

(1-9) *No pension shall be payable hereunder to any retired judge of the Municipal Court of Baltimore City who is receiving another pension under the employees' retirement system of the City of Baltimore or the Employees' Retirement System of the State of Maryland.*

(1-10) *The Mayor and City Council of Baltimore City are hereby expressly authorized to levy for such pensions or salaries, or their proportionate share thereof as the case may be, and pay such pensions or salaries to former judges of the Municipal Court of Baltimore City.*

(2) Provided, however, that any such judge who voluntarily retires from active service after reaching the age of 60 years and before reaching the age of 70 years, and has resumed the practice of law, shall not be entitled to the increases in pension provided by this section but shall be paid a pension at the rate provided before the passage of this section. A judge who retires and accepts the pension provided by this section shall not during the period of such acceptance engage in the practice of law. A judge who has been receiving the benefits provided by this section and who decides to engage in the practice of law may notify the Governor and Comptroller of the treasury of such fact, and on the indicated date of his engaging in the practice of law his benefits under this section shall cease and no longer be paid; and such a judge shall never again be paid such benefits. In the event that a retired judge who has never been paid benefits under this section and who has been engaged in the practice of law should thereafter relinquish such practice and notify the Governor and Comptroller of the treasury of such fact, then from and after the date of such notification, the judge shall be entitled to all the benefits provided by this section. An elected judge who because of incapacitating illness is required to resign his position prior to reaching his 60th birthday shall be entitled to benefits under the provisions of this section, but in no event in a sum greater than was provided in this section at the time he resigned; and except for a judge who has resigned or who resigns because of incapacitating illness, no other judge who has resigned or who resigns prior to reaching his 60th birthday is entitled to any benefits under the provisions of this section.

(3) The widow of every elected municipal judge who dies in active service shall be paid one half of the pension or salary the judge would have received if his service had been terminated by retirement and for this purpose only, the age of the judge is not to be considered; the widow of any judge eligible for retirement pension who dies after retiring shall be paid one half of the pension or salary to which her husband was entitled at the time of his death. In determining the amount which any widow is entitled to be paid after June 1, 1963, the pension of the deceased judge shall be calculated at the rates prescribed by sub-subsection (1) of this subsection, as of that date, notwithstanding that such judge may have died prior thereto. In each instance the pension is to be paid to the widow until her remarriage or death. The provisions of this section shall not apply in the case of a widow who was married to the judge for a period less than three years and to a retired judge for a period less than three years before his retirement.

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

Approved May 5, 1970