

As Amended by House Committee

Session of 2024

HOUSE BILL No. 2711

By Committee on Financial Institutions and Pensions

Requested by Representative Hoye

2-6

Proposed amendment to HB 2711
Senate Committee on Financial Institutions and Insurance
March 20, 2024
Prepared by Office of Revisor of Statutes

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

membership waiting period for direct support positions of community
service providers;

or a community service provider affiliated with a
community developmental disability organization

74-4911 and

11
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 2023 Supp. 74-4914 is hereby amended to read as
14 follows: 74-4914.(1) The normal retirement date for a member of the
15 system shall be the first day of the month coinciding with or following
16 termination of employment with any participating employer not followed
17 by employment with any participating employer within 60 days, or 180
18 days as provided in subsection ~~(10)~~ (9), and without any prearranged
19 agreement for employment with any participating employer, and the
20 attainment of age 65 or, commencing July 1, 1993, age 62 with the
21 completion of 10 years of credited service or the first day of the month
22 coinciding with or following the date that the total of the number of years
23 of credited service and the number of years of attained age of the member
24 is equal to or more than 85. In no event shall a normal retirement date for a
25 member be before six months after the entry date of the participating
26 employer by whom such member is employed. A member may retire on
27 the normal retirement date or on the first day of any month thereafter upon
28 the filing with the office of the retirement system of an application in such
29 form and manner as the board shall prescribe. Such application shall
30 contain a certification by the member that the member will not be
31 employed with any participating employer within 60 days, or 180 days as
32 provided in subsection ~~(10)~~ (9), of retirement and the member has not
33 entered into a prearranged agreement for employment with any
34 participating employer. Nothing herein shall prevent any person, member
35 or retirant from being employed, appointed or elected as an employee,

K.S.A. 2023 Supp. 74-4911 is hereby amended
to read as follows: 74-4911. (See attachment)
Sec. 2.

Renumber remaining sections accordingly

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

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

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

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

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

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

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

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

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

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

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

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

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

74-4911 and

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

1 (1) Any employee of a participating employer other than an elected official on the entry date of such employer shall be a member of
2 the system on either the entry date or the first day of the payroll period coinciding with or following the completion of one year of
3 service, whichever is later, except that an employee of a participating employer who was first employed by a participating employer
4 on or after July 1, 2008, but before July 1, 2009, shall be a member on July 1, 2009, and except that an employee who is first
5 employed by a participating employer on or after July 1, 2009, shall be a member of the system on the first day of employment of such
6 employee with such participating employer. On and after July 1, 2019, employees employed in direct support positions of an affiliated
7 employer organized under K.S.A. 19-4001, and amendments thereto, ~~and~~ or defined under K.S.A. 39-1803, and amendments thereto,
8 may become a member of the system on the first day of the payroll period coinciding with or following the completion of a two-year
9 period of training, whichever is later. For purposes of this act occasional breaks in service which shall not exceed an aggregate of 10
10 days in any such year shall not constitute a break in service for purposes of determining the membership date of such employee.

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

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

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

30 (5) Any employee of the state of Kansas other than an elected official, who is receiving or is eligible for assistance by the state board
31 of regents in the purchase of a retirement annuity under K.S.A. 74-4925, and amendments thereto, and who becomes ineligible for
32 such assistance because such employee's position is reclassified to a position in the classified service under the Kansas civil service
33 act, or who becomes ineligible for such assistance because such person accepts and transfers to a position in the classified service

1 under the Kansas civil service act shall be a member of the system on the first day of the payroll period coinciding with or following
2 the effective date of such reclassification or transfer. Any such employee who became ineligible for such assistance prior to the
3 effective date of this act because of such a reclassification or such a transfer occurring prior to the effective date of this act and who is
4 not a member of the system on the effective date of this act shall be a member of the system on the first day of the payroll period
5 coinciding with or following the effective date of this act.

6 (6) Any employee of the state board of regents or of an educational institution under its management, other than an elected official,
7 who is a member of the system and who becomes ineligible to be a member of the system because such employee's position is
8 reclassified to a position under the Kansas civil service act which is eligible for assistance by the state board of regents in the purchase
9 of a retirement annuity under K.S.A. 74-4925, and amendments thereto, or who becomes ineligible to be a member of the system
10 because such employee transfers to a position under the Kansas civil service act which is eligible for such assistance, shall become
11 eligible for such assistance in accordance with the provisions of K.S.A. 74-4925, and amendments thereto, unless such employee files
12 a written election in the office of the retirement system, in the form and manner prescribed by the board of trustees thereof, to remain a
13 member of the system prior to the first day of the first complete payroll period occurring after the effective date of such
14 reclassification or transfer. Failure to file such written election shall be presumed to be an election not to remain a member of the
15 system and to become eligible for assistance by the state board of regents in the purchase of a retirement annuity under K.S.A. 74-
16 4925, and amendments thereto. Such election, whether to remain a member of the system or to become eligible for such assistance,
17 shall be effective as of the effective date of such reclassification or transfer, and shall be irrevocable.

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