

The House Committee on Retirement offers the following substitute to SB 322:

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 provide for an increase in dues; to provide for
3 an increase in the sum to be paid for purchasing prior service credit; to increase payments to
4 the fund from fees collected in civil actions; to increase the benefit payable upon the death
5 of certain members of the fund; to provide for related matters; to provide conditions for an
6 effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 16 of Title 47 of the Official Code of Georgia Annotated, relating to the Sheriffs'
10 Retirement Fund of Georgia, is amended by revising Code Section 47-16-40, relating to
11 application for membership in the fund, contents of application, and claim for credit for prior
12 service, as follows:

13 "47-16-40.

14 In order to become a member of the Sheriffs' Retirement Fund of Georgia, an applicant
15 must meet the following requirements:

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(1) He or she must be a duly qualified and commissioned sheriff of a county of the State of Georgia, serving as sheriff of the superior court of that county at the time he or she files his or her application;

(2) He or she must file his or her application for membership with the secretary-treasurer within one year from the date he or she begins service as a sheriff or within the time limits set forth in Code Section 47-16-41;

(3) He or she must set out in the application for membership his or her correct date of birth;

(4) He or she must list in his or her application for membership all periods of prior service, including credit under Code Section 47-16-80 for services in the armed forces of the United States or as a peace officer, for which service he or she intends to ask credit as basis for his or her future retirement, or shall forever be barred from claiming credit for services not so listed;

(5) The member must tender with the application, within 12 months from the date of that application, or at such other time as the board may provide, a sum equal to the total of ~~\$37.50~~ \$65.00 per month for credit claimed by the member under paragraph (4) of this Code section for past service from and including January 1, 1961, to the date of application; or if such amount is not paid by the due date, the member shall be conclusively deemed to have waived his or her claim or right for credit for such period of time; or

(6) He or she must also furnish to the board such other information and proof of pertinent facts set out in the application for membership or relative to it as may be required by the board; and failure to do so shall constitute grounds for denial of the application for membership by the board."

SECTION 2.

Said chapter is further amended by revising Code Section 47-16-43, relating to requirements for continued active membership in the fund, as follows:

"47-16-43.

In order to retain active membership in the fund, each member must:

(1) Continue serving as a sheriff;

(2) Pay to the secretary-treasurer membership dues of ~~\$45.00~~ \$65.00 per month. Such payment shall be due on or before the tenth day of the following month until the member has made such payments for a total of 30 years; and

(3) Comply with all other mandatory provisions of this chapter and all rules and regulations promulgated by the board."

SECTION 3.

Said chapter is further amended by revising subsections (a) and (b) of Code Section 47-16-61, relating to payments to fund from fees collected in civil actions, duty to record and remit sums collected, and penalties on delinquent amounts, as follows:

"(a) In addition to all other legal costs, the sum of ~~\$1.00~~ \$5.00 shall be charged and collected in each civil action, case, or proceeding, including, without limiting the generality of the foregoing, all adoptions, charters, petitions for review, applications by personal representative for leave to sell or invest, trade name registrations, applications for change of name, and all other proceedings of a civil nature filed in the superior courts. The clerks of the superior courts shall collect such fees, and the fees so collected shall be remitted to the board quarterly or at such other time as the board may provide. It shall be the duty of the clerks of the superior courts to keep accurate records of the amounts due the board under this subsection, and such records may be audited by the board at any time. The sums remitted to the board under this subsection shall be used only for the purposes provided for in this chapter.

(b) In addition to all other legal costs, the sum of ~~\$1.00~~ \$5.00 shall be charged and collected in each civil action, case, or proceeding, including, without limiting the generality of the foregoing, all adoptions, charters, petitions for review, applications by personal representative for leave to sell or invest, trade name registrations, applications for change of name, and all other proceedings of a civil nature filed in the state courts and magistrate courts of this state in which the sheriff of the superior court also fulfills the function as sheriff of such inferior court. The clerks of such state courts and magistrate courts shall collect such fees, and the fees so collected shall be remitted to the board quarterly or at such other time as the board may provide. It shall be the duty of the clerks of such state courts and magistrate courts to keep accurate records of the amounts due the board under this subsection, and such records may be audited by the board at any time. The sums remitted to the board under this subsection shall be used only for the purposes provided for in this chapter."

SECTION 4.

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

"47-16-102.

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

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

interest, shall be paid to his or her surviving spouse, if any, to his or her named beneficiary, if any, or to such member's estate, in that order;

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

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

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

SECTION 5.

This Act shall become effective on July 1, 2024, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2024, as required by subsection (a) of Code Section 47-20-50.

SECTION 6.

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