

House Bill 759

By: Representatives Ray of the 136<sup>th</sup> and James of the 135<sup>th</sup>

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 persons employed by a regional educational service agency  
3 shall have the option of becoming a member of the Employees' Retirement System of  
4 Georgia or the Teachers Retirement System of Georgia; to provide for procedures; to provide  
5 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other  
6 purposes.

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

8 **SECTION 1.**

9 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is  
10 amended by inserting immediately following paragraph (16.5) of Code Section 47-2-1,  
11 relating to definitions relative to the Employees' Retirement System of Georgia, a new  
12 paragraph to read as follows:

13 "(16.6) 'Employee' shall not include personnel employed by a regional educational service  
14 agency established pursuant to Code Section 20-2-270 who are authorized to elect and elect  
15 to become or remain members of the Teachers Retirement System of Georgia pursuant to  
16 applicable provisions of Chapter 3 of this title."

17 **SECTION 2.**

18 Said title is further amended by inserting immediately following subsection 47-3-60, relating  
19 to eligibility for membership in the Teachers Retirement System of Georgia, termination,  
20 leaves of absence, service credit for post-graduate study, and transfer of service credit, a new  
21 subsection to read as follows:

22 "(h.2) Each person employed for the first time by a regional educational service agency on  
23 and after July 1, 2006, who is not a member of the retirement system shall become a  
24 member of the retirement system as a condition of employment, unless such person elects  
25 membership in the Employees' Retirement System of Georgia. Each person employed for

1 the first time by a regional educational service agency on or after July 1, 2006, who is a  
2 member of this retirement system shall continue as a member of this retirement system  
3 unless he or she elects membership in the Employees' Retirement System of Georgia. Such  
4 election shall be made in writing to the board of trustees of this retirement system and to  
5 the board of trustees of the Employees' Retirement System of Georgia not later than 60  
6 days following the first day of employment. Once made, the election is irrevocable. Each  
7 regional educational service agency shall be responsible for informing prospective  
8 employees of the option provided for by this subsection."

9 **SECTION 3.**

10 This Act shall become effective on July 1, 2006, only if it is determined to have been  
11 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
12 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
13 become effective and shall be automatically repealed in its entirety on July 1, 2006, as  
14 required by subsection (a) of Code Section 47-20-50.

15 **SECTION 4.**

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