

House Bill 646 (AS PASSED HOUSE AND SENATE)

By: Representatives Fleming of the 121<sup>st</sup>, Harbin of the 122<sup>nd</sup>, Sims of the 123<sup>rd</sup>, and McCall of the 33<sup>rd</sup>

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 of Georgia, so as to provide that part-time chief magistrates  
3 may become members of such fund; to provided for related matters; to provide conditions  
4 for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Chapter 25 of Title 47 of the Official Code of Georgia Annotated, relating to the Magistrates  
8 Retirement Fund of Georgia, is amended by revising paragraph (3) of Code Section 47-25-1,  
9 relating to definitions, as follows:

10 ~~"(3) 'Full-time chief magistrate' means a chief magistrate who regularly exercises the~~  
11 ~~powers of a magistrate as set forth in Code Section 15-10-2 at least 40 hours per~~  
12 ~~workweek~~ Reserved."

13 SECTION 2.

14 Said chapter is further amended by revising subsections (a) and (d) of Code Section  
15 47-25-20, relating to board of commissioners created, members, and term of office, as  
16 follows:

17 "(a) There is created the Board of Commissioners of the Magistrates Retirement Fund of  
18 Georgia. The board shall consist of seven members as follows:

- 19 (1) The Governor or the Governor's designee;
- 20 (2) An appointee of the Governor who is not the Attorney General; and
- 21 (3) Five ~~full-time~~ chief magistrates who are members of the fund."

22 "(d) In the event of a vacancy in the membership of the board, the remaining members of  
23 the board shall appoint a ~~full-time~~ chief magistrate who is a member of the fund to fill such  
24 vacancy for the unexpired term."

25 **SECTION 3.**

26 Said chapter is further amended by revising subsection (b) of Code Section 47-25-21, relating  
27 to the secretary-treasurer of such fund, as follows:

28 "(b) The secretary-treasurer shall be paid retirement benefits upon retiring as  
29 secretary-treasurer as provided in Article 5 of this chapter for a ~~full-time~~ chief magistrate  
30 retiring with the highest benefit allowed by such article and shall be entitled to any  
31 retirement option allowed by such article."

32 **SECTION 4.**

33 Said chapter is further amended by revising Code Section 47-25-40, relating to qualifications,  
34 as follows:

35 "47-25-40.

36 Before any person shall be eligible to participate in the fund, he or she must be serving as  
37 a duly qualified and commissioned ~~full-time~~ chief magistrate of a county of the State of  
38 Georgia or as the secretary-treasurer. Any qualified person who desires to participate in  
39 the fund shall make application to the board for membership in the fund on a form to be  
40 furnished by the board for that purpose, giving such information, together with verification  
41 and proof thereof, as may be required by the board. Such application shall be made not  
42 later than July 1, 2007, or within six months after becoming eligible for membership,  
43 whichever is later."

44 **SECTION 5.**

45 Said chapter is further amended by revising Code Section 47-25-80, relating to requirements  
46 for receiving benefits, as follows:

47 "47-25-80.

48 In order for a member to be eligible to receive retirement benefits under this chapter, he or  
49 she must have:

- 50 (1) Served as a regularly qualified and commissioned ~~full-time~~ chief magistrate or as the  
51 secretary-treasurer for at least eight years;
- 52 (2) Fully complied with this chapter;
- 53 (3) Terminated his or her official capacity as a ~~full-time~~ chief magistrate or as the  
54 secretary-treasurer;
- 55 (4) Attained the age of 60 years;
- 56 (5) Filed with the board his or her application for such retirement, on a form to be  
57 furnished by the board, within a period of 90 days, or as soon thereafter as possible, after  
58 reaching the age of 60 years or after termination of his or her official capacity as a

59 ~~full-time~~ chief magistrate or as the secretary-treasurer, whichever may occur last in point  
 60 of time; and  
 61 (6) Had his or her application for retirement approved by the board."

62 **SECTION 6.**

63 Said chapter is further amended by revising paragraph (2) of subsection (c) of Code Section  
 64 47-25-82, relating to benefits for surviving spouse, as follows:

65 "(2) To leave such dues in the retirement fund and to receive spouse's benefits which  
 66 shall be payable beginning:

67 (A) On the date of the member's death, if such member is 60 years of age or older; or

68 (B) On the date on which the surviving spouse of the deceased member reaches 60  
 69 years of age,

70 whichever event occurs last, and which shall be equal to 50 percent of the retirement  
 71 benefits which the deceased member was drawing at the time of death or, in the case of  
 72 a member who dies prior to his or her sixtieth birthday, which such deceased member  
 73 would have been entitled to receive upon reaching 60 years of age had he or she lived and  
 74 ceased service as a ~~full-time~~ chief magistrate or the secretary-treasurer on the date of his  
 75 or her death."

76 **SECTION 7.**

77 Said chapter is further amended by revising subsection (a) of Code Section 47-25-83, relating  
 78 to refund of dues, as follows:

79 "(a) Any member, after ceasing to serve as a ~~full-time~~ chief magistrate or as the  
 80 secretary-treasurer and after waiving any right to retirement benefits in writing on a form  
 81 to be provided by the board, may apply for and be refunded all dues paid, together with 5  
 82 percent simple interest per annum from the end of the calendar year in which paid to the  
 83 end of the calendar year next preceding the application for the refund."

84 **SECTION 8.**

85 Said chapter is further amended by revising Code Section 47-25-84, relating to total and  
 86 permanent disability, as follows:

87 "47-25-84.

88 Notwithstanding any other provisions of this chapter to the contrary, a member may retire  
 89 after completing four years of creditable service if he or she becomes totally and  
 90 permanently disabled after commencing service as a ~~full-time~~ chief magistrate or as the  
 91 secretary-treasurer. Any such member shall be entitled to receive retirement benefits in the  
 92 amount that he or she would receive if his or her retirement were effective at the time he

93 or she became disabled. All questions relating to the degree and nature of the total and  
94 permanent disability suffered by the member shall be determined by the board."

95 **SECTION 9.**

96 Said chapter is further amended by revising subsection (b) of Code Section 47-25-86, relating  
97 to suspension of benefits if retired member becomes employed as full-time or part-time  
98 magistrate, as follows:

99 "(b) If a retired member becomes employed as a ~~full-time~~ chief magistrate, he or she may  
100 elect again to become a contributing member of the retirement system and be governed by  
101 the retirement provisions of this chapter."

102 **SECTION 10.**

103 This Act shall become effective on July 1, 2014, only if it is determined to have been  
104 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
105 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
106 become effective and shall be automatically repealed in its entirety on July 1, 2014, as  
107 required by subsection (a) of Code Section 47-20-50.

108 **SECTION 11.**

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