

As Amended by House Committee

Session of 2016

HOUSE BILL No. 2709

By Committee on Appropriations

2-22

1 AN ACT concerning retirement and pensions; relating to the Kansas police
2 and firemen's retirement system; providing certain death benefits to
3 surviving spouses; amending K.S.A. 74-4959 and repealing the existing
4 section.

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

7 Section 1. K.S.A. 74-4959 is hereby amended to read as follows: 74-
8 4959. (1) Upon the death from service-connected causes as defined in this
9 act, of an active contributing member prior to retirement, the following
10 benefits shall be payable if a report of the event, in a form acceptable to
11 the board, is filed in the office of the executive director of the board within
12 200 days after the date of the act of duty causing such death and an
13 application for such benefits, in such form and manner as prescribed by the
14 board, is filed in the office of the executive director of the board within
15 two years of the date of death, but the board may waive such time limits
16 for a reasonable period if in the judgment of the board the failure to meet
17 these limits was due to lack of knowledge or incapacity:

18 (a) To the member's spouse, if lawfully wedded to the member at the
19 time of the member's death, **an immediate lump-sum benefit equal to**
20 **100% of the member's final average salary** and an annual spouse's
21 benefit equal to *the greater of: (i) 50% of the member's final average*
22 *salary, or (ii) the amount that would have been paid had the member*
23 *elected the option provided for in K.S.A. 74-4964(5)(B), and amendments*
24 *thereto, and retired as of the first day of the month—~~coinciding with or~~*
25 *following the date of death,* which shall accrue from the first day of the
26 month—~~coinciding with or~~ following the member's death and shall end on
27 the first day of the month in which the spouse's death occurs. ~~Commencing~~
28 ~~on the effective date of this act,~~ Any surviving spouse, who was receiving
29 benefits pursuant to this section and who had such benefits terminated by
30 reason of such spouse's remarriage, shall be entitled to once again receive
31 benefits pursuant to this section, except that such surviving spouse shall
32 not be entitled to recover any benefits not received after the termination of
33 benefits by reason of such surviving spouse's remarriage but before ~~the~~
34 ~~effective date of this act~~ **July 1, 1992.**

35 (b) Subject to the provisions of K.S.A. 74-49,123, and amendments
36 thereto, to the member's children under the age of 18 years or under the

1 age of 23 years, if such children are full-time students as provided in
2 K.S.A. 74-49,117, and amendments thereto, an annual children's benefit
3 equal to 10% of the member's final average salary for each such child,
4 which shall accrue from the first day of the month ~~coinciding with or~~
5 following the member's death and shall end on the last day of the month in
6 which such child attains the age of 18 years or dies, whichever occurs
7 earlier or in which such child attains the age of 23 years, if such child is a
8 full-time student as provided in K.S.A. 74-49,117, and amendments
9 thereto, except that if there is no eligible spouse, or if upon the death of the
10 spouse there remain one or more children under the age of 18 years or
11 under the age of 23 years, if such children are full-time students as
12 provided in K.S.A. 74-49,117, and amendments thereto, the annual
13 spouse's benefit shall be paid in equal shares to such children and each
14 child's share shall end on the last day of the month in which such child
15 attains the age of 18 years or dies, whichever occurs earlier or in which
16 such child attains the age of 23 years, if such child is a full-time student as
17 provided in K.S.A. 74-49,117, and amendments thereto. ~~Commencing on~~
18 ~~the effective date of this act,~~ Any child who was receiving benefits
19 pursuant to this section and who had such benefits terminated by reason of
20 such child's marriage, shall be entitled to once again receive benefits
21 pursuant to this section subject to the limitations contained in this section,
22 except that such child shall not be entitled to recover any benefits not
23 received after the termination of benefits by reason of such child's
24 marriage but before ~~the effective date of this act~~ **July 1, 1992.**

25 (c) In no case shall benefits payable under the provisions of
26 ~~paragraphs (a) and (b) of this subsection (1)(a) and (b)~~ exceed ~~75% 90%~~
27 **85%** of the member's final average salary.

28 (2) Pursuant to the provisions of K.S.A. 74-49,128, and amendments
29 thereto, upon the death from causes not service-connected of an active
30 contributing member prior to retirement, the member's spouse, if lawfully
31 wedded to the member at the time of the member's death, shall receive
32 immediately a lump-sum benefit equal to 100% of the member's final
33 average salary and shall be entitled to receive an annual ~~death~~ **spouse's**
34 benefit equal to the member's retirement benefit calculated as if the
35 member had retired on the member's normal retirement date, but based
36 upon the member's final average salary and years of credited service on the
37 date of death but not to exceed ~~the amount of the annual spouse's benefit~~
38 ~~provided in paragraph (a) of subsection (1)~~ *an amount equal to 50% of the*
39 *member's final average salary.* An application for such benefits in such
40 form and manner as prescribed by the board must be filed in the office of
41 the executive director of the board within two years of the date of death,
42 but the board may waive such time limit for a reasonable period if in the
43 judgment of the board the failure to meet this limit was due to the lack of

1 knowledge or incapacity. ~~On and after July 1, 1993,~~ The annual spouse's
2 benefit under this subsection (2) shall accrue from the first day of the
3 month ~~coinciding with or~~ following the member's death and shall continue
4 until the spouse's death. ~~Commencing on the effective date of this act,~~ Any
5 surviving spouse, who was receiving benefits pursuant to this section and
6 who had such benefits terminated by reason of such spouse's remarriage,
7 shall be entitled to once again receive benefits pursuant to this section,
8 except that such surviving spouse shall not be entitled to recover any
9 benefits not received after the termination of benefits by reason of such
10 surviving spouse's remarriage but before ~~the effective date of this act~~ **July**
11 **1, 1992.** If there is no eligible spouse or if after the death of the spouse
12 there remain one or more children of the member under the age of 18 years
13 or one or more children of the member under the age of 23 years, if such
14 children are full-time students as provided in K.S.A. 74-49,117, and
15 amendments thereto, the spouse's benefit shall be payable, subject to the
16 provisions of K.S.A. 74-49,123, and amendments thereto, in equal shares
17 to such children and each child's share shall end on the last day of the
18 month in which such child attains the age of 18 years or dies, whichever
19 occurs earlier or in which such child attains the age of 23 years, if such
20 child is a full-time student as provided in K.S.A. 74-49,117, and
21 amendments thereto. ~~Commencing on the effective date of this act,~~ Any
22 child who was receiving benefits pursuant to this section and who had
23 such benefits terminated by reason of such child's marriage, shall be
24 entitled to once again receive benefits pursuant to this section subject to
25 the limitations contained in this section, except that such child shall not be
26 entitled to recover any benefits not received after the termination of
27 benefits by reason of such child's marriage but before ~~the effective date of~~
28 ~~this act~~ **July 1, 1992.**

29 (3) Upon the death of a member prior to retirement, if no benefits are
30 payable under the provisions of subsection (1) or (2), the ~~sum of the~~
31 following shall be paid to the member's beneficiary: (a) The member's
32 accumulated contributions; ~~and~~ **or** (b) a lump sum death benefit equal to
33 100% of the member's current annual salary ~~reduced by the sum of the~~
34 ~~member's accumulated contributions paid as provided by this section,~~
35 **whichever is greater.**

36 (4) All payments due under this section to a minor shall be made to a
37 legally appointed conservator of such minor as provided in ~~subsection (7)~~
38 ~~of~~ K.S.A. 74-4902(7), and amendments thereto.

39 Sec. 2. K.S.A. 74-4959 is hereby repealed.

40 Sec. 3. This act shall take effect and be in force from and after its
41 publication in the statute book.