

**161.525 Death of member eligible to retire -- Options of beneficiary -- Monthly minimum allowance to surviving spouse of individual who becomes member before January 1, 2019. (Declared void -- See LRC Note Below)**

- (1) Upon death of a member in active contributing status at the time of death, who was eligible to retire by reason of service, the spouse, if named as the primary beneficiary of the member's retirement account, or in the absence of an eligible spouse a legal dependent of the member, if named as the primary beneficiary, shall be entitled to elect, in lieu of a refund of the member's accumulated account balance or benefits provided in KRS 161.520, an annuity actuarially equivalent at the attained age of the beneficiary to the annuity that would have been paid to the deceased member had retirement been effective on the day immediately preceding the member's death. Under the provisions of KRS 61.680, benefits shall be processed as if the member retired for service. In exercising this right the spouse or legal dependent shall be limited to selecting an option providing either a straight life annuity with refundable balance or a term certain option. A spouse may receive the annuity provided by this section at the same time as children are qualifying for survivors' benefits under the provisions of KRS 161.520; however, a legal dependent, other than a spouse, may not receive these payments if children have qualified for benefits under that section.
- (2) A spouse qualifying for an annuity under subsection (1) of this section may defer the payments in order to reduce the actuarial discounts to be applied due to age.
- (3) Upon death of a member in active contributing status at the time of his death, who had a minimum of twenty-seven (27) years of service, the spouse, if named as the primary beneficiary of the member's account shall be entitled to a monthly minimum allowance of three hundred dollars (\$300) as the basic straight life annuity. This provision applies to surviving spouses of members who were receiving benefit payments under KRS 161.520 as of June 30, 1986, and to surviving spouses of members who die on or after July 1, 1986. This subsection does not apply to individuals who become members on or after January 1, 2019.

**Effective:** July 14, 2018

**History:** Amended 2018 Ky. Acts ch. 107, sec. 56, effective July 14, 2018. -- Amended 2004 Ky. Acts ch. 121, sec. 10, effective July 1, 2004. -- Amended 1996 Ky. Acts ch. 359, sec. 7, effective July 1, 1996. -- Amended 1994 Ky. Acts ch. 369, sec. 10, effective July 1, 1994. -- Amended 1990 Ky. Acts ch. 442, sec. 9, effective July 1, 1990; and ch. 476, Pt. V, sec. 512, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 440, sec. 8, effective July 1, 1986. -- Amended 1976 Ky. Acts ch. 351, sec. 11, effective July 1, 1976. -- Amended 1968 Ky. Acts ch. 136, sec. 7. -- Created 1964 Ky. Acts ch. 43, sec. 22.

**Legislative Research Commission Note** (12/13/2018). On December 13, 2018, the Kentucky Supreme Court ruled that the passage of 2018 SB 151 (2018 Ky. Acts ch. 107), did not comply with the three-readings rule of Kentucky Constitution Section 46 and that the legislation is, therefore, constitutionally invalid and declared void. That ruling applies to changes made to this statute in that Act.