(6) THE ALLOWANCE OF A SURVIVING BENEFICIARY OF A MEMBER OR A RETIREE SHALL, WHEN AND IF PAYABLE, BE ADJUSTED IN THE SAME MANNER AS PROVIDED IN THIS SECTION.

COMMITTEE NOTE: This section formerly appeared as Art. 73B, § 118.

The only changes are stylistic or technical.

4–414. DEATH BENEFIT FOR MEMBERS IN SERVICE.

(A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ON THE RECEIPT OF PROPER PROOF OF THE DEATH OF A MEMBER IN SERVICE, THE BOARD OF TRUSTEES SHALL PAY TO THE PERSON THE MEMBER HAS NOMINATED BY WRITTEN DESIGNATION EXECUTED AND FILED WITH THE BOARD OF TRUSTEES OR, IN THE ABSENCE OF A WRITTEN DESIGNATION, TO THE MEMBER'S ESTATE:

(1) THE MEMBER'S ACCUMULATED CONTRIBUTIONS; AND

(2) 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.

(B) 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.

(C) IF THE MEMBER AT THE TIME OF DEATH WAS AT LEAST 55 YEARS OLD AND HAD COMPLETED 15 YEARS OF ELIGIBILITY SERVICE OR WAS 62 YEARS OLD OR OLDER AND, IN EITHER EVENT, HAD NOMINATED THE MEMBER'S SURVIVING SPOUSE AS THE SOLE PRIMARY BENEFICIARY TO WHOM THE DEATH BENEFIT UNDER SUBSECTION (A) 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:

(1) BEEN ELIGIBLE TO RETIRE;

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

(3) ELECTED OPTION 2, WITH THE MEMBER'S SPOUSE AS THE PERSON NOMINATED.

COMMITTEE NOTE: This section formerly appeared as Art. 73B, § 117(10).

The phrase "Except as provided in subsection (c) of this section" is added for clarification.