AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; earnings limitation; exemptions; amending K.S.A. 2016 Supp. 46-2201, 74-4914 and 74-4937 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 74-4914f.

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

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

(b) All members of the joint committee on pensions, investments and benefits shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. On and after the first day of the regular legislative session in odd-numbered years, the chairperson shall be one of the representative members of the joint committee selected by the speaker and the vice-chairperson shall be one of the senate members selected by the president and on and after the first day of the regular legislative session in even-numbered years, the chairperson shall be one of the senate members of the joint committee selected by the speaker and the vice-chairperson shall be one of the representative members of the joint committee selected by the speaker. The chairperson and vice-chairperson of the joint committee shall serve in such capacities until the first day of the regular legislative session in the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

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

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

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

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

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

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

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

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

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

Sec. 2. K.S.A. 2016 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 60 days and
without any prearranged agreement for employment with any participating
employer, 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. Such
application shall contain a certification by the member that the member
will not be employed with any participating employer within 60 days of
retirement and the member has not entered into a prearranged agreement
for employment with any participating employer. 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
city 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.

(4) Any member may retire before such member's normal retirement
date on the first day of any month coinciding with or following
termination of employment with any participating employer not followed
by employment with any participating employer within 60 days and the
attainment of age 55 with the completion of 10 years of credited service,
but in no event before six months after the entry date, upon the filing with
the office of the retirement system of an application for retirement in such
form and manner as the board shall prescribe. The member's application
for retirement shall contain a certification by the member that the member
will not be employed with any participating employer within 60 days of
retirement and the member has not entered into a prearranged agreement
for employment with any participating employer.

(5) Except as provided in subsection (7), on or after July 1, 2006, for any retirant who is first employed or appointed in or to any position or office by a participating employer other than a participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation, and, on or after April 1, 2009, for any retirant who is employed by a third-party entity who contracts services with a participating employer other than a participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation to fill a position covered under K.S.A. 72-5410(a), and amendments thereto, with such retirant, such participating employer shall pay to the system the actuarially determined employer contribution and the statutorily prescribed employee contribution based on the retirant's compensation during any such period of employment or appointment. If a retirant is employed or appointed in or to any position or office for which compensation for service is paid in an amount equal to $20,000 or more in any one such calendar year, or $25,000 or more in any one calendar year between July 1, 2016, and July 1, 2020, by any participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation, and, on or after April 1, 2009, by any third-party entity who contracts services to fill a position covered under K.S.A. 72-5410(a), and amendments thereto, with such retirant with a participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation, such retirant shall not receive any retirement benefit for any month for which such retirant serves in such position or office. The participating employer who employs such retirant whether by contract directly with the retirant or through an arrangement with a third-party entity shall report to the system within 30 days of when the compensation paid to the retirant is equal to or exceeds any limitation provided by this section. Any participating employer who contracts services with any such third-party entity to fill a position covered under K.S.A. 72-5410(a), and amendments thereto, shall include in such contract a provision or condition which requires the third-party entity to provide the participating employer with the necessary compensation paid information related to any such position filled by the third-party entity with a retirant to enable the participating employer to comply with provisions of this subsection relating to the payment of contributions and reporting requirements. The provisions and requirements provided for in amendments made in this act which relate to positions filled with a retirant or employment of a retirant by a third-party entity shall not apply to any contract for services entered into prior to April 1, 2009, between a participating employer and third-party entity as described in this subsection. Any retirant employed by a
participating employer or a third-party entity as provided in this subsection shall not make contributions nor receive additional credit under such system for such service except as provided by this section. Upon request of the executive director of the system, the secretary of revenue shall provide such information as may be needed by the executive director to carry out the provisions of this act. The provisions of this subsection shall not apply to retirants employed as substitute teachers or officers, employees or appointees of the legislature. The provisions of this subsection shall not apply to members of the legislature prior to January 8, 2000. The provisions of this subsection shall not apply to any other elected official prior to the term of office of such elected official which commences on or after July 1, 2000. The provisions of this subsection shall apply to any other elected official, except an elected city or county officer as further provided in this subsection, on and after the term of office of such other elected official which commences on or after July 1, 2000. Notwithstanding any provisions of law to the contrary, when an elected city or county officer is retired under the provisions of subsection (1) or (4) of this section and is paid an amount of compensation of $25,000 or more in any one calendar year between July 1, 2016, and July 1, 2020, such officer may receive such officer's salary, and still be entitled to receive such officer's retirement benefit pursuant to the provisions of K.S.A. 74-4915 et seq., and amendments thereto. Except as otherwise provided, commencing January 8, 2001, the provisions of this subsection shall apply to members of the legislature. For determination of the amount of compensation paid pursuant to this subsection, for members of the legislature, compensation shall include any amount paid as provided pursuant to K.S.A. 46-137a(a), (b), (c) and (d), and amendments thereto, or pursuant to K.S.A. 46-137b, and amendments thereto. Notwithstanding any provision of law to the contrary, when a member of the legislature is paid an amount of compensation of $20,000 or more in any one calendar year, the member may continue to receive any amount provided in K.S.A. 46-137a(b) and (d), and amendments thereto, and still be entitled to receive such member's retirement benefit. Commencing July 1, 2005, the provisions of this subsection shall not apply to retirants who either retired under the provisions of subsection (1), or if they retired under the provisions of subsection (4), were retired more than 30 days prior to the effective date of this act and are licensed professional nurses or licensed practical nurses employed by the state of Kansas in an institution as defined in K.S.A. 76-12a01(b) or K.S.A. 38-2302(4)(k), and amendments thereto, the Kansas soldiers' home or the Kansas veterans' home. Nothing in this subsection shall be construed to create any right, or to authorize the creation of any right, which is not subject to amendment or nullification by act of the legislature. The participating employer of such retirent shall pay
to the system the actuarially determined employer contribution based on
the retirant's compensation during any such period of employment.

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

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

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

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

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

(iii) certified law enforcement officers employed by the law
enforcement training center. Such law enforcement officers shall receive
their benefits notwithstanding this subsection. The law enforcement
training center shall pay to the system the actuarially determined
employer contribution and the statutorily prescribed employee contribution
based on the retirant's compensation during any such period of
employment;
(iv) members of the Kansas police and firemen's retirement system pursuant to K.S.A. 74-4951 et seq., and amendments thereto, or members of the retirement system for judges pursuant to K.S.A. 20-2601 et seq., and amendments thereto;

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

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

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

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

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

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

(ii) the employer pays to the system a 30% employer contribution based on the retirant's compensation during any such period of employment. On or before July 1, 2019, and at least every three years thereafter, the board, in consultation with the system's consulting actuary, shall evaluate the plan's experience with employment of such retirants and the corresponding employer contribution rate to assess whether the employer contribution rate can be expected to fund adverse experience or
higher liabilities accruing under the system in connection with
employment of such retirants, to the extent that such liability can be
ascertained or estimated. Based on this evaluation of the plan's experience,
the board may certify to the division of the budget, in the case of the state,
and to the agent for each other participating employer, a new rate if needed
to more fully fund such adverse experience or additional liabilities, but
such rate shall not be less than 30%; and
(iii) the employer maintains documentation of its efforts to fill the
position with a non-retirant and provides such documentation to the joint
committee on pensions, investments and benefits upon request of the
committee.
(e) An employer may submit a written assurance protocol to the
system to extend the exception provided for in subsection (7)(d) by one-
year increments for a total extension not to exceed three years. A written
assurance protocol shall be submitted to the system for each one-year
increment extension. If a school district submits a written assurance
protocol, such written assurance protocol shall be signed by the
superintendent and the board president of such school district. If a
municipality, as defined in K.S.A. 75-1117, and amendments thereto, other
than a school district, submits a written assurance protocol, such written
assurance protocol shall be signed by the governing body or such
governing body's designee for such municipality. Such written assurance
protocol shall state that the position was advertised on multiple platforms
for a minimum of 30 calendar days and that at least one of the following
conditions occurred:
(i) No applications were submitted for the position;
(ii) if applications were submitted, none of the applicants met the
reference screening criteria of the employer; or
(iii) if applications were submitted, none of the applicants possessed
the appropriate licensure, certification or other necessary credentials for
the position.
(f) On July 1, 2021, and at least every five years thereafter, the joint
committee on pensions, investments and benefits shall study the issue of
whether the compensation limitation prescribed in this subsection should
be adjusted. The committee shall consider the effect of inflation and data
on member retirement benefits and active employee compensation.
(g) Nothing in this subsection shall be construed to create any right,
or to authorize the creation of any right, which is not subject to
amendment or nullification by act of the legislature.
(h) Any retirant hired by any participating employer under the
provisions of subsection (7)(d) or K.S.A. 74-4937(3), (4) or (5), and
amendments thereto, may continue to receive such retirant's full retirement
benefit so long as, commencing July 1, 2016, such retirant's total term of
employment with all participating employers under one or more of such provisions does not exceed 48 months or four school years, whichever is less. After such period, such retirant shall not receive any retirement benefit for any month in any calendar year in which such retirant receives compensation in an amount equal to $25,000 or more in such calendar year.

(8) If determined by the retirement system that a retirant entered into a prearranged agreement for employment with a participating employer prior to such retirant's retirement and prior to the end of the subsequent 60-day waiting period, the monthly retirement benefit of such retirant shall be suspended during the period that begins on the month in which the retirant is re-employed and ends six months after the retirant's termination of such employment. The retirant shall repay to the retirement system all monthly retirement benefits paid to the retirant by the retirement system that the retirant received after such employment began. The participating employer which hired such retirant shall be required to pay to the system any fees, fines, penalties or any other cost imposed by the internal revenue service and indemnify the system for any cost incurred by the system to defend any action brought by the internal revenue service based on in-service distributions which are a result of any determined prearranged agreement and for any cost incurred by the system to collect any monthly retirement benefit required to be repaid by such retirant pursuant to this subsection.

(9) For the purposes of this section a prearranged agreement for employment may be determined by whether the facts and circumstances of the situation indicate that the employer and employee reasonably anticipated that further services would be performed after the employee's retirement.

Sec. 3. K.S.A. 2016 Supp. 74-4937 is hereby amended to read as follows: 74-4937. (1) The normal retirement date of a member of the system who is in school employment and who is subject to K.S.A. 74-4940, and amendments thereto, shall be the first day of the month coinciding with or following termination of employment not followed by employment with any participating employer within 60 days and without any prearranged agreement for employment with any participating employer, and the attainment of age 65 or, commencing July 1, 1986, age 65 or age 60 with the completion of 35 years of credited service or at any age with the completion of 40 years of credited service, or commencing July 1, 1993, any alternative normal retirement date already prescribed by law or 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. Each member upon giving prior notice to the appointing authority and the retirement
system may retire on the normal retirement date or the first day of any
month thereafter. Such member's application for retirement shall contain a
certification by the member that the member will not be employed with
any participating employer within 60 days of retirement and the member
has not entered into a prearranged agreement for employment with any
participating employer.
(2) Any member who is in school employment and who is subject to
K.S.A. 74-4940, and amendments thereto, may retire before such
member's normal retirement date on the first day of the month coinciding
with or following termination of employment not followed by employment
with any participating employer within 60 days and the attainment of age
55 with the completion of 10 years of credited service, upon the filing with
the office of the retirement system of an application for retirement in such
form and manner as the board shall prescribe. The member's application
for retirement shall contain a certification by the member that the member
will not be employed with any participating employer within 60 days of
retirement and the member has not entered into a prearranged agreement
for employment with any participating employer.
(3) Before July 1, 2020, the provisions of K.S.A. 74-4914(5) or (7),
and amendments thereto, which relate to an earnings limitation which
when met or exceeded requires that the retirant not receive a retirement
benefit for any month for which such retirant serves in a position as
described herein shall not apply to retirants who retired on or after July 1,
2009, and who either retired under the provisions of K.S.A. 74-4914(l),
and amendments thereto, related to normal retirement, or, if they retired
under the provisions of K.S.A. 74-4914(4), and amendments thereto,
related to early retirement, were retired more than 60 days prior to May 28,
2009 July 1, 2017, and are subsequently hired in a position that requires a
license under K.S.A. 72-1388, and amendments thereto, or other provision
of law. The provisions of this subsection shall only apply to retirants who
retired prior to May 1, 2015. The provisions of this subsection do not
apply to retirants who retired under K.S.A. 74-4914(4), and amendments
thereto, which relates to early retirement prior to age 62. Except as
otherwise provided, when a retirant is employed by the same school
district or a different school district with which such retirant was employed
during the final two years of such retirant's participation or employed by a
third-party entity who contracts services with a school district to fill a
position as described in this subsection, the participating employer of such
retirant shall pay to the system the actuarially determined employer
contribution based on the retirant's compensation during any such period
of employment plus 8%. The participating employer shall enroll all
retirants and report to the system when compensation is paid to a retirant
as provided in this subsection. Such notice shall contain a certification by
the appointing authority of the participating employer that any hired retirant has not been employed by the participating employer within 60 days of such retirant's retirement and that there was no prearranged agreement for employment between the participating employer and the hired retirant. Upon request of the executive director of the system, the participating employer shall provide such information as may be needed by the executive director to carry out the provisions of this subsection. The provisions of this subsection shall not apply to retirants employed as substitute teachers. The provisions of K.S.A. 74-4914(5), and amendments thereto, shall be applicable to retirants employed as described in this subsection, except as specifically provided in this subsection. Nothing in this subsection shall be construed to create any right, or to authorize the creation of any right, which is not subject to amendment or nullification by act of the legislature. The provisions of this subsection shall expire on June 30, 2020. After such date the Kansas public employees retirement system and its actuary shall report the experience to the joint committee on pensions, investments and benefits.

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

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

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

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

(i) No applications were submitted for the position;

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

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

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

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

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

(b) The state board of education shall annually certify the top five types of licensed positions that are hard to fill. A school district may hire a retiree to fill a hard-to-fill position for some or all of a school year and in subsequent school years if the employer is unable to permanently fill the position with an active member. A retiree first hired under the provisions of this subsection may be retained by an employer even if such retiree's type of position is no longer one of the five types of positions certified by the state board of education. A retiree hired under the provisions of this subsection may continue to receive such retiree's full retirement benefit for a period not to exceed three school years or 36 months, whichever is less, and shall not be subject to the provisions of K.S.A. 74-4914(5), and amendments thereto, which relate to a compensation limitation which when met or exceeded requires that the retiree not receive a retirement benefit for any month for which such retiree serves in a position as described herein. Such retiree may be employed by such employer for some or all of a school year, and in subsequent school years if the employer is unable to permanently fill the position with active members, so long as the retiree's total term of employment with all employers under this subsection does not exceed 36 months or three school years,
whichever is less. After such period, the retirant shall be subject to the
provisions of K.S.A. 74-4914(7), and amendments thereto, which relate to
a compensation limitation which when met or exceeded requires that the
retirant not receive a retirement benefit for any month for which such
retirant serves in a position as described herein. The participating
employer of such retirant shall pay to the system a 30% employer
contribution based on the retirant’s compensation during any such period
of employment. On or before July 1, 2019, and at least every three years
thereafter, the board, in consultation with the system’s consulting actuary,
shall evaluate the plan’s experience with employment of such retirants and
the corresponding employer contribution rate to assess whether the
employer contribution rate can be expected to fund adverse experience or
higher liabilities accruing under the system in connection with
employment of such retirants, to the extent that such liability can be
ascertained or estimated. Based on this evaluation of the plan’s experience,
the board may certify to the division of the budget, in the case of the state,
and to the agent for each other participating employer, a new rate if needed
to more fully fund such adverse experience or additional liabilities, but
such rate shall not be less than 30%. The provisions of this subsection shall
not apply to retirants employed as substitute teachers. The provisions of
K.S.A. 74-4914(5), and amendments thereto, shall be applicable to
retirants employed as described in this subsection, except as specifically
provided in this subsection.

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

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

(i) No applications were submitted for the position;
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(ii) if applications were submitted, none of the applicants met the reference screening criteria of the employer; or

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

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

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

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

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

(8) For the purposes of this section a prearranged agreement for employment may be determined by whether the facts and circumstances of the situation indicate that the employer and employee reasonably anticipated that further services would be performed after the employee's retirement.

Sec. 4. K.S.A. 2016 Supp. 46-2201, 74-4914, 74-4914f and 74-4937 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.