

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

**AS PASSED SENATE**

**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 approval 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) A member may make a one-time payment of the full amount established by the board  
25 of trustees under subsection (c) of this Code section within 90 days and thereafter receive  
26 such creditable service to which he or she is entitled or may elect to participate in a  
27 payment plan pursuant to subsection (e) of this Code section.

28 (e)(1)(A) A member may elect to make equal monthly 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, which  
31 amortizes the full actuarial cost of obtaining the creditable service, over the elected  
32 period of time based on the retirement system's most recent valuation assumptions.  
33 Such schedule shall include a present accounting of the full amount necessary to  
34 complete the payments.

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

37 (2) At any time prior to retirement, a contributing member may make a one-time  
38 payment of the full amount necessary to complete the payments owed pursuant to the  
39 schedule established by the board of trustees pursuant to paragraph (1) of this subsection.

40 (3) Upon application for retirement, a member may make a one-time payment to the  
41 retirement system of the remaining amount owed pursuant to paragraph (1) of this  
42 subsection and shall be awarded such creditable service to which he or she is entitled.

43 (4) Upon retirement, if a member has not paid an amount constituting the full actuarial  
44 cost as amortized, he or she shall only be awarded only as many months of creditable  
45 service on a whole month, pro rata basis as determined by the board of trustees from the  
46 original amortized payment schedule elected under paragraph (1) of this subsection as  
47 have been paid for in full.

48 (5) Within 30 days of a member ceasing to be an employee for a reason other than death  
49 or retirement, such individual shall make a one-time payment to the retirement system of  
50 the remaining amount necessary to complete the payments owed in accordance with the  
51 schedule established pursuant to paragraph (1) of this subsection and be awarded such  
52 creditable service to which he or she is entitled. If he or she does not make such  
53 payment, the board of trustees shall issue to such individual a refund of payments made  
54 pursuant to this subsection, and he or she shall forfeit the related creditable service;  
55 provided, however, that if the individual is a vested member of the retirement system, he  
56 or she shall be awarded such creditable service allowed pursuant to paragraph (4) of this  
57 subsection. Such individual may reapply for the creditable service sought if eligible and  
58 in accordance with this Code section.

59 (6) Within 30 days of a member defaulting by failing to make his or her complete  
60 monthly payment in accordance with the schedule established pursuant to paragraph (1)  
61 of this subsection, such individual shall make a one-time payment to the retirement  
62 system of the remaining amount necessary to complete the payments owed in accordance  
63 with the schedule established pursuant to paragraph (1) of this subsection and be awarded  
64 such creditable service to which he or she is entitled. If he or she does not make such

65 payment, the board of trustees shall issue to such individual a refund of payments made  
 66 pursuant to this subsection, and he or she shall forfeit the related creditable service. Such  
 67 individual may reapply for the creditable service sought if eligible and in accordance with  
 68 this Code section.

69 (f) Pursuant to this Code section, no member shall receive creditable service:

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

71 (2) For reserve duty;

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

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

77 **SECTION 2.**

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

83 **SECTION 3.**

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