

House Bill 1034

By: Representative Snow of the 1st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated,
2 relating to retirement allowances, disability benefits, and spouses' benefits under the
3 Employees' Retirement System of Georgia, so as to change the method of computing the
4 maximum compensation that a member receiving a disability benefit may earn without
5 affecting the benefit; to provide conditions for an effective date and automatic repeal; to
6 repeal conflicting laws; and for other purposes.

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

8 **SECTION 1.**

9 Article 7 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to
10 retirement allowances, disability benefits, and spouses' benefits under the Employees'
11 Retirement System of Georgia, is amended by striking in its entirety Code Section 47-2-125,
12 relating to the reexamination of persons receiving disability benefits, the effect of refusal to
13 undergo examination, and the effect of ability to engage in gainful employment, and inserting
14 in lieu thereof the following:

15 "47-2-125.

16 Once each year during the first five years following the retirement of a member on a
17 disability retirement allowance and once in every three-year period thereafter, the board
18 of trustees may require a disability beneficiary who has not yet attained retirement age as
19 specified in subsection (a) of Code Section 47-2-110 to undergo a medical examination,
20 such examination to be made at the disability beneficiary's place of residence or other
21 place mutually agreed upon, by physicians designated by the medical board. The disability
22 beneficiary may request such an examination. Should any disability beneficiary who has
23 not yet attained retirement age refuse to submit to such medical examination, the pension
24 of such disability beneficiary may be discontinued by the board of trustees until the
25 withdrawal of such refusal; and should the refusal continue for one year, all rights of the
26 disability beneficiary in and to a pension may be revoked by the board of trustees. Should

1 the medical board report and certify to the board of trustees that a disability beneficiary is
2 engaged in or is able to engage in a gainful occupation paying more than the difference
3 between the disability beneficiary's retirement allowance and the higher of the earnable
4 compensation the disability beneficiary was receiving at the time of retirement or the
5 member's highest average monthly earnable compensation during a period of 24
6 consecutive calendar months while a member of the retirement system, the board of
7 trustees may reduce the disability beneficiary's pension to an amount which, together with
8 the disability beneficiary's annuity and the amount earnable by the disability beneficiary,
9 equals the higher of the earnable compensation the disability beneficiary was receiving at
10 the time of retirement or the member's highest average monthly earnable compensation
11 during a period of 24 consecutive calendar months while a member of the retirement
12 system. Should the disability beneficiary's earning capacity be later changed, the amount
13 of the pension may be further modified, provided that the modified pension shall not
14 exceed an amount which, together with the disability beneficiary's annuity and the amount
15 earnable by the disability beneficiary, equals the higher of the earnable compensation the
16 disability beneficiary was receiving at the time of retirement or the member's highest
17 average monthly earnable compensation during a period of 24 consecutive calendar months
18 while a member of the retirement system."

19 **SECTION 2.**

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

25 **SECTION 3.**

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