

§17901-B. Definitions

As used in this article, unless the context otherwise indicates, the following terms have the following meanings. [PL 2025, c. 598, §3 (NEW).]

1. Disabled. "Disabled" means mentally or physically incapacitated:

A. To the extent that it is impossible for a person to perform the duties of the person's employment position and the incapacity can be expected to be permanent; and [PL 2025, c. 598, §3 (NEW).]

B. Such that the incapacity will be revealed by medical examination or tests conducted in accordance with section 17903. [PL 2025, c. 598, §3 (NEW).]

[PL 2025, c. 598, §3 (NEW).]

2. Final annual compensation. "Final annual compensation" means the annual rate of pay of a member, for a position covered by this article, immediately before the termination of the member's employment and the commencement of the member's disability retirement benefit.

[PL 2025, c. 598, §3 (NEW).]

3. Substantially gainful activity. "Substantially gainful activity" means any combination of activities, tasks or efforts, with any reasonable accommodations, for which the member is qualified by training, education or experience that would generate annual income in the labor market for the member's state of residence in an amount in excess of the greater of:

A. Thirty-five thousand five hundred dollars in calendar year 2026 or \$35,500 increased as described by this subsection in any subsequent calendar year; [PL 2025, c. 598, §3 (NEW).]

B. The member's average final compensation; and [PL 2025, c. 598, §3 (NEW).]

C. The member's final annual compensation. [PL 2025, c. 598, §3 (NEW).]

The amounts under paragraphs A, B and C are increased on January 1st of each calendar year by any percentage increase in the Consumer Price Index during the 12 months ending on December 31st of the prior calendar year.

[PL 2025, c. 598, §3 (NEW).]

SECTION HISTORY

PL 2025, c. 598, §3 (NEW).

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