

House Bill 599

By: Representatives Donatucci of the 105<sup>th</sup>, Blackmon of the 146<sup>th</sup>, Erwin of the 32<sup>nd</sup>, Ehrhart of the 36<sup>th</sup>, and Silcox of the 53<sup>rd</sup>

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 extend  
3 the program to permit public school systems to employ certain beneficiaries of the Teachers  
4 Retirement System of Georgia as classroom teachers in a full-time capacity to June 30, 2030;  
5 to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 7 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to  
9 retirement allowances, disability benefits, and spouses' benefits, is amended by revising Code  
10 Section 47-3-127.1, relating to full-time employment of beneficiaries permitted under limited  
11 conditions, required employer contributions, and areas of highest need, as follows:

12 "47-3-127.1.

13 (a) From July 1, 2022, until June 30, ~~2026~~ 2030, notwithstanding the provisions of Code  
14 Section 47-3-127, to the extent and under the conditions provided for in this Code section,  
15 a public school system may employ a beneficiary who has obtained 30 years of creditable  
16 service in this retirement system in a full-time capacity as a certified teacher of

17 pre-kindergarten through grade 12 who has as his or her primary responsibility the  
18 academic instruction of students in a classroom in an area of highest need determined for  
19 the RESA to which such public school system is assigned, provided that at least one year  
20 has expired from the effective date of such beneficiary's retirement and he or she was not  
21 restored to service as a teacher pursuant to Code Section 47-3-127 during such period of  
22 time.

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

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

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

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

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

39 (B) The earnable compensation of such beneficiary.

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

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

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

51 (2) The areas of highest need shall be determined for each RESA annually by the  
52 Department of Education after consultation with the Professional Standards Commission.  
53 Such determinations shall be based upon a five-year average review of a survey reported  
54 by local school systems to the Department of Education. The areas of highest need for  
55 each RESA shall be reported to the retirement system on an annual basis beginning  
56 July 1, 2022, and ending July 1, ~~2025~~ 2029.

57 (e) Prior to July 1, ~~2025~~ 2029, the state auditor shall conduct and publish a performance  
58 audit concerning the provisions of this Code section to include a determination of the value  
59 and necessity of the full-time employment of beneficiaries as permitted by this Code  
60 section, as well as the effects of such employment on the local school systems, the  
61 Teachers Retirement System of Georgia, and the teacher workforce as a whole for this  
62 state.

63 (f) The provisions of this Code section shall not become part of the employment contract  
64 and shall be subject to future legislation."

65 **SECTION 2.**

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