

The House Committee on Retirement offers the following substitute to HB 172:

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 provide an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

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

15 "(a)(1) Once each year during the first five years following the retirement of a member
16 on a disability retirement allowance and once in every three-year period thereafter, the
17 board of trustees may require a disability beneficiary who has not yet attained retirement
18 age as specified in subsection (a) of Code Section 47-2-110 to undergo a medical
19 examination, ~~such examination to be made at the disability beneficiary's place of~~
20 ~~residence or other place mutually agreed upon, 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.

27 (2) Should the medical board report and certify to the board of trustees that a disability
28 beneficiary is engaged in or is able to engage in a gainful occupation paying more than
29 the difference between the disability beneficiary's retirement allowance and the earnable
30 compensation used to calculate the disability retirement allowance at the time of
31 retirement, the board of trustees may reduce the disability beneficiary's pension to an
32 amount which, together with the disability beneficiary's annuity and the amount earnable
33 by the disability beneficiary, equals the earnable compensation used to calculate the
34 disability retirement allowance at the time of retirement. Should the disability
35 beneficiary's earning capacity be later changed, the amount of the pension may be further
36 modified, provided that the modified pension shall not exceed an amount which, together
37 with the disability beneficiary's annuity and the amount earnable by the disability
38 beneficiary, equals the earnable compensation used to calculate the disability retirement
39 allowance at the time of retirement.

40 (3) The provisions of this paragraph shall apply to persons who first or again become
41 members of this retirement system on or after September 1, 2009. For purposes of
42 paragraph (2) of this subsection, the amount earnable by the beneficiary shall include any
43 income payment received from workers' compensation; provided, however, that in the
44 event of a lump sum payment, the monthly disability allowance shall be reduced on an
45 actuarial basis as determined by the actuary of this retirement system."

46 **SECTION 2.**

47 This Act shall become effective upon its approval by the Governor or upon its becoming law
48 without such approval.

49 **SECTION 3.**

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