

House Bill 381 (AS PASSED HOUSE AND SENATE)

By: Representatives Bridges of the 10<sup>th</sup> and Cummings of the 16<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 47-2-121 of the Official Code of Georgia Annotated, relating to  
2 optional retirement allowances, so as to make technical corrections of certain conflicting  
3 provisions; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Code Section 47-2-121 of the Official Code of Georgia Annotated, relating to optional  
7 retirement allowances, is amended by striking in its entirety subsection (e.4) and inserting  
8 in lieu thereof the following:

9 "(e.4) Option ~~five~~ six shall consist of a reduced retirement allowance together with a partial  
10 lump sum distribution. This option may be elected by any retiring member including  
11 members electing another optional allowance under this Code section except that this  
12 option shall not be available to members retiring pursuant to Code Section 47-2-123 or  
13 members subject to the requirements of subsection (e) of Code Section 47-2-120. The  
14 amount of the lump sum distribution under this subsection may not exceed the sum of 36  
15 months of the monthly retirement allowance the retiring member would have received had  
16 he or she not elected the partial lump sum option. The partial lump sum distribution will  
17 be made as a single payment payable at the time the first monthly retirement allowance is  
18 paid to the retired member."

19 style="text-align:center">**SECTION 2.**

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

22 "(i) Whenever any retired member was unmarried at the time of retirement and he or she  
23 has elected an optional allowance under this Code section and ~~one or more children are~~  
24 ~~designated~~ has named a designated beneficiary or beneficiaries to receive all amounts and  
25 benefits upon the death of the retired member, the retired member may revoke the election

1 at any time after the member marries or remarries and designate the current spouse as the  
 2 person to receive all amounts and benefits upon the death of the retired member. In such  
 3 event, the member shall receive the applicable actuarially reduced retirement benefit of  
 4 equivalent actuarial value and establish on behalf of the new spouse ~~the same option which~~  
 5 ~~was applicable to the previously appointed child or children~~ optional allowance two, three,  
 6 four, or five, as provided in this Code section. Upon the death of such spouse or upon the  
 7 entry of a final order of divorce, the provisions of subsection (h) of this Code section shall  
 8 become applicable."

9 **SECTION 3.**

10 Said Code section is further amended by striking in its entirety paragraph (2) of subsection  
 11 (j) and inserting in lieu thereof the following:

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

22 **SECTION 4.**

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