

**SENATE BILL No. 210**

By Committee on Ways and Means

2-20

1 AN ACT concerning retirement and pensions; relating to the Kansas public  
2 employees retirement system; eligible employees; direct support  
3 positions of community developmental disability organizations;  
4 amending K.S.A. 74-4911 and repealing the existing section.  
5

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

7 Section 1. K.S.A. 74-4911 is hereby amended to read as follows: 74-  
8 4911. (1) Any employee of a participating employer other than an elected  
9 official on the entry date of such employer shall be a member of the  
10 system on either the entry date or the first day of the payroll period  
11 coinciding with or following the completion of one year of service,  
12 whichever is later, except that an employee of a participating employer  
13 who was first employed by a participating employer on or after July 1,  
14 2008, but before July 1, 2009, shall be a member on July 1, 2009, and  
15 except that an employee who is first employed by a participating employer  
16 on or after July 1, 2009, shall be a member of the system on the first day of  
17 employment of such employee with such participating employer. *On and*  
18 *after July 1, 2019, employees employed in direct support positions of an*  
19 *affiliated employer organized under K.S.A. 19-4001, and amendments*  
20 *thereto, and defined under K.S.A. 39-1803, and amendments thereto, may*  
21 *become a member of the system on the first day of the payroll period*  
22 *coinciding with or following the completion of a two-year period of*  
23 *training, whichever is later.* For purposes of this act occasional breaks in  
24 service which shall not exceed an aggregate of 10 days in any such year  
25 shall not constitute a break in service for purposes of determining the  
26 membership date of such employee.

27 (2) Except as otherwise provided in this subsection, any employee  
28 other than an elected official who is employed by a participating employer  
29 after the entry date of such employer shall be a member of the system on  
30 the first day of the payroll period coinciding with or following completion  
31 of one year of continuous service. For purposes of this act, occasional  
32 breaks in service which shall not exceed an aggregate of 10 days in any  
33 such year shall not constitute a break in continuous service for purposes of  
34 determining the membership date of such employee. For purposes of this  
35 subsection, any employee of a local governmental unit which has its own  
36 pension plan who becomes an employee of a participating employer as a

1 result of a merger or consolidation of services provided by local  
2 governmental units, which occurred on January 1, 1994, may count service  
3 with such local governmental unit in determining whether such employee  
4 has met the one year of continuous service requirement contained in this  
5 subsection.

6 (3) Any employee who is an elected official and is eligible to join the  
7 system shall file, within 90 days after taking the oath of office, an  
8 irrevocable election to become or not to become a member of the system.  
9 Such election shall become effective immediately upon making such  
10 election, if such election is made within 14 days of taking the oath of  
11 office or, otherwise, on the first day of the first payroll period of the first  
12 quarter following receipt of the election in the office of the retirement  
13 system. In the event that such elected official fails to file the election to  
14 become a member of the retirement system, it shall be presumed that such  
15 person has elected not to become a member.

16 (4) Except as otherwise required by USERRA, any employee other  
17 than an elected official who is in military service or on leave of absence on  
18 the entry date of such employee's employer shall become a member of the  
19 system upon returning to active employment or on the first day of the  
20 payroll period coinciding with or following the completion of one year of  
21 service, whichever is later. For purposes of this act, occasional breaks in  
22 service which shall not exceed an aggregate of 10 days in any such year  
23 shall not constitute a break in service for purposes of determining the  
24 membership date of such employee.

25 (5) Any employee of the state of Kansas other than an elected  
26 official, who is receiving or is eligible for assistance by the state board of  
27 regents in the purchase of a retirement annuity under K.S.A. 74-4925, and  
28 amendments thereto, and who becomes ineligible for such assistance  
29 because such employee's position is reclassified to a position in the  
30 classified service under the Kansas civil service act, or who becomes  
31 ineligible for such assistance because such person accepts and transfers to  
32 a position in the classified service under the Kansas civil service act shall  
33 be a member of the system on the first day of the payroll period coinciding  
34 with or following the effective date of such reclassification or transfer. Any  
35 such employee who became ineligible for such assistance prior to the  
36 effective date of this act because of such a reclassification or such a  
37 transfer occurring prior to the effective date of this act and who is not a  
38 member of the system on the effective date of this act shall be a member of  
39 the system on the first day of the payroll period coinciding with or  
40 following the effective date of this act.

41 (6) Any employee of the state board of regents or of an educational  
42 institution under its management, other than an elected official, who is a  
43 member of the system and who becomes ineligible to be a member of the

1 system because such employee's position is reclassified to a position under  
2 the Kansas civil service act which is eligible for assistance by the state  
3 board of regents in the purchase of a retirement annuity under K.S.A. 74-  
4 4925, and amendments thereto, or who becomes ineligible to be a member  
5 of the system because such employee transfers to a position under the  
6 Kansas civil service act which is eligible for such assistance, shall become  
7 eligible for such assistance in accordance with the provisions of K.S.A.  
8 74-4925, and amendments thereto, unless such employee files a written  
9 election in the office of the retirement system, in the form and manner  
10 prescribed by the board of trustees thereof, to remain a member of the  
11 system prior to the first day of the first complete payroll period occurring  
12 after the effective date of such reclassification or transfer. Failure to file  
13 such written election shall be presumed to be an election not to remain a  
14 member of the system and to become eligible for assistance by the state  
15 board of regents in the purchase of a retirement annuity under K.S.A. 74-  
16 4925, and amendments thereto. Such election, whether to remain a  
17 member of the system or to become eligible for such assistance, shall be  
18 effective as of the effective date of such reclassification or transfer, and  
19 shall be irrevocable.

20 (7) Any elected official who at the time of becoming an elected  
21 official is already a member of the system by being or having been an  
22 employee of a participating employer shall continue as a member of the  
23 system.

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

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