

House Bill 794

By: Representative Coan of the 101<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 47-2-96 of the Official Code of Georgia Annotated, relating to prior  
2 service credit and payments to obtain credit in the Employees' Retirement System of  
3 Georgia, so as to extend the date by which a member must apply for creditable service for  
4 certain military service; to provide conditions for an effective date and automatic repeal; to  
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 47-2-96 of the Official Code of Georgia Annotated, relating to prior service  
9 credit and payments to obtain credit in the Employees' Retirement System of Georgia, is  
10 amended by revising subsection (j) as follows:

11 "(j) Anything in this chapter to the contrary notwithstanding, any member who was on  
12 active duty in the armed forces of the United States during any period during which a  
13 military draft was in effect, and any member who served an uninterrupted period of active  
14 duty which began during any such period, may receive military service credit for such  
15 period of active duty up to a maximum of two years, provided that such member shall pay  
16 the regular employee contribution of 5 percent of the compensation last paid to such  
17 member as an employee before entering military service or 5 percent of the compensation  
18 first paid to such member as an employee after returning from military service plus 4 1/2  
19 percent interest on such employee contributions, compounded annually to date of payment;  
20 provided, further, that no service in the armed forces shall be deemed as creditable under  
21 any provisions of this chapter if such service has or will be used in the determination of any  
22 member's eligibility for retirement benefits or allowances from any other state or federal  
23 retirement program, excluding social security and those retirement programs covered under  
24 Public Law 810, 80th Congress, as amended. Notwithstanding any other time limitation  
25 provided in this chapter for obtaining creditable service for military service, a qualified

1 member may obtain creditable service pursuant to the provisions of this subsection by  
2 making application therefor prior to December 31, ~~2003~~ 2008."

3 **SECTION 2.**

4 This Act shall become effective on July 1, 2008, only if it is determined to have been  
5 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
6 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
7 become effective and shall be automatically repealed in its entirety on July 1, 2008, as  
8 required by subsection (a) of Code Section 47-20-50.

9 **SECTION 3.**

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