

House Bill 122

By: Representatives Cummings of the 27th, Shanahan of the 10th, Birdsong of the 123rd, Coleman of the 142nd and Parrish of the 144th

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 in the Employees' Retirement System of Georgia and related matters, so as to
3 provide for creditable service for terms of military service begun when the military draft was
4 in effect; to provide for the payment of an employee contribution with interest; to provide
5 a time period for making application; to provide conditions for an effective date and
6 automatic repeal; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 47-2-96 of the Official Code of Georgia Annotated, relating to prior service
10 credit in the Employees' Retirement System of Georgia and related matters, is amended by
11 striking in its entirety subsection (j) and inserting in lieu thereof the following:

12 "(j) Anything in this chapter to the contrary notwithstanding, any member who was on
13 active duty in the armed forces of the United States during any period during which a
14 military draft was in effect, and any member who served an uninterrupted period of active
15 duty which began during any such period, may receive military service credit for such
16 period of active duty up to a maximum of two years, provided that such member shall pay
17 the regular employee contribution of 5 percent of the compensation last paid to such
18 member as an employee before entering military service or 5 percent of the compensation
19 first paid to such member as an employee after returning from military service plus 4 1/2
20 percent interest on such employee contributions, compounded annually to date of payment;
21 provided, further, that no service in the armed forces shall be deemed as creditable under
22 any provisions of this chapter if such service has or will be used in the determination of any
23 member's eligibility for retirement benefits or allowances from any other state or federal
24 retirement program, excluding social security and those retirement programs covered under
25 Public Law 810, 80th Congress, as amended. Notwithstanding any other time limitation
26 provided in this chapter for obtaining creditable service for military service, a qualified

1 member may obtain creditable service pursuant to the provisions of this subsection by
2 making application therefor prior to December 31, ~~2001~~ 2003."

3 **SECTION 2.**

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

9 **SECTION 3.**

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