

The House Committee on Retirement offers the following substitute to HB 969:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to local boards of education, to provide for local boards of education to designate
3 board members who choose not to participate in certain coverage to be designated as benefits
4 ineligible for purposes of federal regulations; to amend Part 2 of Article 1 of Chapter 18 of
5 Title 45 of the Official Code of Georgia Annotated, relating to the Georgia State Employees
6 Post-employment Health Benefit Fund, so as to provide for certain fund beneficiaries to not
7 be disqualified from the provision of postretirement health benefits under the Georgia State
8 Employees Post-employment Health Benefit Fund because of service as an elected member
9 of a local board of education; to provide for definitions; to provide for options for certain
10 retirees serving as elected members of local boards of education; to provide for the Board of
11 Community Health to create and publish a consent form; to provide for rules and regulations;
12 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and
13 for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 969 (SUB)

SECTION 1.

Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local boards of education, is amended by revising subsection (b) of Code Section 20-2-55, relating to per diem, insurance, and expenses, as follows:

"(b)(1) A local board of education is authorized to provide group medical and dental insurance for its members who elect to participate. Such insurance may be provided through a group policy secured by the local school ~~district system~~, a group policy secured by several local school ~~districts systems~~, a policy secured by an organization of local school boards, or in accordance with Code Section 45-18-5 providing for the inclusion of members of the local board of education and their spouses and dependents within any health insurance plan or plans established under Article 1 of Chapter 18 of Title 45. Such members may elect not to participate in any health insurance plan or plans established under Article 1 of Chapter 18 of Title 45 by completing a consent form as provided in paragraph (4) of this subsection. It shall be the duty of the board to make the employer contributions required for the operation of such plan or plans. Except as provided in paragraph (3) of this subsection, a board providing such insurance shall pay no greater percentage of the cost of that insurance than the percentage of the cost paid as an employer contribution by the state for the health insurance plan for state employees pursuant to Article 1 of Chapter 18 of Title 45. The remainder of such insurance costs shall be paid as an employee contribution by the board member. It shall be the duty of the board to deduct from the salary or other remuneration of qualified members or otherwise collect such payment from the qualified members or dependents.

(2) Taxes levied by or on behalf of a local board of education may be expended for employer contributions, but not employee contributions, required for insurance coverage of members of that board as provided in paragraph (1) of this subsection. Taxes levied by or on behalf of a local board of education also may be expended for contributions authorized in paragraph (3) of this subsection. Such expenditures on behalf of any

42 member may continue only as long as that member continues in office and makes any
43 employee contribution required for such coverage. That member, and eligible dependents
44 thereof, shall be ineligible for coverage pursuant to the provisions of paragraph (1) of this
45 subsection upon such person's ceasing to serve as a member of a local board of education.
46 Such expenditures on behalf of any member in accordance with paragraph (3) of this
47 subsection may continue only as long as that member continues in office and makes any
48 contribution which is not the result of the board of education's decision to allow its
49 members to participate in the health insurance plan. Expenditures authorized by this
50 Code section shall be in addition to, and not in lieu of, any salary, expense, per diem, or
51 other compensation payable to that member of a local board of education.

52 (3) If a board member is already a member of a health insurance plan established by
53 Article 1 of Chapter 18 of Title 45 as a retired employee and the result of the board of
54 education's decision to allow its members to participate is to establish dual eligibility for
55 a member and thus to increase the cost to such member of the state insurance plan, then
56 the local board may pay any additional cost imposed on such member as a result of the
57 local board's decision to allow its members to participate in coverage under paragraph (1)
58 of this subsection.

59 (4) If a board member is already a member of a health insurance plan established by
60 Article 1 of Chapter 18 of Title 45 as a retired employee, such member may elect not to
61 participate in the coverage under any health insurance plan or plans established under
62 Article 1 of Chapter 18 of Title 45 offered by the board of education under paragraph (1)
63 of this subsection by completing a consent form as provided in Code Section 45-18-29,
64 and such local board shall designate such member as benefits ineligible for such plan for
65 purposes of federal regulations."

66 **SECTION 2.**

67 Part 2 of Article 1 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated,
68 relating to the Georgia State Employees Post-employment Health Benefit Fund, is amended
69 by adding a new Code section to read as follows:

70 "45-18-29.

71 (a) As used in this Code section, the term:

72 (1) 'Post-employment health plan' means the state employees' health insurance plan
73 established under Part 1 of this article available as a post-employment healthcare benefit
74 for retirees.

75 (2) 'Retiree' means a former state employee, former teacher, or former public school
76 employee who met the eligibility criteria when an active employee or was included by
77 specific legislation and who receives a monthly benefit from a state retirement system.

78 (3) 'State retirement system' means the Employees' Retirement System of Georgia,
79 Georgia Legislative Retirement System, Teachers Retirement System of Georgia, Public
80 School Employees Retirement System, Georgia Judicial Retirement System, or other
81 local retirement system approved to participate in the post-employment health plan.

82 (b) A retiree who would otherwise qualify as a fund beneficiary shall not be disqualified
83 from participating in the post-employment health plan solely because of service as an
84 elected member of a local board of education. Such retiree who is currently serving as or
85 becomes an elected member of a local board of education may refuse to accept the
86 coverage provided in subsection (b) of Code Section 20-2-55 by completing a consent form
87 and, in doing so, shall remain a fund beneficiary and continue to receive his or her
88 retirement allowance and any postretirement benefit adjustments for which he or she is
89 eligible.

90 (c) No later than July 1, 2026, the board shall develop and publish a consent form and
91 promulgate any rules and regulations necessary to implement the provisions of this Code
92 section."

93 **SECTION 3.**

94 This Act shall become effective upon its approval by the Governor or upon its becoming law
95 without such approval.

96 **SECTION 4.**

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