditable service as such amounts will warrant without creating any accrued actuarial
4 liability as to this retirement system.

5 (c) If the contributions transferred as provided in subsection (b) of this Code section are
6 insufficient to cover all past service rendered as a member of the Georgia Defined
7 Contribution Plan on a year-for-year basis, then such member shall be authorized, but not
8 required, to pay to the board of trustees an amount which, when combined with the
9 transferred contributions, shall be sufficient to fund all or a portion of service rendered as
10 a member of such plan."

11 **SECTION 2.**

12 Said title is further amended by designating the existing portion of Code Section 47-22-8,
13 relating to member contributions to the Georgia Defined Contribution Plan and earnings
14 thereon, as subsection (a) and by inserting at the end thereof the following:

15 "(b) The employer shall be authorized, but not required, to make contributions to the plan
16 on behalf of the member in an amount up to 7 1/2 percent of the member's gross salary.
17 The amount of such contributions either may or may not be tied to the amount of
18 contributions made by the member."

19 **SECTION 3.**

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

25 **SECTION 4.**

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