

House Bill 605

By: Representative Childers of the 13th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 47-2-96 of the Official Code of Georgia Annotated, relating to prior
2 service credit and payments required to obtain credit under the Employees' Retirement
3 System of Georgia, so as to provide that a member of such retirement system who was the
4 spouse of a member of such retirement system who served in the active military service shall
5 be entitled to obtain creditable service under the same terms and conditions as his or her
6 spouse is or was subject to as a member of this retirement system; to provide that a member
7 of such retirement system who was the spouse of a person who is not a member of such
8 retirement system and who served in the active military service shall be entitled to obtain
9 creditable service under the same terms and conditions as his or her spouse would be if he
10 or she were a member of this retirement system; to provide conditions for obtaining such
11 creditable service; to provide conditions for an effective date and automatic repeal; to repeal
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

15 Code Section 47-2-96 of the Official Code of Georgia Annotated, relating to prior service
16 credit and payments required to obtain credit under the Employees' Retirement System of
17 Georgia, is amended by inserting at the end thereof the following:

18 "(k)(1) Any other provision of this chapter to the contrary notwithstanding, any
19 member of this retirement system who was the spouse of a person who is or has been
20 entitled to obtain creditable service for military service as a member of this retirement
21 system shall be entitled to obtain such credit on the same terms and subject to the same
22 conditions as the spouse is or was subject to as a member of this retirement system;
23 provided, however, that any provision relating to the time allowable for obtaining such
24 creditable service is subject to the provisions of paragraph (4) of this subsection.

25 (2) Any member of this retirement system who was the spouse of a person who is not
26 a member of this retirement system but who would have been entitled to obtain

1 creditable service for military service if he or she were a member of this retirement
2 system shall be entitled to obtain such creditable service subject to the same terms and
3 conditions as the spouse would have been subject to if he or she had been a member
4 of this retirement system; provided, however, that any provision relating to the time
5 allowable for obtaining such creditable service is subject to the provisions of paragraph
6 (4) of this subsection.

7 (3) To be eligible for creditable service pursuant to this subsection, the member must
8 have been the spouse of the person who served in the military during all or any part of
9 such eligible military service, but it is not required that such member be the spouse of
10 such person at the time of obtaining such creditable service.

11 (4) Any other provision of this Code section to the contrary notwithstanding, any
12 person eligible to obtain creditable service pursuant to the provisions of this subsection
13 shall do so by providing written notice to the board of trustees not later than December
14 31, 2002, or within 90 days after first or again becoming a member, whichever date is
15 later, and by such date accomplishing all requirements for obtaining such creditable
16 service."

17 **SECTION 2.**

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

23 **SECTION 3.**

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