

MINUTES OF THE SENATE SELECT COMMITTEE ON KPERS

The meeting was called to order by Chairperson Jeff King at 11:55am on Monday, May 04, 2015, 118-N of the Capitol.

All members were present

Committee staff present:

Reed Holwegner, Legislative Research Department
Suzanne Nelson, Kansas Legislative Committee Assistant
Daniel Yoza, Office of Revisor of Statutes
Gordon Self, Office of Revisor of Statutes
Mark Dapp, Legislative Research Department

Conferees appearing before the Committee:

No conferees present

Others in attendance:

[See Attached List](#)

Possible action on bills previously heard

Chair King turned the committee's attention to the draft of a substitute bill proposal that was circulated and heard last week on 4/29/15 which came from a bipartisan working group during the April legislative break. Copies of the substitute proposal were again distributed to the members and audience. Chair King noted that the document being distributed is the exact same version that was provided last week and if any motions were made concerning the proposal, they would need to include allowing the Revisors leeway to make any small technical corrections necessary to clean up the bill. ([Attachment 1](#))

*As a procedural matter, Chair King moved that the contents of **HB2095** be gutted and the contents of the substitute proposal be inserted creating **Senate Substitute for HB2095**; seconded by Senator Kelly. The motion passed.*

Senator Knox distributed a proposed balloon amendment to **SB299**, which would only provide for a one year extension of the sunset provision for retirants employed as teachers and also would eliminate the unretire and notional account provisions. ([Attachment 2](#)) *Senator Knox moved the proposed balloon amendment; seconded by Senator Holmes. The motion failed.*

Discussion: Some were concerned about the effects of only extending the sunset until next year with regard to the IRS ruling on Working After Retirement (WAR). Another was concerned that the bill with the Knox amendment would not pass the Senate or the House and KPERS would then be left with no WAR program. Another felt that although the proposal still needed some work, it would be better to take some action in good faith to address the IRS concerns, then place the WAR issue as number one on the agenda when the the next Joint Committee on Pensions, Investments and Benefits convenes.

*Senator Knox moved to amend **Senate Substitute for HB2095** providing that when an employee*

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CONTINUATION SHEET

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reaches 85 points, the employer would be allowed the option to pay the additional 6% employee contribution; seconded by Senator Holmes. The motion failed.

Senator Knox moved to amend **Senate Substitute for HB2095** providing for a full exemption to licensed teachers or law enforcement employees who retire after reaching 95 points and fulfill a waiting period of 365 days before applying to return to work; seconded by Chair King. The motion failed.

Alan Conroy addressed several questions from members pertaining to handling special situations involving elected officials, legislators, and sheriffs once retired from KPERS, the main concern being that this would limit the number of qualified people who would run for sheriff. When asked if the solution to this would be to exempt all local municipal elected officials, Mr. Conroy answered affirmatively to an exemption as a fix.

Senator Kelly distributed an amendment to Page 7 of **Senate Substitute for HB2095**. ([Attachment 3](#)) Senator Kelly then moved the amendment; Senator Bowers seconded. The motion passed.

Discussion: Senator Hensley suggested the Movant and Seconder add a clarification that the official is still entitled to receive such official's retirement benefit from his or her previous employment. Both agreed to the clarification and also agreed to allow the Revisors to amend the wording to best reflect such a change.

Senator Denning moved that **Senate Substitute for HB2095 As Amended** be further amended on Page 9, section (vi) after the word "employed" by adding "or has accepted employment" or other acceptable language created by the Revisors; seconded by Senator Kelly; The motion passed.

Senator Kelly moved that **Senate Substitute for HB2095 As Amended** be further amended on Page 15, section (b) by striking the second sentence, "Each school district may select up to three types of the certified positions which shall be eligible to be filled with retirants."; seconded by Senator Hensley. The motion passed.

Discussion: The feeling was that striking this sentence will give the districts more flexibility in meeting their needs. Also, it will be less of an administrative hassle to allow the schools to declare their top five types of difficult to hire positions and easy to match up with their hires for the year.

Senator Longbine moved to give leeway to the Revisors to make the technical changes and language changes necessary and further that **Senate Substitute for HB2095 As Amended** be recommended favorably for passage; seconded by Senator Holmes. The motion passed.

The meeting adjourned at 12:35 pm. No further committee meetings are anticipated during this legislative session.

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