

Senate Bill 240

By: Senators Walker III of the 20th, Robertson of the 29th and Tillery of the 19th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 18 of Title 47 of the Official Code of Georgia Annotated, relating to
2 social security coverage for employees of the state and its political subdivisions, so as to
3 require certain social security coverage for all employees of a political subdivision who are
4 members of the Public School Employees Retirement System; to prohibit the approval of
5 certain plans; to provide for reporting; to provide for related matters; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 18 of Title 47 of the Official Code of Georgia Annotated, relating to social security
10 coverage for employees of the state and its political subdivisions, is amended by revising
11 Code Section 47-18-41, relating to plans for old-age, survivors, and disability insurance
12 coverage submitted by state political subdivisions, contents, approval, and contributions
13 required, as follows:

14 "47-18-41.

15 (a) Each political subdivision of the state is authorized to submit for approval by the state
16 agency a plan for extending the benefits of Title II of the Social Security Act to employees

S. B. 240

- 1 -

17 of such political subdivision. The adjutant general, acting on behalf of the state, is
18 authorized to submit and enter into a similar plan with the state agency for extending such
19 benefits to the civilian employees of the National Guard units of this state, who are, for the
20 purposes of this chapter, deemed to be a separate coverage group as provided for in the
21 federal Social Security Act; provided, however, that nothing contained in this chapter shall
22 be construed to deem or designate the civilian employees of the National Guard units of
23 this state to be employees of this state. Each such plan and any amendments thereof shall
24 be approved by the state agency if it finds that such plan, as amended, is in conformity with
25 such requirements as are provided in regulations of the state agency, except that no such
26 plan shall be approved unless:

- 27 (1) It is in conformity with the requirements of the Social Security Act and with the
28 agreement entered into under Code Section 47-18-40;
- 29 (2) It provides that all services which constitute employment and are performed in the
30 employ of a political subdivision by employees thereof shall be covered by the plan
31 except that it may exclude services performed by individuals to whom Section
32 218(c)(3)(C) of the Social Security Act is applicable;
- 33 (3) It specifies the sources from which the funds necessary to make the payments
34 required by ~~paragraph (1) of subsection (c) of this Code section and by subsection (d) of~~
35 ~~this Code section~~ are expected to be derived and contains reasonable assurance that such
36 sources will be adequate for such purpose;
- 37 (4) It provides for such methods of administration of the plan by the political subdivision
38 as are found by the state agency to be necessary for the proper and efficient
39 administration of the plan;
- 40 (5) It provides that the political subdivision will make such reports in such form and
41 containing such information as the state agency may from time to time require and will
42 comply with such provisions as the state agency or the secretary of health and human

43 services may from time to time find necessary in order to assure the correctness and
44 verification of such reports; and

45 (6) It authorizes the state agency to terminate the plan in its entirety, in the discretion of
46 the state agency, if it finds that there has been a failure to comply with any provision
47 contained in such plan, such termination to take effect at the expiration of such notice and
48 on such conditions as may be provided by regulations of the state agency and which are
49 consistent with the Social Security Act; provided, however, that such conditions as may
50 be provided by the regulations of the state agency for such termination shall assure that
51 the state shall not incur any debt or loss in relation to any amounts due the state from
52 other provisions of the Social Security Act, including grants in aid for public assistance
53 and for maternal and child welfare.

54 (b) The state agency shall not finally refuse to approve a plan submitted by a political
55 subdivision under subsection (a) of this Code section and shall not terminate an approved
56 plan without reasonable notice and opportunity for hearings to ~~the~~ such political
57 subdivision ~~affected thereby~~.

58 (c) Each political subdivision ~~as to which a~~ that has a plan ~~has been~~ approved under this
59 Code section shall pay to the federal Social Security Administration contributions in the
60 amounts and at the rates specified in the applicable agreement entered into by the state
61 agency under Code Section 47-18-40.

62 (d)(1) By September 1, 2023, the state agency shall identify each political subdivision of
63 this state that does not extend coverage for the benefits of Title II of the Social Security Act
64 to those employees of such political subdivision who are members of the Public School
65 Employees Retirement System established under Chapter 4 of this title. The state agency
66 shall issue a report to the chairpersons of the House Retirement Committee and the Senate
67 Committee on Retirement that contains the names of all such political subdivisions and
68 shall provide the total number of employees per political subdivision who do not have such
69 coverage.

70 (2) By January 1, 2024, the plan for each political subdivision that does not extend
71 coverage for the benefits of Title II of the Social Security Act to its employees who are
72 members of the Public School Employees Retirement System established under Chapter
73 4 of this title shall be amended to provide such coverage for such current and future
74 employees of such political subdivision.

75 (e) On and after September 1, 2023, the state agency shall not approve any political
76 subdivision's plan that does not extend coverage for the benefits of Title II of the Social
77 Security Act to its employees who are members of the Public School Employees
78 Retirement System established under Chapter 4 of this title."

79 **SECTION 2.**

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