

House Bill 459

By: Representatives Shaw of the 176<sup>th</sup>, Buckner of the 137<sup>th</sup>, Corbett of the 174<sup>th</sup>, Bentley of the 139<sup>th</sup>, Sharper of the 177<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 47-3-89 of the Official Code of Georgia Annotated, relating to credit  
2 in the Teachers Retirement System of Georgia for service rendered in governmentally  
3 supported or operated schools other than public schools in Georgia and payments required  
4 to obtain credit for such service, so as to provide for such creditable service for certain prior  
5 teaching service as a federal employee of the United States Department of Defense or the  
6 United States Bureau of Prisons; to provide a short title; to provide conditions for an  
7 effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Former Federal Teacher Fairness Act."

11 **SECTION 2.**

12 Code Section 47-3-89 of the Official Code of Georgia Annotated, relating to credit in the  
13 Teachers Retirement System of Georgia for service rendered in governmentally supported  
14 or operated schools other than public schools in Georgia and payments required to obtain  
15 credit for such service, is amended by revising subsection (a) as follows:

16 "(a) Any member of the retirement system shall be entitled to receive up to ten years of  
17 creditable service for teaching service in school systems of other states in the United States,  
18 state supported independent school systems of the United States, schools operated by the  
19 Bureau of Indian Affairs of the United States Department of the Interior, schools operated  
20 by the United States Department of Defense Education Activity, educational departments  
21 operated by the Bureau of Prisons of the United States Department of Justice, public school  
22 systems of the Virgin Islands, Puerto Rico, Guam, and the District of Columbia, or  
23 American dependents' schools, provided that the member has first established five years  
24 of membership service credit in the public schools of Georgia or the University System of

25 Georgia; provided, further, that such service credit shall be allowed on the basis of one year  
26 of credit for such service for each additional year of membership service in the public  
27 schools of Georgia or the University System of Georgia. A teacher desiring to establish  
28 credit for such service must pay employee and employer contributions which would have  
29 been paid to the retirement system on a salary comparable to his salary for such service,  
30 plus the applicable rate of interest, in accordance with regulations adopted by the board of  
31 trustees. Such contributions must be paid prior to retirement under this retirement system.  
32 For such service rendered prior to January 1, 1945, the rate of employee contributions shall  
33 be 5 percent and the rate of employer contributions shall be 6.83 percent. The rate of  
34 interest on such contributions shall be the applicable regular interest. No member who  
35 receives or who is entitled to receive a pension or annuity from any other state, county, or  
36 municipality, or federal retirement program excluding social security, shall receive  
37 creditable service for such service. The board of trustees shall promulgate rules and  
38 regulations to carry out this Code section."

39 **SECTION 3.**

40 This Act shall become effective on July 1, 2016, only if it is determined to have been  
41 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
42 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
43 become effective and shall be automatically repealed in its entirety on July 1, 2016, as  
44 required by subsection (a) of Code Section 47-20-50.

45 **SECTION 4.**

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