

The House Committee on Retirement offers the following substitute to HB 157:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated,
2 relating to retirement allowances, disability benefits, and spouses' benefits under the
3 Teachers Retirement System of Georgia, so as to define certain terms; to provide that a
4 retired teacher who has been retired for at least 12 calendar months may return to full-time
5 employment in certain positions and continue to collect his or her full retirement benefit; to
6 provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 7 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to
11 retirement allowances, disability benefits, and spouses' benefits under the Teachers
12 Retirement System of Georgia, is amended by revising Code Section 47-3-127.1, relating to
13 employment of a retired teacher as a full-time teacher or in other capacities, as follows:

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

15 (1) 'Classroom teacher' means a certified teacher of pre-kindergarten through grade 12
16 employed by the public schools who has as his or her ~~primary~~ sole responsibility the
17 academic instruction of students in a classroom.

18 (2) 'Normal service retirement' means retirement at or after the age of 60 with at least ten
19 years of creditable service or retirement with 30 years of creditable service without regard
20 to age.

21 (3) 'Retired teacher' means a beneficiary of this retirement system who ~~was~~ has been
22 retired on a normal service retirement ~~on December 31, 2003~~ for at least 12 calendar
23 months.

24 (b)(1) A public school system may employ a retired teacher as a full-time classroom
25 teacher, principal, or superintendent, ~~counselor, librarian, or improvement specialist~~ and
26 such person shall be subject to the provisions of subsection (c) of this Code section;

1 provided, however, that a retired teacher who retired as a principal may not be employed
 2 as a principal in the same school in which he or she was so employed prior to his or her
 3 retirement, and a retired teacher who retired as a school superintendent may not be
 4 employed as a school superintendent by the same school system in which such person
 5 was so employed prior to his or her retirement.

6 (2) A regional educational service agency as defined in Code Section 20-2-270 may
 7 employ a retired teacher as a full-time improvement specialist and such person shall be
 8 subject to the provisions of subsection (c) of this Code section.

9 (3) The salary paid to any retired teacher employed under this Code section shall be
 10 ~~commensurate with the position and the individual's qualifications. Retired teachers paid~~
 11 ~~under this Code section shall be reported to the state at the certificate and experience~~
 12 ~~level at which the teacher is assigned~~ determined pursuant to an agreement between the
 13 retired teacher and the employing school system. No such retired teacher shall receive
 14 any further creditable service as a result of such employment and shall in all ways be
 15 considered by this retirement system solely as a beneficiary.

16 (4) A public school system employing a retired teacher subject to this subsection shall
 17 pay all employer and employee contributions to this retirement system as otherwise
 18 provided in this chapter; provided, however, that no such retired teacher shall receive any
 19 further creditable service as a result of such employment and shall in all ways be
 20 considered by this retirement system solely as a beneficiary.

21 (c) Any other provision of this article to the contrary notwithstanding, a retired teacher
 22 may return to service as a classroom teacher, principal, or superintendent, ~~counselor,~~
 23 ~~librarian, or improvement specialist,~~ and such retired teacher's benefits under this article
 24 shall not be affected. Any such retired teacher so employed shall not be considered an
 25 active member of this retirement system and shall not accrue any additional benefits or
 26 further creditable service as a result of such employment and shall in all ways be
 27 considered by this retirement system solely as a beneficiary. The provisions of this
 28 subsection shall not become a part of the employment contract and shall be subject to
 29 future legislation."

30 SECTION 2.

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

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SECTION 3.

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