

House Bill 1237

By: Representative Willard of the 49th

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 correct typographical, stylistic, and other errors and omissions in Title 47
3 of the Official Code of Georgia Annotated and in Acts of the General Assembly amending
4 Title 47 of the Official Code of Georgia Annotated; to correct capitalization and spelling in
5 Title 47 of the Official Code of Georgia Annotated; to provide for other matters relative to
6 Title 47 of the Official Code of Georgia Annotated; to provide for effect in the event of
7 conflicts; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

9 **SECTION 1.**

10 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is
11 amended in:

12 (1) Code Section 47-1-13.1, relating to annual compensation limits in determining benefits
13 or contributions due, by replacing "section the" with "section, the" in the introductory
14 language of subsection (a) and by replacing "cost of living" with "cost-of-living" in
15 paragraph (1) of subsection (a).

16 (2) Code Section 47-1-81, relating to an election to have a portion of an eligible rollover
17 distribution paid to an eligible retirement plan under federal law, limitations, and application
18 to a nonspouse designated beneficiary, by replacing "beneficiary," with "beneficiary" in
19 paragraph (4) of subsection (a) and by replacing "Sections" with "Section" in paragraph (2)
20 of subsection (c).

21 (3) Code Section 47-1-82, relating to the maximum benefit limited to that which is allowed
22 by federal law, nonannuity benefit, reduction, and adjustments, by replacing "increases
23 provided" with "increases, provided" in paragraph (3) of subsection (c).

24 (4) Code Section 47-2-1, relating to definitions regarding the Employees' Retirement System
25 of Georgia, by replacing "Sections" with "Section" in paragraph (15) and by replacing "under

- 26 a State Personnel Administration," with "under the State Personnel Administration," in
27 subparagraph (A) of paragraphs (16) and (17).
- 28 (5) Code Section 47-2-71, relating to membership in Employees' Social Security Coverage
29 Group, deduction of employer tax for social security coverage, and notice of referendum with
30 regard to social security coverage, by adding "and" at the end of paragraph (1) of subsection
31 (e).
- 32 (6) Code Section 47-2-91, relating to the credit for accumulations of forfeited annual and
33 sick leave in regard to the service creditable toward retirement benefits, by replacing "the
34 state merit system." with "the State Personnel Administration." in subsection (f).
- 35 (7) Code Section 47-2-123, relating to allowance payable upon death, disability, or
36 involuntary separation from employment, restrictions on separation for disability, and
37 restrictions on entitlement to involuntary separation benefits, by replacing "10 years" with
38 "ten years" in paragraph (3) of subsection (c).
- 39 (8) Code Section 47-2-201, relating to director status inhibiting eligibility for corresponding
40 emeritus positions, by replacing "Public Service Commissioner" with "member of the Public
41 Service Commission".
- 42 (9) Code Section 47-2-222, relating to the power to increase liability contribution rates for
43 certain departments or agencies and transfer of employees, by replacing "such departments"
44 with "such departments or agencies" both times it appears.
- 45 (10) Code Section 47-2-260, relating to the continuation of membership, rights, and benefits
46 of judges of superior courts and district attorneys, notice of election to continue membership,
47 and contributions, by replacing "the Council of Superior Court Judges of Georgia" with "The
48 Council of Superior Court Judges of Georgia" in subsections (b) and (c).
- 49 (11) Code Section 47-2-266, relating to the membership of judicial employees and
50 contributions, by replacing "the Council of Superior Court Judges of Georgia" with "The
51 Council of Superior Court Judges of Georgia" in subparagraph (f)(1)(B).
- 52 (12) Code Section 47-2-290, relating to judges, solicitors, and other employees of state
53 courts subject to the merit system, membership in retirement system, contributions, and
54 exemptions, by replacing "the Council of State Court Judges of Georgia," with "The Council
55 of State Court Judges of Georgia," in subsection (a).
- 56 (13) Code Section 47-2-299, relating to creditable service for service as an employee of a
57 private nonprofit hospital, by replacing "the Department of Human Resources" with "the
58 Department of Human Resources, now known as the Department of Behavioral Health and
59 Developmental Disabilities for these purposes," in subsection (a).
- 60 (14) Code Section 47-2-352, relating to employee and employer contributions in regard to
61 the Georgia State Employees' Pension and Savings Plan, by replacing "compensation, which"
62 with "compensation which" in subsection (a).

63 (15) Code Section 47-3-27, relating to investment powers, power to maintain cash on deposit
64 for payments under the retirement system, and personal interests in investments prohibited
65 regarding the members of the board of trustees of the Teachers Retirement System of
66 Georgia, by replacing "paid up capital" with "paid-up capital" in subsection (b).

67 (16) Code Section 47-8-41, relating to eligibility for appointment as a senior judge or
68 retirement, salary or benefits, and creditable service, by replacing "district attorney pro tem."
69 with "district attorney pro tempore" in subsection (a).

70 (17) Code Section 47-8-67, relating to election of survivors benefits coverage, contributions
71 required for such coverage, effect of such coverage on appointment to the office of senior
72 judge, and amount of survivors benefits, by replacing "the Council of Superior Court Judges"
73 with "The Council of Superior Court Judges" in paragraph (1) of subsection (a).

74 (18) Code Section 47-11-22, relating to powers and duties of the Board of Commissioners
75 of the Judges of the Probate Courts Retirement Fund of Georgia, by replacing "Code Section
76 47-11-71 receives" with "Code Section 47-11-71 receive" in paragraph (2) of subsection (c).

77 (19) Code Section 47-11-50, relating to the payment to the fund of a portion of fees collected
78 in connection with marriage licenses, duty to record and report collection, interest, delinquent
79 payment, and penalties, by replacing "Department of Human Resources" with "Department
80 of Community Health" in subparagraph (a)(1)(A).

81 (20) Code Section 47-16-41, relating to delayed application for membership in the Sheriffs'
82 Retirement Fund of Georgia and credit for prior service as a sheriff, member of the armed
83 forces of the United States, or peace officer, by replacing "a peace officer (except sheriff)"
84 with "a peace officer, except sheriff," in the undesignated text at the end of subsection (b).

85 (21) Code Section 47-16-101, relating to retirement benefit options, failure of member to
86 select an option, effect of changes in retirement benefits and options, and change of option
87 after receipt of payments regarding the Sheriffs' Retirement Fund of Georgia, by replacing
88 "board of trustees" with "board of commissioners" in paragraph (1) of subsection (a),
89 subparagraph (a)(1)(A), and the undesignated text at the end of paragraph (1) of subsection
90 (a) and by replacing "member and should" with "member and, should" in subsection (b).

91 (22) Code Section 47-16-102, relating to death benefits, beneficiaries, and procedure for
92 designation of beneficiary to receive such benefits in regard to the Sheriffs' Retirement Fund
93 of Georgia, by replacing "benefits;" with "benefits; and" at the end of paragraph (3).

94 (23) Code Section 47-17-1, relating to definitions in regard to the Peace Officers' Annuity
95 and Benefit Fund, by replacing "Composite State Board of Medical Examiners" with
96 "Georgia Composite Medical Board" in division (5)(I)(vi).

97 (24) Code Section 47-18-40, relating to agreement between state and federal government for
98 state employees, like agreements between federal government and interstate
99 instrumentalities, and division of retirement system regarding social security coverage, by

100 replacing "the Council of Superior Court Judges of Georgia" with "The Council of Superior
101 Court Judges of Georgia" in subsection (e).

102 (25) Code Section 47-18-44, relating to referendum on the question of coverage of positions
103 covered by Chapter 8 of Title 47, by replacing "the Council of Superior Court Judges of
104 Georgia" with "The Council of Superior Court Judges of Georgia".

105 (26) Code Section 47-23-25, relating to payment of administrative expenses regarding the
106 Georgia Judicial Retirement System, by replacing "the Council of Superior Court Judges of
107 Georgia, the Council of State Court Judges of Georgia," with "The Council of Superior Court
108 Judges of Georgia, The Council of State Court Judges of Georgia," both times it appears.

109 (27) Code Section 47-23-47, relating to the transfer of members' contributions in regard to
110 the Georgia Judicial Retirement System, by replacing "the Council of Superior Court Judges
111 of Georgia, the Council of State Court Judges of Georgia," with "The Council of Superior
112 Court Judges of Georgia, The Council of State Court Judges of Georgia,".

113 (28) Code Section 47-23-80, relating to contributions by superior court judges and district
114 attorneys and employer contributions regarding the Georgia Judicial Retirement System, by
115 replacing "the Council of Superior Court Judges of Georgia" with "The Council of Superior
116 Court Judges of Georgia" in subsection (a).

117 (29) Code Section 47-23-81, relating to contributions by judges and solicitors-general of
118 state courts, employer contributions and reports required regarding the Georgia Judicial
119 Retirement System, by replacing "the Council of State Court Judges of Georgia" with "The
120 Council of State Court Judges of Georgia" in paragraphs (2) and (3) of subsection (c).

121 (30) Code Section 47-23-124, relating to legislative intent regarding provisions of the
122 Georgia Judicial Retirement System, by replacing "an Act, approved" with "an Act
123 approved".

124 **SECTION 2.**

125 Said Title 47 is further amended by replacing "advisor" with "adviser" and "advisors" with
126 "advisers" wherever such terms occur in:

127 (1) Code Section 47-1-7, relating to powers of retirement, pension, or emeritus systems or
128 funds with regard to agents employed to act as custodians of assets or investment advisers;

129 (2) Code Section 47-1-14, relating to the definition of "retirement system" and the records
130 that are exempt from public inspection;

131 (3) Code Section 47-2-25, relating to the Attorney General as the legal adviser of the board
132 of trustees of the Employees' Retirement System of Georgia;

133 (4) Code Section 47-2-26, relating to the designation of an actuary, duties of an actuary; and
134 annual valuation of contingent assets and liabilities of the Employees' Retirement System of
135 Georgia;

- 136 (5) Code Section 47-3-23, relating to the designation and duties of an actuary for the board
137 of trustees, periodic actuarial investigation and recommendations, calculation tables and
138 regular interest rate, and annual valuation in regard to the Teachers Retirement System of
139 Georgia;
- 140 (6) Code Section 47-3-24, relating to the Attorney General as the legal adviser of the board
141 of trustees for the Teachers Retirement System of Georgia;
- 142 (7) Code Section 47-4-24, relating to the Attorney General as the legal adviser of the board
143 of trustees for the Public School Employees Retirement System;
- 144 (8) Code Section 47-4-26, relating to the power of the board over funds, special account for
145 deposit of funds and payment of benefits and expenses, investment powers, and power to
146 employ agents in regard to the Public School Employees Retirement System;
- 147 (9) Code Section 47-6-22, relating to the powers and duties of the board of trustees in regard
148 to the Georgia Legislative Retirement System;
- 149 (10) Code Section 47-7-22, relating to the Attorney General as the legal adviser of the board
150 for the Georgia Firefighters' Pension Fund;
- 151 (11) Code Section 47-7-23, relating to the powers and duties generally of the Board of
152 Trustees of the Georgia Firefighters' Pension Fund;
- 153 (12) Code Section 47-11-23, relating to the control of funds, a special account for deposit
154 and payment, powers regarding investments, and the power to employ agents as investment
155 advisors in regard to the Judges of the Probate Courts Retirement Fund of Georgia;
- 156 (13) Code Section 47-14-23, relating to special accounts for funds and investment powers
157 of the Board of Commissioners of the Superior Court Clerks' Retirement Fund of Georgia;
- 158 (14) Code Section 47-17-23, relating to special accounts for funds, investment powers of the
159 Board of Commissioners of the Peace Officers' Annuity and Benefit Fund, and gifts, grants,
160 and bequests;
- 161 (15) Code Section 47-21-22, relating to operation of the Regents Retirement Health Benefit
162 Fund and the responsibilities of the Board of Regents of the University System of Georgia;
163 and
- 164 (16) Code Section 47-22-6, relating to the Attorney General as the legal adviser of the Board
165 of Trustees of the Employees' Retirement System of Georgia for the Georgia Defined
166 Contribution Plan.

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SECTION 3.

168 Said Title 47 is further amended by replacing "board of trustees" with "board of
169 commissioners" wherever such term occurs in:

- 170 (1) Code Section 47-11-22, relating to powers and duties of the Board of Commissioners of
171 the Judges of the Probate Courts Retirement Fund of Georgia;

- 172 (2) Code Section 47-11-40, relating to eligibility to participate, credit for service rendered,
173 and requirements for judges to participate in the Judges of the Probate Courts Retirement
174 Fund of Georgia;
- 175 (3) Code Section 47-14-23, relating to special account for funds and investment powers of
176 the Board of Commissioners of the Superior Court Clerks' Retirement Fund of Georgia;
- 177 (4) Code Section 47-14-72, relating to benefits payable in the event of death before
178 retirement and rights of surviving spouse under the Superior Court Clerks' Retirement Fund
179 of Georgia;
- 180 (5) Code Section 47-16-29, relating to increases in maximum monthly benefit payable under
181 Article 6 of this chapter, retirement benefits and death benefits, under the Sheriffs'
182 Retirement Fund of Georgia;
- 183 (6) Code Section 47-16-101, relating to retirement benefit options, failure of member to
184 select an option, effect of changes in retirement benefits and options, and change of option
185 after receipt of payments regarding the Sheriffs' Retirement Fund of Georgia;
- 186 (7) Code Section 47-17-26, relating to methods of providing increases in maximum benefits
187 payable in regard to the Peace Officers' Annuity and Benefit Fund; and
- 188 (8) Code Section 47-25-81, relating to the amount of benefits under the Magistrates
189 Retirement Fund.

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SECTION 4.

191 In the event of an irreconcilable conflict between a provision of this Act and a provision of
192 another Act enacted at the 2010 regular session of the General Assembly, the provision of
193 such other Act shall control over this Act to the extent of the conflict.

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SECTION 5.

195 This Act shall become effective on July 1, 2010.

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SECTION 6.

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