

Senate Bill 261

By: Senators Harbin of the 16th, Strickland of the 42nd, Gooch of the 51st, Hickman of the 4th, Williams of the 25th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 25 of Title 47 of the Official Code of Georgia Annotated, relating to the
2 magistrates retirement fund, so as to change the makeup of the Board of Commissioners of
3 the Magistrates Retirement Fund of Georgia; to provide for an employee contribution
4 increase; to increase the maximum number of years of service used to calculate a benefit; to
5 provide for related matters; to provide conditions for an effective date and automatic repeal;
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 25 of Title 47 of the Official Code of Georgia Annotated, relating to the magistrates
10 retirement fund, is amended by revising Code Section 47-25-20, relating to Board of
11 Commissioners created, members, and term of office, as follows:

12 "47-25-20.

13 (a) There is created the Board of Commissioners of the Magistrates Retirement Fund of
14 Georgia.

15 (1) Prior to July 1, 2026, the ~~The~~ board shall consist of seven members as follows:

16 ~~(1)(A)~~ (A) The Governor or the Governor's designee;

17 ~~(2)~~(B) An appointee of the Governor who is not the Attorney General; and

18 ~~(3)~~(C) Five chief magistrates who are members of the fund.

19 (2) On and after July 1, 2026, the board shall consist of seven members as follows:

20 (A) The Governor or the Governor's designee;

21 (B) An appointee of the Governor who is not the Attorney General;

22 (C) Four chief magistrates who are members of the fund; and

23 (D) One retired chief magistrate who is a member of the fund.

24 (b) The members of the board provided for by paragraph (3) of subsection (a) of this Code
25 section shall be appointed by the Governor. The first such members shall be appointed by
26 the Governor to take office on July 1, 2006, for initial terms as follows: one such member
27 shall be appointed for one year; two such members shall be appointed for terms of two
28 years; and two such members shall be appointed for terms of three years. Thereafter, the
29 Governor shall appoint successors upon the expiration of the respective terms of office for
30 terms of three years. All such members shall serve until their successors are appointed and
31 qualified. Such members shall be eligible for reappointment to successive terms of office
32 as members of the board.

33 (c) The board shall elect a chairperson from among its own membership to serve for a term
34 as established by rules of the board. Four members of the board shall constitute a quorum
35 for the transaction of business. All members of the board shall serve without compensation
36 but may be reimbursed for travel and other expenses incurred by them in carrying out their
37 duties as members of the board.

38 (d) In the event of a vacancy in the membership of the board, the remaining members of
39 the board shall appoint a chief magistrate who is a member of the fund to fill such vacancy
40 for the unexpired term.

41 (e) The Council of Magistrate Court Judges shall be authorized to submit the names of
42 nominees for each position on the board appointed by the Governor pursuant to this Code
43 section. The Governor may consider such nominees in making such appointments, but it

44 is specifically provided that all such appointments shall be at the sole discretion of the
45 Governor, and the Governor shall not be required to make any appointments from
46 nominees made by the Council of Magistrate Court Judges."

47 **SECTION 2.**

48 Said chapter is further amended by revising Code Section 47-25-41, relating to member dues,
49 as follows:

50 "47-25-41.

51 Each member shall pay into the fund as dues a sum equal to ~~3.42~~ 4.0 percent of the
52 member's maximum average final monthly compensation established by subsection (a) of
53 Code Section 47-25-81 per month. Each month's dues shall be paid not later than the tenth
54 day of that month."

55 **SECTION 3.**

56 Said chapter is further amended by revising Code Section 47-25-81, relating to the amount
57 of benefits, as follows:

58 "47-25-81.

59 (a) Any member who is approved for retirement benefits as provided in Code
60 Section 47-25-80 shall be paid a monthly sum equal to ~~4~~ 5 percent of his or her average
61 final monthly compensation for each year served by the member up to, but not exceeding,
62 a total of ~~20~~ 28 years; provided, however, that the final annual compensation used for
63 calculating a benefit under this Code section shall not exceed \$42,781.22 or the amount
64 fixed in the following schedule according to county population, whichever amount is
65 higher:

	<u>Population</u>	<u>Maximum Average Final Monthly Compensation</u>
66		
67	500,000 or more	\$ 7,247.87
68	400,000 - 499,999	6,975.70
69	300,000 - 399,999	6,703.53
70	250,000 - 299,999	6,072.65
71	200,000 - 249,999	5,594.17
72	150,000 - 199,999	5,132.49
73	100,000 - 149,999	4,797.70
74	75,000 - 99,999	4,490.76
75	50,000 - 74,999	4,183.47
76	39,000 - 49,999	3,732.53
77	29,000 - 38,999	3,512.80
78	20,000 - 28,999	3,293.34
79	11,890 - 19,999	3,073.88
80	6,000 - 11,889	2,713.53
81	0 - 5,999	1,975.98

82 (b) The board of commissioners is authorized to adopt from time to time a method or
 83 methods of providing for increases in the maximum final monthly compensation used for
 84 calculating a benefit as provided in this Code section. Such method or methods shall be
 85 based upon:

- 86 (1) The recommendation of the actuary of the board of commissioners;
- 87 (2) The maintenance of the actuarial soundness of the fund in accordance with the
 88 standards provided in Code Section 47-20-10 or such higher standards as may be adopted
 89 by the board; and

90 (3) Such other factors as the board deems relevant; provided, however, that any such
91 increase shall be uniform and shall apply equally to all members of this retirement
92 system.

93 (c) No time for which dues have not been paid in accordance with Code Section 47-25-41
94 shall be considered in determining the number of years of service."

95 **SECTION 4.**

96 This Act shall become effective on July 1, 2026, only if it is determined to have been
97 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
98 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
99 become effective and shall be automatically repealed in its entirety on July 1, 2026, as
100 required by subsection (a) of Code Section 47-20-50.

101 **SECTION 5.**

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