

## 2021 Kansas Statutes

**74-49,311. Distribution of eligible vested member's annuity savings account; annuity and lump-sum options; benefit for spouse of member who dies before normal retirement date.** (a) A member who is eligible for a benefit under subsection (a) or (b) of K.S.A. 74-49,313, and amendments thereto, shall be entitled to a distribution of such member's annuity savings account. Such distribution shall be made using mortality rates and interest rates as provided in subsection (a) of K.S.A. 74-49,313, and amendments thereto, and may be made in any of the annuity options described in subsection (c) of K.S.A. 74-49,313, and amendments thereto. In lieu of an annuity, a member entitled to a benefit under subsection (a) of K.S.A. 74-49,313, and amendments thereto, may elect to receive a lump-sum of such member's annuity savings account of any fixed dollar amount or percent, but in no event may the lump-sum option elected under this section and the lump-sum option elected under subsection (c) of K.S.A. 74-49,313, and amendments thereto, exceed 30% of the total value of such member's annuity savings account and retirement annuity account.

(b) A member who is not eligible for a benefit under subsection (a) or (b) of K.S.A. 74-49,313, and amendments thereto, but who terminates employment in any covered position under the system, may elect to take a distribution of such member's entire annuity savings account balance, but the member shall then forfeit the entire balance in the member's retirement annuity account.

(c) In the case of an active or inactive member:

- (1) Who is vested in the member's annuity savings account;
- (2) who has five or more years of service at death; and
- (3) who dies before attaining normal retirement age, with such member's spouse at time of death designated as such member's sole primary beneficiary, the member's surviving spouse on and after the date the member would have attained normal retirement age had such member not died, shall receive an annuity based upon such member's contributions and interest credits in the annuity savings account, using factors established by the board by official action as of the beneficiary's annuity start date. The form of benefit shall be a single life annuity with 10-year certain.

**History:** L. 2012, ch. 171, § 11; July 1.