

House Bill 833

By: Representatives Carson of the 46th, Crowe of the 118th, Lumsden of the 12th, Hitchens of the 161st, and Corbett of the 174th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and
2 pensions, so as to reduce certain waiting periods and application deadlines for the
3 establishment or reestablishment of creditable service in the Employees' Retirement System
4 of Georgia and the Public School Employees Retirement System; to provide for related
5 matters; to provide conditions for an effective date and automatic repeal; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is
10 amended in Chapter 2, relating to the Employees' Retirement System of Georgia, by revising
11 Code Section 47-2-92, relating to reestablishment of service credit after withdrawal of
12 accumulated contributions from this retirement system or the Teachers Retirement System
13 of Georgia and payments required to obtain credit, as follows:

14 "47-2-92.

15 Any present member who has withdrawn accumulated contributions from either the
16 Employees' Retirement System of Georgia or the Teachers Retirement System of Georgia,

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17 or both, may, after ~~two years~~ 90 days of service as a contributing member, reestablish the
18 creditable service for which the member would have been eligible if the accumulated
19 contributions had not been withdrawn, provided that the member repays into the retirement
20 system an amount equal to the amount withdrawn, together with regular interest at the rate
21 of 4 1/4 percent per annum from the date of withdrawal to the date of repayment, which
22 contributions and interest shall be placed in the participant's individual account in the
23 annuity savings fund. Upon receipt of notice from this retirement system to the Teachers
24 Retirement System of Georgia that a member has repaid to this retirement system
25 contributions previously withdrawn from the Teachers Retirement System of Georgia, the
26 Teachers Retirement System of Georgia shall pay an employer contribution plus regular
27 interest into the Employees' Retirement System of Georgia. The amount of the employer
28 contribution shall be 6 percent of the reported compensation of the member during
29 membership in the Teachers Retirement System of Georgia."

30

SECTION 2.

31 Said title is further amended in said chapter by revising Code Section 47-2-94, relating to
32 service credit provided for persons whose membership was terminated for failure to render
33 at least one year of service in a five-year period, as follows:

34 "47-2-94.

35 Any current member whose membership has previously been terminated because that
36 member rendered less than one year of service in a period of five consecutive years and
37 who has never withdrawn the contributions he or she made during such previous
38 membership shall receive credit, after ~~one year~~ 90 days of active service as a contributing
39 member, for the creditable service accumulated under the previous membership."

40

SECTION 3.

41 Said title is further amended in said chapter by revising subsection (b) of Code Section
42 47-2-101, relating to creditable service in the Employees' Retirement System of Georgia for
43 prior service as member of the Georgia Defined Contribution Plan, as follows:

44 "(b) To obtain the creditable service established by subsection (a) of this Code section, a
45 member shall:

46 (1) Accrue at least ~~five years~~ 90 days of membership in this retirement system;

47 (2) Apply to the board of trustees while a contributing member of the retirement system
48 in a manner to be prescribed by the board of trustees;

49 (3) Provide proof of such prior service as a Georgia Defined Contribution Plan member
50 as the board of trustees deems necessary;

51 (4) Authorize the transfer of all funds from his or her Georgia Defined Contribution Plan
52 account related to the prior service for which creditable service is sought; and

53 (5) Pay to the board of trustees an amount determined by the board of trustees to be
54 sufficient to cover the full actuarial cost of granting the creditable service allowed by this
55 Code section after accounting for any transfer under paragraph (4) of this subsection."

56

SECTION 4.

57 Said title is further amended in said chapter by revising subsection (b) of Code
58 Section 47-2-226, relating to certain law enforcement officers permitted to obtain creditable
59 service in retirement system under certain conditions, "law enforcement officer" defined, and
60 payment of full actuarial value to applicant, as follows:

61 "(b) Any law enforcement officer who, prior to becoming a member of this retirement
62 system, was employed by a local government in this state as a full-time employee, in a
63 position in which he or she was vested with authority to enforce the criminal or traffic laws
64 and with the power of arrest and whose duties include the preservation of public order, the
65 protection of life and property, or the prevention, detection, or investigation of crime, shall

66 be eligible to obtain creditable service under this Code section for his or her years of
67 service in such capacity if:

68 (1) The member is not eligible to receive a present or future benefit from a defined
69 benefit or defined contribution retirement or pension plan in which said member
70 participated while employed by the local governing authority other than membership in
71 the Peace Officers' Annuity and Benefit Fund; and

72 (2) The member has been a member of the retirement system for at least ~~ten years~~
73 90 days."

74 **SECTION 5.**

75 Said title is further amended in said chapter by revising subsection (c) of Code Section
76 47-2-263, relating to credit for certain past service as an assistant district attorney or
77 employee of the Prosecuting Attorneys' Council, payment of employee contributions, and
78 credit for service as full-time law assistant, as follows:

79 "(c) Any member who is subject to Code Section 47-2-262 may receive up to four years
80 of creditable service under this chapter for past service as a full-time law assistant for a
81 judicial circuit employed pursuant to the provisions of Code Section 15-6-28 upon payment
82 to the board of trustees of such amount as determined by the actuary as necessary to grant
83 such benefit without creating any accrued actuarial liability as to this retirement system.
84 The basis for employee contributions to obtain creditable service under this Code section
85 shall be the state salary paid to the member claiming such past service at the time the
86 service was rendered. ~~Such payment must be made not later than July 1, 2003, or within~~
87 ~~six months of first or again becoming a member, whichever is later."~~

88 **SECTION 6.**

89 Said title is further amended in Chapter 4, relating to Public School Employees Retirement
90 System, by revising subsection (e) of Code Section 47-4-104, relating to benefits payable

91 upon the death of a member and refunds to members whose employment has been
 92 terminated, as follows:

93 "(e) If the employment of a member is terminated either voluntarily or involuntarily at any
 94 time prior to his or her normal retirement date, ~~he~~ such member shall be entitled to a refund
 95 of ~~his~~ accumulated contributions to the date of his or her termination. Any such terminated
 96 member who withdraws ~~his~~ accumulated contributions and who is subsequently
 97 reemployed as a public school employee shall be entitled to reestablish the service credited
 98 to him or her at the time of ~~his~~ termination after he or she has been continuously
 99 reemployed for a minimum of ~~two years~~ 90 days. In order to reestablish such service, the
 100 reemployed member must pay to the board the amount withdrawn from the fund at the time
 101 of ~~his~~ previous termination, plus regular interest on such amount from the date of such
 102 withdrawal to the date such payment is made to the board."

103

SECTION 7.

104 Said title is further amended in Chapter 23, relating to the Georgia Judicial Retirement
 105 System, by revising paragraph (2) of subsection (b) of Code Section 47-23-49, relating to
 106 membership for full-time judges of the state-wide business court and creditable service, as
 107 follows:

108 "(2) Each individual who becomes a member of this retirement system pursuant to this
 109 Code section shall be eligible to transfer his or her creditable service from the Employees'
 110 Retirement System of Georgia to this retirement system, provided that he or she notifies
 111 the board of such election ~~within one year of obtaining such membership~~ and pays to the
 112 retirement system the remaining amount necessary to pay for the full actuarial cost to the
 113 retirement system associated with his or her transfer of service. Upon such election and
 114 payment, the Employees' Retirement System of Georgia shall transfer to this retirement
 115 system all employer and employee contributions paid by or on behalf of him or her
 116 together with regular interest thereon, and he or she shall receive service in this

117 retirement system toward vesting only in the full amount of the service he or she rendered
118 as an employee while he or she was a member of the Employees' Retirement System of
119 Georgia and for which credit was allowable in such system."

120

SECTION 8.

121 Said title is further amended in said chapter by revising Code Section 47-23-62, relating to
122 obtaining creditable service, obtaining creditable service in other systems, and calculations,
123 as follows:

124 "47-23-62.

125 (a)(1) Any member who became a member on July 1, 1998, and any member who
126 becomes a member after that date may receive creditable service for the number of years
127 he or she contributed to the Employees' Retirement System of Georgia pursuant to Code
128 Section 47-2-262.

129 (2) In order to obtain the creditable service as provided in paragraph (1) of this
130 subsection, the member shall notify the board of directors of this retirement system and
131 the board of trustees of the Employees' Retirement System of Georgia ~~not later than~~
132 ~~December 31, 1998, or within 90 days after first becoming a member of this retirement~~
133 ~~system, whichever date is later.~~ Upon such notice, the board of trustees of the
134 Employees' Retirement System of Georgia shall verify the amount of allowable time to
135 the board of trustees of this retirement system. If the requesting member has withdrawn
136 his or her contributions from the Employees' Retirement System of Georgia, the board
137 of trustees of such retirement system shall certify the amount of employee contributions
138 and regular interest thereon which had been credited to the member's account, and the
139 member shall ~~within six months~~ after such certification pay such amount to the board of
140 trustees of this retirement system, together with regular interest thereon from the date of
141 withdrawal to the date of payment. If the requesting member has not withdrawn his or
142 her contributions from the Employees' Retirement System of Georgia, the board of

143 trustees of such retirement system shall transfer to the board of trustees of this retirement
144 system the employee contributions together with regular interest thereon and shall refund
145 to the member any employee contribution he or she paid to such retirement system for
146 any creditable service not allowed by the retirement system. Upon receipt of such funds,
147 the board of trustees of this retirement system shall credit the member with the number
148 of years of creditable service so authorized.

149 (b)(1) Any member may receive creditable service for the number of years he or she
150 would have contributed to the Employees' Retirement System of Georgia pursuant to
151 Code Section 47-2-262 but for the fact that he or she made the election not to become a
152 member of such retirement system.

153 (2) In order to obtain the creditable service as provided in paragraph (1) of this
154 subsection, the member shall notify the board of directors of this retirement system and
155 the board of trustees of this retirement system ~~not later than December 31, 1998, or~~
156 ~~within 90 days after first becoming a member of this retirement system, whichever date~~
157 ~~is later~~, providing such evidence that he or she was eligible for membership in the
158 Employees' Retirement System of Georgia as the board deems necessary. ~~Within six~~
159 ~~months after~~ After such notification, the member shall pay to the board of trustees of this
160 retirement system the employer and employee contributions which would have been paid
161 by or on behalf of such member if he or she had elected to become a member of the
162 Employees' Retirement System of Georgia, together with regular interest thereon.

163 (c) No creditable service may be obtained pursuant to the provisions of this Code section
164 for any period for which creditable service has or may be obtained in any other state or
165 local public retirement system.

166 (d) No creditable service obtained pursuant to the provisions of this Code section shall be
167 calculated in determining the minimum number of years of creditable service required for
168 retirement pursuant to Article 6 of this chapter."

SECTION 9.

169
170 Said title is further amended in said chapter by revising Code Section 47-23-64, relating to
171 transfer of funds from Employees' Retirement System of Georgia by judges, solicitor
172 general, or district attorneys, and crediting service, as follows:

173 "47-23-64.

174 (a)(1) Any superior court judge, state court judge, solicitor general, or district attorney
175 who was previously an active member of the Employees' Retirement System of Georgia
176 may elect to have all contributions made by or on behalf of such member transferred from
177 such retirement system to this retirement system. Any such member shall notify the
178 board of trustees of each retirement system ~~not later than December 31, 2002, or within~~
179 ~~90 days after first becoming a member of this retirement system, whichever date is later.~~

180 (2) If the member subject to this subsection has not withdrawn his or her employee
181 contributions from the Employees' Retirement System of Georgia, then upon receipt of
182 the notice provided for in paragraph (1) of this subsection, the Board of Trustees of the
183 Employees' Retirement System of Georgia shall transfer to the board of trustees of this
184 retirement system all employer and employee contributions paid by or on behalf of the
185 employee, together with regular interest thereon.

186 (3) If the member subject to this subsection has withdrawn his or her employee
187 contributions from the Employees' Retirement System of Georgia, then at the time of
188 giving the notice provided for in paragraph (1) of this subsection, the member shall pay
189 to the board of trustees of this retirement system the total of such contributions, together
190 with regular interest thereon. Upon receipt of such notice and payment of such amount,
191 the Board of Trustees of the Employees' Retirement System of Georgia shall transfer to
192 the board of trustees of this retirement system all employer contributions paid on behalf
193 of the employee, together with regular interest thereon.

194 (4) The member subject to this subsection is authorized, but not required, to pay to the
195 board of trustees such funds in addition to the amounts provided in paragraphs (2) and
196 (3) of this subsection as the member desires.

197 (b) Upon receipt of the funds provided for in paragraphs (2), (3), and (4) of subsection (a)
198 of this Code section, the board of trustees of this retirement system shall credit the member
199 with only the number of years of creditable service, not to exceed the actual years of prior
200 service, as the amount so transferred or paid will warrant without creating any accrued
201 liability as to this retirement system, calculated as if the member had either elected or
202 rejected spouse's survivors benefits, at the election of the member.

203 (c) No creditable service may be obtained pursuant to the provisions of this Code section
204 for any period for which creditable service has been or may be obtained in any other state
205 or local public retirement system."

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SECTION 10.

207 Said title is further amended in said chapter by revising Code Section 47-23-65, relating to
208 creditable service for certain prior service, as follows:

209 "47-23-65.

210 Any superior court judge or district attorney who is an active member of this retirement
211 system may receive up to five years of creditable service for his or her past service as a
212 circuit-paid assistant district attorney who was not eligible to participate in a local
213 retirement plan upon payment to the board of trustees of an amount which will allow such
214 creditable service without creating any accrued actuarial unfunded liability as to this
215 retirement system. Any member desiring such creditable service shall make application
216 to the board of trustees in such form as the board deems appropriate, provide such proof
217 of eligible prior service as the board deems necessary, and make full payment ~~not later than~~
218 ~~December 31, 2008, or within six months of first or again becoming a member, whichever~~
219 ~~is later~~. No creditable service shall be allowed under this Code section for any period of

220 employment for which creditable service is allowed under any provision of any other
221 retirement or pension system of this state or of any political subdivision of this state."

222 **SECTION 11.**

223 This Act shall become effective on July 1, 2024, only if it is determined to have been
224 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
225 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
226 become effective and shall be automatically repealed in its entirety on July 1, 2024, as
227 required by subsection (a) of Code Section 47-20-50.

228 **SECTION 12.**

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