

## HOUSE BILL No. 2713

By Committee on Appropriations

2-17

---

1 AN ACT concerning retirement and pensions; relating to the Kansas police  
2 and firemen's retirement system; affiliating for membership for certain  
3 security officers of the department of corrections and certain law  
4 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, 2022, 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, 2022, 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) Any rights or benefits accruing to any security officer employed  
32 by the department of corrections prior to the effective date of affiliation  
33 shall be determined pursuant to the provisions of K.S.A. 74-4901 et seq.,  
34 and amendments thereto. Any security officer who becomes a member  
35 pursuant to this section, who has a vested retirement benefit pursuant to  
36 K.S.A. 74-4917, and amendments thereto, and who terminates

1 employment prior to attaining a vested benefit pursuant to K.S.A. 74-4963,  
2 and amendments thereto, may have such service credited for purposes of  
3 computing retirement benefits pursuant to K.S.A. 74-4901 et seq., and  
4 amendments thereto. Notwithstanding any provision of K.S.A. 74-4901 et  
5 seq., and amendments thereto, to the contrary, if a security officer has a  
6 vested retirement benefit pursuant to K.S.A. 74-4963, and amendments  
7 thereto, and a vested retirement benefit pursuant to K.S.A. 74-4917, and  
8 amendments thereto, and retires on or after such security officer's normal  
9 retirement date under K.S.A. 74-4957a, and amendments thereto, then  
10 such security officer shall also be deemed to have retired for the purposes  
11 of K.S.A. 74-4901 et seq., and amendments thereto, and shall be eligible  
12 for such vested retirement benefit pursuant to K.S.A. 74-4917, and  
13 amendments thereto.

14 (e) Every person who is employed as a security officer on or after the  
15 entry date of the department of corrections into the Kansas police and  
16 firemen's retirement system shall become a member of the Kansas police  
17 and firemen's retirement system.

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

22 (g) Beginning with the first payment of compensation for services of  
23 a security officer after becoming a member of the Kansas police and  
24 firemen's retirement system, the employer shall deduct from the  
25 compensation of such member 7.15% as the employee contribution to the  
26 system. Such deductions shall be remitted, deposited and credited as  
27 provided in K.S.A. 74-4965, and amendments thereto.

28 (h) As used in this section, "security officer" means any person, as  
29 certified to the board by the secretary of corrections, who is employed on  
30 or after the effective date of this act as an employee of the department of  
31 corrections:

32 (1) Who is in any position in a job class in the corrections officer or  
33 juvenile services corrections officer class series, including, but not limited to,  
34 corrections officer I (A), corrections officer I (B), corrections officer II,  
35 corrections supervisor I, corrections supervisor II, corrections supervisor  
36 III, corrections counselor I, corrections counselor II, unit team supervisor,  
37 corrections classification administrator, juvenile corrections officer I (A),  
38 juvenile corrections officer I (B), captain, major, juvenile corrections  
39 officer II, juvenile corrections officer III, special investigator II, unit team  
40 manager, chief of security, EAI investigator or EAI investigator supervisor  
41 job class, as all such job classes are described on July 1, 2022, in the state  
42 job classification plan in effect for the classified service under the Kansas  
43 civil service act or who is in a position in any successor job class or classes

1 that have been approved under K.S.A. 75-2938, and amendments thereto,  
2 and who have substantially the same duties and responsibilities thereof;

3 (2) who is promoted prior to or on or after July 1, 2022, from a  
4 position in any job class under paragraph (1) to any position in any job  
5 class of warden or deputy warden of any correctional institution, training  
6 program manager, training technician, superintendent, deputy  
7 superintendent, corrections manager I, corrections manager II, staff  
8 development specialist, safety and health inspector or safety and health  
9 specialist, as such job classes are described on July 1, 2022, in the state job  
10 classification plan in effect for the classified service under the Kansas civil  
11 service act or to any successor job class or classes that are approved under  
12 K.S.A. 75-2938, and amendments thereto, and who have substantially the  
13 same duties and responsibilities, if the person was employed and had at  
14 least three consecutive years of service in any one or more positions in any  
15 one or more job classes described in paragraph (1) immediately preceding  
16 promotion to the position in a job class under this paragraph and is located  
17 at a correctional institution or a juvenile correctional facility;

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

22 (4) who is in any position for which the duties and responsibilities  
23 directly and primarily involve the operation of the correctional industries  
24 activity of the department of corrections within a correctional institution or  
25 juvenile correctional facility and involve regular contact with inmates or  
26 juvenile offenders;

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

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

35 (i) As used in this section, references to the department of corrections  
36 include correctional institutions as defined by K.S.A. 75-5202, and  
37 amendments thereto, and juvenile correctional facilities as defined by  
38 K.S.A. 38-2302, and amendments thereto, unless the context requires  
39 otherwise.

40 Sec. 2. (a) (1) On July 1, 2022, the Kansas department of wildlife and  
41 parks shall be an eligible employer as defined in K.S.A. 74-4952, and  
42 amendments thereto, and shall affiliate with the Kansas police and  
43 firemen's retirement system established under the provisions of K.S.A. 74-

1 4951 et seq., and amendments thereto, pursuant to the provisions of this  
2 section for membership in the system of officers and employees employed  
3 by the Kansas department of wildlife and parks who have successfully  
4 completed the required course of instruction for law enforcement officers  
5 approved by the Kansas law enforcement training center and are certified  
6 as a full-time police officer or law enforcement officer pursuant to the  
7 provisions of K.S.A. 74-5607a, and amendments thereto, and who are  
8 employed in the parks, public lands or law enforcement division. For  
9 purposes of such affiliation for membership in the system of such  
10 members, the Kansas department of wildlife and parks shall be considered  
11 a new participating employer. The Kansas department of wildlife and  
12 parks shall make application for affiliation with such system in the manner  
13 provided by K.S.A. 74-4954, and amendments thereto, to be effective on  
14 the July 1 next following application. The Kansas department of wildlife  
15 and parks shall affiliate for membership in the system of such officers and  
16 employees for participating service credit.

17 (2) The Kansas department of wildlife and parks shall appropriate  
18 and pay a sum sufficient to satisfy any obligations as certified by the board  
19 of trustees of the retirement system based on an actuarial valuation of the  
20 cost of such affiliation, and the employer contributions of the Kansas  
21 department of wildlife and parks shall be as provided in K.S.A. 74-  
22 4967(1), and amendments thereto.

23 (b) Each such officer and employee who is employed by the Kansas  
24 department of wildlife and parks on or after the entry date of the Kansas  
25 department of wildlife and parks into the Kansas police and firemen's  
26 retirement system as provided in this section shall become a member of  
27 the Kansas police and firemen's retirement system on the first day of such  
28 employment and shall be subject to the provisions of K.S.A. 74-4951 et  
29 seq., and amendments thereto, as applicable.

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

35 (d) The determination of retirement, death or disability benefits shall  
36 be computed upon the basis of credited services, as used in K.S.A. 74-  
37 4951 et seq., and amendments thereto, but shall include only participating  
38 service with the Kansas department of wildlife and parks, commencing on  
39 and after the effective date of affiliation by the Kansas department of  
40 wildlife and parks with the Kansas police and firemen's retirement system.

41 (e) In the case of a member who retires on or after July 1, 2022,  
42 whose date of membership in the system is prior to July 1, 1993, and any  
43 member who was in such member's membership waiting period on July 1,

1 1993, and whose date of membership in the system is on or after July 1,  
2 1993, shall have such member's employer certify to the Kansas public  
3 employees retirement system the number of hours of such member's sick  
4 and annual leaves at the time of such member's transfer to the Kansas  
5 police and firemen's retirement system. Upon the date of such member's  
6 retirement from the Kansas public employees retirement system, such  
7 member may use in the calculation of the member's retirement benefit, the  
8 average highest annual compensation, as defined in K.S.A. 74-4902(9),  
9 and amendments thereto, which shall include but not exceed compensation  
10 for the number of sick and annual leave hours certified to the Kansas  
11 public employees retirement system on the date of the member's transfer,  
12 paid to such member for any four years of participating service preceding  
13 the transfer to the Kansas police and firemen's retirement system, or the  
14 average highest annual salary, as defined in K.S.A. 74-4902(33), and  
15 amendments thereto, paid to such member for any three years of  
16 participating service preceding retirement or termination of employment,  
17 whichever is greater.

18 (f) Any rights or benefits accruing to any such officer or employee  
19 employed by the Kansas department of wildlife and parks prior to the  
20 effective date of affiliation shall be determined pursuant to the provisions  
21 of K.S.A. 74-4901 et seq., and amendments thereto. Any officer and  
22 employee who becomes a member pursuant to this section, who has a  
23 vested retirement benefit pursuant to K.S.A. 74-4917, and amendments  
24 thereto, and who terminates employment prior to attaining a vested benefit  
25 pursuant to K.S.A. 74-4963, and amendments thereto, may have such  
26 service credited for purposes of computing retirement benefits pursuant to  
27 K.S.A. 74-4901 et seq., and amendments thereto.

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

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