

HOUSE BILL No. 2653

By Committee on Pensions and Benefits

2-9

AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; special provisions for certain retirees; certain duties of the joint committee on pensions, investments and benefits; amending K.S.A. 2015 Supp. 46-2201, 74-4914 and 74-4937 and repealing the existing sections.

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

Section 1. K.S.A. 2015 Supp. 46-2201 is hereby amended to read as follows: 46-2201. (a) There is hereby created the joint committee on pensions, investments and benefits which shall be composed of five senators and eight members of the house of representatives. The five senate members shall be the chairperson of the standing committee on ways and means of the senate, or a member of such committee appointed by the chairperson, two members appointed by the president and two members appointed by the minority leader. The eight representative members shall be the chairperson of the standing committee on appropriations of the house of representatives, or a member of such committee appointed by the chairperson, four members appointed by the speaker and three members appointed by the minority leader.

(b) All members of the joint committee on pensions, investments and benefits shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. The chairperson and vice-chairperson serving on the effective date of this act will continue to serve in such capacities through June 30, 1998. On and after July 1, 1998, and until the first day of the 1999 regular legislative session, the chairperson shall be one of the senate members of the joint committee selected by the president and the vice-chairperson shall be one of the representative members selected by the speaker. Thereafter, on and after the first day of the regular legislative session in odd-numbered years, the chairperson shall be one of the representative members of the joint committee selected by the speaker and the vice-chairperson shall be one of the senate members selected by the president and on and after the first day of the regular legislative session in even-numbered years, the chairperson shall be one of the senate members of the joint committee selected by the president and the vice-chairperson shall be one of the representative members of the joint committee selected by the speaker. The chairperson and vice-

Proposed amendments to HB 2653
2/17/2016

House Committee on Pensions and Benefits

Working after retirement subcommittee amendments with suggested language from KPERS relating to the calculation of the employer rate of contribution on page 4.

Prepared by David Wiese, Office of Revisor of Statutes

1 chairperson of the joint committee shall serve in such capacities until the
2 first day of the regular legislative session in the ensuing year. The vice-
3 chairperson shall exercise all of the powers of the chairperson in the
4 absence of the chairperson.

5 (c) The joint committee on pensions, investments and benefits shall
6 meet at any time and at any place within the state on call of the
7 chairperson. Members of the joint committee shall receive compensation
8 and travel expenses and subsistence expenses or allowances as provided in
9 K.S.A. 75-3212, and amendments thereto, when attending meetings of
10 such committee authorized by the legislative coordinating council.

11 (d) In accordance with K.S.A. 46-1204, and amendments thereto, the
12 legislative coordinating council may provide for such professional services
13 as may be requested by the joint committee on pensions, investments and
14 benefits.

15 (e) The joint committee on pensions, investments and benefits may
16 introduce such legislation as deemed necessary in performing such
17 committee's functions.

18 (f) The joint committee on pensions, investments and benefits shall:

19 (1) Monitor, review and make recommendations regarding
20 investment policies and objectives formulated by the board of trustees of
21 the Kansas public employees retirement system;

22 (2) review and make recommendations relating to benefits for
23 members under the Kansas public employees retirement system;

24 (3) consider and make recommendations to the standing committee of
25 the senate specified by the president of the senate relating to the
26 confirmation of members of the board of trustees of the Kansas public
27 employees retirement system appointed pursuant to K.S.A. 74-4905, and
28 amendments thereto. The information provided by the Kansas bureau of
29 investigation or other criminal justice agency pursuant to K.S.A. 74-
30 4905(h), and amendments thereto, relating to the confirmation of members
31 of the board to the standing committee of the senate specified by the
32 president shall be forwarded by the Kansas bureau of investigation or such
33 other criminal justice agency to such joint committee for such joint
34 committee's consideration and other than conviction data, shall be
35 confidential and shall not be disclosed except to members and employees
36 of the joint committee as necessary to determine qualifications of such
37 member. The committee, in accordance with K.S.A. 75-4319, and
38 amendments thereto, shall recess for a closed or executive meeting to
39 receive and discuss information received by the committee pursuant to this
40 subsection;

41 (4) review and make recommendations relating to the inclusion of
42 city and county correctional officers as eligible members of the Kansas
43 police and firemen's retirement system; and

(5) review reports ~~and approve or deny~~ ~~appeals~~ regarding working after retirement exceptions pursuant to K.S.A. 74-4914 and 74-4937, and amendments thereto. The joint committee may appoint a subcommittee to carry out the provisions of this subsection.

Sec. 2. K.S.A. 2015 Supp. 74-4914 is hereby amended to read as follows: 74-4914. (1) The normal retirement date for a member of the system shall be the first day of the month coinciding with or following termination of employment with any participating employer not followed by employment with any participating employer within 60 days and the attainment of age 65 or, commencing July 1, 1993, age 62 with the completion of 10 years of credited service or the first day of the month coinciding with or following the date that the total of the number of years of credited service and the number of years of attained age of the member is equal to or more than 85. In no event shall a normal retirement date for a member be before six months after the entry date of the participating employer by whom such member is employed. A member may retire on the normal retirement date or on the first day of any month thereafter upon the filing with the office of the retirement system of an application in such form and manner as the board shall prescribe. Nothing herein shall prevent any person, member or retiree from being employed, appointed or elected as an employee, appointee, officer or member of the legislature. Elected officers may retire from the system on any date on or after the attainment of the normal retirement date, but no retirement benefits payable under this act shall be paid until the member has terminated such member's office.

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

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

(4) Any member may retire before such member's normal retirement date on the first day of any month coinciding with or following termination of employment with any participating employer not followed by employment with any participating employer within 60 days and the attainment of age 55 with the completion of 10 years of credited service, but in no event before six months after the entry date, upon the filing with the office of the retirement system of an application for retirement in such form and manner as the board shall prescribe.

(5) Except as provided in ~~subsection (7)~~ K.S.A. 74-4937(3), (4) or (5), ~~and amendments thereto~~, on or after July 1, 2006, for any retiree who is first employed or appointed in or to any position or office by a

1 participating employer other than a participating employer for which such
 2 retiree was employed or appointed during the final two years of such
 3 retiree's participation, and, on or after April 1, 2009, for any retiree who
 4 is employed by a third-party entity who contracts services with a
 5 participating employer other than a participating employer for which such
 6 retiree was employed or appointed during the final two years of such
 7 retiree's participation to fill a position covered under K.S.A. 72-5410(a),
 8 and amendments thereto, with such retiree, such participating employer
 9 shall pay to the system the actuarially determined employer contribution
 10 ~~and the statutorily prescribed employee a 30% employer contribution~~
 11 based on the retiree's compensation during any such period of
 12 employment or appointment. If a retiree who retired on or after July 1,
 13 1988, is employed or appointed in or to any position or office for which
 14 compensation for service is paid in an amount equal to \$20,000 or more in
 15 any one such calendar year, or \$25,000 or more in any one calendar year
 16 between July 1, 2016, and July 1, 2021, by any participating employer for
 17 which such retiree was employed or appointed during the final two years
 18 of such retiree's participation, and, on or after April 1, 2009, by any third-
 19 party entity who contracts services to fill a position covered under K.S.A.
 20 72-5410(a), and amendments thereto, with such retiree with a
 21 participating employer for which such retiree was employed or appointed
 22 during the final two years of such retiree's participation, such retiree shall
 23 not receive any retirement benefit for any month for which such retiree
 24 serves in such position or office. The participating employer who employs
 25 such retiree whether by contract directly with the retiree or through an
 26 arrangement with a third-party entity shall report to the system within 30
 27 days of when the compensation paid to the retiree is equal to or exceeds
 28 any limitation provided by this section. Any participating employer who
 29 contracts services with any such third-party entity to fill a position covered
 30 under K.S.A. 72-5410(a), and amendments thereto, shall include in such
 31 contract a provision or condition which requires the third-party entity to
 32 provide the participating employer with the necessary compensation paid
 33 information related to any such position filled by the third-party entity
 34 with a retiree to enable the participating employer to comply with
 35 provisions of this subsection relating to the payment of contributions and
 36 reporting requirements. The provisions and requirements provided for in
 37 amendments made in this act which relate to positions filled with a retiree
 38 or employment of a retiree by a third-party entity shall not apply to any
 39 contract for services entered into prior to April 1, 2009, between a
 40 participating employer and third-party entity as described in this
 41 subsection. Any retiree employed by a participating employer or a third-
 42 party entity as provided in this subsection shall not make contributions nor
 43 receive additional credit under such system for such service except as

On or before July 1, 2019, and at least every three years thereafter, the board, in consultation with the system's consulting actuary, shall evaluate the plan's experience with employment of such retirees and the corresponding employer contribution rate to assess whether the employer contribution rate can be expected to fund adverse experience or higher liabilities accruing under the system in connection with employment of such retirees, to the extent that such liability can be ascertained or estimated. Based on this evaluation of the plan's experience, the board may certify to the division of the budget, in the case of the state, and to the agent for each other participating employer, a new rate if needed to more fully fund such adverse experience or additional liabilities, but such rate shall not be less than 30%. A retiree hired under the provisions of this subsection by a participating employer other than a participating employer for which such retiree was employed or appointed during the final two years of such retiree's participation or who is employed by a third-party entity who contracts services with a participating employer other than a participating employer for which such retiree was employed or appointed during the final two years of such retiree's participation may continue to receive such retiree's full retirement benefit so long as such retiree's total term of employment with all employers under this subsection does not exceed 36 months or three school years, whichever is less, regardless of the number of participating employers who hire such retiree under the provisions of this subsection.

1 provided by this section. Upon request of the executive director of the
2 system, the secretary of revenue shall provide such information as may be
3 needed by the executive director to carry out the provisions of this act. The
4 provisions of this subsection shall not apply to retirees employed as
5 substitute teachers or officers, employees or appointees of the legislature.
6 The provisions of this subsection shall not apply to members of the
7 legislature prior to January 8, 2000. The provisions of this subsection shall
8 not apply to any other elected officials prior to the term of office of such
9 elected official which commences on or after July 1, 2000. The provisions
10 of this subsection shall apply to any other elected official, except an
11 elected city or county officer as further provided in this subsection, on and
12 after the term of office of such other elected official which commences on
13 or after July 1, 2000. Notwithstanding any provisions of law to the
14 contrary, when an elected city or county officer is retired under the
15 provisions of subsection (1) or (4) of this section and is paid an amount of
16 compensation of \$25,000 or more in any one calendar year between July 1,
17 2016, and July 1, 2021, such officer may receive such officer's salary, and
18 still be entitled to receive such officer's retirement benefit pursuant to the
19 provisions of K.S.A. 74-4915 et seq., and amendments thereto. Except as
20 otherwise provided, commencing January 8, 2001, the provisions of this
21 subsection shall apply to members of the legislature. For determination of
22 the amount of compensation paid pursuant to this subsection, for members
23 of the legislature, compensation shall include any amount paid as provided
24 pursuant to K.S.A. 46-137a(a), (b), (c) and (d), and amendments thereto,
25 or pursuant to K.S.A. 46-137b, and amendments thereto. Notwithstanding
26 any provision of law to the contrary, when a member of the legislature is
27 paid an amount of compensation of \$20,000 or more in any one calendar
28 year, the member may continue to receive any amount provided in K.S.A.
29 46-137a(b) and (d), and amendments thereto, and still be entitled to
30 receive such member's retirement benefit. Commencing July 1, 2005, the
31 provisions of this subsection shall not apply to retirees who either retired
32 under the provisions of subsection (1), or, if they retired under the
33 provisions of subsection (4), were retired more than 30 days prior to the
34 effective date of this act and are licensed professional nurses or licensed
35 practical nurses employed by the state of Kansas in an institution as
36 defined in K.S.A. 76-12a01(b) or K.S.A. 38-2302(f), and amendments
37 thereto, the Kansas soldiers' home or the Kansas veterans' home. Nothing
38 in this subsection shall be construed to create any right, or to authorize the
39 creation of any right, which is not subject to amendment or nullification by
40 act of the legislature. The participating employer of such retiree shall pay
41 to the system the actuarially determined employer contribution based on
42 the retiree's compensation during any such period of employment.

43 (6) For purposes of this section, any employee of a local

1 governmental unit which has its own pension plan who becomes an
2 employee of a participating employer as a result of a merger or
3 consolidation of services provided by local governmental units, which
4 occurred on January 1, 1994, may count service with such local
5 governmental unit in determining whether such employee has met the
6 years of credited service requirements contained in this section.

7 (7) (a) Except as provided in K.S.A. 74-4937(3), (4), or (5), and
8 amendments thereto, and the provisions of this subsection, commencing
9 July 1, 2016, and ending July 1, 2021, any retiree who is employed or
10 appointed in or to any position by ~~a~~ any participating employer *for which*
11 *such retiree was employed or appointed during the final two years of*
12 *such retiree's participation or a third-party entity who contracts services*
13 *with a participating employer for which such retiree was employed or*
14 *appointed during the final two years of such retiree's participation*, to fill
15 a position, without any prearranged agreement with such participating
16 employer and not prior to 60 days after such retiree's retirement date, shall
17 not receive any retirement benefit for any month in any calendar year in
18 which the retiree receives compensation in an amount equal to \$25,000 or
19 more, pursuant to this subsection. The provisions of this subsection shall
20 apply to members of the legislature.

21 (b) The provisions of this subsection shall not apply to retirees that
22 are:

23 (i) Licensed professional nurses or licensed practical nurses
24 employed by the state of Kansas in an institution as defined in K.S.A. 76-
25 12a01(b) or 38-2302(f), and amendments thereto, the Kansas soldiers'
26 home or the Kansas veterans' home. The participating employer of such
27 retiree shall pay to the system the actuarially determined employer
28 contribution based on the retiree's compensation and the statutorily
29 prescribed employee contribution during any such period of employment;

30 (ii) employed by a school district in a position as provided in K.S.A.
31 74-4937(3), (4) or (5), and amendments thereto;

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

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

42 (v) employed as substitute teachers or officers, employees or
43 appointees of the legislature; and

(vi) employed by, or have accepted employment from, a participating employer prior to May 1, 2015. Any break in continuous employment by a retiree or move to a different position by a retiree during the effective period of this subsection shall be deemed new employment and shall subject the retiree to the provisions of this subsection.

(c) The participating employer shall enroll all retirees and report to the system when compensation is paid to a retiree as provided in this subsection. Upon request of the executive director of the system, the participating employer shall provide such information as may be needed by the executive director to carry out the provisions of this subsection. Any participating employer who hires a retiree covered by this subsection shall pay to the system the statutorily prescribed employer contribution rate for such retiree, without regard to whether the retiree is receiving benefits. No retiree shall receive credit for service while employed under the provisions of this subsection.

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

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

(ii) the employer pays to the system the actuarially determined employer contribution based on the retiree's compensation during any such period of employment plus 8%;

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

(e) An employer may submit a written appeal assurance protocol to the joint committee on pensions, investments and benefits system to extend the exception provided for in subsection (7)(d) by ~~one year~~. If a school district submits a written assurance protocol, such written assurance protocol shall be signed by the superintendent and the board president of such school district. If a municipality, as defined in K.S.A. 75-1117, and amendments thereto, other than a school district, submits a written assurance protocol, such written assurance protocol shall be signed by the governing body or such governing body's designee for such municipality. Such written appeal assurance protocol shall include documentation of the employer's efforts to fill the position with a non-retiree. Granting or denial of such extension shall be at the sole discretion of the committee.

~~state that the position was advertised on multiple platforms for a minimum of 30 calendar days and that at least one of the following conditions~~

a period not to exceed three calendar years or three school years as the case may be

1 occurred.

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

3 (ii) if applications were submitted, none of the applicants met the
4 reference screening criteria of the employer; or

5 (iii) if applications were submitted, none of the applicants possessed
6 the appropriate licensure, certification or other necessary credentials for
7 the position.

8 (f) On July 1, 2016, and at least every five years thereafter, the joint
9 committee on pensions, investments and benefits shall study the issue of
10 whether the compensation limitation prescribed in this subsection should
11 be adjusted. The committee shall consider the effect of inflation and data
12 on member retirement benefits and active employee compensation.

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

16 Sec. 3. K.S.A. 2015 Supp. 74-4937 is hereby amended to read as
17 follows: 74-4937. (1) The normal retirement date of a member of the
18 system who is in school employment and who is subject to K.S.A. 74-
19 4940, and amendments thereto, shall be the first day of the month
20 coinciding with or following termination of employment not followed by
21 employment with any participating employer within 60 days and the
22 attainment of age 65 or, commencing July 1, 1986, age 65 or age 60 with
23 the completion of 35 years of credited service or at any age with the
24 completion of 40 years of credited service, or commencing July 1, 1993,
25 any alternative normal retirement date already prescribed by law or age 62
26 with the completion of 10 years of credited service or the first day of the
27 month coinciding with or following the date that the total of the number of
28 years of credited service and the number of years of attained age of the
29 member is equal to or more than 85. Each member upon giving prior
30 notice to the appointing authority and the retirement system may retire on
31 the normal retirement date or the first day of any month thereafter.

32 (2) Any member who is in school employment and who is subject to
33 K.S.A. 74-4940, and amendments thereto, may retire before such
34 member's normal retirement date on the first day of the month coinciding
35 with or following termination of employment not followed by employment
36 with any participating employer within 60 days and the attainment of age
37 55 with the completion of 10 years of credited service, upon the filing with
38 the office of the retirement system of an application for retirement in such
39 form and manner as the board shall prescribe.

40 (3) ~~Before July 1, 2017,~~ The provisions of K.S.A. 74-4914(5), and
41 amendments thereto, which relate to an earnings limitation which when
42 met or exceeded requires that the retiree not receive a retirement benefit
43 for any month for which such retiree serves in a position as described

Before July 1, 2020,

1 herein shall not apply to retirees who either retired under the provisions of
 2 K.S.A. 74-4914(1), and amendments thereto, related to normal retirement,
 3 or, if they retired under the provisions of K.S.A. 74-4914(4), and
 4 amendments thereto, related to early retirement, were retired more than 60
 5 days prior to May 28, 2009, and are subsequently hired in a position that
 6 requires a license under K.S.A. 72-1388, and amendments thereto, or other
 7 provision of law. The provisions of this subsection shall only apply to
 8 retirees who retired prior to May 1, 2015. The provisions of this
 9 subsection do not apply to retirees who retired under K.S.A. 74-4914(4),
 10 and amendments thereto, which relates to early retirement prior to age 62.
 11 Except as otherwise provided, when a retiree is employed by the same
 12 school district or a different school district with which such retiree was
 13 employed during the final two years of such retiree's participation or
 14 employed by a third-party entity who contracts services with a school
 15 district to fill a position as described in this subsection, the participating
 16 employer of such retiree shall pay to the system the actuarially
 17 determined employer contribution based on the retiree's compensation
 18 during any such period of employment plus 8%. The participating
 19 employer shall enroll all retirees and report to the system when
 20 compensation is paid to a retiree as provided in this subsection. Upon
 21 request of the executive director of the system, the participating employer
 22 shall provide such information as may be needed by the executive director
 23 to carry out the provisions of this subsection. The provisions of this
 24 subsection shall not apply to retirees employed as substitute teachers. The
 25 provisions of K.S.A. 74-4914(5), and amendments thereto, shall be
 26 applicable to retirees employed as described in this subsection, except as
 27 specifically provided in this subsection. Nothing in this subsection shall be
 28 construed to create any right, or to authorize the creation of any right,
 29 which is not subject to amendment or nullification by act of the legislature.
 30 ~~The provisions of this subsection shall expire on June 30, 2017. After such~~
 31 ~~date the Kansas public employees retirement system and its actuary shall~~
 32 ~~report the experience to the joint committee on pensions, investments and~~
 33 ~~benefits.~~

34 (4) (a) On and after July 1, 2016, a school district may hire a retired
 35 licensed professional to fill a special teacher position as defined in K.S.A.
 36 72-962, and amendments thereto, if such retiree is hired not prior to 60
 37 days after such retiree's retirement date without any prearrangement with
 38 such school district in the manner prescribed in this subsection. The
 39 participating employer shall enroll all retirees and report to the system
 40 when compensation is paid to a retiree as provided in this subsection.
 41 Upon request of the executive director of the system, the participating
 42 employer shall provide such information as may be needed by the
 43 executive director to carry out the provisions of this subsection.

The provisions of this subsection shall expire on
 June 30, 2020. After such date the Kansas public
 employees retirement system and its actuary shall
 report the experience to the joint committee on
 pensions, investments and benefits.

(b) A retiree hired under the provisions of this subsection may continue to receive such retiree's full retirement benefit for a period not to exceed three school years or 36 months, whichever is less, and shall not be subject to the provisions of K.S.A. 74-4914(5), and amendments thereto, which relate to a compensation limitation which when met or exceeded requires that the retiree not receive a retirement benefit for any month for which such retiree serves in a position as described herein. Such retiree may be employed by such employer for some or all of a school year, and in subsequent school years if the employer is unable to permanently fill the position with active members, so long as the retiree's total term of employment with all employers under this subsection does not exceed 36 months or three school years, whichever is less. After such period, the retiree shall be subject to the provisions of K.S.A. 74-4914(7), and amendments thereto, which relate to a compensation limitation which when met or exceeded requires that the retiree not receive a retirement benefit for any month for which such retiree serves in a position as described herein. The participating employer of such retiree shall pay to the system the actuarially determined employer contribution based on the retiree's compensation during any such period of employment plus 8%. The provisions of this subsection shall not apply to retirees employed as substitute teachers. The provisions of K.S.A. 74-4914(5), and amendments thereto, shall be applicable to retirees employed as special teachers, except as specifically provided in this subsection.

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

(d) An employer may submit a written appeal assurance protocol to the joint committee on pensions, investments and benefits system to extend the exception provided for in this subsection by one year. Such written assurance protocol shall be signed by the superintendent and board president of the school district. Such written appeal assurance protocol shall include documentation of the employer's efforts to fill the position with a non-retiree. Granting or denial of such extension shall be at the sole discretion of the committee. The committee shall notify the executive director of the system that a retiree's exemption has been extended within

~~30 days of making such a determination state that the position was advertised on multiple platforms for a minimum of 30 calendar days and that at least one of the following conditions occurred:~~

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

~~(ii) if applications were submitted, none of the applicants met the reference screening criteria of the school district; or~~

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

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

~~(f) The provisions of this subsection shall expire on July 1, 2021.~~

~~(5) (a) On and after July 1, 2016, a school district may hire a retired licensed professional to fill a non-special teacher position if such retiree is hired not prior to 60 days after such retiree's retirement date without any prearrangement with such school district, and if such school district hires a retiree for a hard-to-fill position in the manner prescribed in this subsection. The participating employer shall enroll all retirees and report to the system when compensation is paid to a retiree as provided in this subsection. Upon request of the executive director of the system, the participating employer shall provide such information as may be needed by the executive director to carry out the provisions of this subsection.~~

~~(b) The state board of education shall annually certify the top five types of licensed positions that are hard to fill. A school district may hire a retiree to fill a hard-to-fill position for some or all of a school year and in subsequent school years if the employer is unable to permanently fill the position with an active member. A retiree first hired under the provisions of this subsection may be retained by an employer even if such retiree's type of position is no longer one of the five types of positions certified by the state board of education. A retiree hired under the provisions of this subsection may continue to receive such retiree's full retirement benefit for a period not to exceed three school years or 36 months, whichever is less, and shall not be subject to the provisions of K.S.A. 74-4914(5), and amendments thereto, which relate to a compensation limitation which when met or exceeded requires that the retiree not receive a retirement benefit for any month for which such retiree serves in a position as described herein. Such retiree may be employed by such employer for some or all of a school year, and in subsequent school years if the employer is unable to permanently fill the position with active members, so long as the retiree's total term of employment with all employers under this subsection does not exceed 36 months or three school years,~~

1 whichever is less. After such period, the retiree shall be subject to the
2 provisions of K.S.A. 74-4914(7), and amendments thereto, which relate to
3 a compensation limitation which when met or exceeded requires that the
4 retiree not receive a retirement benefit for any month for which such
5 retiree serves in a position as described herein. The participating
6 employer of such retiree shall pay to the system the actuarially
7 determined employer contribution based on the retiree's compensation
8 during any such period of employment plus 8%. The provisions of this
9 subsection shall not apply to retirees employed as substitute teachers. The
10 provisions of K.S.A. 74-4914(5), and amendments thereto, shall be
11 applicable to retirees employed as described in this subsection, except as
12 specifically provided in this subsection.

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

25 (d) An employer may submit a written ~~appeal~~ *assurance protocol* to
26 the ~~joint committee on pensions, investments and benefits~~ system to extend
27 the exception provided for in this subsection by one year. *Such written*
28 *assurance protocol shall be signed by the superintendent and board*
29 *president of the school district.* Such written ~~appeal~~ *assurance protocol*
30 shall ~~include documentation of the employer's efforts to fill the position~~
31 ~~with a non-retiree. Granting or denial of such extension shall be at the~~
32 ~~sole discretion of the committee. The committee shall notify the executive~~
33 ~~director of the system that a retiree's exemption has been extended within~~
34 ~~30 days of making such a determination state that the position was~~
35 ~~advertised on multiple platforms for a minimum of 30 calendar days and~~
36 ~~that at least one of the following conditions occurred:~~

37 (i) *No applications were submitted for the position;*

38 (ii) *if applications were submitted, none of the applicants met the*
39 *reference screening criteria of the school district; or*

40 (iii) *if applications were submitted, none of the applicants possessed*
41 *an appropriate teaching license for the state of Kansas or possessed the*
42 *appropriate credentials to receive any type of teaching license from the*
43 *state of Kansas.*

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

4 (f) The provisions of this subsection shall expire on July 1, 2021.

5 Sec. 4. K.S.A. 2015 Supp. 46-2201, 74-4914 and 74-4937 are hereby
6 repealed.

7 Sec. 5. This act shall take effect and be in force from and after its
8 publication in the statute book.