

Senate Bill 243

By: Senators Hill of the 4th and Shafer of the 48th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to the  
2 Georgia Judicial Retirement System, so as to change certain provisions relating to  
3 preservation of rights by certain persons; to provide for membership in the system for certain  
4 persons in a full-time position requiring admission to the State Bar of Georgia as a condition  
5 of employment; to provide for an irrevocable election; to provide for a transfer of funds; to  
6 provide for creditable service; to provide for calculation of benefits; to change certain  
7 provisions relating to definitions; to provide a legislative purpose; to provide conditions for  
8 an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 The purpose of this Act is to restore eligibility for membership in the Georgia Judicial  
12 Retirement System for certain persons who were eligible for membership under prior law.

13 **SECTION 2.**

14 Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia  
15 Judicial Retirement System, is amended by revising Code Section 47-23-43, relating to  
16 preservation of prior rights of membership by certain persons, as follows:

17 "47-23-43.

18 Any person employed pursuant to Code Section ~~28-4-3~~ or 45-15-31 who was subject to the  
19 former provisions of this Code section as such existed on June 30, 2005, shall retain all  
20 rights and obligations as existed on that day. Such persons shall be subject to all provisions  
21 of this chapter applicable to solicitors-general of the state courts. Employer contributions  
22 shall be paid by the ~~respective employers~~ employer under such Code ~~sections~~ section."

**SECTION 3.**

Said chapter is further amended by adding a new Code section to read as follows:

"47-23-43.1.

(a) Any person subject to the provisions of Code Section 47-2-334 or Article 10 of Chapter 2 of this title who is employed pursuant to Code Section 28-4-3 in a full-time position requiring admission to the State Bar of Georgia as a condition of employment may make an irrevocable election to become a member by so notifying the board not later than December 31, 2016, or within 90 days after becoming so employed, whichever date is later. Any such person shall be credited with service in this retirement system only for actual years of service as a member of the Employees' Retirement System of Georgia. The Employees' Retirement System of Georgia shall transfer to this retirement system all employer and employee contributions paid by or on behalf of any such member with regular interest thereon. Any such member who was vested in the Employees' Retirement System of Georgia at the time of making such election shall be vested in this retirement system but if applicable shall receive a reduced retirement benefit as provided in Code Section 47-23-102.

(b) Any person who as of June 30, 2016, was employed pursuant to Code Section 28-4-3 in a full-time position requiring admission to the State Bar of Georgia as a condition of employment and who was a member of this retirement system as of such date shall remain a member, subject to the provisions of Code Section 47-23-45.

(c) Any person who is a member of this retirement system pursuant to this Code section shall be subject to all provisions of this chapter applicable to solicitors-general of the state courts, except as otherwise specifically provided by this chapter."

**SECTION 4.**

Said chapter is further amended in subsection (a) of Code Section 47-23-100, relating to salary definitions, by striking "and" at the end of paragraph (3), replacing the period with "; and" at the end of paragraph (4), and adding a new paragraph (5) to read as follows:

"(5) For any person who is a member of the retirement system pursuant to Code Section 47-23-43.1, his or her average earnable monthly compensation."

**SECTION 5.**

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.

58

**SECTION 6.**

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