

HOUSE BILL No. 2352

By Representative Pottorff

2-6

AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; employment after retirement; amending K.S.A. 2000 Supp. 74-4914 and repealing the existing section.

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

Section 1. K.S.A. 2000 Supp. 74-4914 is hereby amended to read as follows: 74-4914. (1) The normal retirement date for a member of the system shall be the first day of the month coinciding with or following termination of employment with any participating employer not followed by employment with any participating employer within 30 days and the attainment of age 65 or, commencing July 1, 1993, age 62 with the completion of 10 years of credited service or the first day of the month coinciding with or following the date that the total of the number of years of credited service and the number of years of attained age of the member is equal to or more than 85. In no event shall a normal retirement date for a member be before six months after the entry date of the participating employer by whom such member is employed. A member may retire on the normal retirement date or on the first day of any month thereafter upon the filing with the office of the retirement system of an application in such form and manner as the board shall prescribe. Nothing herein shall prevent any person, member or retirant from being employed, appointed or elected as an employee, appointee, officer or member of the legislature. Elected officers may retire from the system on any date on or after the attainment of the normal retirement date, but no retirement benefits payable under this act shall be paid until the member has terminated such member's office.

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

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Any member who is an employee of an affiliating employer pursuant to K.S.A. 74-4954b and amendments thereto and has not withdrawn such member's accumulated contributions from the Kansas police and firemen's retirement system may retire before such member's normal retirement date on the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

1 (4) Any member may retire before such member's normal retirement
2 date on the first day of any month coinciding with or following termination
3 of employment with any participating employer not followed by employ-
4 ment with any participating employer within 30 days and the attainment
5 of age 55 with the completion of 10 years of credited service, but in no
6 event before six months after the entry date, upon the filing with the
7 office of the retirement system of an application for retirement in such
8 form and manner as the board shall prescribe.

9 (5) If a retirant who retired on or after July 1, 1988, is employed or
10 appointed in or to any position or office for which compensation for serv-
11 ice is paid in an amount equal to \$15,000 or more in any one such calendar
12 year, by any participating employer for which such retirant was employed
13 or appointed during the final two years of such retirant's participation,
14 such retirant shall not receive any retirement benefit for any month for
15 which such retirant serves in such position or office. The participating
16 employer shall report to the system within 30 days of when the compen-
17 sation paid to the retirant is equal to or exceeds any limitation provided
18 by this section. Any retirant employed by a participating employer shall
19 not make contributions nor receive additional credit under such system
20 for such service except as provided by this section. Upon request of the
21 executive secretary of the system, the secretary of revenue shall provide
22 such information as may be needed by the executive secretary to carry
23 out the provisions of this act. The provisions of this subsection shall not
24 apply to retirants employed as ~~substitute~~ teachers or to officers, employ-
25 ees or appointees of the legislature. The provisions of this subsection shall
26 not apply to members of the legislature prior to January 8, 2000. The
27 provisions of this subsection shall not apply to any other elected officials
28 prior to the term of office of such elected official which commences on
29 or after July 1, 2000. The provisions of this subsection shall apply to any
30 other elected official on and after the term of office of such other elected
31 official which commences on or after July 1, 2000. Except as otherwise
32 provided, commencing January 8, 2001, the provisions of this subsection
33 shall apply to members of the legislature. For determination of the
34 amount of compensation paid pursuant to this subsection, for members
35 of the legislature, compensation shall include any amount paid as pro-
36 vided pursuant to subsections (a), (b), (c) and (d) of K.S.A. 46-137a, and
37 amendments thereto, or pursuant to K.S.A. 46-137b, and amendments
38 thereto. Notwithstanding any provision of law to the contrary, when a
39 member of the legislature is paid an amount of compensation of \$15,000
40 or more in any one calendar year, the member may continue to receive
41 any amount provided in subsections (b) and (d) of K.S.A. 46-137a, and
42 amendments thereto, and still be entitled to receive such member's re-
43 tirement benefit.

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

8 Sec. 2. K.S.A. 2000 Supp. 74-4914 is hereby repealed.

9 Sec. 3. This act shall take effect and be in force from and after its
10 publication in the statute book.

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