

**{As Amended by House Committee of the Whole}**

*Session of 2020*

**HOUSE BILL No. 2503**

By Committee on Appropriations

1-27

1 AN ACT concerning retirement and pensions; relating to the Kansas public  
2 employees retirement system; ~~amortizing a certain portion of the~~  
3 ~~unfunded actuarial liability of the system for a period of 25 years;~~  
4 eliminating certain level-dollar employer contribution payments;  
5 making and concerning appropriations for the fiscal year ending June  
6 30, 2020; authorizing certain transfers from the state general fund to the  
7 Kansas public employees retirement fund; ~~establishing procedures for~~  
8 ~~lapsing and decreasing certain amounts of employer contributions for~~  
9 ~~state agencies for the fiscal year ending June 30, 2021;~~ amending  
10 K.S.A. 74-4920 and repealing the existing section.

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

13

Section 1.

14

KANSAS PUBLIC EMPLOYEES  
15 RETIREMENT SYSTEM

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(a) On the effective date of this act, the director of accounts and reports shall transfer \$268,412,000 from the state general fund to the Kansas public employees retirement fund (365-00-7002-7000) of the Kansas public employees retirement system for payment of the remaining balance on delayed Kansas public employees retirement system's state and school employer contributions from fiscal year 2017 and fiscal year 2019 as of June 30, 2020.

~~New Sec. 2. (a) If any legislation that authorizes the amortization of the actuarial accrued liability for the state of Kansas, including the department of corrections under K.S.A. 74-4914d, and amendments thereto, and participating employers under K.S.A. 74-4931(1), (2) and (3), and amendments thereto, in the Kansas public employees retirement system over a period of 25 years commencing on December 31, 2017, is passed by the legislature during the 2020 regular session and enacted into law, then on July 1, 2020:~~

~~(1) The amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2021, by an appropriation act of the 2020 regular session of the legislature, that is equal to the difference between the amount that is budgeted for payment to the Kansas public employees retirement system for employer contributions and the amount required for employer contributions under such~~

1 amortization period, as certified by the director of the budget to the  
2 director of accounts and reports for fiscal year 2021, is hereby lapsed from  
3 each such account; and

4 (2) ~~the expenditure limitation established for the fiscal year ending~~  
5 ~~June 30, 2021, by an appropriation act of the 2020 regular session of the~~  
6 ~~legislature, or by the state finance council, on each special revenue fund in~~  
7 ~~the state treasury is hereby decreased for fiscal year 2021 by the amount~~  
8 ~~equal to the difference between the amount that is budgeted for payment to~~  
9 ~~the Kansas public employees retirement system for employer contributions~~  
10 ~~and the amount required for employer contributions under such~~  
11 ~~amortization period, as certified by the director of the budget to the~~  
12 ~~director of accounts and reports for fiscal year 2021, from each such~~  
13 ~~special revenue fund, or account thereof.~~

14 (b) ~~The director of the budget shall transmit a copy of each such~~  
15 ~~certification under this section to the director of legislative research.~~

16 Sec. 3 {2}. K.S.A. 74-4920 is hereby amended to read as follows: 74-  
17 4920. (1) (a) Upon the basis of each annual actuarial valuation and  
18 appraisal as provided for in K.S.A. 74-4908(3)(a), and amendments  
19 thereto, the board shall certify, on or before July 15 of each year, to the  
20 division of the budget in the case of the state and to the agent for each  
21 other participating employer an actuarially determined estimate of the rate of  
22 contribution ~~which~~ that will be required, together with all accumulated  
23 contributions and other assets of the system, to be paid by each such  
24 participating employer to pay all liabilities ~~which~~ that shall exist or accrue  
25 under the system, including amortization of the actuarial accrued liability  
26 as determined by the board. The board shall determine the actuarial cost  
27 method to be used in annual actuarial valuations, to determine the  
28 employer contribution rates that shall be certified by the board. Such  
29 certified rate of contribution, amortization methods and periods and  
30 actuarial cost method shall be based on the standards set forth in K.S.A.  
31 74-4908(3)(a), and amendments thereto, and shall not be based on any  
32 other purpose outside of the needs of the system, ~~except that for the state~~  
33 ~~of Kansas, including the department of corrections under K.S.A. 74-~~  
34 ~~4914d, and amendments thereto, and participating employers under K.S.A.~~  
35 ~~74-4931(1), (2) and (3), and amendments thereto, upon the basis of each~~  
36 ~~annual actuarial valuation and appraisal as provided for in K.S.A. 74-~~  
37 ~~4908(3)(a), and amendments thereto, the board shall certify, on or before~~  
38 ~~July 15 of each year, to the division of the budget in the case of the state~~  
39 ~~and to the agent for each other participating employer, an actuarially~~  
40 ~~determined estimate of the rate of contribution that will be required,~~  
41 ~~together with all accumulated contributions and other assets of the system,~~  
42 ~~to be paid by each such participating employer to pay all unfunded~~  
43 ~~actuarial liabilities that existed under the system on December 31, 2015;~~

1 ~~including amortization of the unfunded actuarial liability for such-~~  
2 ~~participating employers over a period of 25 years commencing on-~~  
3 ~~December 31, 2017.~~

4 (b) (i) For employers affiliating on and after January 1, 1999, upon  
5 the basis of an annual actuarial valuation and appraisal of the system  
6 conducted in the manner provided for in K.S.A. 74-4908, and amendments  
7 thereto, the board shall certify, on or before July 15 of each year to each  
8 such employer an actuarially determined estimate of the rate of  
9 contribution ~~which that~~ shall be required to be paid by each such employer  
10 to pay all of the liabilities ~~which that~~ shall accrue under the system from  
11 and after the entry date as determined by the board, upon recommendation  
12 of the actuary. Such rate shall be termed the employer's participating  
13 service contribution and shall be uniform for all participating employers.  
14 Such additional liability shall be amortized as determined by the board.  
15 For all participating employers described in this section, the board shall  
16 determine the actuarial cost method to be used in annual actuarial  
17 valuations to determine the employer contribution rates that shall be  
18 certified by the board.

19 (ii) The board shall determine for each such employer separately an  
20 amount sufficient to amortize all liabilities for prior service costs ~~which~~  
21 ~~that~~ shall have accrued at the time of entry into the system. On the basis of  
22 such determination the board shall annually certify to each such employer  
23 separately an actuarially determined estimate of the rate of contribution  
24 ~~which that~~ shall be required to be paid by that employer to pay all of the  
25 liabilities for such prior service costs. Such rate shall be termed the  
26 employer's prior service contribution.

27 (2) The division of the budget and the governor shall include in the  
28 budget and in the budget request for appropriations for personal services  
29 the sum required to satisfy the state's obligation under this act as certified  
30 by the board and shall present the same to the legislature for allowance and  
31 appropriation.

32 (3) Each other participating employer shall appropriate and pay to the  
33 system a sum sufficient to satisfy the obligation under this act as certified  
34 by the board.

35 (4) Each participating employer is hereby authorized to pay the  
36 employer's contribution from the same fund that the compensation for  
37 which such contribution is made is paid from or from any other funds  
38 available to it for such purpose. Each political subdivision, other than an  
39 instrumentality of the state, ~~which that~~ is by law authorized to levy taxes  
40 for other purposes, may levy annually at the time of its levy of taxes, a tax  
41 ~~which that~~ may be in addition to all other taxes authorized by law for the  
42 purpose of making its contributions under this act and, in the case of cities  
43 and counties, to pay a portion of the principal and interest on bonds issued

1 under the authority of K.S.A. 12-1774, and amendments thereto, by cities  
2 located in the county, which tax, together with any other fund available,  
3 shall be sufficient to enable it to make such contribution. In lieu of levying  
4 the tax authorized in this subsection, any taxing subdivision may pay such  
5 costs from any employee benefits contribution fund established pursuant to  
6 K.S.A. 12-16,102, and amendments thereto. Each participating employer  
7 ~~which that~~ is not by law authorized to levy taxes as described above, but  
8 ~~which that~~ prepares a budget for its expenses for the ensuing year and  
9 presents the same to a governing body ~~which that~~ is authorized by law to  
10 levy taxes as described above, may include in its budget an amount  
11 sufficient to make its contributions under this act which may be in addition  
12 to all other taxes authorized by law. Such governing body to which the  
13 budget is submitted for approval, may levy a tax sufficient to allow the  
14 participating employer to make its contributions under this act, which tax,  
15 together with any other fund available, shall be sufficient to enable the  
16 participating employer to make the contributions required by this act.

17 (5) (a) The rate of contribution certified to a participating employer as  
18 provided in this section shall apply during the fiscal year of the  
19 participating employer ~~which that~~ begins in the second calendar year  
20 following the year of the actuarial valuation.

21 (b) (i) Except as specifically provided in this section, for fiscal years  
22 commencing in calendar year 1996 and in each subsequent calendar year,  
23 the rate of contribution certified to the state of Kansas shall in no event  
24 exceed the state's contribution rate for the immediately preceding fiscal  
25 year by more than 0.2% of the amount of compensation upon which  
26 members contribute during the period.

27 (ii) Except as specifically provided in this subsection, for the fiscal  
28 years commencing in the following calendar years, the rate of contribution  
29 certified to the state of Kansas and to the participating employers under  
30 K.S.A. 74-4931, and amendments thereto, shall in no event exceed the  
31 state's contribution rate for the immediately preceding fiscal year by more  
32 than the following amounts expressed as a percentage of compensation  
33 upon which members contribute during the period: (A) For the fiscal year  
34 commencing in calendar years 2010 through 2012, an amount not to  
35 exceed more than 0.6% of the amount of the immediately preceding fiscal  
36 year; (B) for the fiscal year commencing in calendar year 2013, an amount  
37 not to exceed more than 0.9% of the amount of the immediately preceding  
38 fiscal year; (C) for the fiscal year commencing in calendar year 2014, an  
39 amount not to exceed more than 1% of the amount of the immediately  
40 preceding fiscal year; (D) for the fiscal year commencing in calendar year  
41 2015, the employer rate of contribution shall be 10.91%; (E) for the fiscal  
42 year commencing in calendar year 2016, the employer rate of contribution  
43 shall be 10.81%, except as provided by section 37(b) of chapter 54 of 2017

1 Session Laws of Kansas, and amendments thereto, for the participating  
2 employers under K.S.A. 74-4931, and amendments thereto; (F) for the  
3 fiscal year commencing in calendar year 2017, the employer rate of  
4 contribution shall be 12.01% ~~and for participating employers under K.S.A.~~  
5 ~~74-4931, and amendments thereto, an additional percentage of~~  
6 ~~compensation corresponding to the level dollar repayment amount~~  
7 ~~certified by the board pursuant to subsection (17); and (G) in each~~  
8 ~~subsequent calendar year, an amount not to exceed more than 1.2% of the~~  
9 ~~amount of the immediately preceding fiscal year and for participating~~  
10 ~~employers under K.S.A. 74-4931, and amendments thereto, an additional~~  
11 ~~percentage of compensation corresponding to the level dollar repayment~~  
12 ~~amount certified by the board pursuant to subsections (17) and (18).~~

13 (iii) Except as specifically provided in this section, for fiscal years  
14 commencing in calendar year 1997 and in each subsequent calendar year,  
15 the rate of contribution certified to participating employers other than the  
16 state of Kansas shall in no event exceed such participating employer's  
17 contribution rate for the immediately preceding fiscal year by more than  
18 0.15% of the amount of compensation upon which members contribute  
19 during the period.

20 (iv) Except as specifically provided in this subsection, for the fiscal  
21 years commencing in the following calendar years, the rate of contribution  
22 certified to participating employers other than the state of Kansas shall in  
23 no event exceed the contribution rate for such employers for the  
24 immediately preceding fiscal year by more than the following amounts  
25 expressed as a percentage of compensation upon which members  
26 contribute during the period: (A) For the fiscal year commencing in  
27 calendar years 2010 through 2013, an amount not to exceed more than  
28 0.6% of the amount of the immediately preceding fiscal year; (B) for the  
29 fiscal year commencing in calendar year 2014, an amount not to exceed  
30 more than 0.9% of the amount of the immediately preceding fiscal year;  
31 (C) for the fiscal year commencing in calendar year 2015, an amount not  
32 to exceed more than 1% of the amount of the immediately preceding fiscal  
33 year; (D) for the fiscal year commencing in calendar year 2016, an amount  
34 not to exceed more than 1.1% of the amount of the immediately preceding  
35 fiscal year; and (E) for the fiscal year commencing in calendar year 2017,  
36 and in each subsequent calendar year, an amount not to exceed more than  
37 1.2% of the amount of the immediately preceding fiscal year.

38 (v) As part of the annual actuarial valuation, there shall be a separate  
39 employer rate of contribution calculated for the state of Kansas, a separate  
40 employer rate of contribution calculated for participating employers under  
41 K.S.A. 74-4931, and amendments thereto, a combined employer rate of  
42 contribution calculated for the state of Kansas and participating employers  
43 under K.S.A. 74-4931, and amendments thereto, and a separate employer

1 rate of contribution calculated for all other participating employers.

2 (vi) There shall be a combined employer rate of contribution certified  
3 to the state of Kansas and participating employers under K.S.A. 74-4931,  
4 and amendments thereto. There shall be a separate employer rate of  
5 contribution certified to all other participating employers.

6 (vii) If the combined employer rate of contribution calculated for the  
7 state of Kansas and participating employers under K.S.A. 74-4931, and  
8 amendments thereto, is greater than the separate employer rate of  
9 contribution for the state of Kansas, the difference in the two rates applied  
10 to the actual payroll of the state of Kansas for the applicable fiscal year  
11 shall be calculated. This amount shall be certified by the board for deposit  
12 as additional employer contributions to the retirement benefit  
13 accumulation reserve for the participating employers under K.S.A. 74-  
14 4931, and amendments thereto.

15 (6) The actuarial cost of any legislation enacted in the 1994 session of  
16 the Kansas legislature will be included in the June 30, 1994, actuarial  
17 valuation in determining contribution rates for participating employers.

18 (7) The actuarial cost of the provisions of K.S.A. 74-4950i, and  
19 amendments thereto, will be included in the June 30, 1998, actuarial  
20 valuation in determining contribution rates for participating employers.  
21 The actuarial accrued liability incurred for the provisions of K.S.A. 74-  
22 4950i, and amendments thereto, shall be amortized over 15 years.

23 (8) Except as otherwise provided by law, the actuarial cost of any  
24 legislation enacted by the Kansas legislature, except the actuarial cost of  
25 K.S.A. 74-49,114a, and amendments thereto, shall be in addition to the  
26 employer contribution rates certified for the employer contribution rate in  
27 the fiscal year immediately following such enactment. Such actuarial cost  
28 shall be determined by the qualified actuary employed or retained by the  
29 system pursuant to K.S.A. 74-4908, and amendments thereto, and reported  
30 to the system and the joint committee on pensions, investments and  
31 benefits.

32 (9) Notwithstanding the provisions of subsection (8), the actuarial  
33 cost of the provisions of K.S.A. 74-49,109 et seq., and amendments  
34 thereto, shall be first reflected in employer contribution rates effective with  
35 the first day of the first payroll period for the fiscal year 2005. The  
36 actuarial accrued liability incurred for the provisions of K.S.A. 74-49,109  
37 et seq., and amendments thereto, shall be amortized over 10 years.

38 (10) The cost of the postretirement benefit payment provided  
39 pursuant to the provisions of K.S.A. 74-49,114b, and amendments thereto,  
40 for retirants other than local retirants as described in subsection (11) or  
41 insured disability benefit recipients shall be paid in the fiscal year  
42 commencing on July 1, 2007.

43 (11) The actuarial accrued liability incurred for the provisions of

1 K.S.A. 74-49,114b, and amendments thereto, for the KPERS local group  
2 and retirants who were employees of local employers ~~which~~ *that* affiliated  
3 with the Kansas police and firemen's retirement system shall be amortized  
4 over 10 years.

5 (12) The cost of the postretirement benefit payment provided  
6 pursuant to the provisions of K.S.A. 74-49,114c, and amendments thereto,  
7 for retirants other than local retirants as described in subsection (13) or  
8 insured disability benefit recipients shall be paid in the fiscal year  
9 commencing on July 1, 2008.

10 (13) The actuarial accrued liability incurred for the provisions of  
11 K.S.A. 74-49,114c, and amendments thereto, for the KPERS local group  
12 and retirants who were employees of local employers ~~which~~ *that* affiliated  
13 with the Kansas police and firemen's retirement system shall be amortized  
14 over 10 years.

15 (14) The board with the advice of the actuary may fix the contribution  
16 rates for participating employers joining the system after one year from the  
17 first entry date or for employers who exercise the option contained in  
18 K.S.A. 74-4912, and amendments thereto, at rates different from the rate  
19 fixed for employers joining within one year of the first entry date.

20 (15) Employer contributions shall in no way be limited by any other  
21 act ~~which~~ *that* now or in the future establishes or limits the compensation  
22 of any member.

23 (16) Notwithstanding any provision of law to the contrary, each  
24 participating employer shall remit quarterly, or as the board may otherwise  
25 provide, all employee deductions and required employer contributions to  
26 the executive director for credit to the Kansas public employees retirement  
27 fund within three days after the end of the period covered by the  
28 remittance by electronic funds transfer. Remittances of such deductions  
29 and contributions received after such date are delinquent. Delinquent  
30 payments due under this subsection shall be subject to interest at the rate  
31 established for interest on judgments under K.S.A. 16-204(a), and  
32 amendments thereto. At the request of the board, delinquent payments  
33 ~~which~~ *that* are due or interest owed on such payments, or both, may be  
34 deducted from any other moneys payable to such employer by any  
35 department or agency of the state.

36 ~~(17) The actuarial cost of the reduction of employer contributions for~~  
37 ~~eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and~~  
38 ~~amendments thereto, pursuant to the provisions of section 37 of chapter 54~~  
39 ~~of the 2017 session laws of Kansas, and amendments thereto, shall be~~  
40 ~~amortized over 20 years as a level dollar amount, as certified by the board~~  
41 ~~upon recommendation of the consulting actuary, through an additional~~  
42 ~~percentage of compensation for participating employers under K.S.A. 74-~~  
43 ~~4931, and amendments thereto. This additional percentage of~~

1 compensation shall first be reflected in employer contribution rates for  
2 participating employers under K.S.A. 74-4931, and amendments thereto,  
3 effective on the first day of the first payroll period for the fiscal year 2018.

4 ~~(18) The actuarial cost of \$194,022,683 shall be amortized over 20~~  
5 ~~years as a level dollar amount, as certified by the board upon~~  
6 ~~recommendation of the consulting actuary, through an additional~~  
7 ~~percentage of compensation for participating employers under K.S.A. 74-~~  
8 ~~4931, and amendments thereto. This additional percentage of~~  
9 ~~compensation shall first be reflected in employer contribution rates for~~  
10 ~~participating employers under K.S.A. 74-4931, and amendments thereto,~~  
11 ~~effective on the first day of the first payroll period for the fiscal year 2020.~~

12 Sec. 4 {3}. K.S.A. 74-4920 is hereby repealed.

13 Sec. 5 {4}. This act shall take effect and be in force from and after its  
14 publication in the Kansas register.