

72-5518. Retirement annuities; early retirement reduction; supplemental benefits for certain retired persons; optional joint annuity. (a) On retirement each school annuitant shall receive:

- (1) A savings annuity which shall be the actuarial equivalent of the amount credited to such annuitant's savings account, with due consideration of the option provisions in K.S.A. 72-5512 and amendments thereto, and
- (2) a service annuity to be paid by the state of Kansas.

The amount of any such service annuity shall be for persons who have: One to 9 1/2 years of school service in Kansas, \$2.00 per month for each year. The service annuity of those having served for more than 9 1/2 years shall be the total of \$6.85 per month for each year of the first 35 years of school service in Kansas, \$3.50 per month for each year of school service in Kansas in excess of 35 years for benefits accruing during the period from September 1, 1979, to August 31, 1980, inclusive, and \$6.85 per month for each year of school service in Kansas in excess of 35 years for benefits accruing on and after September 1, 1980.

Those retiring with 25 or more years of school employment may count up to 10 years out-of-state service as a school employee if the last five years of school service immediately prior to retirement is in Kansas, but such persons who attain the 25 or more years benefit schedule by counting out-of-state service and those who attain said benefit schedule by counting nonmember service shall receive the total of \$6.85 per month for each year of the first 35 years of Kansas school service, \$3.50 per month for each year of Kansas school service in excess of 35 years for benefits accruing during the period from September 1, 1979, to August 31, 1980, inclusive, and \$6.85 per month for each year of Kansas school service in excess of 35 years for benefits accruing on and after September 1, 1980. The service annuity for school employees who retire on or after September 1, 1969, between ages 60 and 64 shall be computed by applying a percentage to the standard rate allowable at age 65; such percentages according to age at the time of early retirement shall be:

Age 60 80% Age 61 84% Age 62 88% Age 63 92% Age 64 96%

Except that those who first become school employees after September 1, 1965, cannot qualify for any service annuity unless such employee accumulates at least 10 years of school service. Certain annuitants and former school employees shall be grouped for the purpose of granting extraordinary benefits, as follows:

(A) Group I shall consist of school annuitants and former employees who left school service prior to September 1, 1959, were born before 1895, and were school employees for at least 25 years. Any person in group I shall be entitled to have all years as a school employee counted as school service and a service annuity shall be granted in the total amount of \$6.85 per month for each year of the first 35 years of Kansas school service, \$3.50 per month for each year of Kansas school service in excess of 35 years for benefits accruing during the period from September 1, 1979, to August 31, 1980, inclusive, and \$6.85 per month for each year of Kansas school service in excess of 35 years for benefits accruing on and after September 1, 1980.

(B) Group II shall consist of annuitants with at least 25 years of school employment, who were born before March 1, 1895, who retired prior to September 1, 1959, and are receiving a retirement annuity from a city board of education maintaining a separate retirement system. Any person in group II who is receiving an annuity from such city retirement system of a lesser amount per month than the total amount obtained by (i) multiplying \$6.85 by the number of years engaged as a school employee in Kansas not exceeding 35 years and (ii) multiplying \$3.50 by the number of years engaged as a school employee in Kansas in excess of 35 years for benefits accruing during the period from September 1, 1979, to August 31, 1980, inclusive, or multiplying \$6.85 by the number of years engaged as a school employee in Kansas in excess of 35 years for benefits accruing on and after September 1, 1980, shall be entitled to receive monthly the difference in such amounts as a service annuity. After September 1, 1965, no additional group II annuitants shall be established; instead such separate city retirement systems are hereby authorized to increase the benefits of any such annuitant, whose membership has not heretofore been established in the Kansas school retirement system, to the amount of the service annuity an eligible annuitant with the same school service would be entitled to receive under the state school retirement system.

(C) Group III shall consist of annuitants who retired before September 1, 1956, with school service in excess of 35 years and who have not qualified for any social security benefits. Notwithstanding the limitations elsewhere imposed in this section, any person in group III shall be paid by the retirement system in which such person has established membership \$6.85 per month for each year of school service, except that in the event any person who retires from school service qualifies for more than one service annuity under the provisions of this section, such person shall only be entitled to receive one service annuity which shall be the one which is the largest.

(b) Subject to the provisions of K.S.A. 74-49,123 and amendments thereto, the board shall provide for a joint annuity at the option of the school employee exercised at the time of, or prior to, the date of retirement from school service whereby the service annuity shall be actuarially reduced according to the age of the individual named by the school employee as the joint annuitant. The reduced service annuity will then be paid to the annuitant during such annuitant's lifetime and a like amount continued for the life of the joint annuitant should the joint annuitant survive the annuitant. In case the amount available in any fiscal year is not sufficient to pay all service annuities in full, the amount available shall be prorated among the claimants, but the deficiency shall not constitute a claim against the state of Kansas.

History: L. 1941, ch. 341, § 18; L. 1945, ch. 292, § 2; L. 1947, ch. 373, § 2; L. 1949, ch. 380, § 3; L. 1951, ch. 408, § 2; L. 1953, ch. 339, § 6; L. 1959, ch. 296, § 1; L. 1961, ch. 342, § 4; L. 1963, ch. 381, § 1; L. 1965, ch. 413, § 3; L. 1969, ch. 327, § 9; L. 1970, ch. 285, § 1; L. 1973, ch. 287, § 1; L. 1973, ch. 288, § 1; L. 1978, ch. 293, § 2; L. 1979, ch. 227, § 1; L. 1985, ch. 254, § 6; L. 1998, ch. 64, § 24; July 1.