

HOUSE BILL No. 2111

By Committee on Financial Institutions and Pensions

1-19

1 AN ACT concerning retirements and pensions; relating to the Kansas
2 police and firemen's retirement system; providing certain death benefits
3 to surviving spouses; amending K.S.A. 74-4959 and repealing the
4 existing 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 annual spouse's benefit equal to **50% of**
20 **the member's final average salary; or, for deaths occurring on or after**
21 **July 1, 2016, the greater of:** (i) 50% of the member's final average salary;
22 *or (ii) the amount that would have been paid had the member elected the*
23 *option provided for in K.S.A. 74-4964(5)(B), and amendments thereto, and*
24 *retired as of the first day of the month coinciding with or following the*
25 *date of death,*~~which~~. **Such spouse's benefit** shall accrue from the first day
26 of the month coinciding with or following the member's death and shall
27 end on the first day of the month in which the spouse's death occurs.
28 Commencing on the effective date of this act, any surviving spouse, who
29 was receiving benefits pursuant to this section and who had such benefits
30 terminated by reason of such spouse's remarriage, shall be entitled to once
31 again receive benefits pursuant to this section, except that such surviving
32 spouse shall not be entitled to recover any benefits not received after the
33 termination of benefits by reason of such surviving spouse's remarriage but
34 before the effective date of this act.

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

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

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

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

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

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 *Kansas register*.