

HOUSE BILL No. 2492

By Committee on Appropriations

1-23

1 AN ACT concerning state officers and employees; relating to the Kansas
2 public employees deferred compensation plan; ending participation of
3 certain employees of the legislative branch; amending K.S.A. 74-4911f
4 and repealing the existing section.
5

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

7 Section 1. K.S.A. 74-4911f is hereby amended to read as follows: 74-
8 4911f. (a) Subject to procedures or limitations prescribed by the governor,
9 any person who is not an employee and who becomes a state officer may
10 elect to not become a member of the system. The election to not become a
11 member of the system must be filed within 90 days of assuming the
12 position of state officer. Such election shall be irrevocable. If such election
13 is not filed by such state officer, such state officer shall be a member of the
14 system.

15 (b) Any such state officer who is a member of the Kansas public
16 employees retirement system, on or after the effective date of this act, may
17 elect to not be a member by filing an election with the office of the
18 retirement system. The election to not become a member of the system
19 must be filed within 90 days of assuming the position of state officer. If
20 such election is not filed by such state officer, such state officer shall be a
21 member of the system.

22 (c) Subject to limitations prescribed by the board, the state agency
23 employing any employee who has filed an election as provided under
24 subsection (a) or (b) and who has entered into an employee participation
25 agreement, as provided in K.S.A. 74-49b10, and amendments thereto, for
26 deferred compensation pursuant to the Kansas public employees deferred
27 compensation plan shall contribute to such plan on such employee's behalf
28 an amount equal to 8% of the employee's salary, as such salary has been
29 approved pursuant to K.S.A. 75-2935b, and amendments thereto, or as
30 otherwise prescribed by law. With regard to a state officer who is a
31 member of the legislature who has retired pursuant to the Kansas public
32 employees retirement system and who files an election as provided in this
33 section, employee's salary means per diem compensation as provided by
34 law as a member of the legislature.

35 (d) As used in this section and K.S.A. 74-4927k, and amendments
36 thereto, "state officer" means the secretary of administration, secretary for

1 aging and disability services, secretary of commerce, secretary of
2 corrections, secretary of health and environment, secretary of labor,
3 secretary of revenue, secretary for children and families, secretary of
4 transportation, secretary of wildlife, parks and tourism, superintendent of
5 the Kansas highway patrol, secretary of agriculture, executive director of
6 the Kansas lottery, executive director of the Kansas racing commission,
7 president of the Kansas development finance authority, state fire marshal,
8 state librarian, securities commissioner, adjutant general, members and
9 chief hearing officer of the state board of tax appeals, members of the state
10 corporation commission, any unclassified employee on the staff of officers
11 of both houses of the legislature, any unclassified employee appointed to
12 the governor's or lieutenant governor's staff, any person employed by the
13 legislative branch of the state of Kansas, other than any such person
14 receiving service credited under the Kansas public employees retirement
15 system or any other retirement system of the state of Kansas therefor, who
16 elected to be covered by the provisions of this section as provided in
17 K.S.A. 46-1302(e), and amendments thereto, or who is first employed on
18 or after July 1, 1996, *and prior to July 1, 2020*, by the legislative branch of
19 the state of Kansas, *who elected to be covered by the provisions of this*
20 *section as provided in subsection (f)* and any member of the legislature
21 who has retired pursuant to the Kansas public employees retirement
22 system.

23 (e) The provisions of this section shall not apply to any state officer
24 who has elected to remain eligible for assistance by the state board of
25 regents as provided in K.S.A. 74-4925(a), and amendments thereto.

26 (f) *Any person who is first employed by the legislative branch of the*
27 *state of Kansas on or after July 1, 1996, and prior to July 1, 2020, and*
28 *who is employed on July 1, 2020, may elect prior to December 31, 2020,*
29 *to be covered by the provisions of this section by filing an election in the*
30 *office of the appointing authority of such person in such form and manner*
31 *as prescribed by such appointing authority. In the event any such person*
32 *fails to file the election provided in this subsection, it shall be presumed*
33 *that such person has elected not to be covered by the provisions of this*
34 *section.*

35 Sec. 2. K.S.A. 74-4911f is hereby repealed.

36 Sec. 3. This act shall take effect and be in force from and after its
37 publication in the statute book.