

HOUSE BILL No. 2418

AN ACT concerning courts; relating to the court of appeals; concerning mandatory retirement; amending K.S.A. 20-2608 and repealing the existing section; also repealing K.S.A. 20-3010, as amended by section 2 of 2004 House Bill No. 2618, K.S.A. 2003 Supp. 20-3006, as amended by section 1 of 2004 House Bill No. 2618, and section 3 of 2004 House Bill No. 2618.

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

Section 1. K.S.A. 20-2608 is hereby amended to read as follows: 20-2608. (a) Any judge may retire upon reaching age 65 or ~~commencing July 1, 1993, age 65 or~~ age 62 with the completion of 10 years of credited service or the first day of the month coinciding with or following the date that the total of the number of years of credited service and the number of years of attained age of the judge is equal to or more than 85 and upon making application *for retirement* to the board, ~~and~~. Any judge upon reaching age ~~70~~ 75 shall retire, ~~and, except that any duly elected or appointed justice of the supreme court shall retire upon reaching age 70.~~ Upon retiring, each such judge *as described in this subsection* shall receive retirement annuities as provided in K.S.A. 20-2610 and amendments thereto, except, that when any ~~incumbent judge~~ *justice of the supreme court* attains the age of 70, such judge may, if such judge desires, finish serving the term during which ~~said~~ *such* judge attains the age of 70.

(b) Notwithstanding the provisions of subsection (a), any judge who is otherwise eligible to retire may retire upon reaching age 60 and, having total years of service of not less than 10 years, and upon making application to the board. Any such judge who retires on and after July 1, 1993, and prior to attaining the age of 62 shall receive a retirement annuity pursuant to K.S.A. 20-2610 and amendments thereto based upon the normal retirement age of 62 reduced by an amount equal to the product of (1) such annual retirement annuity payable had the judge retired on the normal retirement date, multiplied by (2) the product of .2% multiplied by the number of months' difference, to the nearest whole month, between the judge's attained age at the time of retirement and age 62.

(c) Notwithstanding the provisions of subsection (a), on or after July 1, 1993, any judge who is otherwise eligible to retire may retire upon reaching age 55 with the completion of 10 years of service, and upon making application to the board. Any such judge who retires prior to attaining the age of 62 pursuant to this subsection shall receive a retirement annuity pursuant to K.S.A. 20-2610 and amendments thereto based upon the normal retirement age of 62 reduced by an amount equal to the total of: (1) (A) The product of such annual retirement annuity payable had the judge retired on the normal retirement date, multiplied by (B) the product of .6% multiplied by the number of months' difference, to the nearest whole month, between the member's attained age at the time of retirement and age 60; and

(2) for any judge who retired on or after July 1, 1993, the product of such annual retirement annuity payable had the judge retired on the normal retirement date, multiplied by 4.8%.

The provisions of this subsection apply to any judge who retires before the age of 62 and has attained age 55 but has not attained age 60, with the completion of 10 years of service.

Sec. 2. K.S.A. 20-2608 is hereby repealed.

Sec. 3. On and after July 1, 2004, K.S.A. 20-3010, as amended by section 2 of 2004 House Bill No. 2618, K.S.A. 2003 Supp. 20-3006, as amended by section 1 of 2004 House Bill No. 2618, and section 3 of 2004 House Bill No. 2618 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.