

(a) Should the medical board report and certify to the board of trustees that such disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation, and should the board of trustees concur in such report then the amount of his pension shall be reduced to an amount which together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted nor an amount, which, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his average final compensation. A beneficiary restored to active service at a salary less than the average final compensation upon the basis of which he was retired shall not become a member of the retirement system. *The allowed earnings of a disability pensioner shall be determined by the difference between his retirement allowance at the time of his retirement and his average final compensation.*

Article 88B.

53.

(7)(b) Should the medical board report and certify to the board of trustees that any disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation and should the board of trustees concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified, provided that the new pension shall not exceed the amount of the pension originally granted nor an amount which, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his average final compensation. A beneficiary restored to active service at a salary less than the average final compensation upon the basis of which he was retired shall not become a member of the Retirement System until his salary is at least equal to such average final compensation. For the purposes of this paragraph, "retirement allowance" shall mean the allowance payable without optional modification as hereinafter provided in subsection (11) of this section. *The allowed earnings of a disability pensioner shall be determined by the difference between his retirement allowance at the time of his retirement and his average final compensation.*

SEC. 2. *And be it further enacted,* That this Act shall take effect July 1, 1970.

Approved April 28, 1970

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CHAPTER 459  
(House Bill 48)

AN ACT to repeal and re-enact, with amendments, Section 49(i) of Article 26 of the Annotated Code of Maryland (1966 Replacement