

Senate Bill 143

By: Senators Albers of the 56th, Payne of the 54th, Kirkpatrick of the 32nd, Still of the 48th, Robertson of the 29th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 6 of Chapter 7 of Title 47 of the Official Code of Georgia Annotated,
2 relating to retirement, retirement allowances, disability benefits, and death benefits relative
3 to the Georgia Firefighter's Pension Fund, so as to provide for certain members to continue
4 working while receiving retirement benefits; to provide for certain members who have retired
5 and reentered employment to accrue creditable service without a seven-year minimum; to
6 amend Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to the
7 Georgia Judicial Retirement System, so as to provide for membership in the system for each
8 judge employed full time in the Georgia Tax Court; to provide for creditable service; to
9 provide for transfer of funds; to provide for transfer of membership service; to provide for
10 payments of full actuarial costs; to provide for all other individuals employed by the court;
11 to provide for earnable monthly compensation for purposes of contributions and benefit
12 amounts; to provide conforming changes; to provide for related matters; to provide
13 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other
14 purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 143

- 1 -

SECTION 1.

16
17 Article 6 of Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to
18 retirement, retirement allowances, disability benefits, and death benefits relative to the
19 Georgia Firefighter's Pension Fund, is amended in Code Section 47-7-100, relating to
20 eligibility for full pension benefits, eligibility for partial benefits, optional pension benefits,
21 vesting of rights to pension benefits, and early retirement provisions, by revising
22 subsections (b) through (f) as follows:

23 "(b)(1) Any eligible member who has attained the age of 55 years and who terminates
24 service as a firefighter or volunteer firefighter after at least 25 years of service, upon
25 application to and approval by the board, shall have a vested right in an amount equal to
26 the maximum monthly retirement benefit in effect on the date the board approves such
27 application. ~~Such benefits shall commence on the date of the member's termination of~~
28 ~~service.~~ Such benefits shall commence on the date of approval by the board. It shall not
29 be a requirement that a retired member terminate his or her employment or volunteer
30 service to receive retirement benefits under this paragraph. A member who retires under
31 this paragraph and who chooses to remain employed or continue his or her volunteer
32 service while receiving retirement benefits shall not pay monthly dues nor shall such
33 member be eligible to earn or buy additional creditable service.

34 (2) Any eligible member who terminates service ~~as a firefighter or volunteer firefighter~~
35 after 25 years of service, but before reaching the age of 55 years, may, upon ~~filing an~~
36 ~~application with~~ application to and approval by the board, cease payment of such
37 member's monthly dues following such termination of service and, upon reaching the age
38 of 55 years and being otherwise eligible, shall be paid a monthly benefit equal to the
39 maximum monthly retirement benefit in effect on the date such member attains the age
40 of 55 years.

41 (3) Any eligible member who terminates service after at least 15 years of service, upon
42 application to and approval by the board, shall be eligible for a monthly benefit equal to

43 such member's vested monthly benefit pursuant to subsection (c) of this Code section in
44 effect on the date of such termination of service, subject to the provisions of
45 subsection (f) of this Code section. Such benefits shall become payable when the
46 member reaches 55 years of age or when such member terminates his or her employment,
47 whichever is later.

48 (c) Any eligible member who accrues at least 25 years of creditable service shall have a
49 vested right in and to a monthly benefit equal to the maximum monthly retirement benefit
50 in effect on the applicable date provided for in subsection (b) of this Code section. Any
51 eligible member who terminates service as a firefighter or volunteer firefighter after at least
52 15 years of service, upon application to and approval by the board, accrues at least 15 years
53 of creditable service shall have a vested right in and to a monthly benefit payable for the
54 member's lifetime equal to a pro rata amount of the maximum monthly retirement benefit
55 provided in subsection (b) of this Code section in effect on the applicable date of such
56 termination of service provided for in subsection (b) of this Code section, which amount
57 shall be determined by the ratio of years served, being not less than 15 nor more than 25,
58 to the full 25 year service retirement. Such benefits shall become payable when the
59 member reaches 55 years of age or when he or she terminates employment as a firefighter
60 or volunteer firefighter, whichever is later.

61 (d) At any time prior to approval by the board of an application for retirement, a member
62 may elect or may revoke a previous election and make a new election to have monthly
63 benefits payable under one of the options set forth in this subsection, in lieu of the benefits
64 payable under subsection (b) ~~or (c)~~ of this Code section. The benefits shall be paid in
65 accordance with the terms of the option elected. Election of any option shall be made by
66 the member on forms provided by the board and shall be subject to approval by the board,
67 which approval shall not be unreasonably withheld. No optional election is available for
68 payment of disability benefits.

69 (1) Option A, the joint and survivor option, shall consist of a decreased retirement
70 benefit which shall be payable during the joint lifetime of both the member and the
71 member's spouse and which shall continue after the death of the member during the
72 lifetime of the spouse in the amount chosen by the member, which amount shall be 100
73 percent, 75 percent, 66 2/3 percent, or 50 percent of the member's benefits. Any member
74 who has completed 15 years of creditable service may elect that, in the event of the
75 member's death prior to receiving any retirement benefits under this chapter, the
76 member's spouse shall receive decreased retirement benefits in the amount elected by the
77 member, which amount shall be 100 percent, 75 percent, 66 2/3 percent, or 50 percent of
78 the benefits to which the member would have been entitled based upon the member's
79 creditable service as of the time of the member's death. The decreased retirement benefits
80 payable to the spouse of a member who dies prior to receiving any retirement benefits
81 under this chapter shall commence on the date the member would have become 55 years
82 of age and shall not be payable unless, prior to the member's death, the member had
83 elected such benefits in the form and manner prescribed by the board and had filed such
84 election with the board.

85 (2) Option B, the ten years' certain and life option, shall consist of a decreased retirement
86 benefit payable to the member during the member's lifetime; and, in the event of the
87 member's death within ten years after the member's retirement, the same monthly benefits
88 shall be payable to the member's selected beneficiary, or, if the member so elects, the
89 total monthly benefit may be divided equally among up to five selected beneficiaries, for
90 the balance of such ten-year period.

91 (3) If a member selects Option A, then, after the approval of the application for
92 retirement, the following provisions apply:

93 (A) If the member's spouse shall predecease the member, the member may, in writing
94 on forms prescribed by the board and subject to approval by the board, revoke Option
95 A and thereafter receive during the member's lifetime a monthly retirement benefit

96 commencing on the date on which the board approves such revocation, but not for any
97 period prior to such approval, equal to the maximum monthly benefit which would have
98 been payable to him had such option not been exercised;

99 (B) If there is entered a final judgment of complete divorce between the member and
100 the member's spouse, the member may, in writing on forms prescribed by the board and
101 subject to approval by the board, revoke Option A and thereafter receive during the
102 member's lifetime a monthly retirement benefit commencing on the date on which the
103 board approves such revocation, but not for any period prior to such approval, equal to
104 the maximum monthly benefit which would have been payable had such option not
105 been exercised; and

106 (C) If, following the death of the member's spouse or the entry of a final judgment of
107 divorce between the member and the member's spouse, the member remarries, the
108 member may, in writing on forms prescribed by the board and subject to approval by
109 the board, elect Option A with respect to the member's new spouse. The joint and
110 survivor benefit shall be determined as of the date of the election.

111 (4) The amount of any optional retirement benefit set forth in this subsection shall be the
112 actuarial equivalent of the amount of the benefit that would otherwise be payable to the
113 member under subsection (b) ~~or (c)~~ of this Code section based upon the interest rate and
114 mortality basis approved from time to time by the board, the age of the member, and, if
115 applicable, the age of his spouse as of the date benefits are to commence or as of the date
116 benefits would have commenced if the member had retired after first becoming eligible
117 for full benefits, whichever is earlier, but the optional benefits available under Option A
118 shall be calculated without regard to the provisions of paragraph (3) of this subsection.

119 (e)(1) Any eligible member who retires after July 1, 1984, shall be entitled to an increase
120 in the maximum monthly retirement benefit in effect at the time of his or her retirement
121 under this Code section equal to 1 percent of the monthly retirement benefit for which the
122 member would have been otherwise eligible for each full year of creditable service while

123 a member of the fund ~~as a firefighter or volunteer firefighter~~ in excess of 25 years of
 124 creditable service.

125 (2) Any eligible member who retires after July 1, 2002, shall be entitled to an increase
 126 in the maximum monthly retirement benefit in effect at the time of his or her retirement
 127 under this Code section equal to 2 percent of the monthly retirement benefit for which the
 128 member would have been otherwise eligible for each full year of creditable service while
 129 a member of the fund ~~as a firefighter or volunteer firefighter~~ in excess of 25 years of
 130 creditable service. Such increase shall be the total increase allowed by this subsection.

131 (f) Any eligible member who would be entitled to the commencement of retirement
 132 benefits upon reaching age 55 under subsection (b) or (c) of this Code section may elect
 133 to ~~retire~~ receive such benefit after reaching the age of 50 but before reaching the age of 55,
 134 ~~and immediately commence the drawing of retirement benefits~~ and in that such event the
 135 member shall be eligible ~~immediately upon retirement~~ for a reduced monthly pension
 136 benefit in an amount determined by multiplying the benefit for which the member would
 137 have been otherwise entitled under subsections (b), ~~(c)~~, and (e) of this Code section had the
 138 member delayed retirement or the commencement of benefits until the member reached age
 139 55, such benefit to be determined as of the date of the member's actual retirement or first
 140 receipt of the monthly retirement benefit by the factor set forth below:

141 If the Member's Age At Retirement	The Early Retirement
142 (determined by the member's age at the	Factor Is:
143 member's immediately preceding	
144 birthday) Is:	
145 50	.70
146 51	.76
147 52	.82
148 53	.88
149 54	.94

150 The option available under this subsection may also be exercised by a surviving spouse
151 who is the beneficiary of an Option A election with respect to the benefits payable to the
152 spouse in the event the member dies prior to receiving any benefits and would have been
153 able to exercise the option available under this subsection."

154 **SECTION 2.**

155 Said article is further amended in Code Section 47-7-101, relating to eligibility for retirement
156 benefits, withdrawal of application for benefits before approval, and reemployment, by
157 revising subsection (b) as follows:

158 "(b) Any person who again becomes a paid employee of a fire department or of a volunteer
159 fire department after having been placed on retirement or disability under Code Section
160 47-7-100 or 47-7-102 shall immediately notify the executive director of such
161 reemployment. Except as provided in paragraph (1) of subsection (b) of Code Section
162 47-7-100, retirement Retirement benefits being paid to such person shall be suspended as
163 of the date of such reemployment and shall remain suspended until such reemployment
164 terminates at which time the payment of retirement benefits shall be resumed in the amount
165 to which the person was eligible at the time of reemployment. A retired member who has
166 retired under paragraph (2) or (3) of subsection (b) of Code Section 47-7-100, may choose
167 to pay monthly dues and earn creditable service during the period of reemployment.
168 Disability benefits being paid to any such person shall be terminated as of the date of such
169 reemployment. ~~Within six months of the commencement of reemployment, any such~~
170 ~~person who at the time of application otherwise meets the requirements for membership~~
171 ~~may, by application in the manner provided by this chapter, become a member of the fund.~~
172 ~~In the event the application is granted, such member, upon meeting the requirements~~
173 ~~provided by law, shall be entitled to all benefits provided for in Code Section 47-7-100, but~~
174 ~~the amount of monthly retirement or disability benefits payable to such member shall not~~
175 ~~exceed the amount of the monthly benefit which would be payable to such member had~~

176 ~~such subsequent retirement become effective at the time of the member's prior retirement,~~
 177 ~~unless after such reemployment the member shall have acquired not less than seven years'~~
 178 ~~creditable service as a member of the fund."~~

179 **SECTION 3.**

180 Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia
 181 Judicial Retirement System, is amended by adding a new Code section to read as follows:

182 "47-23-51.

183 (a) On and after July 1, 2026, each individual employed full time as a judge in the Georgia
 184 Tax Court established by Article VI, Section I, Paragraph I of the Georgia Constitution
 185 shall become a member of this retirement system.

186 (b) Each individual who becomes a member of this retirement system pursuant to this
 187 Code section shall be eligible to transfer his or her creditable service from the Employees'
 188 Retirement System of Georgia to this retirement system, provided that he or she notifies
 189 the board of such election within one year of obtaining such membership and pays to the
 190 retirement system the remaining amount necessary to pay for the full actuarial cost to the
 191 retirement system associated with his or her transfer of service. Upon such election and
 192 payment, the Employees' Retirement System of Georgia shall transfer to this retirement
 193 system all employer and employee contributions paid by or on behalf of him or her together
 194 with regular interest thereon, and he or she shall receive service in this retirement system
 195 toward vesting only in the full amount of the service he or she rendered as an employee
 196 while he or she was a member of the Employees' Retirement System of Georgia and for
 197 which credit was allowable in such system.

198 (c) An individual who becomes a member of this retirement system pursuant to this Code
 199 section shall be subject to all provisions of this chapter applicable to solicitors-general of
 200 the state courts, except as otherwise specifically provided by this chapter. For the purposes
 201 of this retirement system, for each such member, his or her earnable monthly compensation

202 shall be the full rate of regular monthly compensation paid from state funds to such
203 member employee for his or her full working time.
204 (d) All other individuals employed by the Georgia Tax Court established pursuant to
205 Article VI, Section I, Paragraph I of the Georgia Constitution shall be treated in accordance
206 with the provisions of Code Section 47-2-70.1 for new state agencies."

207 **SECTION 4.**

208 Said chapter is further amended in subsection (a) of Code Section 47-23-100, relating to
209 salary defined, by striking "and" at the end of paragraph (5), replacing the period with "; and"
210 at the end of paragraph (6), and adding a new paragraph to read as follows:

211 "(7) For any person who is a member of the retirement system pursuant to Code
212 Section 47-23-51, his or her average earnable monthly compensation."

213 **SECTION 5.**

214 This Act shall become effective on July 1, 2026, only if it is determined to have been
215 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
216 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
217 become effective and shall be automatically repealed in its entirety on July 1, 2026, as
218 required by subsection (a) of Code Section 47-20-50.

219 **SECTION 6.**

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