

House Bill 191

By: Representatives Efstration of the 104<sup>th</sup>, Rice of the 95<sup>th</sup>, Harrell of the 106<sup>th</sup>, Kirby of the 114<sup>th</sup>, Hitchens of the 161<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

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

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

10 **SECTION 2.**

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

14 "(2.1) 'Creditable service' means actual service credit together with allowable credit for  
15 prior service as a deputy clerk of the superior court and allowable military service."

16 **SECTION 3.**

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

19 "47-14-70.

20 (a) A member with at least 20 years of creditable service shall receive retirement benefits  
21 of \$1,700.00 per month upon retirement, provided that at least 12 years of such service  
22 shall have been served as a clerk, and the member must have served continuously as a clerk  
23 for the four years immediately preceding the member's retirement. ~~Subject to the~~

24 ~~restrictions set out in this subsection, in computing such service, a member also may~~  
25 ~~include service as a deputy clerk of the superior court and not more than four years of~~  
26 ~~service as a member of the armed forces of the United States on active duty during any~~  
27 ~~period of time in which the United States was engaged in an armed conflict, regardless of~~  
28 ~~whether a state of war had been declared by Congress, provided that no service as a~~  
29 ~~member of the armed forces of the United States shall be deemed as service for purposes~~  
30 ~~of obtaining retirement benefits under this chapter if such service has or will be used in the~~  
31 ~~determination of the member's eligibility for retirement benefits or allowances from any~~  
32 ~~other state or federal retirement program, excluding social security. A clerk of the superior~~  
33 ~~court may not include service for eligibility purposes for years in which the clerk has not~~  
34 ~~completed the training requirements set out in paragraph (1) of subsection (c) of Code~~  
35 ~~Section 15-6-50. No member who is subject to the provisions of Code Section 15-6-50~~  
36 ~~shall be entitled to include, for purposes of eligibility to receive a benefit under this~~  
37 ~~chapter, service during which he or she was not in compliance with the training~~  
38 ~~requirements of subsection (c) of such Code section.~~

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

45 (c)(1) In lieu of the retirement benefits provided in subsections (a) and (b) of this Code  
46 section, a member, upon retirement, may elect spousal benefits. If such election is made,  
47 then the amount of the benefits paid to the member shall be computed so as to be  
48 actuarially equivalent to the monthly retirement payment which would have been paid to  
49 the member under subsection (a) or (b) of this Code section, as applicable. Such actuarial  
50 equivalence shall be computed on the interest rate and mortality basis approved from time  
51 to time by the board, the age of the member, and, if applicable, the age of his or her  
52 spouse as of the date benefits are to commence. After the member's death, the member's  
53 surviving spouse shall receive a monthly sum during the lifetime of the surviving spouse  
54 equal to 50 percent of the amount which the member would have received had the  
55 member elected the full benefits provided under subsections (a) and (b) of this Code  
56 section. In order to be eligible for such benefits, the surviving spouse shall have been  
57 married to the member for at least six years immediately preceding the member's death.  
58 Such benefits shall not commence until after the surviving spouse reaches 55 years of  
59 age.

60 (2) If a member elects spousal benefits under paragraph (1) of this subsection and  
 61 subsequently the member's spouse predeceases the member or a final judgment of  
 62 complete divorce between the member and the member's spouse is entered, the member  
 63 may, in writing on forms prescribed by the board and subject to approval by the board,  
 64 revoke the election for spousal benefits under paragraph (1) of this subsection and  
 65 thereafter receive during the member's lifetime a monthly retirement benefit commencing  
 66 on the first day of the month following the date on which the board approves such  
 67 revocation, but not for any period prior to such date.

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

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

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

<u>Years of Service at Retirement</u>	<u>Benefits Received</u>
13	Thirteen-twelfths of the benefits provided in subsection (e) of this Code section
14	Fourteen-twelfths of the benefits provided in subsection (e) of this Code section
15	Fifteen-twelfths of the benefits provided in subsection (e) of this Code section



129 or within six months of first or again becoming a member of the retirement fund and tender  
130 to the board of commissioners an amount equal to the regular monthly member  
131 contribution then in effect times the number of months of creditable service sought."

132 **SECTION 6.**

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

138 **SECTION 7.**

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