

SENATE RETIREMENT COMMITTEE ROSTER

2009-2010 Legislative Sessions

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Vice-Chairman

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Senator Donzella James

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RETIREMENT COMMITTEE RULES

2009-2010 Legislative Sessions

1. Quorum of the Committee shall be four (4) members.
2. The Chairman shall determine which bills and resolutions are to be considered and the order in which said measures are considered.
3. The Chairman shall have the authority to refer bills and resolutions to subcommittee for study. Such subcommittees, in turn, shall have the authority to make recommendations on such measures to the full committee.
4. The Committee shall convene, recess, put all questions and adjourn upon order of the Chairman.
5. The Chairman reserves the right to delay action on substitutes and amendments not provided to the Chairman at least 48 hours prior to hearing.
6. A bill, resolution or other matter will be considered only after presentation by its principal author or a legislator whom he designates to do so. In the event more than one member of the General Assembly has signed a measure, the principal author shall be the one whose name appears first in the list of authors.
7. Any member or members of the Committee who disagree with the majority report of the Committee shall be privileged to file a minority report, if they so desire.
8. No official action may be taken on any fiscal bill before the Committee unless the proper fiscal note (Actuarial study on bills having a fiscal impact) is attached.
9. The rules of the Committee will prevail in all matters not covered by Senate rules or by the "Public Retirement Systems Standards Law".
10. After adoption, these rules may be amended upon motion duly made, seconded, and subsequently approved by a two-thirds vote of the members of the Committee.
11. All retirement bills with either a fiscal or non-fiscal impact shall not be put to Final passage by the Committee until such bills comply with provisions of the "Public Retirement Systems Standards Law".
12. The secretary of the Committee shall distribute a copy of these rules to all Members of the Senate and House Retirement Committees.

Senate Retirement Committee
Thursday, January 28, 2010
Room 125 – Capitol

Chairman Heath called the meeting to order at 10:04 a.m., announcing that a quorum was present. The following members were in attendance:

Senator Bill Heath, 31st, Chairman
Senator Ronnie Chance, 16th, Vice-Chairman
Senator Freddie Powell Sims, 12th, Secretary

Senator Donzella James, 35th
Senator Cecil Staton, 18th
Senator Horacena Tate, 38th
Senator Jim Butterworth, 50th, Ex-Officio

This was the first meeting of the Senate Retirement Committee of the 2010 Session. Chairman Heath recognized House Retirement Chairman Howard Maxwell and welcomed members, staff, retirement system directors and guests and asked Senator Butterworth to precede the meeting with a prayer. The following bills were discussed.

HB 172 (Representative Maxwell, 17th) (LC 21 0591S) – Employees' Retirement System of Georgia; disability benefits; provisions – presented by House Chairman Howard Maxwell. David Bundrick added that the substitute prepared for this bill updates the effective date to reflect the current year. Carol Schwinne of the Department of Audits was present to answer questions about the fiscal impact of the bill (non-fiscal). Motion **DO PASS BY SUBSTITUTE** was made by Senator Ronnie Chance, seconded by Senator Jim Butterworth. **Motion passed unanimously.**

Senator Heath of the 31st will carry the legislation in the Senate.

[Senator Donzella James joined the meeting before discussion of SB 283.]

SB 283 (Heath, 31st) – Retirement; no person who becomes tax commissioner; on/after July 1, 2010; membership in Employees' Retirement System of Georgia – presented by Chairman Heath. This bill amends OCGA 47-2-292 to prohibit persons who first or again become a tax commissioner, tax collector, tax receiver, or employee of such officer on or after July 1, 2010 from becoming members of ERS. There were no questions on the bill. Motion **DO PASS** was made by Senator Cecil Staton, seconded by Senator Freddie Powell Sims. **Motion passed unanimously.**

HB 320 (Representative Pruett, 144th) (LC 21 0584S) – Georgia Environmental Facilities Authority; change name to Georgia Environmental Finance Authority – presented by Chairman Heath. The bill amends Chapter 2 of Title 47 to change references of the “Georgia Environmental Facilities Authority” to the “Georgia Environmental Finance Authority.” This legislation would only become effective

pursuant to an act passed to change the name of the authority. The bill is a substitute to update the effective date from the 2009 to 2010. Motion **DO PASS BY SUBSTITUTE** was made by Senator Jim Butterworth, seconded by Senator Ronnie Chance. **Motion passed unanimously.**

Senator Heath of the 31st will carry the legislation in the Senate.

There being no further business, Chairman Heath adjourned the meeting at 10:12 a.m.

Respectfully Submitted,

/s/ Senator Freddie Powell Sims, 12th
Secretary, Senate Retirement Committee

/s/ Lauren Claire McDonald
Recording Secretary

Senate Retirement Committee
Thursday, March 11, 2010
Room 125 – Capitol

Chairman Heath called the meeting to order at 10:14 a.m., announcing that a quorum was present. The following members were in attendance:

Senator Bill Heath, 31st, Chairman
Senator Freddie Powell Sims, 12th, Secretary

Senator Donzella James, 35th
Senator Cecil Staton, 18th
Senator Jim Butterworth, 50th, Ex-Officio
Senator Jack Murphy, 27th, Ex-Officio

Chairman Heath welcomed members, staff, retirement system directors and guests and asked Senator Butterworth to precede the meeting with a prayer. The following bills were discussed.

SB 436 (Heath, 31st) (LC 21 0790S) – Retirement; repeal certain obsolete and inoperative provisions – presented by Chairman Heath. The bill eliminates obsolete language and has been reviewed by the public retirement systems. Chairman Heath brought to the attention of the committee [HB 1237](#) (LC 21 0647) by Representative Willard, 49th. HB 1237 is a Title 47 reviser bill which passed out of the House Retirement Committee the preceding day. Chairman Heath presented the option of combining the two pieces of legislation. Senator Donzella James commented that consolidation would be better in order to avoid overlap between the two bills. Senator Freddie Powell Sims voiced concern over the bills length and stated that she would like the opportunity to read through it before voting. Chairman Heath responded that he respected her position and had e-mailed the bill to the committee members several weeks before for that reason. Senator Sims responded that she did not receive the e-mail. Senator James confirmed that she had received it. David Bundrick clarified that it was not the intention of the bill to change any person's retirement eligibility and if that were to occur inadvertently as a result of enactment, the bill explicitly instructs system directors to correct such error. Pamela Pharris also addressed the DFCS employee language to clarify that the portion of the code section to be removed by SB 436 only pertains to those persons who did not opt into membership before the window of opportunity closed in 1996. Chairman Heath reiterated that election by those persons is not currently permitted by law and that the legislation neither creates opportunities for membership nor denies them. Senator James inquired as to the fiscal costs of combining the two bills. State Auditor Russel Hinton clarified that both bills are non-fiscal. Motion **DO PASS BY SUBSTITUTE** was made by Senator Donzella James, seconded by Senator Jim Butterworth. **Motion passed unanimously.**

HB 916 (Representative Maxwell, 17th) – Retirement ages; nullify application for retirement; provisions – presented by House Chairman Howard Maxwell. The bill provides that when a member retires in the future, they cannot return to that position as a contract employee unless three requirements are met. The contract entity must have multiple employees, must serve multiple contracts and the contract employee must attest that they did not have a return to work agreement prior to retirement and have had at minimum a two-month break in service.

[Senator Cecil Station joined the meeting before the motion on HB 916.]

Motion **DO PASS** was made by Senator Jim Butterworth, seconded by Senator Freddie Powell Sims. **Motion passed unanimously.**

Senator Butterworth of the 50th will carry the legislation in the Senate.

HB 969 (Representative Maxwell, 17th) – Retirement and pensions; comply with federal law; amend certain provisions – presented by House Chairman Howard Maxwell. This bill is “housekeeping” legislation. Chairman Heath asked if there were any questions or concerns about the bill. Motion **DO PASS** was made by Senator Jim Butterworth, seconded by Senator Cecil Staton. **Motion passed unanimously.**

Senator Sims of the 12th will carry the legislation in the Senate.

[Senator Donzella James departed after the vote on HB 969 and Senator Jack Murphy entered before discussion of HB 997]

HB 997 (Representative Maxwell, 17th) – Social Security Coverage Group; State Personnel Administration jurisdiction; provide – presented by House Chairman Howard Maxwell. The bill transfers Social Security Coverage jurisdiction to the State Personnel Board. Chairman Heath asked for confirmation that the legislation does not affect social security recipients. House Chairman Maxwell confirmed. Motion **DO PASS** was made by Senator Jim Butterworth, seconded by Senator Freddie Powell Sims. **Motion passed unanimously.**

Senator Murphy of the 27th will carry the legislation in the Senate.

There being no further business, Chairman Heath adjourned the meeting at 10:43 a.m.

Respectfully Submitted,

/s/ Senator Freddie Powell Sims, 12th
Secretary, Senate Retirement Committee

/s/ Lauren Claire McDonald
Recording Secretary

Senate Retirement Committee
Thursday, April 1, 2010
Mezz 1 – Capitol

Chairman Heath called the meeting to order at 10:12 a.m., announcing that a quorum was present. The following members were in attendance:

Senator Bill Heath, 31st, Chairman
Senator Ronnie Chance, 16th, Vice-Chairman
Senator Donzella James, 35th
Senator Jim Butterworth, 50th, Ex-Officio

Chairman Heath recognized Senator Ronnie Chance for an invocation. The following bills were discussed.

HB 249 (Representative Martin, 47th) – Public Retirement Systems Investment Authority Law; define certain terms; provisions – presented by Representative Chuck Martin. The bill started out as an effort to allow alternative investments for all public Georgia retirement systems. Representative Martin stated that the Georgia Firefighters' Pension Fund came to them to request it when they realized that the bill would not go forward with ERS. He stated that the bill is not a vehicle to add other funds without full vetting and reiterated that this is an enabling piece of legislation for GFPP. Representative Martin called attention to provisions on line 70. Jim Meynard, Executive Director of GFPP, was present to support the bill. Representative Martin concluded that no state funds go into the fund as its funding comes from premiums. Chairman Heath inquired of Carol Schwinne if it was accurate, according to the bill's fiscal note, that no more than 5 percent of the total assets be in alternative investments at any given time. She clarified that there were provisions for coming into compliance so that the fund would not be forced to sell a performing investment that increases the percentage above 5 percent. Motion **DO PASS** was made by Senator Ronnie Chance, seconded by Senator Jim Butterworth. **Motion passed unanimously.**

Senator Murphy of the 27th will carry the legislation in the Senate.

HB 974 (Representative Maxwell, 17th) – Peace Officers' Annuity and Benefit Fund; credible service for absence; provisions – presented by House Chairman Howard Maxwell. This bill increases the vesting period from 10 to 15 years for Peace Officers' Annuity and Benefit Fund members and that provides that if members buy a year, they work a year. Mr. Bob Carter, Executive Director of POABF, was present to answer questions about the bill. Chairman Heath asked where the bill requires that persons be a member. Mr. Carter clarified that Section 1 requires that for the leave of absence, one must be an active member. Senator James asked what prompted the proposed 5 year increase and House Chairman Maxwell responded that they feel the fund is for career officers and Mr. Carter added that they have seen a lot of second career officers without retirement income and that the provision was imperative for officer retention.

Motion **DO PASS** was made by Senator Jim Butterworth, seconded by Senator Ronnie Chance. **Motion passed unanimously.**

Senator Murphy of the 27th will carry the legislation in the Senate.

HB 486 (Representative Meadows, 5th) – Superior Court Clerks' Retirement Fund of Georgia; not entitled credit for service after July 1, 2010; provisions – presented by House Chairman Maxwell and Superior Court Clerks' Retirement Board Chair, Sheila Studdard. This bill provides that a person who first or again becomes a member of the Fund on or after July 1, 2010 would no longer be entitled to receive creditable service for prior service as a deputy clerk. Chairman Heath explained that the committee substitute (LC 21 0845S) would allow a person who is serving as a chief deputy clerk on July 1, 2010 and then becomes the clerk of the same court to receive creditable service provided that the member shall pay the full actuarial cost of such service. Chairman Heath stated that the legislation came at the request of a deputy clerk and that the bill is part of a package of three bills ([HB 486](#), [HB 487](#), [HB 488](#)) the fund requested last year. Motion **DO PASS BY SUBSTITUTE** was made by Senator Ronnie Chance, seconded by Senator Donzella James. **Motion passed unanimously.**

Chairman Heath of the 31st will carry this legislation in the Senate.

HB 1150 (Representative Weldon, 3rd) – Retirement and pensions; Georgia Firefighters' Pension Fund; define terms – presented by Chairman Maxwell and Jim Meynard, Executive Director of GFPP. Chairman Maxwell explained that the bill began as a fiscal bill but was revised by Legislative Counsel David Bundrick to be non-fiscal. Mr. Meynard explained that the bill cleans up the title in several ways. Currently, the fund is class 1-9. HB 1150 would move to a class 4 rating in order to recognize that the fund has paid and volunteer firefighter members. There are two substantive changes: amending Section 5 to remove the current archaic requirement that a member wait one year to cover a new spouse and adding language to remove conflict. Otherwise, the bill repeals previous code sections. Chairman Heath expressed that although he had only planned on having a hearing on HB 1150, he was comfortable with a vote at the pleasure of the committee. Motion **DO PASS** was made by Senator Ronnie Chance, seconded by Senator Donzella James. **Motion passed unanimously.**

Senator Crosby of the 13th will carry this legislation in the Senate.

There being no further business, Chairman Heath adjourned the meeting at 10:35 a.m.

Respectfully Submitted,

/s/ Senator Freddie Powell Sims, 12th
Secretary, Senate Retirement Committee

/s/ Lauren Claire McDonald
Recording Secretary

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COMMITTEES:

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Vice Chairman, Science and Technology
Appropriations
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Government Oversight
Agriculture and Consumer Affairs, Ex Officio
Transportation, Ex Officio
MARTOC

ADMINISTRATION FLOOR LEADER

April 30, 2010

Office of the Secretary of the Senate
353 State Capitol
Atlanta, Georgia 30334

I am returning the following bills assigned to the Senate Retirement Committee for the 2010 session of the Georgia General Assembly.

No action was taken on the following legislation:

[SB 113](#)

[SB 129](#)

[SB 171](#)

[SR 174](#)

[SB 181](#)

[SB 214](#)

[SB 257](#)

[SB 259](#)

[SB 260](#)

[SB 275](#)

[SB 288](#)

[HB 54](#)

[HB 190](#)

[HB 191](#)

[HB 465](#)

[HB 542](#)

[HB 1237](#)

Respectfully Submitted,

/s/ Lauren Claire McDonald
Recording Secretary
Senate Retirement Committee