

The House Committee on Retirement offers the following substitute to HB 336:

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 high-need capacities and under limited conditions; to require such
5 employers to make employer and employee contributions on behalf of such employed
6 beneficiaries; to provide for conditions and limitations for beneficiaries who return to service
7 full time as teachers; to provide for a definition; to provide for related matters; to provide
8 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

15 "47-3-127.1.

16 (a) From July 1, 2020, until June 30, 2025, notwithstanding the provisions of Code
17 Section 47-3-127, to the extent and under the conditions provided for in this Code section,
18 a public school system may employ a beneficiary as a certified teacher of pre-kindergarten
19 through grade 12 who has as his or her primary responsibility the academic instruction of
20 students in a classroom in science, technology, engineering, arts, math, or an area of
21 highest need, provided that at least one year has expired from the effective date of such
22 beneficiary's retirement and he or she was not restored to service as a teacher pursuant to
23 Code Section 47-3-127.

24 (b)(1) An individual employed as described in subsection (a) of this Code section shall
25 remain a beneficiary and shall continue to receive his or her retirement allowance and any
26 postretirement benefit adjustments for which he or she is eligible; provided, however, that

27 such service shall not constitute creditable service and shall not entitle such beneficiary
 28 to a recomputation of retirement benefits upon cessation of such service.

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

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

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

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

40 (B) The earnable compensation of such beneficiary.

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

44 (4) If an employer that is obligated to make contributions or reimbursements to the
 45 retirement system pursuant to this Code section fails to make such contributions, any
 46 unpaid amounts shall be deducted from any funds payable to such employer by the state,
 47 including without limitation the Department of Education and the Board of Regents of
 48 the University System of Georgia, and shall be paid to the retirement system.

49 (d)(1) As used in this Code section, 'area of highest need' means one of the three content
 50 areas for which there are the greatest percentages of unfilled positions for classroom
 51 teachers in this state.

52 (2) The areas of highest need shall be determined annually by the Department of
 53 Education after consultation with the Professional Standards Commission. Such
 54 determination shall be based upon a five-year average review of a survey reported by
 55 local school systems to the Department of Education. The areas of highest need shall be
 56 reported to the retirement system on an annual basis from July 1, 2020, until July 1, 2024.

57 (e) The provisions of this Code section shall not become part of the employment contract
 58 and shall be subject to future legislation."

59 **SECTION 2.**

60 This Act shall become effective on July 1, 2020, only if it is determined to have been
 61 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
 62 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not

63 become effective and shall be automatically repealed in its entirety on July 1, 2020, as
64 required by subsection (a) of Code Section 47-20-50.

65 **SECTION 3.**

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