

House Bill 389

By: Representative Snow of the 2nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to the Georgia Bureau of Investigation, so as to repeal
3 a prohibition against narcotics agents being members of the Employees' Retirement System
4 of Georgia; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 1 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to
8 general provisions relative to the Georgia Bureau of Investigation, is amended by striking in
9 its entirety subsection (h) of Code Section 35-3-9, relating to narcotics agents, and inserting
10 in lieu thereof the following:

11 "(h) Persons retained as narcotics agents shall be considered persons in the service of the
12 bureau under a contract of hire with that agency whose employment of those persons as
13 narcotics agents shall be considered an employment in the usual course of the business of
14 that agency. Persons retained by the bureau as narcotics agents shall have all the rights and
15 privileges of other employees of the bureau; provided, however, that such persons shall be
16 in the unclassified service of the State Merit System of Personnel Administration and
17 therefore shall not be governed by any rules of position, classification, appointment,
18 promotion, demotion, transfer, dismissal, qualification, compensation, seniority privileges,
19 tenure, or other such matters concerning their employment established by the State
20 Personnel Board, the State Merit System of Personnel Administration, or any successor
21 boards or agencies; ~~provided, further, that persons retained as narcotics agents shall not be~~
22 ~~authorized to be members of the Employees' Retirement System of Georgia, as established~~
23 ~~by Chapter 2 of Title 47."~~

SECTION 2.

Said article is further amended by striking in its entirety Code Section 35-3-10, relating to participation by bureau personnel and director in the Employees' Retirement System of Georgia, and inserting in lieu thereof the following:

"35-3-10.

(a) All personnel and the director of the bureau are authorized to be members of the Employees' Retirement System of Georgia, as established by Chapter 2 of Title 47. All rights, credits, and funds in the retirement system which are possessed by any personnel of the bureau, including the director, at the time of employment in the bureau are continued; and it is the intention of the General Assembly that such personnel and the director shall not lose any rights, credits, or funds to which they were entitled prior to being employed with the bureau.

~~(b) This Code section shall not apply to narcotics agents as provided for in Code Section 35-3-9.~~"

SECTION 3.

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