

22, 2004, who ~~is in a position that~~, on the effective date of this Act, is a participant, former participant, deceased participant, or retiree of the Optional Retirement Program, and whose position as of August 23, 2004, was reclassified by the University System of Maryland Board of Regents or the Board of Regents of Morgan State University and is no longer a position eligible for participation in the Optional Retirement Program under § 30-301 of the State Personnel and Pensions Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved May 26, 2005.

CHAPTER 489

(Senate Bill 533)

AN ACT concerning

Retirement and Pensions - Ordinary Disability Retirement Allowance - Offsets

FOR the purpose of requiring that certain retirees who meet certain criteria be subject to a reduction to their ordinary disability retirement allowance; and generally relating to reducing ordinary disability retirement allowances.

BY repealing and reenacting, with amendments,

Article - State Personnel and Pensions

Section 29-116

Annotated Code of Maryland

(2004 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - State Personnel and Pensions

29-116.

(a) The Board of Trustees shall reduce the pension of a retiree on ordinary disability if:

(1) the retiree is under normal retirement age;

(2) the medical board certifies in a report to the Board of Trustees that the retiree is [engaged in a gainful occupation paying more] EMPLOYED BY A PARTICIPATING EMPLOYER AT AN ANNUAL COMPENSATION THAT IS GREATER than the difference between: