

Senate Bill 152

By: Senators Meyer von Bremen of the 12th, Hooks of the 14th, Kemp of the 3rd, Hamrick of the 30th, Jackson of the 50th and Johnson of the 1st

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 47-2-223 of the Official Code of Georgia Annotated, relating to
2 retirement benefits under the Employees' Retirement System of Georgia for those in service
3 in the Uniform Division of the Department of Public Safety, so as to provide that certain
4 members of such retirement system may elect to pay an additional employee contribution to
5 such retirement system; to provide that any such person may retire at age 55 or after attaining
6 at least 25 years of creditable service and receive an enhanced retirement benefit; to provide
7 that any such election shall be irrevocable; to provide for related matters; to provide
8 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 47-2-223 of the Official Code of Georgia Annotated, relating to retirement
13 benefits under the Employees' Retirement System of Georgia for those in service in the
14 Uniform Division of the Department of Public Safety, is amended by inserting at the end
15 thereof the following:

16 "(c)(1) Anything in this chapter to the contrary notwithstanding, every person who is in
17 service in the Uniform Division of the Department of Public Safety as an officer,
18 noncommissioned officer, or trooper, a sworn law enforcement officer certified pursuant
19 to Chapter 8 of Title 35 employed by the Department of Natural Resources, or as an
20 officer or agent of the Georgia Bureau of Investigation on June 30, 2004, and every
21 person who enters or reenters such service on or after July 1, 2004, may retire at any time
22 after attaining the age of 55 with at least ten years of creditable service or upon accruing
23 at least 25 years of creditable service without regard to age, and, upon retirement, such
24 retiree shall receive a monthly retirement benefit equal to 3 percent of his or her highest
25 average compensation for each year of creditable service by complying with the
26 provisions of this subsection.

1 (2) Any member of this retirement system electing the provisions of this Code section
2 shall contribute an employee membership contribution of 2 percent of his or her earnable
3 compensation in addition to any other such employee membership contribution required
4 by this chapter; provided, however, that no member of this retirement system subject to
5 the provisions of this subsection shall receive a retirement benefit in excess of 85 percent
6 of his or her highest average compensation.

7 (3) An eligible member wishing to elect the provisions of this subsection shall make
8 application in such manner as the board specifies not later than December 31, 2004, or
9 within three months after first or again becoming a member. Such election shall be
10 irrevocable and shall govern any subsequent periods of membership after any break in
11 service."

12 **SECTION 2.**

13 This Act shall become effective on July 1, 2004, 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, 2004, 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.

1 DEPARTMENT OF AUDITS AND ACCOUNTS

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5 State Auditor

6 (404) 656-2174

7 January 21, 2011

8 The Honorable Michael S. Meyer Von Bremen

9 State Senator

10 Legislative Office Building, Room 314-B

11 Atlanta, Georgia 30334

12 SUBJECT: State Auditor's Certification

13 Senate Bill 152 (LC 21 7123)

14 Dear Senator Meyer Von Bremen:

15 This bill would amend provisions relating to retirement benefits for certain members of
16 the Employees' Retirement System. Specifically, this bill would affect members who are
17 in service in the Uniform Division of the Department of Public Safety as an officer,
18 noncommissioned officer, or trooper, certain law enforcement officers employed by the
19 Department of Natural Resources, and officers or agents of the Georgia Bureau of
20 Investigation. If this legislation is enacted, such members would be eligible to retire at
21 any time after attaining the age of 55 or upon accruing at least 25 years of creditable
22 service. Upon retirement, such members would be eligible to receive an enhanced benefit
23 equal to 3 percent of his or her highest average compensation for each year of creditable
24 service, provided the benefit does not exceed 85 percent of his or her highest average
25 compensation. To receive this enhanced benefit, the member must contribute an
26 additional employee contribution of 2 percent of his or her earnable compensation in
27 addition to any other required employee contribution. Members electing this option must
28 make application no later than December 31, 2004, or within three months of first or
29 again becoming a member, and such election is irrevocable.

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

32 Respectfully,

33 /s/ Russell W. Hinton

34 State Auditor