

House Bill 651

By: Representative Sims of the 169<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 47-12-82 of the Official Code of Georgia Annotated, relating to the  
2 salary for district attorneys emeritus and suspension of office upon eligibility for or  
3 appointment to certain positions, so as to increase the salary of district attorneys emeritus;  
4 to provide for a cost-of-living increase in such salary; to provide conditions for an effective  
5 date and automatic repeal; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 47-12-82 of the Official Code of Georgia Annotated, relating to the salary for  
9 district attorneys emeritus and suspension of office upon eligibility for or appointment to  
10 certain positions, is amended by striking in its entirety subsection (a) and inserting in lieu  
11 thereof the following:

12 "(a) Any person holding office as a district attorney emeritus on July 1, ~~1990~~ 2006, or who  
13 is appointed to such position on or after such date shall receive from the State of Georgia an  
14 annual salary of ~~\$15,000.00~~ \$25,000.00 or one-half of the state salary received by such  
15 person as a district attorney for the calendar year immediately prior to the person's retirement  
16 and resignation as an active district attorney, whichever is the greater amount. Such annual  
17 salary shall be paid in equal monthly installments. The annual salary provided for in this  
18 subsection shall apply to the calculation of the amount of spouses' benefits under Code  
19 Section 47-12-42 as applied to persons receiving such benefits on July 1, ~~1990~~ 2006, and as  
20 applied to persons who begin receiving such benefits on or after July 1, ~~1990~~ 2006."

21 **SECTION 2.**

22 Said Code section is further amended by inserting at the end thereof the following:

23 "(f) Any other provision of law to the contrary notwithstanding, additional retirement  
24 benefits shall be paid to each person, including a surviving spouse, who was receiving  
25 benefits under this chapter on July 1, 2006, or who becomes entitled to receive benefits on

1 or after July 1, 2006. Such additional benefits shall be annual cost-of-living benefits equal  
2 to the benefit a member would otherwise be entitled to receive as calculated pursuant to  
3 subsections (a) through (e) of this Code section and any benefits previously received as  
4 authorized by this subsection multiplied by the percentage of any increase in the Consumer  
5 Price Index of the Bureau of Labor Statistics of the United States Department of Labor for  
6 all items and major groups, United States city average, for the immediately preceding  
7 calendar year; provided, however, that such annual percentage increase in benefits shall not  
8 exceed 3 percent regardless of the percentage increase in the Consumer Price Index. In any  
9 year in which there is no percentage increase in such Consumer Price Index, no additional  
10 retirement benefits shall be paid under this subsection."

11 **SECTION 3.**

12 This Act shall become effective on July 1, 2006, 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, 2006, 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.