

House Bill 441 (AS PASSED HOUSE AND SENATE)

By: Representatives Holmes of the 48th, Post 1, Campbell of the 39th, Moraitakis of the 42nd, Post 4, Willard of the 40th, Bruce of the 45th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to the
2 Georgia Judicial Retirement System, so as to provide that any person who becomes a judge
3 of the State Court of Fulton County on or after July 1, 2004, shall become a member of such
4 retirement system; to provide that any person serving in such position on June 30, 2004, may
5 elect to become a member of such retirement system; to provide for a transfer of employer
6 and employee contributions to such retirement system; to provide for a calculation of
7 creditable service; to provide conditions for an effective date and automatic repeal; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia
11 Judicial Retirement System, is amended by striking in its entirety paragraph (14) of Code
12 Section 47-23-1, relating to definitions, and inserting in lieu thereof the following:

14 "(14) 'State court' means any court created pursuant to the provisions of Chapter 7 of
15 Title 15 or any court continued as a state court by Article VI, Section X of the
16 Constitution of the State of Georgia; provided, however, that such term shall ~~not~~ include
17 the State Court of Fulton County subject to the provisions of Code Section 47-23-50."

SECTION 2.

18 Said chapter is further amended by inserting immediately following Code Section 47-23-49
19 a new Code section to read as follows:

21 "47-23-50.

22 (a) Any person who becomes a judge of the State Court of Fulton County on or after July
23 1, 2004, shall become a member of this retirement system by operation of law and shall not
24 be a member of any other public retirement system.

1 (b) Any person serving as a judge of the State Court of Fulton County on June 30, 2004,
2 may make an irrevocable election to become a member of this retirement system by so
3 notifying the board of trustees not later than December 31, 2004. The local retirement
4 system of which such person is a member shall transfer to this retirement system all
5 employer and employee contributions paid by or on behalf of any such member with
6 regular interest thereon. Such member shall receive only such creditable service not to
7 exceed the actual years of creditable service, as that amount will warrant without creating
8 any accrued actuarial liability to this retirement system, calculated as if the member had
9 either elected or rejected spouse's survivors benefits at the member's option. Such persons
10 shall be subject to all provisions of this chapter."

11 **SECTION 3.**

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

17 **SECTION 4.**

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