

HOUSE BILL No. 2379

By Committee on Federal and State Affairs

2-9

9 AN ACT concerning retirement and pensions; relating to the Kansas
10 public employees retirement system; employment after retirement;
11 amending K.S.A. 74-4914 and repealing the existing section.
12

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

14 Section 1. K.S.A. 74-4914 is hereby amended to read as follows: 74-
15 4914. (1) The normal retirement date for a member of the system shall
16 be the first day of the month coinciding with or following termination of
17 employment with any participating employer not followed by employ-
18 ment with any participating employer within 30 days and the attainment
19 of age 65 or, commencing July 1, 1993, age 62 with the completion of 10
20 years of credited service or the first day of the month coinciding with or
21 following the date that the total of the number of years of credited service
22 and the number of years of attained age of the member is equal to or
23 more than 85. In no event shall a normal retirement date for a member
24 be before six months after the entry date of the participating employer
25 by whom such member is employed. A member may retire on the normal
26 retirement date or on the first day of any month thereafter upon the filing
27 with the office of the retirement system of an application in such form
28 and manner as the board shall prescribe. Nothing herein shall prevent
29 any person, member or retirant from being employed, appointed or
30 elected as an employee, appointee, officer or member of the legislature.
31 Elected officers may retire from the system on any date on or after the
32 attainment of the normal retirement date, but no retirement benefits
33 payable under this act shall be paid until the member has terminated
34 such member's office.

35 (2) No retirant shall make contributions to the system or receive serv-
36 ice credit for any service after the date of retirement.

37 (3) Any member who is an employee of an affiliating employer pur-
38 suant to K.S.A. 74-4954b and amendments thereto and has not withdrawn
39 such member's accumulated contributions from the Kansas police and
40 firemen's retirement system may retire before such member's normal
41 retirement date on the first day of any month coinciding with or following
42 the attainment of age 55.

43 (4) Any member may retire before such member's normal retirement

1 date on the first day of any month coinciding with or following termination
2 of employment with any participating employer not followed by employ-
3 ment with any participating employer within 30 days and the attainment
4 of age 55 with the completion of 10 years of credited service, but in no
5 event before six months after the entry date, upon the filing with the
6 office of the retirement system of an application for retirement in such
7 form and manner as the board shall prescribe.

8 (5) (a) *Except as provided in subsection (5)(b)*, if a retirant who re-
9 tired on or after July 1, 1988, is employed or appointed in or to any
10 position or office for which compensation for service is paid in an amount
11 equal to \$15,000 or more in any one such calendar year, by any partici-
12 pating employer for which such retirant was employed or appointed dur-
13 ing the final two years of such retirant's participation, such retirant shall
14 not receive any retirement benefit for any month for which such retirant
15 serves in such position or office. The participating employer shall report
16 to the system within 30 days of when the compensation paid to the retirant
17 is equal to or exceeds any limitation provided by this section. Any retirant
18 employed by a participating employer shall not make contributions nor
19 receive additional credit under such system for such service except as
20 provided by this section. Upon request of the executive director of the
21 system, the secretary of revenue shall provide such information as may
22 be needed by the executive director to carry out the provisions of this
23 act. The provisions of this subsection shall not apply to retirants employed
24 as substitute teachers or officers, employees or appointees of the legis-
25 lature. The provisions of this subsection shall not apply to members of
26 the legislature prior to January 8, 2000. The provisions of this subsection
27 shall not apply to any other elected officials prior to the term of office of
28 such elected official which commences on or after July 1, 2000. The pro-
29 visions of this subsection shall apply to any other elected official on and
30 after the term of office of such other elected official which commences
31 on or after July 1, 2000. Except as otherwise provided, commencing Jan-
32 uary 8, 2001, the provisions of this subsection shall apply to members of
33 the legislature. For determination of the amount of compensation paid
34 pursuant to this subsection, for members of the legislature, compensation
35 shall include any amount paid as provided pursuant to subsections (a),
36 (b), (c) and (d) of K.S.A. 46-137a, and amendments thereto, or pursuant
37 to K.S.A. 46-137b, and amendments thereto. Notwithstanding any pro-
38 vision of law to the contrary, when a member of the legislature is paid an
39 amount of compensation of \$15,000 or more in any one calendar year,
40 the member may continue to receive any amount provided in subsections
41 (b) and (d) of K.S.A. 46-137a, and amendments thereto, and still be en-
42 titled to receive such member's retirement benefit.

43 (b) *Commencing July 1, 2005, and ending June 30, 2009, the earnings*

1 *limitation contained in subsection (5)(a) shall not be effective. The board*
2 *of trustees shall develop a report which shall review the operation of the*
3 *system with regard to the impact of the provisions of this subsection being*
4 *in effect. Such report shall provide data and information on the number*
5 *of retirants employed by participating employers, including the number*
6 *of retirants employed by participating employers who would have been*
7 *subject to the earnings limitation contained in subsection (5)(a), as in*
8 *effect prior to July 1, 2005, and the impact on the cost, liabilities and*
9 *operation of the system. Participating employers shall provide the board*
10 *with any information requested by the board necessary to develop such*
11 *report. Such report shall be submitted to the legislature and governor on*
12 *or before January 1 of each year the provisions of this subsection are in*
13 *effect.*

14 (6) For purposes of this section, any employee of a local governmental
15 unit which has its own pension plan who becomes an employee of a
16 participating employer as a result of a merger or consolidation of services
17 provided by local governmental units, which occurred on January 1, 1994,
18 may count service with such local governmental unit in determining
19 whether such employee has met the years of credited service require-
20 ments contained in this section.

21 Sec. 2. K.S.A. 2004 Supp. 74-4914 is hereby repealed.

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