

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **House Substitute for SB 259**, as amended by House Committee of the Whole on March 19, 2012, by amendment designated as "fa_2012_sb259_h_4948", by striking all in section 29 in such amendment and inserting:

"New Sec. 29. An employee first employed by a participating employer on or after January 1, 2014, shall elect to become a member of the plan established pursuant to section 1, *et seq.*, and amendments thereto, or the plan established pursuant to section 30 *et seq.*, and amendments thereto, by making an election within six months from such employee's first day of employment with a participating employer or elect to not participate in any retirement plan.

(b) (1) Elections made pursuant to this section shall be made on a form and in a manner prescribed by the board.

(2) An employee failing to make an election prescribed by this section shall be a member of the plan established pursuant to section 1 *et seq.*, and amendments thereto.

(3) An election made by a member prescribed by this section, including the default election pursuant to subsection (b)(2), is a one-time irrevocable election.

(c) A member in either plan who becomes inactive after an election prescribed by this section, and who returns to active membership remains in the plan previously elected.

(d) A member may not simultaneously be a member of the plan established in section 1, *et seq.*, and amendments thereto, and, the plan established in section 30 *et seq.*, and amendments thereto, and shall be a member of one plan or the other. A period of service shall be credited in only one plan or the other.

(e) Except for an employee who elects to not participate in any retirement plan, during the six-month period commencing after the employee's first day of employment in which the employee has to make the election required pursuant to this section, the following provisions are applicable:

(1) Such employee shall participate in the Kansas public employees deferred compensation plan as provided pursuant to K.S.A. 2011 Supp. 74-49b07 *et seq.*, and amendments thereto, except that such employees shall have 6% of such employee's compensation deferred and deducted each payroll period in accordance with the Kansas public employees deferred compensation plan;

(2) the participating employer of any such employee shall contribute 1% of such member's compensation to a qualified government plan pursuant to section 401(a) and 414(d) of the federal internal revenue code and its implementing regulations; and

(3) upon the commencement of the employee's plan after the six-month election period prescribed by this section, all amounts in the employee's deferred compensation plan and the qualified plan prescribed in subsection (e)(2) shall be transferred to the plan that the employee elects pursuant to this act or the default election as prescribed by the board.

(f) Unless the context requires otherwise, terms used in this section shall have the meanings set forth in K.S.A. 74-4902, and amendments thereto."

_____ District.