Senate Bill 486

By: Senators Seabaugh of the 28th, Hudgens of the 47th, Balfour of the 9th and Meyer von Bremen of the 12th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend Article 2 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to deferred compensation plans, so as to provide that the State Personnel Board shall establish and administer a special pay plan qualified under Section 401(a) of the federal Internal Revenue Code; to define certain terms; to provide for participation; to provide for limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to deferred compensation plans, is amended by inserting at the end thereof a new Code section to read as follows:

"45-18-37.

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

(1) 'Special compensation' means compensation for terminal leave and such other compensation as the State Personnel Board deems appropriate under federal regulations.

(2) 'Special pay plan' means a qualified retirement plan under Section 401(a) of the federal Internal Revenue Code, 26 U.S.C. Section 401(a), which reduces federal tax obligations on special compensation.

(3) 'State employee' means any person, whether appointed or elected, who provides services for the state, including any state authority authorized to participate in the Employees´ Retirement System of Georgia under Chapter 2 of Title 47.

(4) 'Terminal leave' means accrued and unused annual leave which has not been forfeited at the time of a state employee´s separation from service, not to exceed 360 hours.

(b) The State Personnel Board shall establish and administer a special pay plan for the deferred payment of special compensation which reduces the federal tax obligation upon such payments. Such plan shall become effective not later than July 1, 2005. Participation in such plan shall be mandatory for all retiring and terminating state employees age 55 and

older whose compensation for terminal leave equals $1,000.00 or more. Payment options from the plan shall include, at a minimum, a lump sum payment to the employee within seven days after payments are made into the plan on his or her behalf in an amount equal to the entire amount of special compensation with earnings thereon, less any mandatory income tax withholding. The board may contract with any company qualified to do business in this state to provide such benefits.

(c) Nothing in this Code section shall be construed so as to affect benefits under Chapter 2 of Title 47.″

SECTION 2.

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