

(2) THE MEDICAL BOARD CERTIFIES IN A REPORT TO THE BOARD OF TRUSTEES THAT THE RETIREE IS ENGAGED IN A GAINFUL OCCUPATION PAYING MORE THAN THE DIFFERENCE BETWEEN:

(I) THE RETIREE'S RETIREMENT ALLOWANCE AT RETIREMENT;  
AND

(II) THE RETIREE'S AVERAGE FINAL COMPENSATION PLUS \$5,000;  
AND

(3) THE BOARD OF TRUSTEES AGREES WITH THE MEDICAL BOARD'S REPORT.

(B) AMOUNT OF PENSION REDUCTION.

THE BOARD OF TRUSTEES SHALL REDUCE THE PENSION OF A RETIREE WHO HAS BEEN RECEIVING AN ORDINARY DISABILITY RETIREMENT ALLOWANCE FOR:

(1) LESS THAN 10 YEARS, BY \$1 FOR EVERY \$2 THAT THE RETIREE'S CURRENT COMPENSATION EXCEEDS THE LIMIT UNDER SUBSECTION (A) OF THIS SECTION; OR

(2) AT LEAST 10 YEARS, BY \$1 FOR EVERY \$5 THAT THE RETIREE'S CURRENT COMPENSATION EXCEEDS THE LIMIT UNDER SUBSECTION (A) OF THIS SECTION.

REVISOR'S NOTE: This section formerly was Art. 73B, §§ 2-404(f)(1)(ii), (iv), and (vi), 3-404(f)(2), (4), and (6), 4-404(c)(2)(ii), (iv), and (vi), 5-404(c)(2)(ii), (iv), and (vi), 6-403(f)(1)(ii), (iv), and (vi), 7-404(f)(1)(ii), (iv), and (vi), 8-402(c)(2)(ii), (iv), and (vi), and 10-218(e).

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

In subsection (a)(2) of this section, the former reference to a gainful occupation that a retiree is "able to engage in" is deleted as meaningless, because pensions are reduced on the basis of a retiree's actual earnings, not potential earnings. See subsection (b) of this section.

Former Art. 73B, §§ 2-404(f)(1)(iii), 3-404(f)(3), 4-404(c)(2)(iii), 5-404(c)(2)(iii), 6-403(f)(1)(iii), 7-404(f)(1)(iii), and 8-402(c)(2)(iii), which authorized a modified pension if a retiree's earning capacity changed, are deleted as meaningless. The annual setoff in this section is based on actual earnings and not on earning capacity.

Former Art. 73B, §§ 2-404(f)(1)(v), 3-404(f)(5), 4-404(c)(2)(v), 5-404(c)(2)(v), 6-403(f)(1)(v), 7-404(f)(1)(v), and 8-402(c)(2)(v), which excluded accidental disability retirees, are deleted as unnecessary since throughout this section the provisions apply only to an ordinary disability retiree.