

House Bill 1036

By: Representative Jenkins of the 93<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 5 of Chapter 14 of Title 47 of the Official Code of Georgia Annotated,  
2 relating to retirement benefits, disability benefits, and spouses' benefits under the Superior  
3 Court Clerks' Retirement Fund, so as to provide for retirement benefits after eight years of  
4 service; to provide for the calculation of service creditable for retirement; to provide for  
5 spouses' benefit; to provide conditions for an effective date and automatic repeal; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 5 of Chapter 14 of Title 47 of the Official Code of Georgia Annotated, relating to  
10 retirement benefits, disability benefits, and spouses' benefits under the Superior Court  
11 Clerks' Retirement Fund, is amended by striking in its entirety Code Section 47-14-70,  
12 relating to eligibility for retirement benefits, additional or partial retirement benefits, and  
13 election to provide both retirement and survivors benefits, and inserting in lieu thereof the  
14 following:

15 "47-14-70.

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

1 member's eligibility for retirement benefits or allowances from any other state or federal  
 2 retirement program, excluding social security. A clerk of the superior court may not  
 3 include service for eligibility purposes for years in which the clerk has not completed the  
 4 training requirements set out in paragraph (1) of subsection (c) of Code Section 15-6-50.  
 5 No member who is subject to the provisions of Code Section 15-6-50 shall be entitled to  
 6 include, for purposes of eligibility to receive a benefit under this chapter, service during  
 7 which he or she was not in compliance with the training requirements of subsection (c) of  
 8 such Code section.

9 (b) If a member is eligible to retire under subsection (a) of this Code section but does not  
 10 retire and continues to serve as clerk, he or she shall be entitled to receive, upon retirement,  
 11 the amount to which he or she would have been entitled under subsection (a) of this Code  
 12 section; and, in addition, for each year of service beyond the required 20 years, he or she  
 13 shall receive an additional 5 percent of the amount he or she would be entitled to under  
 14 subsection (a) of this Code section.

15 ~~(c) In lieu of the retirement benefits provided in subsections (a) and (b) of this Code~~  
 16 ~~section, a member, upon retirement, may elect to receive 90 percent of the benefits the~~  
 17 ~~member is entitled to receive under subsections (a) and (b) of this Code section during the~~  
 18 ~~remainder of the member's life; and, after the member's death, the member's surviving~~  
 19 ~~spouse shall receive a monthly sum during the lifetime of the surviving spouse equal to 50~~  
 20 ~~percent of the amount which the member would have received had the member elected the~~  
 21 ~~full benefits provided under subsections (a) and (b) of this Code section. In order to be~~  
 22 ~~eligible for such benefits, the surviving spouse must have been married to the member for~~  
 23 ~~at least six years immediately preceding the member's death. Such benefits shall not~~  
 24 ~~commence until after the surviving spouse reaches 55 years of age.~~

25 ~~(d)~~ (c) A member with at least 16 years of service either as a clerk or deputy clerk shall  
 26 receive retirement benefits of \$1,360.00 per month upon retirement, provided that at least  
 27 eight years of such service shall have been served as a clerk, and the member must have  
 28 served continuously as a clerk for the four years immediately preceding the member's  
 29 retirement. No other type of service shall be counted toward such retirement benefits.

30 ~~(e)~~ (d) A member with at least 12 years of service either as a clerk or deputy clerk shall  
 31 receive retirement benefits of \$1,020.00 per month upon retirement, provided that at least  
 32 eight years of such service shall have been served as a clerk, and the member must have  
 33 served continuously as a clerk for the four years immediately preceding the member's  
 34 retirement. No other type of service shall be counted toward such retirement benefits.

35 (e) A member with at least eight years of service either as a clerk or deputy clerk shall  
 36 receive retirement benefits of \$680.00 per month upon retirement, provided that at least  
 37 eight years of such service shall have been served as a clerk, and the member must have

1 served continuously as a clerk for the four years immediately preceding the member's  
 2 retirement. No other type of service shall be counted toward such retirement benefits.

3 (f) Any other provisions of this chapter to the contrary notwithstanding, all members who  
 4 retire on or after April 1, 1976, for whatever reason and who otherwise meet the  
 5 requirements for retirement benefits under either subsection (c), (d), or (e) of this Code  
 6 section shall be entitled to an additional benefit based on service in excess of the minimum  
 7 required for such retirement benefits, provided that such service is of the kind for which  
 8 credit toward retirement benefits would be given under subsection (c), (d), or (e) of this  
 9 Code section. The amount of the retirement benefit shall be based on the ratio that the total  
 10 number of years served bears to the minimum number of years required for benefits under  
 11 subsection (c), (d), or (e) of this Code section, as appropriate. For example, the following  
 12 table is illustrative of the additional benefits computation under this Code section:

<u>Years of Service at Retirement</u>	<u>Benefits Received</u>
<u>9</u>	<u>Nine-eighths of the benefits provided in subsection (e) of this Code section</u>
<u>10</u>	<u>Ten-eighths of the benefits provided in subsection (e) of this Code section</u>
<u>11</u>	<u>Eleven-eighths of the benefits provided in subsection (e) of this Code section</u>
13	Thirteen-twelfths of the benefits provided in subsection <del>(e)</del> <u>(d)</u> of this Code section
14	Fourteen-twelfths of the benefits provided in subsection <del>(e)</del> <u>(d)</u> of this Code section
15	Fifteen-twelfths of the benefits provided in subsection <del>(e)</del> <u>(d)</u> of this Code section
17	Seventeen-sixteenths of the benefits provided in subsection <del>(d)</del> <u>(c)</u> of this Code section
18	Eighteen-sixteenths of the benefits provided in subsection <del>(d)</del> <u>(c)</u> of this Code section
19	Nineteen-sixteenths of the benefits provided in subsection <del>(d)</del> <u>(c)</u> of this Code section

32 (g) In lieu of the retirement benefits provided in subsections (a) through (f) of this Code  
 33 section, a member, upon retirement, may elect to receive 90 percent of the benefits the  
 34 member is entitled to receive under subsections (a) through (f) of this Code section during  
 35 the remainder of the member's life; and, after the member's death, the member's surviving  
 36 spouse shall receive a monthly sum during the lifetime of the surviving spouse equal to 50

1 percent of the amount that the member would have received had the member elected the  
 2 full benefits provided under subsections (a) through (f) of this Code section. In order to be  
 3 eligible for such benefits, the surviving spouse must have been married to the member for  
 4 at least six years immediately preceding the member's death. Such benefits shall not  
 5 commence until after the surviving spouse reaches 55 years of age.

6 ~~(g)~~ (h) No person shall receive credit toward the retirement benefits set forth in  
 7 subsections (a) and (b) of this Code section for any service performed after February 15,  
 8 1952, unless payment for the period covered by such service has been made to the board.

9 No person shall be eligible for the benefits provided in this Code section unless his or her  
 10 official duties have terminated and he or she files an application for benefits within 90  
 11 days, or as soon thereafter as possible, from the termination of his or her official duties.

12 (i) In calculating creditable service for retirement purposes, monthly service shall be  
 13 included in order to determine fractional years of service. A month in which 15 or more  
 14 days of creditable service has been performed by a member shall count as a full month of  
 15 service for the purposes of this subsection. A member who is entitled to receive the  
 16 retirement benefits provided in subsections (a) through (f) of this Code section and who has  
 17 completed any fractional year of service shall be entitled to the benefits set forth in  
 18 subsections (a) through (f) of this Code section in proportion to the fractional years of  
 19 service that the member has performed."

## 20 SECTION 2.

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

## 26 SECTION 3.

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