

House Bill 825 (AS PASSED HOUSE AND SENATE)

By: Representatives Fleming of the 125th and Leverett of the 123rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to the
2 Judicial Retirement System, so as to require certain counties that comprise single county
3 judicial circuits to supplement the retirement benefits paid to the circuit's district attorneys;
4 to permit the state court judges of Fulton County to participate in such county's defined
5 contribution plan; to provide for related matters; to provide conditions for an effective date
6 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 23 of Title 47 of the Official Code of Georgia Annotated, relating to the Judicial
10 Retirement System, is amended by revising Code Section 47-23-50, relating to retirement
11 benefits for state judges serving Fulton County, as follows:

12 "47-23-50.

13 Any person who becomes a judge of the State Court of Fulton County on or after July 1,
14 2004, shall become a member of this retirement system by operation of law and shall not
15 be a member of any other public retirement system; provided, however, that any such judge
16 may participate in a county's defined contribution plan."

SECTION 2.

17

18 Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to the Judicial
19 Retirement System, is amended by revising Code Section 47-23-106, relating to county
20 supplement of salaries, as follows:

21 "47-23-106.

22 (a) Whenever any county within a judicial circuit supplements the state salary paid to
23 active superior court judges or the district attorney of said circuit, the governing authority
24 of such county shall be authorized, but not required, to supplement the benefit being paid
25 pursuant to this chapter to any retired superior court judge or district attorney of said circuit
26 who is receiving benefits pursuant to this chapter or to supplement the benefit being paid
27 pursuant to this chapter to any beneficiary of any deceased superior court judge or district
28 attorney.

29 (b) Whenever any county which has a state court supplements the salary of the judges or
30 solicitors-general of such court, the governing authority of such county shall be authorized,
31 but not required, to supplement the benefit being paid pursuant to this chapter to any retired
32 state court judge of such court who is receiving benefits pursuant to this chapter or
33 supplement the benefit being paid pursuant to this chapter to any beneficiary of any
34 deceased state court judge.

35 (c) Notwithstanding the provisions of subsection (a) or (b) of this Code section, for any
36 single county judicial circuit where the county site is located in an unincorporated area of
37 the county and the county governing authority has constructed one or more permanent
38 satellite courthouses within the county, said county shall supplement the benefit amount
39 being paid pursuant to this chapter to any district attorney who retired from such circuit.
40 The amount of the supplement shall be determined by multiplying the benefit percentage
41 he or she earned pursuant to Code Section 47-23-102 at retirement together with the
42 aggregate county salary supplement being paid to the active district attorney on the date
43 that he or she begins receiving a retirement benefit or the supplement paid to the retiring

44 district attorney upon his or her last day of service as district attorney, whichever is greater.
45 The supplement shall not be payable to a spouse or survivor pursuant to the provisions of
46 Code Section 47-23-105."

47 **SECTION 3.**

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

53 **SECTION 4.**

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