

HOUSE BILL No. 2624

By Representative Jones

2-5

1 AN ACT concerning retirement and pensions; relating to the Kansas public
2 employees retirement system; members of the legislature; rate of
3 compensation at which such members participate; amending K.S.A.
4 2017 Supp. 74-4992 and 74-4995 and repealing the existing sections.

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

7 Section 1. K.S.A. 2017 Supp. 74-4992 is hereby amended to read as
8 follows: 74-4992. (a) Any such member of the legislature or former
9 member of the legislature as described in K.S.A. 74-4991, and
10 amendments thereto, shall become a member on entry date or upon filing
11 with the board an irrevocable election to become or not to become a
12 member of the system. In the event that any such member of the
13 legislature or former member of the legislature fails to file the election to
14 become a member of the retirement system, it shall be presumed that such
15 member of the legislature or former member of the legislature has elected
16 not to become a member. The election to participate shall become effective
17 immediately upon making such election, if such election is made within 14
18 days of taking the oath of office or, otherwise, on the first day of the first
19 payroll period of the first quarter following receipt of the election in the
20 office of the retirement system. ~~On and after July 1, 2006, all members of~~
21 ~~the legislature shall also make the election required by the provisions of~~
22 ~~K.S.A. 74-4995, and amendments thereto, related to the rate of~~
23 ~~compensation at which such members shall participate for purposes of~~
24 ~~K.S.A. 74-4991 et seq., and amendments thereto.~~

25 (b) Any member of the legislature who had attained membership in
26 the Kansas public employees retirement system prior to taking the oath of
27 office as a member of the legislature may elect not to participate in the
28 Kansas public employees retirement system for the purpose of service as a
29 member of the legislature. This election, which is irrevocable, must be
30 filed within the offices of the system. Any member of the legislature who
31 is a member of the retirement system on the effective date of this act and
32 was a member of the retirement system at the time of taking the oath of
33 office may elect not to participate in the retirement system for service as a
34 member of the legislature if such irrevocable election is filed within the
35 offices of the system.

36 (c) Subject to the provisions of K.S.A. 74-49,123, and amendments

1 thereto, any member of the legislature who elected not to participate in the
2 retirement system, and who is not a contributing member with any other
3 participating employer, may purchase such participating service by making
4 a single lump-sum payment in an amount determined by the actuary using
5 the then current rate of compensation and the actuarial assumptions and
6 tables currently in use by the system.

7 (d) Subject to the provisions of K.S.A. 74-49,123, and amendments
8 thereto, except as otherwise provided in this section, any member of the
9 retirement system may purchase participating service credit for
10 employment service as described in this section, if first commenced prior
11 to January 1, 1996, by electing to effect such purchase by means of having
12 employee contributions as provided in K.S.A. 74-4919, and amendments
13 thereto, deducted from such member's compensation at a percentage rate
14 equal to two times or three times the employee's rate of contribution as
15 provided in K.S.A. 74-4919, and amendments thereto, for such periods of
16 service in lieu of a lump-sum amount as provided in this section. Such
17 deductions shall commence at the beginning of the quarter following such
18 election and shall remain in effect until all quarters of such service have
19 been purchased. Any person may make any such purchase as described in
20 this section, if first commenced in calendar year 1996 or thereafter, at an
21 additional rate of contribution, in addition to the employee's rate of
22 contribution as provided in K.S.A. 74-4919, and amendments thereto,
23 based upon the member's attained age at the time of purchase and using
24 actuarial assumptions and tables in use by the retirement system at such
25 time of purchase, for such periods of service, in lieu of a lump-sum
26 amount as provided in this section. Such additional rate of contribution
27 shall commence at the beginning of the quarter following such election
28 and shall remain in effect until all quarters of such service have been
29 purchased.

30 Sec. 2. K.S.A. 2017 Supp. 74-4995 is hereby amended to read as
31 follows: 74-4995. (a) Employer and employee contributions shall be
32 governed by the provisions of K.S.A. 74-4919 and 74-4920, and
33 amendments thereto. For purposes of contributions to and benefits under
34 the Kansas public employees retirement system, compensation of a
35 member of the legislature under this act *for all service on and after*
36 *January 11, 2021*, shall be ~~a monthly amount equal to: (1) The~~
37 ~~compensation to which the member was entitled for services as a member~~
38 ~~of the legislature during the first 30 calendar days of the most recent~~
39 ~~session in which the member has served; and (2) any amount to which the~~
40 ~~member makes an election pursuant to this subsection. In addition to the~~
41 ~~provisions of subsection (a)(1) and any election made pursuant to this~~
42 ~~subsection, the compensation of a member shall include an additional five~~
43 ~~days of compensation to which such member was entitled for services as a~~

1 member of the legislature of the most recent session in which the member
2 has served beyond the days provided for in subsection (a)(1). In addition to
3 the provisions of subsection (a)(1), a member of the legislature may elect
4 to participate with a rate of compensation that includes: (A) For service as
5 a member after July 18, 1982, a monthly amount equal to $\frac{1}{12}$ of the
6 annualized amount received for monthly allowance under subsection (c) of
7 K.S.A. 46-137a, and amendments thereto; (B) a monthly amount equal to
8 $\frac{1}{12}$ of the annualized amount received for expenses allowance under
9 subsection (b) of K.S.A. 46-137a, and amendments thereto; or (C) an
10 amount equal to the combined amounts provided for in subsections (2)(A)
11 and (2)(B). A member of the legislature who has filed an election to
12 become a member of the system pursuant to the provisions of K.S.A. 74-
13 4992, and amendments thereto, prior to July 1, 2006, shall file an election
14 with the system to include any amounts specified in subsection (2)(A), (2)
15 (B) or (2)(C) prior to August 1, 2006, except that nothing contained in this
16 act shall be construed to permit a member of the legislature who has made
17 an election pursuant to this section prior to the effective date of this act to
18 revoke any such election previously made by such member. In the event
19 that any such member fails to file such election prior to August 1, 2006, it
20 shall be presumed that such member has elected to not include any
21 amounts specified in subsection (2)(A), (2)(B) or (2)(C), and participate at
22 a rate of compensation that includes only the amount provided in
23 subsection (a)(1). A member of the legislature who files an election to
24 become a member of the system pursuant to the provisions of K.S.A. 74-
25 4992, and amendments thereto, on and after July 1, 2006, shall file an
26 election with the system to include any amounts specified in subsection (2)
27 (A), (2)(B) or (2)(C) at the same time that such member files the election
28 to become a member of the system. In the event that any such member
29 fails to file such election, it shall be presumed that such member has
30 elected to not include any amounts specified in subsection (2)(A), (2)(B)
31 or (2)(C), and participate at a rate of compensation that includes only the
32 amount provided in subsection (a)(1) as defined in K.S.A. 74-4902(9), and
33 amendments thereto. Any amounts deducted and remitted from
34 compensation of a member of the legislature for service under this section
35 prior to January 11, 2021, that is in excess of compensation as defined in
36 K.S.A. 74-4902(9), and amendments thereto, shall be refunded to such
37 member of the legislature. For service on and after January 11, 2021, no
38 compensation that is in excess of compensation as defined in K.S.A. 74-
39 4902(9), and amendments thereto, shall be used to compute the final
40 average salary as provided in K.S.A. 74-4902(17), and amendments
41 thereto, for any such member of the legislature.

42 (b) The employee rate of contribution shall be applied to any amounts
43 to which a member has elected pursuant to the provisions of subsection (a)

1 ~~(2) such member's compensation.~~ The employee and employer
2 contributions shall be remitted to the system quarterly with a report of
3 such contributions as may be required by the board. ~~Any changes in a~~
4 ~~member's rate of compensation and contributions as a result of any~~
5 ~~election mandated by this section for a member of the legislature who had~~
6 ~~filed an election to become a member of the system prior to July 1, 2006,~~
7 ~~shall be effective on October 1, 2006. All such elections pursuant to this~~
8 ~~section shall be in the form and manner prescribed by the board of~~
9 ~~trustees.~~

10 (e) ~~Any member of the legislature making the election pursuant to~~
11 ~~subsection (a)(2) may not revoke such election while they remain a~~
12 ~~participating employee for service as a member of the legislature.~~

13 Sec. 3. K.S.A. 2017 Supp. 74-4992 and 74-4995 are hereby repealed.

14 Sec. 4. This act shall take effect and be in force from and after its
15 publication in the statute book.