

26-401.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, on retirement under this section, a member is entitled to receive a normal service retirement allowance that equals the number of years of the member's creditable service multiplied by 2% of the member's average final compensation.

(2) A member's normal service retirement allowance under paragraph (1) of this subsection may not exceed 60% of the member's average final compensation.

(3) (i) This paragraph applies only to a member who is not subject to the Law Enforcement Officers' Modified Pension Benefit under Subtitle 2, Part II of this title.

(ii) On retirement under this paragraph, the member is entitled to receive a normal service retirement allowance that equals:

1. [2%]2.3% of the member's average final compensation multiplied by each year of the member's first 30 years of creditable service; and

2. 1% of the member's average final compensation multiplied by each year of creditable service in excess of 30 years.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2001.

May 17, 2001

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 301 - Allegany County - Board of Education - Elections.

Senate Bill 301 establishes a procedure for replacing a member of the Allegany County Board of Education, after the primary election but before the general election, when a nominee to the Allegany County Board of Education dies, declines the nomination, or becomes disqualified. In this case, the bill requires the vacancy to be filled by the candidate receiving the next highest number of votes at the primary election.

The intention behind Senate Bill 301 is to establish a statutory procedure so that Allegany County does not find itself faced with an incomplete ballot as it did in the most recent general election for the Board of Education. I support this goal, but the solution is not achieved by codifying a method that fills vacancies with a nominee potentially lacking the votes to adequately represent the majority of the citizens of the county. The bill establishes that the candidate with the next highest vote count,