

## House Concurrent Resolution No. 5015

By Representatives Garner and Findley, Ballard, Barnes, Burroughs, Crow, Dillmore, Feuerborn, Flaharty, Gatewood, Gilbert, Henderson, Kirk, Kuether, Larkin, Levinson, Loganbill, M. Long, McClure, Nichols, O'Brien, Pauls, E. Peterson, Phelps, Reardon, Ruff, Showalter, Spangler, Storm, Swenson, Toelkes, Vickrey, Wells and Wilson

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A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, relating to public retirement systems.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 15 of the constitution of the state of Kansas is hereby amended by adding a new section 16 thereto to read as follows:

“§ 16. **Public retirement systems.** (a) Public retirement systems shall be funded on an actuarially sound basis. Public retirement system assets, including income and actuarially required contributions, shall not be encumbered, diverted, reduced or terminated and shall be held in trust to provide benefits to participants and participants’ beneficiaries and to defray administrative expenses.

(b) The governing boards of public retirement systems shall administer the systems, including actuarial determinations, as fiduciaries of systems participants and participants’ beneficiaries.

(c) Membership in any public retirement system shall be an enforceable contractual relationship and the accrued benefits of membership shall not be diminished or impaired.”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

“Explanatory statement. This amendment would require public retirement systems to be funded on an actuarially sound basis. The assets shall be held in trust to provide benefits to participants and

1 beneficiaries and defray administrative costs and shall not be used  
2 for any other purpose. The governing boards of public retirement  
3 systems are fiduciaries for the participants and beneficiaries. Mem-  
4 bership in a public retirement system would be an enforceable con-  
5 tractual relationship and accrued benefits could not be diminished  
6 or impaired.

7 “A vote for this proposition would provide constitutional protec-  
8 tion for participants and beneficiaries of public retirement systems  
9 by requiring actuarially sound funding, trust nature of funds to pro-  
10 vide benefits and defray administrative costs, fiduciary responsibil-  
11 ity of boards of public retirement systems and public retirement  
12 system membership as an enforceable contractual relationship with  
13 unimpairable accrued benefits.

14 “A vote against this proposition would retain the current status  
15 of law and not provide these additional constitutional protections to  
16 participants and beneficiaries of public retirement systems.”

17 Sec. 3. This resolution, if approved by two-thirds of the members  
18 elected (or appointed) and qualified to the House of Representatives, and  
19 two-thirds of the members elected (or appointed) and qualified to the  
20 Senate shall be entered on the journals, together with the yeas and nays.  
21 The secretary of state shall cause this resolution to be published as pro-  
22 vided by law and shall cause the proposed amendment to be submitted  
23 to the electors of the state at the general election in the year 2002 unless  
24 a special election is called at a sooner date by concurrent resolution of  
25 the legislature, in which case it shall be submitted to the electors of the  
26 state at the special election.

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