

House Bill 1137

By: Representatives Lunsford of the 85<sup>th</sup>, Post 2, Cummings of the 19<sup>th</sup>, Brooks of the 47<sup>th</sup>, Mills of the 67<sup>th</sup>, Post 2, Burmeister of the 96<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 10 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia  
2 Annotated, relating to employees of certain state authorities and commissions with regard  
3 to the Employees' Retirement System of Georgia, so as to change the designation of the  
4 Georgia Indigent Defense Council to Georgia Public Defender Standards Council; to change  
5 certain references; to repeal conflicting laws; and for other purposes.

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7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8

**SECTION 1.**

9 Part 10 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated,  
10 relating to employees of certain state authorities and commissions with regard to the  
11 Employees' Retirement System of Georgia, is amended by striking in its entirety Code  
12 Section 47-2-323, relating to membership in the retirement system of employees of the  
13 Georgia Indigent Defense Council, creditable service, and contributions, and inserting in lieu  
14 thereof the following:

15 "47-2-323.

16 (a) As used in this Code section, the term:

17 (1) 'Employee' means any full-time employee of the council employed pursuant to the  
18 provisions of subsection (a) of Code Section 17-12-34 (c) of Code Section 17-12-11.

19 (2) 'Georgia Indigent Defense Council' or 'council' means the ~~Georgia Indigent Defense~~  
20 ~~Council~~ Georgia Public Defender Standards Council established by Code Section  
21 ~~17-12-32~~ 17-12-3.

22 (3) 'Proof of prior employment' means pay records, income tax withholding records, or  
23 other records of the council which are sufficient to establish to the satisfaction of the  
24 board of trustees the prior employment record of an employee of the council.

25 (b) Effective July 1, 1994, or on the date of employment, each employee of the council  
26 shall become a member of the retirement system.

1 (c)(1) This subsection shall apply only to an employee of the council employed by the  
2 council prior to July 1, 1994.

3 (2) An employee of the council who is subject to the provisions of this subsection shall,  
4 upon furnishing proof of prior employment to the board of trustees, be eligible to receive  
5 creditable service under this retirement system for prior employment as an employee of  
6 the council, subject to the requirements of this subsection. Any such employee must pay  
7 to the board of trustees the employee contributions which would have been paid during  
8 the period of prior employment if the employee had been a member of the retirement  
9 system during such period. The council shall pay from any funds available to the council  
10 the employer contributions which would have been paid during such period of prior  
11 employment. For a member claiming creditable service for prior employment under this  
12 subsection, the board of trustees shall determine the period of time that the payments to  
13 the board of trustees provided for under this subsection will fund as creditable service  
14 under the retirement system without creating any additional accrued liability of the  
15 retirement system. Except as otherwise provided in paragraph (3) of this subsection, the  
16 amount of creditable service so determined shall be the creditable service to which the  
17 member is entitled.

18 (3) The council shall be authorized to supplement, if necessary, the payments made to  
19 the board of trustees under paragraph (2) of this subsection in an amount, as determined  
20 by the board of trustees, which will fully fund as creditable service the total amount of  
21 prior employment of the employee without creating any additional accrued liability of the  
22 retirement system. If such supplement is paid to the board of trustees by the council, the  
23 employee shall receive full creditable service under the retirement system for all prior  
24 employment as an employee of the council.

25 (d) Any employee of the council who was already a member of the retirement system on  
26 July 1, 1994, and any member of the retirement system who, without any break in service,  
27 becomes an employee of the council on or after July 1, 1994, shall continue in the same  
28 membership status without any interruption in membership service and without the loss of  
29 any creditable service.

30 (e) Except as otherwise provided in subsection (d) of this Code section, an employee of  
31 the council becoming a member of the retirement system pursuant to the provisions of this  
32 Code section shall be subject to the provisions of Code Section 47-2-334.

33 (f) All employer contributions, including employee contributions made by the employer  
34 on behalf of members, which are required by this chapter shall be made for members who  
35 are subject to the provisions of this Code section from funds appropriated to or otherwise  
36 available for the operation of the ~~Georgia Indigent Defense Council~~ Georgia Public

1 Defender Standards Council. The council shall deduct from the salaries payable to such  
2 members the additional employee contributions required by this chapter."

3 **SECTION 2.**

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