

The House Committee on Retirement offers the following substitute to HB 385:

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 public school systems to employ certain beneficiaries of the Teachers Retirement System of  
4 Georgia as classroom teachers in a full-time capacity in an area of highest need determined  
5 for the Regional Education Service Agency to which such public school system is assigned;  
6 to require such employers to make employer and employee contributions on behalf of such  
7 employed beneficiaries; to provide for conditions and limitations for beneficiaries who return  
8 to service full time as teachers; to provide for a performance audit; to provide for related  
9 matters; to provide for a definition; to provide conditions for an effective date and automatic  
10 repeal; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

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

H. B. 385 (SUB)

16 "47-3-127.1.

17 (a) From July 1, 2022, until June 30, 2026, notwithstanding the provisions of Code  
18 Section 47-3-127, to the extent and under the conditions provided for in this Code section,  
19 a public school system may employ a beneficiary who has obtained 30 years of creditable  
20 service in this retirement system in a full-time capacity as a certified teacher of  
21 pre-kindergarten through grade 12 who has as his or her primary responsibility the  
22 academic instruction of students in a classroom in an area of highest need determined for  
23 the RESA to which such public school system is assigned, provided that at least one year  
24 has expired from the effective date of such beneficiary's retirement and he or she was not  
25 restored to service as a teacher pursuant to Code Section 47-3-127 during such period of  
26 time.

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

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

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

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

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

43 (B) The earnable compensation of such beneficiary.

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

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

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

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

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

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

68

**SECTION 2.**

69 This Act shall become effective on July 1, 2022, only if it is determined to have been  
70 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
71 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
72 become effective and shall be automatically repealed in its entirety on July 1, 2022, as  
73 required by subsection (a) of Code Section 47-20-50.

74

**SECTION 3.**

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