

House Bill 183 (AS PASSED HOUSE AND SENATE)

By: Representatives Maxwell of the 17th, Meadows of the 5th, Benton of the 31st, Greene of the 149th, Buckner of the 130th, and others

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 persons who first or again become members of the General
3 Assembly on or after July 1, 2012, may elect to become members of the Georgia Legislative
4 Retirement System; to provide that persons who are members of the General Assembly on
5 July 1, 2012, but who are not members of the retirement system may elect membership; to
6 provide for creditable service and the payment of the full actuarial value; to repeal certain
7 obsolete provisions relative to membership by certain staff members; to provide for
8 notification of return to service; to provide conditions for an effective date and automatic
9 repeal; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Chapter 6 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia
13 Legislative Retirement System, is amended by revising Code Section 47-6-1, relating to
14 definitions, as follows:

15 "47-6-1.

16 As used in this chapter, the term:

17 (1) 'Accumulated contributions' means the sum of all amounts deducted from the
18 compensation of a member or paid by the member to establish or reestablish credit for
19 service, which amounts are credited to his or her individual account in the system,
20 together with regular interest thereon. Beginning on January 12, 1981, this term shall
21 include the amount of employee contributions paid by the employer on behalf of
22 members, together with regular interest thereon, excluding employee contributions paid
23 by the employer for group term life insurance coverage.

24 (2) 'Beneficiary' means any person in receipt of a retirement allowance or other benefit
25 as provided by the system.

26 (3) 'Board' means the Board of Trustees of the Employees' Retirement System of
 27 Georgia; provided, however, that if any member of such board of trustees is an active or
 28 retired member or a beneficiary of this retirement system, he or she shall not serve as a
 29 member of the board of trustees of this retirement system.

30 (4) 'Creditable service' means prior service and membership service for which credit is
 31 allowable under this chapter, but in no case shall more than one year of service be
 32 creditable for all service in one calendar year, nor shall it include any service which has
 33 been or may be credited to a member by any other public retirement system of this state.

34 (5) 'Date of establishment' means July 1, 1967.

35 (6) 'Member' means any person included in the membership of the system.

36 (7) 'Membership service' means service as paid for by the member, as provided for in
 37 Code Section 47-6-60.

38 (8) 'Prior service' means service rendered prior to January 1, 1954, as a Representative,
 39 Senator, or staff member of the General Assembly and service, day for day, on active
 40 duty in any component of the armed forces of the United States during wartime or during
 41 any conflict in which military personnel were committed by the President of the United
 42 States, provided that no such service in excess of five years shall be creditable.

43 (8.1) 'Prior service' shall also include military service which is creditable under Code
 44 Section 47-6-70.1.

45 (9) 'Retirement allowance' means monthly payments for life pursuant to Code Section
 46 47-6-80.

47 ~~(10) 'Staff members' means the Secretary of the Senate, the Clerk of the House of~~
 48 ~~Representatives, and the messenger and doorkeeper for each of the two houses of the~~
 49 ~~General Assembly.~~

50 ~~(11) 'System' means the Georgia Legislative Retirement System."~~

51 **SECTION 2.**

52 Said chapter is further amended by revising Code Section 47-6-40, relating to qualifications
 53 for membership in the Georgia Legislative Retirement System, membership of persons who
 54 cease to become members of the General Assembly before age 60, and termination of
 55 membership, as follows:

56 "47-6-40.

57 ~~(a) All persons who are members of the General Assembly on July 1, 1967, shall become~~
 58 ~~members of the system as of such date, except that within six months from such date any~~
 59 ~~such person may irrevocably elect not to be a member of the system. All other persons~~
 60 ~~shall become members of the system on taking office as members of the General~~
 61 ~~Assembly. Staff members shall have the option to become members of the system under~~

62 ~~the same conditions as elected members of the General Assembly.~~ Each person who first
63 or again becomes a member of the General Assembly on or after July 1, 2012, may make
64 an irrevocable election at the beginning of each term of office to become a member of the
65 Georgia Legislative Retirement System within two months of taking office as a member
66 of the General Assembly. Any member of this retirement system who is elected to a
67 consecutive term of office and who has elected membership in this retirement system shall
68 be deemed to have continuous membership from term to term and shall not be required to
69 reapply each term.

70 (b) If a member of the system ceases to be a member of the General Assembly before
71 attaining age 60 and for reasons other than death, such member, unless he or she withdraws
72 his or her contributions pursuant to Code Section 47-6-85, shall continue as a
73 noncontributing member of the system. Any such noncontributing member shall not gain
74 any additional membership service. If he or she again becomes a member of the General
75 Assembly and a contributing member of the system, such member shall retain the
76 membership service previously credited to him or her. If a member subject to this
77 subsection withdraws his or her contributions upon ceasing to be a member of the General
78 Assembly, any membership service credited to him or her at the time such contributions
79 are withdrawn shall be forfeited and may not be reestablished if he or she again becomes
80 a member of the General Assembly.

81 (c) Should any member of the system in any period of five consecutive years after
82 becoming a member be absent from service more than four years, withdraw his or her
83 contributions or become a beneficiary of such system, or die, he or she shall thereupon
84 cease to be a member.

85 (d) A member of the General Assembly serving on July 1, 2012, may make an irrevocable
86 election to become a member of this retirement system and may obtain creditable service
87 for prior service as a member of the General Assembly as provided in this Code section.
88 In order to obtain such additional creditable service, the member must:

89 (1) Make application to the board of trustees in such manner as the board deems
90 appropriate not later than December 31, 2012. Such application and payment must be
91 made in conjunction with and simultaneously with the member's application for
92 membership; and

93 (2) Pay to the board of trustees an amount determined by the board of trustees to be
94 sufficient to cover the full actuarial cost of granting the creditable service as provided in
95 this Code section;

96 provided, however, that no creditable service shall be granted or obtained pursuant to this
97 Code section if such service may be used to calculate creditable service under any other
98 public retirement system created by this title.

99 (e) A member of the General Assembly may obtain creditable service for membership in
 100 the General Assembly only for the purposes of the Georgia Legislative Retirement System,
 101 and no service as a member of the General Assembly which is obtained after December 31,
 102 1985, by any such member shall be creditable or used as creditable service for the purposes
 103 of any other public retirement or pension system of this state."

104 **SECTION 3.**

105 Said chapter is further amended by revising Code Section 47-6-84, relating to termination
 106 of retirement allowance upon return to service and retirement benefits for retired members
 107 returning to service in the General Assembly, by adding a new subsection to read as follows:

108 "(c)(1) As used in this subsection, the term 'public employer' means any branch of state
 109 government and any state agency, department, board, bureau, or other instrumentality.
 110 This term also includes the Board of Regents of the University System of Georgia and
 111 any public school system, including, but not limited to, primary, secondary, and
 112 postsecondary institutions operated by local or independent boards of education that
 113 receive any funds from the State of Georgia or any agency thereof.

114 (2) Any public employer that employs a retired plan member shall within 30 days of the
 115 employee's accepting employment notify the board of trustees in writing stating the name
 116 of the plan member and the number of hours the employee is expected to work annually
 117 and shall provide such other information as the board may request. Any employer that
 118 fails to notify the board of trustees as required by this subsection shall reimburse the
 119 retirement system for any benefits wrongfully paid. It shall be the duty of the retired plan
 120 member seeking employment by the employer to notify the employer of his or her
 121 retirement status prior to accepting such position. If a retired plan member fails to so
 122 notify the employer and the employer becomes liable to the retirement system, the plan
 123 member shall hold the employer harmless for all such liability."

124 **SECTION 4.**

125 This Act shall become effective on July 1, 2012, only if it is determined to have been
 126 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
 127 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
 128 become effective and shall be automatically repealed in its entirety on July 1, 2012, as
 129 required by subsection (a) of Code Section 47-20-50.

130 **SECTION 5.**

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