

House Bill 309

By: Representative Fleming of the 117<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 47-2-244 of the Official Code of Georgia Annotated, relating to  
2 optional benefits under the Employees' Retirement System of Georgia available to appellate  
3 court judges, notice of election of benefits, eligibility for benefits, disability benefits, and  
4 survivors benefits, so as to provide that an appellate court judge may begin receiving  
5 retirement benefits at age 60 under certain conditions; to provide conditions for an effective  
6 date and automatic repeal, to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 47-2-244 of the Official Code of Georgia Annotated, relating to optional  
10 benefits under the Employees' Retirement System of Georgia available to appellate court  
11 judges, notice of election of benefits, eligibility for benefits, disability benefits, and survivors  
12 benefits, is amended by revising subsection (h) as follows:

13 "(h) The surviving spouse of an appellate court judge, provided such surviving spouse is  
14 the designated beneficiary, shall be entitled to receive a benefit payable monthly for life  
15 equivalent to 50 percent of the benefits to which the spouse would have been entitled based  
16 upon his or her years of service as an appellate court judge and without regard to whether  
17 such judge had attained age ~~65~~ 60. However, if the designated beneficiary, or  
18 beneficiaries, is someone other than the surviving spouse of the deceased judge, then such  
19 named beneficiary or beneficiaries shall be entitled to receive a benefit payable monthly  
20 for life based on an actuarial equivalent, provided the actuarial equivalent shall not be in  
21 excess of 50 percent of the amount that would have been payable to the judge. For the  
22 purpose of this provision, in the event the beneficiary, or beneficiaries, is not the member's  
23 spouse, the actuarial equivalent shall be computed based upon the assumption that the  
24 member had a spouse who was the same age as the member."

