

Senate Bill 489

By: Senators Goodman of the 8th, Watson of the 11th, Summers of the 13th, Dixon of the 45th, Hodges of the 3rd and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 11 of Title 47 of the Official Code of Georgia Annotated, relating to the
2 Judges of the Probate Courts Retirement Fund of Georgia, so as to allow the Board of
3 Commissioners of the Judges of the Probate Courts Retirement Fund of Georgia to set
4 monthly dues; to provide for limitations on such authority; to provide for factors in such
5 determination; to increase the fee on marriage licenses; to increase the fee on civil filings;
6 to increase the fee on certain fines and bond forfeitures; to provide for related matters; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 11 of Title 47 of the Official Code of Georgia Annotated, relating to the Judges of
11 the Probate Courts Retirement Fund of Georgia, is amended in Code Section 47-11-22,
12 relating to powers and duties of the board, by adding a new subsection to read as follows:

13 “(d)(1) On and after July 1, 2026, each member shall pay monthly dues into the fund in
14 an amount to be determined annually by the board that shall be at least \$105.00 but shall
15 not exceed \$150.00. The requirement for the payment of monthly dues shall cease after
16 a member has paid such dues for a period of 30 years.

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17 (2) The amount of monthly dues established pursuant to this Code section shall apply
 18 uniformly to all members.

19 (3) The board shall determine the amount of monthly dues based on:

20 (A) The recommendation of the actuary of the board;

21 (B) The maintenance of the actuarial soundness of the fund in accordance with the
 22 minimum funding standards provided in Code Section 47-20-10 or such higher
 23 standards as may be adopted by the board; and

24 (C) Such other factors as the board determines relevant."

25 **SECTION 2.**

26 Said chapter is further amended by revising Code Section 47-11-40, relating to eligibility to
 27 participate, credit for service rendered, and requirements for judges to participate, as follows:
 28 "47-11-40.

29 Before any person shall be eligible to participate in the fund, he or she ~~must~~ shall:

30 (1)(A) Be serving as secretary-treasurer or as an employee of the board; or

31 (B) Be a duly qualified and commissioned judge of the probate court of a county of the
 32 State of Georgia. Any judge of a probate court or employee of the board who desires
 33 to participate in the fund shall further comply with applicable provisions in
 34 paragraphs (2) through ~~(9)~~ (7) of this Code section;

35 (2) In the case of judges of the probate courts or employees of the board, make
 36 application to the board for membership in the fund on a form to be furnished by the
 37 board for ~~that~~ such purpose, giving such information, together with verification and proof
 38 thereof, as may be required by the board;

39 (3)(A) As to judges of the probate courts, make application to the board within a period
 40 of 12 months after commencing such service as a judge of the probate court in order to
 41 claim and receive credit for services rendered retroactive to the date of the
 42 commencement of such service or forever be barred from claiming or receiving any

43 credit for any service rendered prior to the date the application is received in the office
44 of the secretary-treasurer.

45 (B) As to employees of the board, make application to the board within a period of 12
46 months after commencing such service as an employee of the board in order to claim
47 and receive credit for services rendered retroactive to the date of the commencement
48 of such service or forever be barred from claiming or receiving any credit for any
49 service rendered prior to the date the application is received in the office of the
50 secretary-treasurer; provided, however, that no employee of the board shall be credited
51 with any service to the board which occurred prior to January 1, 1990; and provided,
52 further, that any person serving as an employee of the board prior to July 1, 1992, shall
53 have until July 1, 1993, to make application with the board and to receive credit for
54 services rendered after January 1, 1990;

55 (4)(A) Any person who on July 1, 1994, has been eligible for membership in the fund
56 for at least 12 months immediately preceding that date and who has never joined the
57 fund may join or rejoin the fund by complying with all relevant provisions of this Code
58 section; provided, however, that such person ~~must~~ shall make application to the board
59 of commissioners not later than June 30, 1995, or forever be barred from receiving
60 credit toward retirement for any time served prior to the date any application for
61 membership is received in the office of the secretary-treasurer.

62 (B) Any person who becomes a member pursuant to subparagraph (A) of this
63 paragraph shall be entitled to obtain service credit for any period during which such
64 person was eligible for membership. Any person who is a member on July 1, 1994, and
65 who has failed to obtain service credit for any period of service as a probate judge may
66 receive service credit for such period for which service credit has not been awarded.
67 Such service credit may be obtained not later than June 30, 1995, by complying with
68 the provisions of paragraphs (5) and (6) of this Code section;

69 (5) As to judges of the probate courts or employees of the board, file with such
70 application a sworn statement setting out the length of time served as judge of the probate
71 court by the applicant since December 22, 1953, or as an employee of the board since
72 January 1, 1990, and such judge's net earnings for each month during such entire period,
73 which may be arrived at by deducting any and all sums spent for the operation of his or
74 her office if he or she is on a fee basis, but by the gross amount if he or she is on salary;
75 provided, however, that, if by either method the income of such judge of the probate court
76 or employee of the board for his or her service as such:

77 (A) Exceeds \$12,000.00 per annum or an average of more than \$1,000.00 per month
78 for any calendar year prior to 1979, such income shall be deemed to be not more than
79 \$12,000.00 during such year and shall be adjusted to this figure;

80 (B) Exceeds \$6,000.00 or an average of more than \$1,000.00 per month for the
81 six-month period beginning January 1, 1979, and ending June 30, 1979, such income
82 shall be deemed to be not more than \$6,000.00 during such six-month period and shall
83 be adjusted to this figure;

84 (C) Exceeds \$7,500.00 or an average of more than \$1,250.00 per month for the
85 six-month period beginning July 1, 1979, and ending December 31, 1979, such income
86 shall be deemed to be not more than \$7,500.00 during such six-month period and shall
87 be adjusted to this figure;

88 (D) Exceeds \$15,000.00 per annum or an average of more than \$1,250.00 per month
89 for any calendar year after 1979, such income shall be deemed to be not more than
90 \$15,000.00 during such year and shall be adjusted to this figure;

91 (E) Exceeds \$20,000.00 per annum or an average of more than \$1,666.66 per month
92 for any calendar year after 1990, such income shall be deemed to be not more than
93 \$20,000.00 during such year and shall be adjusted to this figure;

- 94 (F) Exceeds \$25,000.00 per annum or an average of more than \$2,083.33 per month
 95 for any calendar year after 1992, such income shall be deemed to be not more than
 96 \$25,000.00 during such year and shall be adjusted to this figure; or
- 97 (G) Exceeds \$30,000.00 per annum or an average of more than \$2,500.00 per month
 98 for any calendar year after 1998, such income shall be deemed to be not more than
 99 \$30,000.00 during such year and shall be adjusted to this figure; provided, however,
 100 that the board of commissioners is authorized to increase such amounts by not more
 101 than 3 percent each year, provided that such increase is based upon:
- 102 (i) The recommendation of the actuary of the board of commissioners;
 103 (ii) The maintenance of the actuarial soundness of the fund in accordance with the
 104 standards provided in Code Section 47-20-10 or such higher standards as may be
 105 adopted by the board; and
 106 (iii) Such other factors as the board deems relevant.
- 107 (6) As to judges of the probate courts or employees of the board, remit to the board with
 108 his or her application ~~the sum of \$105.00 per month as dues, together with interest at a~~
 109 ~~rate of 6 percent per annum from the end of the month in which such dues accrued;~~
 110 payment of one month's dues at the then prevailing rate for monthly dues set by the
 111 board; and
- 112 (7) ~~As to judges of the probate courts or employees of the board, file with the board for~~
 113 ~~each month subsequent to admission as a member by the close of business of the~~
 114 ~~twentieth day of each month the sum certain of \$105.00; provided, however, that the~~
 115 ~~requirement for such dues shall cease after the member has paid such dues for a period~~
 116 ~~of 30 years; and~~
- 117 (8) As to judges of the probate courts or employees of the board, all applications for
 118 membership, sworn statements of net earnings, remittances of dues, and all other
 119 information, facts, or figures in connection with this Code section are subject to being
 120 examined, audited, and approved by the board."

121

SECTION 3.

122 Said chapter is further amended in Code Section 47-11-50, relating to payment to fund of a
123 portion of fees collected in connection with marriage licenses, duty to record and report
124 collection, interest, delinquent payment, and penalties, by revising subsection (a) as follows:

125 "(a)(1) The judges of the probate courts shall withhold the following amounts and pay
126 the same to the board by the twentieth day of the month following the month in which
127 such fees were collected, irrespective of whether such collecting judge of the probate
128 court is now or may hereafter be compensated from fees collected or by a salary, or both:

129 (A) ~~Twenty~~ Twenty-five percent of all fees collected by any and all judges of the
130 probate courts for any service rendered as such in taking applications for marriage
131 licenses, issuing and recording such marriage licenses, and filing such applications and
132 marriage licenses with the Department of ~~Community~~ Public Health;

133 (B) ~~Two~~ Five dollars of each civil filing fee; and

134 (C) One dollar of the fee paid for each application for a license to carry a pistol or
135 revolver.

136 (2) It shall be the duty of each judge of the probate court to keep accurate records of all
137 such fees collected, and such records may be audited by the board at any time. The sums
138 remitted to the board under this Code section shall be used to provide adjustments of the
139 compensation of the several judges of the probate courts by making retirement benefits
140 available to such judges of the probate courts and to pay the costs of administration
141 incurred by the board."

142

SECTION 4.

143 Said chapter is further amended in Code Section 47-11-51, relating to payment to fund of a
144 portion of criminal and quasi-criminal fines and forfeited bonds, duty to record and report
145 collection, and penalties, by revising subsection (a) as follows:

146 "(a) In every criminal and quasi-criminal case for violating state statutes or traffic laws
147 which is before a judge of the probate court and in which case a fine is collected or a bond
148 is forfeited, ~~\$3.00~~ \$5.00 shall be collected by the judge, clerk of court, or other collecting
149 authority. Such bond or fine shall be construed to include costs."

150

SECTION 5.

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