

Senate Bill 149

By: Senators McKoon of the 29th and Rhett of the 33rd

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  
4 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other  
5 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 reserved, as follows:

11 "47-2-95.

12 ~~Reserved.~~ (a) Any member with at least two years of membership service may apply for  
13 service credit to be awarded year for year for active military service in the armed forces of  
14 the United States performed on or after January 1, 1990.

15 (b) Such a member shall apply in such manner as the board of trustees deems proper  
16 provided that such member shall tender both proof of prior employment and prior pay as  
17 the board shall deem necessary. Such a member shall apply prior to December 31, 2016,  
18 or within six months of obtaining two years of membership service, whichever date is later.

19 (c) Upon receipt of an application for such creditable service, the board of trustees shall  
20 certify to the applicant the amount of the payment to the retirement system required to earn  
21 creditable service under this Code section, which shall be equal to 3 percent of his or her  
22 annual military base pay rate that was in effect at the time of his or her discharge for each  
23 year of service credit sought. Upon full payment to the retirement system of the full  
24 amount, the member shall be awarded such creditable service.

25 (d) Pursuant to this Code section, no member shall:

26 (1) Receive creditable service of more than five years;

27 (2) Receive creditable service if such member was dishonorably discharged; or

28 (3) Receive creditable service for any portion of such member's active military service  
29 in the armed forces of the United States that has or will be used in the determination of  
30 eligibility for retirement benefits or allowances from any other state or federal retirement  
31 program, excluding social security."

32 **SECTION 2.**

33 This Act shall become effective on July 1, 2016, only if it is determined to have been  
34 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
35 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
36 become effective and shall be automatically repealed in its entirety on July 1, 2016, as  
37 required by subsection (a) of Code Section 47-20-50.

38 **SECTION 3.**

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