

(2) FILE THE FORM WITH THE BOARD OF TRUSTEES BEFORE THE FIRST ALLOWANCE PAYMENT NORMALLY BECOMES DUE.

(C) CHANGE OF ELECTION.

A MEMBER WHO HAS ELECTED AN OPTIONAL FORM OF ALLOWANCE MAY CHANGE THE ELECTION ONLY IF THE MEMBER NOTIFIES THE BOARD OF TRUSTEES BEFORE THE FIRST ALLOWANCE PAYMENT NORMALLY BECOMES DUE.

(D) DEATH BEFORE RETIREMENT; EFFECT ON ELECTION.

IF A MEMBER DIES BEFORE THE EFFECTIVE DATE OF RETIREMENT, THE BOARD OF TRUSTEES SHALL PAY THE BENEFITS PAYABLE ON THE MEMBER'S BEHALF AS IF THE MEMBER HAD NOT ELECTED AN OPTIONAL FORM OF ALLOWANCE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 73B, §§ 2-407(a), 3-407(a), 4-409(a), 5-409(a), 6-406(b), 7-407(a), 8-404(b), 9-104(f), and 10-220(a), except as those sections required an optional form of allowance to be "of equivalent actuarial value".

In subsection (a)(1) of this section, the reference to "the basic allowance provided under the State system of a member" is substituted for the former reference to "the allowances payable under this [sub]title" to reflect the consolidation of formerly separate, but similar, provisions. The word "basic" is added to distinguish that form of allowance from an optional form of allowance described in § 21-404 of this subtitle.

In subsection (a)(2) of this section, the phrase "who would be entitled to a benefit", which modified "spouse" in former Art. 73B, §§ 6-406(b)(1) and 8-404(b)(1) and which modified "spouse or minor child" in former Art. 73B, § 9-104(f)(1), is deleted as unnecessary.

In subsection (b)(1) of this section, the reference to the "appropriate form that the Board of Trustees provides" is added to clarify who provides the form.

Similarly, in subsection (d) of this section, the reference to "the Board of Trustees" is added to clarify who has the obligation to pay.

Also in subsection (d) of this section, the former references to the election being "void" and "of no effect" are deleted as surplusage.

Defined terms: "Allowance" § 20-101

"Basic allowance" § 20-101

"Board of Trustees" § 20-101

"Judges' Retirement System" § 20-101

"Member" § 20-101

"Natural Resources Pension System" § 20-101

"Retirement" § 20-101

"State Police Retirement System" § 20-101

"State system" § 20-101