

### **161.522 Survivors of certain members retired for disability may elect annuity.**

Upon the death of a member retired for disability who had a minimum of twenty-seven (27) years of service at the time of death, except as provided in KRS 161.661(6), the spouse, if named as the primary beneficiary of the member's account, shall be entitled to elect, in lieu of a refund of the member's account, an annuity actuarially equivalent to the annuity that would have been paid to the deceased member had retirement for service been effective on the day immediately preceding the member's death. This option shall be available only during the entitlement period described under KRS 161.661(3) and (4) prior to the recalculation of the member's disability allowance under KRS 161.661(5). In selecting this right, the spouse shall be limited to selecting an option providing a straight life annuity with refundable balance or a term certain option. There shall be a monthly minimum allowance of three hundred dollars (\$300) as the basic straight life annuity. This section applies to surviving spouses of members who were receiving benefit payments under KRS 161.520 as of June 30, 1988, and to surviving spouses of members who die on or after July 1, 1984, except that the member shall have been retired for disability with a minimum of thirty (30) years of service if either of these two (2) conditions were met prior to July 1, 1990.

**Effective:** January 1, 2022

**History:** Amended 2021 Ky. Acts ch. 157, sec. 20, effective January 1, 2022. -- Amended 2018 Ky. Acts ch. 107, sec. 55, effective July 14, 2018. -- Amended 2008 Ky. Acts ch. 78, sec. 8, effective July 1, 2008. -- Amended 2002 Ky. Acts ch. 275, sec. 15, effective July 1, 2002. -- Amended 1996 Ky. Acts ch. 359, sec. 6, effective July 1, 1996. -- Amended 1994 Ky. Acts ch. 369, sec. 9, effective July 1, 1994. -- Amended 1990 Ky. Acts ch. 442, sec. 8, effective July 13, 1990; and ch. 476, Pt. V, sec. 511, effective July 13, 1990. -- Created 1984 Ky. Acts ch. 253, sec. 14, effective July 1, 1984.

**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.