

**SENATE BILL No. 328**

By Senators Hensley and Denning

1-24

1 AN ACT concerning **{the department of corrections; relating to}**  
2 correctional institutions and juvenile correctional facilities; prohibiting  
3 the outsourcing or privatization of any **security** operations ~~or facilities~~  
4 thereof; allowing existing contracts to be renewed**}; retirement and**  
5 **pensions; affiliation and membership of certain employees of the**  
6 **department of corrections located at correctional institutions and**  
7 **juvenile correctional facilities in the Kansas police and firemen's**  
8 **retirement system; employee and employer contributions}.**  
9

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

11 Section 1. (a) **(1)** Notwithstanding any other provision of law, no state  
12 agency shall enter into any agreement or take any action to outsource or  
13 privatize any **security** operations ~~or facilities~~ of any correctional  
14 institution, as defined by K.S.A. 75-5202, and amendments thereto, or  
15 juvenile correctional facility, as defined by K.S.A. 2017 Supp. 38-2302,  
16 and amendments thereto, that is operated by a state agency without prior  
17 specific authorization by an act of the legislature or an appropriation act of  
18 the legislature. The restriction imposed by this subsection applies to any  
19 action to outsource or privatize all or any part of any **security** operation or  
20 ~~facility~~ **job classifications and duties associated with a security operation**  
21 of such correctional institution or juvenile correctional facility.

22 **(2) For the purposes of this section, "security operations" shall**  
23 **include the supervision of inmates in a correctional institution or**  
24 **juvenile correctional facility by a corrections officer or warden as those**  
25 **terms are defined in K.S.A. 75-5202, and amendments thereto, or any**  
26 **other position that is part of security operations as identified in rules and**  
27 **regulations adopted by the secretary.**

28 **(3) The secretary of corrections may adopt rules and regulations to**  
29 **identify job classifications and duties that are part of the security**  
30 **operations of a correctional institution or juvenile correctional facility.**

31 (b) Nothing in this section shall prevent the department of corrections  
32 from renewing, in substantially the same form as an existing agreement,  
33 any agreement in existence prior to January 1, 2018, for services at such  
34 correctional institution or juvenile correctional facility.

1 (c) Nothing in this section shall prevent the department of corrections  
2 from entering into an agreement for services at such correctional  
3 institution or juvenile correctional facility with a different provider if such  
4 agreement is substantially similar to an agreement for services in existence  
5 prior to January 1, 2018.

6 **{Sec. 2. (a) On January 1, 2019, the department of corrections**  
7 **shall be an eligible employer as defined in K.S.A. 74-4952, and**  
8 **amendments thereto, and shall affiliate on January 1, 2019, with the**  
9 **Kansas police and firemen's retirement system established under**  
10 **K.S.A. 74-4951 et seq., and amendments thereto.**

11 (b) The division of the budget and the governor shall include in  
12 the budget and in the budget request for appropriations for personnel  
13 services, the amount required to satisfy the employer's obligation  
14 under this section as certified by the board of trustees of the system,  
15 and shall present the same to the legislature for allowance and  
16 appropriation. Upon affiliation, the department of corrections shall  
17 pay to the system a sum sufficient to satisfy such obligations as  
18 certified by the board.

19 (c) The determination of retirement, death or disability benefits  
20 shall be computed upon the basis of credited service, as used in K.S.A.  
21 74-4951 et seq., and amendments thereto, but shall include only  
22 participating service with the department of corrections, commencing  
23 on and after the effective date of affiliation by the department of  
24 corrections with the Kansas police and firemen's retirement system.

25 (d) Any rights or benefits accruing to any security officer  
26 employed by the department of corrections prior to the effective date  
27 of affiliation shall be determined pursuant to the provisions of K.S.A.  
28 74-4901 et seq., and amendments thereto. Any security officer who  
29 becomes a member pursuant to this section, who has a vested  
30 retirement benefit pursuant to K.S.A. 74-4917, and amendments  
31 thereto, and who terminates employment prior to attaining a vested  
32 benefit pursuant to K.S.A. 74-4963, and amendments thereto, may  
33 have such service credited for purposes of computing retirement  
34 benefits pursuant to K.S.A. 74-4901 et seq., and amendments thereto.  
35 Notwithstanding any provision of K.S.A. 74-4901 et seq., and  
36 amendments thereto, to the contrary, if a security officer has a vested  
37 retirement benefit pursuant to K.S.A. 74-4963, and amendments  
38 thereto, and a vested retirement benefit pursuant to K.S.A. 74-4917,  
39 and amendments thereto, and retires on or after such security officer's  
40 normal retirement date under K.S.A. 74-4957a, and amendments  
41 thereto, then such security officer shall also be deemed to have retired  
42 for the purposes of K.S.A. 74-4901 et seq., and amendments thereto,  
43 and shall be eligible for such vested retirement benefit pursuant to

1 K.S.A. 74-4917, and amendments thereto.

2 (e) Every person who is employed as a security officer on or after  
3 the entry date of the department of corrections into the Kansas police  
4 and firemen's retirement system shall become a member of the Kansas  
5 police and firemen's retirement system.

6 (f) Except as otherwise provided by this act, any security officer  
7 employed by the department of corrections who becomes a member of  
8 the Kansas police and firemen's retirement system shall be subject to  
9 all the provisions of K.S.A. 74-4951 through 74-4970, and amendments  
10 thereto.

11 (g) Beginning with the first payment of compensation for services  
12 of a security officer after becoming a member of the Kansas police and  
13 firemen's retirement system, the employer shall deduct from the  
14 compensation of such member 7.15% as the employee contribution to  
15 the system. Such deductions shall be remitted, deposited and credited  
16 as provided in K.S.A. 74-4965, and amendments thereto.

17 (h) As used in this section, "security officer" means any person,  
18 as certified to the board by the secretary of corrections, who is  
19 employed on or after the effective date of this act as an employee of  
20 the department of corrections:

21 (1) Who is in any position in a job class in the corrections officer  
22 or juvenile services corrections officer class series, including, but not  
23 limited to, corrections officer I (A), corrections officer I (B),  
24 corrections officer II, corrections supervisor I, corrections supervisor  
25 II, corrections supervisor III, corrections counselor I, corrections  
26 counselor II, unit team supervisor, corrections classification  
27 administrator, juvenile corrections officer I (A), juvenile corrections  
28 officer I (B), captain, major, juvenile corrections officer II, juvenile  
29 corrections officer III, special investigator II, unit team manager, chief  
30 of security, EAI investigator or EAI investigator supervisor job class,  
31 as all such job classes are described on January 1, 2019, in the state  
32 job classification plan in effect for the classified service under the  
33 Kansas civil service act or who is in a position in any successor job  
34 class or classes that have been approved under K.S.A. 75-2938, and  
35 amendments thereto, and who have substantially the same duties and  
36 responsibilities thereof;

37 (2) who is promoted prior to or on or after January 1, 2019, from  
38 a position in any job class under paragraph (1) to any position in any  
39 job class of warden or deputy warden of any correctional institution,  
40 training program manager, training technician, superintendent,  
41 deputy superintendent, corrections manager I, corrections manager II,  
42 staff development specialist, safety and health inspector or safety and  
43 health specialist, as such job classes are described on January 1, 2019,

1 in the state job classification plan in effect for the classified service  
2 under the Kansas civil service act or to any successor job class or  
3 classes that are approved under K.S.A. 75-2938, and amendments  
4 thereto, and who have substantially the same duties and  
5 responsibilities, if the person was employed and had at least three  
6 consecutive years of service in any one or more positions in any one or  
7 more job classes described in paragraph (1) immediately preceding  
8 promotion to the position in a job class under this paragraph and is  
9 located at a correctional institution or a juvenile correctional facility;

10 (3) who is in any position for which the duties and responsibilities  
11 directly and primarily involve operation of power plant facilities  
12 within any correctional institution or juvenile correctional facility and  
13 involve regular contact with inmates or juvenile offenders;

14 (4) who is in any position for which the duties and responsibilities  
15 directly and primarily involve the operation of the correctional  
16 industries activity of the department of corrections within a  
17 correctional institution or juvenile correctional facility and involve  
18 regular contact with inmates or juvenile offenders;

19 (5) who is in any position for which the duties and responsibilities  
20 directly and primarily involve supervision of food service or laundry  
21 operations within any correctional institution or juvenile correctional  
22 facility and involve regular contact with inmates or juvenile offenders;  
23 or

24 (6) who is in any position for which the duties and responsibilities  
25 directly and primarily involve supervision of maintenance operations  
26 within any correctional institution or juvenile correctional facility and  
27 involve regular contact with inmates or juvenile offenders.

28 (i) As used in this section, references to the department of  
29 corrections include correctional institutions as defined by K.S.A. 75-  
30 5202, and amendments thereto, and juvenile correctional facilities as  
31 defined by K.S.A. 2017 Supp. 38-2302, and amendments thereto,  
32 unless the context requires otherwise.

33 Sec. ~~2~~ {3.} This act shall take effect and be in force from and after  
34 {the date upon which the director of the budget and the director of  
35 legislative research certify that the appropriation described in section  
36 2(b) has been made for fiscal year 2019 and} its publication in the  
37 Kansas register.