

The only changes are stylistic.

(T) (1) NOTWITHSTANDING THE PROVISIONS OF § 1-403 OF THIS TITLE, THE BOARD OF TRUSTEES MAY RECOVER THE AMOUNT OF ANY IMPROPER PAYMENT.

(2) IF, AFTER DUE NOTICE, THE PERSON OR ESTATE IN RECEIPT OF THE IMPROPER PAYMENT FAILS TO REPAY THE MONEY OWED, THE BOARD OF TRUSTEES MAY:

(I) INSTITUTE A CIVIL ACTION TO RECOVER THE AMOUNT OF THE IMPROPER PAYMENT AND TO RECOVER THE COSTS OF BRINGING THE ACTION; OR

(II) IF THE PERSON IS RECEIVING A MONTHLY ALLOWANCE FROM A SYSTEM, ADJUST FUTURE PAYMENTS OF THAT ALLOWANCE TO ACCOUNT FOR THE AMOUNT OWED.

(3) IF THE BOARD OF TRUSTEES ELECTS TO ADJUST ALLOWANCE PAYMENTS UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION, SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES, THE EXECUTIVE DIRECTOR OF THE STATE RETIREMENT AGENCY SHALL:

(I) DETERMINE THE MONTHLY ADJUSTMENT; AND

(II) NOTIFY THE PERSON OF THE TOTAL AMOUNT TO BE RECOVERED, THE MONTHLY ADJUSTMENT, AND THE PERIOD OF RECOVERY.

COMMITTEE NOTE: This subsection formerly appeared as Art. 73B, § 159(17).

In paragraph (1) of this subsection, the phrase "Notwithstanding the provisions of § 1-403 of this title" is added to clarify that, should there be a conflict between the two provisions, § 1-103(t) prevails.

In this subsection, the phrases "made by mistake or of any benefit overpayment", "or overpayment", and "made by mistake or the overpayment" are deleted as redundant, since they are included in the phrase "improper payment".

In paragraph (3) of this subsection, the phrase "of the State Retirement Agency" is substituted for "for Administration" to reflect the correct title of the position.

The only other changes are stylistic or technical.

1-104. STATE RETIREMENT AGENCY.

(A) THERE IS THE STATE RETIREMENT AGENCY, AN AGENCY OF THE BOARD OF TRUSTEES RESPONSIBLE FOR CARRYING OUT THE ADMINISTRATIVE DUTIES AND BUSINESS OF THE SEVERAL SYSTEMS.