

Senate Bill 142

By: Senator Millar of the 40th

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

1 To amend Article 6 of Chapter 23 of Title 47 of the Official Code of Georgia Annotated,  
 2 relating to salary, retirement, death, and disability benefits under the Georgia Judicial  
 3 Retirement System, so as to provide that the board of trustees shall have the authority to  
 4 determine the time and circumstances of paying benefits to the extent necessary to preserve  
 5 the retirement system's status as a qualified plan under federal law; to provide that a  
 6 prohibition against a person receiving a pension from accepting public employment shall  
 7 apply to persons who become members on or after July 1, 2014, without regard to age; to  
 8 require notice to the board of trustees of such employment; to provide for penalties; to repeal  
 9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 6 of Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to  
 13 salary, retirement, death, and disability benefits under the Georgia Judicial Retirement  
 14 System, is amended in Code Section 47-23-102, relating to vesting and benefits upon  
 15 retirement, by designating the existing portion of such Code section as subsection (a) and by  
 16 adding a new subsection to read as follows:

17 "(b) The board is authorized to provide by rule or regulation for the payment of benefits  
 18 to members or beneficiaries of the retirement system at a time and under circumstances not  
 19 provided for in this chapter to the extent that such payment is required to maintain the  
 20 retirement system as a qualified retirement plan for the purposes of federal income tax laws  
 21 and regulations."

22 **SECTION 2.**

23 Said article is further amended by revising Code Section 47-23-109, relating to cessation of  
 24 retirement allowance for resuming state service, as follows:

25 "47-23-109.

26 (a) Except as provided in subsection (b) of this Code section, if any retired member ~~who~~  
 27 ~~has not yet reached normal retirement age~~ returns to the service of the state in any position,  
 28 including, without limitation, service directly or indirectly as or for an independent  
 29 contractor, except as a member of the General Assembly, his or her retirement allowance  
 30 shall cease. Upon cessation of such service, the retired member, after proper notification  
 31 to the board, shall receive the same retirement allowance which he or she was receiving  
 32 prior to returning to state service, calculated with any increases granted during the period  
 33 of compensation.

34 (b) The retirement allowance of a retired member ~~who has reached normal retirement age~~  
 35 ~~and~~ who returns to the service of the state in any position, including, without limitation,  
 36 service directly or indirectly as or for an independent contractor, other than as a member  
 37 of the General Assembly shall not cease, provided that such member performs no more  
 38 than 1,040 hours of such service in any calendar year.

39 (c) Any state entity that employs a retired plan member, other than for service in the  
 40 General Assembly as provided in subsection (a) of this Code section, shall within 30 days  
 41 of the employee's accepting employment notify the board in writing stating the name of the  
 42 plan member and the number of hours the employee is expected to work annually and shall  
 43 provide such other information as the board may request. If the retired plan member  
 44 performs more than 1,040 hours of work in any calendar year, the employer shall so notify  
 45 the board as soon as such information is available. Any employer that fails to notify the  
 46 board as required by this subsection shall reimburse the retirement system for any benefits  
 47 wrongfully paid. It shall be the duty of the retired plan member seeking employment by  
 48 the employer to notify the employer of his or her retirement status prior to accepting such  
 49 position. If a retired plan member fails to so notify the employer and the employer  
 50 becomes liable to the retirement system, the plan member shall hold the employer harmless  
 51 for all such liability."

52 **SECTION 3.**

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