

HOUSE BILL No. 2218

By Committee on Financial Institutions and Pensions

2-8

1 AN ACT concerning members of the legislature; relating to retirement and
2 pensions; ending membership in the Kansas public employees
3 retirement system; establishing annual salary; amending K.S.A. 46-
4 137e, 74-4902, 74-4991 and 75-3212 and K.S.A. 2018 Supp. 46-137a
5 and 46-137b and repealing the existing sections.
6

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

8 Section 1. K.S.A. 2018 Supp. 46-137a is hereby amended to read as
9 follows: 46-137a. (a) *For service in a legislative term beginning prior to*
10 *January 11, 2021*, in addition to the compensation provided for by K.S.A.
11 46-137b, 46-137e and 75-3212, and amendments thereto, each member of
12 the legislature shall receive the following amounts:

13 ~~(a)~~ (1) The sum of \$88.66 per calendar day for service at any regular
14 or special session, except as otherwise provided in subsection ~~(e)~~ (a)(5);

15 ~~(b)~~ (2) the sum of \$109 per calendar day for subsistence allowance
16 for any regular or special session of the legislature, except that if the
17 amounts allowable for the capital city of Kansas under applicable federal
18 law and regulations to employees of the executive branch of the federal
19 government for per diem expenses, while away from home but serving in
20 the United States, are amounts which total greater than \$109, then each
21 member of the legislature shall receive such greater total amount per
22 calendar day for subsistence allowance for any regular or special session
23 of the legislature;

24 ~~(e)~~ (3) an allowance of \$354.15 for the two-week period which
25 coincides with the biweekly payroll period which includes April 1st and for
26 each of the 19 ensuing two-week periods thereafter, to defray expenses
27 incurred between sessions of the legislature for postage, telephone, office
28 and other incidental expenses, except as otherwise provided in subsection
29 ~~(f)~~ (a)(6);

30 ~~(d)~~ (4) an allowance for mileage in an amount equal to the rate per
31 mile prescribed under the provisions of K.S.A. 75-3203a, and amendments
32 thereto, multiplied by the number of miles traveled by the usual route in
33 going to and returning from the member's place of residence for any
34 regular or special session of the legislature. Such mileage allowances shall
35 be paid for not to exceed the equivalent of one trip for each full week
36 occurring between convening and adjournment sine die in any regular or

1 special session. The mileage allowance provided under the provisions of
2 this subsection shall not be subject to the restrictions relating to the use of
3 vehicles prescribed by K.S.A. 75-3203 and 75-3203a, and amendments
4 thereto, but shall only be allowed for trips actually made. Compensation
5 and subsistence allowance shall not be allowed under the provisions of
6 subsections (a)(1) and ~~(b)~~ of this section (a)(2) during any period in which
7 the legislature is adjourned for more than two days, Sundays excepted; and
8 ~~(e)~~ (5) whenever the rates of compensation of the pay plan for
9 persons in the classified service under the Kansas civil service act are
10 increased for payroll periods chargeable to fiscal years commencing after
11 June 30, 2009, the rate of compensation per calendar day for members of
12 the legislature for service at any regular or special session of the
13 legislature shall be increased on the effective date of any such pay plan
14 increase by an amount computed by multiplying the average of the
15 percentage increases in all steps of such pay plan by the rate of
16 compensation per calendar day which is authorized by this section for
17 service at any regular or special session of the legislature for the day upon
18 which such increase is computed.

19 ~~(f)~~ (6) Whenever the rates of compensation of the pay plan for
20 persons in the classified service under the Kansas civil service act are
21 increased for payroll periods chargeable to fiscal years commencing after
22 June 30, 2009, the allowance provided for each member of the legislature
23 by subsection ~~(e)~~ (a)(3) to defray expenses incurred between sessions of
24 the legislature for postage, telephone, office and other incidental expenses
25 for each of the two-week periods specified by subsection ~~(e)~~ (a)(3) shall be
26 increased on the effective date of any such pay plan increase by an amount
27 computed by multiplying the average of the percentage increases in all
28 steps of such pay plan by the allowance provided to defray such expenses
29 for each such two-week period as provided by this section.

30 (b) *For service in a legislative term beginning on or after January 11,*
31 *2021, in addition to the compensation provided for by K.S.A. 46-137b, and*
32 *amendments thereto, each member of the legislature shall receive as*
33 *compensation the sum of \$35,000 per year during such member's term of*
34 *office.*

35 Sec. 2. K.S.A. 2018 Supp. 46-137b is hereby amended to read as
36 follows: 46-137b. (a) *For service in a legislative term beginning prior to*
37 *January 11, 2021, in addition to the compensation provided for by K.S.A.*
38 *46-137a and 75-3212, and amendments thereto, and any other statute, and*
39 *except as otherwise provided by subsection (b):*

40 (1) The president of the senate and the speaker of the house of
41 representatives shall each receive an allowance at a biweekly pay rate of
42 \$539.97 during their terms of office as speaker and president, which
43 compensation shall be for additional services performed in connection

1 with discharging the duties assigned to the respective positions;

2 (2) the speaker pro tem of the house of representatives, the vice
3 president of the senate, the assistant majority leaders of the senate and
4 house of representatives and the assistant minority leaders of the senate
5 and house of representatives shall each receive an allowance at a biweekly
6 pay rate of \$275.59 during their respective terms of office which
7 compensation shall be for additional services performed in connection
8 with discharging the duties assigned to the respective positions;

9 (3) the chairperson of the senate committee on ways and means and
10 the chairperson of the house committee on appropriations shall each
11 receive an allowance at a biweekly pay rate of \$434.23 during their
12 respective terms of office, which compensation shall be for additional
13 services performed in connection with discharging the duties assigned to
14 the respective positions; and

15 (4) the majority and minority leaders of the senate and the house of
16 representatives shall each receive an allowance at a biweekly pay rate of
17 \$487.14 during their respective terms of office, which compensation shall
18 be for additional services performed in connection with discharging the
19 duties assigned to the respective positions.

20 (b) Whenever the rates of compensation of the pay plan for persons in
21 the classified service under the Kansas civil service act are increased for
22 payroll periods chargeable to fiscal years commencing after June 30, 2009,
23 the biweekly pay rate of officers of the legislature specified in subsection
24 (a) shall be increased on the effective date of any such pay plan increase
25 by an amount computed by multiplying the average of the percentage
26 increases in all steps of such pay plan by the biweekly pay rate of such
27 officers which is being received as provided by law and which is in effect
28 prior to the effective date of such pay plan increase.

29 (c) *For service in a legislative term beginning on or after January 11,*
30 *2021, in addition to the compensation provided for by K.S.A. 46-137a, and*
31 *amendments thereto:*

32 (1) *The president of the senate and the speaker of the house of*
33 *representatives shall each receive as compensation \$14,039 per year*
34 *during their respective terms of office for additional services performed in*
35 *connection with discharging the duties assigned to the respective*
36 *positions;*

37 (2) *the speaker pro tem of the house of representatives, the vice*
38 *president of the senate, the assistant majority leaders of the senate and*
39 *house of representatives and the assistant minority leaders of the senate*
40 *and house of representatives shall each receive as compensation \$7,165*
41 *per year during their respective terms of office for additional services*
42 *performed in connection with discharging the duties assigned to the*
43 *respective positions;*

1 (3) *the chairperson of the senate committee on ways and means and*
 2 *the chairperson of the house committee on appropriations shall each*
 3 *receive as compensation \$11,290 per year during their respective terms of*
 4 *office for additional services performed in connection with discharging the*
 5 *duties assigned to the respective positions; and*

6 (4) *the majority and minority leaders of the senate and the house of*
 7 *representatives shall each receive as compensation \$12,666 per year*
 8 *during their respective terms of office for additional services performed in*
 9 *connection with discharging the duties assigned to the respective*
 10 *positions.*

11 Sec. 3. K.S.A. 46-137e is hereby amended to read as follows: 46-
 12 137e. (a) *For service in a legislative term beginning prior to January 11,*
 13 *2021, the officers specified in K.S.A. 46-137b, and amendments thereto,*
 14 *shall, in addition to all other compensation and expense allowances*
 15 *authorized by law, receive compensation at the rate specified in ~~clause (a)~~*
 16 *of K.S.A. 75-3212(a)(1), and amendments thereto, and subsistence*
 17 *allowances at the rates specified in ~~clauses (b) and (c)~~ of K.S.A. 75-*
 18 *3212(a)(2) and (3), and amendments thereto, for each day ~~(, or part~~*
 19 *thereof), in the performance of the duties of their respective offices in*
 20 *Topeka and in addition thereto the mileage allowance specified in ~~clause~~*
 21 *(~~d~~) of said K.S.A. 75-3212(a)(4), and amendments thereto.*

22 (b) *When authorized by the legislative coordinating council to attend*
 23 *to any legislative business in Topeka when the legislature is not in session,*
 24 *members of the legislature not specified in subsection (a) ~~of this section~~*
 25 *shall, in addition to all other compensation and expenses authorized by*
 26 *law, receive compensation, subsistence and mileage allowances in the*
 27 *amounts specified in K.S.A. 75-3212, and amendments thereto.*

28 (c) *No compensation or subsistence or mileage allowances shall be*
 29 *paid under this section for any day that a member is entitled to receive*
 30 *compensation under K.S.A. 46-137a or ~~K.S.A.~~ 75-3212, and amendments*
 31 *thereto.*

32 (d) *For service in a legislative term beginning on or after January 11,*
 33 *2021, no member of the legislature shall receive any compensation*
 34 *pursuant to the provisions of this section.*

35 Sec. 4. K.S.A. 75-3212 is hereby amended to read as follows: 75-
 36 3212. (a) *For service in a legislative term beginning prior to January 11,*
 37 *2011, in addition to amounts authorized under K.S.A. 46-137a, 46-137b*
 38 *and 46-137e, and amendments thereto, members of the senate and the*
 39 *house of representatives of the state and other persons or officers of*
 40 *various committees, delegations, subcommittees, boards, commissions and*
 41 *councils referred to in this act shall be paid compensation and travel*
 42 *expenses and subsistence expenses or allowance for such service as*
 43 *follows: (a) (1) A per diem compensation of ~~thirty-five dollars (\$35)~~ for*

1 each day of actual attendance at authorized in-state or out-of-state
2 meetings except that members of the senate and the house of
3 representatives shall receive per diem compensation therefor in the amount
4 prescribed under ~~subsection (a) of K.S.A. 46-137a or any(a), and~~
5 amendments thereto; ~~(b) (2) the sum specified in subsection (b) of K.S.A.~~
6 ~~46-137a or any(b), and~~ amendments thereto, for subsistence allowance
7 per any day or part thereof spent in actual attendance at any such in-state
8 meeting; ~~(e) (3) for any day, or part thereof, other than the day of the~~
9 ~~meeting, the sum specified in subsection (b) of K.S.A. 46-137a or any(b),~~
10 ~~and~~ amendments thereto, for subsistence allowance incurred in going to
11 and returning from such in-state meetings, provided such person resides
12 more than ~~one hundred (100)~~ miles from the location of the meeting; ~~(d)~~
13 ~~(4) the mileage rate authorized by K.S.A. 75-3203a or any, and~~
14 amendments thereto, for each mile actually traveled by the usual route in
15 going to and returning from the place where an authorized in-state meeting
16 is held; and ~~(e) (5) the sum specified in K.S.A. 46-137a, and any~~
17 amendments thereto, for subsistence allowance per day or part thereof
18 while attending and going to and from any out-of-state meeting authorized
19 by the chairperson or the rules of the commission, committee or council,
20 or as otherwise authorized in accordance with this act or if the actual
21 subsistence expenses of such officer are in excess of the allowance
22 prescribed such officer shall be entitled to be reimbursed for such officer's
23 actual subsistence expenses incurred while attending such out-of-state
24 meeting. Such officers shall also be entitled to mileage allowances at the
25 rate authorized by K.S.A. 75-3203a ~~or any, and~~ amendments thereto, for
26 each mile actually traveled by the usual route in going to and returning
27 from the place of any such out-of-state meetings if private conveyance is
28 used, or actual transportation cost if private conveyance is not used. No
29 legislator shall receive compensation under this section during any
30 legislative session except when the legislature is adjourned for a period of
31 more than two days, Sundays excepted. No legislator shall receive
32 subsistence expenses or allowances under this section for attendance at
33 any in-state meeting during any legislative session or for which
34 subsistence expenses or allowances are authorized under the provisions of
35 K.S.A. 46-137e, *and amendments thereto*. The total of both subsistence
36 expenses and allowances allowed under this section during a legislative
37 session and subsistence allowances allowed under K.S.A. 46-137a, *and*
38 *amendments thereto*, during such session shall be limited to the amount
39 equal to the combined total actual subsistence expenses incurred in Topeka
40 and in out-of-state travel. The provisions of the third sentence of K.S.A.
41 75-4606, *and amendments thereto*, shall not apply to any legislator, and
42 any legislator may use a privately owned motor vehicle and receive
43 reimbursement for mileage at the rate provided in K.S.A. 75-3203a, and

1 amendments thereto, whether traveling under authority of such statute or
2 this ~~act~~ section.

3 (b) *For service in a legislative term beginning on or after January 11,*
4 *2021, no legislator shall receive any compensation pursuant to the*
5 *provisions of this section.*

6 Sec. 5. K.S.A. 74-4902 is hereby amended to read as follows: 74-
7 4902. As used in articles 49 and 49a of chapter 74 of the Kansas Statutes
8 Annotated, and amendments thereto, unless otherwise provided or the
9 context otherwise requires:

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

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

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

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

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

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

28 (7) "beneficiary" means, subject to the provisions of K.S.A. 74-4927,
29 and amendments thereto, any natural person or persons, estate or trust, or
30 any combination thereof, named by a member to receive any benefits as
31 provided for by this act. Designations of beneficiaries by a member who is
32 a member of more than one retirement system made on or after July 1,
33 1987, shall be the basis of any benefits payable under all systems unless
34 otherwise provided by law. Except as otherwise provided by subsection
35 ~~(33) of this section~~ (32), if there is no named beneficiary living at the time
36 of the member's death, any benefits provided for by this act shall be paid
37 to: (A) The member's surviving spouse; (B) the member's dependent child
38 or children; (C) the member's dependent parent or parents; (D) the
39 member's nondependent child or children; (E) the member's nondependent
40 parent or parents; (F) the estate of the deceased member; in the order of
41 preference as specified in this subsection;

42 (8) "board of trustees," "board" or "trustees" means the managing
43 body of the system which is known as the Kansas public employees

1 retirement system board of trustees;

2 (9) "compensation" means, except as otherwise provided, all salary,
3 wages and other remuneration payable to a member for personal services
4 performed for a participating employer, including maintenance or any
5 allowance in lieu thereof provided a member as part of compensation, but
6 not including reimbursement for travel or moving expenses or on and after
7 July 1, 1994, payment pursuant to an early retirement incentive program
8 made prior to the retirement of the member. Beginning with the employer's
9 fiscal year ~~which~~ *that* begins in calendar year 1991 or for employers other
10 than the state of Kansas, beginning with the fiscal year ~~which~~ *that* begins
11 in calendar year 1992, when the compensation of a member who remains
12 in substantially the same position during any two consecutive years of
13 participating service used in calculating final average salary is increased
14 by an amount which exceeds 15%, then the amount of such increase which
15 exceeds 15% shall not be included in compensation, except that: (A) Any
16 amount of compensation for accumulated sick leave or vacation or annual
17 leave paid to the member; (B) any increase in compensation for any
18 member due to a reclassification or reallocation of such member's position
19 or a reassignment of such member's job classification to a higher range or
20 level; and (C) any increase in compensation as provided in any contract
21 entered into prior to January 1, 1991, and still in force on the effective date
22 of this act, pursuant to an early retirement incentive program as provided
23 in K.S.A. 72-5395 et seq., and amendments thereto, shall be included in
24 the amount of compensation of such member used in determining such
25 member's final average salary and shall not be subject to the 15%
26 limitation provided in this subsection. Any contributions by such member
27 on the amount of such increase which exceeds 15% which is not included
28 in compensation shall be returned to the member. Unless otherwise
29 provided by law, beginning with the employer's fiscal year coinciding with
30 or following July 1, 1985, compensation shall include any amounts for tax
31 sheltered annuities or deferred compensation plans. Beginning with the
32 employer's fiscal year ~~which~~ *that* begins in calendar year 1991,
33 compensation shall include amounts under sections 403b, 457 and 125 of
34 the federal internal revenue code of 1986 and, as the board deems
35 appropriate, any other section of the federal internal revenue code of 1986
36 which defers or excludes amounts from inclusion in income. For purposes
37 of applying limits under the federal internal revenue code "compensation"
38 shall have the meaning as provided in K.S.A. 74-49,123, and amendments
39 thereto. For purposes of this subsection and application to the provisions
40 of ~~subsection (4) of~~ K.S.A. 74-4927(4), and amendments thereto,
41 "compensation" shall not include any payments made by the state board of
42 regents pursuant to the provisions of ~~subsection (5) of~~ K.S.A. 74-4927a(5),
43 and amendments thereto, to a member of the faculty or other person

1 defined in ~~subsection (1)(a)~~ of K.S.A. 74-4925(1)(a), and amendments
2 thereto;

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

7 (11) "dependent" means a parent or child of a member who is
8 dependent upon the member for at least $\frac{1}{2}$ of such parent or child's
9 support;

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

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

21 (14) "employee" means any appointed or elective officer or employee
22 of a participating employer whose employment is not seasonal or
23 temporary and whose employment requires at least 1,000 hours of work
24 per year, and any such officer or employee who is concurrently employed
25 performing similar or related tasks by two or more participating
26 employers, who each remit employer and employee contributions on
27 behalf of such officer or employee to the system, and whose combined
28 employment is not seasonal or temporary, and whose combined
29 employment requires at least 1,000 hours of work per year, but not
30 including: (A) Any employee who is a contributing member of the United
31 States civil service retirement system; (B) any employee who is a
32 contributing member of the federal employees retirement system; (C) any
33 employee who is a leased employee as provided in section 414 of the
34 federal internal revenue code of a participating employer; and (D) any
35 employee or class of employees specifically exempted by law. After June
36 30, 1975, no person who is otherwise eligible for membership in the
37 Kansas public employees retirement system shall be barred from such
38 membership by reason of coverage by, eligibility for or future eligibility
39 for a retirement annuity under the provisions of K.S.A. 74-4925, and
40 amendments thereto, except that no person shall receive service credit
41 under the Kansas public employees retirement system for any period of
42 service for which benefits accrue or are granted under a retirement annuity
43 plan under the provisions of K.S.A. 74-4925, and amendments thereto.

1 After June 30, 1982, no person who is otherwise eligible for membership
2 in the Kansas public employees retirement system shall be barred from
3 such membership by reason of coverage by, eligibility for or future
4 eligibility for any benefit under another retirement plan authorized under
5 any law of this state, except that no such person shall receive service credit
6 under the Kansas public employees retirement system for any period of
7 service for which any benefit accrues or is granted under any such
8 retirement plan. Employee shall include persons who are in training at or
9 employed by, or both, a sheltered workshop for the blind operated by the
10 secretary for children and families. The entry date for such persons shall
11 be the beginning of the first pay period of the fiscal year commencing in
12 calendar year 1986. Such persons shall be granted prior service credit in
13 accordance with K.S.A. 74-4913, and amendments thereto. However, such
14 persons classified as home industry employees shall not be covered by the
15 retirement system. Employees shall include any member of a board of
16 county commissioners of any county and any council member or
17 commissioner of a city whose compensation is equal to or exceeds \$5,000
18 per year;

19 (15) "entry date" means the date as of which an eligible employer
20 joins the system. The first entry date pursuant to this act is January 1,
21 1962;

22 (16) "executive director" means the managing officer of the system
23 employed by the board under this act;

24 (17) "final average salary" means in the case of a member who retires
25 prior to January 1, 1977, and in the case of a member who retires after
26 January 1, 1977, and who has less than five years of participating service
27 after January 1, 1967, the average highest annual compensation paid to
28 such member for any five years of the last 10 years of participating service
29 immediately preceding retirement or termination of employment, or in the
30 case of a member who retires on or after January 1, 1977, and who has five
31 or more years of participating service after January 1, 1967, the average
32 highest annual compensation paid to such member on or after January 1,
33 1967, for any five years of participating service preceding retirement or
34 termination of employment, or, in any case, if participating service is less
35 than five years, then the average annual compensation paid to the member
36 during the full period of participating service, or, in any case, if the
37 member has less than one calendar year of participating service such
38 member's final average salary shall be computed by multiplying such
39 member's highest monthly salary received in that year by 12; in the case of
40 a member who became a member under ~~subsection (3) of K.S.A. 74-~~
41 ~~4925(3), and amendments thereto, or who became a member with a~~
42 ~~participating employer as defined in subsection (3) of K.S.A. 74-4931(3),~~
43 and amendments thereto, and who elects to have compensation paid in

1 other than 12 equal installments, such compensation shall be annualized as
2 if the member had elected to receive 12 equal installments for any such
3 periods preceding retirement; in the case of a member who retires after
4 July 1, 1987, the average highest annual compensation paid to such
5 member for any four years of participating service preceding retirement or
6 termination of employment; in the case of a member who retires on or
7 after July 1, 1993, whose date of membership in the system is prior to July
8 1, 1993, and any member who is in such member's membership waiting
9 period on July 1, 1993, and whose date of membership in the system is on
10 or after July 1, 1993, the average highest annual compensation, as defined
11 in subsection (9), paid to such member for any four years of participating
12 service preceding retirement or termination of employment or the average
13 highest annual salary, as defined in subsection ~~(34)~~ (33), paid to such
14 member for any three years of participating service preceding retirement
15 or termination of employment, whichever is greater; and in the case of a
16 member who retires on or after July 1, 1993, and whose date of
17 membership in the system is on or after July 1, 1993, the average highest
18 annual salary, as defined in subsection ~~(34)~~ (33), paid to such member for
19 any three years of participating service preceding retirement or termination
20 of employment. Final average salary shall not include any purchase of
21 participating service credit by a member as provided in subsection ~~(2)~~ of
22 K.S.A. 74-4919h(2), and amendments thereto, which is completed within
23 five years of retirement. For any application to purchase or repurchase
24 service credit for a certain period of service as provided by law received
25 by the system after May 17, 1994, for any member who will have
26 contributions deducted from such member's compensation at a percentage
27 rate equal to two or three times the employee's rate of contribution or will
28 begin paying to the system a lump-sum amount for such member's
29 purchase or repurchase and such deductions or lump-sum payment
30 commences after the commencement of the first payroll period in the third
31 quarter, "final average salary" shall not include any amount of
32 compensation or salary which is based on such member's purchase or
33 repurchase. Any application to purchase or repurchase multiple periods of
34 service shall be treated as multiple applications. For purposes of this
35 subsection, the date that such member is first hired as an employee for
36 members who are employees of employers that elected to participate in the
37 system on or after January 1, 1994, shall be the date that such employee's
38 employer elected to participate in the system. In the case of any former
39 member who was eligible for assistance pursuant to K.S.A. 74-4925, and
40 amendments thereto, prior to July 1, 1998, for the purpose of calculating
41 final average salary of such member, such member's final average salary
42 shall be based on such member's salary while a member of the system or
43 while eligible for assistance pursuant to K.S.A. 74-4925, and amendments

1 thereto, whichever is greater;

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

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

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

11 (21) "member" means an eligible employee who is in the system and
12 is making the required employee contributions; any former employee who
13 has made the required contributions to the system and has not received a
14 refund if such member is within five years of termination of employment
15 with a participating employer; or any former employee who has made the
16 required contributions to the system, has not yet received a refund and has
17 been granted a vested benefit. *"Member" shall not include any member of*
18 *the legislature whose term of office commences on or after January 11,*
19 *2021;*

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

34 (23) "normal retirement date" means the date on or after which a
35 member may retire with full retirement benefits pursuant to K.S.A. 74-
36 4914, and amendments thereto;

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

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

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

43 (27) "prior service annual salary" means the highest annual salary, not

1 including any amounts received as payment for overtime or as
2 reimbursement for travel or moving expense, received for personal
3 services by the member from the current employer in any one of the three
4 calendar years immediately preceding January 1, 1962, or the entry date of
5 the employer, whichever is later, except that if a member entered the
6 employment of the state during the calendar year 1961, the prior service
7 annual salary shall be computed by multiplying such member's highest
8 monthly salary received in that year by 12;

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

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

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

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

24 (32) "trust" means an express trust, created by a trust instrument,
25 including a will, designated by a member to receive payment of the
26 insured death benefit under K.S.A. 74-4927, and amendments thereto, and
27 payment of the member's accumulated contributions under ~~subsection (1)~~
28 ~~of K.S.A. 74-4916(1)~~, and amendments thereto. A designation of a trust
29 shall be filed with the board. If no will is admitted to probate within six
30 months after the death of the member or no trustee qualifies within such
31 six months or if the designated trust fails, for any reason whatsoever, the
32 insured death benefit under K.S.A. 74-4927, and amendments thereto, and
33 the member's accumulated contributions under ~~subsection (1)~~ of K.S.A.
34 74-4916(1), and amendments thereto, shall be paid in accordance with the
35 provisions of subsection (7) ~~of this section~~ as in other cases where there is
36 no named beneficiary living at the time of the member's death and any
37 payments so made shall be a full discharge and release to the system from
38 any further claims;

39 (33) "salary" means all salary and wages payable to a member for
40 personal services performed for a participating employer, including
41 maintenance or any allowance in lieu thereof provided a member as part of
42 salary. Salary shall not include reimbursement for travel or moving
43 expenses, payment for accumulated sick leave or vacation or annual leave,

1 severance pay or any other payments to the member determined by the
2 board to not be payments for personal services performed for a
3 participating employer constituting salary or on and after July 1, 1994,
4 payment pursuant to an early retirement incentive program made prior to
5 the retirement of the member. When the salary of a member who remains
6 in substantially the same position during any two consecutive years of
7 participating service used in calculating final average salary is increased
8 by an amount which exceeds 15%, then the amount of such increase which
9 exceeds 15% shall not be included in salary. Any contributions by such
10 member on the amount of such increase which exceeds 15% which is not
11 included in compensation shall be returned to the member. Unless
12 otherwise provided by law, salary shall include any amounts for tax
13 sheltered annuities or deferred compensation plans. Salary shall include
14 amounts under sections 403b, 457 and 125 of the federal internal revenue
15 code of 1986 and, as the board deems appropriate, any other section of the
16 federal internal revenue code of 1986 which defers or excludes amounts
17 from inclusion in income. For purposes of applying limits under the
18 federal internal revenue code "salary" shall have the meaning as provided
19 in K.S.A. 74-49,123, and amendments thereto. In any case, if participating
20 service is less than three years, then the average annual salary paid to the
21 member during the full period of participating service, or, in any case, if
22 the member has less than one calendar year of participating service such
23 member's final average salary shall be computed by multiplying such
24 member's highest monthly salary received in that year by 12;

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

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

30 Sec. 6. K.S.A. 74-4991 is hereby amended to read as follows: 74-
31 4991. Each person who was a member of the legislature on January 1,
32 1974, and each person who serves as a member of the legislature after
33 January 1, 1974, *through the expiration of any term of office that*
34 *commences prior to January 11, 2021*, and each former member of the
35 legislature who is eligible to receive benefits or who will become eligible
36 to receive benefits under the provisions of K.S.A. 1972 Supp. 46-1301, as
37 they existed on the day preceding ~~the effective date of this act~~ *July 1,*
38 *1973*, shall become an eligible employee on the entry date or upon taking
39 the oath of office for the office to which such person is elected if such
40 election occurs after the entry date of such person's employer. The entry
41 date of the state of Kansas relating to all members of the legislature or
42 former members of the legislature covered by this act shall be January 1,
43 1974. *A person who serves as a member of the legislature in a term that*

1 *commences on or after January 11, 2021, shall not become an eligible*
2 *employee. "Members of the legislature" as used in this act shall mean any*
3 *person elected or appointed to the legislature.*

4 Sec. 7. K.S.A. 46-137e, 74-4902, 74-4991 and 75-3212 and K.S.A.
5 2018 Supp. 46-137a and 46-137b are hereby repealed.

6 Sec. 8. This act shall take effect and be in force from and after its
7 publication in the statute book.