

The House Committee on Retirement offers the following substitute to HB 234:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 47-14-70 of the Official Code of Georgia Annotated, relating to  
2 eligibility for retirement benefits, additional or partial benefits, and election to provide both  
3 retirement and survivors benefits under the Superior Court Clerks' Retirement Fund, so as  
4 to provide that in the event a covered spouse predeceases or is divorced from a member who  
5 has elected survivors benefits, the benefit level shall be the same as if the member had not  
6 elected such benefits; to provide for the commencement of benefits; to provide for the  
7 reestablishment of benefits in the event of remarriage; to provide conditions for an effective  
8 date and automatic repeal; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Code Section 47-14-70 of the Official Code of Georgia Annotated, relating to eligibility for  
12 retirement benefits under the Superior Court Clerks' Retirement Fund, additional or partial  
13 benefits, and election to provide both retirement and survivors benefits, is amended by  
14 striking in its entirety subsection (c) and inserting in lieu thereof the following:

15 "(c) In lieu of the retirement benefits provided in subsections (a) and (b) of this Code  
16 section, a member, upon retirement, may elect to receive 90 percent of the benefits the  
17 member is entitled to receive under subsections (a) and (b) of this Code section during the  
18 remainder of the member's life; and, after the member's death, the member's surviving  
19 spouse shall receive a monthly sum during the lifetime of the surviving spouse equal to 50  
20 percent of the amount which the member would have received had the member elected the  
21 full benefits provided under subsections (a) and (b) of this Code section. If the elected  
22 spouse predeceases the member, or if the member and the spouse cease to be married, the  
23 member shall be entitled to receive 100 percent of the benefits under subsection (a) or (b)  
24 as if he or she had not elected the option provided by this subsection. Such benefit shall  
25 commence on the first day of the month following the month in which the member notifies  
26 the board of trustees of such change in status. If the member subsequently remarries, he

1 or she may establish spousal survivor benefits as otherwise provided in this subsection. In  
2 order to be eligible for such benefits, the surviving spouse must have been married to the  
3 member for at least six years immediately preceding the member's death. Such benefits  
4 shall not commence until after the surviving spouse reaches 55 years of age."

5 **SECTION 2.**

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

11 **SECTION 3.**

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