

House Bill 266

By: Representatives Pruett of the 144th, Hembree of the 67th, Harden of the 28th, and Day of the 163rd

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 certain persons employed by and positions authorized for the
3 Technical College System of Georgia related to the operation and management of the
4 Georgia Aviation Technical College who are transferred to the Board of Regents of the
5 University System of Georgia pursuant to Code Section 20-3-40 who are members of the
6 Employees' Retirement System of Georgia shall have the option to remain in this retirement
7 system; to provide for a period of election; to provide for related matters; to amend Part 1 of
8 Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the
9 Board of Regents of the University System of Georgia, so as to provide for the transfer of
10 positions relating to the Georgia Aviation Technical College; to provide for related matters;
11 to provide conditions for an effective date and automatic repeal; to repeal conflicting laws;
12 and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is
16 amended by adding a new Code section to read as follows:

17 "47-2-183.

18 Persons who are transferred to the Board of Regents of the University System of Georgia
19 pursuant to Code Section 20-3-40 and who are members of this retirement system may
20 make an irrevocable election to continue membership in this retirement system; provided,
21 however, that such election shall be made by August 31, 2010. If any such person fails to
22 make an election by August 31, 2010, he or she shall become a member of the Teachers
23 Retirement System of Georgia on September 1, 2010."

24 **SECTION 2.**

25 Said title is further amended by revising Code Section 47-3-60, relating to membership in
26 the Teachers Retirement System of Georgia, by adding a new subsection to read as follows:

27 "(n) Persons who are transferred to the Board of Regents of the University System of
28 Georgia pursuant to Code Section 20-3-40 and who are members of the Employees'
29 Retirement System of Georgia may make an irrevocable election to continue membership
30 in the Employees' Retirement System of Georgia; provided, however, that such election
31 shall be made by August 31, 2010. If any such person fails to make an election by August
32 31, 2010, he or she shall become a member of this retirement system on September 1,
33 2010."

34 **SECTION 3.**

35 Part 1 of Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated,
36 relating to the Board of Regents of the University System of Georgia, is amended by adding
37 a new Code section to read as follows:

38 "20-3-40.

39 (a) All persons employed by and positions authorized for the Technical College System
40 of Georgia related to the operation and management of the Georgia Aviation Technical
41 College on June 30, 2010, shall, on July 1, 2010, be transferred to the board of regents.
42 Persons who have transferred to the board of regents pursuant to this Code section who are
43 in the classified service of the state merit system at the time of the transfer may elect to
44 remain in such classified service and be governed by the provisions thereof; provided,
45 however, that if any such person accepts a promotion or transfers to another position within
46 the university system, that person shall be classified as all similarly situated employees of
47 the board of regents."

48 **SECTION 4.**

49 This Act shall become effective on July 1, 2009, only if it is determined to have been
50 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
51 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
52 become effective and shall be automatically repealed in its entirety on July 1, 2009, as
53 required by subsection (a) of Code Section 47-20-50.

54 **SECTION 5.**

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