

Sec. 28. Benefit Program RS50%; Adoption; Commencement of Benefits; Amount of Payment; “Surviving Spouse” Defined.

- (1) A participating municipality or court, by resolution of its governing body or by administrative order of its chief judge, may adopt Benefit Program RS50%. The resolution or administrative order shall specify the effective date of the change in coverage.
- (2) Under Benefit Program RS50%, a surviving spouse of a deceased retiree shall be paid a retirement allowance for life if both of the following conditions are met:
 - (a) The commencement date of the deceased retiree's retirement allowance was on or after the effective date of the change in coverage.
 - (b) All payments of the deceased retiree's retirement allowance were made pursuant to form of payment SL as prescribed in section 27(2)(a).
- (3) The amount of the retirement allowance payable to a surviving spouse under Benefit Program RS50% is 50% of the retirement allowance payable to the deceased retiree at the time of his or her death.
- (4) As used in this section, “surviving spouse” means a person who meets both of the following requirements:
 - (a) He or she was married to the deceased retiree during the period beginning 1 year before the commencement date of the deceased retiree’s retirement allowance and ending on the commencement date of the retirement allowance.
 - (b) He or she was married to the deceased retiree on the date of the deceased retiree’s death.
- (5) A participating municipality or court shall not adopt Benefit Program RS50% under this section for retirement allowances payable under the Hybrid Plan.