

Senate Bill 150

By: Senators Hickman of the 4th, Anavitarte of the 31st, Gooch of the 51st, Kennedy of the 18th, Payne of the 54th and others

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, 2034;
5 to reduce the number of years worked by a beneficiary to 25 before being eligible to be hired
6 under this Code section; to remove the requirement that teachers hired under this Code
7 section work in a RESA's areas of highest need; to provide for certain limitations; to reduce
8 the waiting period before a beneficiary is eligible to be hired under this Code section; to
9 remove the requirement that the Department of Education determine a RESA's areas of
10 highest need; to provide for related matters; to provide conditions for an effective date and
11 automatic repeal; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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Article 7 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to retirement allowances, disability benefits, and spouses' benefits, is amended by revising Code Section 47-3-127.1, relating to employment of retired teacher as full-time teacher or in other capacities, as follows:

"47-3-127.1.

(a) From July 1, 2022, until June 30, ~~2026~~ 2034, notwithstanding the provisions of Code Section 47-3-127, to the extent and under the conditions provided for in this Code section, a public school system may employ a beneficiary who has obtained ~~30~~ 25 years of creditable service in this retirement system in a full-time capacity as a certified teacher of pre-kindergarten through grade 12 who has as his or her primary responsibility the academic instruction of students in a classroom in an area other than athletics or coaching of highest need determined for the RESA to which such public school system is assigned, provided that at least ~~one year~~ has 60 days have expired from the effective date of such beneficiary's retirement and he or she was not restored to service as a teacher pursuant to Code Section 47-3-127 during such period of time.

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

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

(c)(1) Within 30 days of employing a beneficiary pursuant to this Code section, such employer shall notify the board of trustees of such beneficiary's name, the amount of his or her earnable compensation, a description of any other forms of remuneration to be

39 made, the number of hours to be worked, job responsibilities, and other such information
40 as the board of trustees may prescribe.

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

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

45 (B) The earnable compensation of such beneficiary.

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

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

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

57 ~~(2) The areas of highest need shall be determined for each RESA annually by the
58 Department of Education after consultation with the Professional Standards Commission.
59 Such determinations shall be based upon a five-year average review of a survey reported
60 by local school systems to the Department of Education. The areas of highest need for
61 each RESA shall be reported to the retirement system on an annual basis beginning July
62 1, 2022, and ending July 1, 2025.~~

63 ~~(e)~~(d) Prior to July 1, ~~2025~~ 2033, the state auditor shall conduct and publish a performance
64 audit concerning the provisions of this Code section to include a determination of the value
65 and necessity of the full-time employment of beneficiaries as permitted by this Code

66 section, as well as the effects of such employment on the local school systems, the
67 Teachers Retirement System of Georgia, and the teacher workforce as a whole for this
68 state.

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

71 **SECTION 2.**

72 This Act shall become effective on July 1, 2026, only if it is determined to have been
73 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
74 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
75 become effective and shall be automatically repealed in its entirety on July 1, 2026, as
76 required by subsection (a) of Code Section 47-20-50.

77 **SECTION 3.**

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