

House Bill 842

By: Representatives Walker of the 141st, Cummings of the 27th, Shanahan of the 10th, Skipper of the 137th, Lunsford of the 109th and others

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 increase the annual allowable cost
5 of living increase in benefits; to provide for additional fees to be charged in the state courts;
6 to provide a limitation on service which may be used for purposes of such chapter; to provide
7 for up to 20 years of creditable service for prior service as a state court clerk; to provide
8 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

16 "(2) 'Clerk' means: a

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

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

20 (3) 'Deputy clerk' means: a

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

22 or

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

1 however, that no such increase shall exceed 1 1/2 percent of the maximum monthly
2 retirement benefit then in effect.

3 (C) No increase pursuant to subparagraph (A) of this paragraph shall become effective
4 within six months of the effective date of any increase in the maximum retirement
5 benefit granted by the General Assembly pursuant to Code Section 47-14-70."

6 SECTION 5.

7 Said chapter is further amended by striking in its entirety subsection (a) of Code Section
8 47-14-50, relating to payments to fund from fines and bonds collected in criminal and
9 quasi-criminal cases, duty of collecting authority to record and remit, and penalty for late
10 payment, and inserting in lieu thereof the following:

11 "(a) The sum of \$1.75 shall be paid to the board from each fine collected and each bond
12 forfeited and collected in any criminal or quasi-criminal case for violation of state law if
13 the case is tried in any court of this state in which a the clerk of ~~the superior court is clerk,~~
14 ~~provided that such fine or bond is at least \$5.00~~ such court is eligible for membership in
15 this retirement fund. The collecting authority shall pay such amounts to the board each
16 quarter or at such other times as the board may provide. It shall be the duty of the collecting
17 authority to keep accurate records of the amounts due the board. Such records may be
18 audited by the board at any time. The sums remitted to the board under this Code section
19 shall be used for the purposes provided for in this chapter. ~~In all counties having a~~
20 ~~population of more than 600,000 according to the United States decennial census of 1990~~
21 ~~or any such future census, where the compensation of the clerk is on a salary basis, this~~
22 ~~Code section shall not apply."~~

23 SECTION 6.

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

28 "47-14-51.

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

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

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

11 SECTION 7.

12 Said chapter is further amended by striking in its entirety subsection (a) of Code Section
13 47-14-70, relating to eligibility for retirement benefits, additional or partial retirement
14 benefits, and election to provide both retirement and survivors benefits, and inserting in lieu
15 thereof the following:

16 "(a) A member with at least 20 years of service shall receive retirement benefits of
17 \$1,700.00 per month upon retirement, provided that at least 12 years of such service shall
18 have been served as a clerk, and the member must have served continuously as a clerk for
19 the four years immediately preceding the member's retirement. Subject to the restrictions
20 set out in this subsection, in computing such service, a member also may include service
21 as a deputy clerk of the superior court and not more than four years of service as a member
22 of the armed forces of the United States on active duty during any period of time in which
23 the United States was engaged in an armed conflict, regardless of whether a state of war
24 had been declared by Congress, provided that no service as a member of the armed forces
25 of the United States shall be deemed as service for purposes of obtaining retirement
26 benefits under this chapter if such service has or will be used in the determination of the
27 member's eligibility for retirement benefits or allowances from any other state or federal
28 retirement program, excluding social security. A clerk of the superior court may not include
29 service for eligibility purposes for years in which the clerk has not completed the training
30 requirements set out in paragraph (1) of subsection (c) of Code Section 15-6-50. No
31 member who is subject to the provisions of Code Section 15-6-50 shall be entitled to
32 include, for purposes of eligibility to receive a benefit under this chapter, service during
33 which he or she was not in compliance with the training requirements of subsection (c) of
34 such Code section."

