

HOUSE BILL No. 2104

By Committee on Federal and State Affairs

1-22

AN ACT concerning the retirement system for judges; relating to computation of retirement annuity; amending K.S.A. 2000 Supp. 20-2610 and repealing the existing section.

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

Section 1. K.S.A. 2000 Supp. 20-2610 is hereby amended to read as follows: 20-2610. (a) (1) A judge who retires under K.S.A. 20-2608, and amendments thereto, shall be entitled to receive an annual annuity payable in monthly amounts subject to subsection (b);. Each such annual annuity of which shall be in an amount equal to the total of 5% of the final average salary of the judge, determined as provided in subsection (b), multiplied by the number of the judge's years of service up to 10 years, and 3.5% of the final average salary of the judge, determined as provided in subsection (b), multiplied by the number of the judge's years of service in excess of 10 years, but such annual annuity shall not exceed ~~70%~~ 80% of the final average salary of such judge, determined as provided in subsection (b).

A judge who retires under K.S.A. 20-2608, and amendments thereto, *on or before June 30, 2001*, and who became a member of the system after June 30, 1987, shall be entitled to receive an annual annuity payable in monthly amounts subject to subsection (b), each such annual amount of which shall be in an amount equal to the total of 3.5% of the final average salary of the judge, determined as provided in subsection (b), multiplied by the number of the judge's years of service, but such annual annuity shall not exceed ~~70%~~ 80% of the final average salary of the judge, determined as provided in subsection (b).

A judge who retires under K.S.A. 20-2608, and amendments thereto, after June 30, 2001, and who became a member of the system after July 30, 1987, and before June 30, 2001, shall be entitled to receive an annual annuity payable in monthly amounts subject to subsection (b). Each such annual annuity of which shall be in an amount equal to the total of 3.5% of the final average salary of the judge, determined as provided in subsection (b), multiplied by the number of the judge's years of service up to June 30, 2001, and 5% of the final average salary of the judge, determined as provided in subsection (b), multiplied by the number of the judge's

1 *years of service after June 30, 2001, up to 10 years, and 3.5% of the final*
2 *average salary of the judge, determined as provided in subsection (b),*
3 *multiplied by the number of the judge's years of service thereafter. Such*
4 *annual annuity shall not exceed 80% of the final average salary of the*
5 *judge, determined as provided in subsection (b).*

6 (2) For purposes of this subsection, the date of membership for a
7 district magistrate judge who became a member of the system as provided
8 by K.S.A. 20-2620, and amendments thereto, and who purchased service
9 as provided in subsection (c) of K.S.A. 20-2620 and K.S.A. *2000 Supp.*
10 *74-49,123*, and amendments thereto, shall be the day such district mag-
11 ~~istrate judge became a district magistrate judge and~~. If such district mag-
12 ~~istrate judge's membership date as determined in this subsection is earlier~~
13 ~~than July 1, 1987, such district magistrate judge shall be entitled to the~~
14 ~~5% of final average salary calculation for up to 10 years of service as~~
15 ~~provided in this subsection. Any additional cost associated with the pro-~~
16 ~~visions of this subsection shall be paid by such district magistrate judge~~
17 ~~by means of a single lump-sum payment or equal annual payments for~~
18 ~~not to exceed five years. The lump-sum or annual payments shall be~~
19 ~~determined by the system's actuary by using the member's final average~~
20 ~~salary at the time of application, actuarial assumptions and tables cur-~~
21 ~~rently in use by the system and the member's attained age.~~

22 (b) For any judge who retires under K.S.A. 20-2608 or 20-2609, and
23 amendments thereto, on or after July 1, 1975, the annuity shall be based
24 on the final average salary of such judge as provided in this subsection.
25 The final average salary of a judge who becomes permanently physically
26 or mentally disabled and who is retired under K.S.A. 20-2608 or 20-2609,
27 and amendments thereto, shall be determined as if such judge had retired
28 on the date such judge became permanently physically or mentally dis-
29 abled. The final average salary of a former judge whose service is termi-
30 nated without retiring and who later retires under K.S.A. 20-2608, and
31 amendments thereto, shall be determined as if such former judge had
32 retired at the time such service was terminated.

33 ~~In the case of~~ *Except as provided herein*, judges who retire on or after
34 July 1, 1993, the final average salary shall mean the average highest annual
35 salary paid to the judge for any three years of the last 10 years of service
36 as a judge immediately preceding retirement or termination of employ-
37 ~~ment, or~~. If service as a judge is less than three years, then the final
38 average salary shall be the average annual salary paid to the judge during
39 the full period of service as a judge, or if service as a judge is less than
40 one year, then the final average salary shall be computed by multiplying
41 the amount of monthly salary such judge was receiving at the time of
42 retirement by 12.

43 (c) The provisions of law in effect on the retirement date of a judge

1 under the retirement system for judges shall govern the retirement ben-
2 efit payable to the judge, any joint annuitant and any beneficiary.

3 (d) A judge who retires under K.S.A. 20-2608, and amendments
4 thereto, and who, after such retirement, again is appointed or elected as
5 a judge, shall have the judge's retirement annuity suspended as provided
6 in this subsection. Such judge shall become an active member and make
7 employee contributions to the system and receive service credit for any
8 service after the date of commencement of service in such position. Upon
9 again retiring, any credited service such member subsequently accrues
10 shall be added to all previous service and the retirement annuity shall be
11 recalculated in accordance with the provisions of this section.

12 Sec. 2. K.S.A. 2000 Supp. 20-2610 is hereby repealed.

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

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