

(2) BEFORE APPROVING THE SUPERINTENDENT'S ORDER, THE BOARD OF TRUSTEES SHALL GIVE THE MEMBER AT LEAST 30 DAYS' NOTICE AND AN OPPORTUNITY TO BE HEARD.

(C) SAME — MANDATORY AT AGE 60.

EXCEPT FOR THE SUPERINTENDENT OF THE MARYLAND STATE POLICE, A MEMBER SHALL RETIRE WITH A NORMAL SERVICE RETIREMENT ALLOWANCE NOT LATER THAN THE FIRST DAY OF THE MONTH AFTER THE MEMBER BECOMES 60 YEARS OLD.

(D) COMPUTATION OF NORMAL SERVICE RETIREMENT ALLOWANCE.

ON RETIREMENT UNDER THIS SECTION, A MEMBER IS ENTITLED TO RECEIVE A NORMAL SERVICE RETIREMENT ALLOWANCE THAT EQUALS:

(1) ONE FORTY-FIFTH OF THE MEMBER'S AVERAGE FINAL COMPENSATION MULTIPLIED BY EACH YEAR OF THE MEMBER'S FIRST 25 YEARS OF CREDITABLE SERVICE; AND

(2) ONE-NINETIETH OF THE MEMBER'S AVERAGE FINAL COMPENSATION MULTIPLIED BY EACH YEAR OF CREDITABLE SERVICE IN EXCESS OF 25 YEARS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 73B, § 6-401.

In subsections (a) and (c) of this section, the phrase "with a normal service retirement allowance" is added to conform to other similar provisions in this Division II. See, e.g., § 22-401 of this article. Correspondingly, in subsection (d) of this section, the phrase "normal service retirement" is added to modify "allowance".

In subsection (a) of this section, the defined term "eligibility service" is substituted for "creditable service" because the years of service considered in making the computation under this section are used to determine eligibility for a benefit. See General Revisor's Note to this Division II.

The State Personnel and Pensions Article Review Committee was unable to determine the intent and application of subsection (b) of this section. This provision does not offer guidance as to the nature of the required notice and hearing nor does this provision indicate the circumstances under which it should be applied. The Maryland State Police indicate that this provision has not been used nor is its use anticipated. The Committee urges the General Assembly to consider the language of this provision and its ultimate usefulness.

The State Personnel and Pensions Article Review Committee also notes, for the consideration by the General Assembly, that subsections (b) and (c) of this section may be unenforceable given federal legislation prohibiting age discrimination. See generally, 29 U.S.C. §§ 621, 623, and 633. The General Assembly may wish to delete these subsections.