

House Bill 320

By: Representatives Belton of the 112th, Blackmon of the 146th, Greene of the 151st,
Wilkerson of the 38th, Buckner of the 137th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated,
2 relating to retirement allowances, disability benefits, and spouses' benefits, so as to permit
3 certain public employers to employ beneficiaries of the Teachers Retirement System of
4 Georgia in certain capacities and under limited conditions; to require such employers to make
5 employer and employee contributions on behalf of such employed beneficiaries; to provide
6 for conditions and limitations for beneficiaries who return to service full time as teachers; to
7 provide for related matters; to provide conditions for an effective date and automatic repeal;
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Article 7 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to
12 retirement allowances, disability benefits, and spouses' benefits, is amended by enacting a
13 new Code section to read as follows:

14 "47-3-127.1.

15 (a) To the extent and under the conditions provided for in this Code section, a public
16 school system may employ a beneficiary as a certified teacher of pre-kindergarten through
17 grade 12 who has as his or her sole responsibility the academic instruction of students in
18 a classroom in the curriculum of science, technology, engineering, arts, or math.

19 (b)(1) An individual employed as described in subsection (a) of this Code section shall
20 remain a beneficiary and shall continue to receive his or her retirement allowance and any
21 postretirement benefit adjustments for which he or she is eligible; provided, however,
22 that, such service shall not constitute creditable service and shall not entitle such
23 beneficiary to a recomputation of retirement benefits upon cessation of such service.

24 (2) It shall be the duty of each beneficiary to notify an employer of his or her status as
25 a beneficiary prior to accepting employment with such employer.

26 (c)(1) Within 30 days of employing a beneficiary pursuant to this Code section, such
 27 employer shall notify the board of trustees of such beneficiary's name, the amount of his
 28 or her earnable compensation, a description of any other forms of remuneration to be
 29 made, the number of hours to be worked, job responsibilities, and other such information
 30 as the board of trustees may prescribe.

31 (2) An employer that employs a beneficiary pursuant to subsection (a) of this Code
 32 section, shall pay to the retirement system an amount equal to the product of:

33 (A) The combination of the rate required by this chapter for employer contributions
 34 and employee contributions; and

35 (B) The earnable compensation of such beneficiary.

36 (3) A beneficiary shall not receive creditable service from or access to contributions
 37 made as a result of payments required by paragraph (2) of this subsection, and he or she
 38 shall be considered by the retirement system solely as a beneficiary.

39 (4) If an employer that is obligated to make contributions or reimbursements to the
 40 retirement system pursuant to this Code section fails to make such contributions, any
 41 unpaid amounts shall be deducted from any funds payable to such employer by the state,
 42 including without limitation the Department of Education and the board of regents, and
 43 shall be paid to the retirement system."

44 **SECTION 2.**

45 This Act shall become effective on July 1, 2020, only if it is determined to have been
 46 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
 47 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
 48 become effective and shall be automatically repealed in its entirety on July 1, 2020, as
 49 required by subsection (a) of Code Section 47-20-50.

50 **SECTION 3.**

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