

House Bill 97

By: Representatives Sims of the 130th, Smith of the 129th, Post 2, Jamieson of the 22nd, Purcell of the 122nd, Sholar of the 141st, Post 1, and others

**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 certain
4 law enforcement officers; to reduce the retirement age for such members; to provide for
5 creditable service for certain prior service; to provide for application and payment of
6 contributions; to provide for an additional employee membership contribution; to provide for
7 a maximum retirement benefit; to provide 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 Part 5 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated,
12 relating to retirement benefits for certain law enforcement personnel under the Employees'
13 Retirement System of Georgia, is amended by striking in its entirety Code Section 47-2-223,
14 relating to retirement benefits for those in service in the Uniform Division of the Department
15 of Public Safety, and inserting in lieu thereof the following:

16 "47-2-223.

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

20 (b) Anything in this chapter to the contrary notwithstanding, every person who is in
21 service in the Uniform Division of the Department of Public Safety as an officer,
22 noncommissioned officer, or trooper, a sworn law enforcement officer certified pursuant
to Chapter 8 of Title 35 employed by the Department of Natural Resources, or as an officer
24 or agent of the Georgia Bureau of Investigation on June 30, ~~1970~~ 2004, and every person
25 who enters or reenters such service on or after July 1, ~~1970~~ 2004, may retire at any time
26 after attaining the age of 55 or upon accruing at least 25 years of creditable service, and,

upon retirement, such retiree shall receive the regular retirement benefits under this chapter, provided that he or she shall in any case receive a minimum monthly retirement benefit equal to $\frac{2}{3}$ percent of his or her highest average compensation for each year of creditable service by filing an application therefor in a manner similar to that provided in Code Section 47-2-110.

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

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

(3) Application for the creditable service provided by this subsection must be made not later than December 31, 2004, or within 90 days of employment, whichever date is later.

(d) Any other provision of this chapter to the contrary notwithstanding, any member of this retirement system subject to the provisions of this Code section shall contribute an employee membership contribution of 2 percent of his or her earnable compensation in addition to any other such employee membership contribution required by this chapter.

(e) Any other provision of this chapter to the contrary notwithstanding, no member of this retirement system subject to the provisions of this Code section shall receive a retirement benefit in excess of 85 percent of his or her highest average compensation."

SECTION 2.

29 This Act shall become effective on July 1, 2004, only if it is determined to have been
30 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
31 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
32 become effective and shall be automatically repealed in its entirety on July 1, 2004, as
33 required by subsection (a) of Code Section 47-20-50.

SECTION 3.

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