

House Bill 538 (AS PASSED HOUSE AND SENATE)

By: Representatives Willard of the 51st, Silcox of the 52nd, Golick of the 40th, Jones of the 25th, Cantrell of the 22nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing in Fulton County a system for pension and retirement pay to
2 teachers and employees of the Board of Education of Fulton County, approved February 2,
3 1945 (Ga. L. 1945, p. 528), as amended, particularly by an Act approved May 11, 2009 (Ga.
4 L. 2009, p. 4004), an Act approved April 11, 2012 (Ga. L. 2012, p. 4982), an Act approved
5 May 6, 2013 (Ga. L. 2013, p. 4026), and an Act approved April 21, 2014 (Ga. L. 2014,
6 p. 4276) so as to authorize the Board of Education of Fulton County to create a system for
7 pension and retirement pay to teachers and employees; to provide for conditions applicable
8 to the creation and amendment of such system; to provide for automatic repeal of certain
9 provisions upon the creation of such system; to provide for related matters; to provide
10 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other
11 purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 An Act providing in Fulton County a system for pension and retirement pay to teachers and
15 employees of the Board of Education of Fulton County, approved February 2, 1945 (Ga. L.
16 1945, p. 528), as amended, is amended by designating the existing provisions of such Act as
17 Part 2 and by enacting a new Part 1 to read as follows:

18 **"Part 1**

19 Pursuant to the authority granted by Ga. Laws 1939, p. 39, as continued by Ga. Laws 1987,
20 p. 3703, the Board of Education of Fulton County is authorized to create a system for
21 pension and retirement pay to teachers and employees. All covered employees,
22 beneficiaries, assets, liabilities, duties, responsibilities, and terms of the plan of retirement
23 of the system provided for by Part 2 of this Act shall be transferred to the plan of retirement
24 of the system provided for by this part as a continuation of the plan of retirement of the
25 system provided for by Part 2 of this Act, and all assets, liabilities, and other duties,

26 responsibilities, and other assets of the system provided for by Part 2 of this Act as it
27 existed on the effective date of this Act shall be transferred to any system created under the
28 authority of this part. The initial plan document of such system shall be adopted in the form
29 provided for in Part 2 of this Act, and such plan document may thereafter be amended by
30 said board from time to time. Notice of any amendment providing for a change in the
31 accrued benefits of any participant shall be provided to the chairperson of the Fulton
32 County delegation of the General Assembly not later than January 10 of the year in which
33 such amendment is intended to take effect, and no such amendment shall become effective
34 absent such notice. The system of appointment of members of the governing body of said
35 system as provided for in such plan document may only be amended by local Act of the
36 General Assembly. The system provided for in such plan document must provide that the
37 accrued benefits of any participant shall not be less than the accrued benefits provided for
38 such participant by the system provided for by Part 2 of this Act, as such Part 2 existed on
39 the effective date of this Act. Upon the creation of such system and the adoption of the
40 plan document provided for herein, Part 2 of this Act shall stand repealed."

41 **SECTION 2.**

42 This Act shall become effective on July 1, 2018, only if it is determined to have been
43 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
44 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
45 become effective and shall be automatically repealed in its entirety on July 1, 2018, as
46 required by subsection (a) of Code Section 47-20-50.

47 **SECTION 3.**

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