

(II) THE SUM OF:

1. ONE FORTY-FIFTH OF THE MEMBER'S AVERAGE FINAL COMPENSATION FOR EACH OF THE FIRST 25 YEARS OF CREDITABLE SERVICE; AND

2. ONE-NINETIETH OF THE MEMBER'S AVERAGE FINAL COMPENSATION FOR EACH YEAR AFTER THE FIRST 25 YEARS OF CREDITABLE SERVICE.

COMMITTEE NOTE: This subsection is new language derived without substantive change from former Art. 88B, §§ 15(b)(16) and 53(c) and (d). The term "shall" is substituted for "may" in subsection (a) to conform the ordinary disability provisions to the special disability provisions.

The clause "if the member is unable or refuses to apply and the Superintendent has reason to believe that the member is permanently physically or mentally incapable of performing assigned duties" is added to clarify that the Superintendent is to submit the retirement application under the specified conditions.

The phrase "after a medical examination of the member" is deleted to conform with current practice and with the provisions relating to accidental disability.

Subsection (d)(2), (3)(iii), and (5) is deleted as obsolete.

Subsection (d)(3)(i) and (ii) now appears in § 6-406 of this subtitle.

(B) (1) THE BOARD OF TRUSTEES SHALL GRANT A SPECIAL DISABILITY RETIREMENT ALLOWANCE TO A MEMBER IF:

(I) AN APPLICATION HAS BEEN SUBMITTED TO THE BOARD OF TRUSTEES:

1. BY THE MEMBER; OR

2. BY THE SUPERINTENDENT, IF THE MEMBER IS UNABLE OR REFUSES TO APPLY AND THE SUPERINTENDENT HAS REASON TO BELIEVE THAT THE MEMBER IS PERMANENTLY PHYSICALLY OR MENTALLY INCAPABLE OF PERFORMING ASSIGNED DUTIES; AND

(II) THE MEMBER HAS BEEN TOTALLY AND PERMANENTLY INCAPACITATED FOR DUTY ARISING OUT OF OR IN THE COURSE OF THE ACTUAL PERFORMANCE OF DUTY WITHOUT WILLFUL NEGLIGENCE ON THE PART OF THE MEMBER; AND

(III) THE MEDICAL BOARD HAS CERTIFIED THAT:

1. THE MEMBER IS TOTALLY INCAPACITATED, EITHER MENTALLY OR PHYSICALLY, FOR THE FURTHER PERFORMANCE OF DUTY;