

32.

Any provision of law and particularly the provisions of subsection (3) of § 1 and of § 3 of Article 73B, as amended, to the contrary notwithstanding,

(1) All civilian employees of the Department [of Maryland State Police] and all license examiners of the Commissioner of Motor Vehicles, who became employees of said Department or of said Commissioner after October 1, 1941, and before June 1, 1943, shall, as of the later date, be removed from the pension fund of said Department and within 60 days thereafter the [Superintendent] SECRETARY [of State Police] shall, out of the moneys held by him in said pension fund, pay to each of the employees and license examiners so removed the total amount of contributions theretofore made by him to said fund, without interest;

(2) Any civilian employee of said Department and any license examiner of said Commissioner, who became an employee of said Department or of said Commissioner on or before October 1, 1941, may elect to remove himself from said pension fund and may apply for and be admitted to membership in said Employees' Retirement System as hereinafter provided; and within 60 days after said [Superintendent] SECRETARY shall receive written notice of election so to remove he shall, out of the moneys held by him in said pension fund, pay to any employee or license examiner so electing to remove the total amount of contribution theretofore made by him to said fund, without interest;

DRAFTER'S NOTE:

Paragraphs (1) and (2) of this section are amended to reflect the status of the head of the Department of State Police as the Secretary of a principal department of State government in light of Chs. 165 and 166, Acts of 1994 and to delete surplus language.

34.

If a member of the DEPARTMENT [State Police] becomes physically incapable of performing his or her duties and the disability is the result of an accident or injuries occurring in the course of duty or is the result of sickness, accident or disease contracted in the course of duty and if the member has been in the Department for ten years or more, then he or she shall be entitled to the same retirement pension as provided for in § 31, if the member is found, after medical examination given by a medical board of three physicians, consisting of the medical examiner of the DEPARTMENT [Maryland State Police] and two other physicians to be selected by the board of trustees of the retirement and pensions system of [Maryland] State Police and acceptable to the State Police employee concerned, to be physically incapable of performing his or her duties.

If any member of the old retirement and pension system of the Department of State Police dies before retirement, or after retirement from service on a pension, there shall be paid to the surviving spouse, as long as he or she remains unmarried, a pension equal to 25 percent of the deceased member's annual remuneration. If the member does not leave a surviving spouse but there is or are a surviving child or children, any or all of whom are under the age of 18 years, the pension shall be paid to the surviving child or