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MEMORANDUM

To: Chairman Johnson and members of the Joint Committee on Pensions, Investments and Benefits.

From: David Wiese, Assistant Revisor

Date: November 4, 2019

Subject: **Pending legislation involving KP&F membership.**

The following is a brief overview of the bills introduced during the 2019-2020 legislative biennium involving changes to KP&F membership and the status of each such bill as of the end of the 2019 session.

HB 2165 (Department of corrections officers to KP&F)

House Bill No. 2165 requires the department of corrections to affiliate on January 1, 2020, with the Kansas police and firemen's retirement system (KP&F). Every person who is employed as a security officer on or after January 1, 2020, shall become a member of KP&F. The determination of all benefits shall be computed upon the basis of credited service under KP&F statutes but shall only include participating service on and after January 1, 2020. Any benefits earned prior to January 1, 2020, shall be determined pursuant to KPERS statutes. Any security officer who becomes a member of KP&F pursuant to this bill, who has a vested retirement benefit under KPERS and who terminates employment prior to attaining a vested retirement benefit under KP&F may have such service credited for the purposes of computing retirement benefits pursuant to KPERS. Members under this bill are required to make the KP&F employee contribution of 7.15%.

The bill also contains language providing that if a security officer has a vested KPERS retirement benefit and a vested KP&F retirement benefit and retires on or after such security officer's normal retirement date under KP&F, then such security officer is deemed to be retired from KPERS on such date and is eligible to receive their KPERS retirement benefit at that time.

"Security officer" is defined as any person who is employed on or after January 1, 2020, as an employee of the department of corrections and who is:

- (1) In the corrections officer or juvenile services corrections officer class series;
- (2) promoted from any job class in (1) to any position of warden or deputy warden, training program manager, training technician, superintendent, deputy superintendent, corrections manager I, corrections manager II, staff development specialist, safety and health inspector or safety and health specialist and is located at a correctional institution or a juvenile correctional facility; and

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(3) in any position in the power plant facilities, correctional industries, food service, laundry or maintenance operations within any correctional institution or juvenile correctional facility and involves regular contact with inmates or juvenile offenders.

HB 2165 was referred to the House Committee on Financial Institutions and Pensions and that committee had a hearing on the bill on February 25, 2019. The committee has not acted on the bill.

HB 2139 and SB 121 (Local corrections officers to KP&F)

House Bill No. 2139 and Senate Bill No. 121 permits local eligible employers under the Kansas police and firemen's retirement system to make application or supplemental application to affiliate with KP&F with regard to coverage of detention deputies, corrections officers, detention officers or jailers.

The bill defines "detention deputy," "corrections officer," "detention officer" or "jailer" as employees assigned to a jail, adult detention center, juvenile detention center or other local adult or juvenile correctional facility whose principal duties are engagement in maintaining security and control of the facility, monitoring both preconviction and postconviction inmate or prisoner behaviors and activities, enforcing the facility rules and guidelines, and who is specifically designated, appointed, commissioned or styled by the governing body of the participating employer and certifies to the retirement system as such.

The bill also provides that if an individual in one of the above positions has a KP&F vested retirement benefit and a KPERS vested retirement benefit and then retires on or after such individual's normal retirement date under KP&F, such individual shall also be deemed to have retired under KPERS and shall be eligible for such KPERS retirement benefit at the same time.

HB 2139 was referred to the House Committee on Financial Institutions and Pensions and that committee had a hearing on the bill on February 20, 2019. The committee has not acted on the bill.

SB 121 was referred to the Senate Committee on Financial Institutions and Insurance and that committee had a hearing on the bill on February 19, 2019. On February 20, 2019, the committee recommended the bill be passed as amended by making affiliation with KP&F be for future service only. No action has been taken by the full Senate.

HB 2099 (Kansas wildlife, parks and tourism officers to KP&F)

House Bill No. 2099 provides that on July 1, 2019, the Kansas department of wildlife, parks and tourism (KDWPT) shall be an eligible employer and shall affiliate with the Kansas police and firemen's retirement system (KP&F) for membership in such system of officers and employees of the KDWPT who have successfully completed the required course of instruction for law enforcement officers approved by the Kansas law enforcement training center and are certified as a full-time police officer or law enforcement officer and who are employed in the parks, public lands or law enforcement division. The application for affiliation with KP&F would be effective July 1, 2020.

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The KDWPPT shall pay the required KP&F employer contributions and the division of the budget and the governor shall include in the budget request for appropriations the amount required to satisfy the employer obligation as certified by the board of trustees of the system and shall present the same to the legislature for allowance and appropriation.

Each such officer and employee who is employed by KDWPPT on or after the entry date shall become a member of KP&F. The determination of all benefits shall be computed upon the basis of credited service under KP&F statutes but shall only include participating service on and after July 1, 2020. Any benefits earned prior to July 1, 2020, shall be determined pursuant to KPERS statutes. Any officer or employee of the KDWPPT who becomes a member of KP&F pursuant to this bill, who has a vested retirement benefit under KPERS and who terminates employment prior to attaining a vested retirement benefit under KP&F may have such service credited for the purposes of computing retirement benefits pursuant to KPERS. For members who were employed in a KPERS position prior to July 1, 1993, or who were in their waiting period on July 1, 1993, the employer shall certify to the system the number of sick and annual leave hours each such member has at the time of the transfer to KP&F. Upon retirement from KPERS such member may include such leave, not to exceed the amount certified, in determining such member's final average salary.

Members under this bill are required to make the KP&F employee contribution of 7.15%.

HB 2099 was referred to the House Committee on Financial Institutions and Pensions and that committee had a hearing on the bill on February 6, 2019. On February 12, 2019, the committee recommended that the bill be passed. On February 28, 2019, the bill was stricken from the calendar by House Rule 1507.