

MINUTES OF THE House COMMITTEE ON Ways and MeansThe meeting was called to order by Bill Buntten at
Chairperson1:30 ~~am~~ p.m. on Tuesday, March 19, 1985 in room 514-S of the Capitol.All members were present except: Representative Duncan (excused)

Committee staff present:

Gloria Timmer	-	Legislative Research
Laura Howard	-	Legislative Research
Jim Wilson	-	Office of the Revisor
Sharon Schwartz	-	Administrative Aide
Nadine Young	-	Committee Secretary

Conferees appearing before the committee:

Representative Cloud
 Marshall Crowther, KPERS
 Jim Maag, KBA
 Robert Clester, Executive Director of Sheriff's Association
 Basil Covey, Kansas Retired Teachers Association
 Representative Crumbaker
 Others present (Attachment 1)

Chairman Buntten called the meeting to order at 1:30 p.m.

HB 2423 -- an act concerning state moneys; relating to the rate of interest to be paid by banks having inactive accounts; amending K.S.A. 75-4210 and repealing the existing section.

Representative Cloud appeared before the committee and reviewed the provisions of the bill. HB 2423 would change the interest rates charged to banks for inactive accounts of the State on the basis of the most recent 91-day Treasury bill rate instead of the three-month average.

Representing Kansas Bankers Association, Jim Maag addressed the committee in support of the new legislation. He said one of the problems in the past regarding present law is that banks are reluctant to accept inactive deposits when there has been a steady drop in the 91-day T-bill rate over a long period. The amended statute would permit more banks to be able to bid on state inactive accounts. (Attachment 2)

Chair recognized Representative Crumbaker who requested introduction of a bill concerning special education services for exceptional children; affecting the requirement for provision thereof. (Attachment 3) Passage of the bill would remove the mandate for the gifted program.

Representative Dyck moved the bill be introduced. Seconded by Representative Shriver. Motion carried. Representative Louis asked to be recorded as voting "no" on introduction of the bill.

HB 2220 -- an act concerning the Kansas police and firemen's retirement system; relating to employer affiliation thereto; concerning retirement of certain members; amending K.S.A. 1984 Supp. 74-4914 and 74-4915 and repealing the existing sections.

Passage of this bill would allow all sworn law enforcement personnel not presently covered by Kansas Police & Firemen's Retirement System to come under the plan for future service. The plan would be optional to counties. Robert Clester, representing the Sheriff's Association, testified in support of the proposed bill. He maintains it would be a great advantage for the younger employees. (Attachment 4)

HB 2182 -- an act concerning the Kansas public employees retirement system; relating to optional death benefit plan; amending K.S.A. 1984 Supp. 74-4927 and repealing the existing section.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Ways and Means

room 514-S, Statehouse, at 1:30 ~~am~~/p.m. on Tuesday, March 19, 19 85

Marshall Crowther explained the bill for the committee. HB 2182 is one of the proposals which came out of the Governor's office. It provides for optional payment of life insurance in KPERS with a maximum allowable coverage of \$100,000, up from the present \$50,000. There is no fiscal note. The bill would enable those employees, who desire, to secure a higher amount of coverage.

HB 2218 -- an act concerning the Kansas public employees retirement system and certain retirement systems thereunder; relating to retirement benefit options; amending K.S.A. 1984 Supp. 20-2610a, 74-4918 and 74-4964 and repealing the existing sections.

Marshall Crowther briefed the committee on the provisions of the bill. HB 2218 provides for survivor's options under KPERS by adding a fourth option - 3/4 payable to joint annuitant survivors. The bill also updates the reduction factors in relation to actuarial changes.

HB 2245 -- an act concerning the Kansas public employees retirement system; relating to death benefits for retirants; amending K.S.A. 1984 Supp. 74-4989 and repealing the existing section.

The bill was explained by Marshall Crowther. It simply raises the death benefit from the present \$1,000 to \$1,500. There is a fiscal note reflected in increased payroll of about \$528,000 annually for state and local units.

Representing Kansas Retired Teachers Association, Basil Covey addressed the committee in support of the bill and provided a handout (Attachment 5).

HB 2500 -- an act concerning the Kansas public employees retirement system; relating to purchase of additional benefits and crediting of military service; amending K.S.A. 74-4919h and K.S.A. 1984 Supp. 74-4936a and repealing the existing sections.

The bill would permit KPERS employees to purchase additional benefits and credits for military service, teaching in foreign countries and in another state. If a member has more than four years service, he or she may take a double deduction to cover and allows a one-year window to enter.

Basil Covey testified in support of the bill on behalf of Kansas Retired Teacher's Association. (See Attachment 5).

Chairman turned to final action on the following bills:

HB 2423 - Representative Shriver moved that HB 2423 be recommended favorable for passage. Seconded by Representative Ott. Motion carried.

HB 2220 - Representative Miller moved that HB 2220 be recommended favorable for passage. Seconded by Representative Louis. Motion carried.

HB 2182 - Representative Louis moved that HB 2182 be recommended favorable for passage. Seconded by Representative Dyck. Motion carried.

HB 2218 - Representative Helgerson moved that HB 2218 be recommended favorable for passage. Representative Louis seconded. Motion carried.

HB 2500 - Representative Louis moved that HB 2500 be recommended favorable for passage. Seconded by Representative Ott. Motion carried.

Chairman asked for a motion on the Minutes for March 11, 13 and 14, 1985. Representative Teagarden moved to amend the March 14 minutes as follows: On page 1, the next to the last paragraph should read "Representative Guldner moved that the bill be introduced by request and referred back to this committee." Also, on the next to the last line on page 1, strike the words "at the request of the budget office". Seconded by Representative Louis. The motion carried.

Representative Chronister moved that the Minutes for March 11 and 13 be approved as written, and the March 14 minutes be approved, as amended. Representative Mainey seconded. Motion carried.

1985
GUESTS

Date 3-19-85

Name	Address	Representing
Karl Flickinger	701 Jackson	(Kans. Asso. Public Employees) KAPF
JERRY MARLATT	318 JEFFERSON	KSCFF
Jerry Sloan	TOPEKA	OJA
Bob Cletus	TOPEKA	K.S.A.
Lawrence	Lawrence	KPEFS
Jack Hawn	Topeka	"
Glenn P. Bennette	Topeka	KRTA
Baril Conway	Topeka	KRTA
Harold C. Potts	Topeka	TAWTA
Matt Cloud	Lenexa	
Jim Mann	Topeka	KBA
DOUG NAGEL	Topeka	Div. of Budget
Kevin Cloud		

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The KANSAS BANKERS ASSOCIATION
A Full Service Banking Association

March 19, 1985

TO: House Committee on Ways and Means

FROM: James S. Maag, Director of Research
Kansas Bankers Association

RE: HB 2423

Mr. Chairman and members of the Committee:

Thank you for the opportunity to present testimony on the provisions of HB 2423. The banking industry of Kansas and the KBA have worked with state officials for many years to insure the state both safety for their deposits and a reasonable return on those deposits. We believe the amendments set forth in HB 2423 continue that tradition.

One of the problems which has occurred from time to time regarding the provisions of K.S.A. 75-4210 is that banks are reluctant to accept inactive deposits when there has been a steady drop in the 91-day T-bill rate over a three or four month period. Because of the averaging requirements of that statute, banks are thus forced to pay a rate which is often significantly higher than the current rate at the time of the deposit or at the beginning of a new interest period.

There has been some concern expressed that the proposed change in the law would result in a lower total interest payment to the state over a period of time. However, statistics supplied by the Pooled Money Investment Board and Legislative Research show that historically there would have been no significant reduction in interest income. More importantly, the change will alleviate many of the problems of placing inactive funds during periods of T-bill rate decline.

Therefore, Mr. Chairman and members of the Committee, the KBA does endorse the amendments to K.S.A. 75-4210 and urges the Committee to recommend HB 2423 favorably for passage. We appreciate your willingness to address this important issue concerning the investment of state funds.

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PROPOSED BILL NO. _____

By

AN ACT concerning special education services for exceptional children; affecting the requirement for provision thereof; amending K.S.A. 72-966, 72-967, 72-970, 72-972 and 72-978 and K.S.A. 1984 Supp. 72-963, and repealing the existing sections.

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

Section 1. K.S.A. 1984 Supp. 72-963 is hereby amended to read as follows: 72-963. The state board shall adopt, from time to time amend, and administer the state plan. The state plan shall be prepared in consultation with the state advisory council for special education provided for in this act. The state plan shall include a statement of the objectives of state supervision of special education services in school districts and state institutions.

The state board may adopt rules and regulations for the administration of the special education for exceptional children act and shall adopt rules and regulations necessary to implement and give effect to the state plan. Rules and regulations adopted by the state board to implement and give effect to the state plan shall include the following:

(a) Provisions for the establishment, maintenance and supervision of special education services in school districts and state institutions.

(b) Prescribed courses of study and curricula necessary to meet requirements for approval of special education services.

(c) Criteria for screening, diagnosis and certification of exceptional children including physical, educational and psychological examinations. No child from a home in which English is not the principal language may be assigned to special

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education services for exceptional children until such time that the child has been given, in the principal language used in the home of the child, examinations reasonably related to the child's cultural environment.

(d) Definitions of the various categories of exceptionality.

~~(e) Implementation dates of special education services for the various categories of exceptionality.~~

(ff) Standards for special education services ~~to be received~~ by required or authorized for exceptional children in each of the several categories of ~~exceptional children~~ exceptionality.

Rules and regulations adopted by the state board to implement and give effect to the state plan shall be incorporated by reference in the state plan.

Sec. 2. K.S.A. 72-966 is hereby amended to read as follows:
72-966. (a) The board of education of every school district shall provide special education services for all exceptional children, except gifted children, in the school district and ~~said~~. Special education services required by this subsection shall meet standards and criteria set by the state board. ~~Said special education services for all exceptional children, except gifted children, shall be planned and operative not later than July 1, 1979. Said special education services for gifted children shall be planned and operative not later than July 1, 1980. The manner and time for implementation in school districts of special education services designed for each of the various categories of exceptionality shall be designated by the state board in accordance with the state plan.~~

(b) ~~Nothing in this section shall be construed to limit or supersede or in any manner affect the implementation date for special education services required under K.S.A. 72-933 or to diminish the requirements of said K.S.A. 72-933~~ The board of education of every school district may provide special education services for gifted children in the school district. In order to be eligible for state aid under the special education for

exceptional children act, special education services authorized by this subsection shall meet standards and criteria set by the state board.

Sec. 3. K.S.A. 72-967 is hereby amended to read as follows: 72-967. (a) Each board, in order to comply with the requirements of K.S.A. 72-933 and 72-966, and amendments to such sections, shall have the authority to:

(1) Establish and organize approvable special education services for exceptional children within its schools.

(2) Provide for approvable special education services in the home, hospital or other facility.

(3) Contract with any school district for special education services. Before entering into any such contract, the special education services to be provided by such school district, and the contract therefor, shall be approved by the commissioner of education upon authorization by the state board, which approval shall be granted if the special education services provided for in such contract meet standards and criteria set by the state board in accordance with the state plan. Any such contract may provide for the payment of tuition by the contracting school district.

(4) Enter into cooperative agreements with one or more other school districts for special education services, if such agreements are approved as provided by this act.

(5) Contract with any accredited private nonprofit corporation or any public or private institution within or without the state which has proper special education services for exceptional children. Prior to the time any school district enters into a contract with any private nonprofit corporation or any public or private institution for the education of any exceptional child the curriculum provided by such corporation or institution and the contract shall be approved by the commissioner of education upon authorization by the state board. Whenever an exceptional child is educated by a private nonprofit corporation or a public or private institution under the

provisions of this paragraph, such child shall be considered a pupil of the school district contracting for such education hereunder to the same extent as other pupils of such school district for the purpose of determining entitlements and participation in all state, county and other financial assistance or payments to such school district.

(6) Provide transportation for exceptional children, whether such children are residents or nonresidents of such school district, to and from special education services attended. In lieu of paying for transportation, the board of the school district in which an exceptional child resides may pay all or part of the cost of room and board for such exceptional child at the place where the special education services attended are located.

(b) Special education services which are required to be provided by school districts for exceptional children and special education services which are authorized to be provided by school districts for gifted children and for which state aid is sought shall meet standards and criteria set by the state board in accordance with the state plan and shall be subject to approval by the state board.

(c) Any contract entered into by a board under the provisions of this section shall be subject to change or termination by the legislature.

Sec. 4. K.S.A. 72-970 is hereby amended to read as follows: 72-970. Every state institution shall provide special education services for all exceptional children, except gifted children, housed and maintained in-the-state-institution therein and said every state institution may provide special education services for gifted children housed and maintained therein. Special education services provided by a state institution shall meet standards and criteria set by the state board in accordance with the state plan and shall be subject to approval by the state board. State institutions may contract with local school districts for special education services. Prior to the time any

state institution enters into a contract with any school district the special education services provided by such school district shall be approved by the state board.

Sec. 5. K.S.A. 72-972 is hereby amended to read as follows: 72-972. (a) In accordance with rules and regulations which shall be adopted by every agency, each child, or ~~his-or-her~~ the lawful custodian of the child, shall be afforded the right to a hearing before the child shall be:

(1) Excluded, reassigned or transferred from regular school classes on the ground that ~~he-or-she~~ the child is an exceptional child and cannot materially benefit therefrom;

(2) placed in, transferred to or from, or denied placement in special education services which are provided as required or as authorized by this act.

(b) A written notice of a proposal to take any of the actions described in subsection (a) ~~of this section~~ shall be given to the lawful custodian of the involved child. The notice shall be mailed or personally delivered to the lawful custodian and shall: (1) Describe the proposed action; (2) state the reasons for the proposed action; (3) inform the lawful custodian of the right to consent to the proposed action in writing upon forms provided by the agency, or to object to the proposed action, and to request, within ~~thirty-(30)~~ 30 days from the date on which the notice is received, a hearing on the proposed action; (4) inform the lawful custodian of any free or low-cost legal and other relevant services available in the area; and (5) be written in the principal language of the lawful custodian of the child. If the principal language of the lawful custodian of the child is not a written language or if the lawful custodian of the child is unable to read and write, the agency shall provide for the notice to be given orally or by other means to the lawful custodian in ~~his-or-her~~ the principal language or other mode of communication of the lawful custodian.

(c) The lawful custodian of the involved child may revoke ~~his-or-her~~ consent to the proposed action at any time and may

request the hearing provided for in this section.

(d) If the lawful custodian of the involved child, unless the child is considered to be a gifted child, does not consent, objects, or revokes consent to the proposed action, and does not request the hearing provided for in this section, the agency may provide for the hearing on its own initiative. If the involved child is considered to be a gifted child, only the lawful custodian of the child may initiate, by request therefor, the hearing provided for in this section and the agency may not take further action in the matter unless the lawful custodian consents thereto.

Sec. 6. K.S.A. 72-978 is hereby amended to read as follows: 72-978. In each school year, in accordance with appropriations for special education services provided under this act, each school district which has provided special education services which are required or authorized by this act and which are approved by the state board in compliance accordance with the requirements--of--the--state--plan--and--the provisions of this the special education for exceptional children act, shall be entitled to receive: (a) Reimbursement for actual travel allowances paid to special teachers at not to exceed the rate specified in fixed under the provisions of K.S.A. 1976--Supp. 75-3203, and amendments thereto, for each mile actually traveled during the school year in connection with teaching duties in providing special education services for exceptional children. Such reimbursement shall be computed by the state board by ascertaining the actual travel allowances paid to special teachers by the school district for the school year and shall be in an amount equal to ~~eighty-percent-(80%)~~ 80% of such actual travel allowances; (b) reimbursement in an amount equal to ~~eighty percent-(80%)~~ 80% of the actual travel expenses incurred for providing transportation for exceptional children to special education services. Such reimbursement shall not be paid if such child has been counted in calculating the state transportation aid received by the district under the provisions of K.S.A.

72-7047, and amendments thereto; (c) reimbursement in an amount equal to ~~eighty-percent-(80%)~~ 30% of the actual expenses incurred for the maintenance of an exceptional child at some place other than the residence of such child for the purpose of providing special education services. Such reimbursement shall not exceed ~~six-hundred-dollars-(\$600)~~ \$600 per exceptional child per school year; (d) after subtracting the amounts of reimbursement in subsections (a), (b) and (c) ~~above~~ from the total amount appropriated for special education services under this act, an amount which bears the same proportion to the remaining amount appropriated as the number of full-time equivalent special teachers employed by the school district for approved special education services bears to the total number of full-time equivalent special teachers employed by all school districts for approved special education services. For the purposes of this subsection, each special teacher who is a paraprofessional as defined in K.S.A. 72-962, and amendments thereto, shall be counted as ~~one-half-(1/2)~~ 1/2 full-time equivalent special teacher. No special teacher in excess of the number of special teachers necessary to comply with the ratio of special teacher to exceptional children authorized by the state board for the school district shall be counted in making computations under this section.

Sec. 7. K.S.A. 72-966, 72-967, 72-970, 72-972 and 72-978 and K.S.A. 1984 Supp. 72-963 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.



Kansas Sheriffs Association

226 Hampton
Topeka, Kansas 66612

913-232-8310

TESTIMONY FOR H.B. 2220

FOR THE PAST SEVERAL YEARS SHERIFFS HAVE ASKED FOR COVERAGE UNDER THE KANSAS POLICE AND FIREMENS RETIREMENT SYSTEM. THE SYSTEM IS AVAILABLE TO ALL COUNTY SHERIFFS' OFFICERS BUT THE HIGH COST OF INITIAL ENTRY HAS BEEN A DETERRENT TO MOST COUNTIES. JOHNSON, RILEY, SEDGWICK, SUMNER AND WYANDOTTE COUNTIES HAVE BEEN SUCCESSFUL IN ENTERING THE SYSTEM AND SHAWNEE COUNTY WILL COMMENCE COVERAGE IN 1986.

DURING THE 1984 LEGISLATIVE SESSION SENATOR ROY EHRLICH INTRODUCED SENATE BILL 682 THAT WOULD HAVE ALLOWED SHERIFFS AND DEPUTIES TO COME UNDER A MODIFIED KPERS PLAN. THIS WAS A PLAN DEVELOPED FOR THE DEPARTMENT OF CORRECTIONS AND ALLOWED FOR RETIREMENT AT AGE 55. THIS PLAN HAD SOME SHORTCOMINGS BUT WAS FOR THE MOST PART BETTER FOR LAW ENFORCEMENT THAN REGULAR KPERS. THIS BILL WAS PASSED BY THE SENATE BY A 40 TO 0 VOTE IN THE CLOSING DAYS OF THE 1984 SESSION AND SENT TO THE HOUSE. THE BILL WAS REFERRED TO AN INTERIM COMMITTEE. THIS COMMITTEE HELD SEVERAL DAYS OF HEARINGS AND DISCUSSIONS ON THE PROPOSAL. DURING THESE HEARINGS, MARSHALL CROWTHER, EXECUTIVE SECRETARY, KPERS, OUTLINED ANOTHER OPTION FOR SHERIFF DEPARTMENT PERSONNEL. THIS OPTION WOULD MOVE THE PERSONNEL INTO KP&F FOR FUTURE SERVICE AND LEAVE THEIR PAST CREDIT IN KPERS.

MARSHALL CROWTHER AND HIS STAFF PREPARED A PROPOSAL, PRESENTED IT TO THIS COMMITTEE AND IT BECAME H.B. 2220.

THIS PROPOSAL GIVES THE EMPLOYER THE OPTION OF FUTURE KP&F COVERAGE, FOR SHERIFFS PERSONNEL, WITHOUT THE COST OF MATCHING THE FUNDS PREVIOUSLY PAID INTO KPERS.

THE BILL AS PROPOSED WOULD NOT ONLY COVER SHERIFFS' PERSONNEL BUT ALSO OTHER LAW ENFORCEMENT PERSONNEL NOT NOW UNDER KP&F.

IT IS ESTIMATED THE EMPLOYEE WOULD PAY AN ADDITIONAL THREE PERCENT OF HIS GROSS SALARY AND THE EMPLOYER FROM FIVE TO SIX PERCENT.

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Attach III

PAGE TWO

THE COUNTIES WOULD HAVE THE OPTION OF REMAINING KPERS, GOING FULL KP&F, OR GOING KP&F FUTURE SERVICE ONLY. LOCAL LAW ENFORCEMENT AND LOCAL GOVERNMENT WOULD THEN HAVE TO DECIDE WHICH PLAN THEY COULD AFFORD AND WHICH BEST SERVES THEIR NEEDS.

I WILL NOT BELABOR THE FACT OF STRESS AND DANGER INVOLVED WITH BEING A MEMBER OF THE LAW ENFORCEMENT PROFESSION, SUFFICE IT TO SAY THAT MOST SHERIFFS' OFFICERS WORK UNDER THESE CONDITIONS AS WELL AS WORKING LONG DUTY HOURS AND MANY TIMES SEVEN DAYS A WEEK.

UNDER KPERS WHICH MOST SHERIFFS AND DEPUTIES NOW HAVE, THEY MUST WORK UNTIL THEY ARE 65 ...PAST THE TIME WHEN THEY ARE BEST ABLE TO PROTECT THEMSELVES AND OTHERS. IT IS EVIDENT THAT 55 IS CONSIDERED THE AGE AT WHICH LAW ENFORCEMENT OFFICERS SHOULD RETIRE AS PENSION PLANS DEVELOPED FOR THEM ALL HAVE THAT AGE IN COMMON.

DEPARTMENTS NOT COVERED BY KP&F SUFFER A HIGH INCIDENCE OF LOSS OF EMPLOYEES TO THOSE WHO ARE. HIRING AND TRAINING OFFICERS IS VERY COSTLY. RETAINING THESE EMPLOYEES WOULD RESULT IN CONSIDERABLE SAVINGS PLUS A HIGHER DEGREE OF EXPERIENCE AND PROFESSIONALISM.

WE SINCERELY THANK MARSHALL CROWTHER AND HIS STAFF FOR PREPARING THIS PROPOSAL AND THANK THIS COMMITTEE FOR HEARING OUR TESTIMONY. WE HOPE THE LEGISLATURE SEES FIT TO ENACT H.B. 2220 INTO LAW.

ROBERT R. CLESTER
EXECUTIVE DIRECTOR
KANSAS SHERIFFS ASSOCIATION



Kansas Retired Teachers Association



1984-1985

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March 19, 1985

Members of the House Ways and Means Committee:

My name is Basil Covey and I represent the Kansas Retired Teachers Association.

We support HB2245 and HB2500.

HB2245 will increase the death benefit for members of KPERs from \$1000 to \$1500.

School retirees need assistance in time of death and funeral expenses take their toll from retirement funds.

HB2500 permits Kansas public employees to purchase additional benefits and credits for military service, teaching in foreign countries and in another state. There are KPERs members with a direct interest in this bill. There are sons and daughters of KPERs members that have a direct interest. This bill will permit them to gain the benefit of all of their service years.

We urge you to give a positive vote on HB2245 and HB2500.

Both bills if passed will serve the best interests of Kansas retired citizens.

Sincerely,

Basil Covey
Basil Covey
KRTA

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