

STATE OF KANSAS

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HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **SB 328**, as amended by Senate Committee, on page 1, following line 35, by inserting:

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

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

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

(d) Any rights or benefits accruing to any security officer employed by the department of corrections prior to the effective date of affiliation shall be determined pursuant to the provisions of K.S.A. 74-4901 et seq., and amendments thereto. Any security officer who becomes a member pursuant to this section, who has a vested retirement benefit pursuant to K.S.A. 74-4917, and amendments

thereto, and who terminates employment prior to attaining a vested benefit pursuant to K.S.A. 74-4963, and amendments thereto, may have such service credited for purposes of computing retirement benefits pursuant to K.S.A. 74-4901 et seq., and amendments thereto. Notwithstanding any provision of K.S.A. 74-4901 et seq., and amendments thereto, to the contrary, if a security officer has a vested retirement benefit pursuant to K.S.A. 74-4963, and amendments thereto, and a vested retirement benefit pursuant to K.S.A. 74-4917, and amendments thereto, and retires on or after such security officer's normal retirement date under K.S.A. 74-4957a, and amendments thereto, then such security officer shall also be deemed to have retired for the purposes of K.S.A. 74-4901 et seq., and amendments thereto, and shall be eligible for such vested retirement benefit pursuant to K.S.A. 74-4917, and amendments thereto.

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

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

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

(h) As used in this section, "security officer" means any person, as certified to the board by

the secretary of corrections, who is employed on or after the effective date of this act as an employee of the department of corrections:

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

(2) who is promoted prior to or on or after January 1, 2019, from a position in any job class under paragraph (1) to any position in any job class of warden or deputy warden of any correctional institution, 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, as such job classes are described on January 1, 2019, in the state job classification plan in effect for the classified service under the Kansas civil service act or to any successor job class or classes that are approved under K.S.A. 75-2938, and amendments thereto, and who have substantially the same duties and responsibilities, if the person was employed and had at least three consecutive years of service in any one or more positions in any one or more job classes

described in paragraph (1) immediately preceding promotion to the position in a job class under this paragraph and is located at a correctional institution or a juvenile correctional facility;

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

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

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

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

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

Also on page 1, in line 36, following "after", by inserting "the date upon which the director of the budget and the director of legislative research certify that the appropriation described in section 2(b) has been made for fiscal year 2019 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "the department of corrections; relating to"; in line 4, after "renewed" by inserting "; retirement and pensions; affiliation and membership of certain employees of the department of corrections located at correctional institutions and juvenile correctional facilities in the Kansas police and firemen's retirement system; employee and employer contributions"

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