

Senate Bill 164

By: Senators Marable of the 52<sup>nd</sup>, Dean of the 31<sup>st</sup>, Meyer von Bremen of the 12<sup>th</sup>, Lee of the 29<sup>th</sup> and Fort of the 39<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 5 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia  
2 Annotated, relating to retirement benefits for certain law enforcement personnel under the  
3 Employees' Retirement System of Georgia, so as to increase the retirement benefit for  
4 prison guards, officers and troopers of the Uniform Division of the Department of Public  
5 Safety, conservation rangers, alcohol and tobacco officers and agents, officers and agents  
6 of the Georgia Bureau of Investigation, enforcement officers of the Department of  
7 Transportation and the Department of Motor Vehicle Safety, and employees of the State  
8 Board of Pardons and Paroles who possess the power of arrest; to provide for retirement after  
9 25 years of service for such members; to provide for creditable service for certain prior  
10 service; to provide for application and payment of contributions; to provide conditions for  
11 an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Part 5 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated,  
15 relating to retirement benefits for certain law enforcement personnel under the Employees'  
16 Retirement System of Georgia, is amended by striking in its entirety Code Section 47-2-223  
17 and inserting in lieu thereof the following:

18 "47-2-223.

19 (a) For purposes of this Code section, the term 'highest average compensation' means the  
20 member's highest average monthly earnable compensation during a period of 24  
21 consecutive calendar months while a member of the retirement system.

22 (b) Anything in this chapter to the contrary notwithstanding, every person who is  
23 employed as:

24 (1) A prison guard by the Department of Corrections;

25 (2) An officer or trooper by the Uniform Division of the Department of Public Safety;

26 (3) A conservation ranger by the Department of Natural Resources;

1 (4) An alcohol and tobacco officer or agent by the Department of Revenue;

2 (5) An officer or agent of the Georgia Bureau of Investigation;

3 (6) An enforcement officer by the Department of Transportation;

4 (7) An enforcement officer by the Department of Motor Vehicle Safety; or

5 (8) A parole officer or any other employee of the State Board of Pardons and Paroles  
6 who possesses the power of arrest

7 ~~in service in the Uniform Division of the Department of Public Safety as an officer,~~  
8 ~~noncommissioned officer, or trooper, or as an officer or agent of the Georgia Bureau of~~  
9 ~~Investigation on June 30, 1970~~ 2002, and every person who enters or reenters such service  
10 on or after July 1, ~~1970~~ 2002, may retire at any time after attaining the age of 55 or upon  
11 accruing at least 25 years of creditable service, and, upon retirement, such retiree shall  
12 receive the regular retirement benefits under this chapter, provided that he or she shall in  
13 any case receive a minimum monthly retirement benefit equal to ~~2~~ 3 percent of his or her  
14 highest average compensation for each year of creditable service by filing an application  
15 therefor in a manner similar to that provided in Code Section 47-2-110.

16 (c)(1) Any member of this retirement system subject to the provisions of this Code  
17 section may obtain not more than five years of creditable service for prior service as a  
18 peace officer while employed by any political subdivision of the state; provided,  
19 however, that no creditable service shall be granted for any time which has been used or  
20 may be used in the determination of the member's eligibility for retirement benefits or  
21 allowances in any other public retirement system.

22 (2) In order to obtain creditable service as provided by this subsection, the member shall  
23 make application to the board of trustees in such form as the board deems proper,  
24 accompanied by such evidence of prior employment as the board deems necessary, and  
25 payment of employee contributions which would have been made if the member had been  
26 a member of this retirement system during such period of prior service, including the  
27 additional employee membership contribution provided for in subsection (d) of this Code  
28 section, together with regular interest thereon.

29 (3) Application for the creditable service provided by this subsection must be made not  
30 later than December 31, 2002, or within 90 days of employment, whichever date is later."

## 31 SECTION 2.

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

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**SECTION 3.**

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