

House Bill 521

By: Representatives Harbin of the 118<sup>th</sup>, Mumford of the 95<sup>th</sup>, Fleming of the 117<sup>th</sup>, and Sims of the 119<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 5 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated,  
2 relating to service creditable toward retirement benefits under the Employees' Retirement  
3 System of Georgia, so as to provide that a member of such retirement system may obtain  
4 creditable service for prior service as an active member of the Georgia Judicial Retirement  
5 System or a predecessor retirement system; to provide for notice and the transfer or payment  
6 of funds; to provide conditions for an effective date and automatic repeal; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 5 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to  
11 service creditable toward retirement benefits under the Employees' Retirement System of  
12 Georgia, is amended by adding a new Code section to read as follows:

13 "47-2-101.

14 (a)(1) Any member of this retirement system who was previously an active member of  
15 the Georgia Judicial Retirement System or a predecessor retirement system, as such term  
16 is defined in Code Section 47-23-1, may elect to have all contributions made by or on  
17 behalf of such member transferred from such retirement system to this retirement system.  
18 Any such member shall notify the board of trustees of this retirement system and of the  
19 Georgia Judicial Retirement System not later than December 31, 2008, or within 90 days  
20 after first becoming a member of this retirement system, whichever date is later.

21 (2) If the member subject to this subsection has not withdrawn his or her employee  
22 contributions from the Georgia Judicial Retirement System or predecessor retirement  
23 system, then upon receipt of the notice provided for in paragraph (1) of this subsection,  
24 the Board of Trustees of the Georgia Judicial Retirement System shall transfer to the  
25 board of trustees of this retirement system all employer and employee contributions paid  
26 by or on behalf of the employee, together with regular interest thereon.

1 (3) If the member subject to this subsection has withdrawn his or her employee  
2 contributions from the Georgia Judicial Retirement System or predecessor retirement  
3 system, then at the time of giving the notice provided for in paragraph (1) of this  
4 subsection, the member shall pay to the board of trustees of this retirement system the  
5 total of such contributions, together with regular interest thereon. Upon receipt of such  
6 notice and payment of such amount, the Board of Trustees of the Georgia Judicial  
7 Retirement System shall transfer to the board of trustees of this retirement system all  
8 employer contributions paid on behalf of the employee, together with regular interest  
9 thereon.

10 (b) Upon receipt of the funds provided for in paragraphs (2) and (3) of subsection (a) of  
11 this Code section, the board of trustees of this retirement system shall credit the member  
12 with the actual years of prior service as an active member of the Georgia Judicial  
13 Retirement System or a predecessor retirement system.

14 (c) No creditable service may be obtained pursuant to the provisions of this Code section  
15 for any period for which creditable service has been or may be obtained in any other state  
16 or local public retirement system."

## 17 SECTION 2.

18 This Act shall become effective on July 1, 2008, only if it is determined to have been  
19 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
20 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
21 become effective and shall be automatically repealed in its entirety on July 1, 2008, as  
22 required by subsection (a) of Code Section 47-20-50.

## 23 SECTION 3.

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