

The House Committee on Retirement offers the following substitute to HB 373:

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 in the Employees' Retirement System of Georgia for those in service in  
3 the Uniform Division of the Department of Public Safety, so as to provide that such persons  
4 may return to full-time employment and retain their retirement benefits; to provide  
5 limitations; to provide conditions for an effective date and automatic repeal; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 47-2-223 of the Official Code of Georgia Annotated, relating to retirement  
10 benefits under the Employees' Retirement System of Georgia for those in service in the  
11 Uniform Division of the Department of Public Safety, is amended by adding a new  
12 subsection to read as follows:

13 "(c)(1) Any other provision of this chapter to the contrary notwithstanding, any member  
14 in service in the Uniform Division of the Department of Public Safety may return to  
15 service in the division not earlier than 12 months following his or her retirement, and  
16 such retired member's benefits under this chapter shall not be affected. Any such retired  
17 member so employed shall not be considered an active member of this retirement system,  
18 shall not accrue any additional benefits or further creditable service as a result of such  
19 employment, and shall in all ways be considered by this retirement system solely as a  
20 beneficiary; provided, however, that the employer shall pay all employer and employee  
21 contributions to this retirement system as otherwise provided in this chapter. The  
22 provisions of this subsection shall not become a part of the employment contract and shall  
23 be subject to future legislation. The salary and rank of any person employed pursuant to  
24 this subsection shall be subject to negotiation; provided, however, that no person shall be  
25 employed at a higher salary or at a higher rank than he or she held at the time of his or

1 her retirement. No person shall be denied a promotion to a higher rank for which he or  
2 she is otherwise eligible because of the operation of this subsection.

3 (2) The Department of Pubic Safety shall have the sole discretion to permit any person  
4 to return to work pursuant to this subsection."

5 **SECTION 2.**

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

11 **SECTION 3.**

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