

House Bill 571

By: Representatives Watson of the 172<sup>nd</sup>, Maxwell of the 17<sup>th</sup>, Battles of the 15<sup>th</sup>, Greene of the 151<sup>st</sup>, and Corbett of the 174<sup>th</sup>

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, so as to provide that a member in arrears for dues payments  
3 for a period of 90 days shall be suspended from the fund and must apply for reinstatement;  
4 to provide for elections for designated survivor's benefits; to provide that certain retired  
5 members may become employed in a certain position and continue to receive benefits; to  
6 provide for related matters; to provide conditions for an effective date and automatic repeal;  
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 25 of Title 47 of the Official Code of Georgia Annotated, relating to the Magistrates  
11 Retirement Fund, is amended in Article 3, relating to membership, by adding a new Code  
12 section to read as follows:

13 "47-25-43.

14 (a) A member who is in arrears for the dues payment required by Code Section 47-25-41  
15 for a period of 90 days shall become a suspended member on the ninetieth day of such  
16 arrearage.

17 (b) A suspended member may apply for reinstatement as an active member only during  
18 the 30 day period beginning with his or her next full term of office, and such member shall  
19 not receive service credit for the period of time during which he or she was a suspended  
20 member."

21 **SECTION 2.**

22 Said chapter is further amended in Article 5, relating to benefits, by adding a new Code  
23 section to read as follows:

24 "47-25-82.1.

25 (a) In lieu of receiving the retirement benefits provided for in Code Sections 47-25-81 and  
26 47-25-82, upon application for retirement, a member may elect in writing on a form to be  
27 prescribed by the board to receive:

28 (1) A 100 percent joint life annuity payable during the lives of a member and his or her  
29 designated survivor; or

30 (2) A joint and survivor annuity that shall provide for 50 percent of the monthly  
31 retirement benefit amount that is paid to the member to be paid to his or her designated  
32 survivor following such member's death.

33 (b) The amount of the retirement benefit payable under this Code section shall be:

34 (1) Based on the member's age upon retirement;

35 (2) Based on the age of the member's designated survivor upon the member's retirement;  
36 and

37 (3) Computed so as to be actuarially equivalent to the total retirement benefit amount  
38 which would have been paid to the member under Code Sections 47-25-81 and 47-25-82.  
39 Such actuarial equivalent shall be computed on actuarial tables to be adopted by the  
40 board.

41 (c)(1) A designated survivor shall be a person with whom the member has a familial  
42 relationship through blood, marriage, or adoption.

43 (2) If a member is married at the time of such election, his or her spouse shall be the  
44 designated survivor unless another person is so designated with the written agreement of  
45 such spouse.

46 (d) If a member makes an election provided in subsection (a) of this Code section in his  
47 or her application for retirement, after approval of the application for retirement, the  
48 following provisions shall apply:

49 (1)(A) If a member's designated survivor predeceases such member, he or she may, in  
50 writing on forms prescribed by the board and subject to approval by the board, revoke  
51 such election and thereafter receive during the member's lifetime a monthly retirement  
52 benefit commencing on the date the board approves such revocation, but not for any  
53 period prior to such approval.

54 (B) Such monthly retirement benefit amount shall be equal to the maximum monthly  
55 benefit which would have been payable to such member had he or she not made such  
56 election.

57 (2)(A) If there is entered a final judgment of divorce between a member and a  
58 designated survivor, such member may, in writing on forms prescribed by the board and  
59 subject to approval by the board, revoke such election and thereafter receive during the

60 member's lifetime a monthly retirement benefit commencing on the date the board  
61 approves such revocation, but not for any period prior to such approval.  
62 (B) Such monthly retirement benefit amount shall be equal to the maximum monthly  
63 benefit which would have been payable to such member had he or she not made such  
64 election."

65 **SECTION 3.**

66 Said chapter is further amended in Article 5, relating to benefits, by revising Code Section  
67 47-25-86, relating to suspension of benefits if retired member becomes employed as full-time  
68 or part-time magistrate, as follows:

69 "47-25-86.

70 (a) If a retired member becomes employed as a ~~full-time or part-time magistrate~~ or chief  
71 magistrate, his or her retirement benefits shall be suspended during the period of time he  
72 or she holds such position, and upon cessation of such service, his or her prior retirement  
73 allowance shall be resumed.

74 (b) If a retired member becomes employed as a chief magistrate, he or she may elect again  
75 to become a contributing member of the retirement system and be governed by the  
76 retirement provisions of this chapter."

77 **SECTION 4.**

78 This Act shall become effective on July 1, 2018, only if it is determined to have been  
79 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
80 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
81 become effective and shall be automatically repealed in its entirety on July 1, 2018, as  
82 required by subsection (a) of Code Section 47-20-50.

83 **SECTION 5.**

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