

Approved \_\_\_\_\_  
Date 3/4/88

MINUTES OF THE HOUSE COMMITTEE ON PENSIONS, INVESTMENTS & BENEFITS

The meeting was called to order by REPRESENTATIVE VERNON L. WILLIAMS at  
Chairperson

9:00 AM a.m./p.m. on Wednesday, March 2, 1988, 19\_\_ in room 527-S of the Capitol.

All members were present except: Rep. Sutter who was excused

Committee staff present: Alan Conroy, Richard Ryan, Gordon Self, Betty Lou Chidester

Conferees appearing before the committee: John Foster, Chief of Police, Lenexa  
Lt. Wm. Jacobs, KHP  
Rep. Kathryn Sughrue  
Boyd Jantzen, Dodge City  
Undersecretary Hulett, Health & Environment  
Art Griggs - Dept. of Admin.  
Charles Dodson - KAPE  
Ruth Wilkin - KAAUP  
Rep. Bill Brady

The Chairman called the meeting to order and open the hearing on HB 2838 and HB 2839.

Kathryn Sughrue spoke favorably for HB 2838 because members belonging to KPERS should have the option of purchasing their first year of employment by the double deduction plan. (Attachment 1)

Kathryn Sughrue also spoke favorably for HB 2839 which would allow new members to be eligible to enroll in KPERS as soon as employment begins. Her written testimony is attached and made a part of these minutes. (See Attachment #2)

Boyd Jantzen spoke favorably for both HB 2838 and 2839. His written testimony is attached and made a part of these minutes. (See Attachment #3)

Lt. Wm. Jacobs spoke favorably for HB 2781, HB 2838 and HB 2839 adding that the proposed legislation would be of great benefit to law enforcement throughout Kansas and would definitely give the new employee a welcome feeling and make them a part of the system immediately. His written testimony is attached and made a part of these minutes. (See Attachment #4)

Chairman Williams' question to Marshall Crowther as to actuarial cost was answered no - some additional administrative cost, but they would absorb that.

Rep. Laird questioned Marshall as to whether this was an oversight or why were they not equal with the others. Marshall replied that it was not an oversight but in the beginning because of the short time people were staying in public service it was too much trouble administratively to enroll and then refund; that in 1977 there was a recommendation for first day coverage in the legislative session which never was acted on.

The hearing on HB 2838 and HB 2839 were concluded and hearing opened on HB 2918.

Undersecretary of Health Dept. Hulett opposes HB 2918 on the grounds that the administration of the state employee's health insurance program is a responsibility of the executive branch of government, not the legislative branch. His written testimony is attached and made a part of these minutes. (See Attachment #5)

Rep. Brady spoke favorably for HB 2918 outlining two changes needed to

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON INVESTMENTS, INVESTMENTS & BENEFITS,

room 527-S, Statehouse, at 9:00 AM a.m./p.m. on Tuesday, March 2, 1988, 19    .

handle the statutory responsibility in a more expert manner. His written testimony is attached and made a part of these minutes. (See Attachment #6) Considerable discussion followed his testimony

Charles Dodson supports HB 2918 because the bill would also direct the time for implementation of the contracts and allow legislative oversight during the process rather than after a contract has been signed. His written testimony is attached and made a part of these minutes. (See Attachment #7)

Ruth Wilking appeared as a proponent for HB 2918 saying that increasing the size of the commission will help insure wider dissemination among state employees of proposals under consideration. Her written testimony is attached and made a part of these minutes. (See Attachment #8)

Art Griggs, Dept. of Administration, appeared in opposition to HB 2918 on the grounds that establishing the benefit plan year to coincide with the state's fiscal year will adversely affect the treatment of copay and deductible amounts that are paid by participants. His written testimony is attached and made a part of these minutes. (See Attachment #9)

Some discussion concerning the Advisory Council members followed and a copy of members is attached and also made a part of these minutes.

Hearing closed on HB 2918 and opened on HB 2781.

John Foster, Chief of Police, Lenexa, Ks. spoke in favor of HB 2781 as it permits retirement at 25 years of service at any age under KP&F Retirement System, but hopes the committee will reject the section of HB 2781 that would do away with the duty related retirement disability. His written testimony is attached and made a part of these minutes. (See Attachment #10)

Alan Conroy had fiscal note on HB 2781 - Additional employer contribution of 1.3% starting with calendar year 1990. Based on the '89 payroll would required additional state employer contribution of \$199,000. and local KP&F employers of 1.4M - total impact would almost be 1.5 M.

Hearing closed on HB 2781.

Chairman Williams asked to take action on a few bills -

HB 2900 - act providing for wire transfer of funds for employees and retirants - There will be technical amendment - we need to repeal a section. On motion made by Rep. Ott and seconded by Rep. Dyck, the motion carried unanimously.

HB 2850 - Cafeteria bill that would provide day care - that, too has one change, the effective date. On motion made by Rep. Wilbert, seconded by Rep. Kennard, the motion carried unanimously.

HCR 5044 - concerned sick leave to be used for family illness - On motion made by Rep. Laird, seconded by Rep. Wisdom, the motion carried unanimously.

HB 2979 - Making the wellness program voluntary - On motion made by Rep. Sader, seconded by Rep. Wisdom, the motion carried unanimously.

Chairman Williams reported that he was asking the Speaker to send all of these bills except HB 2979 to the calendar on General Orders, and thinks he will agree. There is no fiscal note; there is a positive fiscal note on one of them. HB 2979 will probably go to Appropriations.

The Meeting adjourned 9:52 AM.

*Rep. Williams*

1/21/88

Please PRINT Name, Address, the organization you represent, and the Number of the Bill in which you are interested. Thank you.

NAME	ADDRESS	ORGANIZATION	BILL NO.
John L. Foster	LENEXA, KS.	POLICE - KPOA	2781
Jay K. Hulet	Topeka	KDHE	2918
Charles Dodson	TOPEKA	KAPE	2918
Lt BILL JACOBS	TOPEKA	KHP	
Basil Covey	Topeka	KRTA	
Ruth Wilkie	Topeka	AAUP	
Dolores Gonzales	Topeka	K.C.C.	2838 2839 2918
Cindy Hocker	Topeka	Judicial	
Paul Shelly	Topeka	Judicial	
Kathryn Slegheus	"	Legislators	
Burd Jantzen	Dodge	KAPF	2838 2839
Barb Kemert	18p	KPOA	
Jack Hain	Topeka	KPERS	
Marshall Crosthair	Lantern	KPERS	
Bernie Hagen	Topeka	League of KS Mun.	
Ernie Mosher	"	"	



STATE OF KANSAS

KATHRYN SUGHRUE  
REPRESENTATIVE, 116TH DISTRICT  
FORD COUNTY  
1809 LA MESA DRIVE  
DODGE CITY, KANSAS 67801



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: FEDERAL AND STATE AFFAIRS  
ENERGY AND NATURAL RESOURCES  
RANKING MINORITY MEMBER: GOVERNMENTAL  
ORGANIZATION  
MEMBER: MIDWESTERN CONFERENCE ON  
HEALTH—COMMISSIONER ON  
INTERSTATE COOPERATION

Thank you Chairman Williams and members of the Pension and Investment Committee.

H.B. 2838 would permit members of K.P.E.R.s the option of purchasing the first year waiting period through double deductions.

If the individual decides to purchase this first year waiting period for retirement benefit purposes, it must be done through a lump sum payment. The lump sum amount is determined by the normal 4 percent the individual would have contributed on their first year salary plus interest.

Unfortunately, some individuals wait 15 to 20 years before purchasing the first year of service. The current lump sum payment provision then requires that they pay the entire amount at one time, which could easily, after 20 years, be in the range of \$800 to \$1,000. I am sure you can imagine the difficulty for an employee who may be earning \$20,000 a year to have the resources to make the lump sum payment.

For these reasons members that belong to K.P.E.R.s should have the option of purchasing their first year of employment by the double deduction plan.

Thank you for granting a hearing for H.B. 2838.

ATTACHMENT #1

3/2/88

KATHRYN SUGHRUE  
 REPRESENTATIVE 116TH DISTRICT  
 FORD COUNTY  
 1809 LA MESA DRIVE  
 DODGE CITY, KANSAS 67801



TOPEKA

HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
 MEMBER: FEDERAL AND STATE AFFAIRS  
 ENERGY AND NATURAL RESOURCES  
 RANKING MINORITY MEMBER: GOVERNMENTAL  
 ORGANIZATION  
 MEMBER: MIDWESTERN CONFERENCE ON  
 HEALTH—COMMISSIONER ON  
 INTERSTATE COOPERATION

Thank you Chairman Williams and members of the Pension and Investment Committee.

H.B. 2839 would allow new members to be eligible to enroll in K.P.E.R.s as soon as employment begins. This is optional with the new employees.

Currently K.P.E.R non-school members are required to have one year continuous service after their entry date before attaining membership in the retirement system.

However, members of K.P.E.R.s school, the judges retirement system and the Kansas police and fire retirement system are all members of their respective retirement systems on the first day of employment.

A group of State Employees with the Highway Department in Dodge City request that they too be allowed the same privilege as others in the K.P.E.R.s system.

Positive aspects of H.B. 2839:

(1) There would not be any actuarial cost and perhaps might have a positive actuarial cost in the future.

(2) By permitting individuals to become members on the 1st day of employment the average entry age for members should be lower.

(3) The moral of the employees to be a part of the system and a feeling of security in saving.

(4) The possibility exists since the employee does not make any retirement contribution during the first year that at the beginning of

Page 2

the 2nd year of their employment their take home pay may actually decrease since they start paying the 4% employee retirement contributions.

H.B. 2839 is a modest grass roots request that I hope you will consider favorably.

Attachment # 2 Page 2 3/2/85

Chairman Williams and members of the Committee.

Thank you for allowing me to speak today about the benefits of House Bill 2838.

My name is Boyd Jantzen. I live at 1703 9th Dodge City. I am currently an Engineer Technician IV in the Dodge City KDOT office. I have worked for KDOT for 8 years. I am here today to speak in favor of H.B. 2838 and H.B. 2839.

Like myself, other state employees cannot afford to buy their 1st year of service by the lump sum payment. (EXAMPLE I PRESENTLY OWE APPROX. \$700.00 WHICH I CAN'T AFFORD IN ONE LUMP SUM PAYMENT). Presently this is the only method allowed to purchase your first year, unless you are a school member of KPERs. H.B. 2838 would correct this situation by allowing KPERs members to purchase their first year by the double deduction method thus making it more affordable for everyone.

H.B. 2839 would allow NON-SCHOOL members of KPERs to become a member of KPERs upon their initial employment date. This would prevent the problem of having to come up with a Lump-Sum-Payment or having a double deduction taken from your paycheck. This would make it easier and less of a shock to the lower income employees if their KPERs deduction was held out to begin with instead of after the first year, as they would not have a decrease in take-home-pay after their first year of service.

Attachment # 3

3/2/88

SUMMARY OF TESTIMONY

Before the House Pensions, Investments and Benefits Committee

House Bill 2781  
House Bill 2838  
House Bill 2839

Presented by the Kansas Highway Patrol

(Lieutenant William Jacobs)

March 2, 1988

Appeared in Support of House Bills 2781, 2838 and 2839.

The Kansas Highway Patrol supports House Bill 2781 which would allow an officer to retire after 25 years of credited service at any age without penalty. We feel this would be a benefit which would attract many more young qualified applicants. At present, if an individual joins the Patrol at age 21, that person must serve 34 years of service before being eligible to retire at full benefits at the present required age of 55. The time restraints in present law require a person to remain in a very stressful position for a long period of time and many times the individual's health has substantially deteriorated prior to being eligible to retire. We feel this proposed legislation would be of great benefit to law enforcement throughout Kansas.

We also support House Bill 2838 because this allows eligible employees to purchase participating service credit and pay for it at a rate of 8% of compensation instead of paying a lump sum. We feel this would allow a viable alternative to pay for such service credit without causing undue strain to the individual and make the option of purchasing credit available to those who cannot afford to pay the cost at one time.

The Patrol also supports House Bill 2839 which would allow an employee under the KPERS system to become a participating member upon the date of entry or employment. An individual would not be required to wait for a year to participate in a program designed to compensate them upon retirement. This would definitely give the new employee a welcome feeling and make them a part of the system immediately.



## DEPARTMENT OF HEALTH AND ENVIRONMENT

Forbes Field

Topcka, Kansas 66620-0001

Phone (913) 296-1500

Mike Hayden, Governor

Stanley C. Grant, Ph.D., Secretary

Gary K. Hulett, Ph.D., Under Secretary

## TESTIMONY PRESENTED TO

## HOUSE PENSIONS, INVESTMENTS AND BENEFITS COMMITTEE

BY

## THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

House Bill No. 2918

Legislation establishing a State Employees Health Care Commission was first introduced during the 1983 Legislative session. Legislative representation on the Commission was included as part of the original measure which passed both Houses. However, Governor Carlin vetoed the legislation under the rationale of separation of powers, i.e. the administration of the state employee's health insurance program is a responsibility of the executive branch of government, not the legislative branch. The Governor's office and legislative leadership worked together during the summer of 1983 to resolve differences and legislation establishing a State Employees Health Care Commission was passed during the 1984 session. This 1984 legislation did not contain legislative representation on the Commission. The legislation authorized the establishment of the Kansas State Employees Health Care Commission composed of (1) the Commissioner of Insurance, (2) the Secretary of Administration, and (3) a representative of the general public, appointed by the Governor. The representative of the general public may be a state officer or state employee.

We support the current membership of the State Employees Health Care Commission for the following reason: The administration of the state employees benefits program is an executive branch function, specifically that of the Secretary, Department of Administration. The Commissioner of Insurance provides additional knowledge and expertise in the area of health insurance benefits. Moreover, state employees and officers are represented by the member who represents the general public. Legislative oversight is provided during the appropriations process and state employees and legislators are active members of the State Employees Health Care Advisory Commission.

We do not support House Bill 2918.

Presented by

*Hulett*  
Stanley C. Grant, Ph.D.

Secretary

March 2, 1988

Office Location: Landon State Office Building—900 S.W. Jackson

Attachment # 5 Page 3/2/88



TOPEKA

HOUSE OF  
REPRESENTATIVESCOMMITTEE ASSIGNMENTS  
MEMBER: APPROPRIATIONS  
INSURANCE

WILLIAM R. BRADY  
REPRESENTATIVE, SIXTH DISTRICT  
LABETTE, MONTGOMERY COUNTIES  
1328 GRAND  
PARSONS, KANSAS 67357  
(316) 421-6281

March 2, 1988

TESTIMONY ON HOUSE BILL 2918

Representative Bill Brady

Mr. Chairman and members of the Committee.

House Bill 2918 does two things:

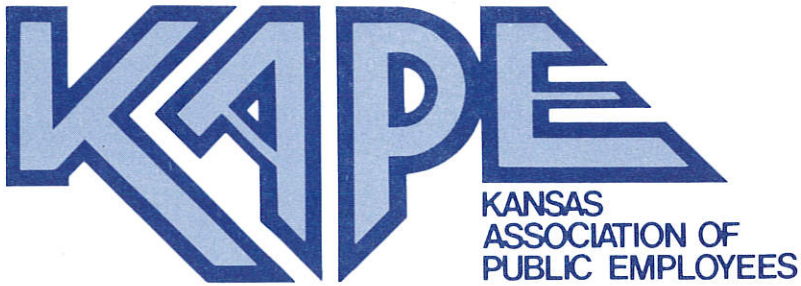
- 1) Changes the contract year for the state employees health plan from a calendar year basis to a fiscal year basis.
- 2) Increases the size of the Health Care Commission from three to five members.
  - A) State employee -- Appointed by the Governor
  - B) Legislator -- Appointed by Legislative Coordinating Council

Reasons for the first change:

- 1) More legislative oversight in decisions of the commission.
- 2) Easier from a budgeting standpoint if aligned with our fiscal year.

Reasons for the second change:

- 1) Size of issue warrants the need for more people
- 2) Need for more broad based input
  - A) State employee brings certain input
  - B) Legislator brings funding input
- 3) Current commission members have indicated a lack of expertise and desire to handle this statutory responsibility.



Presentation of Charles Dodson to the  
Committee on Pensions, Investments and Benefits  
March 2, 1988

Mr. Chairman, members of the committee. Thank you for this opportunity to speak in support of HB 2918.

As you have heard, there was very little input from state employees on the matters concerning the health insurance contract for 1988. This bill would correct that oversight, and insure that it didn't happen again.

HB 2918 would expand the HCC from three members to five. Of the two additional members, one would be a state officer or employee, and one would be a member of the Legislature. We believe that the addition of these two members would go far toward restoring employee confidence in the procedures for selecting their health insurance.

This bill would also direct the time for implementation of the contracts and allow legislative oversight during the process rather than after a contract has been signed.

**KANSAS CONFERENCE**  
**AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS**

March 2, 1988

HB 2918

Mr. Chairman and Members of the Committee:

I am Ruth Wilkin, representing the Kansas Conference of the American Association of University Professors. Our president appeared before you yesterday on HB 2979, but he had a class today and asked me to convey his message.

We thank you for the opportunity to appear before you in support of HB 2918. As you are all aware, I'm sure, the changes in health care insurance last year for state employees generated more anger and genuine distress among college faculty members than any issue in a long time. Much of this reaction was due to their complete lack of any prior knowledge that such changes were even being considered. They felt they should have had some input into the decision-making somewhere along the line.

This bill will increase the size of the Health Care Commission from 3 to 5 and will add a state official or employee to that commission along with a legislator. We believe this will help insure wider dissemination among state employees of proposals under consideration.

The A.A.U.P also believes it is a good idea to have the health care benefit plan commence at the beginning of the fiscal year so the legislature can review the plan. However, we understand the reason these contracts were changed from the fiscal year was because so many of our faculty members were gone in May and June which were the sign-up months. Some arrangement should be made so faculty members are able to sign up before they leave the campuses after the school year.

Thank you.

ATTACHMENT #8

3/2/88

Testimony on H.B. 2918  
Arthur H. Griggs  
Department of Administration  
March 2, 1988

On behalf of the Department of Administration, I appear in opposition to H.B. 2918. If adopted, this bill would enlarge the time gap between when the State Employees Health Care Commission receives health benefit program proposals and the date the selected program benefits are implemented. Establishing the benefit plan year to coincide with the state's fiscal year will adversely affect the treatment of copay and deductible amounts that are paid by participants. The bill also will change the makeup of the commission at a time when some stability is desirable.

1. Claims experience - timing - The bill provides for the Kansas State Employees Health Care Commission to submit to the Legislature their recommendations for the benefit year that commences the following July 1. This will necessitate the Commission starting the procurement processes in the fall in order to have prices negotiated in time to incorporate them into the Governor's budget recommendations and the Commission's report to the Legislature. This will mean that insurers and HMOs will have only a few months of actual claims experience for a current benefit year before they are required to propose pricing for a plan year that begins some nine months or so in the future. Carriers do not like to bid without at least six months of utilization data and prefer a longer period. If bidders are willing to bid under the proposed circumstances, it is foreseeable that they will increase the trend factor and inflation rate to protect themselves. The net result would be increased premiums.

It is assumed that the change in the date of the plan year required by H.B. 2918 was made to permit legislative alterations to the Commission's recommendations. However, there would be insufficient time to adequately take a legislatively mandated change and then solicit competitive proposals, negotiate final contract terms, prepare plan literature, conduct an open enrollment and get payroll data entered by July 1. Open enrollment can be hampered due to the fact that many university personnel are gone at the end of the spring semester.



2. Copays and deductibles - In order to change from a calendar to fiscal year plan basis by July 1, 1989, as required by H.B. 2918, the Commission will either have to extend contracts six months or award a six month contract. Currently copays and deductible amounts under HMO and insured coverage plans are computed on a calendar year basis. If the current contracts are extended six months, the copays and deductibles will need to be increased or the premiums will increase. If a six month contract or extension is implemented, employees may have to meet copays and deductibles twice in the same twelve-month span of time, which would be unpopular with participants.
  
3. Commission makeup - Currently the commission is made up of three active state employees. Additionally the commission has activated a twenty-four member advisory committee which includes four legislators. It is suggested that the addition of two commission members will not improve the type of input that is already available from the advisory committee, but that the change will detract from the stability that is needed on the commission at this time. A new benefits administrator is now in place, the commission is committed to undertake a review of the potentials to become self-insured and wellness measures are being carried out. It is recommended that consideration of reorganization of the commission be postponed until next year.

In summary, it is respectfully requested that the committee not pass H.B. 2918. Its potential disruption and fiscal impact outweigh any potential benefits.

5230A

Health Care Commission  
Advisory Committee

Department of Administration

Linda Kinney  
Division of Personnel Services  
9th Floor, Landon State Office Building  
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Department on Aging

Thirkelle Howard  
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State Board of Agriculture  
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Department of Health and Environment

Charlene Satzler  
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Kansas Judiciary  
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Senator Nancy Parrish  
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Representative Bill Buntin  
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Representative Bill Brady  
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Richard Young  
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Department of Transportation

Connie Beck  
Department of Transportation  
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Mokhtee Ahmad  
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Attorney General's Office

Pat Clark  
Attorney General's Office  
Kansas Judicial Center  
301 West 10th Street  
Topeka, Kansas 66612

Testimony of John L. Foster  
Concerning House Bill 2781

Mr. Chairman and Members of the Committee, I want to thank you for allowing me to participate as a conferee concerning House Bill 2781. This bill addresses two important issues. One would permit retirement at twenty-five years of service at any age under Kansas Police and Fire Retirement System. The other would dispense with duty related disability retirements.

Under the present Kansas Fire and Police Retirement System normal retirement is defined by a combination of age and service. The term "normal retirement" would reflect twenty-five years of service at fifty-five years of age. Most police personnel enter the police service well before their thirtieth birthday. If an individual enters police service at twenty-one years of age that individual would have to stay in the system thirty-four years before being able to retire without penalty. In my judgment, this presents several problems concerning the police service. Thirty-four years of service is too long for a line officer to serve. It must be mentioned that the great majority of police, fire, and sheriff's departments in Kansas are made up of small to medium size agencies and every position in those departments is vital to the delivery of public safety services. Most departments do not have positions where they can place officers other than line functions and not everyone is going to be able to be in an administrative position. Employees who are artificially trapped below the levels of their capabilities suffer from the same burnout effects as employees who are forced to remain past their productive work lives. The police service, because of the very nature of work, is experiencing some very serious problems:

1. An alcoholism rate that is in the top three of service professions.
2. The highest divorce rate of any profession.
3. A suicide rate 6.5 times as high as any non law enforcement related field.
4. Tremendous exposure to physical and psychological stresses: shift work, civil litigation, eating habits that never become habit, time lost from family, public expectations that cannot be met, salaries so low that it is not usually thought of as a profession, and numerous physical assaults during their career.

According to the Law Enforcement Stress Association the average young person that becomes a police officer is decreasing his life expectancy by twelve years due to occupational stress. The Federal Bureau of Investigation, an organization that investigates fewer types of crime in terms of responsibility, where what confrontation they have is handled by



a group of agents instead of an individual officer, has recognized the problem by establishing normal retirement at twenty years of service at age fifty. Although there are officers that have successfully maintained their physical capabilities, most who have been in service for twenty-five years should no longer be placed in situations where they may be the primary targets for a physical contest.

Every political subdivision has the right to expect the most and the very best from its law enforcement officers and on balance I know that every law enforcement officer is giving his or her very best. The Legislature has an opportunity to present an option to Members of The Kansas Police and Fire Retirement System that will in some part address some of the problems that I have outlined. We are not petitioning this Committee to completely overhaul the Kansas Police and Fire Retirement System. We would recommend that the 2% per year of service be maintained under any option that the employee may want to exercise. I believe that you will find from an actuarial basis that the cost of the proposed program is negligible. Law enforcement supports this part of House Bill 2781 and would hope that this Committee will pass the bill with a favorable recommendation.

Concerning the matter of duty related disability. This part of Kansas Police and Fire Retirement System is so fundamentally important to the retirement system that I am somewhat perplexed as to why it should be included in House Bill 2781. The duty related disability retirement is that part of the system that has protected the members after incapacitating injuries during the line of duty. This part of the system is so deeply rooted that I cannot imagine officers facing the dangers of their work without this protection. I urge that this Committee reject this section of House Bill 2781 that would do away with the duty related retirement disability. Thank you.