

HOUSE BILL No. 2106

By Committee on Higher Education

1-27

9 AN ACT concerning retirement and pensions; relating to the Kansas
10 public employees retirement system; employment after retirement;
11 amending K.S.A. 2008 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. 2008 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39 suant to K.S.A. 74-4954b and amendments thereto and has not withdrawn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) On or after July 1, 2006, for any retirant who is first employed or
10 appointed in or to any position or office by a participating employer other
11 than a participating employer for which such retirant was employed or
12 appointed during the final two years of such retirant's participation, such
13 participating employer shall pay to the system the actuarially determined
14 employer contribution and the statutorily prescribed employee contri-
15 bution based on the retirant's compensation during any such period of
16 employment or appointment. If a retirant who retired on or after July 1,
17 1988, is employed or appointed in or to any position or office for which
18 compensation for service is paid, *commencing in calendar year 2009 and*
19 *all calendar years thereafter*, in an amount equal to ~~\$15,000 or more, or~~
20 ~~commencing in calendar year 2006, and all calendar years thereafter,~~
21 ~~\$20,000~~ \$25,000 or more in any one such calendar year, by any partici-
22 pating employer for which such retirant was employed or appointed dur-
23 ing the final two years of such retirant's participation, such retirant shall
24 not receive any retirement benefit for any month for which such retirant
25 serves in such position or office. The participating employer shall report
26 to the system within 30 days of when the compensation paid to the retirant
27 is equal to or exceeds any limitation provided by this section. Any retirant
28 employed by a participating employer shall not make contributions nor
29 receive additional credit under such system for such service except as
30 provided by this section. Upon request of the executive director of the
31 system, the secretary of revenue shall provide such information as may
32 be needed by the executive director to carry out the provisions of this
33 act. The provisions of this subsection shall not apply to retirants employed
34 as substitute teachers or officers, employees or appointees of the legis-
35 lature. The provisions of this subsection shall not apply to members of
36 the legislature prior to January 8, 2000. The provisions of this subsection
37 shall not apply to any other elected officials prior to the term of office of
38 such elected official which commences on or after July 1, 2000. The pro-
39 visions of this subsection shall apply to any other elected official on and
40 after the term of office of such other elected official which commences
41 on or after July 1, 2000. Except as otherwise provided, commencing Jan-
42 uary 8, 2001, the provisions of this subsection shall apply to members of
43 the legislature. For determination of the amount of compensation paid

1 pursuant to this subsection, for members of the legislature, compensation
2 shall include any amount paid as provided pursuant to subsections (a),
3 (b), (c) and (d) of K.S.A. 46-137a, and amendments thereto, or pursuant
4 to K.S.A. 46-137b, and amendments thereto. Notwithstanding any pro-
5 vision of law to the contrary, when a member of the legislature is paid,
6 *commencing in calendar year 2009 and all calendar years thereafter*, an
7 amount of compensation of ~~\$15,000 or more, or commencing in calendar~~
8 ~~year 2006, and all calendar years thereafter, \$20,000~~ \$25,000 or more in
9 any one calendar year, the member may continue to receive any amount
10 provided in subsections (b) and (d) of K.S.A. 46-137a, and amendments
11 thereto, and still be entitled to receive such member's retirement benefit.
12 Commencing July 1, 2005, the provisions of this subsection shall not apply
13 to retirants who either retired under the provisions of subsection (1), or,
14 if they retired under the provisions of subsection (4), were retired more
15 than 30 days prior to the effective date of this act and are licensed pro-
16 fessional nurses or licensed practical nurses employed by the state of
17 Kansas in an institution as defined in subsection (b) of K.S.A. 76-12a01
18 or subsection (f) of K.S.A. 38-2302, and amendments thereto, the Kansas
19 soldiers' home or the Kansas veterans' home. Nothing in this subsection
20 shall be construed to create any right, or to authorize the creation of any
21 right, which is not subject to amendment or nullification by act of the
22 legislature. The participating employer of such retirant shall pay to the
23 system the actuarially determined employer contribution based on the
24 retirant's compensation during any such period of employment.

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

32 Sec. 2. K.S.A. 2008 Supp. 74-4914 is hereby repealed.

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