

As Amended by House Committee

Session of 2024

HOUSE BILL No. 2711

By Committee on Financial Institutions and Pensions

Requested by Representative Hoye

2-6

1 AN ACT concerning retirement and pensions; relating to the Kansas public  
2 employees retirement system **and systems thereunder**; employment  
3 after retirement; increasing the amount of retirant compensation subject  
4 to the statutory employer contribution rate; **providing an exemption**  
5 **for retirants employed by a community developmental disability**  
6 **organization in a licensed professional nurse, licensed practical**  
7 **nurse or direct support position; increasing the earnings limit for**  
8 **members of the Kansas police and firemen's retirement system;**  
9 amending K.S.A. 74-4937, **74-4957 and 74-4957a** and K.S.A. 2023  
10 Supp. 74-4914 and repealing the existing sections.

11

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

13 Section 1. K.S.A. 2023 Supp. 74-4914 is hereby amended to read as  
14 follows: 74-4914.(1) The normal retirement date for a member of the  
15 system shall be the first day of the month coinciding with or following  
16 termination of employment with any participating employer not followed  
17 by employment with any participating employer within 60 days, or 180  
18 days as provided in subsection ~~(10)~~ (9), and without any prearranged  
19 agreement for employment with any participating employer, and the  
20 attainment of age 65 or, commencing July 1, 1993, age 62 with the  
21 completion of 10 years of credited service or the first day of the month  
22 coinciding 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 for a  
25 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 upon  
28 the filing with the office of the retirement system of an application in such  
29 form and manner as the board shall prescribe. Such application shall  
30 contain a certification by the member that the member will not be  
31 employed with any participating employer within 60 days, or 180 days as  
32 provided in subsection ~~(10)~~ (9), of retirement and the member has not  
33 entered into a prearranged agreement for employment with any  
34 participating employer. Nothing herein shall prevent any person, member  
35 or retirant from being employed, appointed or elected as an employee,

1 appointee, officer or member of the legislature. Elected officers may retire  
2 from the system on any date on or after the attainment of the normal  
3 retirement date, but no retirement benefits payable under this act shall be  
4 paid until the member has terminated such member's office.

5 (2) No retirant shall make contributions to the system or receive  
6 service credit for any service after the date of retirement.

7 (3) Any member who is an employee of an affiliating employer  
8 pursuant to K.S.A. 74-4954b, and amendments thereto, and has not  
9 withdrawn such member's accumulated contributions from the Kansas  
10 police and firemen's retirement system may retire before such member's  
11 normal retirement date on the first day of any month coinciding with or  
12 following the attainment of age 55.

13 (4) Any member may retire before such member's normal retirement  
14 date on the first day of any month coinciding with or following  
15 termination of employment with any participating employer not followed  
16 by employment with any participating employer within 60 days, or 180  
17 days as provided in subsection ~~(10)~~ (9), and the attainment of age 55 with  
18 the completion of 10 years of credited service, but in no event before six  
19 months after the entry date, upon the filing with the office of the retirement  
20 system of an application for retirement in such form and manner as the  
21 board shall prescribe. The member's application for retirement shall  
22 contain a certification by the member that the member will not be  
23 employed with any participating employer within 60 days, or 180 days as  
24 provided in subsection ~~(10)~~ (9), of retirement and the member has not  
25 entered into a prearranged agreement for employment with any  
26 participating employer.

27 ~~(5) Except as provided in subsections (7) and (10), on or after July 1,~~  
28 ~~2006, through December 31, 2017, for any retirant who is first employed~~  
29 ~~or appointed in or to any position or office by a participating employer~~  
30 ~~other than a participating employer for which such retirant was employed~~  
31 ~~or appointed during the final two years of such retirant's participation, and,~~  
32 ~~on or after April 1, 2009, for any retirant who is employed by a third-party~~  
33 ~~entity who contracts services with a participating employer other than a~~  
34 ~~participating employer for which such retirant was employed or appointed~~  
35 ~~during the final two years of such retirant's participation to fill a position~~  
36 ~~covered under K.S.A. 72-2215(a), and amendments thereto, with such~~  
37 ~~retirant, such participating employer shall pay to the system the actuarially~~  
38 ~~determined employer contribution and the statutorily prescribed employee~~  
39 ~~contribution based on the retirant's compensation during any such period~~  
40 ~~of employment or appointment. If a retirant is employed or appointed in or~~  
41 ~~to any position or office for which compensation for service is paid in an~~  
42 ~~amount equal to \$25,000 or more in any one calendar year between July 1,~~  
43 ~~2016, and January 1, 2018, by any participating employer for which such~~

1 ~~retirant was employed or appointed during the final two years of such~~  
2 ~~retirant's participation, and, on or after April 1, 2009, by any third-party~~  
3 ~~entity who contracts services to fill a position covered under K.S.A. 72-~~  
4 ~~2215(a), and amendments thereto, with such retirant with a participating~~  
5 ~~employer for which such retirant was employed or appointed during the~~  
6 ~~final two years of such retirant's participation, such retirant shall not~~  
7 ~~receive any retirement benefit for any month for which such retirant serves~~  
8 ~~in such position or office. The participating employer who employs such~~  
9 ~~retirant whether by contract directly with the retirant or through an~~  
10 ~~arrangement with a third-party entity shall report to the system within 30~~  
11 ~~days of when the compensation paid to the retirant is equal to or exceeds~~  
12 ~~any limitation provided by this section. Any participating employer who~~  
13 ~~contracts services with any such third-party entity to fill a position covered~~  
14 ~~under K.S.A. 72-2215(a), and amendments thereto, shall include in such~~  
15 ~~contract a provision or condition which requires the third-party entity to~~  
16 ~~provide the participating employer with the necessary compensation paid~~  
17 ~~information related to any such position filled by the third-party entity~~  
18 ~~with a retirant to enable the participating employer to comply with~~  
19 ~~provisions of this subsection relating to the payment of contributions and~~  
20 ~~reporting requirements. The provisions and requirements provided for in~~  
21 ~~amendments made in this act which relate to positions filled with a retirant~~  
22 ~~or employment of a retirant by a third-party entity shall not apply to any~~  
23 ~~contract for services entered into prior to April 1, 2009, between a~~  
24 ~~participating employer and third-party entity as described in this~~  
25 ~~subsection. Any retirant employed by a participating employer or a third-~~  
26 ~~party entity as provided in this subsection shall not make contributions nor~~  
27 ~~receive additional credit under such system for such service except as~~  
28 ~~provided by this section. Upon request of the executive director of the~~  
29 ~~system, the secretary of revenue shall provide such information as may be~~  
30 ~~needed by the executive director to carry out the provisions of this act. The~~  
31 ~~provisions of this subsection shall not apply to retirants employed as~~  
32 ~~substitute teachers without a contract or officers, employees or appointees~~  
33 ~~of the legislature. The provisions of this subsection shall not apply to~~  
34 ~~members of the legislature. The provisions of this subsection shall not~~  
35 ~~apply to any other elected officials. Commencing July 1, 2005, the~~  
36 ~~provisions of this subsection shall not apply to retirants who either retired~~  
37 ~~under the provisions of subsection (1), or, if they retired under the~~  
38 ~~provisions of subsection (4), were retired more than 30 days prior to the~~  
39 ~~effective date of this act and are licensed professional nurses or licensed~~  
40 ~~practical nurses employed by the state of Kansas in an institution as~~  
41 ~~defined in K.S.A. 76-12a01(b) or K.S.A. 38-2302(k), and amendments~~  
42 ~~thereto, the Kansas soldiers' home or the Kansas veterans' home. Nothing~~  
43 ~~in this subsection shall be construed to create any right, or to authorize the~~

1 creation of any right, which is not subject to amendment or nullification by  
2 act of the legislature. The participating employer of such retirant shall pay  
3 to the system the actuarially determined employer contribution based on  
4 the retirant's compensation during any such period of employment. The  
5 provisions of the subsection shall expire on January 1, 2018.

6 (6) For purposes of this section, any employee of a local  
7 governmental unit ~~which~~ *that* has its own pension plan who becomes an  
8 employee of a participating employer as a result of a merger or  
9 consolidation of services provided by local governmental units, ~~which~~ *that*  
10 occurred on January 1, 1994, may count service with such local  
11 governmental unit in determining whether such employee has met the  
12 years of credited service requirements contained in this section.

13 (7)(6) (a) (i) ~~Except as provided in K.S.A. 74-4937(3), (4), or (5), and~~  
14 ~~amendments thereto, and the provisions of this subsection, commencing~~  
15 ~~July 1, 2016, and ending January 1, 2018, any retirant who is employed or~~  
16 ~~appointed in or to any position by a participating employer, an independent~~  
17 ~~contractor or a third-party entity who contracts services with a~~  
18 ~~participating employer to fill a position, without any prearranged~~  
19 ~~agreement with such participating employer and not prior to 60 days after~~  
20 ~~such retirant's retirement date, shall not receive any retirement benefit for~~  
21 ~~any month in any calendar year in which the retirant receives~~  
22 ~~compensation in an amount equal to \$25,000 or more, pursuant to this~~  
23 ~~subsection. Any participating employer who hires a retirant covered by this~~  
24 ~~subsection shall pay to the system the statutorily prescribed employer~~  
25 ~~contribution rate for such retirant, without regard to whether the retirant is~~  
26 ~~receiving benefits.~~

27 (ii) Commencing January 1, 2018, for all retirements that occurred  
28 prior to such date, any retirant who is employed or appointed in or to any  
29 position by a participating employer, an independent contractor or a third-  
30 party entity who contracts services with a participating employer to fill a  
31 position, without any prearranged agreement with such participating  
32 employer and not prior to 60 days after such retirant's retirement date, shall  
33 not be subject to an earnings limitation that when met or exceeded requires  
34 that the retirant not receive a retirement benefit for any month for which  
35 such retirant serves in such position. If a retirant is employed in a covered  
36 position, as defined in K.S.A. 74-49,202, and amendments thereto, the  
37 participating employer of such retirant shall pay to the system the  
38 statutorily prescribed employer contribution rate on the first ~~\$25,000-~~  
39 ~~\$50,000~~ **\$40,000** of such retirant's compensation in a calendar year and a  
40 30% employer contribution on any compensation in excess of ~~\$25,000-~~  
41 ~~\$50,000~~ **\$40,000** in a calendar year during any such period of  
42 employment. If a retirant is employed by more than one participating  
43 employer or performing duties in more than one position, contributions

1 shall be made on compensation from all such employment for that  
2 calendar year. If a retirant is employed in a non-covered position, no  
3 employer contribution shall be paid to the system.

4 (b) The provisions of this subsection shall not apply, except as  
5 specifically provided in this subsection, to retirants who are:

6 (i) Licensed professional nurses or licensed practical nurses  
7 employed by the state of Kansas in an institution as defined in K.S.A. 76-  
8 12a01(b) or 38-2302(k), and amendments thereto, the Kansas soldiers'  
9 home or the Kansas veterans' home. The participating employer of such  
10 retirant shall pay to the system the actuarially determined employer  
11 contribution based on the retirant's compensation and the statutorily  
12 prescribed employee contribution during any such period of employment;

13 (ii) employed by a school district in a position as provided in K.S.A.  
14 74-4937(3), ~~(4) or (5)~~; and amendments thereto;

15 (iii) certified law enforcement officers employed by the law  
16 enforcement training center. Such law enforcement officers shall receive  
17 their benefits notwithstanding this subsection. The law enforcement  
18 training center shall pay to the system the actuarially determined employer  
19 contribution and the statutorily prescribed employee contribution based on  
20 the retirant's compensation during any such period of employment;

21 (iv) members of the Kansas police and firemen's retirement system  
22 pursuant to K.S.A. 74-4951 et seq., and amendments thereto, members of  
23 the retirement system for judges pursuant to K.S.A. 20-2601 et seq., and  
24 amendments thereto, or members of the state board of regents retirement  
25 plan pursuant to K.S.A. 74-4925 et seq., and amendments thereto;

26 (v) employed as substitute teachers without a contract or officers,  
27 employees or appointees of the legislature;

28 (vi) a poll worker hired to work an election day for a county election  
29 officer responsible for conducting all official elections held in the county;

30 (vii) employed by, or have accepted employment from, a participating  
31 employer prior to May 1, 2015. Any break in continuous employment by a  
32 retirant or move to a different position by a retirant during the effective  
33 period of this subsection shall be deemed new employment and shall  
34 subject the retirant to the provisions of this subsection. Commencing  
35 January 1, 2018, the participating employer of a retirant described in this  
36 subsection ~~(7)(b)(vii) subparagraph~~ who is employed in a covered  
37 position, as defined in K.S.A. 74-49,202, and amendments thereto, shall  
38 pay to the system the statutorily prescribed employer contribution rate on  
39 the first ~~\$25,000~~ ~~\$50,000~~ **\$40,000** of such retirant's compensation in a  
40 calendar year and a 30% employer contribution on any compensation in  
41 excess of ~~\$25,000~~ ~~\$50,000~~ **\$40,000** in a calendar year during any such  
42 period of employment. If a retirant is employed by more than one  
43 participating employer or performing duties in more than one position,

1 contributions shall be made on compensation from all such employment  
2 for that calendar year. If a retirant is employed in a non-covered position,  
3 no employer contribution shall be paid to the system;

4 (viii) state or local elected officials. A retirant shall not be employed  
5 in an elected office within 30 days of such retirant's retirement, except that  
6 if a retirant is filling a vacant elected office, no waiting period shall be  
7 required; ~~or~~

8 (ix) employed by the Kansas academies of the United States  
9 department of defense STARBASE program; **or**

10 **(x) employed as a licensed professional nurse, licensed practical**  
11 **nurse or in a direct support position of an affiliated employer**  
12 **organized under K.S.A. 19-4001, and amendments thereto, and**  
13 **defined under K.S.A. 39-1803, and amendments thereto.**

14 (c) The participating employer shall enroll all retirants, including  
15 retirants under subsection ~~(7)(b)(i)~~ (6)(b)(i), (ii), (iii), (vii) and (viii), and  
16 report to the system when compensation is paid to a retirant as provided in  
17 this subsection. Such report shall contain a certification by the appointing  
18 authority of the participating employer that any hired retirant has not been  
19 employed by the participating employer within 60 days of such retirant's  
20 retirement and that there was no prearranged agreement for employment  
21 between the participating employer and the hired retirant. Upon request of  
22 the executive director of the system, the participating employer shall  
23 provide such information as may be needed by the executive director to  
24 carry out the provisions of this subsection. No retirant shall make  
25 contributions to the system or receive credit for service while employed  
26 under the provisions of this subsection.

27 ~~(d) A participating employer may employ a retirant without regard to~~  
28 ~~the compensation limitation in this subsection for a period of one calendar~~  
29 ~~year or one school year, as the case may be, if the following requirements~~  
30 ~~are met:~~

31 ~~(i) The employer certifies to the board that the position being filled~~  
32 ~~has been vacated due to an unexpected emergency or the employer has~~  
33 ~~been unsuccessful in filling the position;~~

34 ~~(ii) the employer pays to the system a 30% employer contribution~~  
35 ~~based on the retirant's compensation during any such period of~~  
36 ~~employment; and~~

37 ~~(iii) the employer maintains documentation of its efforts to fill the~~  
38 ~~position with a non-retirant and provides such documentation to the joint~~  
39 ~~committee on pensions, investments and benefits upon request of the~~  
40 ~~committee.~~

41 ~~The provisions of this paragraph shall expire on January 1, 2018.~~

42 ~~(e) An employer may submit a written assurance protocol to the~~  
43 ~~system to extend the exception provided for in subsection (7)(d) by one-~~

1 year increments for a total extension not to exceed three years. A written  
2 assurance protocol shall be submitted to the system for each one-year  
3 increment extension. If a school district submits a written assurance  
4 protocol, such written assurance protocol shall be signed by the  
5 superintendent and the board president of such school district. If a  
6 municipality, as defined in K.S.A. 75-1117, and amendments thereto, other  
7 than a school district, submits a written assurance protocol, such written  
8 assurance protocol shall be signed by the governing body or such  
9 governing body's designee for such municipality. Such written assurance  
10 protocol shall state that the position was advertised on multiple platforms  
11 for a minimum of 30 calendar days and that at least one of the following  
12 conditions occurred:

- 13 (i) No applications were submitted for the position;
- 14 (ii) if applications were submitted, none of the applicants met the  
15 reference screening criteria of the employer; or
- 16 (iii) if applications were submitted, none of the applicants possessed  
17 the appropriate licensure, certification or other necessary credentials for  
18 the position.

19 The provisions of this paragraph shall expire on January 1, 2018.

20 (f) Retirants who are independent contractors or employees of third-  
21 party entities who contract with a participating employer, shall not be  
22 subject to the compensation limitation or employer contribution  
23 requirements in this subsection or the requirements of ~~subsection (7)(e)~~  
24 *paragraph (c)* regarding enrollment and reporting to the system, so long as  
25 all of the following apply:

26 (A) The contractual relationship was not created to allow the retirant  
27 to continue employment with the participating employer after retirement in  
28 a position similar to the one such retirant held prior to retirement;

29 (B) the activities performed by the independent contractor or third-  
30 party entity are not normally performed exclusively by employees of that  
31 participating employer; and

32 (C) the retirant meets the classification of independent contractor as  
33 provided in K.S.A. 44-768, and amendments thereto, or activities  
34 performed by the third-party entity that employs the retirant are performed  
35 on a limited-term basis and the third-party entity is not a participating  
36 employer in the system.

37 ~~(g)(e)~~ Nothing in this subsection shall be construed to create any  
38 right, or to authorize the creation of any right, which is not subject to  
39 amendment or nullification by act of the legislature.

40 ~~(8)(7)~~ (a) Except as provided in ~~subsection (8)(b) paragraph (b)~~, if  
41 determined by the retirement system that a retirant entered into a  
42 prearranged agreement for employment with a participating employer  
43 prior to such retirant's retirement and prior to the end of the subsequent 60-

1 day waiting period, or the 180-day waiting period under subsection ~~(10)~~  
2 (9), the monthly retirement benefit of such retirant shall be suspended  
3 during the period that begins on the month in which the retirant is re-  
4 employed and ends six months after the retirant's termination of such  
5 employment. The retirant shall repay to the retirement system all monthly  
6 retirement benefits paid to the retirant by the retirement system that the  
7 retirant received after such employment began. The participating employer  
8 which hired such retirant shall be required to pay to the system any fees,  
9 fines, penalties or any other cost imposed by the internal revenue service  
10 and indemnify the system for any cost incurred by the system to defend  
11 any action brought by the internal revenue service based on in-service  
12 distributions which are a result of any determined prearranged agreement  
13 and for any cost incurred by the system to collect any monthly retirement  
14 benefit required to be repaid by such retirant pursuant to this subsection.

15 (b) For members who retired on and after July 1, 2016, and on or  
16 before July 1, 2019, if determined by the retirement system that a retirant  
17 entered into a prearranged agreement for employment with a participating  
18 employer prior to such retirant's retirement date and the subsequent 60-day  
19 waiting period, or the 180-day waiting period under subsection ~~(10)~~ (9),  
20 and upon being notified of the violation, the retirant terminated such  
21 employment, the provisions of ~~subsection~~ *paragraph* (a) shall not apply. If  
22 any retirant had benefits suspended prior to July 1, 2019, such benefits  
23 shall be reimbursed by the retirement system, if the retirant terminated  
24 such prearranged employment in accordance with the provisions of this  
25 act. On and after July 1, 2019, the executive director may waive such  
26 penalties under this subsection if it is determined by the retirement system  
27 that any of the following conditions were satisfied:

28 (i) The retirant's total length of reemployment was less than 21  
29 calendar days;

30 (ii) the retirant's total compensation during the total length of  
31 reemployment was less than 10% of the amount of such retirant's  
32 retirement benefit that would be suspended pursuant to this subsection; or

33 (iii) other facts and circumstances indicated that the retirant would  
34 not have been reemployed but for an error on the part of the participating  
35 employer or the retirement system in verifying the retirement status of  
36 such retirant and such retirant immediately terminated employment upon  
37 being notified of the violation.

38 (c) On or before the first day of each regular session of the  
39 legislature, beginning with the 2020 regular session, the executive director  
40 shall submit an annual report on the number of waivers granted pursuant to  
41 ~~subsection (8)(b)~~ *paragraph (b)* in the prior calendar year to the joint  
42 committee on pensions, investments and benefits, the house of  
43 representatives standing committee on financial institutions and pensions

1 and the senate standing committee on financial institutions and insurance,  
2 or the successors of such committees.

3 ~~(9)~~(8) For the purposes of this section a prearranged agreement for  
4 employment may be determined by whether the facts and circumstances of  
5 the situation indicate that the employer and employee reasonably  
6 anticipated that further services would be performed after the employee's  
7 retirement.

8 ~~(10)~~(9) (a) Notwithstanding the provisions of subsection ~~(5) or (7)~~ (6)  
9 to the contrary, commencing January 1, 2018, any retirant who is retired  
10 more than 60 days, if such retirant's age on the date of retirement is 62 or  
11 older, or is retired more than 180 days, if such retirant's age on the date of  
12 retirement is less than 62, and who is subsequently hired without any  
13 prearranged agreement with the participating employer in a covered  
14 position, as defined in K.S.A. 74-49,202, and amendments thereto, or an  
15 independent contractor or a third-party entity who contracts service to fill  
16 such covered position shall not be subject to an earnings limitation that  
17 when met or exceeded requires that the retirant not receive a retirement  
18 benefit for any month for which such retirant serves in such covered  
19 position. The participating employer of such retirant shall pay to the  
20 system the statutorily prescribed employer contribution rate on the first  
21 ~~\$25,000~~ ~~-\$50,000~~ **\$40,000** of such retirant's compensation in a calendar  
22 year and a 30% employer contribution on any compensation in excess of  
23 ~~\$25,000~~ ~~-\$50,000~~ **\$40,000** in a calendar year during any such period of  
24 employment. If a retirant is employed by more than one participating  
25 employer or performing duties in more than one position, contributions  
26 shall be made on compensation from all such employment for that  
27 calendar year.

28 (b) Notwithstanding the provisions of subsection ~~(5) or (7)~~ (6) to the  
29 contrary, commencing January 1, 2018, any retirant who is retired more  
30 than 60 days, if such retirant's age on the date of retirement is 62 or older,  
31 or is retired more than 180 days, if such retirant's age on the date of  
32 retirement is less than 62, and who is subsequently hired without any  
33 prearranged agreement with the participating employer in a non-covered  
34 position, or an independent contractor or a third-party entity who contracts  
35 service to fill such non-covered position, shall not be subject to an  
36 earnings limitation that when met or exceeded requires that the retirant not  
37 receive a retirement benefit for any month for which such retirant serves in  
38 such non-covered position. No employer contribution shall be paid to the  
39 system on compensation paid to a retirant hired in a non-covered position.

40 (c) The participating employer shall enroll all retirants, including  
41 retirants under subsection ~~(7)(b)(i)~~ (6)(b)(i), (ii), (iii), (vii) and (viii), and  
42 report to the system when compensation is paid to a retirant as provided in  
43 this subsection. Such report shall contain a certification by the appointing

1 authority of the participating employer that any hired retirant has not been  
2 employed by the participating employer within 60 days of such retirant's  
3 retirement in the case of a retirant whose age on the date of retirement is  
4 62 or older, or within 180 days of such retirant's retirement in the case of a  
5 retirant whose age on the date of retirement is less than 62, and that there  
6 was no prearranged agreement for employment between the participating  
7 employer and the hired retirant. Upon request of the executive director of  
8 the system, the participating employer shall provide such information as  
9 may be needed by the executive director to carry out the provisions of this  
10 subsection. No retirant shall make contributions to the system or receive  
11 credit for service while employed under the provisions of this subsection.

12 (d) The provisions of this subsection relating to an earnings limitation  
13 and employer contributions shall not apply to any retirant described in  
14 subsection ~~(7)(b)~~ (6)(b) or to retirants who are independent contractors or  
15 employees of third-party entities who contract with a participating  
16 employer as described in subsection ~~(7)(f)~~ (6)(d), except as specifically  
17 provided in this subsection.

18 (e) Nothing in this subsection shall be construed to create any right,  
19 or to authorize the creation of any right that is not subject to amendment or  
20 nullification by act of the legislature.

21 Sec. 2. K.S.A. 74-4937 is hereby amended to read as follows: 74-  
22 4937. (1) The normal retirement date of a member of the system who is in  
23 school employment and who is subject to K.S.A. 74-4940, and  
24 amendments thereto, shall be the first day of the month coinciding with or  
25 following termination of employment not followed by employment with  
26 any participating employer within 60 days, or 180 days as provided in  
27 K.S.A. 74-4914~~(10)~~(9), and amendments thereto, and without any  
28 prearranged agreement for employment with any participating employer,  
29 and the attainment of age 65 or, commencing July 1, 1986, age 65 or age  
30 60 with the completion of 35 years of credited service or at any age with  
31 the completion of 40 years of credited service, or commencing July 1,  
32 1993, any alternative normal retirement date already prescribed by law or  
33 age 62 with the completion of 10 years of credited service or the first day  
34 of the month coinciding with or following the date that the total of the  
35 number of years of credited service and the number of years of attained  
36 age of the member is equal to or more than 85. Each member upon giving  
37 prior notice to the appointing authority and the retirement system may  
38 retire on the normal retirement date or the first day of any month  
39 thereafter. Such member's application for retirement shall contain a  
40 certification by the member that the member will not be employed with  
41 any participating employer within 60 days, or 180 days as provided in  
42 K.S.A. 74-4914~~(10)~~(9), and amendments thereto, of retirement and the  
43 member has not entered into a prearranged agreement for employment

1 with any participating employer.

2 (2) Any member who is in school employment and who is subject to  
3 K.S.A. 74-4940, and amendments thereto, may retire before such  
4 member's normal retirement date on the first day of the month coinciding  
5 with or following termination of employment not followed by employment  
6 with any participating employer within 60 days, or 180 days as provided in  
7 K.S.A. 74-4914~~(10)~~(9), and amendments thereto, and the attainment of age  
8 55 with the completion of 10 years of credited service, upon the filing with  
9 the office of the retirement system of an application for retirement in such  
10 form and manner as the board shall prescribe. The member's application  
11 for retirement shall contain a certification by the member that the member  
12 will not be employed with any participating employer within 60 days, or  
13 180 days as provided in K.S.A. 74-4914~~(10)~~(9), and amendments thereto,  
14 of retirement and the member has not entered into a prearranged  
15 agreement for employment with any participating employer.

16 (3) The provisions of K.S.A. 74-4914~~(5), (7) and (10)~~(6) and (9), and  
17 amendments thereto, ~~which~~ *that* relate to an earnings limitation which  
18 when met or exceeded requires that the retirant not receive a retirement  
19 benefit for any month ~~for~~ *during* which such retirant serves in a position as  
20 described herein shall not apply to retirants who either retired under the  
21 provisions of K.S.A. 74-4914(1), and amendments thereto, related to  
22 normal retirement, or, if they retired under the provisions of K.S.A. 74-  
23 4914(4), and amendments thereto, related to early retirement, and are  
24 subsequently hired in a position that requires a license under K.S.A. 72-  
25 2157, and amendments thereto, or other provision of law. The provisions  
26 of this subsection shall only apply to retirants who retired prior to January  
27 1, 2018. Except as otherwise provided, when a retirant is employed by the  
28 same school district or a different school district with which such retirant  
29 was employed during the final two years of such retirant's participation or  
30 employed as an independent contractor or by a third-party entity who  
31 contracts services with a school district to fill a position as described in  
32 this subsection, the participating employer of such retirant shall pay to the  
33 system the actuarially determined employer contribution based on the  
34 retirant's compensation during any such period of employment plus 8%.  
35 Commencing January 1, 2018, if a retirant is employed in a covered  
36 position, as defined in K.S.A. 74-49,202, and amendments thereto, the  
37 participating employer shall pay to the system the statutorily prescribed  
38 employer contribution rate on the first ~~\$25,000~~ ~~\$50,000~~ **\$40,000** of such  
39 retirant's compensation in a calendar year and a 30% employer  
40 contribution on any compensation in excess of ~~\$25,000~~ ~~\$50,000~~ **\$40,000**  
41 in a calendar year during any such period of employment. If a retirant is  
42 employed by more than one participating employer or performing duties in  
43 more than one position, contributions shall be made on compensation from

1 all such employment for that calendar year. If a retirant is employed in a  
2 non-covered position, no employer contribution shall be paid to the  
3 system. The participating employer shall enroll all retirants and report to  
4 the system when compensation is paid to a retirant as provided in this  
5 subsection. Such notice shall contain a certification by the appointing  
6 authority of the participating employer that any hired retirant has not been  
7 employed by the participating employer within 60 days of such retirant's  
8 retirement and that there was no prearranged agreement for employment  
9 between the participating employer and the hired retirant. Upon request of  
10 the executive director of the system, the participating employer shall  
11 provide such information as may be needed by the executive director to  
12 carry out the provisions of this subsection. The provisions of this  
13 subsection shall not apply to retirants employed as substitute teachers  
14 without a contract. ~~The provisions of K.S.A. 74-4914(5), and amendments~~  
15 ~~thereto, shall be applicable to retirants employed as described in this~~  
16 ~~subsection, except as specifically provided in this subsection.~~ Nothing in  
17 this subsection shall be construed to create any right, or to authorize the  
18 creation of any right, ~~which~~ *that* is not subject to amendment or  
19 nullification by act of the legislature.

20 (4) (a) ~~On and after July 1, 2016, a school district may hire a retired~~  
21 ~~licensed professional to fill a special teacher position as defined in K.S.A.~~  
22 ~~72-3404, and amendments thereto, if such retirant is hired not prior to 60~~  
23 ~~days after such retirant's retirement date without any prearrangement with~~  
24 ~~such school district in the manner prescribed in this subsection. The~~  
25 ~~participating employer shall enroll all retirants and report to the system~~  
26 ~~when compensation is paid to a retirant as provided in this subsection.~~  
27 ~~Such notice shall contain a certification by the appointing authority of the~~  
28 ~~participating employer that any hired retirant has not been employed by~~  
29 ~~the participating employer within 60 days of such retirant's retirement and~~  
30 ~~that there was no prearranged agreement for employment between the~~  
31 ~~participating employer and the hired retirant. Upon request of the~~  
32 ~~executive director of the system, the participating employer shall provide~~  
33 ~~such information as may be needed by the executive director to carry out~~  
34 ~~the provisions of this subsection.~~

35 (b) ~~A retirant hired under the provisions of this subsection may~~  
36 ~~continue to receive such retirant's full retirement benefit for a period not to~~  
37 ~~exceed three school years or 36 months, whichever is less, and shall not be~~  
38 ~~subject to the provisions of K.S.A. 74-4914(5), and amendments thereto,~~  
39 ~~which relate to a compensation limitation which when met or exceeded~~  
40 ~~requires that the retirant not receive a retirement benefit for any month for~~  
41 ~~which such retirant serves in a position as described herein. Such retirant~~  
42 ~~may be employed by such employer for some or all of a school year, and~~  
43 ~~in subsequent school years if the employer is unable to permanently fill the~~

1 position with active members, so long as the retirant's total term of  
2 employment with all employers under this subsection does not exceed 36  
3 months or three school years, whichever is less. After such period, the  
4 retirant shall be subject to the provisions of K.S.A. 74-4914(7), and  
5 amendments thereto, which relate to a compensation limitation which  
6 when met or exceeded requires that the retirant not receive a retirement  
7 benefit for any month for which such retirant serves in a position as  
8 described herein. The participating employer of such retirant shall pay to  
9 the system a 30% employer contribution based on the retirant's  
10 compensation during any such period of employment. The provisions of  
11 this subsection shall not apply to retirants employed as substitute teachers  
12 without a contract. The provisions of K.S.A. 74-4914(5), and amendments  
13 thereto, shall be applicable to retirants employed as special teachers,  
14 except as specifically provided in this subsection.

15 (e) Each school district that uses the provisions of this subsection to  
16 hire retirants shall maintain documentation describing their recruiting  
17 efforts to obtain non-retirant employees to fill the special teacher positions.  
18 Upon request of the joint committee on pensions, investments and  
19 benefits, an employer shall provide such documentation to the committee.  
20 If the committee finds that an employer has not made sufficient efforts to  
21 hire a non-retirant for the position or if the committee finds evidence of  
22 prearrangement in violation of this section, the three-year exemption  
23 provided pursuant to this subsection may be revoked. The committee shall  
24 notify the executive director of the system that a retirant's exemption has  
25 been revoked within 30 days of making such a determination.

26 (d) An employer may submit a written assurance protocol to the  
27 system to make a one-time extension to the exception provided for in this  
28 subsection by one year. Such written assurance protocol shall be signed by  
29 the superintendent and the board president of the school district. Such  
30 written assurance protocol shall state that the position was advertised on  
31 multiple platforms for a minimum of 30 calendar days and that at least one  
32 of the following conditions occurred:

33 (i) No applications were submitted for the position;  
34 (ii) if applications were submitted, none of the applicants met the  
35 reference screening criteria of the employer; or  
36 (iii) if applications were submitted, none of the applicants possessed  
37 an appropriate teaching license for the state of Kansas or possessed the  
38 appropriate credentials to receive any type of teaching license from the  
39 state of Kansas.

40 (e) Nothing in this subsection shall be construed to create any right,  
41 or to authorize the creation of any right, which is not subject to  
42 amendment or nullification by act of the legislature.

43 (f) The provisions of this subsection shall expire on January 1, 2018.

1       (5) (a) ~~On and after July 1, 2016, a school district may hire a retired~~  
2 ~~licensed professional to fill a non-special teacher position if such retirant is~~  
3 ~~hired not prior to 60 days after such retirant's retirement date without any~~  
4 ~~prearrangement with such school district, and if such school district hires a~~  
5 ~~retirant for a hard-to-fill position in the manner prescribed in this~~  
6 ~~subsection. The participating employer shall enroll all retirants and report~~  
7 ~~to the system when compensation is paid to a retirant as provided in this~~  
8 ~~subsection. Such notice shall contain a certification by the appointing~~  
9 ~~authority of the participating employer that any hired retirant has not been~~  
10 ~~employed by the participating employer within 60 days of such retirant's~~  
11 ~~retirement and that there was no prearranged agreement for employment~~  
12 ~~between the participating employer and the hired retirant. Upon request of~~  
13 ~~the executive director of the system, the participating employer shall~~  
14 ~~provide such information as may be needed by the executive director to~~  
15 ~~carry out the provisions of this subsection.~~

16       (b) ~~The state board of education shall annually certify the top five~~  
17 ~~types of licensed positions that are hard to fill. A school district may hire a~~  
18 ~~retirant to fill a hard-to-fill position for some or all of a school year and in~~  
19 ~~subsequent school years if the employer is unable to permanently fill the~~  
20 ~~position with an active member. A retirant first hired under the provisions~~  
21 ~~of this subsection may be retained by an employer even if such retirant's~~  
22 ~~type of position is no longer one of the five types of positions certified by~~  
23 ~~the state board of education. A retirant hired under the provisions of this~~  
24 ~~subsection may continue to receive such retirant's full retirement benefit~~  
25 ~~for a period not to exceed three school years or 36 months, whichever is~~  
26 ~~less, and shall not be subject to the provisions of K.S.A. 74-4914(5), and~~  
27 ~~amendments thereto, which relate to a compensation limitation which~~  
28 ~~when met or exceeded requires that the retirant not receive a retirement~~  
29 ~~benefit for any month for which such retirant serves in a position as~~  
30 ~~described herein. Such retirant may be employed by such employer for~~  
31 ~~some or all of a school year, and in subsequent school years if the~~  
32 ~~employer is unable to permanently fill the position with active members,~~  
33 ~~so long as the retirant's total term of employment with all employers under~~  
34 ~~this subsection does not exceed 36 months or three school years,~~  
35 ~~whichever is less. After such period, the retirant shall be subject to the~~  
36 ~~provisions of K.S.A. 74-4914(7), and amendments thereto, which relate to~~  
37 ~~a compensation limitation which when met or exceeded requires that the~~  
38 ~~retirant not receive a retirement benefit for any month for which such~~  
39 ~~retirant serves in a position as described herein. The participating~~  
40 ~~employer of such retirant shall pay to the system a 30% employer~~  
41 ~~contribution based on the retirant's compensation during any such period~~  
42 ~~of employment. The provisions of this subsection shall not apply to~~  
43 ~~retirants employed as substitute teachers without a contract. The provisions~~

1 of K.S.A. 74-4914(5), and amendments thereto, shall be applicable to  
2 retirants employed as described in this subsection, except as specifically  
3 provided in this subsection.

4 (e) ~~Each school district that uses the provisions of this subsection to~~  
5 ~~hire retirants for hard-to-fill positions shall maintain documentation~~  
6 ~~describing their recruiting efforts to obtain non-retirant employees to fill~~  
7 ~~the hard-to-fill positions. Upon request of the joint committee on pensions,~~  
8 ~~investments and benefits, a school district shall provide such~~  
9 ~~documentation to the committee. If the committee finds that a school~~  
10 ~~district has not made sufficient efforts to hire a non-retirant for the position~~  
11 ~~or if the committee finds evidence of prearrangement in violation of this~~  
12 ~~section, the three-year exemption provided pursuant to this subsection may~~  
13 ~~be revoked. The committee shall notify the executive director of the~~  
14 ~~system that a retirant's exemption has been revoked within 30 days of~~  
15 ~~making such a determination.~~

16 (d) ~~An employer may submit a written assurance protocol to the~~  
17 ~~system to make a one-time extension to the exception provided for in this~~  
18 ~~subsection by one year. Such written assurance protocol shall be signed by~~  
19 ~~the superintendent and the board president of the school district. Such~~  
20 ~~written assurance protocol shall state that the position was advertised on~~  
21 ~~multiple platforms for a minimum of 30 calendar days and that at least one~~  
22 ~~of the following conditions occurred:~~

23 (i) ~~No applications were submitted for the position;~~

24 (ii) ~~if applications were submitted, none of the applicants met the~~  
25 ~~reference screening criteria of the employer; or~~

26 (iii) ~~if applications were submitted, none of the applicants possessed~~  
27 ~~an appropriate teaching license for the state of Kansas or possessed the~~  
28 ~~appropriate credentials to receive any type of teaching license from the~~  
29 ~~state of Kansas.~~

30 (e) ~~Nothing in this subsection shall be construed to create any right,~~  
31 ~~or to authorize the creation of any right, which is not subject to~~  
32 ~~amendment or nullification by act of the legislature.~~

33 (f) ~~The provisions of this subsection shall expire on January 1, 2018.~~

34 (6)(4) ~~The provisions of K.S.A. 74-4914(8)(7), and amendments~~  
35 ~~thereto, shall apply to retirants under the provisions of this section.~~

36 (7)(5) ~~For the purposes of this section a prearranged agreement for~~  
37 ~~employment may be determined by whether the facts and circumstances of~~  
38 ~~the situation indicate that the employer and employee reasonably~~  
39 ~~anticipated that further services would be performed after the employee's~~  
40 ~~retirement.~~

41 **Sec. 3. K.S.A. 74-4957 is hereby amended to read as follows: 74-**  
42 **4957. (1) The normal retirement date for a member of the system who**  
43 **is appointed or employed prior to July 1, 1989, and who does not**

1 make an election pursuant to K.S.A. 74-4955a, and amendments  
2 thereto, shall be the first day of the month coinciding with or following  
3 termination of employment not followed by employment with any  
4 participating employer within 30 days, and the attainment of age 55  
5 and the completion of 20 years of credited service or the completion of  
6 32 years of credited service regardless of the age of the member. Any  
7 member may retire on such member's normal retirement date or on  
8 the first day of any month thereafter.

9 (2) *Early retirement.* Any member who is appointed or employed  
10 prior to July 1, 1989, and who does not make an election pursuant to  
11 K.S.A. 74-4955a, and amendments thereto, may retire before such  
12 member's normal retirement date on the first day of any month  
13 coinciding with or following termination of employment not followed  
14 by employment with any participating employer within 30 days and  
15 the attainment of age 50 and the completion of 20 years of credited  
16 service.

17 (3) **Notwithstanding the provisions of subsections (1) and (2) of**  
18 ~~this section~~ and K.S.A. 74-4955a, 74-4957a, 74-4958a, 74-4960a, 74-  
19 4963a and 74-4964a, and amendments thereto, the normal retirement date  
20 for any member who was, up to the entry date of such member's employer,  
21 covered by a pension system under the provisions of K.S.A. 13-14a01 ~~to~~  
22 *through* 13-14a14, ~~inclusive,~~ or 14-10a01 ~~to~~ *through* 14-10a15, ~~inclusive,~~  
23 and amendments thereto, shall be the first day of the month coinciding  
24 with or following the attainment of age 50 and the completion of 25 years  
25 of credited service.

26 (4) **In no event shall a member be eligible to retire until such**  
27 **member has been a contributing member of the system for 12 months**  
28 **of participating service, and shall have given such member's employer**  
29 **prior notice of retirement.**

30 (5) **If a retirant who retired on or after July 1, 1994, is employed,**  
31 **elected or appointed in or to any position or office for which**  
32 **compensation for service is paid in an amount equal to ~~\$25,000~~**  
33 ***\$40,000* or more in any one such calendar year, by the same state**  
34 **agency or the same police or fire department of any county, city,**  
35 **township or special district or the same sheriff's office of a county**  
36 **during the final two years of such retirant's participation, such**  
37 **retirant shall not receive any retirement benefit for any month for**  
38 **which such retirant serves in such position or office. The participating**  
39 **employer shall report to the system within 30 days of when the**  
40 **compensation paid to the retirant is equal to or exceeds any limitation**  
41 **provided by this section. Any retirant employed by a participating**  
42 **employer in the Kansas police and firemen's retirement system shall**  
43 **not make contributions nor receive additional credit under such**

1 system for such service except as provided by this section. Upon  
2 request of the executive director of the system, the secretary of  
3 revenue shall provide such information as may be needed by the  
4 executive director to carry out the provisions of this act.

5 Sec. 4. K.S.A. 74-4957a is hereby amended to read as follows: 74-  
6 4957a. (1) The normal retirement date for a member of the system  
7 who is appointed or employed on or after July 1, 1989, or who makes  
8 an election pursuant to K.S.A. 74-4955a, and amendments thereto, to  
9 be covered by the provisions of this act shall be the first day of the  
10 month coinciding with or following termination of employment not  
11 followed by employment with any participating employer within 30  
12 days and the attainment of age 55 and the completion of 20 years of  
13 credited service, age 50 and the completion of 25 years of credited  
14 service or age 60 with the completion of 15 years of credited service.  
15 Any such member may retire on such member's normal retirement  
16 date or on the first day of any month thereafter.

17 (2) Any member may retire before such member's normal  
18 retirement date on the first day of any month coinciding with or  
19 following termination of employment not followed by employment  
20 with any participating employer within 30 days and the attainment of  
21 age 50 and the completion of 20 years of credited service.

22 (3) In no event shall a member be eligible to retire until such  
23 member has been a contributing member of the system for 12 months  
24 of participating service, and shall have given such member's employer  
25 prior notice of retirement.

26 (4) If a retirant who retired on or after July 1, 1996, is employed,  
27 elected or appointed in or to any position or office for which  
28 compensation for service is paid in an amount equal to ~~\$25,000~~  
29 \$40,000 or more in any one such calendar year, by the same state  
30 agency or the same police or fire department of any county, city,  
31 township or special district or the same sheriff's office of a county  
32 during the final two years of such retirant's participation, such  
33 retirant shall not receive any retirement benefit for any month for  
34 which such retirant serves in such position or office. The participating  
35 employer shall report to the system within 30 days of when the  
36 compensation paid to the retirant is equal to or exceeds any limitation  
37 provided by this section. Any retirant employed by a participating  
38 employer in the Kansas police and firemen's retirement system shall  
39 not make contributions nor receive additional credit under such  
40 system for such service except as provided by this section. Upon  
41 request of the executive director of the system, the secretary of  
42 revenue shall provide such information as may be needed by the  
43 executive director to carry out the provisions of this act.

1       **(5) The provisions of this section shall be effective on and after**  
2 **July 1, 1989, and shall apply only to members who were appointed or**  
3 **employed prior to July 1, 1989, and who made an election pursuant to**  
4 **K.S.A. 74-4955a, and amendments thereto; and persons appointed or**  
5 **employed on or after July 1, 1989.**

6       ~~Sec. 3.~~ **5.** K.S.A. 74-4937, **74-4957 and 74-4957a** and K.S.A. 2023  
7 Supp. 74-4914 are hereby repealed.

8       ~~Sec. 4.~~ **6.** This act shall take effect and be in force from and after its  
9 publication in the statute book.