

Senate Bill 327

By: Senators Heath of the 31st, Schaefer of the 50th and Murphy of the 27th

**AS PASSED**

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 amend Article 4 of Chapter 20 of Title 47 of the Official Code of Georgia Annotated,  
7 relating to retirement bills, so as to define a term; to provide procedures for certain bills; to  
8 provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and  
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

16 "47-3-127.1.

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

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

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

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

1 (b)(1) A public school system may employ a retired teacher as a full-time classroom  
 2 teacher, principal, superintendent, media specialist, or counselor, ~~librarian, or~~  
 3 ~~improvement specialist~~ and such person shall be subject to the provisions of subsection  
 4 (c) of this Code section; provided, however, that a retired teacher who retired as a  
 5 principal may not be employed as a principal in the same school in which he or she was  
 6 so employed prior to his or her retirement, and a retired teacher who retired as a school  
 7 superintendent may not be employed as a school superintendent by the same school  
 8 system in which such person was so employed prior to his or her retirement.

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

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

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

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

33 (d) The provisions of this Code section shall be automatically repealed on June 30, 2016."  
 34

**SECTION 2.**

Article 4 of Chapter 20 of Title 47 of the Official Code of Georgia Annotated, relating to retirement bills, is amended by revising paragraph (6) of Code Section 47-20-30, relating to definitions, as follows:

"(6) 'Retirement bill having a fiscal impact' means any retirement bill creating or establishing a retirement system and any other retirement bill other than a nonfiscal retirement bill. Such term shall include any bill requiring a public retirement system to divest or refrain from investing in specific investments or classes of investments."

**SECTION 3.**

Said article is further amended by adding a new subsection to Code Section 47-20-34, relating to the introduction of retirement bills having a fiscal impact and preliminary consideration by committee, to read as follows:

"(d) Any bill requiring a public retirement system to divest or refrain from investing in specific investments or classes of investments may only be introduced as provided in subsection (a) of this Code section and, in addition to the certification of the state auditor required by Code Section 47-20-32, such legislation shall be accompanied at the time of introduction by a statement from the Governor, the Lieutenant Governor, or the Speaker of the House of Representatives describing the primary goal the bill is designed to achieve. Such bill shall also have attached at the time of introduction a fiscal analysis from each public retirement system affected stating the cost of compliance with the legislation and the anticipated annual fiscal losses which will be incurred as a result of complying with the legislation."

**SECTION 4.**

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

**SECTION 5.**

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