

House Bill 373 (AS PASSED HOUSE AND SENATE)

By: Representatives Bridges of the 10<sup>th</sup>, Day of the 163<sup>rd</sup>, Collins of the 27<sup>th</sup>, Coleman of the 97<sup>th</sup>, Talton of the 145<sup>th</sup>, and others

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 amend Article 5 of Chapter 2 of Title 47 of the Official Code of Georgia  
6 Annotated, relating to service creditable under such retirement system, so as to provide for  
7 credit for service as a member of certain public retirement systems; to provide conditions;  
8 to provide conditions for an effective date and automatic repeal; to repeal conflicting laws;  
9 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 adding a new  
15 subsection to read as follows:

16 "(c)(1) Any other provision of this chapter to the contrary notwithstanding, any member  
17 in service in the Uniform Division of the Department of Public Safety may return to  
18 service in the division not earlier than 12 months following his or her retirement, and  
19 such retired member's benefits under this chapter shall not be affected. Any such retired  
20 member so employed shall not be considered an active member of this retirement system,  
21 shall not accrue any additional benefits or further creditable service as a result of such  
22 employment, and shall in all ways be considered by this retirement system solely as a  
23 beneficiary; provided, however, that the employer shall pay all employer and employee  
24 contributions to this retirement system as otherwise provided in this chapter. The  
25 provisions of this subsection shall not become a part of the employment contract and shall  
26 be subject to future legislation. The salary and rank of any person employed pursuant to

1 this subsection shall be subject to negotiation; provided, however, that no person shall be  
2 employed at a higher salary or at a higher rank than he or she held at the time of his or  
3 her retirement. No person shall be denied a promotion to a higher rank for which he or  
4 she is otherwise eligible because of the operation of this subsection.

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

### 7 **SECTION 1.1.**

8 Article 5 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to  
9 service creditable under the Employees' Retirement System of Georgia, is amended by  
10 adding a new Code section to read as follows:

11 "47-2-101.

12 A member who was a member of the Georgia Judicial Retirement System but did not vest  
13 may have employer and employee contributions transferred to this retirement system by  
14 notifying both boards by December 31, 2008. Such transfer shall be with regular interest,  
15 less an amount to ensure no increase in the unfunded actuarial accrued liability occurs. The  
16 member may add to such amount up to the actual service. The board shall grant creditable  
17 service in an amount that will not increase the unfunded actuarial accrued liability. A  
18 member who was a member of the District Attorney's Retirement System but who did not  
19 vest may obtain creditable service for such service by paying the full actuarial cost."

### 20 **SECTION 2.**

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

### 26 **SECTION 3.**

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