House Bill 487 (AS PASSED HOUSE AND SENATE)

By: Representatives Meadows of the 5th, Maxwell of the 17th, Benton of the 31st, Buckner of the 130th, and Gordon of the 162nd

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 14 of Title 47 of the Official Code of Georgia Annotated, relating to the Superior Court Clerks' Retirement Fund of Georgia, so as to increase the employee contribution to such fund; to increase certain fines; to provide for an additional payment to such fund; to amend Article 4 of Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to revenues collected from fines and fees relative to the Peace Officers' Annuity and Benefit Fund, so as to provide for a certain employer contribution to such fund; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 14 of Title 47 of the Official Code of Georgia Annotated, relating to the Superior Court Clerks' Retirement Fund of Georgia, is amended by revising subsection (a) of Code Section 47-14-40, relating to application for membership in the fund, payments by members into the fund, and penalties for late payment, as follows:

"(a) Any clerk, in order to participate in the benefits provided for in this chapter, shall make application to the Superior Court Clerks' Retirement Fund of Georgia upon forms to be furnished for that purpose by the board, giving such information as may be required by the board. He or she shall pay $50.00 per month into the fund<u>; provided, however, that members who first or again become members on or after September 1, 2009, shall pay $100.00 per month into the fund</u>. All clerks who made application and are accepted for membership in the fund shall remit to the board, not later than the tenth day of each subsequent month, the amount due under this subsection."

SECTION 2.

Said chapter is further amended by revising subsection (b) of Code Section 47-14-50, relating to payments to the fund from fines and bonds collected in criminal and quasi-criminal cases, duty of collecting authority to record and remit, and penalty for late payment, as follows:

"(b) The sum of ~~$1.75~~ $2.00 shall be paid to the board from each fine collected and each bond forfeited and collected in any criminal or quasi-criminal case for violation of state law if the case is tried in any court of this state in which the clerk of such court is eligible for membership in this retirement fund. The collecting authority shall pay such amounts to the board each month or at such other times as the board may provide. Such amounts shall be due on the first day of the month following the month in which they were collected but shall be deemed timely if received by the board on or before the fifteenth day of the month; provided, however, that for purposes of calculating late payment penalties, the due date shall be the first day of the month. It shall be the duty of the collecting authority to keep accurate records of the amounts due the board. Such records may be audited by the board at any time. The sums remitted to the board under this Code section shall be used for the purposes provided for in this chapter."

SECTION 3.

Said chapter is further amended in Code Section 47-14-51, relating to payments to the fund from fees collected in certain civil actions and for recording of instruments pertaining to real estate, records, audit of records, and use of sums remitted, by adding a new subsection to read as follows:

"(e) The sum of $1.00 shall be paid out of the fees charged and collected pursuant to Title 15 in each civil suit, action, case, or proceeding filed in the superior courts or in any other court of this state in which a clerk eligible for membership in this retirement fund is clerk and shall be remitted to the board as provided in subsection (c) of this Code section. Such fees shall include, without limiting the generality of the foregoing, all adoptions, charters, certiorari, applications by a personal representative for leave to sell or reinvest, trade name registrations, applications for change of name, and all other proceedings of a civil nature filed in the superior courts or other such courts."

SECTION 4.

Article 4 of Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to revenues collected from fines and fees relative to the Peace Officers' Annuity and Benefit Fund, is amended by adding a new Code section to read as follows:

"47-17-61.

The Composite State Board of Medical Examiners shall pay an employer contribution for each person who becomes a member of the fund pursuant to division (5)(I)(vi) of Code Section 47-17-1. Such contribution shall be the full actuarial cost of the member's participation as calculated by the actuary for the fund and shall be made on a monthly basis."

SECTION 5.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 6.

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