

House Bill 664

By: Representatives Jones of the 46th and Lindsey of the 54th

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 amend certain definitions; to provide that the Georgia Charter Schools
3 Commission may elect to exclude all teachers in a commission charter school from
4 membership in the Teachers Retirement System of Georgia; to provide that the Georgia
5 Charter Schools Commission may make an irrevocable election to exclude public school
6 employees from membership in the Public School Employees Retirement Fund; to provide
7 for notice; to provide for a refund of employer and employee contributions; to provide
8 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is
13 amended by revising paragraph (21) of Code Section 47-3-1, relating to definitions relative
14 to the Teachers Retirement System of Georgia, as follows:

15 "(21) 'Public school' means any day school which is conducted within this state and
16 which is under the authority and supervision of a duly elected county or independent
17 board of education. Such term also means a commission charter school created pursuant
18 to Article 31A of Chapter 2 of Title 20."

19 **SECTION 2.**

20 Said title is further amended by adding a new Code section to read as follows:

21 "47-3-69.

22 (a) At the time the Georgia Charter Schools Commission approves a petition for a charter
23 school as provided in Article 31A of Chapter 2 of Title 20, the commission may make an
24 irrevocable election to exclude teachers in such charter school from membership in this
25 retirement system. Such notice shall be made to the board of trustees in writing. If the

26 commission elects to exclude such teachers from membership, then no service for that
 27 charter school may be used as creditable service in this retirement system. This Code
 28 section shall apply to commission charter schools approved on or after July 1, 2009.

29 (b) If a commission charter school created prior to July 1, 2012, elects not to participate
 30 in this retirement system as provided in subsection (a) of this Code section, the board of
 31 trustees shall refund any employer and employee contributions made by such school and
 32 its employees, together with 4 percent interest thereon."

33 **SECTION 3.**

34 Said title is further amended by revising paragraph (19) of Code Section 47-4-2, relating to
 35 definitions relative to the Public School Employees Retirement System, as follows:

36 "(19) 'Public school' means any day school conducted within the state under the authority
 37 and supervision of a duly elected or appointed county or independent board of education.
 38 Such term also means a commission charter school created pursuant to Article 31A of
 39 Chapter 2 of Title 20."

40 **SECTION 4.**

41 Said title is further amended by adding a new Code section to read as follows:

42 "47-4-42.

43 (a) At the time the Georgia Charter Schools Commission approves a petition for a charter
 44 school as provided in Article 31A of Chapter 2 of Title 20, the commission may make an
 45 irrevocable election to exclude public school employees in such charter school from
 46 membership in this retirement system. Such notice shall be made to the board of trustees
 47 in writing. If the commission elects to exclude such teachers from membership, then no
 48 service of employment for that charter school may be used as creditable service in this
 49 retirement system. This Code section shall apply to commission charter schools approved
 50 on or after July 1, 2009.

51 (b) If a commission charter school created prior to July 1, 2012, elects not to participate
 52 in this retirement system as provided in subsection (a) of this Code section, the board of
 53 trustees shall refund any employer and employee contributions made by such school and
 54 its employees, together with 4 percent interest thereon."

55 **SECTION 5.**

56 This Act shall become effective on July 1, 2012, only if it is determined to have been
 57 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
 58 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not

59 become effective and shall be automatically repealed in its entirety on July 1, 2012, as
60 required by subsection (a) of Code Section 47-20-50.

61 **SECTION 6.**

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