

The House Committee on Retirement offers the following substitute to HB 842:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 14 of Title 47 of the Official Code of Georgia Annotated, relating to the
2 Superior Court Clerks' Retirement Fund of Georgia, so as to provide that state court clerks
3 may be members of such retirement fund; to define certain terms; to change the membership
4 of the board of commissioners of such retirement fund; to provide for additional fees to be
5 charged in the state courts; to provide a limitation on service which may be used for purposes
6 of such chapter; to provide for up to 20 years of creditable service for prior service as a state
7 court clerk; to provide conditions for an effective date and automatic repeal; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Chapter 14 of Title 47 of the Official Code of Georgia Annotated, relating to the Superior
12 Court Clerks' Retirement Fund of Georgia, is amended by striking paragraphs 2 and 3 of
13 Code Section 47-14-1, relating to definitions, and inserting in lieu thereof, respectively, the
14 following:

15 "(2) 'Clerk' means: a

16 (A) A clerk of the superior court; or

17 (B) A clerk of a state court, where the clerk of such state court is someone other than
18 the clerk of the superior court.

19 (3) 'Deputy clerk' means: a

20 (A) A deputy of a clerk of the superior court, appointed under Code Section 15-6-59;

21 or

22 (B) A deputy clerk of a state court appointed as provided by law."

SECTION 5.

Said chapter is further amended by striking in its entirety Code Section 47-14-51, relating to payments to fund from fees collected in certain civil actions and for recording of instruments pertaining to real estate, records, audit of records, and use of sums remitted, and inserting in lieu thereof the following:

"47-14-51.

(a) In addition to all other legal costs, the sum of \$1.00 shall be charged and collected in each civil suit, action, case, or proceeding filed in the superior courts or in any other court of this state in which a clerk ~~of the superior court~~ eligible for membership in this retirement fund is clerk, including, without limiting the generality of the foregoing, all adoptions, charters, certiorari, applications by a personal representative for leave to sell or reinvest, trade name registrations, applications for change of name, and all other proceedings of a civil nature, filed in the superior courts or other such courts.

(b) In addition to all other legal costs, the sum of 50¢ shall be charged and collected in addition to any other fees or costs for the processing of all instruments pertaining to real estate filed in the superior courts.

(c) The clerks ~~of the superior courts~~ shall collect the fees provided for in subsections (a) and (b) of this Code section and the fees so collected shall be remitted to the board on a quarterly basis or at such time as the board may provide. It shall be the duty of the clerks ~~of the superior courts~~ to keep accurate records of the amounts due the board under this Code section and such records may be audited by the board at any time. The sums remitted to the board under this Code section shall be used for the purposes provided in this chapter."

SECTION 6.

Said chapter is further amended by striking in its entirety subsection (a) of Code Section 47-14-70, relating to eligibility for retirement benefits, additional or partial retirement benefits, and election to provide both retirement and survivors benefits, and inserting in lieu thereof the following:

"(a) A member with at least 20 years of service shall receive retirement benefits of \$1,700.00 per month upon retirement, provided that at least 12 years of such service shall have been served as a clerk, and the member must have served continuously as a clerk for the four years immediately preceding the member's retirement. Subject to the restrictions set out in this subsection, in computing such service, a member also may include service as a deputy clerk of the superior court and not more than four years of service as a member of the armed forces of the United States on active duty during any period of time in which the United States was engaged in an armed conflict, regardless of whether a state of war

1 had been declared by Congress, provided that no service as a member of the armed forces
 2 of the United States shall be deemed as service for purposes of obtaining retirement
 3 benefits under this chapter if such service has or will be used in the determination of the
 4 member's eligibility for retirement benefits or allowances from any other state or federal
 5 retirement program, excluding social security. A clerk of the superior court may not include
 6 service for eligibility purposes for years in which the clerk has not completed the training
 7 requirements set out in paragraph (1) of subsection (c) of Code Section 15-6-50. No
 8 member who is subject to the provisions of Code Section 15-6-50 shall be entitled to
 9 include, for purposes of eligibility to receive a benefit under this chapter, service during
 10 which he or she was not in compliance with the training requirements of subsection (c) of
 11 such Code section."

12 SECTION 7.

13 Said chapter is further amended by inserting immediately following Code Section 47-14-77
 14 a new Code section to read as follows:

15 "47-14-78.

16 Any member of this retirement system who, prior to becoming a member, served as a clerk
 17 of a state court in which the clerk is someone other than the clerk of the superior court shall
 18 be entitled to not more than 20 years of creditable service for such prior service. Any such
 19 member shall make application to the board in such form and providing such
 20 documentation of such prior service as the board deems necessary."

21 SECTION 8.

22 This Act shall become effective on July 1, 2002, only if it is determined to have been
 23 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
 24 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
 25 become effective and shall be automatically repealed in its entirety on July 1, 2002, as
 26 required by subsection (a) of Code Section 47-20-50.

27 SECTION 9.

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