

House Bill 362

By: Representatives Mosley of the 178th, Lane of the 167th, and Smith of the 168th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 7 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia
2 Annotated, relating to membership of superior court judges, district attorneys, assistant
3 district attorneys, and employees of the Prosecuting Attorneys' Council in the Employees'
4 Retirement System of Georgia, so as to define certain terms; to provide that county paid
5 assistant district attorneys and county paid assistant public defenders employed on or after
6 July 1, 2006, shall become members of such retirement system; to provide that persons so
7 employed on June 30, 2006, and who are not members of a local retirement system shall
8 become members of such retirement system and may obtain creditable service for certain
9 prior service; to provide that persons so employed on June 30, 2006, and who are members
10 of a local retirement system may opt for membership in either retirement system; to provide
11 that such persons shall receive creditable service for certain prior service; to provide for the
12 payment and transfer of funds; to provide for notice; to provide for related matters; to
13 provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and
14 for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

17 Part 7 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated,
18 relating to membership of superior court judges, district attorneys, assistant district attorneys,
19 and employees of the Prosecuting Attorneys' Council in the Employees' Retirement System
20 of Georgia, is amended by inserting at the end thereof the following:

21 "47-2-268.

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

23 (1) 'County paid assistant district attorney' means assistant district attorneys who are
24 compensated from county funds.

25 (2) 'County paid assistant public defender' means assistant public defenders who are
26 compensated from county funds.

1 (3) 'Local retirement system' means a retirement or pension system maintained by a
2 county which includes as members thereof assistant district attorneys.

3 (b) Any person becoming employed as a county paid assistant district attorney or a county
4 paid assistant public defender on or after July 1, 2006, shall become a member of this
5 retirement system.

6 (c) Any person who is employed as a county paid assistant district attorney or a county
7 paid assistant public defender on June 30, 2006, and who was not a member of a local
8 retirement system shall become a member of this retirement system. Any such person may
9 purchase as creditable service under this retirement system all or any portion of previous
10 actual service rendered by the member as an assistant district attorney or assistant public
11 defender and not a member of a local retirement system. Such creditable service may be
12 purchased by the member's paying to the board of trustees all employee and employer
13 contributions which would have been made if the employee had been a member of this
14 retirement system, plus regular interest thereon.

15 (d) Any person who is employed as a county paid assistant district attorney or a county
16 paid assistant public defender on June 30, 2006, and who was at that time a member of a
17 local retirement system may either continue active membership in the local retirement
18 system or become a member of this retirement system and transfer creditable service as an
19 employee of the local retirement system to this retirement system. Any such employee so
20 electing shall receive creditable service under this retirement system for all accredited
21 service previously rendered as an employee of the applicable local retirement system. For
22 each employee so electing, the governing authority of the applicable county or the board
23 of trustees or other managing body of the applicable local retirement system, within 30
24 days after receiving notice as provided in subsection (e) of this Code section, shall pay to
25 the board of trustees of this retirement system the total employee and employer
26 contributions plus interest made by or on behalf of the employee to the local retirement
27 system, together with accumulated interest thereon; provided, however, that the amount so
28 transferred shall not exceed the amount necessary to grant the creditable service under this
29 retirement system authorized by this subsection.

30 (e) The options available to any such employee under this Code section must be exercised
31 not later than December 31, 2006. Any such option shall be exercised by such employee
32 notifying, in writing, the board of trustees of this retirement system, the governing
33 authority of the applicable county, and, when applicable, the board of trustees or other
34 managing body of any local retirement system of which the employee is a member. If the
35 employee is a member of a local retirement system, such membership shall continue
36 pending the exercise of an option provided by this Code section. The choice made by an

1 employee in selecting an option provided by this Code section shall be irrevocable and may
2 not at any time thereafter be rescinded or modified.

3 (f) The employing county shall pay all employer contributions required by this chapter.

4 (g) No creditable service may be obtained pursuant to the provisions of this subsection for
5 any period for which creditable service has been or may be obtained under any other
6 provision of this chapter."

7 **SECTION 2.**

8 This Act shall become effective on July 1, 2006, only if it is determined to have been
9 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
10 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
11 become effective and shall be automatically repealed in its entirety on July 1, 2006, as
12 required by subsection (a) of Code Section 47-20-50.

13 **SECTION 3.**

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