

As Amended by Senate Committee

Session of 2017

SENATE BILL No. 241

By Committee on Ways and Means

3-28

1 AN ACT concerning retirement and pensions; relating to the Kansas police
2 and firemen's retirement system; maximum retirement benefits;
3 amending K.S.A.—~~2016~~ **2017** Supp. 74-4958 and 74-4958a and
4 repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A.—~~2016~~ **2017** Supp. 74-4958 is hereby amended to
8 read as follows: 74-4958. (1) Any member who retires on or after July 1,
9 1993, shall be entitled to receive an age and service retirement benefit
10 equal to 2.5% of such member's final average salary multiplied by the
11 number of years of credited service for which the member contributed at
12 the contribution rate prescribed by ~~subsection (1) of~~ K.S.A. 74-4965(1),
13 and amendments thereto, or for which such member made a lump sum
14 repayment in accordance with the provisions of K.S.A. 74-4965, and
15 amendments thereto, except that in no case shall such retirement benefit
16 exceed ~~90%~~ **100%** of such member's final average salary.

17 (2) Any member who is appointed or employed prior to July 1, 1989,
18 who does not make an election pursuant to K.S.A. 74-4955a, and
19 amendments thereto, and who retires before such member's normal
20 retirement date shall receive an early retirement benefit equal to the annual
21 retirement benefit payable had the member retired on the normal
22 retirement date reduced by an amount equal to the product of (A) such
23 annual retirement benefit payable had the member retired on the normal
24 retirement date, multiplied by (B) the product of 0.4% multiplied by the
25 number of months difference, to the nearest whole month, between the
26 member's attained age at the time of retirement and age 55.

27 (3) Upon the death after retirement of a member who was covered, up
28 to the entry date of the member's employer, by a pension system under the
29 provisions of K.S.A. 12-5001—~~to through~~ 12-5007, ~~inclusive~~, and
30 amendments thereto, or K.S.A. 13-14a01—~~to through~~ 13-14a14, ~~inclusive~~,
31 and amendments thereto, or K.S.A. 14-10a01—~~to through~~ 14-10a15,
32 inclusive, and amendments thereto, and who had not elected to retire under
33 one of the options provided under K.S.A. 74-4964, and amendments
34 thereto, the member's spouse, if such spouse was the member's lawfully
35 wedded spouse for a period of not less than one year at the time of the
36 member's retirement or if such spouse had been the member's lawfully

1 wedded spouse for at least three years after the time of the member's
2 retirement, shall receive: (A) Pursuant to the provisions of K.S.A. 74-
3 49,128, and amendments thereto, a lump-sum benefit equal to $\frac{1}{2}$ the
4 member's final average salary at the time of the member's retirement; and
5 (B) an annual spouse's benefit equal to 75% of the member's retirement
6 benefit payable in monthly installments, to accrue from the last day of the
7 month following the member's date of death and ending on the last day of
8 the month in which the spouse dies. Commencing on the effective date of
9 this act, any surviving spouse, who was receiving benefits pursuant to this
10 section and who had such benefits terminated by reason of such spouse's
11 remarriage, shall be entitled to once again receive benefits pursuant to this
12 section, except that such surviving spouse shall not be entitled to recover
13 any benefits not received after the termination of benefits by reason of
14 such surviving spouse's remarriage but before the effective date of this act.
15 If there is no surviving spouse, or if after the death of the spouse there
16 remain one or more children under the age of 18 years or one or more
17 children under the age of 23 years who is a full-time student as provided in
18 K.S.A. 74-49,117, and amendments thereto, the spouse's benefit shall be
19 payable, subject to the provisions of K.S.A. 74-49,123, and amendments
20 thereto, in equal shares to such children and each child's share shall end on
21 the last day of the month in which such child attains the age of 18 years or
22 dies, whichever occurs earlier or in which such child attains the age of 23
23 years if such child is a full-time student as provided in K.S.A. 74-49,117,
24 and amendments thereto. Commencing on the effective date of this act,
25 any child who was receiving benefits pursuant to this section and who had
26 such benefits terminated by reason of such child's marriage, shall be
27 entitled to once again receive benefits pursuant to this section subject to
28 the limitations contained in this section, except that such child shall not be
29 entitled to recover any benefits not received after the termination of
30 benefits by reason of such child's marriage but before the effective date of
31 this act. All payments due under this section to a minor shall be made to a
32 legally appointed conservator of such minor as provided in ~~subsection (7)~~
33 ~~of K.S.A. 74-4902(7)~~, and amendments thereto. No person shall be entitled
34 to receive more than one benefit under the provisions of this subsection.
35 Any person who otherwise meets the qualifications to receive more than
36 one benefit under this subsection shall elect the benefit such person shall
37 receive.

38 (4) Upon the death after retirement of a member who had not elected
39 to retire under one of the options provided under K.S.A. 74-4964, and
40 amendments thereto, such member's beneficiary shall receive an amount
41 equal to the excess, if any, of such member's accumulated contributions
42 over the sum of all retirement benefit payments made.

43 (5) The provisions of law in effect on the retirement date of a member

1 under the system shall govern the retirement benefit payable to the retirant,
2 any joint annuitant and any beneficiary.

3 Sec. 2. K.S.A. ~~2016~~ 2017 Supp. 74-4958a is hereby amended to read
4 as follows: 74-4958a. (1) Any member who retires on or after July 1, 1993,
5 shall be entitled to receive an age and service retirement benefit equal to
6 2.5% of such member's final average salary multiplied by the number of
7 years of credited service for which the member contributed at the
8 contribution rate prescribed by ~~subsection (1) of~~ K.S.A. 74-4965(1), and
9 amendments thereto, or for which such member made a lump sum
10 repayment in accordance with the provisions of K.S.A. 74-4965, and
11 amendments thereto, except that in no case shall such retirement benefit
12 exceed ~~90%~~ 100% of such member's final average salary.

13 (2) Any member who retires before such member's normal retirement
14 date shall receive an early retirement benefit equal to the annual retirement
15 benefit payable had the member retired on the normal retirement date
16 reduced by an amount equal to the product of (A) such annual retirement
17 benefit payable had the member retired on the normal retirement date,
18 multiplied by (B) the product of 0.4% multiplied by the number of months
19 difference, to the nearest whole month, between the member's attained age
20 at the time of retirement and age 55.

21 (3) Pursuant to the provisions of K.S.A. 74-49,128, and amendments
22 thereto, upon the death after retirement of a member who was covered, up
23 to the entry date of the member's employer, by a pension system under the
24 provisions of K.S.A. 12-5001 ~~to through~~ 12-5007, ~~inclusive~~, and
25 amendments thereto, or K.S.A. 13-14a01 ~~to through~~ 13-14a14, ~~inclusive~~,
26 and amendments thereto, or K.S.A. 14-10a01 ~~to through~~ 14-10a15,
27 ~~inclusive~~, and amendments thereto, and who had not elected to retire under
28 one of the options provided under K.S.A. 74-4964, and amendments
29 thereto, the member's spouse, if such spouse was the member's lawfully
30 wedded spouse for a period of not less than one year at the time of the
31 member's retirement or if such spouse had been the member's lawfully
32 wedded spouse for at least three years after the time of the member's
33 retirement, shall receive: (A) Pursuant to the provisions of K.S.A. 74-
34 49,128, and amendments thereto, a lump-sum benefit equal to $\frac{1}{2}$ the
35 member's final average salary at the time of the member's retirement; and
36 (B) an annual spouse's benefit equal to 75% of the member's retirement
37 benefit payable in monthly installments, to accrue from the first day of the
38 month following the member's date of death and ending on the last day of
39 the month in which the spouse dies. Commencing on the effective date of
40 this act, any surviving spouse, who was receiving benefits pursuant to this
41 section and who had such benefits terminated by reason of such spouse's
42 remarriage, shall be entitled to once again receive benefits pursuant to this
43 section, except that such surviving spouse shall not be entitled to recover

1 any benefits not received after the termination of benefits by reason of
2 such surviving spouse's remarriage but before the effective date of this act.
3 If there is no surviving spouse, or if after the death of the spouse there
4 remain one or more children under the age of 18 years or one or more
5 children under the age of 23 years who is a full-time student as provided in
6 K.S.A. 74-49,117, and amendments thereto, the spouse's benefit shall be
7 payable, subject to the provisions of K.S.A. 74-49,123, and amendments
8 thereto, in equal shares to such children and each child's share shall end on
9 the last day of the month in which such child attains the age of 18 years or
10 dies, whichever occurs earlier or in which such child attains the age of 23
11 years, if such child is a full-time student as provided in K.S.A. 74-49,117,
12 and amendments thereto. Commencing on the effective date of this act,
13 any child who was receiving benefits pursuant to this section and who had
14 such benefits terminated by reason of such child's marriage, shall be
15 entitled to once again receive benefits pursuant to this section subject to
16 the limitations contained in this section, except that such child shall not be
17 entitled to recover any benefits not received after the termination of
18 benefits by reason of such child's marriage but before the effective date of
19 this act. All payments due under this section to a minor shall be made to a
20 legally appointed conservator of such minor as provided in ~~subsection (7)~~
21 ~~of~~ K.S.A. 74-4902(7), and amendments thereto. No person shall be entitled
22 to receive more than one benefit under the provisions of this subsection.
23 Any person who otherwise meets the qualifications to receive more than
24 one benefit under this subsection shall elect the benefit such person shall
25 receive.

26 (4) Upon the death after retirement of a member who had not elected
27 to retire under one of the options provided under K.S.A. 74-4964, and
28 amendments thereto, such member's beneficiary shall receive an amount
29 equal to the excess, if any, of such member's accumulated contributions
30 over the sum of all retirement benefit payments made.

31 (5) The provisions of this section shall be effective on and after July
32 1, 1989, and shall apply only to members who were appointed or
33 employed prior to July 1, 1989, and who made an election pursuant to
34 K.S.A. 74-4955a, and amendments thereto; and persons appointed or
35 employed on or after July 1, 1989.

36 (6) The provisions of law in effect on the retirement date of a member
37 under the system shall govern the retirement benefit payable to the retirant,
38 any joint annuitant and any beneficiary.

39 Sec. 3. K.S.A. ~~2016~~ **2017** Supp. 74-4958 and 74-4958a are hereby
40 repealed.

41 Sec. 4. This act shall take effect and be in force from and after its
42 publication in the statute book.