AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and the Kansas police and firemen's retirement system; calculation of member's benefits; limiting the accumulation of vacation leave for certain employees; amending K.S.A. 75-5517 and K.S.A. 2014 Supp. 74-4902 and 74-4952 and repealing the existing sections.

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

Section 1. K.S.A. 2014 Supp. 74-4902 is hereby amended to read as follows: 74-4902. As used in articles 49 and 49a of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, unless otherwise provided or the context otherwise requires:

(1) "Accumulated contributions" means the sum of all contributions by a member to the system which are credited to the member's account, with interest allowed thereon;

(2) "acts" means the provisions of articles 49 and 49a of the Kansas Statutes Annotated, and amendments thereto;

(3) "actuarial equivalent" means an annuity or benefit of equal value to the accumulated contributions, annuity or benefit, when computed upon the basis of the actuarial tables in use by the system. Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, the assumptions shall be specified in a way that precludes employer discretion;

(4) "actuarial tables" means the actuarial tables approved and in use by the board at any given time;

(5) "actuary" means the actuary or firm of actuaries employed or retained by the board at any given time;

(6) "agent" means the individual designated by each participating employer through whom system transactions and communication are directed;

(7) "beneficiary" means, subject to the provisions of K.S.A. 74-4927, and amendments thereto, any natural person or persons, estate or trust, or any combination thereof, named by a member to receive any benefits as provided for by this act. Designations of beneficiaries by a member who is a member of more than one retirement system made on or after July 1, 1987, shall be the basis of any benefits payable under all systems unless
otherwise provided by law. Except as otherwise provided by subsection (33) of this section, if there is no named beneficiary living at the time of the member's death, any benefits provided for by this act shall be paid to:
(A) The member's surviving spouse; (B) the member's dependent child or children; (C) the member's dependent parent or parents; (D) the member's nondependent child or children; (E) the member's nondependent parent or parents; or (F) the estate of the deceased member; in the order of preference as specified in this subsection;
(8) "board of trustees," "board" or "trustees" means the managing body of the system which is known as the Kansas public employees retirement system board of trustees;
(9) "compensation" means, except as otherwise provided, all salary, wages and other remuneration payable to a member for personal services performed for a participating employer, including maintenance or any allowance in lieu thereof provided a member as part of compensation, but not including reimbursement for travel or moving expenses or on and after July 1, 1994, payment pursuant to an early retirement incentive program made prior to the retirement of the member. Beginning with the employer's fiscal year which begins in calendar year 1991 or for employers other than the state of Kansas, beginning with the fiscal year which begins in calendar year 1992, when the compensation of a member who remains in substantially the same position during any two consecutive years of participating service used in calculating final average salary is increased by an amount which exceeds 15%, then the amount of such increase which exceeds 15% shall not be included in compensation, except that: (A) Prior to January 1, 2016, any amount of compensation for accumulated sick leave or vacation or annual leave paid to the member; (B) Any increase in compensation for any member due to a reclassification or reallocation of such member's position or a reassignment of such member's job classification to a higher range or level; and (C) any increase in compensation as provided in any contract entered into prior to January 1, 1991, and still in force on the effective date of this act, pursuant to an early retirement incentive program as provided in K.S.A. 72-5395 et seq., and amendments thereto, shall be included in the amount of compensation of such member used in determining such member's final average salary and shall not be subject to the 15% limitation provided in this subsection. Any contributions by such member on the amount of such increase which exceeds 15% which is not included in compensation shall be returned to the member. Unless otherwise provided by law, beginning with the employer's fiscal year coinciding with or following July 1, 1985, compensation shall include any amounts for tax sheltered annuities or deferred compensation plans. Beginning with the employer's fiscal year which begins in calendar year 1991, compensation shall include amounts
under sections 403b, 457 and 125 of the federal internal revenue code of 1986 and, as the board deems appropriate, any other section of the federal internal revenue code of 1986 which defers or excludes amounts from inclusion in income. For purposes of applying limits under the federal internal revenue code "compensation" shall have the meaning as provided in K.S.A. 74-49,123, and amendments thereto. For purposes of this subsection and application to the provisions of subsection (4) of K.S.A. 74-4927(4), and amendments thereto, "compensation" shall not include any payments made by the state board of regents pursuant to the provisions of subsection (5) of K.S.A. 74-4927a(5), and amendments thereto, to a member of the faculty or other person defined in subsection (1)(a) of K.S.A. 74-4925(1)(a), and amendments thereto;

For purposes of this subsection and application to the provisions of subsection (17) of this section, on and after January 1, 2016, "compensation" shall not include any payment for accumulated sick leave, vacation or annual leave paid to the member;

(10) "credited service" means the sum of participating service and prior service and in no event shall credited service include any service which is credited under another retirement plan authorized under any law of this state;

(11) "dependent" means a parent or child of a member who is dependent upon the member for at least 1/2 of such parent or child's support;

(12) "effective date" means the date upon which the system becomes effective by operation of law;

(13) "eligible employer" means the state of Kansas, and any county, city, township, special district or any instrumentality of any one or several of the aforementioned or any noncommercial public television or radio station located in this state which receives state funds allocated by the Kansas public broadcasting commission whose employees are covered by social security. If a class or several classes of employees of any above defined employer are not covered by social security, such employer shall be deemed an eligible employer only with respect to such class or those classes of employees who are covered by social security;

(14) "employee" means any appointed or elective officer or employee of a participating employer whose employment is not seasonal or temporary and whose employment requires at least 1,000 hours of work per year, and any such officer or employee who is concurrently employed performing similar or related tasks by two or more participating employers, who each remit employer and employee contributions on behalf of such officer or employee to the system, and whose combined employment is not seasonal or temporary, and whose combined employment requires at least 1,000 hours of work per year, but not
including: (A) Any employee who is a contributing member of the United
States civil service retirement system; (B) any employee who is a
contributing member of the federal employees retirement system; (C) any
employee who is a leased employee as provided in section 414 of the
federal internal revenue code of a participating employer; and (D) any
employee or class of employees specifically exempted by law. After June
30, 1975, no person who is otherwise eligible for membership in the
Kansas public employees retirement system shall be barred from such
membership by reason of coverage by, eligibility for or future eligibility
for a retirement annuity under the provisions of K.S.A. 74-4925, and
amendments thereto, except that no person shall receive service credit
under the Kansas public employees retirement system for any period of
service for which benefits accrue or are granted under a retirement annuity
plan under the provisions of K.S.A. 74-4925, and amendments thereto.
After June 30, 1982, no person who is otherwise eligible for membership
in the Kansas public employees retirement system shall be barred from
such membership by reason of coverage by, eligibility for or future
eligibility for any benefit under another retirement plan authorized under
any law of this state, except that no such person shall receive service credit
under the Kansas public employees retirement system for any period of
service for which any benefit accrues or is granted under any such
retirement plan. Employee shall include persons who are in training at or
employed by, or both, a sheltered workshop for the blind operated by the
secretary for children and families. The entry date for such persons shall
be the beginning of the first pay period of the fiscal year commencing in
calendar year 1986. Such persons shall be granted prior service credit in
accordance with K.S.A. 74-4913, and amendments thereto. However, such
persons classified as home industry employees shall not be covered by the
retirement system. Employees shall include any member of a board of
county commissioners of any county and any council member or
commissioner of a city whose compensation is equal to or exceeds $5,000
per year;
(15) "entry date" means the date as of which an eligible employer
joins the system. The first entry date pursuant to this act is January 1,
1962;
(16) "executive director" means the managing officer of the system
employed by the board under this act;
(17) "final average salary" means in the case of a member who retires
prior to January 1, 1977, and in the case of a member who retires after
January 1, 1977, and who has less than five years of participating service
after January 1, 1967, the average highest annual compensation paid to
such member for any five years of the last 10 years of participating service
immediately preceding retirement or termination of employment, or in the
case of a member who retires on or after January 1, 1977, and who has five or more years of participating service after January 1, 1967, the average highest annual compensation paid to such member on or after January 1, 1967, for any five years of participating service preceding retirement or termination of employment, or, in any case, if participating service is less than five years, then the average annual compensation paid to the member during the full period of participating service, or, in any case, if the member has less than one calendar year of participating service such member's final average salary shall be computed by multiplying such member's highest monthly salary received in that year by 12; in the case of a member who became a member under subsection (3) of K.S.A. 74-4925(3), and amendments thereto, or who became a member with a participating employer as defined in subsection (3) of K.S.A. 74-4931(3), and amendments thereto, and who elects to have compensation paid in other than 12 equal installments, such compensation shall be annualized as if the member had elected to receive 12 equal installments for any such periods preceding retirement; in the case of a member who retires after July 1, 1987, the average highest annual compensation paid to such member for any four years of participating service preceding retirement or termination of employment; in the case of a member who retires on or after July 1, 1993, whose date of membership in the system is prior to July 1, 1993, and any member who is in such member's membership waiting period on July 1, 1993, and whose date of membership in the system is on or after July 1, 1993, the average highest annual compensation, as defined in subsection (9), paid to such member for any four years of participating service preceding retirement or termination of employment or the average highest annual salary, as defined in subsection (34) (33), paid to such member for any three years of participating service preceding retirement or termination of employment, whichever is greater; and in the case of a member who retires on or after July 1, 1993, and whose date of membership in the system is on or after July 1, 1993, the average highest annual salary, as defined in subsection (34) (33), paid to such member for any three years of participating service preceding retirement or termination of employment. Final average salary shall not include any purchase of participating service credit by a member as provided in subsection (2) of K.S.A. 74-4919h(2), and amendments thereto, which is completed within five years of retirement. For any application to purchase or repurchase service credit for a certain period of service as provided by law received by the system after May 17, 1994, for any member who will have contributions deducted from such member's compensation at a percentage rate equal to two or three times the employee's rate of contribution or will begin paying to the system a lump-sum amount for such member's purchase or repurchase and such deductions or lump-sum payment
commences after the commencement of the first payroll period in the third quarter, "final average salary" shall not include any amount of compensation or salary which is based on such member's purchase or repurchase. Any application to purchase or repurchase multiple periods of service shall be treated as multiple applications. For purposes of this subsection, the date that such member is first hired as an employee for members who are employees of employers that elected to participate in the system on or after January 1, 1994, shall be the date that such employee's employer elected to participate in the system. In the case of any former member who was eligible for assistance pursuant to K.S.A. 74-4925, and amendments thereto, prior to July 1, 1998, for the purpose of calculating final average salary of such member, such member's final average salary shall be based on such member's salary while a member of the system or while eligible for assistance pursuant to K.S.A. 74-4925, and amendments thereto, whichever is greater;

(18) "fiscal year" means, for the Kansas public employees retirement system, the period commencing July 1 of any year and ending June 30 of the next;

(19) "Kansas public employees retirement fund" means the fund created by this act for payment of expenses and benefits under the system and referred to as the fund;

(20) "leave of absence" means a period of absence from employment without pay, authorized and approved by the employer, and which after the effective date does not exceed one year;

(21) "member" means an eligible employee who is in the system and is making the required employee contributions; any former employee who has made the required contributions to the system and has not received a refund if such member is within five years of termination of employment with a participating employer; or any former employee who has made the required contributions to the system, has not yet received a refund and has been granted a vested benefit;

(22) "military service" means service in the uniformed forces of the United States, for which retirement benefit credit must be given under the provisions of USERRA or service in the armed forces of the United States or in the commissioned corps of the United States public health service, which service is immediately preceded by a period of employment as an employee or by entering into an employment contract with a participating employer and is followed by return to employment as an employee with the same or another participating employer within 12 months immediately following discharge from such military service, except that if the board determines that such return within 12 months was made impossible by reason of a service-connected disability, the period within which the employee must return to employment with a participating employer shall
be extended not more than two years from the date of discharge or separation from military service;

(23) "normal retirement date" means the date on or after which a member may retire with full retirement benefits pursuant to K.S.A. 74-4914, and amendments thereto;

(24) "participating employer" means an eligible employer who has agreed to make contributions to the system on behalf of its employees;

(25) "participating service" means the period of employment after the entry date for which credit is granted a member;

(26) "prior service" means the period of employment of a member prior to the entry date for which credit is granted a member under this act;

(27) "prior service annual salary" means the highest annual salary, not including any amounts received as payment for overtime or as reimbursement for travel or moving expense, received for personal services by the member from the current employer in any one of the three calendar years immediately preceding January 1, 1962, or the entry date of the employer, whichever is later, except that if a member entered the employment of the state during the calendar year 1961, the prior service annual salary shall be computed by multiplying such member's highest monthly salary received in that year by 12;

(28) "retirant" means a member who has retired under this system;

(29) "retirement benefit" means a monthly income or the actuarial equivalent thereof paid in such manner as specified by the member pursuant to this act or as otherwise allowed to be paid at the discretion of the board, with benefits accruing from the first day of the month coinciding with or following retirement and ending on the last day of the month in which death occurs. Upon proper identification a surviving spouse may negotiate the warrant issued in the name of the retirant. If there is no surviving spouse, the last warrant shall be payable to the designated beneficiary;

(30) "retirement system" or "system" means the Kansas public employees retirement system as established by this act and as it may be amended;

(31) "social security" means the old age, survivors and disability insurance section of the federal social security act;

(32) "trust" means an express trust, created by a trust instrument, including a will, designated by a member to receive payment of the insured death benefit under K.S.A. 74-4927, and amendments thereto, and payment of the member's accumulated contributions under subsection (1) of K.S.A. 74-4916(1), and amendments thereto. A designation of a trust shall be filed with the board. If no will is admitted to probate within six months after the death of the member or no trustee qualifies within such six months or if the designated trust fails, for any reason whatsoever, the
insured death benefit under K.S.A. 74-4927, and amendments thereto, and
the member's accumulated contributions under subsection (1) of K.S.A.
74-4916(/), and amendments thereto, shall be paid in accordance with the
provisions of subsection (7) of this section as in other cases where there is
no named beneficiary living at the time of the member's death and any
payments so made shall be a full discharge and release to the system from
any further claims;

(33) "salary" means all salary and wages payable to a member for
personal services performed for a participating employer, including
maintenance or any allowance in lieu thereof provided a member as part of
salary. Salary shall not include reimbursement for travel or moving
expenses, payment for accumulated sick leave or vacation or annual leave,
severance pay or any other payments to the member determined by the
board to not be payments for personal services performed for a
participating employer constituting salary or on and after July 1, 1994,
payment pursuant to an early retirement incentive program made prior to
the retirement of the member. When the salary of a member who remains
in substantially the same position during any two consecutive years of
participating service used in calculating final average salary is increased
by an amount which exceeds 15%, then the amount of such increase which
exceeds 15% shall not be included in salary. Any contributions by such
member on the amount of such increase which exceeds 15% which is not
included in compensation shall be returned to the member. Unless
otherwise provided by law, salary shall include any amounts for tax
sheltered annuities or deferred compensation plans. Salary shall include
amounts under sections 403b, 457 and 125 of the federal internal revenue
code of 1986 and, as the board deems appropriate, any other section of the
federal internal revenue code of 1986 which defers or excludes amounts
from inclusion in income. For purposes of applying limits under the
federal internal revenue code "salary" shall have the meaning as provided
in K.S.A. 74-49,123, and amendments thereto. In any case, if participating
service is less than three years, then the average annual salary paid to the
member during the full period of participating service, or, in any case, if
the member has less than one calendar year of participating service such
member's final average salary shall be computed by multiplying such
member's highest monthly salary received in that year by 12;

(34) "federal internal revenue code" means the federal internal
revenue code of 1954 or 1986, as in effect on July 1, 2008, and as
applicable to a governmental plan; and

(35) "USERRA" means the federal uniformed services employment
and reemployment rights act of 1994 as in effect on July 1, 2008.

Sec. 2. K.S.A. 2014 Supp. 74-4952 is hereby amended to read as
follows: 74-4952. As used in K.S.A. 74-4951 et seq., and amendments
"Accumulated contributions" means the sum of all contributions by a member to the system which shall be credited to the member's account with interest allowed thereon after June 30, 1982.

"Disability" means the total inability to perform permanently the duties of the position of a policeman or fireman.

"Eligible employer" means any city, county, township or other political subdivision of the state employing one or more employees as firemen or policemen.

"Employee" means any policeman or fireman employed by a participating employer whose employment for police or fireman purposes is not seasonal or temporary and requires at least 1,000 hours of work per year.

"Entry date" means the date as of which an eligible employer joins the system; the first entry date pursuant to this act is January 1, 1967.

"Final average salary" means:

(a) For members who are first hired as an employee, as defined in subsection (4), before July 1, 1993, the average highest annual compensation paid to a member for any three of the last five years of participating service immediately preceding retirement or termination of employment, or if participating service is less than three years, then the average annual compensation, as defined in K.S.A. 74-4902(9), and amendments thereto, paid to the member during the full period of participating service, or if a member has less than one calendar year of participating service, then the member's final average salary shall be computed by multiplying the member's highest monthly salary received in that year by 12;

(b) for members who are first hired as an employee, as defined in subsection (4), on and after July 1, 1993, the average highest annual salary, as defined in subsection (33) of K.S.A. 74-4902(33), and amendments thereto, paid to a member for any three of the last five years of participating service immediately preceding retirement or termination of employment, or if participating service is less than three years, then the average annual salary, as defined in subsection (34) of K.S.A. 74-4902(33), and amendments thereto, paid to the member during the full period of participating service, or if a member has less than one calendar year of participating service, then the member's final average salary shall be computed by multiplying the member's highest monthly salary received in that year by 12;

(c) for purposes of subparagraphs (a) and (b) of this subsection, the date that such member is first hired as an employee for members who are employees of employers that elected to participate in the system on or after January 1, 1994, shall be the date that such employee's employer elected to
participate in the system; and

(d) for any application to purchase or repurchase service credit for a certain period of service as provided by law received by the system after May 17, 1994, for any member who will have contributions deducted from such member's compensation at a percentage rate equal to two or three times the employee's rate of contribution or who will have contributions deducted from such member's compensation at an additional rate of contribution, in addition to the employee's rate of contribution as provided in K.S.A. 74-4919, and amendments thereto, or will begin paying to the system a lump-sum amount for such member's purchase or repurchase, and such deductions or lump-sum payment commences after the commencement of the first payroll period in the third quarter, "final average salary" shall not include any amount of compensation or salary which is based on such member's purchase or repurchase. Any application to purchase or repurchase multiple periods of service shall be treated as multiple applications.

(e) Notwithstanding any other provision of this section, for purposes of applying limits as provided by the federal internal revenue code, salary shall have the meaning as determined pursuant to K.S.A. 74-49,123, and amendments thereto.

(7) "Retirement benefit" means a monthly income or the actuarial equivalent thereof paid in such manner as specified by the member as provided under the system or as otherwise allowed to be paid at the discretion of the board, with benefits accruing from the first day of the month coinciding with or following retirement and ending on the last day of the month in which death occurs. Upon proper identification such surviving spouse may negotiate the warrant issued in the name of the retirant.

(8) "Normal retirement date" means the date on or after which a member may retire with eligibility for retirement benefits for age and service as provided in subsections (1) and (3) of K.S.A. 74-4957(1) and (3), and amendments thereto.

(9) "Retirement system" or "system" means the Kansas police and firemen's retirement system as established by this act and as it may be hereafter amended.

(10) "Service-connected" means with regard to a death or any physical or mental disability, any such death or disability resulting from external force, violence or disease occasioned by an act of duty as a policeman or fireman and, for any member after five years of credited service, there shall be a rebuttable presumption, that any death or disability resulting from a heart disease or disease of the lung or respiratory tract or cancer as provided in this subsection, except that in the event that the member ceases to be a contributing member by reason of a service-
connected disability for a period of six months or more and then again
becomes a contributing member, the provision relating to death or
disability resulting from a heart disease, disease of the lung or respiratory
tract or cancer as provided in this subsection shall not apply until such
member has again become a contributing member for a period of not less
than two years or unless clear and precise evidence is presented that the
heart disease, disease of the lung or respiratory tract or cancer as provided
in this subsection was in fact occasioned by an act of duty as a policeman
or fireman. If the retirement system receives evidence to the contrary of
such presumption, the burden of proof shall be on the member or other
party to present evidence that such death or disability was service-
connected. The provisions of this section relating to the presumption that
the death or disability resulting from cancer is service-connected shall only
apply if the condition that caused the death or disability is a type of cancer
which may, in general, result from exposure to heat, radiation or a known
carcinogen.

(11) Prior to July 1, 1998, "fireman" or "firemen" means an employee
assigned to the fire department and engaged in the fighting and
extinguishment of fires and the protection of life and property therefrom or
in support thereof and who is specifically designated, appointed,
commissioned or styled as such by the governing body or city manager of
the participating employer and certified to the retirement system as such.
On and after July 1, 1998, "fireman" or "firemen" means an employee
assigned to the fire department whose principal duties are engagement in
the fighting and extinguishment of fires and the protection of life and
property therefrom and who is specifically designated, appointed,
commissioned or styled as such by the governing body or city manager of
the participating employer and certified to the retirement system as such.

(12) Prior to July 1, 1998, "police," "policeman" or "policemen"
means an employee assigned to the police department and engaged in the
enforcement of law and maintenance of order within the state and its
political subdivisions, including sheriffs and sheriffs' deputies, or in
support thereof and who is specifically designated, appointed,
commissioned or styled as such by the governing body or city manager of
the participating employer and certified to the retirement system as such.
On and after July 1, 1998, "police," "policeman" or "policemen" means an
employee assigned to the police department whose principal duties are
engagement in the enforcement of law and maintenance of order within the
state and its political subdivisions, including sheriffs and sheriffs' deputies;
who has successfully completed the required course of instruction for law
enforcement officers approved by the Kansas law enforcement training
center and is certified pursuant to the provisions of K.S.A. 74-5607a, and
amendments thereto; and who is specifically designated, appointed,
commissioned or styled as such by the governing body or city manager of
the participating employer and certified to the retirement system as such.
Notwithstanding any other provisions of this subsection, "police," "policeman" or "policemen" shall include a city or county correctional
officer who is specifically designated, appointed, commissioned or styled
as such by the governing body or city manager of the participating
employer and certified to the retirement system as such commencing on

(13) Except as otherwise defined in this act, words and phrases used
in K.S.A. 74-4951 et seq., and amendments thereto, shall have the same
meanings ascribed to them as are defined in K.S.A. 74-4902, and
amendments thereto.

Sec. 3. K.S.A. 75-5517 is hereby amended to read as follows: 75-
5517. (a) Each person retiring from the classified or unclassified service of
the state of Kansas who has accumulated one hundred (100) 100 days or
more of sick leave shall receive at the time of retirement, compensation for
their accumulated sick leave as follows:

(1) Compensation for not more than thirty (30) 30 days, if such
person has completed eight or more years of such service and has
accumulated at least one hundred (100) 100 but less than one hundred-
twenty five (125) 125 days of sick leave;

(2) Compensation for not more than forty five (45) 45 days, if such
person has completed fifteen (15) 15 or more years of such service and has
accumulated at least one hundred twenty five (125) 125 but less than one
hundred fifty (150) 150 days of sick leave; and

(3) Compensation for not more than sixty (60) 60 days, if such person
has completed twenty five (25) 25 or more years of such service and has
accumulated one hundred fifty (150) 150 days of sick leave or more.

(b) Retirement employee contributions shall be deducted from all
compensation for accumulated sick leave paid to each person who retires
and benefit calculations for such person—shall may include all such
compensation.

New Sec. 4. On and after July 1, 2015, no employee who is employed
by any participating employer defined in K.S.A. 74-4902, 74-4931 and 74-
4952, and amendments thereto, including, but not limited to, the state of
Kansas, cities, counties, school districts and fire and police departments,
shall accumulate vacation leave in an amount of more than 240 hours. If
such employee has accumulated vacation leave of more than 240 hours as
of July 1, 2015, such employee's participating employer shall make a
payment or payments as provided in this section to such employee in an
amount that is equal to the amount of hours over 240 multiplied by the
hourly wage of such employee. Each participating employer shall make a
one-time payment or series of payments over a period not to exceed three
years pursuant to an agreement between the employee and employer of the
total amount determined to be owed pursuant to this section to such
employee. Such payment or payments made under this section shall not be
considered as compensation as defined in K.S.A. 74-4902, and
amendments thereto, for the purposes of calculating the benefits under the
Kansas public employees retirement system and the Kansas police and
firemen's retirement system.

Sec. 5. K.S.A. 75-5517 and K.S.A. 2014 Supp. 74-4902 and 74-4952
are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its
publication in the statute book.