

House Bill 1077

By: Representative Holmes of the 53rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 45-18-32 of the Official Code of Georgia Annotated, relating to
2 administration of deferred compensation plans, so as to authorize employees of the Lake
3 Allatoona Preservation Authority, the Georgia Federal-State Shipping Point Inspection
4 Service, and the Georgia Firefighters' Pension Fund to participate in the state deferred
5 compensation program; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 45-18-32 of the Official Code of Georgia Annotated, relating to administration
9 of deferred compensation plans, is amended by striking the Code section in its entirety and
10 inserting in lieu thereof a new Code Section 45-18-32 to read as follows:

11 "45-18-32.

12 The State Personnel Board shall administer any deferred compensation plan provided for
13 the employees of the state. Employees of the county boards of health receiving financial
14 assistance from the Department of Human Resources may, with the approval of the State
15 Personnel Board and the approval of such organizations, participate in the state plan.
16 Employees of county and independent school systems may, with the approval of the State
17 Personnel Board and the approval of such systems, participate in the state plan. Employees
18 of the Lake Allatoona Preservation Authority, the Georgia Federal-State Shipping Point
19 Inspection Service, and the Georgia Firefighters' Pension Fund may, with the approval of
20 the State Personnel Board and the approval of such organizations, participate in the state
21 plan. The State Personnel Board shall investigate and approve a deferred compensation
22 plan which gives the employees of the state income tax benefits in connection with plans
23 authorized by the United States Internal Revenue Code, so that compensation deferred
24 under such plan shall not be included for purposes of computation of any federal income
25 tax withheld on behalf of any such employee or payable by such employee before any
26 deferred payment date. All contributions to the deferred compensation plan shall also be

1 exempt from state withholding tax as long as such contributions are not includable in gross
2 income for federal income tax purposes. The governing body of a city, county, or other
3 political subdivision may appoint an administrator for all deferred compensation plans,
4 whose duties shall include the administration of the plan and the investigation and approval
5 of the plan or plans. All such plans shall provide tax deferral benefits for the respective
6 employees in a manner similar to that of the plan for state employees."

7 **SECTION 2.**

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