

HOUSE BILL No. 2623

By Committee on Federal and State Affairs

1-17

9 AN ACT concerning retirement and pensions; relating to the Kansas
10 public employees retirement system; employment after retirement;
11 amending K.S.A. 2005 Supp. 74-4914 and repealing the existing
12 section.
13

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

15 Section 1. K.S.A. 2005 Supp. 74-4914 is hereby amended to read as
16 follows: 74-4914. (1) The normal retirement date for a member of the
17 system shall be the first day of the month coinciding with or following
18 termination of employment with any participating employer not followed
19 by employment with any participating employer within 30 days and the
20 attainment of age 65 or, commencing July 1, 1993, age 62 with the com-
21 pletion of 10 years of credited service or the first day of the month co-
22 inciding with or following the date that the total of the number of years
23 of credited service and the number of years of attained age of the member
24 is equal to or more than 85. In no event shall a normal retirement date
25 for a member be before six months after the entry date of the participating
26 employer by whom such member is employed. A member may retire on
27 the normal retirement date or on the first day of any month thereafter
28 upon the filing with the office of the retirement system of an application
29 in such form and manner as the board shall prescribe. Nothing herein
30 shall prevent any person, member or retirant from being employed, ap-
31 pointed or elected as an employee, appointee, officer or member of the
32 legislature. Elected officers may retire from the system on any date on
33 or after the attainment of the normal retirement date, but no retirement
34 benefits payable under this act shall be paid until the member has ter-
35 minated such member's office.

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

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39 suant to K.S.A. 74-4954b and amendments thereto and has not withdrawn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

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

9 (5) If a retirant who retired on or after July 1, 1988, is employed or
10 appointed in or to any position or office for which compensation for serv-
11 ice is paid in an amount equal to \$15,000 or more, *or commencing in*
12 *calendar year 2006, and all calendar years thereafter, \$20,000 or more* in
13 any one such calendar year, by any participating employer for which such
14 retirant was employed or appointed during the final two years of such
15 retirant's participation, such retirant shall not receive any retirement ben-
16 efit for any month for which such retirant serves in such position or office.
17 The participating employer shall report to the system within 30 days of
18 when the compensation paid to the retirant is equal to or exceeds any
19 limitation provided by this section. Any retirant employed by a partici-
20 pating employer shall not make contributions nor receive additional credit
21 under such system for such service except as provided by this section.
22 Upon request of the executive director of the system, the secretary of
23 revenue shall provide such information as may be needed by the executive
24 director to carry out the provisions of this act. The provisions of this
25 subsection shall not apply to retirants employed as substitute teachers or
26 officers, employees or appointees of the legislature. The provisions of this
27 subsection shall not apply to members of the legislature prior to January
28 8, 2000. The provisions of this subsection shall not apply to any other
29 elected officials prior to the term of office of such elected official which
30 commences on or after July 1, 2000. The provisions of this subsection
31 shall apply to any other elected official on and after the term of office of
32 such other elected official which commences on or after July 1, 2000.
33 Except as otherwise provided, commencing January 8, 2001, the provi-
34 sions of this subsection shall apply to members of the legislature. For
35 determination of the amount of compensation paid pursuant to this sub-
36 section, for members of the legislature, compensation shall include any
37 amount paid as provided pursuant to subsections (a), (b), (c) and (d) of
38 K.S.A. 46-137a, and amendments thereto, or pursuant to K.S.A. 46-137b,
39 and amendments thereto. Notwithstanding any provision of law to the
40 contrary, when a member of the legislature is paid an amount of com-
41 pensation of \$15,000 or more in any one calendar year, the member may
42 continue to receive any amount provided in subsections (b) and (d) of
43 K.S.A. 46-137a, and amendments thereto, and still be entitled to receive

1 such member's retirement benefit. Commencing July 1, 2005, and ending
2 June 30, 2008, the provisions of this subsection shall not apply to retirants
3 who either retired under the provisions of subsection (1), or, if they re-
4 tired under the provisions of subsection (4), were retired more than 30
5 days prior to the effective date of this act and are licensed professional
6 nurses or licensed practical nurses employed by the state of Kansas at the
7 Osawatomie state hospital, Rainbow mental health facility, Larned state
8 hospital, Parsons state hospital and training center, Kansas neurological
9 institute, the Kansas soldiers' home or the Kansas veterans' home. The
10 participating employer of such retirant shall pay to the system the actu-
11 arially determined employer contribution based on the retirant's com-
12 pensation during any such period of employment.

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

20 Sec. 2. K.S.A. 2005 Supp. 74-4914 is hereby repealed.

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