

membership, if the total pension on his subsequent retirement does not exceed the rate percent he would have received had he remained in service during the period of his prior retirement.

**Article 88B – State Police**

53.

(g) (1) Once each year, the board of trustees may, and upon his application shall, require any disability beneficiary who has not yet attained the age of 50 to undergo a medical examination, the examination to be made at the place of residence of the beneficiary or other place mutually agreed upon, by the medical board. If any disability beneficiary who has not yet attained the age of 50 refuses to submit to the medical examination, his or her allowance may be discontinued until withdrawal of the refusal, and should the refusal continue for one year, all the rights in and to the pension may be revoked by the board of trustees.

(2) (i) In this paragraph, “retirement allowance” means the allowance payable without optional modification as provided in subsection (m) of this section.

(ii) If the medical board reports and certifies to the board of trustees that any ORDINARY disability beneficiary UNDER THE AGE OF 50 is engaged in or is able to engage in a gainful occupation paying more than the difference between his or her retirement allowance at the time of his or her retirement and his or her average final compensation plus [\\$3,000] \$5,000, and if the board of trustees concurs in the report, then the amount of the pension shall be reduced.

(iii) If the ORDINARY DISABILITY beneficiary’s earning capacity is later changed, the amount of his or her pension may be further modified, provided that the new pension may not exceed the amount of the pension originally granted.

(iv) [A beneficiary restored to active service at a salary less than the average final compensation upon the basis of which he or she was retired shall not become a member of the retirement system until his or her salary is at least equal to such average final compensation.

(v)] The amount of the pension reduction required under subparagraph (ii) OF THIS PARAGRAPH and allowed under subparagraph (iii) of this paragraph shall be one dollar for every two dollars by which his or her current compensation exceeds the limitation provided under this paragraph.

(V) THE PENSION REDUCTION REQUIRED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH AND ALLOWED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH DOES NOT APPLY TO A SPECIAL DISABILITY BENEFICIARY.

(3) A BENEFICIARY RESTORED TO ACTIVE SERVICE AT A SALARY LESS THAN THE AVERAGE FINAL COMPENSATION UPON THE BASIS OF WHICH THE BENEFICIARY WAS RETIRED MAY NOT BECOME A MEMBER OF THE RETIREMENT SYSTEM UNTIL THE BENEFICIARY’S SALARY IS AT LEAST EQUAL TO THAT AVERAGE FINAL COMPENSATION.