

8-403. EFFECT OF WORKERS' COMPENSATION BENEFITS.

ANY ALLOWANCE PROVIDED FOR IN THIS SECTION SHALL BE REDUCED BY THE AMOUNT OF ANY WORKERS' COMPENSATION BENEFITS PAID OR PAYABLE AFTER THE EFFECTIVE DATE OF RETIREMENT ON ACCOUNT OF AN ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL DISEASE THAT ARISES OUT OF AND IN THE COURSE OF THE RETIREE'S EMPLOYMENT WITH THE DEPARTMENT OF NATURAL RESOURCES, IF THE BENEFITS ARE PAID OR PAYABLE FOR A PERIOD DURING WHICH AN ALLOWANCE IS PAID OR PAYABLE AND IF THE REDUCED ALLOWANCE IS NOT LESS THAN THE RETIREE'S ANNUITY. THIS PROVISION APPLIES TO BOTH THE RETIREE AND ANY BENEFICIARY OF THE RETIREE.

COMMITTEE NOTE: This section formerly appeared as Art. 73B, § 157(o).

The term "accidental personal injury" is substituted for "accidental injury" to correct an error that occurred in Chapter 21 of the Acts of 1991.

The only changes are stylistic.

8-404. SURVIVOR BENEFITS AND OPTIONAL BENEFITS.

(A) UPON THE DEATH OF A RETIREE ON A SERVICE RETIREMENT ALLOWANCE, WITH OR WITHOUT A SUPPLEMENTAL SERVICE RETIREMENT ALLOWANCE, AN ORDINARY DISABILITY RETIREMENT ALLOWANCE, OR AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE:

(1) THERE SHALL BE PAID TO THE SURVIVING SPOUSE, IF ANY, ONE-HALF OF THE DECEASED MEMBER'S RETIREMENT ALLOWANCE; OR

(2) IF THERE IS NO ELIGIBLE SURVIVING SPOUSE OR IF AN ELIGIBLE SURVIVING SPOUSE DIES BEFORE THE YOUNGEST CHILD OF THE DECEASED MEMBER IS 18 YEARS OLD, THEN ONE-HALF OF THE DECEASED MEMBER'S RETIREMENT ALLOWANCE SHALL BE PAID TO ANY CHILDREN, UNDER 18 YEARS OLD, DIVIDED IN A MANNER AS THE BOARD OF TRUSTEES DETERMINES, TO CONTINUE AS A JOINT AND SURVIVORSHIP PENSION FOR THE BENEFIT OF THE CHILDREN UNDER 18 YEARS OLD UNTIL EVERY CHILD DIES OR BECOMES 18 YEARS OLD.

(B) (1) INSTEAD OF THE ALLOWANCES PAYABLE UNDER THIS SUBTITLE, A MEMBER WHO AT THE TIME OF RETIREMENT DOES NOT HAVE A SPOUSE WHO WOULD BE ENTITLED TO A BENEFIT UNDER SUBSECTION (A) OF THIS SECTION MAY ELECT A REDUCED ALLOWANCE OF EQUIVALENT ACTUARIAL VALUE IN ONE OF THE OPTIONAL FORMS SET OUT IN SUBSECTION (C)(2) OF THIS SECTION.

(2) THE ELECTION OF THE OPTION SHALL BE:

(I) MADE BEFORE THE FIRST PAYMENT OF THE ALLOWANCE NORMALLY BECOMES DUE;