

House Bill 439

By: Representative Teper of the 42nd, Post 1

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 9 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia
2 Annotated, relating to membership by judges and other court employees and certain county
3 employees in the Employees' Retirement System of Georgia, so as to provide that certain
4 members who were once offered membership in the Employees' Retirement System of
5 Georgia but who elected to remain members of a county retirement system and who
6 subsequently became members of the Employees' Retirement System of Georgia may obtain
7 creditable service for such prior service; to provide for the payment of employer and
8 employee contributions and interest; to provide that no credit shall be allowed for service
9 used to calculate a benefit in another public retirement system; to provide a time by which
10 application and payment must be received; to provide conditions for an effective date and
11 automatic repeal; to repeal conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Part 9 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated,
15 relating to membership by judges and other court employees and certain county employees
16 in the Employees' Retirement System of Georgia, is amended by inserting at the end thereof
17 the following:

18 "47-2-300.

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

20 (1) 'Qualified member' means a member who was previously eligible for membership in
21 this retirement system pursuant to the provisions of Code Section 47-2-297 but who
22 declined such membership to remain a member of a county retirement system.

23 (2) 'Qualified prior service' means the period of service during which a qualified member
24 was covered under a county retirement system in a position that made him or her eligible
25 to elect membership in this retirement system pursuant to Code Section 47-2-297.

1 (b) A qualified member may obtain creditable service in this retirement system for
2 qualified prior service by making application to the board of trustees in such form and
3 providing such documentation as the board of trustees deems appropriate and by paying
4 to the board of trustees the regular employer and employee contributions for each year or
5 portion thereof claimed as previous service. The computation of such contributions shall
6 be based on the compensation of the employee at the time the service was rendered. In
7 addition to such employer and employee contributions, the employee claiming such
8 previous service shall pay regular interest on the amount of such contributions compounded
9 annually from the time the previous service was rendered until payment is made to the
10 board. The payment required for such previous service shall be made to the board of
11 trustees at the time application is made for membership in the retirement system. No
12 service shall be granted under this retirement system that is or may be used to calculate a
13 benefit under any other public retirement system. Application and payments for credit
14 under this Code section must be received by the board of trustees not later than December
15 31, 2004."

16 **SECTION 2.**

17 This Act shall become effective on July 1, 2004, only if it is determined to have been
18 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
19 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
20 become effective and shall be automatically repealed in its entirety on July 1, 2004, as
21 required by subsection (a) of Code Section 47-20-50.

22 **SECTION 3.**

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