

## HOUSE BILL No. 2293

By Committee on Appropriations

2-3

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9 AN ACT concerning retirement and pensions; relating to the Kansas  
10 public employees retirement system; county detention officers; normal  
11 retirement date; costs.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. (a) (1) As used in this section, “detention officer” means  
15 any person certified to the board of trustees of the Kansas public em-  
16 ployees retirement system by such person’s participating employer who  
17 is employed on or after the effective date of this act, as an employee of  
18 such participating employer who:

19 (A) Is in any position in a job class in the detention officer series  
20 including, but not limited to, detention officer or deputy, corrections of-  
21 ficer or deputy, sheriff’s deputy, youth worker, case manager, counselor  
22 or mental health worker in which the person’s primary job responsibilities  
23 are the supervision and control of adult inmates or juvenile residents  
24 while the inmates or residents are incarcerated within the county’s de-  
25 tention facility, including primary responsibilities to assist in the manage-  
26 ment and control of facility emergencies and to physically restrain dis-  
27 ruptive inmates or residents and who is exposed to significant risk of harm  
28 during the person’s normal duties;

29 (B) who is promoted prior to or on or after the effective date of this  
30 act from a position in any job class under paragraph (A) to any position  
31 in any job class that directly or indirectly supervises staff in the job classes  
32 under paragraph (A) including, but not limited to, sheriff, detention su-  
33 pervisor, jail or detention administrator, work release supervisor and  
34 training officer;

35 (C) who is in any position for which the duties and responsibilities  
36 directly and primarily involve the operation of industries, commissary,  
37 library or other detention programs within a detention facility and involve  
38 regular contact with the inmates or juvenile residents;

39 (D) who is in any position for which the duties and responsibilities  
40 directly and primarily involve food service operations within any detention  
41 facility and involve regular contact with inmates or juvenile residents; and

42 (E) who is in any position for which the duties and responsibilities  
43 directly and primarily involve maintenance operations within any deten-

1 tion facility and involve regular contact with inmates or juvenile residents.

2 (2) The words and phrases used in this section shall have the mean-  
3 ings ascribed thereto in K.S.A. 74-4902, and amendments thereto, unless  
4 a different meaning is plainly required by the context.

5 (b) Except as otherwise provided in this section, the provisions of  
6 K.S.A. 74-4901 *et seq.*, and amendments thereto, shall apply to all deten-  
7 tion officers.

8 (c) (1) On and after July 1, 2005, any county employing one or more  
9 detention officers, which is currently a participating employer in the Kan-  
10 sas public employees retirement system, may make an irrevocable elec-  
11 tion to affiliate to have such employer's detention officers covered under  
12 the provisions of this section by submitting a written application with the  
13 system in a manner provided by the system. Such affiliation shall be ef-  
14 fective on January 1 next following such election, if the combined group  
15 of counties electing to affiliate to have such employer's detention officers  
16 covered under this section reaches a minimum membership of 500  
17 employees.

18 (2) Each county making the election to affiliate provided for in sub-  
19 section (c)(1), before filing an application for affiliation for coverage pur-  
20 suant to subsection (c)(1), shall submit such membership data determined  
21 necessary by the board of trustees of the Kansas public employees retire-  
22 ment system that shall be forwarded to the actuary of the retirement  
23 system, who shall prepare an estimate of the county's contribution rate  
24 for the participating employer based on such data furnished. The actuary  
25 shall furnish a written statement regarding its estimation study to the  
26 board and to such employer. The cost of the estimation study by the  
27 actuary shall be paid by such employer which is the subject of the study.  
28 The actuary shall prepare a written statement of the costs of the study  
29 and such employer shall make payment directly to the actuary.

30 (d) (1) Notwithstanding the provisions of K.S.A. 74-4914, 74-4915  
31 and subsection (23) of K.S.A. 74-4902, and amendments thereto, the nor-  
32 mal retirement date for all detention officers, as defined by subsection  
33 (a)(1)(A) and (a)(1)(B), with at least three consecutive years of service as  
34 such detention officer immediately preceding the date of retirement, shall  
35 be the first day of the month coinciding with or following the attainment  
36 of age 55, or the first day of the month coinciding with or following the  
37 date that the total of the number of years of credited service and the  
38 number of years of attained age of such detention officer is equal to or  
39 more than 85. Any such detention officer may retire before such normal  
40 retirement date on the first day of any month coinciding with or following  
41 the attainment of age 50 or completion of 10 years of credited service,  
42 whichever occurs later.

43 (2) Any such detention officer, as defined by subsection (a)(1)(A) and

1 (a)(1)(B), who retires before the normal retirement date shall receive an  
2 annual retirement benefit equal to the annual retirement benefit payable  
3 had such detention officer retired on the normal retirement date but  
4 based upon such detention officer's final average salary and years of par-  
5 ticipating and prior service credited to the date of actual retirement re-  
6 duced by an amount equal to the product of (A) such annual retirement  
7 benefit payable had such detention officer retired on the normal retire-  
8 ment date, multiplied by (B) the product of .2% multiplied by the number  
9 of months difference, to the nearest whole month, between such deten-  
10 tion officer's attained age at the time of retirement and age 55.

11 (3) Notwithstanding the provisions of K.S.A. 74-4914, 74-4915 and  
12 subsection (23) of K.S.A. 74-4902, and amendments thereto, the normal  
13 retirement date for all such detention officers, as defined by subsection  
14 (a)(1)(C), (a)(1)(D) and (a)(1)(E), with at least three consecutive years of  
15 service as such detention officer immediately preceding the date of re-  
16 tirement, shall be the first day of the month coinciding with or following  
17 the attainment of age 60, or the first day of the month coinciding with or  
18 following the date that the total of the number of years of credited service  
19 and the number of years of attained age of such detention officer is equal  
20 to or more than 85. Any such detention officer may retire before such  
21 normal retirement date on the first day of any month coinciding with or  
22 following the attainment of age 55 or completion of 10 years of credited  
23 service, whichever occurs later.

24 (4) Any such detention officer, as defined by subsection (a)(1)(C),  
25 (a)(1)(D) and (a)(1)(E), who retires before the normal retirement date  
26 shall receive an annual retirement benefit equal to the annual retirement  
27 benefit payable had such detention officer retired on the normal retire-  
28 ment date but based upon such detention officer's final average salary  
29 and years of participating and prior service credited to the date of actual  
30 retirement reduced by an amount equal to the product of (A) such annual  
31 retirement benefit payable had such detention officer retired on the nor-  
32 mal retirement date, multiplied by (B) the product of .2% multiplied by  
33 the number of months difference, to the nearest whole month, between  
34 such detention officer's attained age at the time of retirement and age  
35 60.

36 (e) Any additional cost resulting from the normal retirement date and  
37 retirement before such normal date for detention officers as provided in  
38 subsection (d) shall be paid as follows: (1) The unfunded actuarial liability  
39 calculated by the actuary as provided in subsection (a)(2) shall be paid by  
40 the participating employer as determined by the board; and (2) the in-  
41 crease in the normal cost for the detention officers as defined in subsec-  
42 tion (a)(1) shall be added to the employer rate of contribution for the  
43 participating employer as otherwise determined under K.S.A. 74-4920,

1 and amendments thereto.

2 (f) The provisions of this section shall be part of and supplemental to  
3 the provisions of K.S.A 79-4901 *et seq.*, and amendments thereto.

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