

## **8-35-106. Certain prior class members.**

### **Statute text**

(a) Any person who becomes a member in accordance with the provisions of § 8-35-101(b), who immediately prior to becoming a member has been a Class A member of the Tennessee teachers' retirement system or the Tennessee state retirement system shall be classified in Group 1, unless such person shall elect, within ninety (90) days after July 1, 1972, or if such person is on leave of absence or otherwise not in service on July 1, 1972, within ninety (90) days after returning to service, on a form prescribed by the board of trustees, to remain covered by the benefit and contribution provisions of the superseded system of which such person is a member.

(b) A member making this election shall be classified as a prior class member and shall be subject to the provisions of §§ 8-34-602(e), 8-34-703, 8-34-706 and 8-34-712.

(c) Any other person who becomes a member in accordance with the provisions of § 8-35-101(b) shall be classified as a prior class member and shall be subject to the provisions of §§ 8-34-602(e), 8-34-703, 8-34-706 and 8-34-712, unless such person shall elect, within ninety (90) days after July 1, 1972, or if such person is on leave of absence or otherwise not in service on July 1, 1972, within ninety (90) days after returning to service, on a form prescribed by the board of trustees, to become covered by the benefit and contribution provisions of this retirement system applicable to new employees.

(d) Any member making this election shall be classified in Group 1, 2 or 3 on the basis of such member's employment category in the same manner as provided in § 8-35-105.

(e) Notwithstanding the foregoing, any state judge, county judge or attorney general who becomes a member in accordance with the provisions of § 8-35-101(b) may make the election herein provided at any time after July 1, 1972, but any such member making such election shall be required to contribute to the retirement system an amount equal to the excess of the contributions which such member would have made during the period since July 1, 1972, had such member made such election on such date over the actual contributions made during such period, together with interest on such amount at the rate or rates credited to members' accumulated contributions during such period.

### **History**

[Acts 1972, ch. 814, § 3; T.C.A., § 8-3903(5).]