

## HOUSE BILL No. 2740

By Committee on Appropriations

2-26

1 AN ACT concerning legislators; relating to the compensation thereof;  
2 relating to the Kansas public employees retirement system; rate of  
3 compensation at which legislative members participate; amending  
4 K.S.A. 2013 Supp. 46-137a, 74-4992 and 74-4995 and repealing the  
5 existing sections.  
6

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

8 Section 1. K.S.A. 2013 Supp. 46-137a is hereby amended to read as  
9 follows: 46-137a. In addition to the compensation provided for by K.S.A.  
10 46-137b, 46-137e and 75-3212, and amendments thereto, each member of  
11 the legislature shall receive the following amounts:

12 (a) (1) The sum of \$88.66 per calendar day for service at any regular  
13 or special session *through January 8, 2017*, except as otherwise provided  
14 in subsection (e); *and*

15 (2) *on June 15, 2016, and each June 15 thereafter, the commissioner*  
16 *of education shall compute the average salaries and wages of all teachers*  
17 *in Kansas for the preceding school year. The commissioner of education*  
18 *shall certify such average salary and wage to the director of the budget.*  
19 *The director of the budget shall divide 80% of such average salary by the*  
20 *minimum number of school days for pupils attending kindergarten or any*  
21 *of the grades one through 11, pursuant to K.S.A. 72-1106, and*  
22 *amendments thereto. On January 9, 2017, for the remainder of fiscal year*  
23 *2017, and on July 1 for each fiscal year thereafter; that quotient shall be*  
24 *the sum each member of the legislature receives per calendar day for*  
25 *service at any regular or special session;*

26 (b) the sum of \$109 per calendar day for subsistence allowance for  
27 any regular or special session of the legislature, except that if the amounts  
28 allowable for the capital city of Kansas under applicable federal law and  
29 regulations to employees of the executive branch of the federal  
30 government for per diem expenses, while away from home but serving in  
31 the United States, are amounts which total greater than \$109, then each  
32 member of the legislature shall receive such greater total amount per  
33 calendar day for subsistence allowance for any regular or special session  
34 of the legislature;

35 (c) an allowance of \$354.15 for the two-week period which coincides  
36 with the biweekly payroll period which includes April 1<sup>st</sup> and for each of

1 the 19 ensuing two-week periods thereafter, to defray expenses incurred  
2 between sessions of the legislature for postage, telephone, office and other  
3 incidental expenses, except as otherwise provided in subsection (f);

4 (d) an allowance for mileage in an amount equal to the rate per mile  
5 prescribed under the provisions of K.S.A. 75-3203a, and amendments  
6 thereto, multiplied by the number of miles traveled by the usual route in  
7 going to and returning from the member's place of residence for any  
8 regular or special session of the legislature. Such mileage allowances shall  
9 be paid for not to exceed the equivalent of one trip for each full week  
10 occurring between convening and adjournment sine die in any regular or  
11 special session. The mileage allowance provided under the provisions of  
12 this subsection shall not be subject to the restrictions relating to the use of  
13 vehicles prescribed by K.S.A. 75-3203 and 75-3203a, and amendments  
14 thereto, but shall only be allowed for trips actually made. Compensation  
15 and subsistence allowance shall not be allowed under the provisions of  
16 subsections (a) and (b) of this section during any period in which the  
17 legislature is adjourned for more than two days, Sundays excepted; and

18 (e) whenever the rates of compensation of the pay plan for persons in  
19 the classified service under the Kansas civil service act are increased for  
20 payroll periods chargeable to fiscal years commencing after June 30, 2009,  
21 the rate of compensation per calendar day for members of the legislature  
22 for service at any regular or special session of the legislature shall be  
23 increased on the effective date of any such pay plan increase by an amount  
24 computed by multiplying the average of the percentage increases in all  
25 steps of such pay plan by the rate of compensation per calendar day which  
26 is authorized by this section for service at any regular or special session of  
27 the legislature for the day upon which such increase is computed. *The*  
28 *provisions of this subsection shall expire on January 9, 2017.*

29 (f) Whenever the rates of compensation of the pay plan for persons in  
30 the classified service under the Kansas civil service act are increased for  
31 payroll periods chargeable to fiscal years commencing after June 30, 2009,  
32 the allowance provided for each member of the legislature by subsection  
33 (c) to defray expenses incurred between sessions of the legislature for  
34 postage, telephone, office and other incidental expenses for each of the  
35 two-week periods specified by subsection (c) shall be increased on the  
36 effective date of any such pay plan increase by an amount computed by  
37 multiplying the average of the percentage increases in all steps of such pay  
38 plan by the allowance provided to defray such expenses for each such two-  
39 week period as provided by this section.

40 (g) *As used in this section:*

41 (1) *"Salaries and wages" does not include pay for duties under*  
42 *supplemental contracts, as defined by K.S.A. 72-5412a, and amendments*  
43 *thereto, or pay from employment incentive or retention bonuses authorized*

1 *under K.S.A. 72-8246, and amendments thereto.*

2 (2) *"Teacher" means a professional employee who is required to hold*  
3 *a teacher's license in any public school. The term "teacher" does not*  
4 *include school administrators.*

5 Sec. 2. K.S.A. 2013 Supp. 74-4992 is hereby amended to read as  
6 follows: 74-4992. (a) Any such member of the legislature or former  
7 member of the legislature as described in K.S.A. 74-4991, and  
8 amendments thereto, shall become a member on entry date or upon filing  
9 with the board an irrevocable election to become or not to become a  
10 member of the system. In the event that any such member of the  
11 legislature or former member of the legislature fails to file the election to  
12 become a member of the retirement system, it shall be presumed that such  
13 member of the legislature or former member of the legislature has elected  
14 not to become a member. The election to participate shall become effective  
15 immediately upon making such election, if such election is made within 14  
16 days of taking the oath of office or, otherwise, on the first day of the first  
17 payroll period of the first quarter following receipt of the election in the  
18 office of the retirement system. ~~On and after July 1, 2006, all members of~~  
19 ~~the legislature shall also make the election required by the provisions of~~  
20 ~~K.S.A. 74-4995, and amendments thereto, related to the rate of~~  
21 ~~compensation at which such members shall participate for purposes of~~  
22 ~~K.S.A. 74-4991 et seq., and amendments thereto.~~

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

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

41 (d) Subject to the provisions of K.S.A. 74-49,123, and amendments  
42 thereto, except as otherwise provided in this section, any member of the  
43 retirement system may purchase participating service credit for

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

21 Sec. 3. K.S.A. 2013 Supp. 74-4995 is hereby amended to read as  
22 follows: 74-4995. (a) Employer and employee contributions shall be  
23 governed by the provisions of K.S.A. 74-4919 and 74-4920, and  
24 amendments thereto. For purposes of contributions to and benefits under  
25 the Kansas public employees retirement system, compensation of a  
26 member of the legislature under this act *for all service on and after*  
27 *January 9, 2017*, shall be ~~a monthly amount equal to: (1) The~~  
28 ~~compensation to which the member was entitled for services as a member~~  
29 ~~of the legislature during the first 30 calendar days of the most recent~~  
30 ~~session in which the member has served; and (2) any amount to which the~~  
31 ~~member makes an election pursuant to this subsection. In addition to the~~  
32 ~~provisions of subsection (a)(1) and any election made pursuant to this~~  
33 ~~subsection, the compensation of a member shall include an additional five~~  
34 ~~days of compensation to which such member was entitled for services as a~~  
35 ~~member of the legislature of the most recent session in which the member~~  
36 ~~has served beyond the days provided for in subsection (a)(1). In addition to~~  
37 ~~the provisions of subsection (a)(1), a member of the legislature may elect~~  
38 ~~to participate with a rate of compensation that includes: (A) For service as~~  
39 ~~a member after July 18, 1982, a monthly amount equal to  $\frac{1}{12}$  of the~~  
40 ~~annualized amount received for monthly allowance under subsection (c) of~~  
41 ~~K.S.A. 46-137a, and amendments thereto; (B) a monthly amount equal to~~  
42  ~~$\frac{1}{12}$  of the annualized amount received for expenses allowance under~~  
43 ~~subsection (b) of K.S.A. 46-137a, and amendments thereto; or (C) an~~

1 amount equal to the combined amounts provided for in subsections (2)(A)  
2 and (2)(B). A member of the legislature who has filed an election to  
3 become a member of the system pursuant to the provisions of K.S.A. 74-  
4 4992, and amendments thereto, prior to July 1, 2006, shall file an election  
5 with the system to include any amounts specified in subsection (2)(A), (2)  
6 (B) or (2)(C) prior to August 1, 2006, except that nothing contained in this  
7 act shall be construed to permit a member of the legislature who has made  
8 an election pursuant to this section prior to the effective date of this act to  
9 revoke any such election previously made by such member. In the event  
10 that any such member fails to file such election prior to August 1, 2006, it  
11 shall be presumed that such member has elected to not include any  
12 amounts specified in subsection (2)(A), (2)(B) or (2)(C), and participate at  
13 a rate of compensation that includes only the amount provided in  
14 subsection (a)(1). A member of the legislature who files an election to  
15 become a member of the system pursuant to the provisions of K.S.A. 74-  
16 4992, and amendments thereto, on and after July 1, 2006, shall file an  
17 election with the system to include any amounts specified in subsection (2)  
18 (A), (2)(B) or (2)(C) at the same time that such member files the election  
19 to become a member of the system. In the event that any such member  
20 fails to file such election, it shall be presumed that such member has  
21 elected to not include any amounts specified in subsection (2)(A), (2)(B)  
22 or (2)(C), and participate at a rate of compensation that includes only the  
23 amount provided in subsection (a)(1) as defined in subsection (9) of K.S.A.  
24 74-4902, and amendments thereto. Any amounts deducted and remitted  
25 from compensation of a member of the legislature for service under this  
26 section prior to January 9, 2017, which is in excess of compensation as  
27 defined in subsection (9) of K.S.A. 74-4902, and amendments thereto, shall  
28 be refunded to such member of the legislature. For service on and after  
29 January 9, 2017, no compensation which is in excess of compensation as  
30 defined in subsection (9) of K.S.A. 74-4902, and amendments thereto, shall  
31 be used to compute the final average salary as provided in subsection (17)  
32 of K.S.A. 79-4902, and amendments thereto, for any such member of the  
33 legislature.

34 (b) The employee rate of contribution shall be applied to any amounts  
35 to which a member has elected pursuant to the provisions of subsection (a)  
36 (2) such member's compensation. The employee and employer  
37 contributions shall be remitted to the system quarterly with a report of  
38 such contributions as may be required by the board. Any changes in a  
39 member's rate of compensation and contributions as a result of any  
40 election mandated by this section for a member of the legislature who had  
41 filed an election to become a member of the system prior to July 1, 2006,  
42 shall be effective on October 1, 2006. All such elections pursuant to this  
43 section shall be in the form and manner prescribed by the board of

1 trustees.

2 ~~(e) Any member of the legislature making the election pursuant to~~  
3 ~~subsection (a)(2) may not revoke such election while they remain a~~  
4 ~~participating employee for service as a member of the legislature.~~

5 Sec. 4. K.S.A. 2013 Supp. 46-137a, 74-4992 and 74-4995 are hereby  
6 repealed.

7 Sec. 5. This act shall take effect and be in force from and after its  
8 publication in the statute book.