

granted nor an amount which, when added to the amount earnable by the beneficiary together with his or her annuity, equals the amount of his or her average final compensation. 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. For the purposes of this paragraph, "retirement allowance" means the allowance payable without optional modification as provided in subsection (11) of this section. The allowed earnings of a disability pensioner shall be determined by the difference between his or her retirement allowance at the time of his or her retirement and his or her average final compensation.

(c) If a disability beneficiary under the age of 50 is restored to active service and if his or her annual compensation then or at any time prior to the age of 50 is equal to or greater than his or her average final compensation at retirement, the retirement allowance shall cease, he or she shall again become a member of the retirement system, and shall contribute thereafter at the rate applicable to the age at which he or she paid prior to disability. Anything in this subtitle to the contrary notwithstanding, any prior service certificate on the basis of which service was computed at the time of retirement shall be restored to full force and effect, and in addition, upon his or her subsequent retirement he or she shall be credited with all the service as a member creditable to him or her at the time of retirement; but should he or she be restored to membership after the attainment of age 45, the pension upon subsequent retirement may not exceed the pension which he or she was receiving immediately prior to the last restoration to membership before any reduction of such pension as provided in paragraph (b) of this subsection and the pension that may have accrued as a new member on account of service since the last restoration to membership, provided that the total pension on his or her subsequent retirement may not exceed the rate percent he or she would have received had he or she remained in service during the period of prior retirement.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1979.

Approved May 29, 1979.

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CHAPTER 475

(Senate Bill 627)

AN ACT concerning