

House Bill 664 (AS PASSED HOUSE AND SENATE))

By: Representatives Fleming of the 121st, Powell of the 171st, Trammell of the 132nd, Kelley of the 16th, Efstoration of the 104th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to the
2 Georgia Judicial Retirement System, so as to provide for membership in the system for
3 certain persons employed in certain full-time positions requiring admission to the State Bar
4 of Georgia as a condition of employment; to provide for an election for such current
5 employees; to provide for transfer of funds; to provide for payment of actuarial costs; to
6 provide for transfer of membership service; to provide for earnable monthly compensation
7 for purposes of contributions and benefit amounts; to provide for applicability; to provide for
8 related matters; to provide conditions for an effective date and automatic repeal; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia
13 Judicial Retirement System, is amended by adding a new Code section to read as follows:

14 "47-23-43.1.

15 (a) On and after July 1, 2020, each individual employed pursuant to Code Section 28-4-3
16 in a full-time position requiring admission to and good standing with the State Bar of
17 Georgia as a condition of employment shall become a member of this retirement system;
18 provided, however, that each individual so employed as of June 30, 2020, who is not
19 already a member of this retirement system shall remain a member of the Employees'
20 Retirement System of Georgia unless he or she elects to become a member of this
21 retirement system on or before June 30, 2021, notifies the board of such election, and pays
22 to the retirement system the remaining amount necessary to pay for the full actuarial cost
23 to the retirement system associated with his or her transfer of service. Upon such election
24 and payment, such an individual shall become a member of this retirement system, the
25 Employees' Retirement System of Georgia shall transfer to this retirement system all
26 employer and employee contributions paid by or on behalf of him or her together with

27 regular interest thereon, and he or she shall receive service in this retirement system toward
 28 vesting only in the full amount of the service he or she rendered as an employee while he
 29 or she was a member of the Employees' Retirement System of Georgia and for which credit
 30 was allowable in such system.

31 (b) This Code section shall only apply to or affect individuals who are employed on or
 32 after July 1, 2020, pursuant to Code Section 28-4-3 in a full-time position requiring
 33 admission to and good standing with the State Bar of Georgia as a condition of
 34 employment. Members of this retirement system who are so employed shall be subject to
 35 all provisions of this chapter applicable to solicitors-general of the state courts, except as
 36 otherwise specifically provided by this chapter. For the purposes of this retirement system,
 37 for each such member, his or her earnable monthly compensation shall be the full rate of
 38 regular monthly compensation paid from state funds to such member employee for his or
 39 her full working time."

40 **SECTION 2.**

41 Said chapter is further amended in subsection (a) of Code Section 47-23-100, relating to
 42 salary defined, by striking "and" at the end of paragraph (3), replacing the period with "; and"
 43 at the end of paragraph (4), and adding a new paragraph to read as follows:

44 "(5) For any member who is a member of the retirement system for whom the provisions
 45 of Code Section 47-23-43.1 are applicable, his or her average earnable monthly
 46 compensation."

47 **SECTION 3.**

48 This Act shall become effective on July 1, 2020, only if it is determined to have been
 49 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
 50 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
 51 become effective and shall be automatically repealed in its entirety on July 1, 2020, as
 52 required by subsection (a) of Code Section 47-20-50.

53 **SECTION 4.**

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