

# Legislative Update

*Employees' Retirement System of Georgia*

January 29, 2010

Page 1

## Inside This Update

- 1 Meetings
- 1 Committee Membership
- 2 Legislative Log

For More Information on Legislation, please visit:  
[www.ers.ga.gov](http://www.ers.ga.gov)

## Contact Us

**Pamela L. Pharris**  
 Director, ERSGA  
 404-603-5602  
[pamela.pharris@ers.ga.gov](mailto:pamela.pharris@ers.ga.gov)

**Jim Potvin**  
 Deputy Director, ERSGA  
 404-603-5605  
[jim.potvin@ers.ga.gov](mailto:jim.potvin@ers.ga.gov)

**Kelly L. Moody**  
 Legislative Liaison and Assistant Director, ERSGA  
 404-603-5646  
[kelly.moody@ers.ga.gov](mailto:kelly.moody@ers.ga.gov)

**Danise Thaxton**  
 Executive Assistant to the Director, ERSGA  
 404-603-5602  
[danise.thaxton@ers.ga.gov](mailto:danise.thaxton@ers.ga.gov)

## House and Senate Retirement Committees Hold First Meeting

The House Retirement Committee held its first meeting on Tuesday, January 26th. With the change in House leadership, some minor membership changes were made to the House Retirement Committee.

Representative Howard Maxwell remains Chair, while Representative Tommy Benton has moved up to serve as Vice-Chair, and Representative Tom Weldon has moved up to serve as Secretary. The House Retirement Committee plans to hold regular meetings on Wednesday's at 2:00 P.M. during session.

The first meeting of the Senate Retirement Committee was held on Thursday, January 28th. There were no changes in membership for the Senate Retirement Committee. Regular meetings have not been announced for the Senate Retirement Committee at this time.

Membership of both the House and Senate Retirement Committees are listed below. For more information about a particular member, please click on the individual's name.

<b>House Retirement Committee Members</b>		<b>Senate Retirement Committee Members</b>	
<b>Representative</b>	<b>Position</b>	<b>Senator</b>	<b>Position</b>
Howard Maxwell	Chair	Bill Heath	Chair
Tommy Benton	Vice-Chair	Ronnie Chance	Vice-Chair
Tom Weldon	Secretary	Freddie Sims	Secretary
Tyrone Brooks	Member	Jim Butterworth	Member
Debbie Buckner	Member	Donzella James	Member
Brooks Coleman	Member	Jack Murphy	Member
Burke Day	Member	Preston Smith	Member
Rich Golick	Member	Cecil Staton	Member
J. Craig Gordon	Member	Doug Stoner	Member
Lynmore James	Member	Horacena Tate	Member
Gene Maddox	Member		
John Meadows	Member		
"Coach" Williams	Member		

## **LEGISLATIVE LOG**

Monday, January 25, 2010

No Retirement Bills were considered today.

Tuesday, January 26, 2010

### **HB 54 - Georgia Judicial Retirement System; survivors' benefits; provisions**

Allows any member of the Judicial Retirement System (JRS) who once rejected spouses' benefits within 90 days of first becoming a member the opportunity to purchase such benefits beginning July 1, 2010. The member must have at least 10 years of membership service to purchase such benefits and is required to pay full actuarial cost; therefore, creating no cost to JRS for this legislation.

**HB 54 received a DO PASS from the House Retirement Committee.**

### **HB 817 - Georgia Judicial Retirement System; juvenile judges; provide**

Allows any Juvenile Court Judge that was previously a member of the Employees' Retirement System (ERS) to transfer ERS employee and employer contributions to JRS by December 31, 2010 or within 90 days of first becoming a member of JRS.

Currently, any new JRS member that is a Superior Court Judge, State Court Judge, Solicitor General, or District Attorney who was previously an active member of ERS may elect to have all of their ERS contributions transferred to JRS within 90 days of first becoming a member of JRS by notifying the Board of Trustees.

If the member has not withdrawn his/her employee contributions from ERS, the Board of Trustees must transfer all employee and employer contributions from ERS and to JRS and the member must pay regular interest thereon.

If the member has withdrawn his/her employee contributions from ERS, member must provide notice to the Board of Trustees requesting a transfer to JRS. At that time, the member must pay the Board the total of such contributions, with regular interest thereon, and employee and employer contributions from ERS will be transferred to JRS.

**HB 817 received a DO PASS from the House Retirement Committee.**

### **HB 916 - Retirement ages; nullify application for retirement; provisions**

Clarifies requirements for ERS members returning to service after retirement as part of a clean up to Act 275 (2009) (HB 202). Specifically, a member that has not reached normal retirement age (60 with at least 10 years of service) on the effective date of their retirement is required to wait two consecutive calendar months prior to returning to employment. The employer of the member is also required to certify that no agreement exists to allow such employee to return to service, including service as an independent contractor.

## ***LEGISLATIVE LOG - Continued***

Members that have reached normal retirement age and return to service as an independent contractor are required to have their employing agency provide the Board of Trustees with certification that 1) the contracting entity has multiple employees; 2) the contracting entity has multiple contracts and the contracts are not limited to employers; and 3) the contractual relationship with the employer was not created to allow a retired employee to continue employment after retirement in a position similar to the one held before retirement.

**HB 916 received a DO PASS from the House Retirement Committee.**

**HB 960 - Georgia Defined Contribution Plan; make lump sum payment upon death; change**

Changes the default beneficiary for GDCP members when a designation has not been made from the member's estate to follow the Per Stirpes Rules.

Currently, if the member has not chosen a beneficiary, the beneficiary automatically defaults to the member's estate. GDCP by nature has many temporary members that may not choose a beneficiary. This legislation allows the designation to follow the Per Stirpes Rules as outlined in 53-2-1.

**HB 960 was assigned to the House Retirement Committee by the full House.**

**HB 969 - Retirement and pensions; comply with federal law; amend certain provisions**

This legislation is sponsored by the Teachers Retirement System (TRS) and mainly relates to that system; however, there are changes in Chapter 1 of Title 47 as well as changes in the PSERS statute. Changes to PSERS include:

PSERS members who have not reached normal retirement age that return to service in any public school position which requires membership in PSERS must cease their retirement benefit and the retired member shall re-establish active membership in PSERS. At the end of such service, or upon normal retirement age and cessation of contributions, the retired member will receive a retirement benefit based on the member's total accrued service and;

- PSERS members who have reached normal retirement age and return to service as a public school employee in any position that would normally require membership in PSERS have the option to:
  - Cease their retirement benefit and the retired member shall re-establish active membership in PSERS. At the end of such service, the retired member will receive a retirement benefit based on the member's total accrued service or;
  - Not contribute to the system, in which event the member's retirement benefit shall not cease, and no additional benefits will accrue.
- Requires employers that employ retired PSERS members to certify in writing:
  - The name of the member and if the retired member is age 65 or older,
  - The retired member's election to either discontinue benefits and resume contributions or to continue receiving retirement benefits and accrue no additional credits under the retirement system.

## ***LEGISLATIVE LOG - Continued***

- Any employer that fails to give such notification shall reimburse the retirement system any benefits wrongfully paid. The retired member must notify the employer of their retirement status prior to employment.

**HB 969 was assigned to the House Retirement Committee by the full House.**

Wednesday, January 27, 2010

No Retirement Bills were considered today.

Thursday, January 28, 2010

### **HB 172 - Employees' Retirement System of Georgia; disability benefits; provisions**

Revises language relating to the handling of medical examinations for persons that are receiving disability benefits under age 60 by removing the ability for medical examinations to be conducted at the retiree's place of residence.

Additionally, this bill provides that earnable compensation in the calculation of earnings limitation for disability beneficiaries also includes workers compensation income.

**HB 172 received a DO PASS BY COMMITTEE SUBSTITUTE from the Senate Retirement Committee.**

### **HB 320 - Georgia Environmental Facilities Authority; change name to Georgia Environmental Finance Authority**

Changes the name of the Georgia Environmental Facilities Authority to the Georgia Environmental Finance Authority.

**HB 320 received a DO PASS BY COMMITTEE SUBSTITUTE from the Senate Retirement Committee.**

### **HB 997 - Social Security Coverage Group; State Personnel Administration jurisdiction; provide**

Updates Chapter 18 of Title 47 relating to Social Security and moves the responsibilities to the State Personnel Administration.

**HB 997 was assigned to the House Retirement Committee by the full House.**

### **SB 283 - Retirement; no person who becomes tax commissioner; on/after July 1, 2010; membership in Employees' Retirement System of Georgia**

Prohibits tax commissioners, tax collectors, tax receivers and employees of such officers from becoming members of ERS for persons who take such positions on or after July 1, 2010. Any person holding such a position on June 30, 2010 would be permitted to remain a member of ERS. There would be no cost to ERS for this legislation.

***LEGISLATIVE LOG - Continued***

**SB 283 received a DO PASS from the Senate Retirement Committee.**

Friday, January 29, 2010

No bills were considered today due to the General Assembly being in recess.

---