

Senate Bill 318

By: Senators Seabaugh of the 28th, Hudgens of the 47th and Hamrick of the 30th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and
2 pensions, so as to provide that an assistant district attorney who is a member of the
3 Employees' Retirement System of Georgia may obtain creditable service for certain prior
4 service as an assistant district attorney; to provide that any member of the Georgia Judicial
5 Retirement System may obtain creditable service for such service; to provide for application
6 and payment of the full actuarial value of such service; to provide conditions and limitations;
7 to provide for an effective date and automatic repeal; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is
12 amended by inserting immediately following Code Section 47-2-267 a new Code section to
13 read as follows:

14 "47-2-268.

15 Any member who is subject to Code Section 47-2-262 may receive creditable service for
16 all or a portion of his or her past service as a county-paid assistant district attorney upon
17 payment to the board of trustees of an amount which will allow such creditable service
18 without creating any accrued actuarial unfunded liability as to this retirement system. Any
19 member desiring such creditable service shall make application to the board of trustees in
20 such form as the board deems appropriate and shall make payment not later than December
21 31, 2004, or within six months of first or again becoming a member, whichever is later.
22 No creditable service shall be allowed under this Code section for any period of
23 employment for which creditable service is allowed under any other provision of this
24 chapter or for which creditable service is received under any provision of any other
25 retirement or pension system of this state or of any political subdivision of this state."

SECTION 2.

Said title is further amended by inserting immediately following Code Section 47-23-64 a new Code section to read as follows:

"47-23-65.

Any member of this retirement system may receive creditable service for all or a portion of his or her past service as a county-paid assistant district attorney upon payment to the board of trustees of an amount which will allow such creditable service without creating any accrued actuarial unfunded liability as to this retirement system. Any member desiring such creditable service shall make application to the board of trustees in such form as the board deems appropriate and shall make payment not later than December 31, 2004, or within six months of first or again becoming a member, whichever is later. No creditable service shall be allowed under this Code section for any period of employment for which creditable service is allowed under any other provision of this chapter or for which creditable service is received under any provision of any other retirement or pension system of this state or of any political subdivision of this state."

SECTION 3.

This Act shall become effective on July 1, 2004, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2004, as required by subsection (a) of Code Section 47-20-50.

SECTION 4.

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

1 DEPARTMENT OF AUDITS AND ACCOUNTS

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5 State Auditor

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7 January 22, 2011

8 The Honorable Mitch Seabaugh

9 State Senator

10 Legislative Office Building, Room 302-B

11 Atlanta, Georgia 30334

12 SUBJECT: State Auditor's Certification

13 Senate Bill (LC 21 7378)

14 Dear Senator Seabaugh:

15 This bill would amend provisions relating to creditable service for certain members of the
16 Employees' Retirement System and the Judicial Retirement System. Specifically, this
17 bill would allow assistant district attorneys who are members of either system to obtain
18 creditable service for prior service as a county-paid assistant district attorney. Eligible
19 members must apply to their respective board of trustees and submit the required payment
20 by December 31, 2004, or within six months of first or again becoming a member,
21 whichever is later. Members would be required to pay their board of trustees an amount
22 sufficient to cover the full actuarial cost of the creditable service. This bill prohibits
23 members from obtaining such creditable service if such service is used towards the
24 determination of benefits under any other retirement system.

25 This is to certify that this is a fiscal retirement bill as defined in the Public Retirement
26 Systems Standards Law.

27 Respectfully,

28 /s/ Russell W. Hinton

29 State Auditor