

HOUSE BILL No. 2700

By Committee on Taxation

2-12

Proposed amendment #4 to HB 2700

3/9/2016

House Committee on Pensions and Benefits

Creating a WAR exception for licensed school retirants who retire at age 62 or later.

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AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; normal retirement; requiring certification that there is no prearranged agreement of employment with participating employers prior to retirement; providing certain penalties for violations thereof, amending K.S.A. 2015 Supp. 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. 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 without any prearranged agreement for employment with any participating employer, 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. Such application shall contain a certification by the member that the member will not be employed with any participating employer within 60 days of retirement and the member has not entered into a prearranged agreement for employment with any participating employer. Nothing herein shall prevent any person, member or retirant 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 retirant shall make contributions to the system or receive

employment after retirement; special provisions for certain retirants;

1 home or the Kansas veterans' home. The participating employer of such
 2 retiree shall pay to the system the actuarially determined employer
 3 contribution based on the retiree's compensation and the statutorily
 4 prescribed employee contribution during any such period of employment;
 5 (ii) employed by a school district in a position as provided in K.S.A.
 6 74-4937(3), (4) or (5), and amendments thereto;

7 (iii) certified law enforcement officers employed by the law
 8 enforcement training center. Such law enforcement officers shall receive
 9 their benefits notwithstanding this subsection. The law enforcement
 10 training center shall pay to the system the actuarial determined employer
 11 contribution and the statutorily prescribed employee contribution based on
 12 the retiree's compensation during any such period of employment;

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

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

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

24 (c) The participating employer shall enroll all retirees and report to
 25 the system when compensation is paid to a retiree as provided in this
 26 subsection. *Such report shall contain a certification by the appointing
 27 authority of the participating employer that any hired retiree has not
 28 been employed by the participating employer within 60 days of such
 29 retiree's retirement and that there was no prearranged agreement for
 30 employment between the participating employer and the hired retiree.*
 31 Upon request of the executive director of the system, the participating
 32 employer shall provide such information as may be needed by the
 33 executive director to carry out the provisions of this subsection. Any
 34 participating employer who hires a retiree covered by this subsection shall
 35 pay to the system the statutorily prescribed employer contribution rate for
 36 such retiree, without regard to whether the retiree is receiving benefits.
 37 No retiree shall receive credit for service while employed under the
 38 provisions of this subsection.

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

43 (i) The employer certifies to the board that the position being filled

(iii) employed by a school district in a position that requires a license under K.S.A. 72-1388, and amendments, thereto, or other provision of law requiring a similar license and subject to the provisions of K.S.A. 74-4940, and amendments thereto, and who retired at age 62 or later. The school district shall pay to the system the actuarially determined employer contribution based on the retiree's compensation during any such period of employment plus 8%;

And by redesignating subparagraphs
 accordingly