

11.

[ (2) Any member in service who is not an elected or appointed official of the State and who attains the age of seventy (70) years on or before July 1, 1947, and any retired employee who was not an elected or appointed official of the State, and who was in service on January 1, 1942, may remain, or be reinstated, in service after attaining such age, if in the opinion of his department head he is capable of performing the duties of his position and if his department head gives notice in writing to the board of trustees of intention to retain or reinstate such person in service, but the service of such person shall continue only until July 1, 1947, or to any earlier time at which he may voluntarily retire or at which the department head may determine that the employee is no longer needed in the department. Provided, however, that no such person shall be retained or reinstated when there is available to fill his position an eligible person below the age of seventy (70).

Should any beneficiary be restored to active service under the provisions of this subsection, his retirement allowance shall cease, he shall again become a member of the retirement system, and he shall contribute thereafter at the same rate he paid prior to retirement. Anything in this article to the contrary notwithstanding, any prior service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect, and, in addition, upon his subsequent retirement he shall be credited with all his services as a member.]

SECTION 3. AND BE IT FURTHER ENACTED, That new Section 11(2) be and it is hereby added to Article 73B - Pensions, of the Annotated Code of Maryland (1970 Replacement Volume and 1973 Supplement) to read as follows:

Article 73B - Pensions

11(2).

f[(A) ANY MEMBER WHO HAS ATTAINED THE AGE OF SEVENTY YEARS OR ANY TIME THEREAFTER MAY, AT HIS OPTION RETIRE UPON HIS WRITTEN APPLICATION FILED WITH THE MARYLAND EMPLOYEES RETIREMENT REVIEW BOARD SETTING FORTH AT WHAT TIME, NOT LESS THAN THIRTY DAYS NOR MORE THAN NINETY DAYS SUBSEQUENT TO THE EXECUTION AND FILING THEREOF THAT HE DESIRES TO BE RETIRED. UPON HIS RETIREMENT HE SHALL RECEIVE HIS APPROPRIATE PENSION BENEFITS.

IF, AT THE AGE OF SEVENTY YEARS OR ANY TIME