

(2) THE CONSUMER PRICE INDEX IS TO BE USED FOR THE FISCAL YEAR IN WHICH THE RETIREMENT ALLOWANCE IS PAYABLE SHALL BE THE CONSUMER PRICE INDEX FOR THE CALENDAR YEAR ENDING DECEMBER 31ST OF THE PRECEDING FISCAL YEAR.

(3) THE RATIO OF ADJUSTMENT OF THE RETIREMENT ALLOWANCE REFERRED TO IN SUBSECTION (A) OF THIS SECTION SHALL BE OBTAINED BY DIVIDING THE CONSUMER PRICE INDEX IN SUBSECTION (B) (2) BY THE CONSUMER PRICE INDEX IN SUBSECTION (B) (1) OF THIS SECTION.

(C) FOR THE PURPOSES OF THIS SECTION THE RETIREMENT ALLOWANCE REFERRED TO IN SUBSECTION (A) OF THIS SECTION, SHALL BE THAT RETIREMENT ALLOWANCE ELECTED BY THE MEMBER UNDER §55 OF THIS ARTICLE.

(D) FOR THE PURPOSES OF THIS SECTION, CONSUMER PRICE INDEX SHALL MEAN THE CONSUMER PRICE INDEX (ALL ITEMS - UNITED STATES CITY AVERAGE), AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS.

(E) IN NO INSTANCE SHALL ANY RETIRED MEMBER RECEIVE LESS THAN THE BENEFITS TO WHICH HE WOULD BE ENTITLED UNDER THE PROVISIONS OF §55 OF THIS ARTICLE.

(F) THE ALLOWANCE OF A SURVIVING BENEFICIARY OF A RETIRED MEMBER SHALL, WHEN AND IF PAYABLE, BE ADJUSTED BY THE SAME RATIO AS PROVIDED IN THIS SECTION.

(G) THIS SECTION SHALL NOT APPLY TO BENEFITS PAYABLE UNDER §55 (1) (4) OF THIS ARTICLE, AS IT RELATES TO RETURN OF ACCUMULATED CONTRIBUTIONS.

58.

THE SPOUSE OF EVERY JUDGE WHO DIES IN ACTIVE SERVICE SHALL BE PAID ONE HALF OF THE PENSION OR SALARY TO WHICH SUCH JUDGE WOULD HAVE BEEN ENTITLED ON THE DATE OF HIS DEATH IF HE HAD BEEN ELIGIBLE FOR RETIREMENT AND HAD RETIRED ON SAID DATE IRRESPECTIVE OF WHETHER HE SHALL HAVE ATTAINED THE AGE OF 60 AT THE DATE OF HIS DEATH. THE SPOUSE OF EVERY SUCH JUDGE WHO DIES AFTER RETIRING SHALL BE PAID ONE HALF OF THE PENSION OR SALARY WHICH THE JUDGE WAS RECEIVING AT THE DATE OF HIS DEATH. THE SPOUSE OF EVERY SUCH JUDGE WHO DIES AFTER HIS ACTIVE SERVICE IS TERMINATED, IF HE WAS AT LEAST 60 YEARS OF AGE AT THE TIME OF HIS DEATH,