

House Bill 646 (AS PASSED HOUSE AND SENATE)

By: Representatives Fleming of the 121st, Harbin of the 122nd, Sims of the 123rd, and McCall of the 33rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 25 of Title 47 of the Official Code of Georgia Annotated, relating to the
2 Magistrates Retirement Fund of Georgia, so as to provide that part-time chief magistrates
3 may become members of such fund; to provided for related matters; to provide conditions
4 for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Chapter 25 of Title 47 of the Official Code of Georgia Annotated, relating to the Magistrates
8 Retirement Fund of Georgia, is amended by revising paragraph (3) of Code Section 47-25-1,
9 relating to definitions, as follows:

10 ~~"(3) 'Full-time chief magistrate' means a chief magistrate who regularly exercises the~~
11 ~~powers of a magistrate as set forth in Code Section 15-10-2 at least 40 hours per~~
12 ~~workweek~~ Reserved."

13 SECTION 2.

14 Said chapter is further amended by revising subsections (a) and (d) of Code Section
15 47-25-20, relating to board of commissioners created, members, and term of office, as
16 follows:

17 "(a) There is created the Board of Commissioners of the Magistrates Retirement Fund of
18 Georgia. The board shall consist of seven members as follows:

- 19 (1) The Governor or the Governor's designee;
- 20 (2) An appointee of the Governor who is not the Attorney General; and
- 21 (3) Five ~~full-time~~ chief magistrates who are members of the fund."

22 "(d) In the event of a vacancy in the membership of the board, the remaining members of
23 the board shall appoint a ~~full-time~~ chief magistrate who is a member of the fund to fill such
24 vacancy for the unexpired term."

25 **SECTION 3.**

26 Said chapter is further amended by revising subsection (b) of Code Section 47-25-21, relating
27 to the secretary-treasurer of such fund, as follows:

28 "(b) The secretary-treasurer shall be paid retirement benefits upon retiring as
29 secretary-treasurer as provided in Article 5 of this chapter for a ~~full-time~~ chief magistrate
30 retiring with the highest benefit allowed by such article and shall be entitled to any
31 retirement option allowed by such article."

32 **SECTION 4.**

33 Said chapter is further amended by revising Code Section 47-25-40, relating to qualifications,
34 as follows:

35 "47-25-40.

36 Before any person shall be eligible to participate in the fund, he or she must be serving as
37 a duly qualified and commissioned ~~full-time~~ chief magistrate of a county of the State of
38 Georgia or as the secretary-treasurer. Any qualified person who desires to participate in
39 the fund shall make application to the board for membership in the fund on a form to be
40 furnished by the board for that purpose, giving such information, together with verification
41 and proof thereof, as may be required by the board. Such application shall be made not
42 later than July 1, 2007, or within six months after becoming eligible for membership,
43 whichever is later."

44 **SECTION 5.**

45 Said chapter is further amended by revising Code Section 47-25-80, relating to requirements
46 for receiving benefits, as follows:

47 "47-25-80.

48 In order for a member to be eligible to receive retirement benefits under this chapter, he or
49 she must have:

- 50 (1) Served as a regularly qualified and commissioned ~~full-time~~ chief magistrate or as the
51 secretary-treasurer for at least eight years;
- 52 (2) Fully complied with this chapter;
- 53 (3) Terminated his or her official capacity as a ~~full-time~~ chief magistrate or as the
54 secretary-treasurer;
- 55 (4) Attained the age of 60 years;
- 56 (5) Filed with the board his or her application for such retirement, on a form to be
57 furnished by the board, within a period of 90 days, or as soon thereafter as possible, after
58 reaching the age of 60 years or after termination of his or her official capacity as a

59 ~~full-time~~ chief magistrate or as the secretary-treasurer, whichever may occur last in point
 60 of time; and
 61 (6) Had his or her application for retirement approved by the board."

62 **SECTION 6.**

63 Said chapter is further amended by revising paragraph (2) of subsection (c) of Code Section
 64 47-25-82, relating to benefits for surviving spouse, as follows:

65 "(2) To leave such dues in the retirement fund and to receive spouse's benefits which
 66 shall be payable beginning:

67 (A) On the date of the member's death, if such member is 60 years of age or older; or

68 (B) On the date on which the surviving spouse of the deceased member reaches 60
 69 years of age,

70 whichever event occurs last, and which shall be equal to 50 percent of the retirement
 71 benefits which the deceased member was drawing at the time of death or, in the case of
 72 a member who dies prior to his or her sixtieth birthday, which such deceased member
 73 would have been entitled to receive upon reaching 60 years of age had he or she lived and
 74 ceased service as a ~~full-time~~ chief magistrate or the secretary-treasurer on the date of his
 75 or her death."

76 **SECTION 7.**

77 Said chapter is further amended by revising subsection (a) of Code Section 47-25-83, relating
 78 to refund of dues, as follows:

79 "(a) Any member, after ceasing to serve as a ~~full-time~~ chief magistrate or as the
 80 secretary-treasurer and after waiving any right to retirement benefits in writing on a form
 81 to be provided by the board, may apply for and be refunded all dues paid, together with 5
 82 percent simple interest per annum from the end of the calendar year in which paid to the
 83 end of the calendar year next preceding the application for the refund."

84 **SECTION 8.**

85 Said chapter is further amended by revising Code Section 47-25-84, relating to total and
 86 permanent disability, as follows:

87 "47-25-84.

88 Notwithstanding any other provisions of this chapter to the contrary, a member may retire
 89 after completing four years of creditable service if he or she becomes totally and
 90 permanently disabled after commencing service as a ~~full-time~~ chief magistrate or as the
 91 secretary-treasurer. Any such member shall be entitled to receive retirement benefits in the
 92 amount that he or she would receive if his or her retirement were effective at the time he

93 or she became disabled. All questions relating to the degree and nature of the total and
94 permanent disability suffered by the member shall be determined by the board."

95 **SECTION 9.**

96 Said chapter is further amended by revising subsection (b) of Code Section 47-25-86, relating
97 to suspension of benefits if retired member becomes employed as full-time or part-time
98 magistrate, as follows:

99 "(b) If a retired member becomes employed as a ~~full-time~~ chief magistrate, he or she may
100 elect again to become a contributing member of the retirement system and be governed by
101 the retirement provisions of this chapter."

102 **SECTION 10.**

103 This Act shall become effective on July 1, 2014, only if it is determined to have been
104 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
105 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
106 become effective and shall be automatically repealed in its entirety on July 1, 2014, as
107 required by subsection (a) of Code Section 47-20-50.

108 **SECTION 11.**

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