

House Bill 601

By: Representatives Maxwell of the 17<sup>th</sup>, Battles of the 15<sup>th</sup>, Weldon of the 3<sup>rd</sup>, Buckner of the 137<sup>th</sup>, and Brooks of the 55<sup>th</sup>

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 define certain terms; to  
3 restrict and repeal an automatic cost-of-living benefit increase; to provide for a portion of  
4 fines and forfeited bonds for criminal, quasi-criminal, and civil cases for violating state  
5 statutes or traffic laws be paid to the fund; to provide for a member contribution; to provide  
6 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other  
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**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 by revising Code Section  
12 47-11-1, relating to definitions, as follows:

13 "47-11-1.

14 As used in this chapter, the term:

15 (1) 'Adjusted annual income' means the maximum income determined by application of  
16 paragraph (5) of Code Section 47-11-40.

17 (2) 'Adjusted monthly income' means a sum equal to one-twelfth of the adjusted annual  
18 income.

19 ~~(1)~~(3) 'Board' means the Board of Commissioners of the Judges of the Probate Courts  
20 Retirement Fund of Georgia.

21 ~~(2)~~(4) 'Fund' means the Judges of the Probate Courts Retirement Fund of Georgia.

22 ~~(3)~~(5) 'Member' means a member of the Judges of the Probate Courts Retirement Fund  
23 of Georgia."

24 **SECTION 2.**

25 Said chapter is further amended by revising paragraph (2) of subsection (c) of Code Section  
 26 47-11-22, relating to powers and duties of the board, as follows:

27 "(2) Any provision of paragraph (1) of this subsection to the contrary notwithstanding,  
 28 ~~no member who receives an annual cost-of-living benefit increase pursuant to subsection~~  
 29 ~~(e) of Code Section 47-11-71 shall receive a benefit increase under this subsection greater~~  
 30 ~~than 1 percent of the maximum monthly benefit then in effect; provided, however, that~~  
 31 ~~no such member shall receive any such increase unless the members not entitled to a~~  
 32 ~~benefit increase under subsection (e) of Code Section 47-11-71 receive a like amount plus~~  
 33 ~~an additional increase of 2 percent of the maximum benefit then in effect; provided,~~  
 34 ~~further, that no benefit increase shall be awarded under this subsection greater than 1.5~~  
 35 percent in any six-month period."

36 **SECTION 3.**

37 Said chapter is further amended by revising paragraphs (6) and (7) of Code Section 47-11-40,  
 38 relating to eligibility to participate, credit for service rendered, and requirements for judges  
 39 to participate, as follows:

40 "(6) As to judges of the probate courts or employees of the board, remit to the board with  
 41 his or her application ~~the sum of \$105.00 per month as dues~~ a sum equal to 3.5 percent  
 42 of his or her adjusted monthly income, together with interest at a rate of 6 percent per  
 43 annum from the end of the month in which such dues accrued;

44 (7) As to judges of the probate courts or employees of the board, file with the board for  
 45 each month subsequent to admission as a member by the close of business of the  
 46 twentieth day of each month ~~the sum certain of \$105.00~~ a sum equal to 3.5 percent of his  
 47 or her adjusted monthly income; provided, however, that the requirement for such dues  
 48 shall cease after the member has paid such dues for a period of 20 years; and"

49 **SECTION 4.**

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

53 "(a) In every criminal, ~~and quasi-criminal, and civil~~ case for violating state statutes or  
 54 traffic laws which is before a judge of the probate court or a judge of any state court  
 55 created on or after July 1, 2014, and in which case a fine is collected or a bond is forfeited,  
 56 \$3.00 shall be collected by the judge, clerk of court, or other collecting authority. Such  
 57 bond or fine shall be construed to include costs."

58

**SECTION 5.**

59 Said chapter is further amended by repealing subsection (e) of Code Section 47-11-71,  
60 relating to amount of retirement benefits, optional retirement benefits, and manner in which  
61 persons not eligible for maximum benefits at retirement may become eligible, which reads  
62 as follows:

63 "(e) Any other provision of law to the contrary notwithstanding, additional retirement  
64 benefits shall be paid to each person, including a surviving spouse, who was receiving  
65 benefits under this chapter on January 1, 1993, or who became entitled to receive benefits  
66 on or after January 1, 1993. Such additional benefits shall be annual cost-of-living benefits  
67 equal to the benefit a member would otherwise be entitled to receive as calculated pursuant  
68 to subsections (a) through (d) of this Code section and any benefits previously received as  
69 authorized by this subsection multiplied by the percentage of any increase in the Consumer  
70 Price Index of the Bureau of Labor Statistics of the United States Department of Labor for  
71 all items and major groups, United States city average, for the immediately preceding  
72 calendar year; provided, however, that such annual percentage increase in benefits shall not  
73 exceed 2 percent regardless of the percentage increase in the Consumer Price Index. In any  
74 year in which there is no percentage increase in such Consumer Price Index, no additional  
75 retirement benefits shall be paid under this subsection."

76

**SECTION 6.**

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

82

**SECTION 7.**

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