

# **REPORT OF THE GENERAL GOVERNMENT, PERSONNEL & BENEFITS SUBCOMMITTEE**

(Anthony, Herbkersman, Hayes, Pitts & Whitmire - Staff Contact: Kara Brurok)

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## **HOUSE BILL S. 484**

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Sen. Setzler: TO AMEND SECTION 9-11-80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISABILITY RETIREMENT FOR MEMBERS OF THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO DELETE THE REQUIREMENT THAT CERTAIN MEMBERS BE ELIGIBLE FOR, AND PROVIDE PROOF OF, SOCIAL SECURITY BENEFITS TO CONTINUE TO RECEIVE A DISABILITY BENEFIT.

***Summary of Bill:***

This Bill amends the Code to delete the requirement that certain members of the Police Officers retirement System (PORS) be eligible for, and provide proof of Social Security benefits to continue to receive PORS benefits. In other words, the Bill removes the requirement that was scheduled to start on January 1, 2014, mandating that all members under PORS disability based on an application received after December 31, 2013 and under the age of 55, must provide proof that they are eligible to receive Social Security disability within 30 days of their third anniversary of receiving PORS disability benefits or their PORS disability benefits will cease.

***Introduced:***

01/10/2013

***Received by Ways and Means:***

04/18/2013

***Estimated Fiscal Impact:***

PEBA indicates that the removal of this requirement will allow some percentage of PORS disability recipients to continue to receive benefits that would have otherwise been suspended. An estimation provided by actuaries is that the Bill will increase the unfunded actuarial accrued liability (UAAL) of the PORS trust fund by \$800,000. PEBA indicates that the fiscal impact due to the increase employer and employee contribution rates by 0.12% of payroll would be approximately \$1.277 million. This \$1.277 million estimate is comprised of \$335,000 in General Funds and \$942,000 in Other Funds.

***Subcommittee Recommendation:***

Adopted as Amended

***Full Committee Recommendation:***

***Other Notes/Comments:***

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

CONE/PAIR  
MAY 23, 2013

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CLERK OF THE HOUSE

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REPS. PITTS, MERRILL, ANTHONY PROPOSES THE FOLLOWING  
AMENDMENT                      No.    TO                      S.                      484  
(COUNCIL\DKA\484C002.DKA.HTC13):

REFERENCE IS TO PRINTER'S DATE 4/10/13--S.

**AMEND THE BILL,    AND IF AMENDED, BY  
STRIKING ALL AFTER THE ENACTING WORDS AND  
INSERTING:**

**/ SECTION 1. SECTION 9-11-80 OF THE 1976  
CODE, AS LAST AMENDED BY ACT 278 OF 2012, IS  
FURTHER AMENDED TO READ:**

**“SECTION 9-11-80. (1)ON THE APPLICATION  
OF A MEMBER IN SERVICE OR THE MEMBER'S  
EMPLOYER, A MEMBER WHO HAS THE YEARS OF**

**EARNED SERVICE REQUIRED FOR THE MEMBER'S CLASS PURSUANT TO SECTION 9-11-60(1) OR ANY CONTRIBUTING MEMBER WHO IS DISABLED AS A RESULT OF AN INJURY ARISING OUT OF AND IN THE COURSE OF THE PERFORMANCE OF THE MEMBER'S DUTIES REGARDLESS OF LENGTH OF MEMBERSHIP, MAY BE RETIRED BY THE RETIREMENT BOARD NOT LESS THAN THIRTY DAYS AND NOT MORE THAN NINE MONTHS NEXT FOLLOWING THE DATE OF FILING THE APPLICATION ON A DISABILITY RETIREMENT ALLOWANCE IF THE SYSTEM, AFTER A MEDICAL EXAMINATION OF THE MEMBER, CERTIFIES THAT THE MEMBER IS MENTALLY OR PHYSICALLY INCAPACITATED FOR THE FURTHER PERFORMANCE OF DUTY, THAT THE INCAPACITY IS LIKELY TO BE PERMANENT, AND THAT THE MEMBER SHOULD BE RETIRED. FOR PURPOSES OF THIS SECTION, A MEMBER IS CONSIDERED TO BE IN SERVICE ON THE DATE THE APPLICATION IS FILED IF THE MEMBER IS NOT RETIRED AND THE LAST DAY THE MEMBER WAS EMPLOYED BY A**

**COVERED EMPLOYER IN THE SYSTEM OCCURRED NOT MORE THAN NINETY DAYS BEFORE THE DATE OF FILING.**

**THE SOUTH CAROLINA RETIREMENT SYSTEM MAY CONTRACT WITH THE DEPARTMENT OF VOCATIONAL REHABILITATION TO EVALUATE THE MEDICAL EVIDENCE SUBMITTED WITH THE DISABILITY APPLICATION RELATIVE TO THE JOB BEING PERFORMED AND MAKE RECOMMENDATIONS TO THE SYSTEM. THE SYSTEM MAY APPROVE A DISABILITY RETIREMENT SUBJECT TO THE MEMBER PARTICIPATING IN VOCATIONAL REHABILITATION WITH THE DEPARTMENT OF VOCATIONAL REHABILITATION. UPON DETERMINATION BY THE DEPARTMENT THAT A MEMBER RETIRED ON DISABILITY IS ABLE TO REENTER THE JOB MARKET AND WORK IS AVAILABLE, THE RETIREMENT SYSTEM MAY ADJUST THE BENEFIT PAID BY THE SYSTEM IN ACCORDANCE WITH SECTIONS 9-1-1580, 9-1-1590, 9-9-60, AND 9-11-90.**



**(2)(A) UPON DISABILITY RETIREMENT BASED UPON AN APPLICATION RECEIVED BY THE SYSTEM BEFORE JANUARY 1, 2014, THE MEMBER SHALL RECEIVE A DISABILITY RETIREMENT ALLOWANCE WHICH SHALL BE EQUAL TO A SERVICE RETIREMENT ALLOWANCE COMPUTED ON THE BASIS OF HIS AVERAGE FINAL COMPENSATION, HIS YEARS OF CREDITED SERVICE AND HIS ACCUMULATED ADDITIONAL CONTRIBUTIONS AT THE DATE OF HIS DISABILITY RETIREMENT; PROVIDED, HOWEVER, THAT, AT DISABILITY RETIREMENT, HIS DISABILITY RETIREMENT ALLOWANCE SHALL BE DETERMINED ON THE BASIS OF THE NUMBER OF YEARS OF CREDITED SERVICE THE MEMBER WOULD HAVE COMPLETED HAD HE REMAINED IN SERVICE UNTIL ATTAINING AGE FIFTY-FIVE AND ON THE BASIS OF THE AVERAGE FINAL COMPENSATION. FOR THE PURPOSE OF CALCULATING THE DISABILITY RETIREMENT ALLOWANCE, THE ADDITIONAL CREDITED SERVICE SO DETERMINED ~~SHALL~~ MUST BE EITHER CLASS ONE SERVICE, ~~OR~~ CLASS TWO SERVICE, OR CLASS THREE SERVICE DEPENDING UPON THE CLASSIFICATION OF THE MEMBER AT THE TIME OF RETIREMENT.**

**(B) UPON DISABILITY RETIREMENT BASED UPON AN APPLICATION RECEIVED BY THE SYSTEM AFTER DECEMBER 31, 2013, THE MEMBER SHALL RECEIVE A DISABILITY RETIREMENT ALLOWANCE WHICH IS EQUAL TO A SERVICE RETIREMENT ALLOWANCE COMPUTED ON THE BASIS OF THE MEMBER'S AVERAGE FINAL COMPENSATION, THE MEMBER'S YEARS OF CREDITED SERVICE, AND THE MEMBER'S ACCUMULATED ADDITIONAL CONTRIBUTIONS AT THE DATE OF THE MEMBER'S DISABILITY RETIREMENT. HOWEVER, AT DISABILITY RETIREMENT, THE MEMBER'S DISABILITY RETIREMENT ALLOWANCE MUST BE DETERMINED ON THE BASIS OF THE MEMBER'S AVERAGE FINAL COMPENSATION AT RETIREMENT AND ON THE BASIS OF THE NUMBER OF YEARS OF CREDITED SERVICE THE MEMBER WOULD HAVE COMPLETED HAD THE MEMBER REMAINED IN SERVICE UNTIL ATTAINING AGE FIFTY-FIVE OR UNTIL ATTAINING TWENTY-FIVE YEARS OF CREDITED SERVICE, WHICHEVER IS LESS. FOR THE PURPOSE OF**

CALCULATING THE DISABILITY RETIREMENT ALLOWANCE, THE ADDITIONAL CREDITED SERVICE SO DETERMINED MUST BE EITHER CLASS ONE SERVICE, OR CLASS TWO SERVICE, OR CLASS THREE SERVICE DEPENDING UPON THE CLASSIFICATION OF THE MEMBER AT THE TIME OF RETIREMENT.

(3)(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 MAY REQUIRE ANY DISABILITY BENEFICIARY WHO HAS NOT YET ATTAINED THE AGE OF FIFTY-FIVE YEARS TO UNDERGO A MEDICAL EXAMINATION, SUCH EXAMINATION TO BE MADE AT THE PLACE OF RESIDENCE OF THE BENEFICIARY OR OTHER PLACE MUTUALLY AGREED UPON, BY THE SYSTEM. IF A DISABILITY BENEFICIARY WHO HAS NOT YET ATTAINED THE AGE OF FIFTY-FIVE YEARS REFUSES TO SUBMIT TO ANY SUCH MEDICAL EXAMINATION, THE MEMBER'S RETIREMENT ALLOWANCE MAY BE DISCONTINUED UNTIL THE MEMBER'S WITHDRAWAL OF SUCH REFUSAL, AND IF THE REFUSAL CONTINUES FOR ONE YEAR, ALL THE MEMBER'S RIGHTS IN AND TO THE MEMBER'S RETIREMENT ALLOWANCE MAY BE REVOKED, BUT UPON REVOCATION ANY UNEXPENDED PORTION OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS TO DATE OF RETIREMENT SHALL BE RETURNED TO THE MEMBER.

~~(B) TO CONTINUE TO RECEIVE A DISABILITY RETIREMENT ALLOWANCE, A MEMBER WHO IS RETIRED ON A DISABILITY RETIREMENT ALLOWANCE BASED UPON AN APPLICATION RECEIVED BY THE SYSTEM AFTER DECEMBER 31, 2013, AND WHO HAS NOT YET ATTAINED THE AGE OF FIFTY-FIVE YEARS SHALL PROVIDE PROOF TO THE SYSTEM THAT THE MEMBER IS QUALIFIED FOR THE RECEIPT OF SOCIAL SECURITY DISABILITY BENEFITS. THIS PROOF MUST BE SUBMITTED TO THE SYSTEM WITHIN THIRTY DAYS OF THE THIRD ANNIVERSARY OF THE MEMBER'S DISABILITY RETIREMENT DATE AND WITHIN THIRTY DAYS OF EACH ANNIVERSARY THEREAFTER. A~~

~~MEMBER'S DISABILITY RETIREMENT ALLOWANCE CEASES UPON A DETERMINATION BY THE SOCIAL SECURITY ADMINISTRATION THAT THE MEMBER IS NO LONGER ENTITLED TO SOCIAL SECURITY DISABILITY BENEFITS FOR ANY REASON. IF ANY DISABILITY BENEFICIARY WHO HAS NOT YET ATTAINED THE AGE OF FIFTY-FIVE YEARS REFUSES TO PROVIDE PROOF OF DISABILITY REQUIRED BY THE BOARD, HIS DISABILITY RETIREMENT ALLOWANCE MUST BE DISCONTINUED UNTIL THE MEMBER PROVIDES SUCH PROOF. IF A MEMBER'S REFUSAL TO PROVIDE PROOF THAT THE MEMBER REMAINS QUALIFIED FOR SOCIAL SECURITY DISABILITY BENEFITS CONTINUES FOR ONE YEAR, ALL OF THE MEMBER'S RIGHTS IN AND TO THE MEMBER'S DISABILITY RETIREMENT ALLOWANCE PURSUANT TO THIS SECTION MAY BE REVOKED BY THE BOARD.~~

(4) IF THE SYSTEM CERTIFIES THAT THE MEMBER'S DISABILITY HAS BEEN REMOVED AND THAT THE MEMBER HAS REGAINED EARNING CAPACITY, THE MEMBER'S DISABILITY RETIREMENT ALLOWANCE MAY BE DISCONTINUED, OR IF THE DISABILITY HAS BEEN PARTLY REMOVED AND THE MEMBER'S EARNING CAPACITY REGAINED IN PART, THE DISABILITY RETIREMENT ALLOWANCE MAY BE REDUCED PROPORTIONATELY AS PROVIDED PURSUANT TO SECTION 9-1-1580. THE DETERMINATION OF THE BOARD AS TO ANY DISPUTED QUESTION, AFTER DUE CONSIDERATION ACCORDED TO THE MEMBER, IS CONCLUSIVE. IF THE RETIREMENT ALLOWANCE OF ANY MEMBER RETIRED FOR DISABILITY IS DISCONTINUED OR REDUCED, AND IF THE MEMBER AGAIN SUFFERS DISABILITY WITHIN FIVE YEARS OF THE DATE OF THE MEMBER'S RECOVERY AND AGAIN LOSES EARNING CAPACITY, THE MEMBER IS ENTITLED TO APPLY TO THE BOARD FOR A RESTORATION OF THE ORIGINAL RETIREMENT ALLOWANCE, AND THE BOARD MAY RESTORE ALL OR PART OF THE MEMBER'S ORIGINAL RETIREMENT ALLOWANCE. AT THE EXPIRATION OF THE FIVE-YEAR PERIOD, IF THE RETIREMENT ALLOWANCE HAS NOT BEEN RESTORED, ALL RIGHTS IN AND TO THE MEMBER'S DISABILITY RETIREMENT

ALLOWANCE ARE REVOKED. THE MEMBER THEN IS ENTITLED TO A DEFERRED EARLY RETIREMENT ALLOWANCE AS PROVIDED IN SECTION 9-11-70 BASED UPON THE MEMBER'S AVERAGE FINAL COMPENSATION AND CREDITED SERVICE AT THE MEMBER'S DATE OF DISABILITY RETIREMENT.

(5) AFTER AGE FIFTY-FIVE, A DISABILITY RETIREE IS SUBJECT TO THE SAME EARNINGS LIMITATION AS A SERVICE RETIREE.

(6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, UPON RETIREMENT FOR DISABILITY AFTER OCTOBER 15, 1992, AT ANY AGE, A MEMBER MUST RECEIVE A DISABILITY RETIREMENT ALLOWANCE EQUAL TO AT LEAST FIFTEEN PERCENT OF HIS AVERAGE FINAL COMPENSATION."

SECTION 2. A. SECTION 9-11-10(18) OF THE 1976 CODE, AS LAST AMENDED BY ACT 153 OF 2005, IS FURTHER AMENDED TO READ:

"(18) ~~{RESERVED}~~ 'MEDICAL BOARD' MEANS THE BOARD PROVIDED FOR IN SECTION 9-11-30(2)."

B. SECTION 9-11-30(2) OF THE 1976 CODE, AS LAST AMENDED BY ACT 153 OF 2005, IS FURTHER AMENDED TO READ:

"(2)~~{RESERVED}~~ THE BOARD SHALL DESIGNATE A MEDICAL BOARD COMPOSED OF THREE PHYSICIANS WHO ARE NOT MEMBERS OF THE SYSTEM. IF REQUIRED, OTHER PHYSICIANS WHO ARE NOT MEMBERS OF THE SYSTEM MAY BE EMPLOYED TO REPORT ON SPECIAL CASES. THE MEDICAL BOARD SHALL ARRANGE FOR AND PASS UPON ALL MEDICAL EXAMINATIONS REQUIRED UNDER THE SYSTEM, SHALL INVESTIGATE ALL ESSENTIAL STATEMENTS AND CERTIFICATES BY OR ON BEHALF OF A MEMBER IN CONNECTION WITH AN APPLICATION FOR DISABILITY RETIREMENT, AND SHALL REPORT IN WRITING TO THE

**BOARD ITS CONCLUSIONS AND RECOMMENDATIONS UPON ALL MATTERS REFERRED TO IT.”**

**SECTION 3. PART III, SECTION 6 OF ACT 153 OF 2005 IS AMENDED TO READ:**

**SECTION 6. EXCLUDING CHAPTER 11, IN TITLE 9 OF THE 1976 CODE, WHEREVER THE PHRASE ‘MEDICAL BOARD’ OR ANY VARIANT OF ‘MEDICAL BOARD’ APPEARS, IT MUST BE CONSTRUED TO MEAN THE ‘SYSTEM’ UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE. THE CODE COMMISSIONER SHALL REPLACE THE REFERENCE IN FUTURE CODE SUPPLEMENTS AND REPLACEMENT VOLUMES AS THE CODE COMMISSIONER DETERMINES APPROPRIATE.”**

**SECTION 4. THIS ACT TAKES EFFECT UPON APPROVAL BY THE GOVERNOR. /**

**RENUMBER SECTIONS TO CONFORM.**

**AMEND TITLE TO CONFORM.**



FISCAL IMPACT STATEMENT ON BILL NO. **S.484**

(Doc. No. 13138dg13.docx)

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TO: The Honorable Hugh K. Leatherman, Sr., Chairperson, Senate Finance Committee  
FROM: State Budget Division, Budget and Control Board  
ANALYSTS: K. Earle Powell  
DATE: April 5, 2013 SBD: 2013200

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AUTHOR: Senator Setzler PRIMARY CODE CITE: 9-11-80  
SUBJECT: Police Officer Retirement System

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ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:  
A Cost to the General Fund (See Below)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:  
A Cost of Federal and/or Other Funds (See Below)

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**BILL SUMMARY:**

Senate Bill 484 amends the Code of Laws of South Carolina, 1976, to delete the requirement that certain members of the Police Officers Retirement System (PORS) be eligible for, and provide proof of Social Security benefits to continue to receive PORS benefits.

**EXPLANATION OF IMPACT:**

The Public Employees Benefit Authority (PEBA) indicates this Bill removes the requirement that was scheduled to start on January 1, 2014, mandating that all members under PORS disability based on an application received after December 31, 2013 and under the age of 55, must provide proof that they are eligible to receive Social Security disability within 30 days of their third anniversary of receiving PORS disability benefits or their PORS disability benefits will cease.

PEBA indicates that the removal of this requirement will allow some percentage of PORS disability recipients to continue to receive benefits that would have otherwise been suspended. An estimation provided by actuaries is that the Bill will increase the unfunded actuarial accrued liability (UAAL) of the PORS trust fund by \$800,000. PEBA indicates that the fiscal impact due to the increase employer and employee contribution rates by 0.12% of payroll would be approximately \$1.277 million. This \$1.277 million estimate is comprised of \$335,000 in General Funds and \$942,000 in Other Funds.

**LOCAL GOVERNMENT IMPACT:**

None.

**SPECIAL NOTES:**

None.

Approved by:



Brenda Hart  
Assistant Director, State Budget Division



**South Carolina General Assembly**  
120th Session, 2013-2014

**S. 484**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Setzler

Document Path: I:\council\bills\nl\13138dg13.docx

Introduced in the Senate on March 6, 2013

Introduced in the House on April 18, 2013

Currently residing in the House Committee on **Ways and Means**

Summary: Police officer retirement system

**HISTORY OF LEGISLATIVE ACTIONS**

Date	Body	Action Description with journal page number
3/6/2013	Senate	Introduced and read first time ( <a href="#">Senate Journal-page 4</a> )
3/6/2013	Senate	Referred to Committee on <b>Finance</b> ( <a href="#">Senate Journal-page 4</a> )
4/10/2013	Senate	Committee report: Favorable <b>Finance</b> ( <a href="#">Senate Journal-page 21</a> )
4/16/2013	Senate	Read second time ( <a href="#">Senate Journal-page 22</a> )
4/16/2013	Senate	Roll call Ayes-40 Nays-0 ( <a href="#">Senate Journal-page 22</a> )
4/17/2013	Senate	Read third time and sent to House ( <a href="#">Senate Journal-page 19</a> )
4/18/2013	House	Introduced and read first time ( <a href="#">House Journal-page 33</a> )
4/18/2013	House	Referred to Committee on <b>Ways and Means</b> ( <a href="#">House Journal-page 33</a> )

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**VERSIONS OF THIS BILL**

[3/6/2013](#)

[4/10/2013](#)

1 ~~Indicates Matter Stricken~~  
2 Indicates New Matter

3  
4 COMMITTEE REPORT  
5 April 10, 2013  
6

7 **S. 484**

8  
9 Introduced by Senator Setzler

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11 S. Printed 4/10/13--S.  
12 Read the first time March 6, 2013.

13  
14  
15 **THE COMMITTEE ON FINANCE**

16 To whom was referred a Bill (S. 484) to amend Section 9-11-80,  
17 as amended, Code of Laws of South Carolina, 1976, relating to  
18 disability retirement for members of the Police Officers Retirement  
19 System, etc., respectfully

20 **REPORT:**

21 That they have duly and carefully considered the same and  
22 recommend that the same do pass:

23  
24 HUGH K. LEATHERMAN, SR. for Committee.  
25

26  
27 **STATEMENT OF ESTIMATED FISCAL IMPACT**  
28 **ESTIMATED FISCAL IMPACT ON GENERAL FUND**  
29 **EXPENDITURES:**

30 A Cost to the General Fund (See Below)  
31 **ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER**  
32 **FUND EXPENDITURES:**

33 A Cost of Federal and/or Other Funds (See Below)

34 **EXPLANATION OF IMPACT:**

35 The Public Employees Benefit Authority (PEBA) indicates this  
36 bill removes the requirement that was scheduled to start on January  
37 1, 2014, mandating that all members under PORS disability based  
38 on an application received after December 31, 2013 and under the  
39 age of 55, must provide proof that they are eligible to receive  
40 Social Security disability within 30 days of their third anniversary  
41 of receiving PORS disability benefits or their PORS disability  
42 benefits will cease.

[484-1]

1 PEBA indicates that the removal of this requirement will allow  
2 some percentage of PORS disability recipients to continue to  
3 receive benefits that would have otherwise been suspended. An  
4 estimation provided by actuaries is that the Bill will increase the  
5 unfunded actuarial accrued liability (UAAL) of the PORS trust  
6 fund by \$800,000. PEBA indicates that the fiscal impact due to  
7 the increase employer and employee contribution rates by 0.12%  
8 of payroll would be approximately \$1.277 million. This \$1.277  
9 million estimate is comprised of \$335,000 in general funds and  
10 \$942,000 in other funds.

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*Approved By:*  
Brenda Hart  
Office of State Budget

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9 **A BILL**

10  
11 TO AMEND SECTION 9-11-80, AS AMENDED, CODE OF  
12 LAWS OF SOUTH CAROLINA, 1976, RELATING TO  
13 DISABILITY RETIREMENT FOR MEMBERS OF THE  
14 POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO  
15 DELETE THE REQUIREMENT THAT CERTAIN MEMBERS  
16 BE ELIGIBLE FOR, AND PROVIDE PROOF OF, SOCIAL  
17 SECURITY BENEFITS TO CONTINUE TO RECEIVE A  
18 DISABILITY BENEFIT.

19  
20 Be it enacted by the General Assembly of the State of South  
21 Carolina:

22  
23 SECTION 1. Section 9-11-80(3) of the 1976 Code, as last  
24 amended by Act 278 of 2012, is further amended to read:

25  
26 “(3)(A) Once each year during the first five years following  
27 the retirement of a member on a disability retirement allowance,  
28 and once in every three-year period thereafter, the Board may  
29 require any disability beneficiary who has not yet attained the age  
30 of fifty-five years to undergo a medical examination, such  
31 examination to be made at the place of residence of the beneficiary  
32 or other place mutually agreed upon, by the system. If a disability  
33 beneficiary who has not yet attained the age of fifty-five years  
34 refuses to submit to any such medical examination, the member’s  
35 retirement allowance may be discontinued until the member’s  
36 withdrawal of such refusal, and if the refusal continues for one  
37 year, all the member’s rights in and to the member’s retirement  
38 allowance may be revoked, but upon revocation any unexpended  
39 portion of the member’s accumulated contributions to date of  
40 retirement shall be returned to the member.

41 ~~(B) To continue to receive a disability retirement allowance,~~  
42 ~~a member who is retired on a disability retirement allowance based~~

1 upon an application received by the system after December 31,  
2 2013, and who has not yet attained the age of fifty five years shall  
3 provide proof to the system that the member is qualified for the  
4 receipt of Social Security disability benefits. This proof must be  
5 submitted to the system within thirty days of the third anniversary  
6 of the member's disability retirement date and within thirty days of  
7 each anniversary thereafter. A member's disability retirement  
8 allowance ceases upon a determination by the Social Security  
9 Administration that the member is no longer entitled to Social  
10 Security disability benefits for any reason. If any disability  
11 beneficiary who has not yet attained the age of fifty five years  
12 refuses to provide proof of disability required by the board, his  
13 disability retirement allowance must be discontinued until the  
14 member provides such proof. If a member's refusal to provide  
15 proof that the member remains qualified for Social Security  
16 disability benefits continues for one year, all of the member's  
17 rights in and to the member's disability retirement allowance  
18 pursuant to this section may be revoked by the board."

19  
20 SECTION 2. This act takes effect upon approval by the Governor.

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