

The House Committee on Retirement offers the following substitute to SB 161:

A BILL TO BE ENTITLED  
AN ACT

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

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

14 "(a)(1) Once each year during the first five years following the retirement of a member  
15 on a disability retirement allowance and once in every three-year period thereafter, the  
16 board of trustees may require a disability beneficiary who has not yet attained retirement  
17 age as specified in subsection (a) of Code Section 47-2-110 to undergo a medical  
18 examination, ~~such examination to be made at the disability beneficiary's place of~~  
19 ~~residence or other place mutually agreed upon, by a physician or physicians designated~~  
20 by a physician or physicians designated  
21 by the medical board. The disability beneficiary may request such an examination.  
22 Should any disability beneficiary who has not yet attained retirement age refuse to submit  
23 to such medical examination, the pension of such disability beneficiary may be  
24 discontinued by the board of trustees until the withdrawal of such refusal; and should the  
25 refusal continue for one year, all rights of the disability beneficiary in and to a pension  
26 may be revoked by the board of trustees.

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

14 (3) The provisions of this paragraph shall apply to persons who first or again become  
15 members of this retirement system on or after July 1, 2007. For purposes of paragraph (2)  
16 of this subsection, the amount earnable by the beneficiary shall include any income  
17 payment received from workers' compensation; provided, however, that in the event of a  
18 lump sum payment, the monthly disability allowance shall be reduced on an actuarial basis  
19 as determined by the actuary of this retirement system."

20

**SECTION 2.**

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