

House Bill 1113

By: Representatives Barrett of the 24th, Martin of the 49th, Jasperse of the 11th, Cox of the 28th, and Buckner of the 137th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 47-22-1 of the Official Code of Georgia Annotated, relating to
2 definitions regarding the Georgia Defined Contribution Plan, so as to exclude part-time
3 students from membership in the plan; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

6 Code Section 47-22-1 of the Official Code of Georgia Annotated, relating to definitions
7 regarding the Georgia Defined Contribution Plan, is amended as follows:

8 "47-22-1.

9 As used in this chapter, the term:

10 (1) 'Accumulated contributions' means the sum of all amounts deducted from the
11 compensation of a member's salary and credited to such member's individual account in
12 this plan, together with earnings thereon as provided in this chapter.

13 (2) 'Board' means the Board of Trustees of the Employees' Retirement System of
14 Georgia.

15 (3) 'Defined contribution plan' means a plan which provides for an individual account
16 for each participant and for benefits based solely on the amount contributed to the

17 participant's account; any income, expenses, gains, and losses; and any forfeiture of
18 accounts of other participants which may be allocated to such participant's account, which
19 plan is intended to be qualified under Section 401(a) of the Internal Revenue Code, 42
20 U.S.C. Section 401(a).

21 (4) 'Employee' means any employee of an employer who is not a member of any public
22 retirement or pension system created pursuant to this title; provided, however, that the
23 following persons shall not be considered employees under this paragraph:

24 (A) A person performing services for an institution in which such person is duly
25 enrolled as a part-time or full-time student;

26 (B) A person performing services for an employer pursuant to a contract as a bona fide
27 independent contractor; or

28 (C) Members of any state board or commission.

29 (5) 'Employer' means the state or any department, bureau, institution, board, or
30 commission of the state, the State Board of Education, and the Board of Regents of the
31 University System of Georgia.

32 (6) 'Member' means any employee included in the membership of the plan.

33 (7) 'Plan' means the Georgia Defined Contribution Plan created by this chapter.

34 (8) 'Plan year' means the 12 month period beginning July 1 of each year."

35 **SECTION 2.**

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