

House Bill 699

By: Representative Fleming of the 121st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated,
2 relating to membership in the Employees' Retirement System of Georgia, so as to provide
3 that certain former members of the Georgia Judicial Retirement System may elect to resume
4 active membership in the Georgia Judicial Retirement System upon obtaining certain
5 employment; to provide for related matters; to provide conditions for an effective date and
6 automatic repeal; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 4 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to
10 membership in the Employees' Retirement System of Georgia, is amended by revising Code
11 Section 47-2-73, relating to the election of a retirement system by members of the Georgia
12 Judicial Retirement System, as follows:

13 "47-2-73.

14 (a)(1) Any provision of this chapter or Chapter 23 of this title to the contrary
15 notwithstanding;

16 (A) Any any member of the Georgia Judicial Retirement System who is vested for a
17 normal retirement benefit and who without a break in service; or

18 (B) Any former member of the Georgia Judicial Retirement System who has at least
19 six years of creditable service, as such term is defined in Code Section 47-23-1, in the
20 Georgia Judicial Retirement System for which he or she has not withdrawn his or her
21 accumulated contributions as such term is defined in Code Section 47-23-1 who

22 becomes the head of a state department, commission, or agency or who is appointed by
23 the Governor to a full-time salaried position on a state board or commission may make
24 a one time irrevocable election to remain a member of or resume active membership in
25 the Georgia Judicial Retirement System or to become a member of this retirement system.

26 (2) If a person subject to this subsection elects to remain a member of or resume active
 27 membership in the Georgia Judicial Retirement System, the employer and employee shall
 28 make all contributions to such retirement system and perform such other acts as are
 29 required by law or regulation.

30 (3) ~~This subsection shall be applicable to each person who was a member of the Georgia~~
 31 ~~Judicial Retirement System on July 1, 2000, and to any person who becomes a member~~
 32 ~~after that date.~~ Any person eligible to make ~~the~~ an election provided for in this subsection
 33 shall do so in writing to the board of trustees of this retirement system and the Board of
 34 Trustees of the Georgia Judicial Retirement System ~~not later than September 30, 2000,~~
 35 ~~or~~ within 60 days after the date he or she became ~~subject to this Code section~~ the head of
 36 a state department, commission, or agency or was appointed by the Governor to a
 37 full-time salaried position on a state board or commission. Once made, ~~the~~ such an
 38 election is irrevocable.

39 (4) Any person subject to this subsection who elects to become a member of this
 40 retirement system may have accumulated contributions under the Georgia Judicial
 41 Retirement System transferred to this retirement system. The Board of Trustees of the
 42 Georgia Judicial Retirement System shall pay to the board of trustees of this retirement
 43 system all employer and employee contributions made by or on behalf of the member,
 44 together with regular interest. The member shall be granted only so much creditable
 45 service as such amount will warrant without creating any accrued actuarial unfunded
 46 liability as to this retirement system; provided, however, that such service credits shall
 47 not be used in determining the qualifications of a member for benefits other than vested
 48 rights or disability, death, or normal service retirement allowances.

49 (b) The provisions of this Code section shall not become a part of the employment contract
 50 and shall be subject to subsequent legislation; provided, however, that no person who has
 51 made ~~the~~ an election provided by this Code section shall be affected by any subsequent
 52 legislation."

53 SECTION 2.

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

59 SECTION 3.

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