

2019 Legislative Agenda

1. Amend 38-711 to indicate what is “compensation” for ASRS purposes for future members.
 - a. Identifies what types of payments are considered compensation for ASRS purposes for future members
 - b. Excludes employment benefits from being reported to the ASRS as compensation
 - c. Protects current members by maintaining the current definition and interpretation of “compensation”

2. Add 38-719 and 38-797.15 to indicate the ASRS shall not pay interest unless specifically authorized by statute.
 - a. Indicates that the ASRS will only pay interest on monies owed pursuant to the plan and the LTD program if governing statute specifically provides for the ASRS paying interest
 - b. Ensures that the ASRS only pays interest as the legislature intended
 - c. Limits the risk of ASRS paying interest on monies owed for which the ASRS has not accounted actuarially

3. Add 38-726 to indicate that the ASRS does not pay attorney fees unless the opposing party is successful on adjudication of the merits of a contractual argument.
 - a. Indicates that attorney fees can only be awarded based on successful adjudication of the merits
 - b. Limits the risk of the ASRS paying attorney fees on successful cases based on contracts when contractual actions are not at issue
 - c. Protects the fund from paying out additional expenses related to appeals

4. Amend 38-738 to indicate that Employers can pay for a CNW via a current year adjustment.
 - a. Allows the ASRS to continue accepting current year adjustments without any staffing or programing changes
 - b. Requires the employer to obtain written consent from the employee to make a payroll adjustment

5. Amend 38-748 to indicate that the ASRS shall charge the Employer an unfunded liability amount resulting from ineligible contributions.
 - a. Indicates that the ASRS shall charge an unfunded liability amount for benefits paid to a member based on ineligible contributions reported to the ASRS
 - b. Protects the fund from unintended expense of additional benefits paid that should not have been reported to the ASRS

6. Amend 38-729 to indicate that an Employer cannot purchase overlapping prior service credit for a member upon joining the ASRS.
 - a. Ensures that a member cannot obtain overlapping service credit in a fiscal year when the Employer joins the ASRS

- b. Makes prior service purchase consistent with other types of service purchase and earned service
- 7. Amend 38-797.07 to change “position” to “occupation” and include language allowing active surveillance during an LTD investigation.
 - a. Indicates that the member cannot perform the duties associated with the member’s occupation vs. the member’s specific position which may include additional duties above and beyond those required for a specific occupation
 - b. Allows active surveillance of LTD member in order to resolve an LTD claim in dispute
 - c. Makes ASRS LTD program standards more consistent with industry standards
 - d. Makes ASRS LTD program more efficient by reducing possibility of LTD fraud