

House Bill 917 (AS PASSED HOUSE AND SENATE)

By: Representatives Cummings of the 19th, McBee of the 74th, Coleman of the 65th, and Black of the 144th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 47-3-121 of the Official Code of Georgia Annotated, relating to
2 optional retirement allowances under the Teachers Retirement System of Georgia, the
3 election of options, and revocation of the election, so as to provide that a member of such
4 retirement system may elect to receive a reduced retirement allowance together with a partial
5 lump sum distribution; to provide for exceptions and limitations; to provide for a refund in
6 the event of the death of a member or benefit recipient; to provide conditions for an effective
7 date and automatic repeal; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Code Section 47-3-121 of the Official Code of Georgia Annotated, relating to optional
11 retirement allowances under the Teachers Retirement System of Georgia, the election of
12 options, and revocation of the election, is amended by inserting immediately following
13 subsection (e) a new subsection to read as follows:

14 "(e.1) Option five shall consist of a reduced retirement allowance together with a partial
15 lump sum distribution. This option may be elected by any retiring member including
16 members electing another optional allowance under this Code section except that this
17 option shall not be available to members retiring pursuant to Code Section 47-3-122 or
18 members subject to the requirements of subsection (b) of Code Section 47-3-120. The
19 amount of the lump sum distribution under this subsection may not exceed the sum of 36
20 months of the monthly retirement allowance the retiring member would have received had
21 he or she not elected the partial lump sum option. The partial lump sum distribution will
22 be made as a single payment payable at the time the first monthly retirement allowance is
23 paid to the retired member."

1 **SECTION 2.**

2 Said Code section is further amended by striking subsection (h) and inserting in lieu thereof
3 the following:

4 "(h) Upon the death of the retired member and then the death of the person designated by
5 him or her to receive continuing retirement benefits under option two, three, ~~or four~~, or five
6 if the total monthly benefits paid, including any partial lump sum distribution, to the retired
7 member and to such person designated to receive continuing benefits do not equal or
8 exceed the retired member's accumulated contributions at the time of his or her retirement,
9 the difference shall be refunded to the person designated in writing by the retired member
10 to receive such a refund of this difference. If no such person is designated to receive this
11 difference, or if such designated person has predeceased the person designated to receive
12 continuing monthly retirement benefits, or if such designees are the same person, this
13 difference shall be paid to the estate of the person designated to receive continuing monthly
14 retirement benefits."

15 **SECTION 3.**

16 Said Code section is further amended by striking in its entirety subsection (i) and inserting
17 in lieu thereof the following:

18 "(i) Upon the death of the person designated by the retired member to receive continuing
19 monthly retirement benefits under option two, three, ~~or four~~, or five and then the death of
20 the retired member, if the total monthly benefits paid, including any partial lump sum
21 distribution, to the retired member prior to his or her death do not equal or exceed the
22 retired member's accumulated contributions at the time of his or her retirement, the
23 difference shall be refunded to the person designated in writing by the retired member to
24 receive such a refund of this difference. If the person designated by the retired member to
25 receive a refund of this difference also predeceases the retired member, or if such designees
26 are the same person, or if no person is designated to receive this difference, this difference
27 shall be paid to the estate of the retired member."

28 **SECTION 4.**

29 This Act shall become effective on July 1, 2004, only if it is determined to have been
30 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
31 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
32 become effective and shall be automatically repealed in its entirety on July 1, 2004, as
33 required by subsection (a) of Code Section 47-20-50.

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SECTION 5.

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