

(5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE PROVISIONS OF § 117(9), (9A), AND (9B) OF THIS ARTICLE SHALL BE APPLICABLE TO DISABILITY BENEFICIARIES OF THIS PENSION SYSTEM.

(II) THE PROVISIONS OF § 11(8), (8A), AND (8B) OF THIS ARTICLE SHALL BE APPLICABLE TO DISABILITY BENEFICIARIES OF THIS PENSION SYSTEM WHO HAVE TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF MARYLAND.

(E) (1) ON THE RECEIPT OF PROPER PROOFS OF THE DEATH OF A MEMBER IN SERVICE, AND IF A BENEFIT IS NOT PAYABLE UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE MEMBER'S PERSONAL REPRESENTATIVE OR THE PERSON THE MEMBER HAS NOMINATED BY WRITTEN DESIGNATION EXECUTED AND FILED WITH THE BOARD OF TRUSTEES SHALL BE PAID:

(I) THE MEMBER'S ACCUMULATED CONTRIBUTIONS; AND

(II) IF THE MEMBER HAS 1 OR MORE YEARS OF ELIGIBILITY SERVICE, OR DIES IN THE PERFORMANCE OF DUTY, AN AMOUNT EQUAL TO THE MEMBER'S ANNUAL EARNABLE COMPENSATION AT THE TIME OF DEATH.

(2) THE BOARD OF TRUSTEES MAY TAKE THE STEPS NECESSARY TO PROVIDE THE DEATH BENEFIT UNDER THIS SUBSECTION IN THE FORM OF GROUP LIFE INSURANCE, IF, IN THE OPINION OF THE BOARD OF TRUSTEES, THAT PROVISION WOULD ALLOW A MORE FAVORABLE TAX TREATMENT OF THE BENEFIT TO THE BENEFICIARIES.

(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, IF THE MEMBER AT THE TIME OF THE MEMBER'S DEATH WAS AT LEAST 55 YEARS OLD AND HAD COMPLETED 15 YEARS OF ELIGIBILITY SERVICE OR WAS AT LEAST 62 YEARS OLD AND, IN EITHER EVENT, HAD NOMINATED THE MEMBER'S SURVIVING SPOUSE AS THE SOLE PRIMARY BENEFICIARY TO WHOM THE DEATH BENEFIT UNDER PARAGRAPH (1) OF THIS SECTION WOULD BE PAID, THE SURVIVING SPOUSE MAY ELECT TO RECEIVE, INSTEAD OF A LUMP-SUM DEATH BENEFIT, AN ALLOWANCE EQUAL TO THE ALLOWANCE WHICH THE SURVIVING SPOUSE WOULD HAVE RECEIVED HAD THE MEMBER:

(I) BEEN ELIGIBLE TO RETIRE;

(II) RETIRED 30 DAYS BEFORE THE MEMBER'S DEATH;

AND

(III) ELECTED OPTION 2, WITH THE SURVIVING SPOUSE AS THE PERSON NOMINATED.

(4) IF A MEMBER WHO HAS TRANSFERRED TO THIS PENSION SYSTEM FROM THE EMPLOYEES' RETIREMENT SYSTEM DIES IN SERVICE, THE SURVIVING SPOUSE MAY ELECT TO RECEIVE BENEFITS IN ACCORDANCE WITH § 11(9)(B) OF THIS ARTICLE.