

Senate Bill 100

By: Senators Thompson of the 33<sup>rd</sup>, Bowen of the 13<sup>th</sup> and Thomas of the 2<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 47-17-80 of the Official Code of Georgia Annotated, relating to  
2 retirement benefit options, payment to the surviving spouse, the effect of reemployment, the  
3 effect of changes in retirement benefits, and payment on the death of a member under the  
4 Peace Officers' Annuity and Benefit Fund, so as to provide that the retirement benefits of a  
5 member of such fund who retired with at least 30 years of creditable service shall not be  
6 affected if such member returns to service as a peace officer; to provide conditions for an  
7 effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Code Section 47-17-80 of the Official Code of Georgia Annotated, relating to retirement  
11 benefit options, payment to the surviving spouse, the effect of reemployment, the effect of  
12 changes in retirement benefits, and payment on the death of a member under the Peace  
13 Officers' Annuity and Benefit Fund, is amended by striking in its entirety subsection (g) and  
14 inserting in lieu thereof the following:

15 "(g)(1) Except as provided in ~~paragraph~~ paragraphs (2) and (3) of this subsection, any  
16 member who again becomes employed as a peace officer after having been placed on  
17 retirement under this Code section shall immediately notify the secretary-treasurer of  
18 such reemployment. Retirement benefits being paid to such member shall be terminated  
19 as of the date of such reemployment and shall remain terminated for the duration of such  
20 reemployment. During such period of reemployment, said member shall pay regular  
21 monthly dues into this fund. Upon meeting the requirements provided by law, such  
22 member shall be entitled to all benefits provided for in Code Sections 47-17-81 and  
23 47-17-82; but such member shall not be entitled to any increase in retirement benefits by  
24 virtue of service during the period of reemployment unless such reemployment is for a  
25 term of three years or more, in which instance such member may again apply for

1 retirement as if he or she had not previously been retired; and he or she shall be entitled  
2 to such benefits as may be provided by law at that time, if he or she so chooses.

3 (2) The provisions of paragraph (1) of this subsection shall not apply to a retired member  
4 employed in any capacity for 1,040 hours or less in any calendar year.

5 (3) The provisions of paragraph (1) of this subsection shall not apply to a retired member  
6 who retired with at least 30 years of creditable service."

7 **SECTION 2.**

8 This Act shall become effective on July 1, 2002, only if it is determined to have been  
9 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
10 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
11 become effective and shall be automatically repealed in its entirety on July 1, 2002, as  
12 required by subsection (a) of Code Section 47-20-50.

13 **SECTION 3.**

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