

HOUSE BILL 2227

By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 34 and Title 8, Chapter 35, relative to officers established by Article III, Section 17 and Article VII, Section 3 of the Constitution of Tennessee as Group 4 members for retirement purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-34-603(a)(3)(A), is amended by adding the following language as a new subdivision:

(vii) Any secretary of state, treasurer or comptroller of the treasury establishing service in Group 4 on or after July 1, 2009, that was rendered in a capacity covered by Group 4, shall receive credit in Group 4.

SECTION 2. Tennessee Code Annotated, Section 8-34-622, is amended by deleting the section in its entirety and by substituting instead the following:

Section 8-34-622. Any member in Group 4 may establish creditable service only for service rendered and contributions made as a state judge, an attorney general and reporter who meets the requirements of § 8-34-623(b), a secretary of state, as provided by § 8-34-623(c), a treasurer, as provided by § 8-34-623(c), a comptroller of the treasury, as provided by § 8-34-623(c), a constitutional convention member, as provided by § 8-34-608, and for military service, as provided by § 8-34-605.

SECTION 3. Tennessee Code Annotated, Section 8-34-623, is amended by adding the following language as a new subsection:

(c) Notwithstanding any law to the contrary, any Group 1 member who is serving or who has served as secretary of state, treasurer or comptroller of the treasury shall be eligible to elect to transfer any service previously established as the secretary of state,

treasurer or comptroller of the treasury, member of a constitutional convention, as provided by § 8-34-608, and military service, as provided by § 8-34-605, from Group 1 to Group 4 of the retirement system. Such transfer of service shall occur upon the election by the member and the lump sum payment, if applicable, of the difference between what the member would have contributed as a member of Group 4, and the amount of employee contributions to the member's credit on the effective date of transfer, plus interest at the rate provided in § 8-37-214.

SECTION 4. Tennessee Code Annotated, Section 8-34-716, is amended by adding the following language as a new subsection:

(c) Notwithstanding any law to the contrary, any Group 1 member who is serving or who has served as secretary of state, treasurer or comptroller of the treasury may elect in writing to transfer membership to Group 4 of the retirement system, from and after July 1, 2009. The election to transfer membership shall become effective on the date of election.

SECTION 5. Tennessee Code Annotated, Section 8-35-105(a), is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4) Group 4. State judges entering service on or after September 1, 1990, state judges transferring membership under chapter 34, part 7, any attorney general and reporter who meets the requirements of § 8-34-623(b) and enters service on or after July 1, 2005, any attorney general and reporter who meets the requirements of § 8-34-623(b) and transfers membership under chapter 34, part 7, any secretary of state who enters service on or after July 1, 2009, any secretary of state who transfers membership under chapter 34, part 7, any treasurer who enters service on or after July 1, 2009, any treasurer who transfers membership under chapter 34, part 7, any comptroller of the

treasury who enters service on or after July 1, 2009, and any comptroller of the treasury who transfers membership under chapter 34, part 7,

SECTION 6. Tennessee Code Annotated, Section 8-35-105, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) Notwithstanding any law to the contrary, any person becoming a member of the retirement system after June 30, 1976, shall be classified as a Group 1 member, except a state judge, an attorney general and reporter who meets the requirements of § 8-34-623(b), a secretary of state, a treasurer and a comptroller of the treasury. A state judge becoming a member of the retirement system on or after September 1, 1990, shall be classified as a Group 4 member. An attorney general and reporter who meets the requirements of § 8-34-623(b) and becomes a member of the retirement system on or after July 1, 2005, shall also be classified as a Group 4 member. A secretary of state, a treasurer or a comptroller of the treasury who becomes a member of the retirement system on or after July 1, 2009, shall also be classified as a Group 4 member.

SECTION 7. This act shall take effect July 1, 2009, the public welfare requiring it.