

House Bill 891

By: Representatives Pruett of the 144<sup>th</sup>, Roberts of the 154<sup>th</sup>, Hembree of the 67<sup>th</sup>, Carter of the 175<sup>th</sup>, Porter of the 143<sup>rd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to the board of regents, so as to provide for the transfer of positions  
3 relating to the Georgia Aviation and Technical College; to provide for related matters; to  
4 provide for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Part 1 of Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated,  
8 relating to the board of regents, is amended by adding a new Code section to read as follows:  
9 "20-3-40.

10 (a) All persons employed by and positions authorized for the Department of Technical and  
11 Adult Education related to the operation and management of the Georgia Aviation and  
12 Technical College on June 30, 2008, shall on July 1, 2008, be transferred to the board of  
13 regents. Persons who have transferred to the board of regents pursuant to this Code section  
14 who are in the classified service of the state merit system at the time of the transfer may  
15 elect to remain in such classified service and be governed by the provisions thereof;  
16 provided, however, that if any such person accepts a promotion or transfers to another  
17 position within the University System of Georgia, that person shall be classified as all  
18 similarly situated employees of the board of regents.

19 (b) Persons who are transferred to the board of regents pursuant to subsection (a) of this  
20 Code section and who are members of the Employees' Retirement System of Georgia  
21 created in Chapter 2 of Title 47 or the Teachers Retirement System of Georgia created in  
22 Chapter 3 of Title 47 may elect to continue membership in the same retirement system in  
23 which such person already is a member in accordance with applicable laws, rules, and  
24 regulations; provided, however, that such election must be made by August 31, 2008.  
25 Failure to make an election by August 31, 2008, shall mean that such employee shall  
26 remain a member of the Employees' Retirement System of Georgia or the Teachers

1 Retirement System of Georgia as applicable. All rights, credits, and funds in any such  
2 retirement system which are possessed by state personnel transferred by provisions of this  
3 chapter to the board of regents, or otherwise held by persons at the time of employment  
4 with the board of regents, are continued and preserved, it being the intention of the General  
5 Assembly that such persons shall not lose any rights, credits, or funds to which they may  
6 be entitled prior to becoming employees of the board of regents, unless such persons fail  
7 to elect to continue membership in the same retirement system in which such persons  
8 already are members. Once such election is made by such personnel, the election is  
9 irrevocable during the tenure of employment with the board of regents, except as otherwise  
10 provided by law. Except as provided in this subsection, no employment benefit of any  
11 employee transferring to the board of regents shall be impaired."

12 **SECTION 2.**

13 This Act shall become effective on July 1, 2008.

14 **SECTION 3.**

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