

House Bill 426

By: Representatives Powell of the 23<sup>rd</sup>, Parham of the 94<sup>th</sup>, Dooley of the 33<sup>rd</sup>, Post 3, DeLoach of the 127<sup>th</sup> and Porter of the 119<sup>th</sup>

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 engaged in law enforcement may elect to pay an  
5 additional employee contribution to such retirement system; to provide that any such person  
6 may retire at age 55 or after attaining at least 25 years of creditable service and receive an  
7 enhanced retirement benefit; to provide that any such election shall be irrevocable; to provide  
8 for persons in service on July 1, 2004; to provide for related matters; to provide conditions  
9 for an effective date and automatic repeal; to repeal conflicting laws; and for other 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, an employee  
20 of the Department of Motor Vehicle Safety who is required by the terms of his or her  
21 employment to comply with the requirements of the 'Georgia Peace Officer Standards and  
22 Training Act' contained in Chapter 8 of Title 35, or an officer or agent of the Georgia  
23 Bureau of Investigation on June 30, 2004, and every person who enters or reenters such  
24 service on or after July 1, 2004, may retire at any time after attaining the age of 55 with  
25 at least ten years of creditable service or upon accruing at least 25 years of creditable  
26 service without regard to age, and, upon retirement, such retiree shall receive a monthly

1 retirement benefit equal to 3 percent of his or her highest average compensation for each  
2 year of creditable service by complying with the provisions of this subsection.

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

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

14 (4) Except as otherwise provided in this paragraph, no member shall be eligible to retire  
15 under this Code section until he or she has paid the additional employee's contribution  
16 provided for in paragraph (2) of this subsection for at least ten years. Any eligible  
17 member who was in service on July 1, 2004, shall be eligible to receive a retirement  
18 benefit under this subsection according to the following schedule:

19 (A) After July 1, 2005, the member shall be entitled to receive a benefit calculated at  
20 2 1/4 percent of his or her highest average compensation;

21 (B) After July 1, 2006, the member shall be entitled to receive a benefit calculated at  
22 2 1/2 percent of his or her highest average compensation;

23 (C) After July 1, 2007, the member shall be entitled to receive a benefit calculated at  
24 2 3/4 percent of his or her highest average compensation; or

25 (D) After July 1, 2008, the member shall be entitled to receive a benefit calculated at  
26 3 percent of his or her highest average compensation.

27 (5) Any member who elected the benefits under this subsection and who transfers to a  
28 position not covered by this subsection shall no longer be eligible for the benefits under  
29 this subsection. Such member shall not be entitled to a refund of any kind."

## 30 SECTION 2.

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

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**SECTION 3.**

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