

(IV) PARENTS' INSURANCE BENEFITS; OR

(V) OTHER DEATH BENEFITS PAYABLE UNDER TITLE II OF THE FEDERAL SOCIAL SECURITY ACT.

(B) A PAYMENT UNDER SUBSECTION (A)(1) OR (2) OF THIS SECTION MAY NOT BE MADE IF UNDER TITLE II OF THE FEDERAL SOCIAL SECURITY ACT:

(1) THE SURVIVING SPOUSE IS ELIGIBLE TO RECEIVE SURVIVING SPOUSE'S INSURANCE BENEFITS;

(2) THE CHILD IS ELIGIBLE TO RECEIVE CHILD'S INSURANCE BENEFITS; OR

(3) THE PARENT IS ELIGIBLE TO RECEIVE PARENTS' INSURANCE BENEFITS.

(C) A PAYMENT MADE UNDER THIS SECTION:

(1) SHALL BE PAID:

(I) ON THE RECEIPT OF PROPER PROOF OF DEATH OF THE MEMBER IN SERVICE OR THE RETIREE; AND

(II) IN ACCORDANCE WITH THE PROVISIONS OF TITLE II OF THE FEDERAL SOCIAL SECURITY ACT IN EFFECT AT THE TIME OF INITIAL ELIGIBILITY; AND

(2) MAY NOT INCLUDE ANY COST-OF-LIVING ADJUSTMENT THAT THE FEDERAL GOVERNMENT MAY PROVIDE.

(D) THE MONTHLY EARNINGS USED IN THE SOCIAL SECURITY ACT CALCULATION OF BENEFITS UNDER THIS SECTION SHALL BE THE LESSER OF:

(1) ONE-TWELFTH OF THE MEMBER'S AVERAGE FINAL COMPENSATION; OR

(2) THE MAXIMUM SOCIAL SECURITY MONTHLY EARNINGS THAT MAY BE USED IN THE CALCULATION.

COMMITTEE NOTE: This section is derived without substantive change from former Art. 88B, § 53(n).

The changes combine the provisions for the special survivor benefits to avoid unnecessary duplication.

The phrase "on or after July 1, 1965," in former § 53(n)(1) is deleted as obsolete.

The only other changes are stylistic or technical.