

House Bill 780

By: Representatives Leverett of the 33rd, Efstoration of the 104th, and Fleming of the 121st

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and
2 pensions, so as to provide for membership of full-time judges of the state-wide business court
3 in the retirement plan established for appellate court judges; to provide for transfers of
4 membership to such plan from the Judicial Retirement System; to sunset the participation of
5 such judges in the Judicial Retirement System; to provide for related matters; to provide
6 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is
11 amended by revising subsection (a) of Code Section 47-2-244, relating to optional benefits
12 available to appellate court judges, notice of election of benefits, eligibility for benefits,
13 disability benefits, and survivors benefits, as follows:

14 "(a) The term 'appellate court judge,' as used in this Code section, shall mean any Judge,
15 Presiding Judge, or Chief Judge of the Court of Appeals and any Associate Justice,
16 Presiding Justice, or Chief Justice of the Supreme Court. Such term shall also mean each

H. B. 780

17 full-time judge employed by the state-wide business court established pursuant to
18 Article VI of the Constitution."

19 **SECTION 2.**

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

21 "47-2-246.

22 On July 1, 2022, each individual who is employed full-time as a judge in the state-wide
23 business court established pursuant to Article VI of the Constitution shall have his or her
24 membership in the Judicial Retirement System that was established pursuant to Code
25 Section 47-23-49 transferred to the retirement plan for appellate court judges established
26 by Code Section 47-2-244. The Judicial Retirement System shall transfer all employer and
27 employee contributions paid by or on behalf of any such individuals to the retirement plan
28 for appellate court judges established by Code Section 47-2-244, and each such individuals
29 shall receive service toward vesting in the retirement plan for appellate court judges
30 established by Code Section 47-2-244 in the full amount of the service he or she rendered
31 as an employee of the state-wide business court established pursuant to Article VI of the
32 Constitution."

33 **SECTION 3.**

34 Said title is further amended by revising Code Section 47-23-49, relating to membership in
35 the Judicial Retirement System for full-time judges of the state-wide business court, as
36 follows:

37 "47-23-49.

38 (a) On and after July 1, 2020 and prior to July 1, 2022, each individual employed full time
39 as a judge in the state-wide business court established pursuant to Article VI of the
40 Constitution shall become a member of this retirement system.

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

48 (2) Each individual who becomes a member of this retirement system pursuant to this
49 Code section shall be eligible to transfer his or her creditable service from the Employees'
50 Retirement System of Georgia to this retirement system, provided that he or she notifies
51 the board of such election within one year of obtaining such membership and pays to the
52 retirement system the remaining amount necessary to pay for the full actuarial cost to the
53 retirement system associated with his or her transfer of service. Upon such election and
54 payment, the Employees' Retirement System of Georgia shall transfer to this retirement
55 system all employer and employee contributions paid by or on behalf of him or her
56 together with regular interest thereon, and he or she shall receive service in this
57 retirement system toward vesting only in the full amount of the service he or she rendered
58 as an employee while he or she was a member of the Employees' Retirement System of
59 Georgia and for which credit was allowable in such system.

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

66 (d) ~~All other~~ Except as expressly provided by this Code section, Code Section 47-2-244,
67 or Code Section 47-2-246, all individuals employed by the state-wide business court

68 established pursuant to Article VI of the Constitution shall be treated in accordance with
69 the provisions of Code Section 47-2-70.1 for new state agencies."

70 **SECTION 4.**

71 This Act shall become effective on July 1, 2022, only if it is determined to have been
72 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
73 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
74 become effective and shall be automatically repealed in its entirety on July 1, 2022, as
75 required by subsection (a) of Code Section 47-20-50.

76 **SECTION 5.**

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