

House Bill 1137 (AS PASSED HOUSE AND SENATE)

By: Representatives Lunsford of the 85th, Post 2, Cummings of the 19th, Brooks of the 47th, Mills of the 67th, Post 2, Burmeister of the 96th, 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 ~~(2)~~(1) 'Council' ~~'Georgia Indigent Defense Council'~~ or ~~'council'~~ means the Georgia
18 ~~Indigent Defense Council~~ Georgia Public Defender Standards Council established by
19 Code Section ~~17-12-32~~ 17-12-3.

20 ~~(1)~~(2) 'Employee' means any full-time employee of the council ~~employed pursuant to the~~
21 ~~provisions of subsection (a) of Code Section 17-12-34.~~

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~~ council. The council

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

3 **SECTION 2.**

4 All laws and parts of laws in conflict with this Act are repealed.