

HOUSE BILL No. 2428

By Committee on Appropriations

2-16

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 security officers of the department of corrections and certain
4 law enforcement officers and employees of the Kansas department of
5 wildlife and parks; establishing employee and employer contributions.
6

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

8 Section 1. (a) On and after July 1, 2023, the department of corrections
9 shall be an eligible employer as defined in K.S.A. 74-4952, and
10 amendments thereto, and shall affiliate on July 1, 2023, with the Kansas
11 police and firemen's retirement system established under K.S.A. 74-4951
12 et seq., and amendments thereto. The department of corrections shall make
13 application for affiliation with such system in the manner provided by
14 K.S.A. 74-4954, and amendments thereto, to be effective on the July 1
15 next following application. The department of corrections shall affiliate for
16 membership in the system of such officers and employees for participating
17 service credit.

18 (b) The division of the budget and the governor shall include in the
19 budget and in the budget request for appropriations for personnel services
20 the amount required to satisfy the employer's obligation under this section
21 as certified by the board of trustees of the system and shall present the
22 same to the legislature for allowance and appropriation. Upon affiliation,
23 the department of corrections shall pay to the system a sum sufficient to
24 satisfy such obligations as certified by the board.

25 (c) The determination of retirement, death or disability benefits shall
26 be computed upon the basis of credited service, as used in K.S.A. 74-4951
27 et seq., and amendments thereto, but shall include only participating
28 service with the department of corrections, commencing on and after the
29 effective date of affiliation by the department of corrections with the
30 Kansas police and firemen's retirement system.

31 (d) In the case of a member who retires on or after July 1, 2023,
32 whose date of membership in the system is prior to July 1, 1993, and any
33 member who was in such member's membership waiting period on July 1,
34 1993, and whose date of membership in the system is on or after July 1,
35 1993, shall have such member's employer certify to the Kansas public
36 employees retirement system the number of hours of such member's sick

1 and annual leaves at the time of such member's transfer to the Kansas
2 police and firemen's retirement system. Upon the date of such member's
3 retirement from the Kansas public employees retirement system, such
4 member may use in the calculation of the member's retirement benefit, the
5 average highest annual compensation, as defined in K.S.A. 74-4902(9),
6 and amendments thereto, which shall include but not exceed compensation
7 for the number of sick and annual leave hours certified to the Kansas
8 public employees retirement system on the date of the member's transfer,
9 paid to such member for any four years of participating service preceding
10 the transfer to the Kansas police and firemen's retirement system, or the
11 average highest annual salary, as defined in K.S.A. 74-4902(33), and
12 amendments thereto, paid to such member for any three years of
13 participating service preceding retirement or termination of employment,
14 whichever is greater.

15 (e) Any rights or benefits accruing to any security officer employed
16 by the department of corrections prior to the effective date of affiliation
17 shall be determined pursuant to the provisions of K.S.A. 74-4901 et seq.,
18 and amendments thereto. Any security officer who becomes a member
19 pursuant to this section, who has a vested retirement benefit pursuant to
20 K.S.A. 74-4917, and amendments thereto, and who terminates
21 employment prior to attaining a vested benefit pursuant to K.S.A. 74-4963,
22 and amendments thereto, may have such service credited for purposes of
23 computing retirement benefits pursuant to K.S.A. 74-4901 et seq., and
24 amendments thereto. Notwithstanding any provision of K.S.A. 74-4901 et
25 seq., and amendments thereto, to the contrary, if a security officer has a
26 vested retirement benefit pursuant to K.S.A. 74-4963, and amendments
27 thereto, and a vested retirement benefit pursuant to K.S.A. 74-4917, and
28 amendments thereto, and retires on or after such security officer's normal
29 retirement date under K.S.A. 74-4957a, and amendments thereto, then
30 such security officer shall also be deemed to have retired for the purposes
31 of K.S.A. 74-4901 et seq., and amendments thereto, and shall be eligible
32 for such vested retirement benefit pursuant to K.S.A. 74-4917, and
33 amendments thereto.

34 (f) Every person who is employed as a security officer on or after the
35 entry date of the department of corrections into the Kansas police and
36 firemen's retirement system shall become a member of the Kansas police
37 and firemen's retirement system.

38 (g) Except as otherwise provided by this act, any security officer
39 employed by the department of corrections who becomes a member of the
40 Kansas police and firemen's retirement system shall be subject to the
41 provisions of K.S.A. 74-4951 through 74-4970, and amendments thereto.

42 (h) Beginning with the first payment of compensation for services of
43 a security officer after becoming a member of the Kansas police and

1 firemen's retirement system, the employer shall deduct from the
2 compensation of such member 7.15% as the employee contribution to the
3 system. Such deductions shall be remitted, deposited and credited as
4 provided in K.S.A. 74-4965, and amendments thereto.

5 (i) As used in this section, "security officer" means any person, as
6 certified to the board by the secretary of corrections, who is employed on
7 or after the effective date of this act as an employee of the department of
8 corrections:

9 (1) Who is in any position in a job class in the corrections officer or
10 juvenile services corrections officer class series, including, but not limited to,
11 corrections officer I (A), corrections officer I (B), corrections officer II,
12 corrections supervisor I, corrections supervisor II, corrections supervisor
13 III, corrections counselor I, corrections counselor II, unit team supervisor,
14 corrections classification administrator, juvenile corrections officer I (A),
15 juvenile corrections officer I (B), captain, major, juvenile corrections
16 officer II, juvenile corrections officer III, special investigator II, unit team
17 manager, chief of security, EAI investigator or EAI investigator supervisor
18 job class, as all such job classes are described on July 1, 2023, in the state
19 job classification plan in effect for the classified service under the Kansas
20 civil service act or who is in a position in any successor job class or classes
21 that have been approved under K.S.A. 75-2938, and amendments thereto,
22 and who have substantially the same duties and responsibilities thereof;

23 (2) who is promoted prior to or on or after July 1, 2023, from a
24 position in any job class under paragraph (1) to any position in any job
25 class of warden or deputy warden of any correctional institution, training
26 program manager, training technician, superintendent, deputy
27 superintendent, corrections manager I, corrections manager II, staff
28 development specialist, safety and health inspector or safety and health
29 specialist, as such job classes are described on July 1, 2023, in the state job
30 classification plan in effect for the classified service under the Kansas civil
31 service act or to any successor job class or classes that are approved under
32 K.S.A. 75-2938, and amendments thereto, and who have substantially the
33 same duties and responsibilities, if the person was employed and had at
34 least three consecutive years of service in any one or more positions in any
35 one or more job classes described in paragraph (1) immediately preceding
36 promotion to the position in a job class under this paragraph and is located
37 at a correctional institution or a juvenile correctional facility;

38 (3) who is in any position for which the duties and responsibilities
39 directly and primarily involve operation of power plant facilities within
40 any correctional institution or juvenile correctional facility and involve
41 regular contact with inmates or juvenile offenders;

42 (4) who is in any position for which the duties and responsibilities
43 directly and primarily involve the operation of the correctional industries

1 activity of the department of corrections within a correctional institution or
2 juvenile correctional facility and involve regular contact with inmates or
3 juvenile offenders;

4 (5) who is in any position for which the duties and responsibilities
5 directly and primarily involve supervision of food service or laundry
6 operations within any correctional institution or juvenile correctional
7 facility and involve regular contact with inmates or juvenile offenders; or

8 (6) who is in any position for which the duties and responsibilities
9 directly and primarily involve supervision of maintenance operations
10 within any correctional institution or juvenile correctional facility and
11 involve regular contact with inmates or juvenile offenders.

12 (j) As used in this section, references to the department of corrections
13 include correctional institutions as defined by K.S.A. 75-5202, and
14 amendments thereto, and juvenile correctional facilities as defined by
15 K.S.A. 38-2302, and amendments thereto, unless the context requires
16 otherwise.

17 Sec. 2. (a) (1) On July 1, 2023, the Kansas department of wildlife and
18 parks shall be an eligible employer as defined in K.S.A. 74-4952, and
19 amendments thereto, and shall affiliate with the Kansas police and
20 firemen's retirement system established under the provisions of K.S.A. 74-
21 4951 et seq., and amendments thereto, pursuant to the provisions of this
22 section for membership in the system of officers and employees employed
23 by the Kansas department of wildlife and parks who have successfully
24 completed the required course of instruction for law enforcement officers
25 approved by the Kansas law enforcement training center and are certified
26 as a full-time police officer or law enforcement officer pursuant to the
27 provisions of K.S.A. 74-5607a, and amendments thereto, and who are
28 employed in the parks, public lands or law enforcement division. For
29 purposes of such affiliation for membership in the system of such
30 members, the Kansas department of wildlife and parks shall be considered
31 a new participating employer. The Kansas department of wildlife and
32 parks shall make application for affiliation with such system in the manner
33 provided by K.S.A. 74-4954, and amendments thereto, to be effective on
34 the July 1 next following application. The Kansas department of wildlife
35 and parks shall affiliate for membership in the system of such officers and
36 employees for participating service credit.

37 (2) The Kansas department of wildlife and parks shall appropriate
38 and pay a sum sufficient to satisfy any obligations as certified by the board
39 of trustees of the retirement system based on an actuarial valuation of the
40 cost of such affiliation, and the employer contributions of the Kansas
41 department of wildlife and parks shall be as provided in K.S.A. 74-
42 4967(1), and amendments thereto.

43 (b) Each such officer and employee who is employed by the Kansas

1 department of wildlife and parks on or after the entry date of the Kansas
2 department of wildlife and parks into the Kansas police and firemen's
3 retirement system as provided in this section shall become a member of
4 the Kansas police and firemen's retirement system on the first day of such
5 employment and shall be subject to the provisions of K.S.A. 74-4951 et
6 seq., and amendments thereto, as applicable.

7 (c) The division of the budget and the governor shall include in the
8 budget and in the budget request for appropriations for personnel services
9 the amount required to satisfy the employer's obligation under this section
10 as certified by the board of trustees of the system, and shall present the
11 same to the legislature for allowance and appropriation.

12 (d) The determination of retirement, death or disability benefits shall
13 be computed upon the basis of credited services, as used in K.S.A. 74-
14 4951 et seq., and amendments thereto, but shall include only participating
15 service with the Kansas department of wildlife and parks, commencing on
16 and after the effective date of affiliation by the Kansas department of
17 wildlife and parks with the Kansas police and firemen's retirement system.

18 (e) In the case of a member who retires on or after July 1, 2023,
19 whose date of membership in the system is prior to July 1, 1993, and any
20 member who was in such member's membership waiting period on July 1,
21 1993, and whose date of membership in the system is on or after July 1,
22 1993, shall have such member's employer certify to the Kansas public
23 employees retirement system the number of hours of such member's sick
24 and annual leaves at the time of such member's transfer to the Kansas
25 police and firemen's retirement system. Upon the date of such member's
26 retirement from the Kansas public employees retirement system, such
27 member may use in the calculation of the member's retirement benefit, the
28 average highest annual compensation, as defined in K.S.A. 74-4902(9),
29 and amendments thereto, which shall include but not exceed compensation
30 for the number of sick and annual leave hours certified to the Kansas
31 public employees retirement system on the date of the member's transfer,
32 paid to such member for any four years of participating service preceding
33 the transfer to the Kansas police and firemen's retirement system, or the
34 average highest annual salary, as defined in K.S.A. 74-4902(33), and
35 amendments thereto, paid to such member for any three years of
36 participating service preceding retirement or termination of employment,
37 whichever is greater.

38 (f) Any rights or benefits accruing to any such officer or employee
39 employed by the Kansas department of wildlife and parks prior to the
40 effective date of affiliation shall be determined pursuant to the provisions
41 of K.S.A. 74-4901 et seq., and amendments thereto. Any officer and
42 employee who becomes a member pursuant to this section, who has a
43 vested retirement benefit pursuant to K.S.A. 74-4917, and amendments

1 thereto, and who terminates employment prior to attaining a vested benefit
2 pursuant to K.S.A. 74-4963, and amendments thereto, may have such
3 service credited for purposes of computing retirement benefits pursuant to
4 K.S.A. 74-4901 et seq., and amendments thereto.

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

11 Sec. 3. This act shall take effect and be in force from and after its
12 publication in the statute book.