

Senate Substitute for HOUSE BILL No. 2095

By Select Committee on KPERS

5-4

1 AN ACT concerning retirement and pensions; relating to the Kansas public
2 employees retirement system; employment after retirement; special
3 provisions for certain retirants; certain duties of the joint committee on
4 pensions, investments and benefits; amending K.S.A. 46-2201 and
5 K.S.A. 2014 Supp. 74-4914 and 74-4937 and repealing the existing
6 sections.

7

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

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

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

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

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

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

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

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

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

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

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

42 (4) review and make recommendations relating to the inclusion of
43 city and county correctional officers as eligible members of the Kansas

1 police and firemen's retirement system; *and*

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

6 Sec. 2. K.S.A. 2014 Supp. 74-4914 is hereby amended to read as
7 follows: 74-4914. (1) The normal retirement date for a member of the
8 system shall be the first day of the month coinciding with or following
9 termination of employment with any participating employer not followed
10 by employment with any participating employer within 60 days and the
11 attainment of age 65 or, commencing July 1, 1993, age 62 with the
12 completion of 10 years of credited service or the first day of the month
13 coinciding with or following the date that the total of the number of years
14 of credited service and the number of years of attained age of the member
15 is equal to or more than 85. In no event shall a normal retirement date for a
16 member be before six months after the entry date of the participating
17 employer by whom such member is employed. A member may retire on
18 the normal retirement date or on the first day of any month thereafter upon
19 the filing with the office of the retirement system of an application in such
20 form and manner as the board shall prescribe. Nothing herein shall prevent
21 any person, member or retirant from being employed, appointed or elected
22 as an employee, appointee, officer or member of the legislature. Elected
23 officers may retire from the system on any date on or after the attainment
24 of the normal retirement date, but no retirement benefits payable under this
25 act shall be paid until the member has terminated such member's office.

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

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

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

42 (5) *Except as provided in subsection (7), on or after July 1, 2006, for*
43 *any retirant who is first employed or appointed in or to any position or*

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

1 director of the system, the secretary of revenue shall provide such
2 information as may be needed by the executive director to carry out the
3 provisions of this act. The provisions of this subsection shall not apply to
4 retirants employed as substitute teachers or officers, employees or
5 appointees of the legislature. The provisions of this subsection shall not
6 apply to members of the legislature prior to January 8, 2000. The
7 provisions of this subsection shall not apply to any other elected officials
8 prior to the term of office of such elected official which commences on or
9 after July 1, 2000. The provisions of this subsection shall apply to any
10 other elected official, *except an elected city or county officer as further*
11 *provided in this subsection*, on and after the term of office of such other
12 elected official which commences on or after July 1, 2000.
13 *Notwithstanding any provisions of law to the contrary, when an elected*
14 *city or county officer is retired under the provisions of subsection (1) or*
15 *(4) of this section and is paid an amount of compensation of \$25,000 or*
16 *more in any one calendar year between July 1, 2017, and July 1, 2021,*
17 *such officer may receive such officer's salary, and still be entitled to*
18 *receive such officer's retirement benefit pursuant to the provisions of*
19 *K.S.A. 74-4915 et seq., and amendments thereto.* Except as otherwise
20 provided, commencing January 8, 2001, the provisions of this subsection
21 shall apply to members of the legislature. For determination of the amount
22 of compensation paid pursuant to this subsection, for members of the
23 legislature, compensation shall include any amount paid as provided
24 pursuant to ~~subsections (a), (b), (c) and (d)~~ of K.S.A. 46-137a(a), (b), (c)
25 *and (d)*, and amendments thereto, or pursuant to K.S.A. 46-137b, and
26 amendments thereto. Notwithstanding any provision of law to the contrary,
27 when a member of the legislature is paid an amount of compensation of
28 \$20,000 or more in any one calendar year, the member may continue to
29 receive any amount provided in ~~subsections (b) and (d)~~ of K.S.A. 46-
30 137a(b) *and (d)*, and amendments thereto, and still be entitled to receive
31 such member's retirement benefit. Commencing July 1, 2005, the
32 provisions of this subsection shall not apply to retirants who either retired
33 under the provisions of subsection (1), or, if they retired under the
34 provisions of subsection (4), were retired more than 30 days prior to the
35 effective date of this act and are licensed professional nurses or licensed
36 practical nurses employed by the state of Kansas in an institution as
37 defined in ~~subsection (b)~~ of K.S.A. 76-12a01(b) or ~~subsection (f)~~ of K.S.A.
38 38-2302(f), and amendments thereto, the Kansas soldiers' home or the
39 Kansas veterans' home. Nothing in this subsection shall be construed to
40 create any right, or to authorize the creation of any right, which is not
41 subject to amendment or nullification by act of the legislature. The
42 participating employer of such retirant shall pay to the system the
43 actuarially determined employer contribution based on the retirant's

1 compensation during any such period of employment.

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

9 (7) (a) *Except as provided in K.S.A. 74-4937(3), (4), or (5), and*
10 *amendments thereto, and the provisions of this subsection, commencing*
11 *July 1, 2017, and ending July 1, 2021, any retirant who is employed or*
12 *appointed in or to any position by a participating employer or a third-*
13 *party entity who contracts services with a participating employer to fill a*
14 *position, without any prearranged agreement with such participating*
15 *employer and not prior to 60 days after such retirant's retirement date,*
16 *shall not receive any retirement benefit for any month in any calendar year*
17 *in which the retirant receives compensation in an amount equal to \$25,000*
18 *or more, pursuant to this subsection.*

19 (b) *The provisions of this subsection shall not apply to retirants that*
20 *are:*

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

28 (ii) *employed by a school district in a position as provided in K.S.A.*
29 *74-4937(3), (4) or (5), and amendments thereto;*

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

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

40 (v) *employed as substitute teachers or officers, employees or*
41 *appointees of the legislature; and*

42 (vi) *employed by, or have accepted employment from, a participating*
43 *employer prior to May 1, 2015. Any break in continuous employment by a*

1 *retirant or move to a different position by a retirant during the effective*
2 *period of this subsection shall be deemed new employment and shall*
3 *subject the retirant to the provisions of this subsection.*

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

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

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

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

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

28 *(e) An employer may submit a written appeal to the joint committee*
29 *on pensions, investments and benefits to extend the exception provided for*
30 *in subsection (7)(d) by one year. Such written appeal shall include*
31 *documentation of the employer's efforts to fill the position with a non-*
32 *retirant. Granting or denial of such extension shall be at the sole*
33 *discretion of the committee.*

34 *(f) On July 1, 2017, and at least every five years thereafter, the joint*
35 *committee on pensions, investments and benefits shall study the issue of*
36 *whether the compensation limitation prescribed in this subsection should*
37 *be adjusted. The committee shall consider the effect of inflation and data*
38 *on member retirement benefits and active employee compensation.*

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

42 *Sec. 3. K.S.A. 2014 Supp. 74-4937 is hereby amended to read as*
43 *follows: 74-4937. (1) The normal retirement date of a member of the*

1 system who is in school employment and who is subject to K.S.A. 74-
2 4940, and amendments thereto, shall be the first day of the month
3 coinciding with or following termination of employment not followed by
4 employment with any participating employer within 60 days and the
5 attainment of age 65 or, commencing July 1, 1986, age 65 or age 60 with
6 the completion of 35 years of credited service or at any age with the
7 completion of 40 years of credited service, or commencing July 1, 1993,
8 any alternative normal retirement date already prescribed by law or age 62
9 with the completion of 10 years of credited service or the first day of the
10 month coinciding with or following the date that the total of the number of
11 years of credited service and the number of years of attained age of the
12 member is equal to or more than 85. Each member upon giving prior
13 notice to the appointing authority and the retirement system may retire on
14 the normal retirement date or the first day of any month thereafter.

15 (2) Any member who is in school employment and who is subject to
16 K.S.A. 74-4940, and amendments thereto, may retire before such
17 member's normal retirement date on the first day of the month coinciding
18 with or following termination of employment not followed by employment
19 with any participating employer within 60 days and the attainment of age
20 55 with the completion of 10 years of credited service, upon the filing with
21 the office of the retirement system of an application for retirement in such
22 form and manner as the board shall prescribe.

23 (3) ~~Commencing July 1, 2009~~ *Before July 1, 2017*, the provisions of
24 ~~subsection (5) of~~ K.S.A. 74-4914(5), and amendments thereto, which
25 relate to an earnings limitation which when met or exceeded requires that
26 the retirant not receive a retirement benefit for any month for which such
27 retirant serves in a position as described herein shall not apply to retirants
28 who either retired under the provisions of ~~subsection (1) of~~ K.S.A. 74-
29 4914(1), and amendments thereto, related to normal retirement, or, if they
30 retired under the provisions of ~~subsection (4) of~~ K.S.A. 74-4914(4), and
31 amendments thereto, related to early retirement, were retired more than 60
32 days prior to the effective date of this act, and are subsequently hired in a
33 position that requires a license under K.S.A. 72-1388, and amendments
34 thereto, or other provision of law. *The provisions of this subsection shall*
35 *only apply to retirants who retired prior to May 1, 2015.* The provisions of
36 this subsection do not apply to retirants who retired under ~~subsection (4) of~~
37 K.S.A. 74-4914(4), and amendments thereto, which relates to early
38 retirement prior to age 62. Except as otherwise provided, when a retirant is
39 employed by the same school district or a different school district with
40 which such retirant was employed during the final two years of such
41 retirant's participation or employed by a third-party entity who contracts
42 services with a school district to fill a position as described in this
43 subsection, the participating employer of such retirant shall pay to the

1 system the actuarially determined employer contribution based on the
2 retiree's compensation during any such period of employment plus 8%.
3 *The participating employer shall enroll all retirees and report to the*
4 *system when compensation is paid to a retiree as provided in this*
5 *subsection. Upon request of the executive director of the system, the*
6 *participating employer shall provide such information as may be needed*
7 *by the executive director to carry out the provisions of this subsection. The*
8 *provisions of this subsection shall not apply to retirees employed as*
9 *substitute teachers. The provisions of ~~subsection (5) of K.S.A. 74-4914(5),~~*
10 *and amendments thereto, shall be applicable to retirees employed as*
11 *described in this subsection, except as specifically provided in this*
12 *subsection. Nothing in this subsection shall be construed to create any*
13 *right, or to authorize the creation of any right, which is not subject to*
14 *amendment or nullification by act of the legislature. The provisions of this*
15 *subsection shall expire on ~~July 1, 2015~~ June 30, 2017. After such date the*
16 *Kansas public employees retirement system and its actuary shall report the*
17 *experience to the joint committee on pensions, investments and benefits.*

18 (4) (a) *On and after July 1, 2017, a school district may hire a retired*
19 *licensed professional to fill a special teacher position as defined in K.S.A.*
20 *72-962, and amendments thereto, if such retiree is hired not prior to 60*
21 *days after such retiree's retirement date without any prearrangement with*
22 *such school district in the manner prescribed in this subsection. The*
23 *participating employer shall enroll all retirees and report to the system*
24 *when compensation is paid to a retiree as provided in this subsection.*
25 *Upon request of the executive director of the system, the participating*
26 *employer shall provide such information as may be needed by the*
27 *executive director to carry out the provisions of this subsection.*

28 (b) *A retiree hired under the provisions of this subsection may*
29 *continue to receive such retiree's full retirement benefit for a period not*
30 *to exceed three school years or 36 months, whichever is less, and shall not*
31 *be subject to the provisions of K.S.A. 74-4914(5), and amendments*
32 *thereto, which relate to a compensation limitation which when met or*
33 *exceeded requires that the retiree not receive a retirement benefit for any*
34 *month for which such retiree serves in a position as described herein.*
35 *Such retiree may be employed by such employer for some or all of a*
36 *school year, and in subsequent school years if the employer is unable to*
37 *permanently fill the position with active members, so long as the retiree's*
38 *total term of employment with all employers under this subsection does*
39 *not exceed 36 months or three school years, whichever is less. After such*
40 *period, the retiree shall be subject to the provisions of K.S.A. 74-4914(5),*
41 *and amendments thereto. The participating employer of such retiree shall*
42 *pay to the system the actuarially determined employer contribution based*
43 *on the retiree's compensation during any such period of employment plus*

1 8%. The provisions of this subsection shall not apply to retirants employed
2 as substitute teachers. The provisions of K.S.A. 74-4914(5), and
3 amendments thereto, shall be applicable to retirants employed as special
4 teachers, except as specifically provided in this subsection.

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

17 (d) An employer may submit a written appeal to the joint committee
18 on pensions, investments and benefits to extend the exception provided for
19 in this subsection by one year. Such written appeal shall include
20 documentation of the employer's efforts to fill the position with a non-
21 retirant. Granting or denial of such extension shall be at the sole
22 discretion of the committee. The committee shall notify the executive
23 director of the system that a retirant's exemption has been extended within
24 30 days of making such a determination.

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

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

29 (5) (a) On and after July 1, 2017, a school district may hire a retired
30 licensed professional to fill a non-special teacher position if such retirant
31 is hired not prior to 60 days after such retirant's retirement date without
32 any prearrangement with such school district, and if such school district
33 hires a retirant for a hard-to-fill position in the manner prescribed in this
34 subsection. The participating employer shall enroll all retirants and report
35 to the system when compensation is paid to a retirant as provided in this
36 subsection. Upon request of the executive director of the system, the
37 participating employer shall provide such information as may be needed
38 by the executive director to carry out the provisions of 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 a
41 retirant to fill a hard-to-fill position for some or all of a school year and in
42 subsequent school years if the employer is unable to permanently fill the
43 position with an active member. A retirant first hired under the provisions

1 of this subsection may be retained by an employer even if such retirant's
2 type of position is no longer one of the five types of positions certified by
3 the state board of education. A retirant hired under the provisions of this
4 subsection may continue to receive such retirant's full retirement benefit
5 for a period not to exceed three school years or 36 months, whichever is
6 less, and shall not be subject to the provisions of K.S.A. 74-4914(5), and
7 amendments thereto, which relate to a compensation limitation which
8 when met or exceeded requires that the retirant not receive a retirement
9 benefit for any month for which such retirant serves in a position as
10 described herein. After such period, the retirant shall be subject to the
11 provisions of K.S.A. 74-4914(5), and amendments thereto. The
12 participating employer of such retirant shall pay to the system the
13 actuarially determined employer contribution based on the retirant's
14 compensation during any such period of employment plus 8%. The
15 provisions of this subsection shall not apply to retirants employed as
16 substitute teachers. The provisions of K.S.A. 74-4914(5), and amendments
17 thereto, shall be applicable to retirants employed as described in this
18 subsection, except as specifically provided in this subsection.

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

31 (d) An employer may submit a written appeal to the joint committee
32 on pensions, investments and benefits to extend the exception provided for
33 in this subsection by one year. Such written appeal shall include
34 documentation of the employer's efforts to fill the position with a non-
35 retirant. Granting or denial of such extension shall be at the sole
36 discretion of the committee. The committee shall notify the executive
37 director of the system that a retirant's exemption has been extended within
38 30 days of making such a determination.

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

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

43 Sec. 4. K.S.A. 46-2201 and K.S.A. 2014 Supp. 74-4914 and 74-4937

1 are hereby repealed.

2 Sec. 5. This act shall take effect and be in force from and after its

3 publication in the statute book.