

(2) IF THE MEMBER IS NOT SURVIVED BY A SPOUSE OR A CHILD UNDER THE AGE OF 18 YEARS, THE DEATH BENEFIT UNDER § 29-202 OF THIS SUBTITLE.

(C) IF THE BOARD OF TRUSTEES PAYS AN ALLOWANCE UNDER THIS SECTION TO MORE THAN ONE CHILD, THE BOARD OF TRUSTEES SHALL DIVIDE THE ALLOWANCE AMONG THE CHILDREN UNDER THE AGE OF 18 YEARS IN A MANNER THAT PROVIDES FOR PAYMENTS TO CONTINUE UNTIL EACH CHILD DIES OR BECOMES 18 YEARS OLD.

29-205.

(a) This section applies to the surviving spouse of an individual who died while employed as a member of:

- (1) the Correctional Officers' Retirement System;
- (2) the Employees' Retirement System;
- (3) the Local Fire and Police System, if the member had transferred from the Employees' Retirement System; or
- (4) the Teachers' Retirement System.

(b) [A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A surviving spouse may elect to receive one of the following:

- (1) the death benefit, under § 29-202 of this subtitle; or
- (2) an allowance equal to the amount payable under Option 2 as described in § 21-403 of this article, if:
  - (i) the spouse is the sole primary designated beneficiary; and
  - (ii) the member:
    1. was eligible to retire; or
    2. was at least 55 years old with at least 15 years of eligibility service.

(C) A DEATH BENEFIT UNDER THIS SECTION MAY NOT BE PAID FOR THE DEATH OF A MEMBER OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF A SPECIAL DEATH BENEFIT UNDER § 29-204.1 OF THIS SUBTITLE IS PAYABLE OR HAS BEEN PAID FOR THAT DEATH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any individual who dies while employed as a member of the Correctional Officers' Retirement System on or after January 1, 2006.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety,