

(3) HAS NOT WITHDRAWN THE FORMER MEMBER'S ACCUMULATED CONTRIBUTIONS, IF ANY.

(B) APPLICATION FOR RETIREMENT; RETROACTIVE PAYMENTS PROHIBITED.

(1) A FORMER MEMBER DESCRIBED IN SUBSECTION (A) OF THIS SECTION MAY RETIRE WITH A RETIREMENT ALLOWANCE UNDER § 23-401 OR § 23-402 OF THIS SUBTITLE ON THE FIRST DAY OF THE MONTH AFTER THE BOARD OF TRUSTEES RECEIVES A WRITTEN APPLICATION FOR RETIREMENT FROM THE FORMER MEMBER.

(2) A FORMER MEMBER WHO RETIRES UNDER THIS SECTION MAY NOT RECEIVE BENEFITS FOR THE PERIOD BEFORE THE FORMER MEMBER SUBMITTED A COMPLETED APPLICATION FOR RETIREMENT TO THE BOARD OF TRUSTEES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 73B, §§ 4-403 and 5-403.

In subsection (a)(1) of this section, the phrase "was eligible ... when the former member's membership terminated" is substituted for the former phrase "is otherwise eligible" to clarify when an individual must be eligible.

In subsection (b)(1) of this section, the phrase "with a retirement allowance under § 23-401 or § 23-402 of this subtitle" is added to state expressly that which formerly was only implied in the law - i.e., the former member would retire with a retirement allowance.

In subsection (b)(2) of this section, the reference to "benefits for the period before the former member submitted a completed application for retirement to the Board of Trustees" is substituted for the former reference to "retroactive payments" to clarify what was meant by retroactive payments.

Defined terms: "Accumulated contributions" § 20-101

"Board of Trustees" § 20-101

"Former member" § 20-101

"Retirement" § 20-101

"Retirement allowance" § 20-101

23-404. SPECIAL EARLY RETIREMENT.

(A) "APPOINTED OFFICIAL" DEFINED.

IN THIS SECTION, "APPOINTED OFFICIAL" MEANS AN INDIVIDUAL APPOINTED TO A PUBLIC OFFICE OF THE STATE WHO MEETS THE LEGAL CRITERIA FOR AN APPOINTED OFFICIAL AS DETERMINED BY THE OFFICE OF THE ATTORNEY GENERAL.

(B) IN GENERAL.

THE BOARD OF TRUSTEES SHALL PAY A MEMBER OF THE EMPLOYEES' PENSION SYSTEM WHO QUALIFIES UNDER SUBSECTION (C) OF THIS SECTION A NORMAL SERVICE RETIREMENT ALLOWANCE, REGARDLESS OF AGE, IF THE MEMBER: