

(B) SHOULD THE BOARD OF REGENTS FOR ANY REASON BECOME FINANCIALLY UNABLE TO MAKE THE REQUIRED CONTRIBUTIONS PAYABLE ON ACCOUNT OF ITS STAFF, THEN THEY SHALL BE DEEMED TO BE IN DEFAULT AND A CERTIFICATE TO THIS EFFECT SHALL BE SENT TO EACH MEMBER AND BENEFICIARY OF THE UNIVERSITY. ALL MEMBERS OF THE RETIREMENT SYSTEM, WHO WERE MEMBERS OF THE STAFF OF THE UNIVERSITY AT THE TIME OF DEFAULT, SHALL THEREUPON BE ENTITLED TO DISCONTINUE MEMBERSHIP IN THE RETIREMENT SYSTEM AND TO A REFUND OF THEIR ACCUMULATED CONTRIBUTIONS UPON DEMAND MADE WITHIN 90 DAYS THEREAFTER. AS OF A DATE 90 DAYS FOLLOWING THE DATE OF THE DEFAULT, THE ACTUARY OF THE RETIREMENT SYSTEM SHALL DETERMINE BY ACTUARIAL VALUATION THE AMOUNT OF THE RESERVES HELD ON ACCOUNT OF EACH ACTIVE MEMBER AND PENSIONER OF THE UNIVERSITY, AND SHALL CREDIT TO EACH SUCH MEMBER AND PENSIONER THE AMOUNT OF RESERVE SO HELD. THE RESERVE SO CREDITED, TOGETHER WITH THE AMOUNT OF THE ACCUMULATED CONTRIBUTIONS OF EACH ACTIVE MEMBER, SHALL BE USED TO PROVIDE A PAID-UP DEFERRED ANNUITY BEGINNING AT AGE 60. THE RESERVE OF EACH PENSIONER SHALL BE USED IN PROVIDING WHATEVER PART OF THE PENSIONER'S EXISTING PENSION AS THE RESERVE SO HELD WILL PROVIDE, WHICH PENSION, TOGETHER WITH THE PENSIONER'S ANNUITY, SHALL THEREAFTER BE PAYABLE TO THE PENSIONER. THE RIGHTS AND PRIVILEGES OF BOTH ACTIVE MEMBERS AND PENSIONERS OF THE UNIVERSITY SHALL THEREUPON TERMINATE EXCEPT AS TO THE PAYMENT OF THE DEFERRED ANNUITIES SO PROVIDED FOR THE PREVIOUS ACTIVE MEMBERS AND THE ANNUITIES AND THE PENSIONS, OR PARTS THEREOF, PROVIDED FOR THE PENSIONERS.

(C) NOTWITHSTANDING ANYTHING TO THE CONTRARY, THE RETIREMENT SYSTEM SHALL NOT BE LIABLE FOR THE PAYMENT OF ANY PENSIONS OR OTHER BENEFITS ON ACCOUNT OF THE STAFF OF THE UNIVERSITY, FOR WHICH RESERVES HAVE NOT BEEN PREVIOUSLY CREATED FROM FUNDS CONTRIBUTED BY THE UNIVERSITY OR ITS MEMBERS FOR THE BENEFITS.

(D) IN THE EVENT THE BOARD OF REGENTS ADOPTS AN OPTIONAL RETIREMENT PROGRAM AS PROVIDED IN TITLE 11 OF THIS ARTICLE, THOSE ELIGIBLE EMPLOYEES OF THE UNIVERSITY WHO ELECTED TO PARTICIPATE IN THE OPTIONAL RETIREMENT PROGRAM SHALL NOT PARTICIPATE IN THE TEACHERS' RETIREMENT SYSTEM FOR ANY PERIOD IN WHICH THEY PARTICIPATE IN THE OPTIONAL RETIREMENT PROGRAM. THEY SHALL BE ENTITLED TO NO BENEFITS FROM THE TEACHERS' RETIREMENT SYSTEM EXCEPT WITH RESPECT TO CONTRIBUTIONS THERETOFORE MADE AS PROVIDED IN TITLE 11 OF THIS ARTICLE.

COMMITTEE NOTE: This section formerly appeared as Art. 73B, § 99.

The second sentence of former § 99 is deleted as obsolete.