

payable without optional modification as provided in subsection (12)(a) 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.

Article 88B - State Police

53.

(g) (2) If the medical board reports and certifies 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 or her retirement allowance and his or her average final compensation plus \$3,000, and if the board of trustees concurs in the report, then the amount of the pension shall be reduced to an amount which, together with his or her annuity and the amount earnable by him or her, shall equal the amount of his or her average final compensation PLUS \$3,000. If the beneficiary's earning capacity is later changed, the amount of his or her pension may be further modified, provided that the new pension may 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 or her annuity, equals the amount of his or her average final compensation PLUS \$3,000. 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 (m) 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1986.

Approved May 13, 1986.

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