

Senate Bill 114

By: Senator Hamrick of the 30th

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 style="text-align:center">**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 and inserting in lieu thereof the following:

15 "47-2-223.

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

19 (b) Anything in this chapter to the contrary notwithstanding, every person who is in
20 service in the Uniform Division of the Department of Public Safety as an officer,
21 noncommissioned officer, or trooper, or as an officer or agent of the Georgia Bureau of
22 Investigation on June 30, ~~1970~~ 2004, and every person who enters or reenters such service
23 on or after July 1, ~~1970~~ 2004, may retire at any time after attaining the age of 55 or upon
24 accruing at least 25 years of creditable service, and, upon retirement, such retiree shall
25 receive the regular retirement benefits under this chapter, provided that he or she shall in
26 any case receive a minimum monthly retirement benefit equal to ~~2~~ 3 percent of his or her

1 highest average compensation for each year of creditable service by filing an application
2 therefor in a manner similar to that provided in Code Section 47-2-110.

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

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

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

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

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

25 SECTION 2.

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

31 SECTION 3.

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

1 DEPARTMENT OF AUDITS AND ACCOUNTS

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5 State Auditor

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7 January 21, 2011

8 The Honorable Bill Hamrick

9 State Senator

10 Legislative Office Building, Room 324-B

11 Atlanta, Georgia 30334

12 SUBJECT: State Auditor's Certification

13 Senate Bill 114 (LC 21 7128)

14 Dear Senator Hamrick:

15 This bill would amend provisions relating to retirement benefits for members of the
16 Employees' Retirement System who are in service in the Uniform Division of the
17 Department of Public Safety as an officer, noncommissioned officer, or trooper, or
18 officers or agents of the Georgia Bureau of Investigation. Specifically, this bill would
19 amend the following provisions.

20 Such members would be authorized to retire at 55 years of age or upon accruing 25
21 years of creditable service, regardless of age.

22 Such members would be required to contribute two percent of their earnable
23 compensation to the System, in addition to the employee contributions currently
24 required. Upon retirement, such members would receive a monthly retirement benefit
25 equal to three percent of their highest average compensation for each year of
26 creditable service, not to exceed 85 percent of their highest average compensation.

27 The current monthly benefit is two percent for each year of creditable service.

28 Such members would be eligible to receive up to five years of creditable service for
29 prior service as a peace officer while employed by any political subdivision of the
30 State. Members wishing to obtain such creditable service must apply to the Board of
31 Trustees by December 31, 2004 or within 90 days of employment, whichever date is
32 later, and pay the required employee contributions with interest. Creditable service
33 cannot be obtained if such service is being used towards eligibility for retirement
34 benefits in any other public retirement system.

35 This is to certify that this is a fiscal retirement bill as defined in the Public Retirement
36 Systems Standards Law.

37 Respectfully,

38 /s/ Russell W. Hinton

39 State Auditor