

**74-4935a. Option of certain employees to become members; entry date for members so electing; transfer of accumulations; conditions applicable to members who elect hereunder; final average salary, defined.** (a) Any employee to which subpart (d) of subsection (4) of K.S.A. 74-4932 and amendments thereto applied on the day preceding the effective date of this act may become a member of the Kansas public employees retirement system on July 1, 1985, only by filing with the board of trustees of such system, on or before August 30, 1985, a written election to become a member of such system. Failure to file such written election shall be presumed to be an election not to become a member. Such election, whether to become a member or not to become a member, shall be irrevocable.

(b) For the purpose of employees who elect to become a member under subsection (a), the entry date of the participating employer shall be January 1, 1971. The board of education to which K.S.A. 72-1759 and amendments thereto applies shall on September 30, 1985, certify to the board of trustees of the Kansas public employees retirement system the years of service in such school district of each employee who elects to become a member under this section and the total amount of contributions of each such employee held by the retirement system of such school district on June 30, 1985. The board of education of such school district shall pay from the retirement fund of the school district to such board of trustees an amount equal to the aggregate of such total amounts of contributions and the aggregate of all such member's contributions during the quarter in which the election is made. Such amount shall be remitted in the form and manner prescribed by the system and shall take place at the same time the school district submits the quarterly report for the quarter in which the elections are made.

(c) Employees who become members under this section shall be granted prior service credit in accordance with the provisions of K.S.A. 74-4936 and amendments thereto, except for service after December 31, 1970, and before July 1, 1985. Such employees shall be granted participating service credit in accordance with the provisions of K.S.A. 74-4936 and amendments thereto for service from January 1, 1971, to June 30, 1985 and thereafter.

(d) Provisions of law applicable to employees who became members under K.S.A. 74-4935 and amendments thereto shall apply to employees who become members under this section, except as is otherwise specifically provided in this section.

(e) The provisions of K.S.A. 72-1758 to 72-1769, inclusive, and amendments thereto, shall not apply to any person who becomes a member of the Kansas public employees retirement system under subsection (a).

(f) For any such employee who elects to become a member of the Kansas public employees retirement system as provided in this section, the term "final average salary" means the average highest annual compensation paid to such person for service for any five years preceding retirement or termination of service, notwithstanding the definition of such term in K.S.A. 74-4902 and amendments thereto.

**History:** L. 1974, ch. 293, § 3; L. 1985, ch. 254, § 16; July 1.