

House Bill 652

By: Representatives Williams of the 148th, Powell of the 32nd, Hogan of the 179th, Smith of the 70th, LaHood of the 175th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 16 of Title 47 of the Official Code of Georgia Annotated, relating to the
2 Sheriffs' Retirement Fund of Georgia, so as to increase payments to the fund from fees
3 collected in civil actions; to increase the benefit payable upon the death of certain members
4 of the fund; to provide for related matters; to provide conditions for an effective date and
5 automatic repeal; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 16 of Title 47 of the Official Code of Georgia Annotated, relating to the Sheriffs'
9 Retirement Fund of Georgia, is amended by revising subsections (a) and (b) of Code
10 Section 47-16-61, relating to payments to fund from fees collected in civil actions, duty to
11 record and remit sums collected, and penalties on delinquent amounts, as follows:

12 "(a) In addition to all other legal costs, the sum of ~~\$1.00~~ \$3.00 shall be charged and
13 collected in each civil action, case, or proceeding, including, without limiting the generality
14 of the foregoing, all adoptions, charters, certiorari, applications by personal representative
15 for leave to sell or invest, trade name registrations, applications for change of name, and
16 all other proceedings of a civil nature filed in the superior courts. The clerks of the superior
17 courts shall collect such fees, and the fees so collected shall be remitted to the board
18 quarterly or at such other time as the board may provide. It shall be the duty of the clerks
19 of the superior courts to keep accurate records of the amounts due the board under this
20 subsection, and such records may be audited by the board at any time. The sums remitted
21 to the board under this subsection shall be used only for the purposes provided for in this
22 chapter.

23 (b) In addition to all other legal costs, the sum of ~~\$1.00~~ \$3.00 shall be charged and
24 collected in each civil action, case, or proceeding, including, without limiting the generality
25 of the foregoing, all adoptions, charters, certiorari, applications by personal representative
26 for leave to sell or invest, trade name registrations, applications for change of name, and

27 all other proceedings of a civil nature filed in the state courts and magistrate courts of this
 28 state in which the sheriff of the superior court also fulfills the function as sheriff of such
 29 inferior court. The clerks of such state courts and magistrate courts shall collect such fees,
 30 and the fees so collected shall be remitted to the board quarterly or at such other time as the
 31 board may provide. It shall be the duty of the clerks of such state courts and magistrate
 32 courts to keep accurate records of the amounts due the board under this subsection, and
 33 such records may be audited by the board at any time. The sums remitted to the board
 34 under this subsection shall be used only for the purposes provided for in this chapter."

35 **SECTION 2.**

36 Said chapter is further amended by revising Code Section 47-16-102, relating to death
 37 benefits, beneficiaries, and procedure for designation of beneficiary to receive such benefits,
 38 as follows:

39 "47-16-102.

40 In addition to the retirement benefits provided in this chapter, death benefits shall be paid
 41 to members in accordance with the following:

42 (1) If any member of this fund dies before retirement, whether such member is active or
 43 inactive, an amount equal to the total amount which has been paid by such member into
 44 the fund as dues shall be paid, without interest, to such member's surviving spouse, if any,
 45 to such member's named beneficiary, if any, or to such member's estate, in that order. If
 46 any member dies after retirement without having received an amount equal in benefits
 47 to the total amount which he or she has paid into the fund as dues, the difference, without
 48 interest, shall be paid to his or her surviving spouse, if any, to his or her named
 49 beneficiary, if any, or to such member's estate, in that order;

50 (2) In addition to the death benefits provided in paragraph (1) of this Code section, upon
 51 the death of any inactive member who would otherwise qualify to be carried upon the
 52 active membership rolls but for the fact that the member no longer holds the office of
 53 sheriff, any member who is receiving retirement benefits, or any member who is
 54 otherwise qualified to receive retirement benefits from this fund except that the member
 55 has not reached the age of 55 years or has not filed an application or has not been
 56 approved for retirement benefits, the sum of ~~\$15,000.00~~ \$25,000.00 shall be paid as
 57 additional death benefits to the surviving spouse of such member, if any, to the member's
 58 named beneficiary, if any, or to the member's estate, in that order. Upon the death of any
 59 active member, the sum of ~~\$15,000.00~~ \$25,000.00 shall be paid as additional death
 60 benefits to the surviving spouse of such member, if any, to the member's named
 61 beneficiary, if any, or to the member's estate, in that order;

62 (3) At the time any member submits his or her application for membership in this fund,
 63 at the time any member submits his or her application for retirement benefits, and from
 64 time to time any member of this fund, whether carried on the active or inactive rolls of
 65 this fund, and any person who is receiving retirement benefits from this fund shall be
 66 afforded the opportunity to name a designated beneficiary to receive the death benefits
 67 provided for in this Code section; provided, however, that such named beneficiary shall
 68 be entitled to receive such death benefits only in the event such member or person does
 69 not leave surviving a spouse at the time of his or her death. The procedure by which a
 70 member or person receiving retirement benefits names a beneficiary to receive the death
 71 benefits provided for in this Code section shall be determined and established by the
 72 board, which shall have authority to establish forms and procedures for payment of the
 73 death benefits; and

74 (4) Upon the death of an active member before or after the retirement of such member,
 75 the surviving spouse of such member shall receive death benefits in the form of an
 76 annuity for the life of such spouse, such annuity to be determined and paid under
 77 paragraph (2) of subsection (a), subsection (b), and subsection (c) of Code Section
 78 47-16-101 to the same extent as if such member had died while receiving retirement
 79 benefits under Option Two; and in the case of the death of an active member who is not
 80 already receiving retirement benefits, such annuity shall be determined and based upon
 81 the period of creditable service which such member has at the time of his or her death.
 82 Such benefit shall be in addition to benefits under paragraph (2) of this Code section, and
 83 in lieu of benefits under paragraph (1) of this Code section."

84 **SECTION 3.**

85 This Act shall become effective on July 1, 2020, only if it is determined to have been
 86 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
 87 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
 88 become effective and shall be automatically repealed in its entirety on July 1, 2020, as
 89 required by subsection (a) of Code Section 47-20-50.

90 **SECTION 4.**

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