As Amended by House Committee

Session of 2016

HOUSE BILL No. 2709

By Committee on Appropriations

2-22

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

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

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

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

(b) Subject to the provisions of K.S.A. 74-49,123, and amendments thereto, to the member's children under the age of 18 years or under the
age of 23 years, if such children are full-time students as provided in
K.S.A. 74-49,117, and amendments thereto, an annual children's benefit
equal to 10% of the member's final average salary for each such child,
which shall accrue from the first day of the month coinciding with or
following the member's death and shall end on the last day of the month in
which such child attains the age of 18 years or dies, whichever occurs
earlier or in which such child attains the age of 23 years, if such child is a
full-time student as provided in K.S.A. 74-49,117, and amendments
thereto, except that if there is no eligible spouse, or if upon the death of the
spouse there remain one or more children under the age of 18 years or
under the age of 23 years, if such children are full-time students as
provided in K.S.A. 74-49,117, and amendments thereto, the annual
spouse's benefit shall be paid in equal shares to such children and each
child's share shall end on the last day of the month in which such child
attains the age of 18 years or dies, whichever occurs earlier or in which
such child attains the age of 23 years, if such child is a full-time student as
provided in K.S.A. 74-49,117, and amendments thereto. Commencing on
the effective date of this act, Any child who was receiving benefits
pursuant to this section and who had such benefits terminated by reason of
such child's marriage, shall be entitled to once again receive benefits
pursuant to this section subject to the limitations contained in this section,
except that such child shall not be entitled to recover any benefits not
received after the termination of benefits by reason of such child's
marriage but before the effective date of this act July 1, 1992.

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

(2) Pursuant to the provisions of K.S.A. 74-49,128, and amendments
thereto, upon the death from causes not service-connected of an active
contributing member prior to retirement, the member's spouse, if lawfully
wedded to the member at the time of the member's death, shall receive
immediately a lump-sum benefit equal to 100% of the member's final
average salary and shall be entitled to receive an annual death spouse's
benefit equal to the member's retirement benefit calculated as if the
member had retired on the member's normal retirement date, but based
upon the member's final average salary and years of credited service on the
date of death but not to exceed the amount of the annual spouse's benefit
provided in paragraph (a) of subsection (1) an amount equal to 50% of the
member's final average salary. An application for such benefits in such
form and manner as prescribed by the board must be filed in the office of
the executive director of the board within two years of the date of death,
but the board may waive such time limit for a reasonable period if in the
judgment of the board the failure to meet this limit was due to the lack of
knowledge or incapacity. On and after July 1, 1993, the annual spouse's benefit under this subsection (2) shall accrue from the first day of the month coinciding with or following the member's death and shall continue until the spouse's death. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act July 1, 1992. If there is no eligible spouse or if after the death of the spouse there remain one or more children of the member under the age of 18 years or one or more children of the member under the age of 23 years, if such children are full-time students as provided in K.S.A. 74-49,117, and amendments thereto, the spouse's benefit shall be payable, subject to the provisions of K.S.A. 74-49,123, and amendments thereto, in equal shares to such children and each child's share shall end on the last day of the month in which such child attains the age of 18 years or dies, whichever occurs earlier or in which such child attains the age of 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117, and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act July 1, 1992.

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

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

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

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