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TESTIMONY

By

CLINT PATTY

Before the

HOUSE SELECT COMMITTEE ON KPERS

Regarding SB 228

March 9, 2015

Dear Chairman Johnson and Members of the Committee:

Thank you in advance for your consideration of my testimony. I am here today testifying on behalf of Leavenworth County in support of SB 228.

SB 228 will clear up a statutory interpretation issue with serious unintended consequences for sheriff's deputies throughout Leavenworth County. Prior to KPERS' recent decision denying a Leavenworth County Sheriff's deputy KP&F disability benefits, the County believed all of its certified Sheriff's deputies met KP&F's statutory definition of "policeman". (K.S.A. 74-4952). KPERS has now informed Leavenworth County that in spite of all required payments being made by both the County and its employees, that primary assignment to the County jail renders deputies ineligible for KP&F benefits. Leavenworth County does not believe the Legislature ever intended to create two classes of deputies: one covered by KP&F and the other excluded merely due to their assignment to a detention center.

Because the Sheriff's office frequently changes a deputies assignment over the course of a career, KPERS current interpretation will lead to sheriff's deputies moving in and out of KP&F eligibility depending only on whether or not they are assigned to the County jail at the time they apply for benefits. This amendment will allow all deputies statewide the same KP&F eligibility regardless of their job assignment. Finally, SB 228 has no fiscal impact since Leavenworth County and its deputies are all paying the required KP&F premiums.

SB 228 will allow the Legislature to both clarify an existing problem and prevent future unintended consequences under the current interpretation of K.S.A. 74-4952. Leavenworth County urges favorable passage of SB 228.

Thank you once again for allowing me the opportunity to provide my client's position on this important matter. I am glad to stand for questions.

Sincerely,

s/ Clint Patty

Clinton E. Patty

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