

House Bill 365

By: Representatives Kirby of the 114th, Maxwell of the 17th, Williamson of the 115th, Lumsden of the 12th, and Wilkerson of the 38th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 16 of Title 47 of the Official Code of Georgia Annotated,
2 relating to retirement and death benefits for the Sheriffs' Retirement Fund of Georgia, so as
3 to increase the benefit payable upon the death of certain members of the fund; to provide
4 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 6 of Chapter 16 of Title 47 of the Official Code of Georgia Annotated, relating to
9 retirement and death benefits for the Sheriffs' Retirement Fund of Georgia, is amended by
10 revising Code Section 47-16-102, relating to death benefits, beneficiaries, and procedure for
11 designation of beneficiary to receive such benefits, as follows:

12 "47-16-102.

13 In addition to the retirement benefits provided in this chapter, death benefits shall be paid
14 to members in accordance with the following:

15 (1) If any member of this fund dies before retirement, whether such member is active or
16 inactive, an amount equal to the total amount which has been paid by such member into
17 the fund as dues shall be paid, without interest, to such member's surviving spouse, if any,
18 to such member's named beneficiary, if any, or to such member's estate, in that order. If
19 any member dies after retirement without having received an amount equal in benefits
20 to the total amount which he or she has paid into the fund as dues, the difference, without
21 interest, shall be paid to his or her surviving spouse, if any, to his or her named
22 beneficiary, if any, or to such member's estate, in that order;

23 (2) In addition to the death benefits provided in paragraph (1) of this Code section, upon
24 the death of any inactive member who would otherwise qualify to be carried upon the
25 active membership rolls but for the fact that the member no longer holds the office of
26 sheriff, any member who is receiving retirement benefits, or any member who is

27 otherwise qualified to receive retirement benefits from this fund except that the member
 28 has not reached the age of 55 years or has not filed an application or has not been
 29 approved for retirement benefits, the sum of ~~\$15,000.00~~ \$25,000.00 shall be paid as
 30 additional death benefits to the surviving spouse of such member, if any, to the member's
 31 named beneficiary, if any, or to the member's estate, in that order. Upon the death of any
 32 active member, the sum of ~~\$15,000.00~~ \$25,000.00 shall be paid as additional death
 33 benefits to the surviving spouse of such member, if any, to the member's named
 34 beneficiary, if any, or to the member's estate, in that order;

35 (3) At the time any member submits his or her application for membership in this fund,
 36 at the time any member submits his or her application for retirement benefits, and from
 37 time to time any member of this fund, whether carried on the active or inactive rolls of
 38 this fund, and any person who is receiving retirement benefits from this fund shall be
 39 afforded the opportunity to name a designated beneficiary to receive the death benefits
 40 provided for in this Code section; provided, however, that such named beneficiary shall
 41 be entitled to receive such death benefits only in the event such member or person does
 42 not leave surviving a spouse at the time of his or her death. The procedure by which a
 43 member or person receiving retirement benefits names a beneficiary to receive the death
 44 benefits provided for in this Code section shall be determined and established by the
 45 board, which shall have authority to establish forms and procedures for payment of the
 46 death benefits; and

47 (4) Upon the death of an active member before or after the retirement of such member,
 48 the surviving spouse of such member shall receive death benefits in the form of an
 49 annuity for the life of such spouse, such annuity to be determined and paid under
 50 paragraph (2) of subsection (a), subsection (b), and subsection (c) of Code Section
 51 47-16-101 to the same extent as if such member had died while receiving retirement
 52 benefits under Option Two; and in the case of the death of an active member who is not
 53 already receiving retirement benefits, such annuity shall be determined and based upon
 54 the period of creditable service which such member has at the time of his or her death.
 55 Such benefit shall be in addition to benefits under paragraph (2) of this Code section, and
 56 in lieu of benefits under paragraph (1) of this Code section."

57 **SECTION 2.**

58 This Act shall become effective on July 1, 2018, only if it is determined to have been
 59 concurrently funded as provided in Chapter 20 of Title 47, the "Public Retirement Systems
 60 Standards Law"; otherwise, this Act shall not become effective and shall be automatically
 61 repealed in its entirety on July 1, 2018, as required by subsection (a) of Code Section
 62 47-20-50.

63

SECTION 3.

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