

House Bill 391

By: Representative Mumford of the 95<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and  
2 pensions, so as to provide that a person appointed to the position of circuit public defender  
3 may elect membership in either the Employees' Retirement System of Georgia or the  
4 Georgia Judicial Retirement System; to provide for notice; to provide for a transfer of funds;  
5 to provide for a grant of creditable service; to provide conditions for an effective date and  
6 automatic repeal; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is  
10 amended by inserting immediately following Code Section 47-2-73 the following:

11 "47-2-74.

12 Any person who is appointed to the position of circuit public defender pursuant to Article  
13 2 of Chapter 12 of Title 17 shall make an irrevocable election either to remain or become  
14 a member of this retirement system or to become a member of the Georgia Judicial  
15 Retirement System by so notifying the board of trustees of this retirement system and the  
16 board of trustees of the Georgia Judicial Retirement System not later than December 31,  
17 2006, or within 90 days after assuming such office, whichever date is later. If such person  
18 is a member of this retirement system at the time of making such election, he or she shall  
19 continue membership in the same status as he or she had at that time. All employer  
20 contributions which are required by this chapter shall be made from funds appropriated by  
21 or otherwise available for the operation of the Georgia Public Defender Standards Council."

22 **SECTION 2.**

23 Said title is further amended by inserting immediately following Code Section 47-23-50 the  
24 following:

1 "47-23-51.

2 (a) Any circuit public defender appointed pursuant to Article 2 of Chapter 12 of Title 17  
3 may make an irrevocable election either to become a member of this retirement system or  
4 to remain or become a member of the Employees' Retirement System of Georgia by so  
5 notifying the board of trustees of this retirement system and the board of trustees of the  
6 Employees' Retirement System of Georgia not later than December 31, 2006, or within 90  
7 days after assuming such office, whichever date is later.

8 (b)(1) If the circuit public defender was a member of the Employees' Retirement System  
9 of Georgia at the time of making such election, the Employees' Retirement System of  
10 Georgia shall transfer to this retirement system all employer and employee contributions  
11 paid by or on behalf of any such member with regular interest thereon. The member is  
12 authorized, but not required, to pay to the board of trustees such additional amount as the  
13 member desires, such payment to be made within 12 months of electing to become a  
14 member of this retirement system. Except as provided in paragraph (2) of this subsection,  
15 such member shall receive only such creditable service, not to exceed the actual years of  
16 service, as that amount will warrant without creating any accrued liability to this  
17 retirement system, calculated as if the member had either elected or rejected spouse's  
18 survivors benefits at the member's option.

19 (2) Any circuit public defender who was in office on July 1, 2006, who was on that date  
20 a member of the Employees' Retirement System of Georgia, and who elects membership  
21 in this retirement system shall be credited with his or her membership service in such  
22 position, not to exceed two years, upon the transfer to this retirement system of the  
23 employer and employee contributions with interest, as provided in paragraph (1) of this  
24 subsection.

25 (c) All employer contributions which are required by this chapter shall be made from funds  
26 appropriated by or otherwise available for the operation of the Georgia Public Defender  
27 Standards Council."

### 28 **SECTION 3.**

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

### 34 **SECTION 4.**

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