

## HOUSE BILL No. 2688

By Representative Patton

2-8

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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 2011 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. 2011 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, *but prior to*  
21 *January 8, 2007*, all members of the legislature shall also make the  
22 election required by the provisions of K.S.A. 74-4995, and amendments  
23 thereto, related to the rate of compensation at which such members shall  
24 participate for purposes of K.S.A. 74-4991 et seq., and amendments  
25 thereto.

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

1 (c) Subject to the provisions of K.S.A. 74-49,123, and amendments  
2 thereto, any member of the legislature who elected not to participate in the  
3 retirement system, and who is not a contributing member with any other  
4 participating employer, may purchase such participating service by making  
5 a single lump-sum payment in an amount determined by the actuary using  
6 the then current rate of compensation and the actuarial assumptions and  
7 tables currently in use by the system.

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

31 Sec. 2. K.S.A. 2011 Supp. 74-4995 is hereby amended to read as  
32 follows: 74-4995. (a) Employer and employee contributions shall be  
33 governed by the provisions of K.S.A. 74-4919 and 74-4920, and  
34 amendments thereto. For purposes of contributions to and benefits under  
35 the Kansas public employees retirement system, compensation of a  
36 member of the legislature under this act *for all service on and after*  
37 *January 8, 2007,* shall be ~~a monthly amount equal to: (1) The~~  
38 ~~compensation to which the member was entitled for services as a member~~  
39 ~~of the legislature during the period January 15 to February 14, inclusive, of~~  
40 ~~the most recent session in which the member has served; and (2) any~~  
41 ~~amount to which the member makes an election pursuant to this~~  
42 ~~subsection. In addition to the provisions of subsection (a)(1), a member of~~  
43 ~~the legislature may elect to participate with a rate of compensation that~~

1 includes: (A) For service as a member after July 18, 1982, a monthly  
2 amount equal to  $\frac{1}{12}$  of the annualized amount received for monthly  
3 allowance under subsection (c) of K.S.A. 46-137a, and amendments  
4 thereto; (B) a monthly amount equal to  $\frac{1}{12}$  of the annualized amount  
5 received for expenses allowance under subsection (b) of K.S.A. 46-137a,  
6 and amendments thereto; or (C) an amount equal to the combined amounts  
7 provided for in subsections (2)(A) and (2)(B). A member of the legislature  
8 who has filed an election to become a member of the system pursuant to  
9 the provisions of K.S.A. 74-4992, and amendments thereto, prior to July 1,  
10 2006, shall file an election with the system to include any amounts  
11 specified in subsection (2)(A), (2)(B) or (2)(C) prior to August 1, 2006,  
12 except that nothing contained in this act shall be construed to permit a  
13 member of the legislature who has made an election pursuant to this  
14 section prior to the effective date of this act to revoke any such election  
15 previously made by such member. In the event that any such member fails  
16 to file such election prior to August 1, 2006, it shall be presumed that such  
17 member has elected to not include any amounts specified in subsection (2)  
18 (A), (2)(B) or (2)(C), and participate at a rate of compensation that  
19 includes only the amount provided in subsection (a)(1). A member of the  
20 legislature who files an election to become a member of the system  
21 pursuant to the provisions of K.S.A. 74-4992, and amendments thereto, on  
22 and after July 1, 2006, shall file an election with the system to include any  
23 amounts specified in subsection (2)(A), (2)(B) or (2)(C) at the same time  
24 that such member files the election to become a member of the system. In  
25 the event that any such member fails to file such election, it shall be  
26 presumed that such member has elected to not include any amounts  
27 specified in subsection (2)(A), (2)(B) or (2)(C), and participate at a rate of  
28 compensation that includes only the amount provided in subsection (a)(1)  
29 as defined in subsection (9) of K.S.A. 74-4902, and amendments thereto.  
30 Compensation of a member of the legislature for service prior to January  
31 8, 2007, shall be determined by the provisions of this section as it existed  
32 prior to January 8, 2007. Any amounts deducted and remitted from  
33 compensation of a member of the legislature for service under this section  
34 as it existed prior to the effective date of this act which is in excess of  
35 compensation as defined in subsection (9) of K.S.A. 74-4902, and  
36 amendments thereto, shall be refunded to such member of the legislature.  
37 For service on and after January 8, 2007, no compensation which is in  
38 excess of compensation as defined in subsection (9) of K.S.A. 74-4902,  
39 and amendments thereto, shall be used to compute the final average salary  
40 as provided in subsection (17) of K.S.A. 79-4902, 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. 2011 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.

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