

As Amended by House Committee

**HOUSE BILL No. 2203**

By Committee on Financial Institutions and Pensions

2-7

1 AN ACT concerning retirement and pensions; relating to the Kansas public  
2 employee retirement system; employment after retirement; exempting  
3 individuals employed by the Kansas academies of the United States  
4 department of defense STARBASE program; **certain retirees from**  
5 **penalties; authorizing reimbursement of certain suspended**  
6 **retirement benefits; amending K.S.A. 74-4914 and repealing the**  
7 **existing section.**

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

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

Proposed Amendments for HB 2203  
For Committee on Financial Institutions and Insurance  
by Eileen Ma  
Office of Revisor of Statutes  
March 14, 2019

1 retirement is less than 62, and who is subsequently hired without any  
2 prearranged agreement with the participating employer in a non-covered  
3 position, or an independent contractor or a third-party entity who contracts  
4 service to fill such non-covered position, shall not be subject to an  
5 earnings limitation that when met or exceeded requires that the retiree not  
6 receive a retirement benefit for any month for which such retiree serves in  
7 such non-covered position. No employer contribution shall be paid to the  
8 system on compensation paid to a retiree hired in a non-covered position.

9 (c) The participating employer shall enroll all retirees, including  
10 retirees under subsection (7)(b)(i), (ii), (iii), (vii) and (viii), and report to  
11 the system when compensation is paid to a retiree as provided in this  
12 subsection. Such report shall contain a certification by the appointing  
13 authority of the participating employer that any hired retiree has not been  
14 employed by the participating employer within 60 days of such retiree's  
15 retirement in the case of a retiree whose age on the date of retirement is  
16 62 or older, or within 180 days of such retiree's retirement in the case of a  
17 retiree whose age on the date of retirement is less than 62, and that there  
18 was no prearranged agreement for employment between the participating  
19 employer and the hired retiree. Upon request of the executive director of  
20 the system, the participating employer shall provide such information as  
21 may be needed by the executive director to carry out the provisions of this  
22 subsection. No retiree shall make contributions to the system or receive  
23 credit for service while employed under the provisions of this subsection.

24 (d) The provisions of this subsection relating to an earnings limitation  
25 and employer contributions shall not apply to any retiree described in  
26 subsection (7)(b) or to retirees who are independent contractors or  
27 employees of third-party entities who contract with a participating  
28 employer as described in subsection (7)(f), except as specifically provided  
29 in this subsection.

30 (e) Nothing in this subsection shall be construed to create any right,  
31 or to authorize the creation of any right that is not subject to amendment or  
32 nullification by act of the legislature.

33 Sec. 2. K.S.A. 74-4914 is hereby repealed.

34 Sec. 3. This act shall take effect and be in force from and after its  
35 publication in the ~~statute book~~

Kansas register