

House Bill 135

By: Representatives Hitchens of the 161st, Carter of the 175th, Tanner of the 9th, Lumsden of the 12th, and Welch of the 110th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 47-2-226 of the Official Code of Georgia Annotated, relating to
2 certain law enforcement officers permitted to obtain creditable service in the Employees'
3 Retirement System of Georgia under certain conditions, so as to expand the class of law
4 enforcement officers that may obtain creditable service in such retirement system under
5 certain conditions; to provide for related matters; to provide conditions for an effective date
6 and automatic repeal; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

9 Code Section 47-2-226 of the Official Code of Georgia Annotated, relating to certain law
10 enforcement officers permitted to obtain creditable service in the Employees' Retirement
11 System of Georgia under certain conditions, is amended as follows:

12 "47-2-226.

13 (a) As used in this Code section, the term 'law enforcement officer' means any member in
14 service of the Uniform Division of the Department of Public Safety, any conservation
15 ranger of the Department of Natural Resources, any officer or agent of the Georgia Bureau
16 of Investigation, any district attorney investigator who is compensated from state funds
17 pursuant to Code Section 15-18-14.1, ~~and any alcohol and tobacco officer or agent of the~~
18 ~~Department of Revenue, and any investigator of the Department of Driver Services.~~

19 (b) Any law enforcement officer who, prior to becoming a member of this retirement
20 system, was employed by a local government in this state as a full-time employee, in a
21 position in which he or she was vested with authority to enforce the criminal or traffic laws
22 and with the power of arrest and whose duties include the preservation of public order, the
23 protection of life and property, or the prevention, detection, or investigation of crime, shall
24 be eligible to obtain creditable service under this Code section for his or her years of
25 service in such capacity if:

- 26 (1) The member ~~was~~ is not eligible ~~for~~ to receive a present or future benefit from a
 27 defined benefit or defined contribution retirement or pension plan in which said member
 28 participated while employed by the local governing authority other than membership in
 29 the Peace Officers' Annuity and Benefit Fund; and
- 30 (2) The member has been a member of the retirement system for at least ten years.
- 31 (c) Any member eligible as provided in subsection (b) of this Code section may obtain up
 32 to an additional five years of creditable service, not to exceed the actual number of years
 33 of service described in subsection (b) of this Code section. In order to obtain such
 34 additional creditable service, the member shall:
- 35 (1) Make application to the board of trustees in such manner and provide such
 36 documentation as the board deems appropriate; and
- 37 (2) Pay to the board of trustees an amount determined by the board of trustees to be
 38 sufficient to cover the full actuarial cost of granting the creditable service as provided in
 39 this Code section.
- 40 (d) Upon receipt of an application for additional creditable service, the board of trustees
 41 shall certify to the applicant the amount of the payment required by paragraph (2) of
 42 subsection (c) of this Code section."

43 **SECTION 2.**

44 This Act shall become effective on July 1, 2018, only if it is determined to have been
 45 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
 46 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
 47 become effective and shall be automatically repealed in its entirety on July 1, 2018, as
 48 required by subsection (a) of Code Section 47-20-50.

49 **SECTION 3.**

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