

Senate Bill 161

By: Senators Heath of the 31st, Murphy of the 27th, Stoner of the 6th and Schaefer of the 50th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

To amend Code Section 47-2-125 of the Official Code of Georgia Annotated, relating to reexamination of persons receiving disability benefits under the Employees' Retirement System of Georgia, effect of refusal to undergo examination, and effect of ability to engage in gainful employment, so as to delete provisions providing for physical examinations done at a place convenient to the beneficiary; to provide that a beneficiary who has not reached the age of 60 shall submit to an examination; to provide that the disability retirement benefit of certain members shall be reduced by such amounts that the beneficiary receives from workers' compensation; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 47-2-125 of the Official Code of Georgia Annotated, relating to reexamination of persons receiving disability benefits under the Employees' Retirement System of Georgia, effect of refusal to undergo examination, and effect of ability to engage in gainful employment, is amended by revising subsection (a) as follows:

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

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

13 **SECTION 2.**

14 Said Code section is further amended by inserting a new subsection to read as follows:

15 "(c) The pension payable to a disability beneficiary who first or again became a member
16 on or after July 1, 2007, shall be reduced in an amount equal to the worker's compensation
17 benefits such beneficiary receives based on a disability. In the event of a lump sum
18 payment, the monthly disability allowance shall be reduced on an actuarial basis as
19 determined by the actuary of this retirement system."

20 **SECTION 3.**

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