

House Bill 663 (COMMITTEE SUBSTITUTE)

By: Representatives Efration of the 104th and Fleming of the 121st

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 provide for membership in the system for each
3 judge employed full time in the state-wide business court; to provide for creditable service;
4 to provide for payment of employee contributions; to provide for transfer of funds; to provide
5 for transfer of membership service; to provide for payments of full actuarial costs; to provide
6 for all other individuals employed by the court; to provide for earnable monthly
7 compensation for purposes of contributions and benefit amounts; to provide for related
8 matters; to provide conditions for an effective date and automatic repeal; to repeal conflicting
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia
13 Judicial Retirement System, is amended by revising Code Section 47-23-49, which is
14 reserved, as follows:

15 "47-23-49.

16 (a) On and after July 1, 2020, each individual employed full time as a judge in the
17 state-wide business court established pursuant to Article VI of the Constitution shall
18 become a member of this retirement system.

19 (b)(1) Each individual who became a member of this retirement system on July 1, 2020,
20 pursuant to this Code section, shall be entitled to creditable service in this retirement
21 system for his or her service rendered between January 1, 2020, and June 30, 2020, as a
22 full-time judge in the state-wide business court established pursuant to Article VI of the
23 Constitution, provided that he or she pays to the retirement system within one year the
24 total of the employee contributions that he or she would have made during such period
25 if he or she had been a member pursuant to this Code section.

26 (2) Each individual who becomes a member of this retirement system pursuant to this
 27 Code section shall be eligible to transfer his or her creditable service from the Employees'
 28 Retirement System of Georgia to this retirement system, provided that he or she notifies
 29 the board of such election within one year of obtaining such membership and pays to the
 30 retirement system the remaining amount necessary to pay for the full actuarial cost to the
 31 retirement system associated with his or her transfer of service. Upon such election and
 32 payment, the Employees' Retirement System of Georgia shall transfer to this retirement
 33 system all employer and employee contributions paid by or on behalf of him or her
 34 together with regular interest thereon, and he or she shall receive service in this
 35 retirement system toward vesting only in the full amount of the service he or she rendered
 36 as an employee while he or she was a member of the Employees' Retirement System of
 37 Georgia and for which credit was allowable in such system.

38 (c) An individual who becomes a member of this retirement system pursuant to this Code
 39 section shall be subject to all provisions of this chapter applicable to solicitors-general of
 40 the state courts, except as otherwise specifically provided by this chapter. For the purposes
 41 of this retirement system, for each such member, his or her earnable monthly compensation
 42 shall be the full rate of regular monthly compensation paid from state funds to such
 43 member employee for his or her full working time.

44 (d) All other individuals employed by the state-wide business court established pursuant
 45 to Article VI of the Constitution shall be treated in accordance with the provisions of Code
 46 Section 47-2-70.1 for new state agencies Reserved."

47 **SECTION 2.**

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

51 "(5) For any person who is a member of the retirement system pursuant to Code
 52 Section 47-23-49, his or her average earnable monthly compensation."

53 **SECTION 3.**

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

59

SECTION 4.

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