

The second sentence of former Art. 73B, § 9-105(c)(3) as it related to judges who retired on disability from July 1, 1975, through July 1, 1976, is deleted as obsolete.

Defined terms: "Former member" § 20-101

"Medical board" § 20-101

"Member" § 20-101

"Retiree" § 20-101

"Retirement" § 20-101

"Retirement allowance" § 20-101

"Termination of service" § 27-101

#### 27-403. RIGHTS OF SURVIVING SPOUSE OR MINOR CHILD.

##### (A) SURVIVING SPOUSE OF MEMBER.

ON THE DEATH OF A MEMBER, THE BOARD OF TRUSTEES SHALL PAY TO THE SURVIVING SPOUSE 50% OF THE RETIREMENT ALLOWANCE THAT WOULD BE PAYABLE WERE THE MEMBER ALIVE AND ELIGIBLE TO RECEIVE A RETIREMENT ALLOWANCE.

##### (B) SURVIVING SPOUSE OF FORMER MEMBER OR RETIREE.

ON THE DEATH OF A FORMER MEMBER OR RETIREE, THE BOARD OF TRUSTEES SHALL PAY TO THE SURVIVING SPOUSE, WHEN THE SURVIVING SPOUSE IS AT LEAST 50 YEARS OLD, 50% OF THE RETIREMENT ALLOWANCE THAT WOULD BE PAYABLE WERE THE FORMER MEMBER OR RETIREE ALIVE AND ELIGIBLE TO RECEIVE A RETIREMENT ALLOWANCE.

##### (C) SURVIVING MINOR CHILD.

(1) THIS SUBSECTION APPLIES TO A MEMBER, FORMER MEMBER, OR RETIREE WHO AT THE TIME OF DEATH:

(I) DOES NOT HAVE A SPOUSE; AND

(II) HAS A CHILD UNDER THE AGE OF 18 YEARS.

(2) UNTIL EACH CHILD REACHES THE AGE OF 18 YEARS, THE BOARD OF TRUSTEES SHALL PAY TO THE SURVIVING CHILDREN OF THE MEMBER, FORMER MEMBER, OR RETIREE WHO ARE UNDER THE AGE OF 18 YEARS THE RETIREMENT ALLOWANCE THAT WOULD HAVE BEEN PAID TO A SURVIVING SPOUSE UNDER SUBSECTION (A) OR (B) OF THIS SECTION.

(3) IF THE BOARD OF TRUSTEES PAYS AN ALLOWANCE TO MORE THAN ONE CHILD, THE BOARD OF TRUSTEES SHALL DIVIDE THE ALLOWANCE EQUALLY AMONG THE CHILDREN WHO ARE UNDER THE AGE OF 18 YEARS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 73B, § 9-104(d).

In subsection (a) of this section, the former reference to death "at any age" is deleted as surplusage.