

(IV) THE SECRETARY OF STATE; OR

(V) THE TREASURER OF THE STATE.

(2) IF A CONSTITUTIONAL OFFICER IS A MEMBER OF THE PENSION SYSTEM:

(I) THE CONSTITUTIONAL OFFICER SHALL, AT THE TIME OF TAKING OFFICE, HAVE IMMEDIATE VESTING RIGHTS IN THE PENSION SYSTEM; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE CONSTITUTIONAL OFFICER'S RETIREMENT ALLOWANCE SHALL BE DETERMINED AS OTHERWISE PROVIDED IN THIS SUBTITLE.

(3) IF THE CONSTITUTIONAL OFFICER HAS SERVED AT LEAST ONE FULL TERM, THE CONSTITUTIONAL OFFICER'S SERVICE RETIREMENT ALLOWANCE MAY NOT BE LESS THAN 10 PERCENT OF THE ANNUAL SALARY RECEIVED DURING THE CONSTITUTIONAL OFFICER'S LAST TERM OF OFFICE.

COMMITTEE NOTE: This section formerly appeared as Art. 73B, § 117(15) and (19).

In subsection (a) of this section, the last sentence is new language to clarify that a person who has elected a vested allowance may choose an optional benefit.

The last sentence of former § 117(15) now appears in § 4-416 of this subtitle.

Subsection (e) of this section is new language added to provide a cross-reference to the special vesting provisions in Article 41 that pertain to certain appointees.

4-416. DEATH BENEFIT FOR FORMER MEMBERS.

UPON RECEIPT OF PROPER PROOF OF THE DEATH OF A FORMER MEMBER WHO IS ELIGIBLE FOR A VESTED ALLOWANCE AND WHOSE DEATH OCCURS BEFORE PAYMENT OF THE VESTED ALLOWANCE COMMENCES, THE AMOUNT OF THE FORMER MEMBER'S ACCUMULATED CONTRIBUTIONS SHALL BE PAID TO THE BENEFICIARY THE FORMER MEMBER HAS NOMINATED BY WRITTEN DESIGNATION DULY EXECUTED AND FILED WITH THE BOARD OF TRUSTEES OR, IF THERE IS NO DESIGNATED BENEFICIARY, THEN TO THE FORMER MEMBER'S ESTATE.

COMMITTEE NOTE: This section formerly appeared as the last paragraph of Art. 73B, § 117(15).

The term "former member" is substituted for "person" to more accurately describe the person to whom this provision applies.