

House Bill 320

By: Representatives Pruett of the 144th, Sellier of the 136th, Harden of the 28th, Hembree of the 67th, and Day of the 163rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 47-2-318 of the Official Code of Georgia Annotated, relating to
2 membership in the Employees' Retirement System of Georgia of officers and employees of
3 the Georgia Environmental Facilities Authority, creditable service, and contributions, so as
4 to change the name of the Georgia Environmental Facilities Authority to the Georgia
5 Environmental Finance Authority; to provide for related matters; to provide for a contingent
6 effective date; to provide for automatic repeal under certain circumstances; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 47-2-318 of the Official Code of Georgia Annotated, relating to membership
11 in the Employees' Retirement System of Georgia of officers and employees of the Georgia
12 Environmental Facilities Authority, creditable service, and contributions, is amended as
13 follows:

14 "47-2-318.

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

16 (1) 'Georgia Environmental ~~Facilities~~ Finance Authority' or 'authority' means the Georgia
17 Environmental ~~Facilities~~ Finance Authority established by Article 1 of Chapter 23 of
18 Title 50, known as the 'Georgia Environmental ~~Facilities~~ Finance Authority Act.'

19 (2) 'Officer or employee' means the executive director of the authority and any other
20 full-time employee of the authority employed pursuant to the provisions of paragraph (5)
21 of subsection (b) of Code Section 50-23-5.

22 (3) 'Proof of prior employment' means pay records, income tax withholding records, or
23 other records of the authority or its predecessor agency which are sufficient to establish
24 to the satisfaction of the board of trustees the prior employment record of an officer or
25 employee of the authority.

26 (4) 'Predecessor agency' means the Georgia Development Authority provided for by
27 Chapter 10 of Title 50.

28 (b) Effective July 1, 1988, or on the date of employment, each officer or employee of the
29 authority shall become a member of the retirement system.

30 (c)(1) This subsection shall apply only to an officer or employee of the authority holding
31 office or employed on July 1, 1988, who, prior to becoming such an officer or employee
32 or an officer or employee of the predecessor agency, had 11 or more years of creditable
33 service under the retirement system for which contributions to the retirement system have
34 not been withdrawn.

35 (2) An officer or employee of the authority who is subject to the provisions of this
36 subsection shall, upon furnishing proof of prior employment to the board of trustees, be
37 eligible to receive creditable service under this retirement system for prior employment
38 as an officer or employee of the authority or its predecessor agency, subject to the
39 requirements of this subsection. Any such officer or employee must pay to the board of
40 trustees the employee contributions, plus accrued regular interest thereon, which would
41 have been paid during the period of prior employment if the officer or employee had been
42 a member of the retirement system during such period. The authority shall be authorized
43 to pay from any funds available to the authority the employer contributions, plus accrued
44 regular interest thereon, which would have been paid during such period of prior
45 employment. For a member claiming creditable service for prior employment under this
46 subsection, the board of trustees shall determine the period of time that the payments to
47 the board of trustees provided for under this subsection will fund as creditable service
48 under the retirement system without creating any additional accrued liability of the
49 retirement system. Except as otherwise provided in paragraph (3) of this subsection, the
50 amount of creditable service so determined shall be the creditable service to which the
51 member is entitled.

52 (3) The authority shall be authorized to supplement, if necessary, the payments made to
53 the board of trustees under paragraph (2) of this subsection in an amount, as determined
54 by the board of trustees, which will fully fund as creditable service the total amount of
55 prior employment of the officer or employee without creating any additional accrued
56 liability of the retirement system. If such supplement is paid to the board of trustees by
57 the authority, the officer or employee shall receive full creditable service under the
58 retirement system for all prior employment as an officer or employee of the authority.

59 (4) An officer or employee of the authority who is subject to the provisions of this
60 subsection shall have the same membership status under the retirement system which the
61 person had during the person's previous service as a member of the retirement system.
62 Nothing in this subsection shall be construed to limit the right of an officer or employee

63 of the authority who is subject to the provisions of this subsection to retain or reestablish
64 creditable service for previous service as a member of the retirement system.

65 (d) Any officer or employee of the authority who was already a member of the retirement
66 system on July 1, 1988, and any member of the retirement system who, without any break
67 in service, becomes an officer or employee of the authority on or after July 1, 1988, shall
68 continue in the same membership status without any interruption in membership service
69 and without the loss of any creditable service.

70 (e) Except as otherwise provided in subsections (c) and (d) of this Code section, an officer
71 or employee of the authority becoming a member of the retirement system pursuant to the
72 provisions of this Code section shall be subject to the provisions of Code Section 47-2-334.

73 (f) All employer contributions, including employee contributions made by the employer
74 on behalf of members, which are required by this chapter shall be made for members who
75 are subject to the provisions of this Code section from funds appropriated to or otherwise
76 available for the operation of the ~~Georgia Environmental Facilities Authority~~ Georgia
77 Environmental Finance Authority. The authority shall deduct from the salaries payable to
78 such members the additional employee contributions required by this chapter.

79 **SECTION 2.**

80 This Act shall become effective on July 1, 2009; however, this Act shall only become
81 effective on July 1, 2009, upon the passing of an Act to change the name of the Georgia
82 Environmental Facilities Authority to the Georgia Environmental Finance Authority. If such
83 Act is not passed, this Act shall not become effective and shall stand repealed in its entirety
84 on July 1, 2009.

85 **SECTION 3**

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