

Senate Bill 293

By: Senators Marable of the 52<sup>nd</sup>, Bowen of the 13<sup>th</sup>, Meyer von Bremen of the 12<sup>th</sup>, Jackson of the 50<sup>th</sup> and Hecht of the 34<sup>th</sup>

**AS PASSED SENATE**

**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 under the Peace Officers' Annuity and Benefit Fund, payment to  
3 surviving spouse, requirements, the effect of reemployment, the effect of changes in  
4 retirement benefits, and payment on the death of member, so as to provide that persons who  
5 retired with at least ten years of actual service as an officer of the Uniform Division of  
6 Department of Public Safety may return to service in certain capacities and continue to  
7 receive a full retirement benefit; to provide for conditions for an effective date and automatic  
8 repeal; to repeal conflicting laws; and for other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

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

16 "(g)(1) Except as provided in ~~paragraph~~ paragraphs (2) and (3) of this subsection, any  
17 member who again becomes employed as a peace officer after having been placed on  
18 retirement under this Code section shall immediately notify the secretary-treasurer of  
19 such reemployment. Retirement benefits being paid to such member shall be terminated  
20 as of the date of such reemployment and shall remain terminated for the duration of such  
21 reemployment. During such period of reemployment, said member shall pay regular  
22 monthly dues into this fund. Upon meeting the requirements provided by law, such  
23 member shall be entitled to all benefits provided for in Code Sections 47-17-81 and  
24 47-17-82; but such member shall not be entitled to any increase in retirement benefits by  
25 virtue of service during the period of reemployment unless such reemployment is for a  
26 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 ten years of actual service as an officer or trooper of the Uniform  
7 Division of the Department of Public safety and who accepts full time or part-time  
8 employment with the Department of Public Safety or Department of Motor Vehicle  
9 Safety as a radio operator or a driver's license examiner. No such member shall be  
10 required to pay a membership dues. No such member shall receive creditable service for  
11 such service."

## 12 SECTION 2.

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

## 18 SECTION 3.

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