

House Bill 459

By: Representative Bridges of the 10th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the
2 Employees' Retirement System of Georgia, so as to provide that a member of such
3 retirement system seeking a disability retirement shall make written application to the board
4 of trustees; to provide that the board of trustees may request relevant information from a
5 disability beneficiary; to provide a penalty for failure to provide such information; to provide
6 for a reduction in disability allowance if the disability beneficiary is found to be earning
7 more than the difference between the disability allowance and the earnable compensation
8 used to calculate such allowance; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the Employees'
11 Retirement System of Georgia, is amended by striking in its entirety Code Section 47-2-125,
12 relating to reexamination of persons receiving disability benefits, effect of refusal to undergo
13 examination, and effect of ability to engage in gainful employment, and inserting in lieu
14 thereof the following:
15

16 "47-2-125.

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

1 disability beneficiary in and to a pension may be revoked by the board of trustees. Should
2 the medical board report and certify to the board of trustees that a disability beneficiary is
3 engaged in or is able to engage in a gainful occupation paying more than the difference
4 between the disability beneficiary's retirement allowance and the earnable compensation
5 ~~the disability beneficiary was receiving~~ used to calculate the disability retirement allowance
6 at the time of retirement, the board of trustees may reduce the disability beneficiary's
7 pension to an amount which, together with the disability beneficiary's annuity and the
8 amount earnable by the disability beneficiary, equals the earnable compensation ~~the~~
9 ~~disability beneficiary was receiving~~ used to calculate the disability retirement allowance
10 at the time of retirement. Should the disability beneficiary's earning capacity be later
11 changed, the amount of the pension may be further modified, provided that the modified
12 pension shall not exceed an amount which, together with the disability beneficiary's
13 annuity and the amount earnable by the disability beneficiary, equals the earnable
14 compensation ~~the disability beneficiary was receiving~~ used to calculate the disability
15 retirement allowance at the time of retirement.

16 (b) The board of trustees may require a disability beneficiary who has not yet attained
17 retirement age as specified in subsection (a) of Code Section 47-2-110 to provide
18 information relevant to any provision of this chapter relating to his or her entitlement to
19 receive a disability retirement. Should any disability beneficiary who has not yet attained
20 retirement age refuse to submit any such information so requested, the board of trustees
21 may be discontinue the pension of such disability beneficiary until such information is
22 provided. Should the board of trustees receive information from any source that a
23 disability beneficiary is engaged in an occupation paying more than the difference between
24 the disability beneficiary's retirement allowance and the earnable compensation used to
25 calculate the disability retirement allowance at the time of retirement, the board of trustees
26 may reduce the disability beneficiary's pension to an amount which, together with the
27 disability beneficiary's annuity and the amount earnable by the disability beneficiary,
28 equals the earnable compensation used to calculate the disability retirement allowance at
29 the time of retirement. Should the disability beneficiary's earnings later be changed, the
30 amount of the pension may be further modified, provided that the modified pension shall
31 not exceed an amount which, together with the disability beneficiary's annuity and the
32 amount earnable by the disability beneficiary, equals the earnable compensation used to
33 calculate the disability retirement allowance at the time of retirement."

1 her monthly earnable compensation for the month in which his or her permanent
2 disability occurred for each year of creditable service determined as though he or she had
3 continued in service in the Uniform Division of the Department of Public Safety, as a
4 conservation ranger of the Department of Natural Resources, as an alcohol and tobacco
5 officer or agent of the Department of Revenue, or as an officer or agent of the Georgia
6 Bureau of Investigation until his or her mandatory retirement age."

7 **SECTION 3.**

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