

been paid to the surviving spouse under option 2 of this sub-section, had the member elected option 2 in favor of his spouse and retired thirty days before his death, *where the pension without optional modification in the case of the member who is not eligible for service retirement but who has attained age fifty-five and has fifteen or more years of creditable service is calculated on an actuarial equivalent basis in accordance with Section 11 (3) (d) of this article*; provided, however, that if such spouse is the person nominated by the member to receive any benefit under Section 11 (9) of this article, he may, by written notice filed with the board of trustees prior to the commencement of such retirement allowance but not more than 60 days after the death of such member, elect to receive a benefit under the provisions of Section 11 (9) in lieu of such retirement allowance.

SEC. 2. *And be it further enacted*, That this Act shall take effect July 1, 1965.

Approved May 4, 1965.

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#### CHAPTER 614

(Senate Bill 508)

AN ACT to repeal and re-enact, with amendments, Section 113 (8) (b) of Article 77 of the Annotated Code of Maryland (1964 Supplement), title "Public Education", sub-title "Chapter 8. Teachers' Certificates, Salaries and Pensions", sub-heading "Teachers' Retirement System", to provide for the option 2 benefit to the spouse upon death after the attainment of age 55 with 15 or more years of creditable service for teachers in public schools.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 113 (8)(b) of Article 77 of the Annotated Code of Maryland (1964 Supplement), title "Public Education", sub-title "Chapter 8. Teachers' Certificates, Salaries and Pensions", sub-heading "Teachers' Retirement System", be and it hereby is repealed and re-enacted, with amendments, to read as follows:

113.

(8)

(b) Notwithstanding anything to the contrary in this sub-section or elsewhere in this article, whenever any member who is eligible for service retirement under the provisions of Section 113 (1) (a) of this article *or who has attained the age of fifty-five and has rendered fifteen or more years of creditable service* dies in service, without having nominated by written designation a beneficiary other than his spouse, leaving a surviving spouse with whom he was living as husband or wife on the date of his death, said spouse shall be entitled to a retirement allowance equal to that which would have been paid to the surviving spouse under option 2 of this sub-section, had the member elected option 2 in favor of his spouse and retired thirty days before his death *where the pension without optional modification in*