

72-1759a. Phase out of reduction of annuity payments when employee eligible for payments under social security. (a) Except as otherwise provided in subsection (b), if school employees subject to this act become subject also to the provisions of the federal social security act, and amendments thereto, monthly payments of annuity as otherwise provided herein to employees retiring subsequent to the first salary or wage deduction for social security tax shall be reduced by the monthly primary insurance amount of social security benefits, without limitation by reason of excess wage or salary income, to which the annuitant is eligible at the time of retirement or on attaining the minimum age required for payments under social security, whichever is the later. The amount of such reduction shall not be greater than 1/2 the monthly annuity payments as provided herein and shall not be greater than \$75. The annuitant shall certify to the board of education such information as will determine the social security benefits to which the annuitant is eligible. Notwithstanding that any other provision of this section may be inconsistent herewith, the amount of such monthly annuity payments shall be not less than the amount which, when added to the amount of monthly payments of service annuity, if any, made to the annuitant from the state school retirement fund, will equal the amount of service annuity that would have been payable under the provisions of K.S.A. 72-5518 and amendments thereto if the annuitant had been a member of the state school retirement system and had been credited only with the school service years as otherwise provided herein. If the service record of any annuitant results in the eligibility of the board of education for payments from the state school retirement fund, the monthly annuity payments to such annuitant as otherwise provided herein shall be not less than the amount of such state payments.

(b) Monthly payments of annuity as provided in K.S.A. 72-1758 et seq. and amendments thereto occurring after the effective date of this act shall be reduced by the monthly primary insurance amount of social security benefits as described in subsection (a) in an amount that shall not be greater than 1/2 the monthly annuity payment as provided in K.S.A. 72-1758 et seq. and amendments thereto and shall not be greater than \$65 during the period commencing July 1, 1990, and ending June 30, 1991; \$55 during the period commencing July 1, 1991, and ending June 30, 1992; \$45 during the period commencing July 1, 1992, and ending June 30, 1993; \$35 during the period commencing July 1, 1993, and ending June 30, 1994; \$25 during the period commencing July 1, 1994 and ending June 30, 1995; and \$15 during the period commencing July 1, 1995, and ending June 30, 1996. Commencing July 1, 1996, there shall be no reduction in monthly payments of annuity as a result of the school employee receiving any primary insurance social security benefits.

History: L. 1955, ch. 317, § 2; L. 1963, ch. 361, § 1; L. 1967, ch. 384, § 1; L. 1968, ch. 280, § 2; L. 1981, ch. 281, § 1; L. 1990, ch. 282, § 28; July 1.