House Bill 191
By: Representatives Efstration of the 104th, Rice of the 95th, Harrell of the 106th, Kirby of the 114th, Hitchens of the 161st, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 14 of Title 47 the Official Code of Georgia Annotated, relating to the Superior Court Clerks' Retirement Fund of Georgia, so as to provide for creditable service for certain prior service in the armed forces of the United States; to provide a short title; to provide a definition; to provide for application and payment; to provide for regulations; to provide for related matters; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
This Act shall be known and may be cited as the "Veterans Equity Act."

SECTION 2.
Chapter 14 of Title 47 of the Official Code of Georgia Annotated, relating to the Superior Court Clerks' Retirement Fund of Georgia, is amended by adding a new paragraph to Code Section 47-14-1, relating to definitions, to read as follows:

"(2.1) 'Creditable service' means actual service credit together with allowable credit for prior service as a deputy clerk of the superior court and allowable military service."

SECTION 3.
Said chapter is further amended by revising Code Section 47-14-70, relating to eligibility for retirement benefits and spousal benefits, as follows:

(a) A member with at least 20 years of creditable service shall receive retirement benefits of $1,700.00 per month upon retirement, provided that at least 12 years of such service shall have been served as a clerk, and the member must have served continuously as a clerk for the four years immediately preceding the member's retirement. Subject to the
restrictions set out in this subsection, in computing such service, a member also may
include service as a deputy clerk of the superior court and not more than four years of
service as a member of the armed forces of the United States on active duty during any
period of time in which the United States was engaged in an armed conflict, regardless of
whether a state of war had been declared by Congress, provided that no service as a
member of the armed forces of the United States shall be deemed as service for purposes
of obtaining retirement benefits under this chapter if such service has or will be used in the
determination of the member's eligibility for retirement benefits or allowances from any
other state or federal retirement program, excluding social security. A clerk of the superior
court may not include service for eligibility purposes for years in which the clerk has not
completed the training requirements set out in paragraph (1) of subsection (c) of Code
Section 15-6-50. No member who is subject to the provisions of Code Section 15-6-50
shall be entitled to include, for purposes of eligibility to receive a benefit under this
chapter, service during which he or she was not in compliance with the training
requirements of subsection (c) of such Code section.

(b) If a member is eligible to retire under subsection (a) of this Code section but does not
retire and continues to serve as clerk, he or she shall be entitled to receive, upon retirement,
the amount to which he or she would have been entitled under subsection (a) of this Code
section; and, in addition, for each year of creditable service beyond the required 20 years,
he or she shall receive an additional 5 percent of the amount he or she would be entitled to
under subsection (a) of this Code section.

(c)(1) In lieu of the retirement benefits provided in subsections (a) and (b) of this Code
section, a member, upon retirement, may elect spousal benefits. If such election is made,
then the amount of the benefits paid to the member shall be computed so as to be
actuarially equivalent to the monthly retirement payment which would have been paid to
the member under subsection (a) or (b) of this Code section, as applicable. Such actuarial
equivalence shall be computed on the interest rate and mortality basis approved from time
to time by the board, the age of the member, and, if applicable, the age of his or her
spouse as of the date benefits are to commence. After the member's death, the member's
surviving spouse shall receive a monthly sum during the lifetime of the surviving spouse
equal to 50 percent of the amount which the member would have received had the
member elected the full benefits provided under subsections (a) and (b) of this Code
section. In order to be eligible for such benefits, the surviving spouse shall have been
married to the member for at least six years immediately preceding the member's death.
Such benefits shall not commence until after the surviving spouse reaches 55 years of
age.
(2) If a member elects spousal benefits under paragraph (1) of this subsection and subsequently the member’s spouse predeceases the member or a final judgment of complete divorce between the member and the member’s spouse is entered, the member may, in writing on forms prescribed by the board and subject to approval by the board, revoke the election for spousal benefits under paragraph (1) of this subsection and thereafter receive during the member’s lifetime a monthly retirement benefit commencing on the first day of the month following the date on which the board approves such revocation, but not for any period prior to such date.

(d) A member with at least 16 years of creditable service either as a clerk or deputy clerk shall receive retirement benefits of $1,360.00 per month upon retirement, provided that at least eight years of such service shall have been served as a clerk, and the member must have served continuously as a clerk for the four years immediately preceding the member’s retirement. No other type of service shall be counted toward such retirement benefits.

(e) A member with at least 12 years of creditable service either as a clerk or deputy clerk shall receive retirement benefits of $1,020.00 per month upon retirement, provided that at least eight years of such service shall have been served as a clerk, and the member must have served continuously as a clerk for the four years immediately preceding the member’s retirement. No other type of service shall be counted toward such retirement benefits.

(f) Any other provisions of this chapter to the contrary notwithstanding, all members who retire on or after April 1, 1976, for whatever reason and who otherwise meet the requirements for retirement benefits under either subsection (d) or (e) of this Code section shall be entitled to an additional benefit based on creditable service in excess of the minimum required for such retirement benefits, provided that such service is of the kind for which credit toward retirement benefits would be given under subsection (d) or (e) of this Code section. The amount of the retirement benefit shall be based on the ratio that the total number of years served bears to the minimum number of years required for benefits under subsection (d) or (e) of this Code section, as appropriate. For example, the following table is illustrative of the additional benefits computation under this Code section:

<table>
<thead>
<tr>
<th>Years of Service at Retirement</th>
<th>Benefits Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>Thirteen-twelfths of the benefits provided in subsection (e) of this Code section</td>
</tr>
<tr>
<td>14</td>
<td>Fourteen-twelfths of the benefits provided in subsection (e) of this Code section</td>
</tr>
<tr>
<td>15</td>
<td>Fifteen-twelfths of the benefits provided in subsection (e) of this Code section</td>
</tr>
</tbody>
</table>
Seventeen-sixteenths of the benefits provided in subsection (d) of this Code section

Eighteen-sixteenths of the benefits provided in subsection (d) of this Code section

Nineteen-sixteenths of the benefits provided in subsection (d) of this Code section

(g) No person shall receive credit toward the retirement benefits set forth in subsections (a) and (b) of this Code section for any service performed after February 15, 1952, unless payment for the period covered by such service has been made to the board. No person shall be eligible for the benefits provided in this Code section unless his or her official duties have terminated and he or she files an application for benefits within 90 days, or as soon thereafter as possible, from the termination of his or her official duties."

SECTION 4.

Said chapter is further amended by revising subsection (b) of Code Section 47-14-77, relating to service for which credit is not received for retirement purposes, as follows:

"(b) Notwithstanding any other provision of this chapter to the contrary, a clerk may not receive credit for retirement purposes for deputy clerk service or for military service unless such credits are sought at the time of application for membership in the fund."

SECTION 5.

Said chapter is further amended by revising Code Section 47-14-78, relating to service for which credit is received for retirement purposes, as follows:

"(a) Any member of this retirement system who, prior to becoming a member, served as a clerk of a state court in which the clerk is someone other than the clerk of the superior court shall be entitled to not more than 20 years of creditable service for such prior service. Any such member shall make application to the board in such form and providing such documentation of such prior service as the board deems necessary.

(b) A member shall be eligible for creditable service for prior service as a deputy clerk of the superior court as well as for a maximum of four years of service as a member of the armed forces of the United States, provided that no service as a member of the armed forces of the United States shall be deemed service for purposes of obtaining retirement benefits under this chapter if such service has or will be used in the determination of the member's eligibility for retirement benefits or allowances from any other state or federal retirement program, excluding social security. In order to receive such credit, the member must make application to the board of commissioners not later than December 31, 2016."
or within six months of first or again becoming a member of the retirement fund and tender to the board of commissioners an amount equal to the regular monthly member contribution then in effect times the number of months of creditable service sought."

SECTION 6.

This Act shall become effective on July 1, 2016, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2016, as required by subsection (a) of Code Section 47-20-50.

SECTION 7.

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