

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

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; membership**
3 **waiting period for direct support positions of community service**
4 **providers; {increasing the lump-sum death benefit; }**employment after
5 retirement; increasing the amount of retirant compensation subject to
6 the statutory employer contribution rate; **providing an exemption for**
7 **retirants employed by a community developmental disability**
8 **organization or a community service provider affiliated with a**
9 **community developmental disability organization in a licensed**
10 **professional nurse, licensed practical nurse or direct support**
11 **position; increasing the earnings limit for members of the Kansas**
12 **police and firemen's retirement system; amending K.S.A. 74-4937,**
13 **74-4957-~~and~~, 74-4957a~~f~~, 74-4989 and 74-49,315}** and K.S.A. 2023
14 Supp. **74-4911 and** 74-4914 and repealing the existing sections.
15

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

17 **Section 1. K.S.A. 2023 Supp. 74-4911 is hereby amended to read as**
18 **follows: 74-4911. (1) Any employee of a participating employer other**
19 **than an elected official on the entry date of such employer shall be a**
20 **member of the system on either the entry date or the first day of the**
21 **payroll period coinciding with or following the completion of one year of**
22 **service, whichever is later, except that an employee of a participating**
23 **employer who was first employed by a participating employer on or after**
24 **July 1, 2008, but before July 1, 2009, shall be a member on July 1, 2009,**
25 **and except that an employee who is first employed by a participating**
26 **employer on or after July 1, 2009, shall be a member of the system on**
27 **the first day of employment of such employee with such participating**
28 **employer. On and after July 1, 2019, employees employed in direct**
29 **support positions of an affiliated employer organized under K.S.A. 19-**
30 **4001, and amendments thereto,~~and~~ or defined under K.S.A. 39-1803,**
31 **and amendments thereto, may become a member of the system on the**

1 *first day of the payroll period coinciding with or following the*
2 *completion of a two-year period of training, whichever is later. For*
3 *purposes of this act occasional breaks in service which shall not exceed*
4 *an aggregate of 10 days in any such year shall not constitute a break in*
5 *service for purposes of determining the membership date of such*
6 *employee.*

7 (2) *Except as otherwise provided in this subsection, any employee*
8 *other than an elected official who is employed by a participating*
9 *employer after the entry date of such employer shall be a member of the*
10 *system on the first day of the payroll period coinciding with or following*
11 *completion of one year of continuous service. For purposes of this act,*
12 *occasional breaks in service which shall not exceed an aggregate of 10*
13 *days in any such year shall not constitute a break in continuous service*
14 *for purposes of determining the membership date of such employee. For*
15 *purposes of this subsection, any employee of a local governmental unit*
16 *which has its own pension plan who becomes an employee of a*
17 *participating employer as a result of a merger or consolidation of*
18 *services provided by local governmental units, which occurred on*
19 *January 1, 1994, may count service with such local governmental unit in*
20 *determining whether such employee has met the one year of continuous*
21 *service requirement contained in this subsection.*

22 (3) *Any employee who is an elected official and is eligible to join*
23 *the system shall file, within 90 days after taking the oath of office, an*
24 *irrevocable election to become or not to become a member of the system.*
25 *Such election shall become effective immediately upon making such*
26 *election, if such election is made within 14 days of taking the oath of*
27 *office or, otherwise, on the first day of the first payroll period of the first*
28 *quarter following receipt of the election in the office of the retirement*
29 *system. In the event that such elected official fails to file the election to*
30 *become a member of the retirement system, it shall be presumed that*
31 *such person has elected not to become a member.*

32 (4) *Except as otherwise required by USERRA, any employee other*
33 *than an elected official who is in military service or on leave of absence*
34 *on the entry date of such employee's employer shall become a member of*
35 *the system upon returning to active employment or on the first day of the*
36 *payroll period coinciding with or following the completion of one year of*
37 *service, whichever is later. For purposes of this act, occasional breaks in*
38 *service which shall not exceed an aggregate of 10 days in any such year*
39 *shall not constitute a break in service for purposes of determining the*
40 *membership date of such employee.*

41 (5) *Any employee of the state of Kansas other than an elected*
42 *official, who is receiving or is eligible for assistance by the state board of*
43 *regents in the purchase of a retirement annuity under K.S.A. 74-4925,*

1 *and amendments thereto, and who becomes ineligible for such*
2 *assistance because such employee's position is reclassified to a position*
3 *in the classified service under the Kansas civil service act, or who*
4 *becomes ineligible for such assistance because such person accepts and*
5 *transfers to a position in the classified service under the Kansas civil*
6 *service act shall be a member of the system on the first day of the payroll*
7 *period coinciding with or following the effective date of such*
8 *reclassification or transfer. Any such employee who became ineligible*
9 *for such assistance prior to the effective date of this act April 15, 1977,*
10 *because of such a reclassification or such a transfer occurring prior to*
11 *the effective date of this act April 15, 1977, and who is not a member of*
12 *the system on the effective date of this act April 15, 1977, shall be a*
13 *member of the system on the first day of the payroll period coinciding*
14 *with or following the effective date of this act April 15, 1977.*

15 *(6) Any employee of the state board of regents or of an educational*
16 *institution under its management, other than an elected official, who is a*
17 *member of the system and who becomes ineligible to be a member of the*
18 *system because such employee's position is reclassified to a position*
19 *under the Kansas civil service act which is eligible for assistance by the*
20 *state board of regents in the purchase of a retirement annuity under*
21 *K.S.A. 74-4925, and amendments thereto, or who becomes ineligible to*
22 *be a member of the system because such employee transfers to a position*
23 *under the Kansas civil service act which is eligible for such assistance,*
24 *shall become eligible for such assistance in accordance with the*
25 *provisions of K.S.A. 74-4925, and amendments thereto, unless such*
26 *employee files a written election in the office of the retirement system, in*
27 *the form and manner prescribed by the board of trustees thereof, to*
28 *remain a member of the system prior to the first day of the first complete*
29 *payroll period occurring after the effective date of such reclassification*
30 *or transfer. Failure to file such written election shall be presumed to be*
31 *an election not to remain a member of the system and to become eligible*
32 *for assistance by the state board of regents in the purchase of a*
33 *retirement annuity under K.S.A. 74-4925, and amendments thereto.*
34 *Such election, whether to remain a member of the system or to become*
35 *eligible for such assistance, shall be effective as of the effective date of*
36 *such reclassification or transfer, and shall be irrevocable.*

37 *(7) Any elected official who at the time of becoming an elected*
38 *official is already a member of the system by being or having been an*
39 *employee of a participating employer shall continue as a member of the*
40 *system.*

41 Section 1. *Sec. 2.* K.S.A. 2023 Supp. 74-4914 is hereby amended to
42 read as follows: 74-4914.(1) The normal retirement date for a member of
43 the system shall be the first day of the month coinciding with or following

1 termination of employment with any participating employer not followed
2 by employment with any participating employer within 60 days, or 180
3 days as provided in subsection—~~(10)~~ (9), and without any prearranged
4 agreement for employment with any participating employer, and the
5 attainment of age 65 or, commencing July 1, 1993, age 62 with the
6 completion of 10 years of credited service or the first day of the month
7 coinciding with or following the date that the total of the number of years
8 of credited service and the number of years of attained age of the member
9 is equal to or more than 85. In no event shall a normal retirement date for a
10 member be before six months after the entry date of the participating
11 employer by whom such member is employed. A member may retire on
12 the normal retirement date or on the first day of any month thereafter upon
13 the filing with the office of the retirement system of an application in such
14 form and manner as the board shall prescribe. Such application shall
15 contain a certification by the member that the member will not be
16 employed with any participating employer within 60 days, or 180 days as
17 provided in subsection—~~(10)~~ (9), of retirement and the member has not
18 entered into a prearranged agreement for employment with any
19 participating employer. Nothing herein shall prevent any person, member
20 or retirant from being employed, appointed or elected as an employee,
21 appointee, officer or member of the legislature. Elected officers may retire
22 from the system on any date on or after the attainment of the normal
23 retirement date, but no retirement benefits payable under this act shall be
24 paid until the member has terminated such member's office.

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

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

33 (4) Any member may retire before such member's normal retirement
34 date on the first day of any month coinciding with or following
35 termination of employment with any participating employer not followed
36 by employment with any participating employer within 60 days, or 180
37 days as provided in subsection—~~(10)~~ (9), and the attainment of age 55 with
38 the completion of 10 years of credited service, but in no event before six
39 months after the entry date, upon the filing with the office of the retirement
40 system of an application for retirement in such form and manner as the
41 board shall prescribe. The member's application for retirement shall
42 contain a certification by the member that the member will not be
43 employed with any participating employer within 60 days, or 180 days as

1 provided in subsection ~~(10)~~ (9), of retirement and the member has not
2 entered into a prearranged agreement for employment with any
3 participating employer.

4 (5)—~~Except as provided in subsections (7) and (10), on or after July 1,~~
5 ~~2006, through December 31, 2017, for any retiree who is first employed~~
6 ~~or appointed in or to any position or office by a participating employer~~
7 ~~other than a participating employer for which such retiree was employed~~
8 ~~or appointed during the final two years of such retiree's participation, and,~~
9 ~~on or after April 1, 2009, for any retiree who is employed by a third-party~~
10 ~~entity who contracts services with a participating employer other than a~~
11 ~~participating employer for which such retiree was employed or appointed~~
12 ~~during the final two years of such retiree's participation to fill a position~~
13 ~~covered under K.S.A. 72-2215(a), and amendments thereto, with such~~
14 ~~retiree, such participating employer shall pay to the system the actuarially~~
15 ~~determined employer contribution and the statutorily prescribed employee~~
16 ~~contribution based on the retiree's compensation during any such period~~
17 ~~of employment or appointment. If a retiree is employed or appointed in or~~
18 ~~to any position or office for which compensation for service is paid in an~~
19 ~~amount equal to \$25,000 or more in any one calendar year between July 1,~~
20 ~~2016, and January 1, 2018, by any participating employer for which such~~
21 ~~retiree was employed or appointed during the final two years of such~~
22 ~~retiree's participation, and, on or after April 1, 2009, by any third-party~~
23 ~~entity who contracts services to fill a position covered under K.S.A. 72-~~
24 ~~2215(a), and amendments thereto, with such retiree with a participating~~
25 ~~employer for which such retiree was employed or appointed during the~~
26 ~~final two years of such retiree's participation, such retiree shall not~~
27 ~~receive any retirement benefit for any month for which such retiree serves~~
28 ~~in such position or office. The participating employer who employs such~~
29 ~~retiree whether by contract directly with the retiree or through an~~
30 ~~arrangement with a third-party entity shall report to the system within 30~~
31 ~~days of when the compensation paid to the retiree is equal to or exceeds~~
32 ~~any limitation provided by this section. Any participating employer who~~
33 ~~contracts services with any such third-party entity to fill a position covered~~
34 ~~under K.S.A. 72-2215(a), and amendments thereto, shall include in such~~
35 ~~contract a provision or condition which requires the third-party entity to~~
36 ~~provide the participating employer with the necessary compensation paid~~
37 ~~information related to any such position filled by the third-party entity~~
38 ~~with a retiree to enable the participating employer to comply with~~
39 ~~provisions of this subsection relating to the payment of contributions and~~
40 ~~reporting requirements. The provisions and requirements provided for in~~
41 ~~amendments made in this act which relate to positions filled with a retiree~~
42 ~~or employment of a retiree by a third-party entity shall not apply to any~~
43 ~~contract for services entered into prior to April 1, 2009, between a~~

1 participating employer and third-party entity as described in this
2 subsection. Any retirant employed by a participating employer or a third-
3 party entity as provided in this subsection shall not make contributions nor
4 receive additional credit under such system for such service except as
5 provided by this section. Upon request of the executive director of the
6 system, the secretary of revenue shall provide such information as may be
7 needed by the executive director to carry out the provisions of this act. The
8 provisions of this subsection shall not apply to retirants employed as
9 substitute teachers without a contract or officers, employees or appointees
10 of the legislature. The provisions of this subsection shall not apply to
11 members of the legislature. The provisions of this subsection shall not
12 apply to any other elected officials. Commencing July 1, 2005, the
13 provisions of this subsection shall not apply to retirants who either retired
14 under the provisions of subsection (1), or, if they retired under the
15 provisions of subsection (4), were retired more than 30 days prior to the
16 effective date of this act and are licensed professional nurses or licensed
17 practical nurses employed by the state of Kansas in an institution as
18 defined in K.S.A. 76-12a01(b) or K.S.A. 38-2302(k), and amendments
19 thereto, the Kansas soldiers' home or the Kansas veterans' home. Nothing
20 in this subsection shall be construed to create any right, or to authorize the
21 creation of any right, which is not subject to amendment or nullification by
22 act of the legislature. The participating employer of such retirant shall pay
23 to the system the actuarially determined employer contribution based on
24 the retirant's compensation during any such period of employment. The
25 provisions of the subsection shall expire on January 1, 2018.

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

33 (7)(b) (a)(i) ~~Except as provided in K.S.A. 74-4937(3), (4), or (5), and~~
34 ~~amendments thereto, and the provisions of this subsection, commencing~~
35 ~~July 1, 2016, and ending January 1, 2018, any retirant who is employed or~~
36 ~~appointed in or to any position by a participating employer, an independent~~
37 ~~contractor or a third-party entity who contracts services with a~~
38 ~~participating employer to fill a position, without any prearranged~~
39 ~~agreement with such participating employer and not prior to 60 days after~~
40 ~~such retirant's retirement date, shall not receive any retirement benefit for~~
41 ~~any month in any calendar year in which the retirant receives~~
42 ~~compensation in an amount equal to \$25,000 or more, pursuant to this~~
43 ~~subsection. Any participating employer who hires a retirant covered by this~~

1 subsection shall pay to the system the statutorily prescribed employer-
2 contribution rate for such retirant, without regard to whether the retirant is
3 receiving benefits.

4 (ii) Commencing January 1, 2018, for all retirements that occurred
5 prior to such date, any retirant who is employed or appointed in or to any
6 position by a participating employer, an independent contractor or a third-
7 party entity who contracts services with a participating employer to fill a
8 position, without any prearranged agreement with such participating
9 employer and not prior to 60 days after such retirant's retirement date, shall
10 not be subject to an earnings limitation that when met or exceeded requires
11 that the retirant not receive a retirement benefit for any month for which
12 such retirant serves in such position. If a retirant is employed in a covered
13 position, as defined in K.S.A. 74-49,202, and amendments thereto, the
14 participating employer of such retirant shall pay to the system the
15 statutorily prescribed employer contribution rate on the first ~~\$25,000-~~
16 ~~\$50,000~~ **\$40,000** of such retirant's compensation in a calendar year and a
17 30% employer contribution on any compensation in excess of ~~\$25,000-~~
18 ~~\$50,000~~ **\$40,000** in a calendar year during any such period of
19 employment. If a retirant is employed by more than one participating
20 employer or performing duties in more than one position, contributions
21 shall be made on compensation from all such employment for that
22 calendar year. If a retirant is employed in a non-covered position, no
23 employer contribution shall be paid to the system.

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

26 (i) Licensed professional nurses or licensed practical nurses
27 employed by the state of Kansas in an institution as defined in K.S.A. 76-
28 12a01(b) or 38-2302(k), and amendments thereto, the Kansas soldiers'
29 home or the Kansas veterans' home. The participating employer of such
30 retirant shall pay to the system the actuarially determined employer
31 contribution based on the retirant's compensation and the statutorily
32 prescribed employee contribution during any such period of employment;

33 (ii) employed by a school district in a position as provided in K.S.A.
34 74-4937(3), ~~(4) or (5)~~; and amendments thereto;

35 (iii) certified law enforcement officers employed by the law
36 enforcement training center. Such law enforcement officers shall receive
37 their benefits notwithstanding this subsection. The law enforcement
38 training center shall pay to the system the actuarially determined employer
39 contribution and the statutorily prescribed employee contribution based on
40 the retirant's compensation during any such period of employment;

41 (iv) members of the Kansas police and firemen's retirement system
42 pursuant to K.S.A. 74-4951 et seq., and amendments thereto, members of
43 the retirement system for judges pursuant to K.S.A. 20-2601 et seq., and

1 amendments thereto, or members of the state board of regents retirement
2 plan pursuant to K.S.A. 74-4925 et seq., and amendments thereto;

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

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

7 (vii) employed by, or have accepted employment from, a participating
8 employer prior to May 1, 2015. Any break in continuous employment by a
9 retirant or move to a different position by a retirant during the effective
10 period of this subsection shall be deemed new employment and shall
11 subject the retirant to the provisions of this subsection. Commencing
12 January 1, 2018, the participating employer of a retirant described in this
13 subsection ~~(7)(b)(vii) subparagraph~~ who is employed in a covered
14 position, as defined in K.S.A. 74-49,202, and amendments thereto, shall
15 pay to the system the statutorily prescribed employer contribution rate on
16 the first ~~\$25,000 \$50,000~~ **\$40,000** of such retirant's compensation in a
17 calendar year and a 30% employer contribution on any compensation in
18 excess of ~~\$25,000 \$50,000~~ **\$40,000** in a calendar year during any such
19 period of employment. If a retirant is employed by more than one
20 participating employer or performing duties in more than one position,
21 contributions shall be made on compensation from all such employment
22 for that calendar year. If a retirant is employed in a non-covered position,
23 no employer contribution shall be paid to the system;

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

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

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

34 (c) The participating employer shall enroll all retirants, including
35 retirants under subsection ~~(7)(b)(i)~~ *(6)(b)(i)*, (ii), (iii), (vii) and (viii), and
36 report to the system when compensation is paid to a retirant as provided in
37 this subsection. Such report shall contain a certification by the appointing
38 authority of the participating employer that any hired retirant has not been
39 employed by the participating employer within 60 days of such retirant's
40 retirement and that there was no prearranged agreement for employment
41 between the participating employer and the hired retirant. Upon request of
42 the executive director of the system, the participating employer shall
43 provide such information as may be needed by the executive director to

1 carry out the provisions of this subsection. No retirant shall make
2 contributions to the system or receive credit for service while employed
3 under the provisions of this subsection.

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

8 ~~(i)—The employer certifies to the board that the position being filled
9 has been vacated due to an unexpected emergency or the employer has
10 been unsuccessful in filling the position;~~

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

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

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

19 ~~(e) An employer may submit a written assurance protocol to the
20 system to extend the exception provided for in subsection (7)(d) by one-
21 year increments for a total extension not to exceed three years. A written
22 assurance protocol shall be submitted to the system for each one-year
23 increment extension. If a school district submits a written assurance
24 protocol, such written assurance protocol shall be signed by the
25 superintendent and the board president of such school district. If a
26 municipality, as defined in K.S.A. 75-1117, and amendments thereto, other
27 than a school district, submits a written assurance protocol, such written
28 assurance protocol shall be signed by the governing body or such
29 governing body's designee for such municipality. Such written assurance
30 protocol shall state that the position was advertised on multiple platforms
31 for a minimum of 30 calendar days and that at least one of the following
32 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 the appropriate licensure, certification or other necessary credentials for
38 the position.~~

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

40 ~~(f) Retirants who are independent contractors or employees of third-
41 party entities who contract with a participating employer, shall not be
42 subject to the compensation limitation or employer contribution
43 requirements in this subsection or the requirements of subsection (7)(e)~~

1 *paragraph (c)* regarding enrollment and reporting to the system, so long as
2 all of the following apply:

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

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

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

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

17 ~~(8)~~(7) (a) Except as provided in ~~subsection (8)(b)~~ *paragraph (b)*, if
18 determined by the retirement system that a retirant entered into a
19 prearranged agreement for employment with a participating employer
20 prior to such retirant's retirement and prior to the end of the subsequent 60-
21 day waiting period, or the 180-day waiting period under subsection ~~(10)~~
22 (9), the monthly retirement benefit of such retirant shall be suspended
23 during the period that begins on the month in which the retirant is re-
24 employed and ends six months after the retirant's termination of such
25 employment. The retirant shall repay to the retirement system all monthly
26 retirement benefits paid to the retirant by the retirement system that the
27 retirant received after such employment began. The participating employer
28 which hired such retirant shall be required to pay to the system any fees,
29 fines, penalties or any other cost imposed by the internal revenue service
30 and indemnify the system for any cost incurred by the system to defend
31 any action brought by the internal revenue service based on in-service
32 distributions which are a result of any determined prearranged agreement
33 and for any cost incurred by the system to collect any monthly retirement
34 benefit required to be repaid by such retirant pursuant to this subsection.

35 (b) For members who retired on and after July 1, 2016, and on or
36 before July 1, 2019, if determined by the retirement system that a retirant
37 entered into a prearranged agreement for employment with a participating
38 employer prior to such retirant's retirement date and the subsequent 60-day
39 waiting period, or the 180-day waiting period under subsection ~~(10)~~ (9),
40 and upon being notified of the violation, the retirant terminated such
41 employment, the provisions of ~~subsection~~ *paragraph (a)* shall not apply. If
42 any retirant had benefits suspended prior to July 1, 2019, such benefits
43 shall be reimbursed by the retirement system, if the retirant terminated

1 such prearranged employment in accordance with the provisions of this
2 act. On and after July 1, 2019, the executive director may waive such
3 penalties under this subsection if it is determined by the retirement system
4 that any of the following conditions were satisfied:

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

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

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

15 (c) On or before the first day of each regular session of the
16 legislature, beginning with the 2020 regular session, the executive director
17 shall submit an annual report on the number of waivers granted pursuant to
18 ~~subsection (8)(b)~~ *paragraph (b)* in the prior calendar year to the joint
19 committee on pensions, investments and benefits, the house of
20 representatives standing committee on financial institutions and pensions
21 and the senate standing committee on financial institutions and insurance,
22 or the successors of such committees.

23 ~~(9)~~(8) For the purposes of this section a prearranged agreement for
24 employment may be determined by whether the facts and circumstances of
25 the situation indicate that the employer and employee reasonably
26 anticipated that further services would be performed after the employee's
27 retirement.

28 ~~(10)~~(9) (a) Notwithstanding the provisions of subsection ~~(5) or (7)~~ (6)
29 to the contrary, commencing January 1, 2018, any retirant who is retired
30 more than 60 days, if such retirant's age on the date of retirement is 62 or
31 older, 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 covered
34 position, as defined in K.S.A. 74-49,202, and amendments thereto, or an
35 independent contractor or a third-party entity who contracts service to fill
36 such covered position shall not be subject to an earnings limitation that
37 when met or exceeded requires that the retirant not receive a retirement
38 benefit for any month for which such retirant serves in such covered
39 position. The participating employer of such retirant shall pay to the
40 system the statutorily prescribed employer contribution rate on the first
41 ~~\$25,000 \$50,000~~ **\$40,000** of such retirant's compensation in a calendar
42 year and a 30% employer contribution on any compensation in excess of
43 ~~\$25,000 \$50,000~~ **\$40,000** in a calendar year during any such period of

1 employment. If a retirant is employed by more than one participating
2 employer or performing duties in more than one position, contributions
3 shall be made on compensation from all such employment for that
4 calendar year.

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

17 (c) The participating employer shall enroll all retirants, including
18 retirants under subsection ~~(7)(b)(i)~~ (6)(b)(i), (ii), (iii), (vii) and (viii), and
19 report to the system when compensation is paid to a retirant as provided in
20 this subsection. Such report shall contain a certification by the appointing
21 authority of the participating employer that any hired retirant has not been
22 employed by the participating employer within 60 days of such retirant's
23 retirement in the case of a retirant whose age on the date of retirement is
24 62 or older, or within 180 days of such retirant's retirement in the case of a
25 retirant whose age on the date of retirement is less than 62, and that there
26 was no prearranged agreement for employment between the participating
27 employer and the hired retirant. Upon request of the executive director of
28 the system, the participating employer shall provide such information as
29 may be needed by the executive director to carry out the provisions of this
30 subsection. No retirant shall make contributions to the system or receive
31 credit for service while employed under the provisions of this subsection.

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

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

41 Sec. 3. K.S.A. 74-4937 is hereby amended to read as follows: 74-
42 4937. (1) The normal retirement date of a member of the system who is in
43 school employment and who is subject to K.S.A. 74-4940, and

1 amendments thereto, shall be the first day of the month coinciding with or
2 following termination of employment not followed by employment with
3 any participating employer within 60 days, or 180 days as provided in
4 K.S.A. 74-4914(10)(9), and amendments thereto, and without any
5 prearranged agreement for employment with any participating employer,
6 and the attainment of age 65 or, commencing July 1, 1986, age 65 or age
7 60 with the completion of 35 years of credited service or at any age with
8 the completion of 40 years of credited service, or commencing July 1,
9 1993, any alternative normal retirement date already prescribed by law or
10 age 62 with the completion of 10 years of credited service or the first day
11 of the month coinciding with or following the date that the total of the
12 number of years of credited service and the number of years of attained
13 age of the member is equal to or more than 85. Each member upon giving
14 prior notice to the appointing authority and the retirement system may
15 retire on the normal retirement date or the first day of any month
16 thereafter. Such member's application for retirement shall contain a
17 certification by the member that the member will not be employed with
18 any participating employer within 60 days, or 180 days as provided in
19 K.S.A. 74-4914(10)(9), and amendments thereto, of retirement and the
20 member has not entered into a prearranged agreement for employment
21 with any participating employer.

22 (2) Any member who is in school employment and who is subject to
23 K.S.A. 74-4940, and amendments thereto, may retire before such
24 member's normal retirement date on the first day of the month coinciding
25 with or following termination of employment not followed by employment
26 with any participating employer within 60 days, or 180 days as provided in
27 K.S.A. 74-4914(10)(9), and amendments thereto, and the attainment of age
28 55 with the completion of 10 years of credited service, upon the filing with
29 the office of the retirement system of an application for retirement in such
30 form and manner as the board shall prescribe. The member's application
31 for retirement shall contain a certification by the member that the member
32 will not be employed with any participating employer within 60 days, or
33 180 days as provided in K.S.A. 74-4914(10)(9), and amendments thereto,
34 of retirement and the member has not entered into a prearranged
35 agreement for employment with any participating employer.

36 (3) The provisions of K.S.A. 74-4914(5), (7) and (10)(6) and (9), and
37 amendments thereto, ~~which~~ *that* relate to an earnings limitation which
38 when met or exceeded requires that the retirant not receive a retirement
39 benefit for any month ~~for~~ *during* which such retirant serves in a position as
40 described herein shall not apply to retirants who either retired under the
41 provisions of K.S.A. 74-4914(1), and amendments thereto, related to
42 normal retirement, or, if they retired under the provisions of K.S.A. 74-
43 4914(4), and amendments thereto, related to early retirement, and are

1 subsequently hired in a position that requires a license under K.S.A. 72-
2 2157, and amendments thereto, or other provision of law. The provisions
3 of this subsection shall only apply to retirants who retired prior to January
4 1, 2018. Except as otherwise provided, when a retirant is employed by the
5 same school district or a different school district with which such retirant
6 was employed during the final two years of such retirant's participation or
7 employed as an independent contractor or by a third-party entity who
8 contracts services with a school district to fill a position as described in
9 this subsection, the participating employer of such retirant shall pay to the
10 system the actuarially determined employer contribution based on the
11 retirant's compensation during any such period of employment plus 8%.
12 Commencing January 1, 2018, if a retirant is employed in a covered
13 position, as defined in K.S.A. 74-49,202, and amendments thereto, the
14 participating employer shall pay to the system the statutorily prescribed
15 employer contribution rate on the first ~~\$25,000~~ ~~\$50,000~~ **\$40,000** of such
16 retirant's compensation in a calendar year and a 30% employer
17 contribution on any compensation in excess of ~~\$25,000~~ ~~\$50,000~~ **\$40,000**
18 in a calendar year during any such period of employment. If a retirant is
19 employed by more than one participating employer or performing duties in
20 more than one position, contributions shall be made on compensation from
21 all such employment for that calendar year. If a retirant is employed in a
22 non-covered position, no employer contribution shall be paid to the
23 system. The participating employer shall enroll all retirants and report to
24 the system when compensation is paid to a retirant as provided in this
25 subsection. Such notice shall contain a certification by the appointing
26 authority of the participating employer that any hired retirant has not been
27 employed by the participating employer within 60 days of such retirant's
28 retirement and that there was no prearranged agreement for employment
29 between the participating employer and the hired retirant. Upon request of
30 the executive director of the system, the participating employer shall
31 provide such information as may be needed by the executive director to
32 carry out the provisions of this subsection. The provisions of this
33 subsection shall not apply to retirants employed as substitute teachers
34 without a contract. ~~The provisions of K.S.A. 74-4914(5), and amendments~~
35 ~~thereto, shall be applicable to retirants employed as described in this~~
36 ~~subsection, except as specifically provided in this subsection.~~ Nothing in
37 this subsection shall be construed to create any right, or to authorize the
38 creation of any right, ~~which~~ *that* is not subject to amendment or
39 nullification by act of the legislature.

40 ~~(4) (a) On and after July 1, 2016, a school district may hire a retired~~
41 ~~licensed professional to fill a special teacher position as defined in K.S.A.~~
42 ~~72-3404, and amendments thereto, if such retirant is hired not prior to 60~~
43 ~~days after such retirant's retirement date without any prearrangement with~~

1 such school district in the manner prescribed in this subsection. The
2 participating employer shall enroll all retirants and report to the system
3 when compensation is paid to a retirant as provided in this subsection.
4 Such notice shall contain a certification by the appointing authority of the
5 participating employer that any hired retirant has not been employed by
6 the participating employer within 60 days of such retirant's retirement and
7 that there was no prearranged agreement for employment between the
8 participating employer and the hired retirant. Upon request of the
9 executive director of the system, the participating employer shall provide
10 such information as may be needed by the executive director to carry out
11 the provisions of this subsection.

12 (b) A retirant hired under the provisions of this subsection may
13 continue to receive such retirant's full retirement benefit for a period not to
14 exceed three school years or 36 months, whichever is less, and shall not be
15 subject to the provisions of K.S.A. 74-4914(5), and amendments thereto,
16 which relate to a compensation limitation which when met or exceeded
17 requires that the retirant not receive a retirement benefit for any month for
18 which such retirant serves in a position as described herein. Such retirant
19 may be employed by such employer for some or all of a school year, and
20 in subsequent school years if the employer is unable to permanently fill the
21 position with active members, so long as the retirant's total term of
22 employment with all employers under this subsection does not exceed 36
23 months or three school years, whichever is less. After such period, the
24 retirant shall be subject to the provisions of K.S.A. 74-4914(7), and
25 amendments thereto, which relate to a compensation limitation which
26 when met or exceeded requires that the retirant not receive a retirement
27 benefit for any month for which such retirant serves in a position as
28 described herein. The participating employer of such retirant shall pay to
29 the system a 30% employer contribution based on the retirant's
30 compensation during any such period of employment. The provisions of
31 this subsection shall not apply to retirants employed as substitute teachers
32 without a contract. The provisions of K.S.A. 74-4914(5), and amendments
33 thereto, shall be applicable to retirants employed as special teachers,
34 except as specifically provided in this subsection.

35 (c) Each school district that uses the provisions of this subsection to
36 hire retirants shall maintain documentation describing their recruiting
37 efforts to obtain non-retirant employees to fill the special teacher positions.
38 Upon request of the joint committee on pensions, investments and
39 benefits, an employer shall provide such documentation to the committee.
40 If the committee finds that an employer has not made sufficient efforts to
41 hire a non-retirant for the position or if the committee finds evidence of
42 prearrangement in violation of this section, the three-year exemption
43 provided pursuant to this subsection may be revoked. The committee shall

1 notify the executive director of the system that a retiree's exemption has
2 been revoked within 30 days of making such a determination.

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

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

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

13 ~~(iii) if applications were submitted, none of the applicants possessed~~
14 ~~an appropriate teaching license for the state of Kansas or possessed the~~
15 ~~appropriate credentials to receive any type of teaching license from the~~
16 ~~state of Kansas.~~

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

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

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

36 ~~(b) The state board of education shall annually certify the top five~~
37 ~~types of licensed positions that are hard to fill. A school district may hire a~~
38 ~~retiree to fill a hard-to-fill position for some or all of a school year and in~~
39 ~~subsequent school years if the employer is unable to permanently fill the~~
40 ~~position with an active member. A retiree first hired under the provisions~~
41 ~~of this subsection may be retained by an employer even if such retiree's~~
42 ~~type of position is no longer one of the five types of positions certified by~~
43 ~~the state board of education. A retiree hired under the provisions of this~~

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

24 (e) Each school district that uses the provisions of this subsection to
25 hire retirants for hard-to-fill positions shall maintain documentation
26 describing their recruiting efforts to obtain non-retirant employees to fill
27 the hard-to-fill positions. Upon request of the joint committee on pensions,
28 investments and benefits, a school district shall provide such
29 documentation to the committee. If the committee finds that a school
30 district has not made sufficient efforts to hire a non-retirant for the position
31 or if the committee finds evidence of prearrangement in violation of this
32 section, the three-year exemption provided pursuant to this subsection may
33 be revoked. The committee shall notify the executive director of the
34 system that a retirant's exemption has been revoked within 30 days of
35 making such a determination:

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

43 (i) No applications were submitted for the position;

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

3 (iii) ~~if applications were submitted, none of the applicants possessed~~
4 ~~an appropriate teaching license for the state of Kansas or possessed the~~
5 ~~appropriate credentials to receive any type of teaching license from the~~
6 ~~state of Kansas.~~

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

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

11 ~~(6)(4)~~ The provisions of K.S.A. 74-4914~~(8)~~(7), and amendments
12 thereto, shall apply to retirants under the provisions of this section.

13 ~~(7)(5)~~ For the purposes of this section a prearranged agreement for
14 employment may be determined by whether the facts and circumstances of
15 the situation indicate that the employer and employee reasonably
16 anticipated that further services would be performed after the employee's
17 retirement.

18 ~~Sec. 3.~~ **4. K.S.A. 74-4957 is hereby amended to read as follows:**
19 **74-4957. (1) The normal retirement date for a member of the system**
20 **who is appointed or employed prior to July 1, 1989, and who does not**
21 **make an election pursuant to K.S.A. 74-4955a, and amendments**
22 **thereto, shall be the first day of the month coinciding with or following**
23 **termination of employment not followed by employment with any**
24 **participating employer within 30 days, and the attainment of age 55**
25 **and the completion of 20 years of credited service or the completion of**
26 **32 years of credited service regardless of the age of the member. Any**
27 **member may retire on such member's normal retirement date or on**
28 **the first day of any month thereafter.**

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

37 **(3) Notwithstanding the provisions of subsections (1) and (2) of**
38 **this section and K.S.A. 74-4955a, 74-4957a, 74-4958a, 74-4960a, 74-**
39 **4963a and 74-4964a, and amendments thereto, the normal retirement date**
40 **for any member who was, up to the entry date of such member's employer,**
41 **covered by a pension system under the provisions of K.S.A. 13-14a01 to**
42 **through 13-14a14, inclusive, or 14-10a01 to through 14-10a15, inclusive,**
43 **and amendments thereto, shall be the first day of the month coinciding**

1 with or following the attainment of age 50 and the completion of 25 years
2 of credited service.

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

7 **(5) If a retirant who retired on or after July 1, 1994, is employed,**
8 **elected or appointed in or to any position or office for which**
9 **compensation for service is paid in an amount equal to ~~\$25,000~~**
10 **~~\$40,000~~ or more in any one such calendar year, by the same state**
11 **agency or the same police or fire department of any county, city,**
12 **township or special district or the same sheriff's office of a county**
13 **during the final two years of such retirant's participation, such**
14 **retirant shall not receive any retirement benefit for any month for**
15 **which such retirant serves in such position or office. The participating**
16 **employer shall report to the system within 30 days of when the**
17 **compensation paid to the retirant is equal to or exceeds any limitation**
18 **provided by this section. Any retirant employed by a participating**
19 **employer in the Kansas police and firemen's retirement system shall**
20 **not make contributions nor receive additional credit under such**
21 **system for such service except as provided by this section. Upon**
22 **request of the executive director of the system, the secretary of**
23 **revenue shall provide such information as may be needed by the**
24 **executive director to carry out the provisions of this act.**

25 **Sec. ~~4~~ 5. K.S.A. 74-4957a is hereby amended to read as follows:**
26 **74-4957a. (1) The normal retirement date for a member of the system**
27 **who is appointed or employed on or after July 1, 1989, or who makes**
28 **an election pursuant to K.S.A. 74-4955a, and amendments thereto, to**
29 **be covered by the provisions of this act shall be the first day of the**
30 **month coinciding with or following termination of employment not**
31 **followed by employment with any participating employer within 30**
32 **days and the attainment of age 55 and the completion of 20 years of**
33 **credited service, age 50 and the completion of 25 years of credited**
34 **service or age 60 with the completion of 15 years of credited service.**
35 **Any such member may retire on such member's normal retirement**
36 **date or on the first day of any month thereafter.**

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

42 **(3) In no event shall a member be eligible to retire until such**
43 **member has been a contributing member of the system for 12 months**

1 of participating service, and shall have given such member's employer
2 prior notice of retirement.

3 (4) If a retirant who retired on or after July 1, 1996, is employed,
4 elected or appointed in or to any position or office for which
5 compensation for service is paid in an amount equal to ~~to—\$25,000—~~
6 ~~\$40,000~~ or more in any one such calendar year, by the same state
7 agency or the same police or fire department of any county, city,
8 township or special district or the same sheriff's office of a county
9 during the final two years of such retirant's participation, such
10 retirant shall not receive any retirement benefit for any month for
11 which such retirant serves in such position or office. The participating
12 employer shall report to the system within 30 days of when the
13 compensation paid to the retirant is equal to or exceeds any limitation
14 provided by this section. Any retirant employed by a participating
15 employer in the Kansas police and firemen's retirement system shall
16 not make contributions nor receive additional credit under such
17 system for such service except as provided by this section. Upon
18 request of the executive director of the system, the secretary of
19 revenue shall provide such information as may be needed by the
20 executive director to carry out the provisions of this act.

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

26 *{Sec. 6. K.S.A. 74-4989 is hereby amended to read as follows: 74-*
27 *4989. (1) (a) Except as provided in paragraph (b), pursuant to the*
28 *provisions of K.S.A. 74-49,128, and amendments thereto, upon the death*
29 *of a retirant, the board of trustees of the Kansas public employees*
30 *retirement system shall pay a lump-sum death benefit to: (i) The*
31 *retirant's beneficiary which that shall not exceed ~~\$4,000~~ \$6,000 for such*
32 *retirant, less any amount payable for funeral benefits under the*
33 *applicable provisions of any local police or fire pension plan, as defined*
34 *by ~~subsection (c) of K.S.A. 12-5001(c), and amendments thereto; or to~~*
35 *(ii) a funeral establishment as directed by the retirant and filed in the*
36 *office of the system prior to such retirant's death.*

37 *(b) Notwithstanding the provisions of K.S.A. 74-4923, and*
38 *amendments thereto, any amounts owed the system shall be deducted*
39 *from such lump-sum death benefit.*

40 *(2) As used in this section, "retirant" means any person who is a*
41 *member or special member of the Kansas public employees retirement*
42 *system, the Kansas police and firemen's retirement system, the state*
43 *school retirement system or the retirement system for judges and who*

1 *has retired.*

2 *Sec. 7. K.S.A. 74-49,315 is hereby amended to read as follows: 74-*
3 *49,315. A member's beneficiary shall be determined as provided in the*
4 *pre-2015 plan. Upon filing a written application with the board after the*
5 *death of a member receiving a benefit under*~~subsections (a) or (b) of~~
6 *K.S.A. 74-49,313(a) or (b), and amendments thereto, the member's*
7 *beneficiary is entitled to a \$4,000 the lump-sum death benefit as provided*
8 *in K.S.A. 74-4989, and amendments thereto.*

9 ~~Sec. 3-5, 6, {8.}~~ K.S.A. 74-4937, ~~74-4957 and {,}~~ 74-4957a{, 74-4989
10 *and 74-49,315}* and K.S.A. 2023 Supp. 74-4911 *and* 74-4914 are hereby
11 repealed.

12 ~~Sec. 4-6, 7, {9.}~~ This act shall take effect and be in force from and
13 after its publication in the statute book.