

Senate Bill 159

By: Senators Zamarripa of the 36th, Golden of the 8th, Dean of the 31st, Starr of the 44th,
Hooks of the 14th and others

AS PASSED SENATE

**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 for a program of retirement
3 options; to state legislative findings; to provide for development and implementation of
4 options; to provide for concurrent funding and certification of compliance; to provide for
5 restrictions, conditions, and limitations with respect to the filling of positions from which
6 employees retire under such options; to provide for related matters; to repeal conflicting
7 laws; and for other purposes.

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

9 **SECTION 1.**

10 Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the Employees'
11 Retirement System of Georgia, is amended by adding at the end of Article 6, relating to
12 retirement, a new Code Section 47-2-112 to read as follows:

13 "47-2-112.

14 (a) The General Assembly finds that it may be possible for state government to develop
15 retirement options, including but not limited to early retirement incentives, which will
16 result in budgetary savings to the state. The General Assembly recognizes and intends that
17 the implementation of such options will often or always result in increased actuarial costs
18 to the retirement system but may result in decreased general fund expenditures in excess
19 of the actuarial costs, thereby resulting in a net savings to the state.

20 (b) The board of trustees and the Governor, in his or her capacity as director of the budget,
21 shall develop and implement one or more retirement options, in addition to the options
22 currently provided under this chapter. Such options may include one or more of the
23 following:

24 (1) Granting additional service credit to one or more classes of employees;

25 (2) Allowing one or more classes of employees to purchase additional service credit;

1 (3) Granting health or other benefits to, increasing health or other benefits of, or
2 decreasing the employee cost of health or other benefits provided to one or more classes
3 of employees after retirement; or

4 (4) Providing other incentives to encourage employees in one or more classes to exercise
5 one or more retirement options.

6 (c) As a condition precedent to implementation of this Code section, the General Assembly
7 shall provide a general fund appropriation for purposes of implementation of this Code
8 section. The options authorized by this Code section shall be developed and implemented
9 in such manner that the general fund appropriation shall be sufficient to concurrently fund
10 such options in the same general manner provided for under Chapter 20 of this title.
11 Without limiting the generality of the foregoing, such options shall if necessary or
12 appropriate limit the numbers of employees who may exercise such options or limit the
13 times during which such options may be exercised or both. Before implementing any
14 option, the board of trustees shall obtain from the state auditor:

15 (1) An actuarial certification, to be developed in the same general manner provided in
16 Code Section 47-20-36, that such option is in compliance with the concurrent funding
17 requirement of this subsection; and

18 (2) A certification from the state auditor that in his or her opinion the implementation of
19 such option, in conjunction with any restrictions, limitations, or conditions established
20 by the Governor under subsection (d) of this Code section, will result in a net savings to
21 the state.

22 (d) The Governor, in his or her capacity as director of the budget, may, in conjunction with
23 the implementation of the retirement options authorized by this Code section, establish
24 restrictions, limitations, or conditions with respect to the filling of any position from which
25 an employee retires under any retirement option established under this Code section. All
26 agencies, officers, and employees of the executive branch shall comply with any such
27 restrictions, limitations, or conditions; and the judicial and legislative branches shall give
28 due consideration to such restrictions, limitations, and conditions.

29 (e) No retirement option under this Code section shall be applied so as to
30 unconstitutionally impair the rights of any employee or retiree."

31
32 **SECTION 2.**

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