

## HOUSE BILL No. 2530

By Committee on Federal and State Affairs

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AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; affiliation and membership in Kansas police and firemen's retirement system; election; employee and employer contributions.

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

Section 1. (a) On July 1, 2003, the department of corrections shall be an eligible employer as defined in K.S.A. 74-4952 and amendments thereto and shall affiliate with the Kansas police and firemen's retirement system established under K.S.A. 74-4951 *et seq.* and amendments thereto. The 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 effective on July 1 of the next year following application.

(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 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 appropriation. Upon affiliation, the department of corrections shall pay to the system a sum sufficient to satisfy such obligations as certified by the board.

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

(d) 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 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 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 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 amend-

1 ments thereto.

2 (e) Each security officer employed by the department of corrections  
3 on the date of affiliation, may become a member of the Kansas police  
4 and firemen's retirement system on the first day of the payroll period  
5 following the entry date of the department of corrections into the system,  
6 only by filing a written election to become a member, with the board of  
7 trustees of the system, on or after the entry date of the department of  
8 corrections into the system. Failure to file a written election shall be  
9 presumed to be an election not to become a member of the system. An  
10 election, whether to become a member or not to become a member, shall  
11 be irrevocable.

12 (f) Each security officer who is on an authorized leave of absence or  
13 is in the active military service on the entry date of the department of  
14 corrections into the system, may become a member of the Kansas police  
15 and firemen's retirement system on the first day of the first payroll period  
16 of the security officer's return to active employment and payroll of the  
17 department of corrections, only by filing with the board of trustees of the  
18 system within 10 days after returning to active employment, a written  
19 election to become a member of the system. Failure to file such written  
20 election shall be presumed to be an election not to become a member.  
21 An election, whether to become a member or not to become a member,  
22 shall be irrevocable.

23 (g) Every person who is employed as a security officer on or after the  
24 entry date of the department of corrections into the Kansas police and  
25 firemen's retirement system shall become a member of the Kansas police  
26 and firemen's retirement system on the first day of employment.

27 (h) Except as otherwise provided by this act, any security officer em-  
28 ployed by the department of corrections who becomes a member of the  
29 Kansas police and firemen's retirement system shall be subject to all the  
30 provisions of K.S.A. 74-4951 through 74-4970, and amendments thereto.

31 (i) Beginning with the first payment of compensation for services of  
32 a security officer after becoming a member of the Kansas police and  
33 firemen's retirement system, the employer shall deduct from the com-  
34 pensation of such member 7% as the employee contribution to the sys-  
35 tem. Such deductions shall be remitted, deposited and credited as pro-  
36 vided in K.S.A 74-4965, and amendments thereto.

37 (j) As used in this section, "security officer" means any parole officer  
38 and parole supervisor and any person who is:

39 (1) In any position in a job class in the corrections officer class series  
40 including but not limited to corrections officer I, corrections officer II,  
41 corrections supervisor I, corrections supervisor II and corrections super-  
42 visor III, or in a position in the corrections counselor I, corrections coun-  
43 selor II, unit team supervisor or corrections classification administrator

1 job class, as all such job classes are described on the effective date of this  
2 act in the state job classification plan in effect for the classified service  
3 under the Kansas civil service act or who is in a position in any successor  
4 job class or classes that have been approved under K.S.A. 75-2938, and  
5 amendments thereto, and that have substantially the same duties and  
6 responsibilities thereof; and

7 (2) promoted prior to or on or after July 1, 2003, from a position in  
8 any job class under subsection (a) to any position in any job class of warden  
9 or deputy warden of any correctional institution, the job class of work  
10 release supervisor, the job class of training officer, correctional institu-  
11 tions, or the job class of corrections administrator security specialist as  
12 such job classes are described on the effective date of this act in the state  
13 job classification plan in effect for the classified service under the Kansas  
14 civil service act or to any successor job class or classes that are approved  
15 under K.S.A. 75-2938, and amendments thereto, and that have substan-  
16 tially the same duties and responsibilities, if the person was employed  
17 and had at least three consecutive years of service in any one or more  
18 positions in any one or more job classes described in subsection (a) im-  
19 mediately preceding promotion to the position in a job class under this  
20 subsection (b).

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

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