

As Amended by House Committee

Session of 2015

SENATE BILL No. 228

By Select Committee on KPERS

2-13

1 AN ACT concerning retirement and pensions; relating to the Kansas police
2 and firemen's retirement system; defining eligible employees as police;
3 providing retroactive application; amending K.S.A. 2014 Supp. 74-
4 4952 and repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2014 Supp. 74-4952 is hereby amended to read as
8 follows: 74-4952. As used in K.S.A. 74-4951 et seq., and amendments
9 thereto:

10 (1) "Accumulated contributions" means the sum of all contributions
11 by a member to the system which shall be credited to the member's
12 account with interest allowed thereon after June 30, 1982.

13 (2) "Disability" means the total inability to perform permanently the
14 duties of the position of a policeman or fireman.

15 (3) "Eligible employer" means any city, county, township or other
16 political subdivision of the state employing one or more employees as
17 firemen or policemen.

18 (4) "Employee" means any policeman or fireman employed by a
19 participating employer whose employment for police or fireman purposes
20 is not seasonal or temporary and requires at least 1,000 hours of work per
21 year.

22 (5) "Entry date" means the date as of which an eligible employer
23 joins the system; the first entry date pursuant to this act is January 1, 1967.

24 (6) "Final average salary" means:

25 (a) For members who are first hired as an employee, as defined in
26 subsection (4), before July 1, 1993, the average highest annual
27 compensation paid to a member for any three of the last five years of
28 participating service immediately preceding retirement or termination of
29 employment, or if participating service is less than three years, then the
30 average annual compensation paid to the member during the full period of
31 participating service, or if a member has less than one calendar year of
32 participating service, then the member's final average salary shall be
33 computed by multiplying the member's highest monthly salary received in
34 that year by 12;

35 (b) for members who are first hired as an employee, as defined in
36 subsection (4), on and after July 1, 1993, the average highest annual salary,

1 as defined in ~~subsection (33)~~ of K.S.A. 74-4902(33), and amendments
2 thereto, paid to a member for any three of the last five years of
3 participating service immediately preceding retirement or termination of
4 employment, or if participating service is less than three years, then the
5 average annual salary, as defined in ~~subsection (34)~~ of K.S.A. 74-
6 4902(33), and amendments thereto, paid to the member during the full
7 period of participating service, or if a member has less than one calendar
8 year of participating service, then the member's final average salary shall
9 be computed by multiplying the member's highest monthly salary received
10 in that year by 12;

11 (c) for purposes of subparagraphs (a) and (b) of this subsection, the
12 date that such member is first hired as an employee for members who are
13 employees of employers that elected to participate in the system on or after
14 January 1, 1994, shall be the date that such employee's employer elected to
15 participate in the system; and

16 (d) for any application to purchase or repurchase service credit for a
17 certain period of service as provided by law received by the system after
18 May 17, 1994, for any member who will have contributions deducted from
19 such member's compensation at a percentage rate equal to two or three
20 times the employee's rate of contribution or who will have contributions
21 deducted from such member's compensation at an additional rate of
22 contribution, in addition to the employee's rate of contribution as provided
23 in K.S.A. 74-4919, and amendments thereto or will begin paying to the
24 system a lump-sum amount for such member's purchase or repurchase, and
25 such deductions or lump-sum payment commences after the
26 commencement of the first payroll period in the third quarter, "final
27 average salary" shall not include any amount of compensation or salary
28 which is based on such member's purchase or repurchase. Any application
29 to purchase or repurchase multiple periods of service shall be treated as
30 multiple applications.

31 (e) Notwithstanding any other provision of this section, for purposes
32 of applying limits as provided by the federal internal revenue code, salary
33 shall have the meaning as determined pursuant to K.S.A. 74-49,123, and
34 amendments thereto.

35 (7) "Retirement benefit" means a monthly income or the actuarial
36 equivalent thereof paid in such manner as specified by the member as
37 provided under the system or as otherwise allowed to be paid at the
38 discretion of the board, with benefits accruing from the first day of the
39 month coinciding with or following retirement and ending on the last day
40 of the month in which death occurs. Upon proper identification such
41 surviving spouse may negotiate the warrant issued in the name of the
42 retiree.

43 (8) "Normal retirement date" means the date on or after which a

1 member may retire with eligibility for retirement benefits for age and
2 service as provided in ~~subsections (1) and (3)~~ of K.S.A. 74-4957(1) and
3 (3), and amendments thereto.

4 (9) "Retirement system" or "system" means the Kansas police and
5 firemen's retirement system as established by this act and as it may be
6 hereafter amended.

7 (10) "Service-connected" means with regard to a death or any
8 physical or mental disability, any such death or disability resulting from
9 external force, violence or disease occasioned by an act of duty as a
10 policeman or fireman and, for any member after five years of credited
11 service, there shall be a rebuttable presumption, that any death or disability
12 resulting from a heart disease or disease of the lung or respiratory tract or
13 cancer as provided in this subsection, except that in the event that the
14 member ceases to be a contributing member by reason of a service-
15 connected disability for a period of six months or more and then again
16 becomes a contributing member, the provision relating to death or
17 disability resulting from a heart disease, disease of the lung or respiratory
18 tract or cancer as provided in this subsection shall not apply until such
19 member has again become a contributing member for a period of not less
20 than two years or unless clear and precise evidence is presented that the
21 heart disease, disease of the lung or respiratory tract or cancer as provided
22 in this subsection was in fact occasioned by an act of duty as a policeman
23 or fireman. If the retirement system receives evidence to the contrary of
24 such presumption, the burden of proof shall be on the member or other
25 party to present evidence that such death or disability was service-
26 connected. The provisions of this section relating to the presumption that
27 the death or disability resulting from cancer is service-connected shall only
28 apply if the condition that caused the death or disability is a type of cancer
29 which may, in general, result from exposure to heat, radiation or a known
30 carcinogen.

31 (11) Prior to July 1, 1998, "fireman" or "firemen" means an employee
32 assigned to the fire department and engaged in the fighting and
33 extinguishment of fires and the protection of life and property therefrom or
34 in support thereof and who is specifically designated, appointed,
35 commissioned or styled as such by the governing body or city manager of
36 the participating employer and certified to the retirement system as such.
37 On and after July 1, 1998, "fireman" or "firemen" means an employee
38 assigned to the fire department whose principal duties are engagement in
39 the fighting and extinguishment of fires and the protection of life and
40 property therefrom and who is specifically designated, appointed,
41 commissioned or styled as such by the governing body or city manager of
42 the participating employer and certified to the retirement system as such.

43 (12) Prior to July 1, 1998, "police," "policeman" or "policemen"

1 means an employee assigned to the police department and engaged in the
2 enforcement of law and maintenance of order within the state and its
3 political subdivisions, including sheriffs and sheriffs' deputies, or in
4 support thereof and who is specifically designated, appointed,
5 commissioned or styled as such by the governing body or city manager of
6 the participating employer and certified to the retirement system as such.
7 On and after July 1, 1998, "police," "policeman" or "policemen" means an
8 employee assigned to the police department whose principal duties are
9 engagement in the enforcement of law and maintenance of order within the
10 state and its political subdivisions, including sheriffs and sheriffs' deputies;
11 who has successfully completed the required course of instruction for law
12 enforcement officers approved by the Kansas law enforcement training
13 center and is certified pursuant to the provisions of K.S.A. 74-5607a, and
14 amendments thereto; and who is specifically designated, appointed,
15 commissioned or styled as such by the governing body or city manager of
16 the participating employer and certified to the retirement system as such.
17 ~~Notwithstanding any other provisions of this subsection, "police,"~~
18 ~~"policeman" or "policemen" shall include a city or county correctional~~
19 ~~officer who is specifically designated, appointed, commissioned or styled~~
20 ~~as such by the governing body or city manager of the participating~~
21 ~~employer and certified to the retirement system as such commencing on~~
22 ~~July 1, 1998, and ending on June 30, 1999: "Police," "policeman" or~~
23 ~~"policemen" who have been assigned to the police department, whose~~
24 ~~duties have included engagement in the enforcement of law and~~
25 ~~maintenance of order within the state and its political subdivisions, who~~
26 ~~have been certified pursuant to K.S.A. 74-5607a, and amendments thereto,~~
27 ~~who have been designated as "police," "policeman" or "policemen" as~~
28 ~~provided in this subsection and for whom required contributions have been~~
29 ~~made to the Kansas police and fireman's retirement system shall not be~~
30 ~~denied benefits due to a temporary or full-time assignment to a jail, adult~~
31 ~~detention center or other correctional facility by the state or any of its~~
32 ~~political subdivisions, and this provision shall be applied retroactively to~~
33 ~~July 1, 1999, to any member meeting such requirements as provided in this~~
34 ~~enactment.~~

35 (13) Except as otherwise defined in this act, words and phrases used
36 in K.S.A. 74-4951 et seq., and amendments thereto, shall have the same
37 meanings ascribed to them as are defined in K.S.A. 74-4902, and
38 amendments thereto.

39 Sec. 2. K.S.A. 2014 Supp. 74-4952 is hereby repealed.

40 Sec. 3. This act shall take effect and be in force from and after its
41 publication in the Kansas register **statute book**.