

IF THE RETIREE REFUSES TO PROVIDE THE INFORMATION, THE BOARD OF TRUSTEES SHALL SUSPEND THE RETIREE'S ALLOWANCE UNTIL THE INFORMATION IS PROVIDED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 73B, §§ 2-404(e) and (h), 3-404(e) and (h), 4-404(c)(1) and (4), 5-404(c)(1) and (5), 6-403(e) and (g), 7-404(e) and (h), 8-402(c)(1) and (d), and 10-218(e).

In subsection (b) of this section, the requirement that a retiree be examined by a physician chosen by the Board of Trustees is broadened to apply to retirees of the State Police Retirement System, to conform to practice. The former reference to an examination of a retiree of the State Police Retirement System by the medical board is deleted as misleading.

In subsection (e) of this section, the defined term "retirement allowance" is substituted for the former reference to "benefits" for consistency.

In subsections (c) and (f) of this section, the references to "the Board of Trustees" are added for clarity.

The State Personnel and Pensions Article Review Committee notes, for consideration by the General Assembly, that this section, requiring medical examinations and earning statements of all disability retirees for purposes of determining whether income can be reduced, has no practical effect on accidental disability retirees. Accidental disability retirees receive allowances based on their actual past income, not on their income potential. Therefore, a medical examination of an accidental disability retiree, useful only to gauge earning potential, can reveal no information that could be used to offset an accidental disability retiree's income. Moreover, this section is silent as to how the Board of Trustees should use the findings of an examination. Under current law, a retiree may continue to receive allowances regardless of medical status or earning capacity.

Defined terms: "Allowance" § 20-101

"Board of Trustees" § 20-101

"Member" § 20-101

"Normal retirement age" § 20-101

"Pension" § 20-101

"Retiree" § 20-101

"Retirement allowance" § 20-101

29-116. SETOFF FOR ORDINARY DISABILITY RETIREES ENGAGED IN GAINFUL OCCUPATION.

(A) REDUCTION IN ORDINARY DISABILITY PENSION.

THE BOARD OF TRUSTEES SHALL REDUCE THE PENSION OF A RETIREE ON ORDINARY DISABILITY IF:

(1) THE RETIREE IS UNDER NORMAL RETIREMENT AGE;