

SENATE BILL No. 138

By Committee on Ways and Means

2-1

1 AN ACT concerning retirement and pensions; relating to the Kansas public
2 employees retirement system; employment after retirement; earnings
3 limitation; exemptions; amending K.S.A. 2016 Supp. 46-2201, 74-4914
4 and ~~74-4937~~ **{and 74-49,204}** and repealing the existing sections;
5 also repealing K.S.A. 2016 Supp. 74-4914f.
6

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

8 Section 1. K.S.A. 2016 Supp. 46-2201 is hereby amended to read as
9 follows: 46-2201. (a) There is hereby created the joint committee on
10 pensions, investments and benefits which shall be composed of five
11 senators and eight members of the house of representatives. The five
12 senate members shall be the chairperson of the standing committee on
13 ways and means of the senate, or a member of such committee appointed
14 by the chairperson, two members appointed by the president and two
15 members appointed by the minority leader. The eight representative
16 members shall be the chairperson of the standing committee on
17 appropriations of the house of representatives, or a member of such
18 committee appointed by the chairperson, four members appointed by the
19 speaker and three members appointed by the minority leader.

20 (b) All members of the joint committee on pensions, investments and
21 benefits shall serve for terms ending on the first day of the regular
22 legislative session in odd-numbered years. On and after the first day of the
23 regular legislative session in odd-numbered years, the chairperson shall be
24 one of the representative members of the joint committee selected by the
25 speaker and the vice-chairperson shall be one of the senate members
26 selected by the president and on and after the first day of the regular
27 legislative session in even-numbered years, the chairperson shall be one of
28 the senate members of the joint committee selected by the president and
29 the vice-chairperson shall be one of the representative members of the
30 joint committee selected by the speaker. The chairperson and vice-
31 chairperson of the joint committee shall serve in such capacities until the
32 first day of the regular legislative session in the ensuing year. The vice-
33 chairperson shall exercise all of the powers of the chairperson in the
34 absence of the chairperson.

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

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

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

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

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

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

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

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

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

1 Sec. 2. K.S.A. 2016 Supp. 74-4914 is hereby amended to read as
2 follows: 74-4914. (1) The normal retirement date for a member of the
3 system shall be the first day of the month coinciding with or following
4 termination of employment with any participating employer not followed
5 by employment with any participating employer within 60 days, **or 180**
6 **days as provided in subsection (10)**, and without any prearranged
7 agreement for employment with any participating employer, and the
8 attainment of age 65 or, commencing July 1, 1993, age 62 with the
9 completion of 10 years of credited service or the first day of the month
10 coinciding with or following the date that the total of the number of years
11 of credited service and the number of years of attained age of the member
12 is equal to or more than 85. In no event shall a normal retirement date for a
13 member be before six months after the entry date of the participating
14 employer by whom such member is employed. A member may retire on
15 the normal retirement date or on the first day of any month thereafter upon
16 the filing with the office of the retirement system of an application in such
17 form and manner as the board shall prescribe. Such application shall
18 contain a certification by the member that the member will not be
19 employed with any participating employer within 60 days, **or 180 days as**
20 **provided in subsection (10)**, of retirement and the member has not entered
21 into a prearranged agreement for employment with any participating
22 employer. Nothing herein shall prevent any person, member or retiree
23 from being employed, appointed or elected as an employee, appointee,
24 officer or member of the legislature. Elected officers may retire from the
25 system on any date on or after the attainment of the normal retirement
26 date, but no retirement benefits payable under this act shall be paid until
27 the member has terminated such member's office.

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

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

36 (4) Any member may retire before such member's normal retirement
37 date on the first day of any month coinciding with or following
38 termination of employment with any participating employer not followed
39 by employment with any participating employer within 60 days, **or 180**
40 **days as provided in subsection (10)**, and the attainment of age 55 with the
41 completion of 10 years of credited service, but in no event before six
42 months after the entry date, upon the filing with the office of the retirement
43 system of an application for retirement in such form and manner as the

1 board shall prescribe. The member's application for retirement shall
2 contain a certification by the member that the member will not be
3 employed with any participating employer within 60 days, **or 180 days as**
4 **provided in subsection (10)**, of retirement and the member has not entered
5 into a prearranged agreement for employment with any participating
6 employer.

7 (5) Except as provided in ~~subsection (7)~~ **subsections (7) and (10)**, on
8 or after July 1, 2006, for any retiree who is first employed or appointed in
9 or to any position or office by a participating employer other than a
10 participating employer for which such retiree was employed or appointed
11 during the final two years of such retiree's participation, and, on or after
12 April 1, 2009, for any retiree who is employed by a third-party entity who
13 contracts services with a participating employer other than a participating
14 employer for which such retiree was employed or appointed during the
15 final two years of such retiree's participation to fill a position covered
16 under K.S.A. 72-5410(a), and amendments thereto, with such retiree, such
17 participating employer shall pay to the system the actuarially determined
18 employer contribution and the statutorily prescribed employee contribution
19 based on the retiree's compensation during any such period of
20 employment or appointment. If a retiree is employed or appointed in or to
21 any position or office for which compensation for service is paid in an
22 amount equal to \$20,000 or more in any one such calendar year, or
23 \$25,000 or more in any one calendar year between July 1, 2016, and July
24 1, 2020, by any participating employer for which such retiree was
25 employed or appointed during the final two years of such retiree's
26 participation, and, on or after April 1, 2009, by any third-party entity who
27 contracts services to fill a position covered under K.S.A. 72-5410(a), and
28 amendments thereto, with such retiree with a participating employer for
29 which such retiree was employed or appointed during the final two years
30 of such retiree's participation, such retiree shall not receive any
31 retirement benefit for any month for which such retiree serves in such
32 position or office. The participating employer who employs such retiree
33 whether by contract directly with the retiree or through an arrangement
34 with a third-party entity shall report to the system within 30 days of when
35 the compensation paid to the retiree is equal to or exceeds any limitation
36 provided by this section. Any participating employer who contracts
37 services with any such third-party entity to fill a position covered under
38 K.S.A. 72-5410(a), and amendments thereto, shall include in such contract
39 a provision or condition which requires the third-party entity to provide the
40 participating employer with the necessary compensation paid information
41 related to any such position filled by the third-party entity with a retiree to
42 enable the participating employer to comply with provisions of this
43 subsection relating to the payment of contributions and reporting

1 requirements. The provisions and requirements provided for in
2 amendments made in this act which relate to positions filled with a retirant
3 or employment of a retirant by a third-party entity shall not apply to any
4 contract for services entered into prior to April 1, 2009, between a
5 participating employer and third-party entity as described in this
6 subsection. Any retirant employed by a participating employer or a third-
7 party entity as provided in this subsection shall not make contributions nor
8 receive additional credit under such system for such service except as
9 provided by this section. Upon request of the executive director of the
10 system, the secretary of revenue shall provide such information as may be
11 needed by the executive director to carry out the provisions of this act. The
12 provisions of this subsection shall not apply to retirants employed as
13 ~~substitute teachers or~~ officers, employees or appointees of the legislature.
14 The provisions of this subsection shall not apply to members of the
15 legislature prior to January 8, 2000. The provisions of this subsection shall
16 not apply to any other elected officials prior to the term of office of such
17 elected official which commences on or after July 1, 2000. The provisions
18 of this subsection shall apply to any other elected official, except an
19 elected city or county officer as further provided in this subsection, on and
20 after the term of office of such other elected official which commences on
21 or after July 1, 2000. Notwithstanding any provisions of law to the
22 contrary, when an elected city or county officer is retired under the
23 provisions of subsection (1) or (4) of this section and is paid an amount of
24 compensation of \$25,000 or more in any one calendar year between July 1,
25 2016, and July 1, 2020, such officer may receive such officer's salary, and
26 still be entitled to receive such officer's retirement benefit pursuant to the
27 provisions of K.S.A. 74-4915 et seq., and amendments thereto. Except as
28 otherwise provided, commencing January 8, 2001, the provisions of this
29 subsection shall apply to members of the legislature. For determination of
30 the amount of compensation paid pursuant to this subsection, for members
31 of the legislature, compensation shall include any amount paid as provided
32 pursuant to K.S.A. 46-137a(a), (b), (c) and (d), and amendments thereto,
33 or pursuant to K.S.A. 46-137b, and amendments thereto, ***to the extent that***
34 ***any such amount paid is included in federal adjusted gross income and***
35 ***subject to federal income taxation.*** Notwithstanding any provision of law
36 to the contrary, when a member of the legislature is paid an amount of
37 compensation of \$20,000 or more in any one calendar year, the member
38 may continue to receive any amount provided in K.S.A. 46-137a(b) and
39 (d), and amendments thereto, and still be entitled to receive such member's
40 retirement benefit. Commencing July 1, 2005, the provisions of this
41 subsection shall not apply to retirants who either retired under the
42 provisions of subsection (1), or, if they retired under the provisions of
43 subsection (4), were retired more than 30 days prior to the effective date of

1 this act and are licensed professional nurses or licensed practical nurses
2 employed by the state of Kansas in an institution as defined in K.S.A. 76-
3 12a01(b) or K.S.A. 38-2302(†)(k), and amendments thereto, the Kansas
4 soldiers' home or the Kansas veterans' home. Nothing in this subsection
5 shall be construed to create any right, or to authorize the creation of any
6 right, which is not subject to amendment or nullification by act of the
7 legislature. The participating employer of such retirant shall pay to the
8 system the actuarially determined employer contribution based on the
9 retirant's compensation during any such period of employment.

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

17 (7) (a) Except as provided in K.S.A. 74-4937(3), ~~(4), or (5)~~, and
18 amendments thereto, **subsection (10)** and the provisions of this subsection,
19 commencing July 1, 2016, and ending July 1, 2020, any retirant who is
20 employed or appointed in or to any position by a participating employer or
21 a third-party entity who contracts services with a participating employer to
22 fill a position, without any prearranged agreement with such participating
23 employer and not prior to 60 days after such retirant's retirement date, shall
24 not receive any retirement benefit for any month in any calendar year in
25 which the retirant receives compensation in an amount equal to \$25,000 or
26 more, pursuant to this subsection. The provisions of this subsection shall
27 apply to members of the legislature.

28 (b) The provisions of this subsection shall not apply, except as
29 specifically provided in this subsection, to retirants ~~that~~ who are:

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

37 (ii) employed by a school district in a position as provided in K.S.A.
38 74-4937(3), ~~(4) or (5)~~, and amendments thereto. ~~Any retirant employed by~~
39 ~~a school district in a position under K.S.A. 74-4937(3), (4) or (5), and~~
40 ~~amendments thereto, shall be subject to the provisions of subsection (7)(h)~~
41 ~~which relate to a limitation on the total term of employment with any~~
42 ~~participating employer in which a retirant may receive such retirant's full~~
43 ~~retirement benefit;~~

1 (iii) certified law enforcement officers employed by the law
2 enforcement training center. Such law enforcement officers shall receive
3 their benefits notwithstanding this subsection. The law enforcement
4 training center shall pay to the system the ~~actuarial~~ *actuarially* determined
5 employer contribution and the statutorily prescribed employee contribution
6 based on the retirant's compensation during any such period of
7 employment;

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

12 (v) employed as ~~substitute teachers~~ or officers, employees or
13 appointees of the legislature;

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

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

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

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

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

1 (ii) ~~the employer pays to the system a 30% employer contribution~~
2 ~~based on the retirant's compensation during any such period of~~
3 ~~employment. On or before July 1, 2019, and at least every three years~~
4 ~~thereafter, the board, in consultation with the system's consulting actuary,~~
5 ~~shall evaluate the plan's experience with employment of such retirants and~~
6 ~~the corresponding employer contribution rate to assess whether the~~
7 ~~employer contribution rate can be expected to fund adverse experience or~~
8 ~~higher liabilities accruing under the system in connection with~~
9 ~~employment of such retirants, to the extent that such liability can be~~
10 ~~ascertained or estimated. Based on this evaluation of the plan's experience,~~
11 ~~the board may certify to the division of the budget, in the case of the state,~~
12 ~~and to the agent for each other participating employer, a new rate if needed~~
13 ~~to more fully fund such adverse experience or additional liabilities, but~~
14 ~~such rate shall not be less than 30%; and~~

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

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

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

1 *has been vacated due to an unexpected emergency or the employer has*
2 *been unsuccessful in filling the position;*

3 *(ii) the employer pays to the system a 30% employer contribution*
4 *based on the retirant's compensation during any such period of*
5 *employment. On or before July 1, 2019, and at least every three years*
6 *thereafter, the board, in consultation with the system's consulting*
7 *actuary, shall evaluate the plan's experience with employment of such*
8 *retirants and the corresponding employer contribution rate to assess*
9 *whether the employer contribution rate can be expected to fund adverse*
10 *experience or higher liabilities accruing under the system in connection*
11 *with employment of such retirants, to the extent that such liability can be*
12 *ascertained or estimated. Based on this evaluation of the plan's*
13 *experience, the board may certify to the division of the budget, in the*
14 *case of the state, and to the agent for each other participating employer,*
15 *a new rate if needed to more fully fund such adverse experience or*
16 *additional liabilities, but such rate shall not be less than 30%; and*

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

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

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

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

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

39 *(iii) if applications were submitted, none of the applicants possessed*
40 *the appropriate licensure, certification or other necessary credentials for*
41 *the position.*

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

43 *(f) }On July 1, 2021, and at least every five years thereafter, the joint*

1 committee on pensions, investments and benefits shall study the issue of
2 whether the compensation limitation prescribed in this subsection should
3 be adjusted. The committee shall consider the effect of inflation and data
4 on member retirement benefits and active employee compensation.

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

8 ~~(h) Any retirant hired by any participating employer under the~~
9 ~~provisions of subsection (7)(d) or K.S.A. 74-4937(3), (4) or (5), and~~
10 ~~amendments thereto, may continue to receive such retirant's full retirement~~
11 ~~benefit so long as, commencing July 1, 2016, such retirant's total term of~~
12 ~~employment with all participating employers under one or more of such~~
13 ~~provisions does not exceed 48 months or four school years, whichever is~~
14 ~~less. After such period, such retirant shall not receive any retirement~~
15 ~~benefit for any month in any calendar year in which such retirant receives~~
16 ~~compensation in an amount equal to \$25,000 or more in such calendar~~
17 ~~year.~~

18 (8) If determined by the retirement system that a retirant entered into
19 a 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 the monthly retirement benefit of such retirant shall be suspended during
23 the period that begins on the month in which the retirant is re-employed
24 and ends six months after the retirant's termination of such employment.
25 The retirant shall repay to the retirement system all monthly retirement
26 benefits paid to the retirant by the retirement system that the retirant
27 received after such employment began. The participating employer which
28 hired such retirant shall be required to pay to the system any fees, fines,
29 penalties or any other cost imposed by the internal revenue service and
30 indemnify the system for any cost incurred by the system to defend any
31 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 (9) For the purposes of this section a prearranged agreement for
36 employment may be determined by whether the facts and circumstances of
37 the situation indicate that the employer and employee reasonably
38 anticipated that further services would be performed after the employee's
39 retirement.

40 *(10) (a) Notwithstanding the provisions of subsection (5) or (7) to*
41 *the contrary, for any retirant whose retirement date is on or after*
42 *January 1, 2018, who is retired more than 60 days, if such retirant's age*
43 *on the date of retirement is age 62 or older, or is retired more than 180*

1 *days, if such retirant's age on the date of retirement is less than age 62,*
2 *and who is subsequently hired in a covered position, as defined in K.S.A.*
3 *2016 Supp. 74-49,202, and amendments thereto, such retirant shall not*
4 *be subject to an earnings limitation that when met or exceeded requires*
5 *that the retirant not receive a retirement benefit for any month for which*
6 *such retirant serves in such covered position. The participating employer*
7 *of such retirant shall pay to the system a 30% employer contribution*
8 *based on the retirant's compensation during any such period of*
9 *employment, except that for retirants who are members of the legislature*
10 *or other elected officials, the participating employer shall pay to the*
11 *system the statutorily prescribed employer contribution rate.*

12 *(b) Notwithstanding the provisions of subsection (5) or (7) to the*
13 *contrary, for any retirant whose retirement date is on or after January 1,*
14 *2018, who is retired more than 60 days, if such retirant's age on the date*
15 *of retirement is age 62 or older, or is retired more than 180 days, if such*
16 *retirant's age on the date of retirement is less than age 62, and who is*
17 *subsequently hired in a non-covered position, such retirant shall not be*
18 *subject to an earnings limitation that when met or exceeded requires*
19 *that the retirant not receive a retirement benefit for any month for which*
20 *such retirant serves in such non-covered position. No employer*
21 *contribution shall be paid to the system on compensation paid to a*
22 *retirant hired in a non-covered position.*

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

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

41 Sec. 3. K.S.A. 2016 Supp. 74-4937 is hereby amended to read as
42 follows: 74-4937. (1) The normal retirement date of a member of the
43 system who is in school employment and who is subject to K.S.A. 74-

1 4940, and amendments thereto, shall be the first day of the month
2 coinciding with or following termination of employment not followed by
3 employment with any participating employer within 60 days, ***or 180 days***
4 ***as provided in K.S.A. 74-4914(10), and amendments thereto***, and without
5 any prearranged agreement for employment with any participating
6 employer, and the attainment of age 65 or, commencing July 1, 1986, age
7 65 or age 60 with the completion of 35 years of credited service or at any
8 age with the completion of 40 years of credited service, or commencing
9 July 1, 1993, any alternative normal retirement date already prescribed by
10 law or age 62 with the completion of 10 years of credited service or the
11 first day of the month coinciding with or following the date that the total
12 of the number of years of credited service and the number of years of
13 attained age of the member is equal to or more than 85. Each member
14 upon giving prior notice to the appointing authority and the retirement
15 system may retire on the normal retirement date or the first day of any
16 month 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), 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***
27 ***in K.S.A. 74-4914(10), and amendments thereto***, and the attainment of
28 age 55 with the completion of 10 years of credited service, upon the filing
29 with the office of the retirement system of an application for retirement in
30 such form and manner as the board shall prescribe. The member's
31 application for retirement shall contain a certification by the member that
32 the member will not be employed with any participating employer within
33 60 days, ***or 180 days as provided in K.S.A. 74-4914(10), and***
34 ***amendments thereto***, of retirement and the member has not entered into a
35 prearranged agreement for employment with any participating employer.

36 (3) ~~Before July 1, 2020,~~ The provisions of K.S.A. 74-4914(5) *or* (7),
37 and amendments thereto, which 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 which such retirant serves in a position as
40 described herein shall not apply to retirants ~~who retired on or after July 1,~~
41 ~~2009,~~ *and* who either retired under the provisions of K.S.A. 74-4914(1),
42 and amendments thereto, related to normal retirement, or, if they retired
43 under the provisions of K.S.A. 74-4914(4), and amendments thereto,

1 related to early retirement, were retired more than 60 days prior to ~~May 28,~~
2 ~~2009 July 1, 2017~~, and are subsequently hired in a position that requires a
3 license under K.S.A. 72-1388, and amendments thereto, or other provision
4 of law. ~~The provisions of this subsection shall only apply to retirants who~~
5 ~~retired prior to May 1, 2015.~~ The provisions of this subsection do not
6 apply to retirants who retired under K.S.A. 74-4914(4), and amendments
7 thereto, which relates to early retirement prior to age 62. Except as
8 otherwise provided, when a retirant is employed by the same school
9 district or a different school district with which such retirant was employed
10 during the final two years of such retirant's participation or employed by a
11 third-party entity who contracts services with a school district to fill a
12 position as described in this subsection, the participating employer of such
13 retirant shall pay to the system the actuarially determined employer
14 contribution based on the retirant's compensation during any such period
15 of employment plus 8%. The participating employer shall enroll all
16 retirants and report to the system when compensation is paid to a retirant
17 as provided in this subsection. Such notice shall contain a certification by
18 the appointing authority of the participating employer that any hired
19 retirant has not been employed by the participating employer within 60
20 days of such retirant's retirement and that there was no prearranged
21 agreement for employment between the participating employer and the
22 hired retirant. Upon request of the executive director of the system, the
23 participating employer shall provide such information as may be needed
24 by the executive director to carry out the provisions of this subsection. ~~The~~
25 ~~provisions of this subsection shall not apply to retirants employed as~~
26 ~~substitute teachers.~~ The provisions of K.S.A. 74-4914(5), and amendments
27 thereto, shall be applicable to retirants employed as described in this
28 subsection, except as specifically provided in this subsection. Nothing in
29 this subsection shall be construed to create any right, or to authorize the
30 creation of any right, which is not subject to amendment or nullification by
31 act of the legislature. ~~The provisions of this subsection shall expire on June~~
32 ~~30, 2020. After such date the Kansas public employees retirement system~~
33 ~~and its actuary shall report the experience to the joint committee on~~
34 ~~pensions, investments and benefits.~~

35 (4) (a) ~~On and after July 1, 2016, a school district may hire a retired~~
36 ~~licensed professional to fill a special teacher position as defined in K.S.A.~~
37 ~~72-962, and amendments thereto, if such retirant is hired not prior to 60~~
38 ~~days after such retirant's retirement date without any prearrangement with~~
39 ~~such school district in the manner prescribed in this subsection. The~~
40 ~~participating employer shall enroll all retirants and report to the system~~
41 ~~when compensation is paid to a retirant as provided in this subsection.~~
42 ~~Such notice shall contain a certification by the appointing authority of the~~
43 ~~participating employer that any hired retirant has not been employed by~~

1 the participating employer within 60 days of such retirant's retirement and
2 that there was no prearranged agreement for employment between the
3 participating employer and the hired retirant. Upon request of the
4 executive director of the system, the participating employer shall provide
5 such information as may be needed by the executive director to carry out
6 the provisions of this subsection.

7 (b) ~~A retirant hired under the provisions of this subsection may~~
8 ~~continue to receive such retirant's full retirement benefit for a period not to~~
9 ~~exceed three school years or 36 months, whichever is less, and shall not be~~
10 ~~subject to the provisions of K.S.A. 74-4914(5), and amendments thereto,~~
11 ~~which relate to a compensation limitation which when met or exceeded~~
12 ~~requires that the retirant not receive a retirement benefit for any month for~~
13 ~~which such retirant serves in a position as described herein. Such retirant~~
14 ~~may be employed by such employer for some or all of a school year, and~~
15 ~~in subsequent school years if the employer is unable to permanently fill the~~
16 ~~position with active members, so long as the retirant's total term of~~
17 ~~employment with all employers under this subsection does not exceed 36~~
18 ~~months or three school years, whichever is less. After such period, the~~
19 ~~retirant shall be subject to the provisions of K.S.A. 74-4914(7), and~~
20 ~~amendments thereto, which relate to a compensation limitation which~~
21 ~~when met or exceeded requires that the retirant not receive a retirement~~
22 ~~benefit for any month for which such retirant serves in a position as~~
23 ~~described herein. The participating employer of such retirant shall pay to~~
24 ~~the system a 30% employer contribution based on the retirant's~~
25 ~~compensation during any such period of employment. On or before July 1,~~
26 ~~2019, and at least every three years thereafter, the board, in consultation~~
27 ~~with the system's consulting actuary, shall evaluate the plan's experience~~
28 ~~with employment of such retirants and the corresponding employer~~
29 ~~contribution rate to assess whether the employer contribution rate can be~~
30 ~~expected to fund adverse experience or higher liabilities accruing under~~
31 ~~the system in connection with employment of such retirants, to the extent~~
32 ~~that such liability can be ascertained or estimated. Based on this evaluation~~
33 ~~of the plan's experience, the board may certify to the division of the~~
34 ~~budget, in the case of the state, and to the agent for each other participating~~
35 ~~employer, a new rate if needed to more fully fund such adverse experience~~
36 ~~or additional liabilities, but such rate shall not be less than 30%. The~~
37 ~~provisions of this subsection shall not apply to retirants employed as~~
38 ~~substitute teachers. The provisions of K.S.A. 74-4914(5), and amendments~~
39 ~~thereto, shall be applicable to retirants employed as special teachers,~~
40 ~~except as specifically provided in this subsection.~~

41 (c) ~~Each school district that uses the provisions of this subsection to~~
42 ~~hire retirants shall maintain documentation describing their recruiting~~
43 ~~efforts to obtain non-retirant employees to fill the special teacher positions.~~

1 Upon request of the joint committee on pensions, investments and
2 benefits, an employer shall provide such documentation to the committee.
3 If the committee finds that an employer has not made sufficient efforts to
4 hire a non-retirant for the position or if the committee finds evidence of
5 prearrangement in violation of this section, the three-year exemption
6 provided pursuant to this subsection may be revoked. The committee shall
7 notify the executive director of the system that a retirant's exemption has
8 been revoked within 30 days of making such a determination.

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

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

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

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

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

26 (f) The provisions of this subsection shall expire on July 1, 2020.

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

42 (b) The state board of education shall annually certify the top five
43 types of licensed positions that are hard to fill. A school district may hire a

1 retirant to fill a hard-to-fill position for some or all of a school year and in
2 subsequent school years if the employer is unable to permanently fill the
3 position with an active member. A retirant first hired under the provisions
4 of this subsection may be retained by an employer even if such retirant's
5 type of position is no longer one of the five types of positions certified by
6 the state board of education. A retirant hired under the provisions of this
7 subsection may continue to receive such retirant's full retirement benefit
8 for a period not to exceed three school years or 36 months, whichever is
9 less, and shall not be subject to the provisions of K.S.A. 74-4914(5), and
10 amendments thereto, which relate to a compensation limitation which
11 when met or exceeded requires that the retirant not receive a retirement
12 benefit for any month for which such retirant serves in a position as
13 described herein. Such retirant may be employed by such employer for
14 some or all of a school year, and in subsequent school years if the
15 employer is unable to permanently fill the position with active members,
16 so long as the retirant's total term of employment with all employers under
17 this subsection does not exceed 36 months or three school years,
18 whichever is less. After such period, the retirant shall be subject to the
19 provisions of K.S.A. 74-4914(7), and amendments thereto, which relate to
20 a compensation limitation which when met or exceeded requires that the
21 retirant not receive a retirement benefit for any month for which such
22 retirant serves in a position as described herein. The participating
23 employer of such retirant shall pay to the system a 30% employer
24 contribution based on the retirant's compensation during any such period
25 of employment. On or before July 1, 2019, and at least every three years
26 thereafter, the board, in consultation with the system's consulting actuary,
27 shall evaluate the plan's experience with employment of such retirants and
28 the corresponding employer contribution rate to assess whether the
29 employer contribution rate can be expected to fund adverse experience or
30 higher liabilities accruing under the system in connection with
31 employment of such retirants, to the extent that such liability can be
32 ascertained or estimated. Based on this evaluation of the plan's experience,
33 the board may certify to the division of the budget, in the case of the state,
34 and to the agent for each other participating employer, a new rate if needed
35 to more fully fund such adverse experience or additional liabilities, but
36 such rate shall not be less than 30%. The provisions of this subsection shall
37 not apply to retirants employed as substitute teachers. The provisions of
38 K.S.A. 74-4914(5), and amendments thereto, shall be applicable to
39 retirants employed as described in this subsection, except as specifically
40 provided in this subsection.

41 (e) Each school district that uses the provisions of this subsection to
42 hire retirants for hard-to-fill positions shall maintain documentation
43 describing their recruiting efforts to obtain non-retirant employees to fill

1 the hard-to-fill positions. Upon request of the joint committee on pensions,
2 investments and benefits, a school district shall provide such
3 documentation to the committee. If the committee finds that a school
4 district has not made sufficient efforts to hire a non-retirant for the position
5 or if the committee finds evidence of prearrangement in violation of this
6 section, the three-year exemption provided pursuant to this subsection may
7 be revoked. The committee shall notify the executive director of the
8 system that a retirant's exemption has been revoked within 30 days of
9 making such a determination.

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

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

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

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

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

27 (f) The provisions of this subsection shall expire on July 1, 2020.

28 ***{(4) (a) On and after July 1, 2016, a school district may hire a
29 retired licensed professional to fill a special teacher position as defined
30 in K.S.A. 72-962, and amendments thereto, if such retirant is hired not
31 prior to 60 days after such retirant's retirement date without any
32 prearrangement with such school district in the manner prescribed in
33 this subsection. The participating employer shall enroll all retirants and
34 report to the system when compensation is paid to a retirant as provided
35 in this subsection. Such notice shall contain a certification by the
36 appointing authority of the participating employer that any hired
37 retirant has not been employed by the participating employer within 60
38 days of such retirant's retirement and that there was no prearranged
39 agreement for employment between the participating employer and the
40 hired retirant. Upon request of the executive director of the system, the
41 participating employer shall provide such information as may be needed
42 by the executive director to carry out the provisions of this subsection.***

43 ***(b) A retirant hired under the provisions of this subsection may***

1 *continue to receive such retirant's full retirement benefit for a period not*
2 *to exceed three school years or 36 months, whichever is less, and shall*
3 *not be subject to the provisions of K.S.A. 74-4914(5), and amendments*
4 *thereto, which relate to a compensation limitation which when met or*
5 *exceeded requires that the retirant not receive a retirement benefit for*
6 *any month for which such retirant serves in a position as described*
7 *herein. Such retirant may be employed by such employer for some or all*
8 *of a school year, and in subsequent school years if the employer is*
9 *unable to permanently fill the position with active members, so long as*
10 *the retirant's total term of employment with all employers under this*
11 *subsection does not exceed 36 months or three school years, whichever*
12 *is less. After such period, the retirant shall be subject to the provisions of*
13 *K.S.A. 74-4914(7), and amendments thereto, which relate to a*
14 *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*
19 *period of employment. On or before July 1, 2019, and at least every three*
20 *years thereafter, the board, in consultation with the system's consulting*
21 *actuary, shall evaluate the plan's experience with employment of such*
22 *retirants and the corresponding employer contribution rate to assess*
23 *whether the employer contribution rate can be expected to fund adverse*
24 *experience or higher liabilities accruing under the system in connection*
25 *with employment of such retirants, to the extent that such liability can be*
26 *ascertained or estimated. Based on this evaluation of the plan's*
27 *experience, the board may certify to the division of the budget, in the*
28 *case of the state, and to the agent for each other participating employer,*
29 *a new rate if needed to more fully fund such adverse experience or*
30 *additional liabilities, but such rate shall not be less than 30%. The*
31 *provisions of this subsection shall not apply to retirants employed as*
32 *substitute teachers. The provisions of K.S.A. 74-4914(5), and*
33 *amendments thereto, shall be applicable to retirants employed as special*
34 *teachers, 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*
38 *positions. Upon request of the joint committee on pensions, investments*
39 *and benefits, an employer shall provide such documentation to the*
40 *committee. If the committee finds that an employer has not made*
41 *sufficient efforts to hire a non-retirant for the position or if the*
42 *committee finds evidence of prearrangement in violation of this section,*
43 *the three-year exemption provided pursuant to this subsection may be*

1 *revoked. The committee shall notify the executive director of the system*
2 *that a retirant's exemption has been revoked within 30 days of making*
3 *such a determination.*

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

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

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

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

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

21 *(f) The provisions of this subsection shall expire on January 1,*
22 *2018.*

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

39 *(b) The state board of education shall annually certify the top five*
40 *types of licensed positions that are hard to fill. A school district may hire*
41 *a retirant to fill a hard-to-fill position for some or all of a school year*
42 *and in subsequent school years if the employer is unable to permanently*
43 *fill the position with an active member. A retirant first hired under the*

1 *provisions of this subsection may be retained by an employer even if*
2 *such retiree's type of position is no longer one of the five types of*
3 *positions certified by the state board of education. A retiree hired under*
4 *the provisions of this subsection may continue to receive such retiree's*
5 *full retirement benefit for a period not to exceed three school years or 36*
6 *months, whichever is less, and shall not be subject to the provisions of*
7 *K.S.A. 74-4914(5), and amendments thereto, which relate to a*
8 *compensation limitation which when met or exceeded requires that the*
9 *retiree not receive a retirement benefit for any month for which such*
10 *retiree serves in a position as described herein. Such retiree may be*
11 *employed by such employer for some or all of a school year, and in*
12 *subsequent school years if the employer is unable to permanently fill the*
13 *position with active members, so long as the retiree's total term of*
14 *employment with all employers under this subsection does not exceed 36*
15 *months or three school years, whichever is less. After such period, the*
16 *retiree shall be subject to the provisions of K.S.A. 74-4914(7), and*
17 *amendments thereto, which relate to a compensation limitation which*
18 *when met or exceeded requires that the retiree not receive a retirement*
19 *benefit for any month for which such retiree serves in a position as*
20 *described herein. The participating employer of such retiree shall pay*
21 *to the system a 30% employer contribution based on the retiree's*
22 *compensation during any such period of employment. On or before July*
23 *1, 2019, and at least every three years thereafter, the board, in*
24 *consultation with the system's consulting actuary, shall evaluate the*
25 *plan's experience with employment of such retirees and the*
26 *corresponding employer contribution rate to assess whether the*
27 *employer contribution rate can be expected to fund adverse experience*
28 *or higher liabilities accruing under the system in connection with*
29 *employment of such retirees, to the extent that such liability can be*
30 *ascertained or estimated. Based on this evaluation of the plan's*
31 *experience, the board may certify to the division of the budget, in the*
32 *case of the state, and to the agent for each other participating employer,*
33 *a new rate if needed to more fully fund such adverse experience or*
34 *additional liabilities, but such rate shall not be less than 30%. The*
35 *provisions of this subsection shall not apply to retirees employed as*
36 *substitute teachers. The provisions of K.S.A. 74-4914(5), and*
37 *amendments thereto, shall be applicable to retirees employed as*
38 *described in this subsection, except as specifically provided in this*
39 *subsection.*

40 *(c) Each school district that uses the provisions of this subsection to*
41 *hire retirees for hard-to-fill positions shall maintain documentation*
42 *describing their recruiting efforts to obtain non-retiree employees to fill*
43 *the hard-to-fill positions. Upon request of the joint committee on*

1 *pensions, investments and benefits, a school district shall provide such*
2 *documentation to the committee. If the committee finds that a school*
3 *district has not made sufficient efforts to hire a non-retirant for the*
4 *position or if the committee finds evidence of prearrangement in*
5 *violation of this section, the three-year exemption provided pursuant to*
6 *this subsection may be revoked. The committee shall notify the executive*
7 *director of the system that a retirant's exemption has been revoked*
8 *within 30 days of making such a determination.*

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

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

17 *(ii) if applications were submitted, none of the applicants met the*
18 *reference screening criteria of the employer; or*

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

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

26 *(f) The provisions of this subsection shall expire on January 1,*
27 *2018.}*

28 ~~(6)(4){(6)}~~ The provisions of K.S.A. 74-4914(8), and amendments
29 thereto, shall apply to retirants under the provisions of this section.

30 ~~(7) Any retirant hired by any participating employer under the~~
31 ~~provisions of subsection (3), (4) or (5) or K.S.A. 74-4914(7)(d), and~~
32 ~~amendments thereto, may continue to receive such retirant's full retirement~~
33 ~~benefit so long as, commencing July 1, 2016, such retirant's total term of~~
34 ~~employment with all participating employers under one or more of such~~
35 ~~provisions does not exceed 48 months or four school years, whichever is~~
36 ~~less. After such period, such retirant shall not receive any retirement~~
37 ~~benefit for any month in any calendar year in which such retirant receives~~
38 ~~compensation in an amount equal to \$25,000 or more in such calendar~~
39 ~~year.~~

40 ~~(8)(5){(7)}~~ For the purposes of this section a prearranged agreement
41 for employment may be determined by whether the facts and
42 circumstances of the situation indicate that the employer and employee
43 reasonably anticipated that further services would be performed after the

1 employee's retirement.

2 *{Sec. 4. K.S.A. 2016 Supp. 74-49,204 is hereby amended to read as*
3 *follows: 74-49,204. The normal retirement date for a member of the*
4 *system first employed by a participating employer on or after July 1,*
5 *2009, shall be the first day of the month coinciding with or following*
6 *termination of employment with any participating employer not followed*
7 *by employment with any participating employer within 60 days, or 180*
8 *days as provided in K.S.A. 74-4914(10), and amendments thereto, and the*
9 *attainment of age 65 with the completion of five years of credited*
10 *service, or age 60 with the completion of 30 years of credited service.*
11 *The provisions of this section shall apply to a member of the retirement*
12 *system who is in school employment and who is subject to K.S.A. 74-*
13 *4940, and amendments thereto.}*

14 ~~Sec. 4. {5.}~~ K.S.A. 2016 Supp. 46-2201, 74-4914, 74-4914f and {,} 74-
15 4937 ~~{and 74-49,204}~~ are hereby repealed.

16 ~~Sec. 5. {6.}~~ This act shall take effect and be in force from and after its
17 publication in the statute book.