

## 2012 Kansas Statutes

**74-4978m. Affiliation of adjutant general for membership of firefighters serving 190th Kansas air national guard; payment of obligations; membership; requirements of members and employer.** (a) (1) Notwithstanding the provisions of K.S.A. 74-4971, and amendments thereto, on or after the effective date of this act, the adjutant general shall affiliate with the Kansas police and firemen's retirement system established under the provisions of K.S.A. 74-4951 et seq., and amendments thereto, pursuant to the provisions of this act for membership in the system of firefighters serving the 190th Kansas air national guard who have successfully completed airport firefighter training and other firefighter training required by the adjutant general, and who are employed in a position which such training is required. For purposes of such affiliation for membership in the system of such members, the adjutant general shall be considered a new participating employer. The adjutant general shall make application for affiliation with such system in the manner provided by K.S.A. 74-4954, and amendments thereto, to be effective on July 1, next following application. The adjutant general shall affiliate for membership in the system of such members for participating service credit.

(2) The adjutant general shall appropriate and pay a sum sufficient to satisfy any obligations as certified by the board of trustees of the retirement system and the employer contributions of the adjutant general shall be as provided in subsection (1) of K.S.A. 74-4967, and amendments thereto.

(b) (1) Each such firefighter serving the 190th Kansas air national guard on the date of affiliation, may become a member of the Kansas police and firemen's retirement system on the first day of the payroll period of such member, coinciding with or following the entry date of the adjutant general as provided in this section, only by filing with the board of trustees of the system, on or before the entry date of the adjutant general as provided in this section, a written election to become a member of the system. Failure to file such written election shall be presumed to be an election not to become a member of the system. Such election, whether to become or not to become a member, shall be irrevocable.

(2) Each such firefighter who is on an authorized leave of absence or is in the military service on the entry date of the adjutant general as provided in this section may become a member of the Kansas police and firemen's retirement system on the first day of the first payroll period of such member, coinciding with such member's return to active employment and payroll of the adjutant general, only by filing with the board of trustees of the system within 10 days after such return to active employment a written election to become a member of the system. Failure to file such written election shall be presumed to be an election not to become a member of the system. Such election, whether to become a member or not to become a member, shall be irrevocable.

(c) Each such firefighter who first serves on or after the entry date of the adjutant general into the Kansas police and firemen's retirement system as provided in this section shall become a member of the Kansas police and firemen's retirement system on the first day of such employment.

(d) If the adjutant general affiliates as provided in this act, the adjutant general and each firefighter who elects to become a member as provided in this act shall be subject to the provisions of K.S.A. 74-4951 et seq., and amendments thereto, as applicable.

(e) 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 required to satisfy the employer's obligation under this act as certified by the board of trustees of the system, and shall present the same to the legislature for allowance and appropriations.

(f) 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 amendments thereto, but shall include only participating service with the person's participating employer, commencing on and after the effective date of affiliation by the participating employer with the Kansas police and firemen's retirement system.

(g) As used in this section, "firefighter" means a person serving the 190th Kansas air national guard as a fire protection special supervisor, fire protection station captain, fire protection crew chief, fire protection safety trainer or fire protection specialist or a person serving in a similar capacity as certified by the adjutant general.

**History:** L. 2010, ch. 102, § 1; July 1.