

29-206. SAME — PENSION SYSTEMS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO THE SURVIVING SPOUSE OF AN INDIVIDUAL WHO DIED WHILE EMPLOYED AS A MEMBER OF:

- (1) THE EMPLOYEES' PENSION SYSTEM;
- (2) THE TEACHERS' PENSION SYSTEM; OR
- (3) THE LOCAL FIRE AND POLICE SYSTEM, IF THE MEMBER HAD NOT TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM.

(B) ELECTION DESCRIBED.

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 WAS AT LEAST 55 YEARS OLD WITH AT LEAST 15 YEARS OF ELIGIBILITY SERVICE OR WAS AT LEAST 62 YEARS OLD.

REVISOR'S NOTE: Subsection (a) of this section is new language added for clarity.

Subsection (b) of this section is new language derived without substantive change from former Art. 73B, §§ 4-414(c), 5-413(c), and 10-224(c).

In subsection (b)(1) of this section, the reference to "death benefit" is substituted for "lump sum benefit" for clarity and consistency.

In subsection (b)(2) of this section, the reference to "§ 21-403 of this article" is added for clarity.

Also in subsection (b)(2) of this section, the former references to being "eligible to retire" and having "[r]etired 30 days before the member's death" under former Art. 73B, §§ 4-414(c)(1) and (2), 5-413(c)(1) and (2), and 10-224(c)(1) and (2), are deleted as included in the reference to the Option 2 allowance.

Defined terms: "Allowance" § 20-101

"Designated beneficiary" § 20-101.

"Eligibility service" § 20-101

"Employees' Pension System" § 20-101