

HOUSE BILL No. 5093

September 30, 2003, Introduced by Reps. Condino, Law, Spade, Rivet, Byrum, Meisner, Hood, Bieda, Anderson, Plakas, Wojno, Sak, Farrah, Stewart, Clack and Accavitti and referred to the Committee on Senior Health, Security and Retirement.

A bill to amend 1943 PA 240, entitled
"State employees' retirement act,"
by amending section 33 (MCL 38.33), as amended by 2002 PA 93.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 33. (a) The retirement board may, and upon the
2 retirant's application shall, require any disability retirant who
3 has not attained age 60 years to undergo a medical examination.
4 The retirement board shall not require a disability retirant to
5 undergo more than 1 medical examination in any calendar year.
6 The examination is to be made by or under the direction of the
7 medical advisor at the retirant's place of residence or other
8 place mutually agreed upon. Should any disability retirant who
9 has not attained age 60 years refuse to submit to the medical
10 examination, his or her disability retirement allowance may be
11 discontinued until his or her withdrawal of the refusal. If the

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1 refusal continues for 1 year, all rights in and to his or her
2 disability retirement allowance may be revoked by the retirement
3 board. If upon the medical examination of a disability retirant,
4 the medical advisor reports and his or her report is concurred in
5 by the retirement board, that the disability retirant is
6 physically able and capable of resuming employment, he or she
7 shall be restored to active service with the state and his or her
8 disability retirement allowance shall cease.

9 (b) If the secretary reports and certifies to the retirement
10 board that a disability beneficiary is engaged in a gainful
11 occupation paying more than the difference between his or her
12 disability retirement allowance and his or her final
13 compensation, and if the retirement board concurs in the report,
14 then the amount of his or her retirement allowance shall be
15 reduced to an amount which together with the amount earned by him
16 or her shall equal his or her final compensation. ~~Should~~ **If**
17 the earnings of the disability retirant ~~be~~ **are** later changed,
18 the amount of his or her retirement allowance shall be further
19 modified ~~in like manner~~ **as described in this section.**

20 (c) **Subdivision (b) does not apply to a duty disability**
21 **retirant whose combined earnings from employment and the**
22 **disability retirement allowance received under this act do not**
23 **exceed 150% of the federal poverty guidelines. As used in this**
24 **subdivision, "federal poverty guidelines" means the poverty**
25 **guidelines published annually in the federal register by the**
26 **United States department of health and human services under its**
27 **authority to revise the poverty line under section 673(2) of**

1 subtitle B of title VI of the omnibus budget reconciliation act
2 of 1981, Public Law 97-35, 42 U.S.C. 9902.