

House Bill 476

By: Representatives Cummings of the 19th, Black of the 144th, Dodson of the 84th, Post 1, Bannister of the 70th, Post 1, Coleman of the 65th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 5 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia
2 Annotated, relating to retirement benefits for certain law enforcement personnel under the
3 Employees' Retirement System of Georgia, so as to increase the normal retirement benefit
4 formula for certain employees of the Department of Corrections, officers and troopers of the
5 Uniform Division of the Department of Public Safety, conservation rangers, alcohol and
6 tobacco officers and agents, officers and agents of the Georgia Bureau of Investigation,
7 enforcement officers of the Department of Transportation and the Department of Motor
8 Vehicle Safety, and employees of the State Board of Pardons and Paroles who possess the
9 power of arrest; to provide for retirement after 25 years of service without regard to age for
10 such members; to provide for an election of participation; to provide for application and
11 payment of contributions; to provide for related matters; to provide conditions for an
12 effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

15 Part 5 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated,
16 relating to retirement benefits for certain law enforcement personnel under the Employees'
17 Retirement System of Georgia, is amended by inserting at the end thereof the following:

18 "47-2-226.

19 (a) As used in this Code section, the term:

20 (1) 'Highest average compensation' means the member's highest average monthly
21 earnable compensation during a period of 24 consecutive calendar months while a
22 member of the retirement system.

23 (2) 'Qualified law enforcement officer' means any person who is employed as:

24 (A) Any person employed by the Department of Corrections whose full-time duties
25 include the preservation of public order, the protection of life and property, the
26 detection of crime, or the supervision of inmates and detainees, and any person who is

- 1 a line supervisor of any such person. Such term shall include, without limitation, prison
2 guards;
- 3 (B) An officer or trooper of the Uniform Division of the Department of Public Safety;
4 (C) A conservation ranger of the Department of Natural Resources;
5 (D) An alcohol and tobacco officer or agent of the Department of Revenue;
6 (E) An officer or agent of the Georgia Bureau of Investigation;
7 (F) An enforcement officer of the Department of Transportation;
8 (G) An enforcement officer of the Department of Motor Vehicle Safety; or
9 (H) A parole officer or any other employee of the State Board of Pardons and Paroles
10 who possesses the power of arrest.
- 11 (b) Any qualified law enforcement officer in service on June 30, 2004, may elect to be
12 governed by the provisions of this Code section. Any qualified law enforcement officer
13 who becomes a member of this retirement system on or after July 1, 2004, shall be
14 governed by the provisions of this Code section.
- 15 (c) An eligible law enforcement officer subject to the provisions of this Code section may
16 retire at any time after attaining the age of 55 or upon accruing at least 25 years of
17 creditable service, and, upon retirement, such retiree shall receive the regular retirement
18 benefits under this chapter, provided that he or she shall in any case receive a minimum
19 monthly retirement benefit equal to 3 percent of his or her highest average compensation
20 for each year of creditable service; provided, however, that no such member shall receive
21 a benefit in excess of 90 percent of his or her highest average compensation. Such member
22 shall file an application therefor in a manner similar to that provided in Code Section
23 47-2-110.
- 24 (d) Any member of this retirement system subject to the provisions of this Code section
25 shall contribute an employee contribution of 1 percent of his or her earnable compensation
26 in addition to any other such employee contributions required by this chapter.
- 27 (e) Any member eligible to elect participation in the provisions of this Code section shall
28 make application in writing not later than December 31, 2004. Such election shall be
29 irrevocable and shall govern any subsequent period of membership after a break in service.
- 30 (f) Any member who becomes entitled to benefits under this subsection and who transfers
31 to a position not covered by this subsection shall be governed by the provisions of this title
32 relative to such subsequent position. The board shall calculate the amount of contributions
33 made in excess of those required for the subsequent position and shall grant the member
34 such creditable service as such amount warrants without creating any additional accrued
35 liability to this retirement system. Such member shall thereafter be treated for all purposes
36 as if he or she had never been covered by this Code section."

1 **SECTION 2.**

2 This Act shall become effective on July 1, 2004, only if it is determined to have been
3 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
4 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
5 become effective and shall be automatically repealed in its entirety on July 1, 2004, as
6 required by subsection (a) of Code Section 47-20-50.

7 **SECTION 3.**

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