

RETIREMENT PURPOSES DOES NOT ACCRUE BY REASON OF SERVICE UNDER THAT PROVISION, AND A DEDUCTION FROM COMPENSATION FOR THIS SERVICE MAY NOT BE WITHHELD FOR PENSION OR RETIREMENT PURPOSES.

(D) (1) UPON THE DEATH OF A JUDGE AT ANY AGE, THE SURVIVING SPOUSE OF THE DECEASED JUDGE SHALL BE PAID ONE HALF OF THE RETIREMENT ALLOWANCE THAT WOULD BE PAYABLE FROM TIME TO TIME TO THE JUDGE AS IF THE JUDGE WERE LIVING AND ELIGIBLE TO RECEIVE A RETIREMENT ALLOWANCE.

(2) UPON THE DEATH OF A FORMER JUDGE AT ANY AGE, THE SURVIVING SPOUSE OF THE FORMER JUDGE, UPON ATTAINING THE AGE OF 50 YEARS, SHALL BE PAID ONE-HALF OF THE RETIREMENT ALLOWANCE THAT WOULD BE PAYABLE FROM TIME TO TIME TO THE FORMER JUDGE AS IF THE FORMER JUDGE WERE LIVING AND ELIGIBLE TO RECEIVE A RETIREMENT ALLOWANCE.

(E) IF A SURVIVING SPOUSE WHO IS RECEIVING A RETIREMENT ALLOWANCE DIES OR IF A FORMER JUDGE WHO IS RECEIVING A RETIREMENT ALLOWANCE DIES AND LEAVES NO SURVIVING SPOUSE, PAYMENTS UNDER EITHER PLAN SHALL CEASE, AND A PERSON MAY NOT HAVE ANY FURTHER RIGHTS ARISING FROM THE JUDGE'S SERVICE.

(F) AN ELECTION REQUIRED OR PERMITTED TO BE MADE UNDER THIS SUBTITLE BY A JUDGE OR A FORMER JUDGE IS BINDING ON THE JUDGE AND ON THE JUDGE'S SPOUSE.

COMMITTEE NOTE: This section formerly appeared as Art. 73B, § 56.

In subsection (c) of this section, the phrase "of the Employees' Retirement System" is deleted since "Board of Trustees" is a defined term. See § 1-101(g) of this article.

In subsection (d)(1) of this section, the second sentence of former § 56(d)(1) is deleted as obsolete.

In subsection (d)(2) of this section, the phrase "upon attaining the age of 50 years" is added to reflect the deletion of the defined term "surviving spouse". Former § 56(e) has been incorporated into §§ 9-105(m) and 9-106(c) of this title.

In subsection (e) of this section, the clause "or if a surviving spouse who is receiving a pension dies," is deleted as redundant.

Former § 56(h) is deleted as redundant. See subsection (f) of this section.

The only other changes are stylistic or technical.