

SENATE BILL No. 243

By Committee on Judiciary

2-10

1 AN ACT concerning minors; relating to settlement agreements; providing
2 requirements and procedures for a person having legal custody of a
3 minor to enter into a settlement agreement on behalf of the minor
4 ***increasing certain related dollar amounts in the Kansas uniform***
5 ***transfers to minors act and the act for obtaining a guardian or a***
6 ***conservator, or both; amending K.S.A. 38-1707, 38-1708, 59-3053***
7 ***and, 59-3055 and 74-49,127 and K.S.A. 2022 Supp. 59-3075 and***
8 ***repealing the existing sections.***
9

10 *Be it enacted by the Legislature of the State of Kansas:*

11 *New Section 1.* (a) A person having legal custody of a minor may
12 settle or compromise and enter into a settlement agreement with a person
13 against whom the minor has a claim or from whom the minor is to receive
14 proceeds from the sale of real estate, for the settlement of any estate or
15 from any other source if:

16 (1) A guardian or conservator has not been appointed for the minor;

17 (2) the total amount of the settlement proceeds due to the minor, after
18 reduction from the total settlement amount of all medical expenses,
19 medical liens, all other liens and reasonable attorney fees and costs, is
20 \$25,000 or less if paid in cash, by draft or check, by direct deposit or by
21 the purchase of a premium for an annuity;

22 (3) the moneys payable under the settlement agreement will be paid
23 as provided in subsections (c) and (d); and

24 (4) the person entering into the settlement agreement on behalf of the
25 minor completes an affidavit or verified statement that attests that the
26 person:

27 (A) Has made a reasonable inquiry and that to the best of the person's
28 knowledge:

29 (i) The minor will be fully compensated by the settlement; or

30 (ii) there is no practical way to obtain additional amounts from the
31 party or parties entering into the settlement agreement with the minor; and

32 (B) understands and acknowledges that such person is obligated by
33 law to deposit the settlement directly into a restricted savings or other
34 restricted investment account or purchase an annuity as provided in

1 subsection (c).

2 (b) The attorney representing the person entering into the settlement
3 agreement on behalf of the minor, if any, shall maintain the affidavit or
4 verified statement completed under subsection (a)(4) in the attorney's file
5 for a period of five years.

6 (c) The moneys payable under the settlement agreement shall be paid
7 as follows:

8 (1) If the minor or person entering into the settlement agreement on
9 behalf of the minor is represented by an attorney and the settlement is paid
10 in cash, by draft or check or by direct deposit into the attorney's trust
11 account maintained in compliance with supreme court rules to be held for
12 the benefit of the minor, the attorney shall:

13 (A) Timely deposit the moneys received on behalf of the minor
14 directly into a restricted savings or other restricted investment account that
15 only allows withdrawals from the account under the circumstances
16 specified in subsection (d); or

17 (B) purchase an annuity by direct payment to the issuer of the annuity
18 with the minor designated as the sole beneficiary of the annuity.

19 (2) If the minor or person entering into the settlement agreement on
20 behalf of the minor is not represented by an attorney and the settlement is
21 paid by check, draft or direct deposit, the minor or person entering into the
22 settlement agreement on behalf of the minor shall provide the person or
23 entity with whom the minor has settled the claim with the information
24 sufficient to draw a check or draft made payable, or complete an electronic
25 transfer of settlement funds:

26 (A) Into a restricted savings or other restricted investment account
27 that only allows withdrawals from the account under the circumstances
28 specified in subsection (d); or

29 (B) to purchase an annuity by direct payment to the issuer of the
30 annuity with the minor designated as the sole beneficiary of the annuity.

31 (3) If the minor is under the care, custody and control of the state, the
32 secretary for children and families shall establish a restricted trust account
33 or subaccount of a trust account that earns interest for the benefit of the
34 minor for the purpose of receiving moneys payable to the minor under the
35 settlement agreement. If the settlement is paid:

36 (A) In cash or by draft or check, the moneys received on behalf of the
37 minor shall be timely deposited into the account established under this
38 paragraph and notice of the deposit to the minor and the person entering
39 into the settlement agreement on behalf of the minor shall be delivered by
40 personal service or first-class mail;

41 (B) by direct deposit, the minor, the person entering into the
42 settlement on behalf of the minor or the department, shall provide the
43 person or entity with whom the minor has settled the claim with the

1 information sufficient to complete an electronic transfer of settlement
2 funds into the account established under this paragraph and notice of the
3 deposit to the minor and the person entering into the settlement agreement
4 on behalf of the minor shall be delivered by personal service or first-class
5 mail; or

6 (C) through the purchase of an annuity, direct payment shall be made
7 to the issuer of the annuity with the minor designated as the sole
8 beneficiary of the annuity.

9 (d) *(1)* The moneys in the minor's restricted savings or other restricted
10 investment account, trust account or trust subaccount established under
11 subsection (c) may not be withdrawn, removed, paid out or transferred to
12 any person, including the minor, except as follows:

13 ~~(A)~~ Pursuant to court order;

14 ~~(B)~~ upon the minor attaining the age of majority or being
15 otherwise emancipated; or

16 ~~(C)~~ upon the minor's death.

17 *(2) Upon the minor's or account holder's death, the balance of such*
18 *account shall be paid to the payable on death beneficiary in accordance*
19 *with K.S.A. 9-1215, and amendments thereto, or, in the absence of a*
20 *named payable on death beneficiary, in accordance with the provisions*
21 *of the Kansas probate code.*

22 (e) A signed settlement agreement entered into on behalf of the minor
23 in compliance with subsection (a) is binding on the minor without the need
24 for court approval or review, has the same force and effect as if the minor
25 were a competent adult entering into the settlement agreement, shall serve
26 to fully release all claims of the minor encompassed by the settlement
27 agreement and may be relied on by a financial institution or other entity, in
28 lieu of a court order, when opening a restricted savings or other restricted
29 investment account or purchasing an annuity on behalf of a minor pursuant
30 to this section.

31 (f) (1) Any person or entity against whom a minor has a claim that
32 settles the claim with the minor in good faith under this section shall not
33 be liable to the minor for any claims arising from the settlement of the
34 claim.

35 (2) An insurer who in good faith transfers funds into a restricted
36 savings or other restricted investment account or to purchase an annuity at
37 the direction of the minor or the minor's representatives who entered into a
38 settlement agreement shall not be liable to the minor or the minor's
39 representatives for any claims arising from the use of such funds after the
40 transfer is completed.

41 *(3) A financial institution who in good faith opens a restricted*
42 *savings or other restricted investment account at the direction of the*
43 *minor or the minor's representatives who entered into a settlement*

1 *agreement shall not be liable to the minor or the minor's representatives*
 2 *for any claims arising from the use of such funds.*

3 (g) Nothing in this section shall prevent any person acting on behalf
 4 of the minor from filing for guardianship, limited guardianship or
 5 conservatorship in an appropriate district court and requesting the district
 6 court to approve the settlement on behalf of the minor and oversee the
 7 settlement proceeds.

8 (h) *Nothing in this section shall prevent the minor or any person*
 9 *acting on behalf of the minor from filing in an appropriate district court*
 10 *and requesting the district court to approve the settlement agreement,*
 11 *the affidavit or verified statement of the person entering into the*
 12 *settlement agreement, the terms and disposition of the settlement*
 13 *proceeds or any other matter or agreement relating to or arising from*
 14 *the claims encompassed by the settlement agreement. The district court*
 15 *shall award any docket fees required to file the action to the minor or*
 16 *person acting on behalf of the minor.*

17 *Sec. 2. K.S.A. 38-1707 is hereby amended to read as follows: 38-*
 18 *1707. (a) Subject to subsection (c), a personal representative or trustee*
 19 *may make an irrevocable transfer to another adult or trust company as*
 20 *custodian for the benefit of a minor pursuant to K.S.A. 38-1710, and*
 21 *amendments thereto, in the absence of a will or under a will or trust that*
 22 *does not contain an authorization to do so.*

23 (b) *Subject to subsection (c), a conservator may make an*
 24 *irrevocable transfer to another adult or trust company as custodian for*
 25 *the benefit of the minor pursuant to K.S.A. 38-1710, and amendments*
 26 *thereto.*

27 (c) *A transfer under subsection (a) or (b) may be made only if*(i):

28 (1) *The personal representative, trustee, or conservator considers*
 29 *the transfer to be in the best interest of the minor;*(ii);

30 (2) *the transfer is not prohibited by or inconsistent with provisions*
 31 *of the applicable will, trust agreement, or other governing instrument;*
 32 *and*(iii)

33 (3) *the transfer is authorized by the court if*~~it~~ *such transfer exceeds*
 34 *\$10,000* \$25,000 *in value.*

35 *Sec. 3. K.S.A. 38-1708 is hereby amended to read as follows: 38-*
 36 *1708. (a) Subject to subsections (b) and (c), a person not subject to*
 37 *K.S.A. 38-1706 or 38-1707, and amendments thereto, who holds*
 38 *property of or owes a liquidated debt to a minor not having a*
 39 *conservator may make an irrevocable transfer to a custodian for the*
 40 *benefit of the minor pursuant to K.S.A. 38-1710, and amendments*
 41 *thereto.*

42 (b) *If a person having the right to*~~do so~~ *nominate a custodian*
 43 *under K.S.A. 38-1704, and amendments thereto, has nominated a*

1 **custodian under that section to receive the custodial property, the**
2 **transfer must be made to that person.**

3 **(c) If no custodian has been nominated under K.S.A. 38-1704, and**
4 **amendments thereto, or all persons so nominated as custodian die**
5 **before the transfer or are unable, decline, or are ineligible to serve, a**
6 **transfer under this section may be made to an adult member of the**
7 **minor's family or to a trust company unless the property exceeds**
8 ~~\$10,000~~ **\$25,000 in value.**

9 ~~Sec. 3.~~ **4. K.S.A. 59-3053 is hereby amended to read as follows: 59-**
10 **3053. (a) A natural guardian shall have the right to the custody of the**
11 **natural guardian's minor child and the right to exercise control over the**
12 **person of the natural guardian's minor child as provided by law, unless**
13 **a guardian has been appointed for the minor. The natural guardian of**
14 **such minor has the right and responsibility to hold in trust and manage**
15 **such person's estate for such person's benefit all of the personal and**
16 **real property vested in such minor when the total of such property does**
17 **not exceed**~~\$10,000~~ **\$25,000 in value, unless a guardian or conservator**
18 **has been appointed for the minor.**

19 **(b) Nothing in this act shall be construed to relieve a natural**
20 **guardian of any obligation imposed by law for the support, maintenance,**
21 **care, treatment, habilitation or education of that natural guardian's**
22 **minor child.**

23 ~~Sec. 4.~~ **5. K.S.A. 59-3055 is hereby amended to read as follows: 59-**
24 **3055. (a) Any court having either control over or possession of any**
25 **amount of money not exceeding \$100,000, the right to which is vested in**
26 **a minor, shall have the discretion to authorize, without the appointment**
27 **of a conservator or the giving of bond, and notwithstanding the**
28 **authority of a natural guardian as provided for in K.S.A. 59-3053, and**
29 **amendments thereto, the deposit of the money in a savings account of a**
30 **bank, credit union, savings and loan association or any other investment**
31 **account that the court may authorize, payable either to a conservator, if**
32 **one shall be appointed for the minor, or to the minor upon attaining**~~the~~
33 ~~age of 18~~ **years of age.**

34 **(b) Any court having either control over or possession of any**
35 **amount of money not exceeding**~~\$10,000~~ **\$25,000, the right to which is**
36 **vested in a minor, shall have the discretion to order the payment of the**
37 **money to any person, including the natural guardian of the minor, or**
38 **the minor. If the person is the conservator for the minor, the court may**
39 **waive or recommend the waiver of the requirement of a bond. If the**
40 **person is anyone other than the minor, the court shall order that person**
41 **to hold in trust and manage such person's estate for such person's**
42 **benefit.**

43 **(c) Any court having either control over or possession of any**

1 *amount of money not exceeding ~~\$10,000~~ \$25,000, the right to which is*
2 *vested in a person for whom a guardian has been appointed, shall have*
3 *the discretion to authorize, without the appointment of a conservator or*
4 *the giving of bond, the deposit of the money in a savings account of a*
5 *bank, credit union or savings and loan association, payable to the*
6 *guardian for the benefit of the ward if authorized pursuant to subsection*
7 *(e)(8) of K.S.A. 59-3075(e)(8), and amendments thereto, payable to a*
8 *conservator, if one shall be appointed for the person, or payable to the*
9 *ward on restoration to capacity.*

10 **Sec. 6. K.S.A. 2022 Supp. 59-3075 is hereby amended to read as**
11 **follows: 59-3075. (a) (1) The individual or corporation appointed by**
12 **the court to serve as the guardian shall carry out diligently and in**
13 **good faith, the general duties and responsibilities, and shall have the**
14 **general powers and authorities, provided for in this section as well as**
15 **any specific duties, responsibilities, powers and authorities assigned to**
16 **the guardian by the court. In doing so, a guardian shall at all times be**
17 **subject to the control and direction of the court, and shall act in**
18 **accordance with the provisions of any guardianship plan filed with the**
19 **court pursuant to K.S.A. 59-3076, and amendments thereto. The court**
20 **shall have the authority to appoint counsel for the guardian, and the**
21 **fees of such attorney may be assessed as costs pursuant to K.S.A. 59-**
22 **3094, and amendments thereto.**

23 **(2) A guardian shall become and remain personally acquainted**
24 **with the ward, the spouse of the ward and with other interested**
25 **persons associated with the ward and who are knowledgeable about**
26 **the ward, the ward's needs and the ward's responsibilities. A guardian**
27 **shall exercise authority only as necessitated by the ward's limitations.**
28 **A guardian shall encourage the ward to participate in making**
29 **decisions affecting the ward. A guardian shall encourage the ward to**
30 **act on the ward's own behalf to the extent the ward is able. A guardian**
31 **shall encourage the ward to develop or regain the skills and abilities**
32 **necessary to meet the ward's own essential needs and to otherwise**
33 **manage the ward's own affairs. In making decisions on behalf of the**
34 **ward, a guardian shall consider the expressed desires and personal**
35 **values of the ward to the extent known to the guardian. A guardian**
36 **shall strive to assure that the personal, civil and human rights of the**
37 **ward are protected. A guardian shall at all times act in the best**
38 **interests of the ward and shall exercise reasonable care, diligence and**
39 **prudence.**

40 **(b) A guardian shall have the following general duties,**
41 **responsibilities, powers and authorities:**

42 **(1) If the ward is a minor, to have the custody and control of the**
43 **minor; and to provide for the minor's care, treatment, habilitation,**

1 education, support and maintenance;

2 (2) if the ward is an adult, to take charge of the person of the
3 ward; and to provide for the ward's care, treatment, habilitation,
4 education, support and maintenance;

5 (3) to consider and either provide on behalf of the ward necessary
6 or required consents or refuse the same;

7 (4) to assure that the ward resides in the least restrictive setting
8 appropriate to the needs of the ward and which is reasonably
9 available;

10 (5) to assure that the ward receives any necessary and reasonably
11 available medical care, consistent with the provisions of K.S.A. 59-
12 3077, and amendments thereto, when applicable, and any reasonably
13 available nonmedical care or other services as may be needed to
14 preserve the health of the ward or to assist the ward to develop or
15 retain skills and abilities;

16 (6) to promote and protect the comfort, safety, health and welfare
17 of the ward;

18 (7) to make necessary determinations and arrangements for, and
19 to give the necessary consents in regard to, the ward's funeral
20 arrangements, burial or cremation, the performance of an autopsy
21 upon the body of the ward, and anatomical gifts of the ward, subject
22 to the provisions and limitations provided for in K.S.A. 65-3228,
23 K.S.A. 65-2893 and 65-1734, and amendments thereto; and

24 (8) to exercise all powers and to discharge all duties necessary or
25 proper to implement the provisions of this section.

26 (c) A guardian shall not be obligated by virtue of the guardian's
27 appointment to use the guardian's own financial resources for the
28 support of the ward.

29 (d) A guardian shall not be liable to a third person for the acts of
30 the ward solely by virtue of the guardian's appointment, nor shall a
31 guardian who exercises reasonable care in selecting a third person to
32 provide any medical or other care, treatment or service for the ward
33 be liable for any injury to the ward resulting from the wrongful
34 conduct of that third person.

35 (e) A guardian shall not have the power:

36 (1) To prohibit the marriage or divorce of the ward;

37 (2) to consent, on behalf of the ward, to the termination of the
38 ward's parental rights;

39 (3) to consent to the adoption of the ward, unless approved by the
40 court;

41 (4) to consent, on behalf of the ward, to any psychosurgery,
42 removal of any bodily organ; or amputation of any limb, unless such
43 surgery, removal or amputation has been approved in advance by the

1 court, except in an emergency and when necessary to preserve the life
2 of the ward or to prevent serious and irreparable impairment to the
3 physical health of the ward;

4 (5) to consent, on behalf of the ward, to the sterilization of the
5 ward, unless approved by the court following a due process hearing
6 held for the purposes of determining whether to approve such, and
7 during which hearing the ward is represented by an attorney
8 appointed by the court;

9 (6) to consent, on behalf of the ward, to the performance of any
10 experimental biomedical or behavioral procedure on the ward, or for
11 the ward to be a participant in any biomedical or behavioral
12 experiment, without the prior review and approval of such by either
13 an institutional review board as provided for in title 45, part 46 of the
14 code of federal regulations, or if such regulations do not apply, then by
15 a review committee established by the agency, institution or treatment
16 facility at which the procedure or experiment is proposed to occur,
17 composed of members selected for the purposes of determining
18 whether the proposed procedure or experiment:

19 (A) Does not involve any significant risk of harm to the physical
20 or mental health of the ward, or the use of aversive stimulants, and is
21 intended to preserve the life or health of the ward or to assist the ward
22 to develop or regain skills or abilities; or

23 (B) involves a significant risk of harm to the physical or mental
24 health of the ward, or the use of an aversive stimulant, but that the
25 conducting of the proposed procedure or experiment is intended either
26 to preserve the life of the ward, or to significantly improve the quality
27 of life of the ward, or to assist the ward to develop or regain significant
28 skills or abilities, and that the guardian has been fully informed
29 concerning the potential risks and benefits of the proposed procedure
30 or experiment or of any aversive stimulant proposed to be used, and as
31 to how and under what circumstances the aversive stimulant may be
32 used, and has specifically consented to such;

33 (7) to consent, on behalf of the ward, to the withholding or
34 withdrawal of life-saving or life-sustaining medical care, treatment,
35 services or procedures, except:

36 (A) In accordance with the provisions of any declaration of the
37 ward made pursuant to the provisions of K.S.A. 65-28,101 through 65-
38 28,109, and amendments thereto; or

39 (B) if the ward, prior to the court's appointment of a guardian
40 pursuant to K.S.A. 59-3067, and amendments thereto, shall have
41 executed a durable power of attorney for health care decisions
42 pursuant to K.S.A. 58-629, and amendments thereto, and such shall
43 not have been revoked by the ward prior thereto, and there is included

1 ~~therein in such power of attorney~~ any provision relevant to the
2 withholding or withdrawal of life-saving or life-sustaining medical
3 care, treatment, services or procedures, then the guardian shall have
4 the authority to act as provided for ~~therein in such power of attorney,~~
5 even if the guardian has revoked or otherwise amended that power of
6 attorney pursuant to the authority of K.S.A. 58-627, and amendments
7 thereto, or the guardian may allow the agent appointed by the ward to
8 act on the ward's behalf if the guardian has not revoked or otherwise
9 amended that power of attorney; or

10 (C) in the circumstances where the ward's treating physician
11 shall certify in writing to the guardian that the ward is in a persistent
12 vegetative state or is suffering from an illness or other medical
13 condition for which further treatment, other than for the relief of pain,
14 would not likely prolong the life of the ward other than by artificial
15 means, nor would be likely to restore to the ward any significant
16 degree of capabilities beyond those the ward currently possesses, and
17 which opinion is concurred in by either a second physician or by any
18 medical ethics or similar committee to which the health care provider
19 has access established for the purposes of reviewing such
20 circumstances and the appropriateness of any type of physician's
21 order which would have the effect of withholding or withdrawing life-
22 saving or life-sustaining medical care, treatment, services or
23 procedures. Such written certification shall be approved by an order
24 issued by the court;

25 (8) to exercise any control or authority over the ward's estate,
26 except if the court shall specifically authorize such. The court may
27 assign such authority to the guardian, including the authority to
28 establish certain trusts as provided in K.S.A. 59-3080, and
29 amendments thereto, and may waive the requirement of the posting of
30 a bond, only if:

31 (A) Initially, the combined value of any funds and property in the
32 possession of the ward or in the possession of any other person or
33 entity, but which the ward is otherwise entitled to possess, equals
34 ~~\$10,000~~ \$25,000 or less; and

35 (B) either the court requires the guardian to report to the court
36 the commencement of the exercising of such authority, or requires the
37 guardian to specifically request of the court the authority to
38 commence the exercise of such authority, as the court shall specify;
39 and

40 (C) the court also requires the guardian, whenever the combined
41 value of such funds and property exceeds ~~\$10,000~~ \$25,000, to:

42 (i) File a guardianship plan as provided for in K.S.A. 59-3076,
43 and amendments thereto, which contains elements similar to those

1 which would be contained in a conservatorship plan as provided for in
2 K.S.A. 59-3078, and amendments thereto;

3 (ii) petition the court for appointment of a conservator as
4 provided for in K.S.A. 59-3058, 59-3059 or 59-3060, and amendments
5 thereto; or

6 (iii) notify the court as the court shall specify that the value of the
7 conservatee's estate has equaled or exceeded ~~\$10,000~~ \$25,000, if the
8 court has earlier appointed a conservator but did not issue letters of
9 conservatorship pending such notification;

10 (9) to place the ward in a treatment facility as defined in K.S.A.
11 59-3077, and amendments thereto, except if authorized by the court as
12 provided for ~~therein~~ in that section; or

13 (10) to access digital assets of the ward except if authorized by the
14 court pursuant to K.S.A. 2022 Supp. 58-4814, and amendments
15 thereto.

16 (f) The guardian shall file with the court reports concerning the
17 status of the ward and the actions of the guardian as the court shall
18 direct pursuant to K.S.A. 59-3083, and amendments thereto.

19 Sec. 7. K.S.A. 74-49,127 is hereby amended to read as follows: 74-
20 49,127. (1) Any payment made to a named beneficiary as provided in
21 this section, shall be a full discharge and release to the system from
22 any further claims. Any payment made to a beneficiary as provided in
23 clauses (A), (B), (C), (D), (E) or (F) of subsection (7) of K.S.A. 74-
24 4902(7)(A), (B), (C), (D), (E) or (F) or in clauses (1), (2), (3), (4), (5) or
25 (6) of subsection (k) of K.S.A. 20-2601(k)(1), (2), (3), (4), (5) or (6), and
26 amendments thereto, as determined by the board, shall be a full
27 discharge and release to the system from any further claims.
28 Whenever any payment is payable to more than one beneficiary, such
29 payment shall be made to such beneficiaries jointly.

30 (2) Any benefits payable to a beneficiary or beneficiaries who are
31 incompetent shall be made in the name of the beneficiary or
32 beneficiaries and delivered to the lawfully appointed conservator of
33 such beneficiaries who was nominated by will or as otherwise
34 provided by law, except that in those cases where the benefit involves
35 an amount not to exceed \$500, the board is hereby authorized in its
36 discretion without the appointment of a conservator or in the giving of
37 a bond to pay such amount as is due to the incompetent person or
38 persons themselves.

39 (3) Any lump-sum benefits payable to a beneficiary or
40 beneficiaries who are minor children and which amount totals ~~\$10,000~~
41 \$25,000 or more shall be made in the name of the beneficiary or
42 beneficiaries and delivered to the lawfully appointed conservator of
43 such beneficiaries who was nominated by will or as otherwise

1 provided by law except that in those cases where the benefit involves
2 an amount not to exceed \$500, the board is hereby authorized in its
3 discretion without the appointment of a conservator or the giving of a
4 bond to pay such amount as is due to the minor or minors themselves.
5 If no conservator is lawfully appointed, the system will credit interest
6 at 4% on all benefits due and payable and shall pay all benefits plus
7 interest to the beneficiary or beneficiaries who are minor children
8 when they attain age 18 years. Any benefits payable to a beneficiary or
9 beneficiaries who are minor children and which amount which totals
10 more than \$500 but less than ~~\$10,000~~ \$25,000, may be made in the
11 name of the beneficiary or beneficiaries and paid under the uniform
12 transfers to minors act as provided in K.S.A. 38-1701 et seq., and
13 amendments thereto.

14 (4) Any monthly benefits payable to a beneficiary or beneficiaries
15 who are minor children shall be made in the name of the beneficiary
16 or beneficiaries and delivered to the lawfully appointed conservator of
17 such beneficiaries who was nominated by will or as otherwise
18 provided by law. If no conservator is lawfully appointed, the system
19 will credit interest at 4% on all benefits due and payable and shall pay
20 all benefits plus interest to the beneficiary or beneficiaries who are
21 minor children when they attain age 18 years.

22 (5) As used in this section, "system" means the Kansas public
23 employees retirement system, the Kansas police and firemen's
24 retirement system and the retirement system for judges.

25 ~~Sec. 5.~~ 8. *K.S.A. 38-1707, 38-1708, 59-3053 and, 59-3055 and 74-*
26 *49,127 and K.S.A. 2022 Supp. 59-3075 are hereby repealed.*

27 ~~Sec. 2.6.~~ 9. This act shall take effect and be in force from and after
28 its publication in the statute book.