

Senate Bill 129

By: Senators Black of the 8th, Rhett of the 33rd, Hufstetler of the 52nd, Anderson of the 43rd and Hill of the 6th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 5 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated,
2 relating to service creditable toward retirement benefits, so as to provide for creditable
3 service for certain military service; to provide for application and payment; to provide for
4 related matters; to provide conditions for an effective date and automatic repeal; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 5 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to
9 service creditable toward retirement benefits, is amended by revising Code Section 47-2-95,
10 which is designated as reserved, as follows:

11 "47-2-95.

12 (a) A member with at least two years of membership service may obtain up to 60 months
13 of creditable service to be awarded month for month for active military service in the
14 armed forces of the United States performed on or after January 1, 1990.

15 (b) To obtain such creditable service, a member shall:

16 (1) Apply in a method or manner to be prescribed by the board of trustees;

17 (2) Submit proof of qualifying active military service as the board shall deem necessary;

18 and

19 (3) Pay to the board of trustees an amount determined by the board of trustees to be equal
20 to the full actuarial cost of such creditable service.

21 (c) Following its receipt of an application for creditable service pursuant to this Code
22 section, the board of trustees shall certify to the applicant the amount of the payment to the
23 retirement system required to earn creditable service under this Code section.

24 (d)(1) A member may make a one-time payment of the full amount established by the
25 board of trustees under this subsection and receive such creditable service to which he or

26 she is entitled or may elect to participate in a payment plan pursuant to paragraph (2) of
27 this subsection.

28 (2)(A) A member may elect to make equal bimonthly payments to be deducted from
29 such member's earnable compensation over a period of 12, 24, 36, 48, 60, or 120
30 months to be paid according to a schedule established by the board of trustees
31 amortizing the full actuarial cost over the elected period of time based on the retirement
32 system's most recent valuation assumptions. Such schedule shall include a present
33 accounting of the full amount necessary to complete the payments.

34 (B) Once a member makes an election for an eligible period of time, he or she shall not
35 be permitted to change such election.

36 (C) At any time, a member may make a one-time payment of the full amount necessary
37 to complete the payments owed pursuant to the schedule established by the board of
38 trustees pursuant to subparagraph (A) of this paragraph.

39 (D) If a member does not pay an amount constituting the full actuarial cost as
40 amortized, he or she shall only be awarded months of service on a whole month, pro
41 rata basis as determined by the board of trustees from the original amortized payment
42 schedule elected under subparagraph (A) of this paragraph.

43 (E) Upon application for retirement, a member may make a one-time payment to the
44 retirement system toward the amount owed pursuant to subparagraph (A) of this
45 paragraph and shall be awarded such creditable service allowed pursuant to
46 subparagraph (D) of this paragraph.

47 (F) Within 30 days of a member ceasing to be an employee for a reason other than
48 death or retirement, he or she may make a one-time payment to the retirement system
49 toward the amount owed pursuant to subparagraph (A) of this paragraph and shall be
50 awarded such creditable service allowed pursuant to subparagraph (C) of this
51 paragraph.

52 (e) Pursuant to this Code section, no member shall receive creditable service:

53 (1) If such member was not honorably discharged;

54 (2) For reserve duty;

55 (3) For any period of time for which he or she obtained membership service; or

56 (4) For any portion of such member's active military service in the armed forces of the
57 United States that has been or will be used in the determination of eligibility for
58 retirement benefits or allowances from any other state or federal retirement program,
59 excluding social security. Reserved."

60

SECTION 2.

61 This Act shall become effective on July 1, 2018, only if it is determined to have been
62 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
63 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
64 become effective and shall be automatically repealed in its entirety on July 1, 2018, as
65 required by subsection (a) of Code Section 47-20-50.

66

SECTION 3.

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