

(II) A SPECIAL RETIREMENT ALLOWANCE COMPUTED AS 50 PERCENT OF THE ORDINARY DISABILITY RETIREMENT ALLOWANCE PROVIDED FOR IN § 8-402(A) OF THIS SUBTITLE.

(2) (I) THE SPECIAL DEATH BENEFIT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE PAID TO:

1. THE SURVIVING SPOUSE, IF ANY; OR

2. IF THERE IS NO SURVIVING SPOUSE, TO ANY CHILDREN OF THE DECEASED UNDER THE AGE OF 18 YEARS, DIVIDED IN A MANNER AS THE BOARD OF TRUSTEES DETERMINES.

(II) IF THERE IS NO SURVIVING SPOUSE OR CHILDREN OF THE DECEASED MEMBER UNDER THE AGE OF 18 YEARS, THE ORDINARY DEATH BENEFIT SHALL BE PAID.

COMMITTEE NOTE: This section formerly appeared as Art. 73B, § 157(l) and (m).

The changes in subsection (a) of this section conform it to similar provisions in other titles of this article.

In subsection (b)(2)(i) of this section the phrase "special death benefit under paragraph (1)(ii)" of this subsection is substituted for "death benefit" for clarification.

Subsection (2)(ii) is new language added to clarify that a special death benefit is not payable if there is no surviving spouse or minor children.

#### 8-409. VESTED ALLOWANCE.

(A) ANY MEMBER WHOSE SERVICE IS TERMINATED OTHER THAN BY DEATH OR RETIREMENT AFTER THE MEMBER HAS RENDERED 5 OR MORE YEARS OF ELIGIBILITY SERVICE SHALL BE ELIGIBLE TO RECEIVE A VESTED ALLOWANCE. THE VESTED ALLOWANCE SHALL BE A DEFERRED ALLOWANCE THAT BEGINS AT AGE 50 AND SHALL BE COMPUTED AS A SERVICE RETIREMENT ALLOWANCE AS PROVIDED UNDER § 8-401(B) OF THIS SUBTITLE ON THE BASIS OF THE MEMBER'S AVERAGE FINAL COMPENSATION AND CREDITABLE SERVICE AT THE TIME THE MEMBER'S SERVICE IS TERMINATED.

(B) THE VESTED ALLOWANCE MAY BE IN ONE OF THE OPTIONAL FORMS SET FORTH IN § 8-404 OF THIS SUBTITLE.

COMMITTEE NOTE: This section formerly appeared as Art. 73B, § 157(p)(1). In the first sentence of this section, the term "eligibility service" is substituted for "creditable service" to reflect the use of the defined term. The term "vested allowance" is substituted for "vested retirement allowance" to distinguish it from allowances on retirement.