

(Pittman)

Proposed Amendment to HB 2198
Senate Committee on Financial Institutions and Insurance
3/15/2023
Prepared by Office of Revisor of Statutes

Session of 2023

HOUSE BILL No. 2198

By Committee on Financial Institutions and Pensions

1-26

1 AN ACT concerning retirement and pensions; relating to the Kansas police
2 and firemen's retirement system; providing for membership affiliation
3 for certain law enforcement officers and employees of the Kansas
4 department of wildlife and parks; establishing employee and employer
5 contributions.

and certain security officers of the department of corrections

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

8 Section 1. (a) (1) On July 1, 2023, the Kansas department of wildlife
9 and parks shall be an eligible employer as defined in K.S.A. 74-4952, and
10 amendments thereto, and shall affiliate with the Kansas police and
11 firemen's retirement system established under the provisions of K.S.A. 74-
12 4951 et seq., and amendments thereto, pursuant to the provisions of this
13 section for membership in the system of officers and employees employed
14 by the Kansas department of wildlife and parks who have successfully
15 completed the required course of instruction for law enforcement officers
16 approved by the Kansas law enforcement training center and are certified
17 as a full-time police officer or law enforcement officer pursuant to the
18 provisions of K.S.A. 74-5607a, and amendments thereto, and who are
19 employed in the parks, public lands or law enforcement division. For
20 purposes of such affiliation for membership in the system of such
21 members, the Kansas department of wildlife and parks shall be considered
22 a new participating employer. The Kansas department of wildlife and
23 parks shall make application for affiliation with such system in the manner
24 provided by K.S.A. 74-4954, and amendments thereto, to be effective on
25 the July 1 next following application. The Kansas department of wildlife
26 and parks shall affiliate for membership in the system of such officers and
27 employees for participating service credit.

28 (2) The Kansas department of wildlife and parks shall appropriate
29 and pay a sum sufficient to satisfy any obligations as certified by the board
30 of trustees of the retirement system based on an actuarial valuation of the
31 cost of such affiliation, and the employer contributions of the Kansas
32 department of wildlife and parks shall be as provided in K.S.A. 74-
33 4967(1), and amendments thereto.

34 (b) Each such officer and employee who is employed by the Kansas
35 department of wildlife and parks on or after the entry date of the Kansas
36 department of wildlife and parks into the Kansas police and firemen's

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1 service credited for purposes of computing retirement benefits pursuant to
2 K.S.A. 74-4901 et seq., and amendments thereto.

3 (g) Beginning with the first payment of compensation for services of
4 such officer or employee after becoming a member of the Kansas police
5 and firemen's retirement system, the employer shall deduct from the
6 compensation of such member 7.15% as the employee contribution to the
7 system. Such deductions shall be remitted, deposited and credited as
8 provided in K.S.A. 74-4965, and amendments thereto.

9 Sec. 2. This act shall take effect and be in force from and after its
10 publication in the statute book.

Sec. 2. (See attachment)

Renumber sections accordingly

- 1 Sec. 2. (a) On and after July 1, 2023, the department of corrections shall be an eligible employer as defined in K.S.A. 74-4952, and amendments thereto, and
2 shall affiliate on July 1, 2023, with the Kansas police and firemen's retirement system established under K.S.A. 74-4951 et seq., and amendments thereto. The
3 department of corrections shall make application for affiliation with such system in the manner provided by K.S.A. 74-4954, and amendments thereto, to be
4 effective on the July 1 next following application. The department of corrections shall affiliate for membership in the system of such officers and employees for
5 participating service credit.
- 6 (b) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personnel services the amount
7 required to satisfy the employer's obligation under this section as certified by the board of trustees of the system and shall present the same to the legislature for
8 allowance and appropriation. Upon affiliation, the department of corrections shall pay to the system a sum sufficient to satisfy such obligations as certified by the
9 board.
- 10 (c) The determination of retirement, death or disability benefits shall be computed upon the basis of credited service, as used in K.S.A. 74-4951 et seq., and
11 amendments thereto, but shall include only participating service with the department of corrections, commencing on and after the effective date of affiliation by
12 the department of corrections with the Kansas police and firemen's retirement system.
- 13 (d) In the case of a member who retires on or after July 1, 2023, whose date of membership in the system is prior to July 1, 1993, and any member who was in
14 such member's membership waiting period on July 1, 1993, and whose date of membership in the system is on or after July 1, 1993, shall have such member's
15 employer certify to the Kansas public employees retirement system the number of hours of such member's sick and annual leaves at the time of such member's
16 transfer to the Kansas police and firemen's retirement system. Upon the date of such member's retirement from the Kansas public employees retirement system,
17 such member may use in the calculation of the member's retirement benefit, the average highest annual compensation, as defined in K.S.A. 74-4902(9), and
18 amendments thereto, which shall include but not exceed compensation for the number of sick and annual leave hours certified to the Kansas public employees
19 retirement system on the date of the member's transfer, paid to such member for any four years of participating service preceding the transfer to the Kansas police
20 and firemen's retirement system, or the average highest annual salary, as defined in K.S.A. 74-4902(33), and amendments thereto, paid to such member for any
21 three years of participating service preceding retirement or termination of employment, whichever is greater.
- 22 (e) Any rights or benefits accruing to any security officer employed by the department of corrections prior to the effective date of affiliation shall be determined
23 pursuant to the provisions of K.S.A. 74-4901 et seq., and amendments thereto. Any security officer who becomes a member pursuant to this section, who has a
24 vested retirement benefit pursuant to K.S.A. 74-4917, and amendments thereto, and who terminates employment prior to attaining a vested benefit pursuant to
25 K.S.A. 74-4963, and amendments thereto, may have such service credited for purposes of computing retirement benefits pursuant to K.S.A. 74-4901 et seq., and
26 amendments thereto. Notwithstanding any provision of K.S.A. 74-4901 et seq., and amendments thereto, to the contrary, if a security officer has a vested
27 retirement benefit pursuant to K.S.A. 74-4963, and amendments thereto, and a vested retirement benefit pursuant to K.S.A. 74-4917, and amendments thereto,
28 and retires on or after such security officer's normal retirement date under K.S.A. 74-4957a, and amendments thereto, then such security officer shall also be
29 deemed to have retired for the purposes of K.S.A. 74-4901 et seq., and amendments thereto, and shall be eligible for such vested retirement benefit pursuant to
30 K.S.A. 74-4917, and amendments thereto.
- 31 (f) Every person who is employed as a security officer on or after the entry date of the department of corrections into the Kansas police and firemen's retirement
32 system shall become a member of the Kansas police and firemen's retirement system.
- 33 (g) Except as otherwise provided by this act, any security officer employed by the department of corrections who becomes a member of the Kansas police and
34 firemen's retirement system shall be subject to the provisions of K.S.A. 74-4951 through 74-4970, and amendments thereto.
- 35 (h) Beginning with the first payment of compensation for services of a security officer after becoming a member of the Kansas police and firemen's retirement
36 system, the employer shall deduct from the compensation of such member 7.15% as the employee contribution to the system. Such deductions shall be remitted,
37 deposited and credited as provided in K.S.A. 74-4965, and amendments thereto.
- 38 (i) As used in this section, "security officer" means any person, as certified to the board by the secretary of corrections, who is employed on or after the
39 effective date of this act as an employee of the department of corrections:

Attachment (Department of corrections security officers)

- 1 (1) Who is in any position in a job class in the corrections officer or juvenile services corrections officer class series, including, but not limited to, corrections
2 officer I (A), corrections officer I (B), corrections officer II, corrections supervisor I, corrections supervisor II, corrections supervisor III, corrections counselor I,
3 corrections counselor II, unit team supervisor, corrections classification administrator, juvenile corrections officer I (A), juvenile corrections officer I (B), captain,
4 major, juvenile corrections officer II, juvenile corrections officer III, special investigator II, unit team manager, chief of security, EAI investigator or EAI
5 investigator supervisor job class, as all such job classes are described on July 1, 2023, in the state job classification plan in effect for the classified service under
6 the Kansas civil service act or who is in a position in any successor job class or classes that have been approved under K.S.A. 75-2938, and amendments thereto,
7 and who have substantially the same duties and responsibilities thereof;
- 8 (2) who is promoted prior to or on or after July 1, 2023, from a position in any job class under paragraph (1) to any position in any job class of warden or
9 deputy warden of any correctional institution, training program manager, training technician, superintendent, deputy superintendent, corrections manager I,
10 corrections manager II, staff development specialist, safety and health inspector or safety and health specialist, as such job classes are described on July 1, 2023,
11 in the state job classification plan in effect for the classified service under the Kansas civil service act or to any successor job class or classes that are approved
12 under K.S.A. 75-2938, and amendments thereto, and who have substantially the same duties and responsibilities, if the person was employed and had at least
13 three consecutive years of service in any one or more positions in any one or more job classes described in paragraph (1) immediately preceding promotion to the
14 position in a job class under this paragraph and is located at a correctional institution or a juvenile correctional facility;
- 15 (3) who is in any position for which the duties and responsibilities directly and primarily involve operation of power plant facilities within any correctional
16 institution or juvenile correctional facility and involve regular contact with inmates or juvenile offenders;
- 17 (4) who is in any position for which the duties and responsibilities directly and primarily involve the operation of the correctional industries activity of the
18 department of corrections within a correctional institution or juvenile correctional facility and involve regular contact with inmates or juvenile offenders;
- 19 (5) who is in any position for which the duties and responsibilities directly and primarily involve supervision of food service or laundry operations within any
20 correctional institution or juvenile correctional facility and involve regular contact with inmates or juvenile offenders; or
- 21 (6) who is in any position for which the duties and responsibilities directly and primarily involve supervision of maintenance operations within any correctional
22 institution or juvenile correctional facility and involve regular contact with inmates or juvenile offenders.
- 23 (j) As used in this section, references to the department of corrections include correctional institutions as defined by K.S.A. 75-5202, and amendments thereto,
24 and juvenile correctional facilities as defined by K.S.A. 38-2302, and amendments thereto, unless the context requires otherwise.