

House Bill 250

By: Representative Dickson of the 6th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and
2 pensions, so as to provide for the assignment of payments to a beneficiary to a self-settled,
3 supplemental needs trust for that beneficiary; to provide for the assignment of certain
4 member benefits to a member's spouse by court order; to provide for related matters; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is
9 amended in Chapter 1, relating to general provisions, by adding a new Code section to read
10 as follows:

11 "47-1-17.

12 (a) All benefits payable to a beneficiary under this title shall be assignable to a self-settled,
13 supplemental needs trust for that beneficiary as provided by 42 U.S.C. Section
14 1396(d)(4)(A), as it existed on January 1, 2015.

15 (b) All benefits payable to any member of any retirement system created under this title
16 shall be assignable by court order directly to that member's spouse if the member is
17 Medicaid eligible under the laws of this state and is either:

18 (1) Institutionalized in a facility which is licensed as a hospital, nursing home, skilled
19 nursing facility, intermediate care home, assisted living community, or personal care
20 home or hospice pursuant to Chapter 7 of Title 31; or

21 (2) Described in 42 U.S.C. Section 1396a(a)(10)(A)(ii)(VI), as it existed on January 1,
22 2015."

23 **SECTION 2.**

24 Said title is further amended in Chapter 2, relating to the Employees' Retirement System of
 25 Georgia, by revising subsection (a) of Code Section 47-2-332, relating to assignability, as
 26 follows:

27 "47-2-332.

28 (a) The right to a pension, annuity, retirement allowance, return of contributions, the
 29 pension, annuity, or retirement allowance itself, any optional benefit, or any other right
 30 accrued or accruing to any person under this chapter and the moneys in the various
 31 accounts created by this chapter are:

32 (1) Exempt from any state, county, or municipal tax, except as provided in Code Section
 33 48-7-27;

34 (2) Exempt from levy and sale, garnishment, attachment, or any other process
 35 whatsoever; and

36 (3) Not assignable except as otherwise specifically provided in ~~this chapter~~ Code Section
 37 47-1-17."

38 **SECTION 3.**

39 Said title is further amended in Chapter 3, relating to the Teachers Retirement System of
 40 Georgia, by revising paragraph (a) of Code Section 47-3-28, relating to assignability, as
 41 follows:

42 "47-3-28.

43 (a) The right to a pension, annuity, retirement allowance, return of contributions, the
 44 pension, annuity, or retirement allowance itself, any optional benefit, or any other right
 45 accrued or accruing to any person under this chapter and the moneys in the various
 46 accounts created by this chapter are exempt from any state, county, or municipal tax,
 47 except as provided in Code Section 48-7-27; exempt from levy and sale, garnishment,
 48 attachment, or any other process whatsoever; and shall not be assignable except as
 49 otherwise specifically provided in ~~this chapter~~ Code Section 47-1-17. The exemptions
 50 under this Code section shall extend to benefits accrued or accruing to any member of a
 51 local retirement system, whether such benefits are attributable to amounts paid by the
 52 retirement system to such local retirement system for the account and benefit of the
 53 member, or otherwise."

54 **SECTION 4.**

55 Said title is further amended in Chapter 5, relating to the Georgia Municipal Employees
 56 Benefit System, by revising Code Section 47-5-71, relating to assignability, as follows:

57 "47-5-71.

58 Funds held by the board of trustees or for its account shall not be subject to process, levy,
59 or attachment; nor shall benefits arising under this chapter or any contract pursuant to this
60 chapter be assignable except as otherwise specifically provided for in Code
61 Section 47-1-17."

62 **SECTION 5.**

63 Said title is further amended in Chapter 7, relating to the Georgia Firefighters' Pension Fund,
64 by revising Code Section 47-7-122, relating to assignability, as follows:

65 "47-7-122.

66 Benefits under this chapter shall not be subject to attachment, garnishment, levy, or other
67 legal process against the firefighter, volunteer firefighter, or a designated beneficiary
68 entitled to receive such benefits; nor shall such benefits or rights be assignable ~~unless~~
69 ~~specifically provided for in this chapter~~ except as otherwise specifically provided for in
70 Code Section 47-1-17. Benefits under this chapter are expressly declared to be exempt
71 from any and all taxation, whether imposed by any state, county, municipality, or other
72 political subdivision."

73 **SECTION 6.**

74 Said title is further amended in Chapter 11, relating to the Judges of the Probate Courts
75 Retirement Fund of Georgia, by revising Code Section 47-11-91, relating to assignability,
76 as follows:

77 "47-11-91.

78 None of the funds provided for in this chapter shall be subject to attachment, garnishment,
79 or judgment rendered against the person entitled to receive the same. Such funds shall not
80 be assignable except as otherwise specifically provided for in Code Section 47-1-17."

81 **SECTION 7.**

82 Said title is further amended in Chapter 12, relating to District Attorneys Emeritus and the
83 District Attorneys Retirement Fund of Georgia, by revising Code Section 47-12-101, relating
84 to assignability, as follows:

85 "47-12-101.

86 The right to a retirement benefit, district attorney emeritus salary, return of contributions,
87 any optional benefit, or any other right accrued or accruing to any person under this chapter
88 and the moneys in the fund are exempt from any state, county, or municipal tax, except as
89 provided in Code Section 48-7-27; exempt from levy and sale, garnishment, attachment,

90 or any other process whatsoever; and shall not be assignable, except as otherwise
 91 specifically provided for in ~~this chapter~~ Code Section 47-1-17."

92 **SECTION 8.**

93 Said title is further amended in Chapter 14, relating to the Superior Court Clerks' Retirement
 94 Fund of Georgia, by revising Code Section 47-14-91, relating to assignability, as follows:

95 "47-14-91.

96 The right to any pension, allowance, or benefit; the right to the return of contributions; any
 97 optional benefit; or any other right accrued or accruing to any person under this chapter;
 98 and moneys under this chapter shall be exempt from any tax imposed by any state, county,
 99 municipal, or other political subdivision, except as provided in Code Section 48-7-27, and
 100 shall be exempt from levy and sale, garnishment, attachment, or any other process. Such
 101 funds and benefits shall not be assignable except as otherwise specifically provided for in
 102 Code Section 47-1-17."

103 **SECTION 9.**

104 Said title is further amended in Chapter 16, relating to the Sheriffs' Retirement Fund of
 105 Georgia, by revising Code Section 47-16-122, relating to assignability, as follows:

106 "47-16-122.

107 None of the funds under this chapter shall be subject to attachment, garnishment, or
 108 judgments rendered against the person entitled to receive such funds. Such funds shall not
 109 be assignable, but shall be paid to the person determined to be entitled to receive them
 110 under this chapter except as otherwise specifically provided for in Code Section 47-1-17."

111 **SECTION 10.**

112 Said title is further amended in Chapter 23, relating to the Georgia Judicial Retirement
 113 System, by revising Code Section 47-23-121, relating to assignability, as follows:

114 "47-23-121.

115 The return of contributions, any optional benefit, or any other right accrued or accruing to
 116 any person under this chapter and the moneys in the fund created by this chapter are
 117 exempt from levy and sale, garnishment, attachment, or any other process whatsoever and
 118 shall not be assignable, except as otherwise specifically provided in ~~this chapter~~ Code
 119 Section 47-1-17."

120 **SECTION 11.**

121 Said title is further amended in Chapter 25, relating to the Magistrates Retirement Fund, by
 122 revising Code Section 47-25-101, relating to assignability, as follows:

123 "47-25-101.

124 None of the funds provided for in this chapter shall be subject to attachment, garnishment,
125 or judgment rendered against the person entitled to receive the same. Such funds shall not
126 be assignable except as otherwise specifically provided for in Code Section 47-1-17."

127 **SECTION 12.**

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