

Senate Bill 212

By: Senators Mullis of the 53rd, Smith of the 52nd, Thomas of the 54th, Hill of the 4th,
Thomas of the 2nd 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 certain law enforcement personnel under the Employees' Retirement
3 System of Georgia, so as to provide that certain members of such retirement system may
4 elect to pay an additional employee contribution to such retirement system; to provide that
5 any such person may retire at age 55 or after attaining at least 25 years of creditable service
6 and receive an enhanced retirement benefit; to provide for an employees' contribution; to
7 provide that any such election shall be irrevocable; to provide for related matters; to provide
8 an effective date; to provide for automatic repeal under certain circumstances; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 5 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated,
13 relating to certain law enforcement personnel under the Employees' Retirement System of
14 Georgia, is amended by adding a new Code Section 47-2-226 to read as follows:

15 "47-2-226.

16 (a) As used in this Code section, the term 'highest average compensation' means the
17 member's highest average monthly earnable compensation during a period of 24
18 consecutive calendar months while a member of the retirement system.

19 (b) Anything in this chapter to the contrary notwithstanding, every person who is:

20 (1) An employee of the Department of Corrections, including, without limitation,
21 probation officers, whose full-time duties include the preservation of public order, the
22 protection of life and property, the detection of crime, or the supervision of inmates and
23 detainees, or who is a line supervisor of any such employee;

24 (2) An officer, noncommissioned officer, or trooper employed by the Uniform Division
25 of the Department of Public Safety;

26 (3) A conservation ranger employed by the Department of Natural Resources;

1 (4) An alcohol and tobacco officer employed by the Department of Revenue;

2 (5) An officer or agent employed by the Georgia Bureau of Investigation;

3 (6) An enforcement officer employed by the Department of Transportation;

4 (7) An enforcement officer employed by the Department of Motor Vehicle Safety; or

5 (8) A parole officer or any other employee of the State Board of Pardons and Paroles;

6 who possesses the power of arrest; who is required by the qualifications of his or her
7 position to comply with the requirements of Chapter 8 of Title 35; and who is in service
8 on June 30, 2004; and every person who enters or reenters such service on or after July 1,
9 2004, may retire at any time after attaining the age of 55 with at least ten years of creditable
10 service or upon accruing at least 25 years of creditable service without regard to age; and,
11 upon retirement, such retiree shall receive a monthly retirement benefit equal to 3 percent
12 of his or her highest average compensation for each year of creditable service earned on
13 or after July 1, 2004, by complying with the provisions of this subsection.

14 (c) Any member of this retirement system electing the provisions of this Code section shall
15 contribute an employee membership contribution of 1 percent of his or her earnable
16 compensation in addition to any other such employee membership contributions required
17 by this chapter; provided, however, that no member of this retirement system subject to the
18 provisions of this Code section shall receive a retirement benefit in excess of 90 percent
19 of his or her highest average compensation.

20 (d) An eligible member wishing to elect the provisions of this Code section shall make
21 application in such manner as the board specifies not later than December 31, 2004. Such
22 election shall be irrevocable and shall govern any subsequent periods of membership after
23 any break in service. All eligible members of this retirement system hired on or after
24 July 1, 2004, shall be required to accept the provisions of this Code section.

25 (e) Any member who has elected to participate in the benefits provided by this Code
26 section and who subsequently becomes employed in a position which renders him or her
27 not eligible for such benefits shall be governed by the provisions of this chapter relative to
28 such subsequent position. The board shall calculate the amount of employee contributions
29 such member has made in excess of those required for the subsequent position and shall
30 grant the member such creditable service as such amount shall warrant without creating any
31 additional actuarial accrued liability to this retirement system. Such member shall
32 thereafter be treated for all purposes as if he or she had never participated under this Code
33 section."

34 SECTION 2.

35 This Act shall become effective on July 1, 2004, only if it is determined to have been
36 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia

1 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
2 become effective and shall be automatically repealed in its entirety on July 1, 2004, as
3 required by subsection (a) of Code Section 47-20-50.

4 **SECTION 3.**

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

1 DEPARTMENT OF AUDITS AND ACCOUNTS

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7 January 21, 2011

8 The Honorable Jeff Mullis

9 State Senator

10 Legislative Office Building, Room 301-A

11 Atlanta, Georgia 30334

12 SUBJECT: State Auditor's Certification

13 Senate Bill (LC 28 0996)

14 Dear Senator Mullis:

15 This bill would amend provisions relating to retirement benefits for certain members of the
16 Employees' Retirement System. Specifically, this bill would affect the following law
17 enforcement personnel:

- 18 ▪ Persons employed by the Department of Corrections whose full-time duties include
19 the preservation of public order, the protection of life and property, the detection of
20 crime, or the supervision of inmates and detainees, and line supervisors of such
21 persons;
- 22 ▪ Officers, noncommissioned officers, or troopers of the Uniform Division of the
23 Department of Public Safety;
- 24 ▪ Conservation rangers of the Department of Natural Resources;
- 25 ▪ Alcohol and tobacco officers of the Department of Revenue;
- 26 ▪ Officers or agents of the Georgia Bureau of Investigation;
- 27 ▪ Enforcement officers of the Department of Transportation;
- 28 ▪ Enforcement officers of the Department of Motor Vehicle Safety, and
- 29 ▪ Parole officers or any other employee of the State Board of Pardons and Paroles who
30 possesses the power to arrest.

