House Bill 1020 (AS PASSED HOUSE AND SENATE)

By: Representatives Bridges of the 10th, Meadows of the 5th, Brooks of the 63rd, Cummings of the 16th, and Coleman of the 97th

A BILL TO BE ENTITLED

AN ACT

To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to insert language emphasizing that retirement allowances in several public retirement systems shall not become effective prior to the month following the member´s final month of employment; to provide that the trustees of the Georgia Defined Contribution Plan shall establish the amount below which a departing member must withdraw his or her contributions; to provide for gender neutrality; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is amended by striking in its entirety subsection (a) of Code Section 47-2-110, relating to retirement ages, application and eligibility for a retirement allowance, suspension of retirement allowance upon reemployment, and health benefits, and inserting in lieu thereof the following:

"(a) Upon written application to the board of trustees, any member in service who has reached 60 years of age or who has 30 years of creditable service may retire on a service retirement allowance, provided that he or she has at least five years of creditable service; provided, further, that if he or she became a member after July 1, 1968, he or she has at least ten years of creditable service. The effective date of retirement shall be the first of the month in which the application is received by the board of trustees, provided that no retirement application will, in any case, be effective earlier than the first of the month following the final month of the applicant´s employment. Applications for retirement will not be accepted more than 90 days in advance of the effective date of retirement. Separation from service pending approval of the retirement application shall not affect eligibility for a retirement allowance. The provisions of this subsection regarding the effective date of retirement shall apply to all persons making application for retirement on

or after March 15, 1979, and to all persons who have made application prior to March 15, 1979, but to whom payments from the retirement system have not commenced as of that date."

SECTION 2.

Said title is further amended by striking in its entirety subsection (a) of Code Section 47-4-101, relating to retirement benefits payable upon normal, early, or delayed retirement, and inserting in lieu thereof the following:

"(a) Any member may retire and upon application to the board receive the retirement benefits set forth in this Code section after obtaining a minimum of ten years of creditable service. The effective date of retirement shall be the first of the month in which the application is received by the board, provided that no retirement application will, in any case, be effective earlier than the first of the month following the final month of the applicant´s employment. If a member retires before obtaining ten years of creditable service, he or she shall receive a lump sum refund of his or her accumulated contributions made under the retirement system to the date of his or her retirement."

SECTION 3.

Said title is further amended by striking in its entirety Code Section 47-22-9, relating to payment of lump sum on termination of employment and continued accrual of earning absent request for lump sum payment, and inserting in lieu thereof the following:

"47-22-9.

Upon the written request of a member who ceases to be an employee, a lump sum amount shall be paid to such person equal to the total amount credited to such member´s account at the time the member ceases to be an employee. If such member dies before payment has been made, such payment shall be made to such person as the member has nominated, by written designation filed with the board; otherwise to the member´s estate. If no such request is made, the member´s account shall continue to accrue earnings in the same manner as any member´s account; provided, however, that if any member who ceases to be an employee has less than ~~$3,500.00~~ such minimum amount as determined by the board credited to such member´s account, the board may, at its option, require such member to withdraw all such moneys and the member´s account shall be closed."

SECTION 4.

Said title is further amended by striking in its entirety Code Section 47-23-103, relating to retirement based on age and application to retire, and inserting in lieu thereof the following:

″47-23-103.

(a) In lieu of retirement at the benefit level provided by Code Section 47-23-102, a member may retire at any time after attaining the age of 60 years and after obtaining a minimum of ten years of creditable service. The monthly retirement benefit for such early retirement shall be a percentage of the benefit under Code Section 47-23-100, and such percentage shall be the proportion which the number of years of creditable service the member has in the retirement system bears to 16.

(b) ~~A member may retire pursuant to this Code section by making written application to the board setting forth at what time, not less than 30 days nor more than 90 days subsequent to the filing of such application, such member desires to be retired. All retirements shall be effective on the first day of the month following the month in which the member terminated his or her service.~~ The effective date of retirement shall be the first day of the month in which the application is received by the board of trustees, provided that no retirement shall, in any case, be effective earlier than the first day of the month following the final month of the applicant´s employment. Applications for retirement shall not be accepted more than 90 days in advance of the effective date of retirement.″

SECTION 5.

Said title is further amended by striking in its entirety subsection (b) of Code Section 47-24-100, relating to eligibility, effective date, and application, and inserting in lieu thereof the following:

″(b) The effective date of retirement shall be the first day of the month in which the application is received by the board, ~~but such effective date shall not~~ provided that no retirement application shall, in any case, be earlier than the first day of the month following the month of the applicant´s discharge from the Georgia National Guard. Applications for retirement shall not be accepted more than 90 days in advance of the date of discharge.″

SECTION 6.

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