

Approved 2-20-70
Date

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

11:10 a.m./p.m. on February 19, 1990 in room 254-E of the Capitol.

All members were present ~~except~~:

Committee staff present:

Mary Galligan, Legislative Research
Deanna Willard, Committee Secretary

Conferees appearing before the committee:

Susan Wagle, Wichita Businesses Inc. Phil Wilkes, Dept. of Revenue
Tom Wagle for Nick Dondlinger, Knights of Columbus Clifford Chappell, Amer. Legion
Robert Melton, Teamsters Retirees Club
Jerry Donahue, Equity Real Estate

Hearing on: SB 609 - concerning bingo; relating to certain restrictions

Staff gave a briefing on the bill. The maximum daily prize would be raised from \$1,200 to \$1,500 and games could be run four days a week rather than three, though not on a consecutive Saturday and Sunday.

Susan Wagle, Wichita Businesses Inc., gave testimony in favor of the bill. (Attachment 1)

Tom Wagle read testimony from Nick Donglinger, Knights of Columbus, urging support for the bill. (Attachment 2)

Robert Melton, Teamsters Retirees Club, urged support for the bill. (Attachment 3)

Written testimony in support of the bill was distributed for the Arthritis Water Exercise Club, Inc., Wichita, (Attachment 4) Ronald Fiegel, O.D., Wichita, (Attachment 5) and Richard Dwyer, Blessed Sacrament Church. (Attachment 6)

Jerry Donahue, Equity Real Estate, spoke in favor of the bill. He represents a shopping center with one of the tenants being a bingo hall. He said that the taxes on the shopping center had more than doubled, that they really need to operate seven nights a week. He said coming to the bingo hall is a way of life for some people and that has been taken away from them. He said the dog track has greatly impacted the bingo hall.

Phil Wilkes, Department of Revenue, said the Department is neutral. They see it as having no fiscal consequences. Bingo halls pay a 3% tax on gross proceeds, which amounts to about 3/4 million dollars, along with regular sales taxes.

Clifford Chappell, American Legion, Topeka, spoke against the bill. He said they barely make expenses and could not if more prize money were allowed. They are small and have room for about 100 people. People would go to the parlors offering higher prizes if the prize money were graduated based on the number of people.

Senator Ehrlich made a request for a bill introduction regarding the use of herbicides. (Attachment 7)

A motion was made by Senator Strick and seconded by Senator Bond that the bill be introduced. The motion carried.

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 Senate COMMITTEE ON Federal and State Affairs,
room 254-E, Statehouse, at 11:10 a.m./~~p.m.~~ on February 19, 1990.

A proposed 55 retirement bill for the Kansas Wildlife and Parks Law Enforcement personnel was presented. (Attachment 8)

A motion was made by Senator Strick and seconded by Senator Ehrlich that the bill be introduced. The motion carried.

The minutes of the February 14 and 15 meetings were approved.

The meeting was adjourned at 12:00 noon.

WICHITA BUSINESSES INC.

2441 E. Mt. Vernon
Wichita, KS 67211
316-685-1004

Thank you Senator Reilly and committee members for this opportunity to increase your awareness of bingo operations in the State of Kansas. My name is Susan Wagle. My husband and I own three halls in Whichita. We currently have an excellent relationship with 18 non-profit organizations that operate bingo games in our facilities as a fund raiser. We are respected in our community as being fair and people oriented. We also have a file full of non profit groups wanting to operate games in one of our halls, however no openings to accomodate them.

In 1984, we addressed this committee supporting a bingo enforcement bill; a bill that provided that 1% of the 3% gambling tax that we pay on gross proceeds would establish a state agency to enforce bingo laws. The bill did not change or alter our operations, it just re-allocated tax monies. When the bill went to the House, a Representative changed the operations language to read that we could only operate 3 days a week (we were use to operating 7). The sponsoring Senator of this bill told us not to worry about the three day limit; that he would have it changed back to 7 days when it came back to the Senate. We naively believed him, and not understanding the political process, we did nothing.

Had it not been for our other business and real estate income, this law would have put us out of business. Every year, bills have been offered to remedy the situation, however none of them have ever made it through the full legislative process. It is ironic that the lottery was approved, and we now have 7 days a week, double session para-mutual wagering, and still bingo, another form of gambling and raising funds for charity, operates three days a week with a limit of \$1,200. in prizes. What's even more ironic is that now, in SEdgcwick County, our dog tracks are making head lines regarding how much money they give to charity, however, the money they are donating is actually about 1% of their gross proceeds. Bingo operations however, are required by law to give back 50% of the proceeds to the charity organizations.

Also, since 1984, Reservation Bingo has become big business. According to a market survey, we are now REGULARLY LOOSING 58% of our clientele to out of state games. Since the usual amount spent at a reservations game is close to \$100., the tax dollars, business dollars, and charity income our State is loosing is unbelievable. Every State surrounding Kansas has far more liberal bingo laws, so this is not just a Sedgwick County problem.

Our property taxes since 1984 have more than doubled. Our utilities and maintenance costs have also increased. No business can maintain a commercial piece of property while being open only three days a week. We cannot even increase the revenue we make on the three days we are open because we cannot increase the cost to play bingo to our patrons with also increasing at the same time the amount of prize money we award.

Senate F&SA
2-19-90
Att. 1

WBI

I have heard a few fraternal groups testify that bingo halls operating 7 days a week will put their bingo games out of business. This is simply not true. We didn't put them out of business before 1984, and we will not put them out of business in the future. The truth is, that most organizations operating in their own building cater to their own members and keep the bingo funds for their own purposes. Organizations operating in a hall however, cater to the general public and also give every penny back to the public by funding scholarships, food and clothing banks, and other charity needs where tax dollars stop short. In addition, a bingo hall allows ALL non profit organizations a chance to operate a bingo game, not just those that own their own building.

I assert that if a bingo game is going out of business, then they simply aren't catering to their clientele. Although I work in Wichita, I live in Andover, a small town just East of Wichita. We were recently asked to manage a bingo game for our church in Andover as a fund raiser. We had 266 people attend the game in Andover, and we only paid out in prizes \$1000. On that same night, just a few miles away in Wichita, we had only 206 people attending our hall game. THIS PROVES THAT A HALL GAME DOES NOT TAKE AWAY CLIENTELE FROM A SMALLER FRATERNAL OR CHURCH GAME. THEY JUST CATER TO A DIFFERENT CLIENTELE. The patrons that attend a private game are their to support their community. The patrons that attend a hall game are their for entertainment. In either case, if you put your customers first, you will be successful. Our halls are successful operations, we just can't attract people that want to play for more money and we can't pay our bills when we are only open 3 days a week.

What we need for an optimum operation is to be able to operate 7 days a week and have the possibility of winning a reasonable cash prize, like other forms of gambling in our State allow. Senate Bill 609 is a compromise. It will not keep our clientele from going to neighboring states to play bingo, and it will not keep our patrons from visiting the dog tracks or playing the lottery to win more money. It will however, keep us from going out of business. Because we are desperate and need a bill passed this session, we are willing to support 4 days rather than 7 and \$1,500 in payout rather than a more reasonable amount. WE would appreciate your support for this bill and your expediency in passing it through the Senate.



Knights of Columbus  *Wichita Council 691*

ACTIVITY CENTER ★ 424 N. BROADWAY ★ TELEPHONE (316) 264-7485 ★ WICHITA, KANSAS 67202

Senator Reilly and Members of the Senate Federal and State Affairs Committee. Thank you for this opportunity to express my organizations viewpoint on laws governing bingo games in Kansas.

I am Nick Dondlinger representing Knights of Columbus, Wichita Council 691. I urge you to support Senate Bill 609. Please consider the following and vote in favor of this bill.

-Kansas desperately needs more tax dollars to fund programs in danger of being cut. All bingo proceeds are subject to a 3% bingo tax in addition to Kansas sales tax. Kansans spend hundreds of thousands of dollars at more attractive bingo games in neighboring states where higher prizes are given away. I believe it is foolish to allow this money to leave the state. It hurts my organization as well as many other non-profits, it hurts our community, and it hurts our state's economy.

-The voice of the people was heard when Kansas citizens voted to legalize bingo, the lottery and para-mutual wagering at the poles. Why, I ask then, is bingo limited to three days of operation and a small payout when the lottery and paramutual wagering are not? Since Wichita Greyhound Park opened in Sedgwick County our bingo games have taken a nose dive. Our \$1200.00 payout cannot compete with the money awarded at the tracks.

- With the money we raise from bingo, my organization supports Catholic charities such as Holy Family Center as well as community organizations like Sedgwick County Mental Health and Starkey Development Center. We will not be able to give as much to these organizations this year because our income has been directly hurt from the competition of the dog tracks and Oklahoma bingo.

Please consider how organizations like mine help our communities and support us by voting in favor of Senate Bill 609.

Thank You,

Senate F&SA
2-19-90
Att. 2

Nick Dondlinger
Nick Dondlinger
Bingo Chairman



Teamsters Local 795 Retirees Club



4921 CESSNA STREET • WICHITA, KS 67210 • (316) 683-2651

February 19, 1990

From: Robert D. Melton, President
Teamsters Local 795 Retirees Club
4921 Cessna
Wichita, Kansas 67210

To: Senator Edward Reilly, Chairman
Federal and State Affairs Committee
Topeka, Kansas

Ref: Senate Bill 609

I'm Robert D. Melton, President; Teamsters Retiree Club, Wichita, Kansas.

First I want to thank you for the opportunity to address such a distinguished Committee.

My concern is to liberalize the existing Bingo laws so as to enable groups such as ours to be more active in charitable work of which is desperately needed in every community. All of our neighboring states have more liberal bingo laws; thereby causing bingo players to travel out of state and spending their bingo dollars elsewhere. In addition to the loss of revenue for Kansas the State Department of Revenue is losing the tax from said revenue. Senate Bill 609 is not adequate but does address some of the problems confronting groups such as ours.

We are currently supporting the Teamsters Teddy Bear Patrol and following are groups which we plan to donate the proceeds from our bingo games: Women's Crisis Center, Wichita; Sexual Assault Center, Inc, Wichita and a soup kitchen which feeds the hungry.

Your vote in favor of Senate Bill 609 will be deeply appreciated and will partially fill a void which exists in our community.

I am sincerely,

Robert D. Melton
Robert D. Melton, President

Senate F&SA
2-19-90
Att. 3

— OFFICERS —

Robert Koons, *Vice President*
Walter Ash, *Trustee*

Robert D. Melton, *President*
George O'Dell, *Treasurer*
Perry Caver, *Trustee*

Delbert Kilgore, *Rec. Secretary*
Donald E. Overacker, *Trustee*





ARTHRITIS WATER EXERCISE CLUB, INC.

AWECI, PO BOX 394, WICHITA, KANSAS 67201 (316) 265-2881

OFFICERS:

Virginia C. Douglas
President

Karen Slattery
Vice President

Lydie Kuhn
Treasurer

Marilyn Loux-Brumley
Secretary

ADVISORY BOARD:

Walt Lesline
*Spokesperson
Robinson-Lesline
Buick*

James Ayers
Martin Marietta

Dr. Donna Copley,
Ed.D

Charles Doolittle
*Doolittle
Construction, Inc.*

Carolyn Emery
Builders, Inc.

Richard V. Foote
Attorney at Law

Lisa Grigsby
Wichita Royale

Marti A. Johnson
Empire Bank

Ginny Malone
Community Service

Timothy McGuigan
Bank IV

Lisa McNeil
Harvest Communications

Linda Paul
Paul & Associates

Rick Petersen
Alcazar, Ltd

Brad Tull
Photovisions by Brad

David Wells
Key Construction

Fred Wendt
Schammerhorn, Inc.

Dr. H.J. Wisner,
MD

OFFICE / SITE:
210 S. Walnut
Wichita, KS

February 17, 1990

Senator Edward F. Reilly
Chairman Federal and State Affairs
Senate Chamber
State House
Topeka, Kansas

Re: Senate Bill 609

Dear Senator Reilly:

We wish to thank you and your committee members for your work and consideration on Senate Bill 609.

As members of a non-profit organization, we are vitally interested in this bill, and we sincerely hope that you will use all of your influence and be successful in getting this bill out of committee and to the Senate floor for discussion and passage.

We need more liberal Bingo laws in order for us to compete with other forms of entertainment here in Kansas and our surrounding states.

The para mutual wagerings, dog races, lotteries are all able to operate on a seven days per week basis, but, we are limited to only three (3) days per week.

We pay Kansas Sales tax on our earnings and all monies stay in this state. Since our surrounding states, Oklahoma, Nebraska, Colorado and Missouri all have much more liberal laws for these same activities, our people are spending more money in those states for their entertainment.

Those states offer more than we can and even offer bus transportation to various sites and many other accomodations

Senate F&SA
2-19-90
Att. 4

Come on in ... water exercise is great!

page 2.--con't.

all of which make it harder for us to compete. We feel that the money going into other states should remain in Kansas and work for Kansas people.

According to surveys done in our area, a very large percentage of the people playing Bingo would not go to surrounding states if our pay-outs were raised. Also, pull tabs are available during Bingo games in other states, but we do not have this advantage. WE NEED IT BADLY.

Senator Reilly, some 30% of the money we raise playing Bingo goes back to our non-profit organization and, this is indeed, our largest money making effort. WE are trying to raise money to buy land and to build a water exercise pool to benefit people with Arthritis, Diabetics, Accident Trauma Victims, Coronary problems or anyone needing a mild form of exercise in warm water.

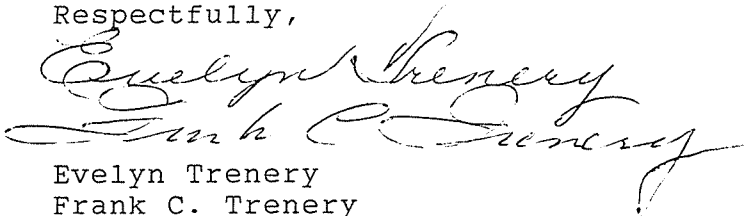
We are enclosing an advertisement that runs on a regular basis in a local publication and we find that we cannot compete with this type of advertising since we do not have the Bingo laws to afford us this advantage.

Since we are totally committed to our non-profit organization as Bingo co-chairmen, and, since Bingo is our largest source of income, on behalf of our organization, we want you to know that we all indeed appreciate and are grateful for your help and support.

Senator Reilly, we urge you to use your influence as Chairman of the Federal and State Affairs committee, to pass this bill out or your committee as soon a possible. WE NEED THIS BILL PASSED!

We want to take this opportunity to thank you for your fine leadership this past year and we count on your continued support on our behalf.

Respectfully,



Evelyn Trener
Frank C. Trener
Bingo Co-Chairmen

Arthritis Water Exercise Club, Inc.
949 S. Parklane
Suite 400
Wichita, Kansas 67218

Encl.

4-2

February 16, 1990

Federal and State Affairs Committee
Kansas Legislature

RE: SB 609, a bill for bingo

To All Committee Members,

I am writing in support of SB 609. I belong to the Breakfast Optimist Club of Wichita. We are a civic organization whose sole purpose is to provide volunteer and financial support for charitable causes in our community. Our sole source of financial support is derived from Bingo.

In the past two years, we have seen this income drop as a result of increased competition with the Lottery, the Dog Track and Indian Reservation Bingo. A recent survey of our clientele shows that fully 50% of them regularly go to Oklahoma to play. This same survey showed that 98% would go less often if we could offer a \$1000.00 Jackpot.

I know that we can't expect to compete with the size of jackpots available in Oklahoma. However, the provisions of SB 609, can help us to compete better.

I strongly urge you to support SB 609. Help us keep Kansas money in Kansas. By doing this, you will help us to improve the quality and quantity of the charity work we now provide for some of our states most deserving citizens.

Most Sincerely Yours,



Ronald L. Fiegel, O.D.

Senate F&SA
2-19-90
Att. 5

Blessed Sacrament Church

124 N. ROOSEVELT

PHONE 682-4557

Wichita, Kansas 67208

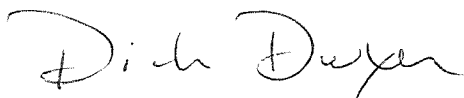
Thank you Senator Reilly and distinguished members of Federal and State Affairs Committee for this opportunity to address you regarding Senate Bill 609. Several years ago restrictions were placed on the number of nights a bingo parlor could operate. Since that time, our church men's club income has been literally cut in half, simply due to the fact that our hall can be open only half as many nights.

Recent surveys of the people who frequently patronize our bingo games indicate that 58% of them now regularly travel to bingo games outside the state. They take with them monies which used to come to our organization and also tax revenues which used to help our state.

Thank you for hearing the problems hall owners are facing and the many non-profit charitable organizations which depend on them for a source of income. I urge you to do what you can to insure passage of Senate Bill 609, allowing more days of operation and a slightly enhanced payout, in an attempt to keep money in Kansas helping Kansans.

Thanks again for your help.

Sincerely,



Richard D. Dwyer
Blessed Sacrament Church Men's Club
Bingo Chairman

Senate F&SA
2-19-90
Att. 6

SENATE BILL NO. _____

AN ACT concerning agriculture; relating to hormone-type herbicides; amending K.S.A. 1989 Supp. 2-2438a and repealing the existing section.

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

Section 1. K.S.A. 1989 Supp. 2-2438a is hereby amended to read as follows: 2-2438a. As used in this act, unless the context otherwise requires, the following words and phrases shall have the meanings ascribed to them in this section:

(a) "Animal" means all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish and shellfish.

(b) "Board" means the board of agriculture of the state of Kansas.

(c) "Certified applicator" means any individual who is certified under this act to use or supervise the use of any restricted use pesticide which is classified for restricted use by a certified applicator.

(1) "Certified commercial applicator" means a certified applicator, whether or not a private applicator with respect to some uses, who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided in paragraph (2) of this subsection (c).

(2) "Certified private applicator" means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of: (A) producing any agricultural commodity, (i) on property owned or rented by such person or such person's employer or, (ii) if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another

person; or (B) controlling ornamental shrubbery or turf pests on property which is owned or rented by such person and which is used as such person's residence.

(d) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant, with or without causing abscission.

(e) "Desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

(f) "Equipment" means any ground, water or aerial apparatus, used to apply any pesticide but shall not include any pressurized hand size household apparatus used to apply any pesticide or any equipment, apparatus or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application.

(g) "Fungus" means any nonchlorophyll-bearing thallophyte, including, but not limited to, rust, smut, mildew, mold, yeast and bacteria, except those on or in man or other animals and those on or in processed food, beverages or pharmaceuticals.

(h) "General use pesticide" shall mean and include all pesticides which have not been designated, by rule or regulation of the secretary or the board, as being restricted use pesticides.

(i) "Insect" means any small invertebrate animal having the body segmented, belonging to the class insecta and other classes of arthropods, including, but not limited to, beetles, bugs, bees, flies, spiders, mites, ticks and centipedes.

(j) "Registered pest control technician" means an uncertified commercial applicator who applies pesticides for wood destroying pest control, for structural pest control, for ornamental pest control, or for turf pest control, or for any combination of these types of pest control, and who has received verifiable training.

(k) "Nematode" means any unsegmented roundworms of the class nematoda, with elongated, fusiform, or saclike bodies covered with cuticle, inhabiting soil, water, plants or plant parts. Such

roundworms may also be referred to as nemas or eelworms.

(l) "Person" means any individual, partnership, association of persons, corporation or governmental agency.

(m) "Pest" means, but is not limited to, any insect, rodent, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacteria or other microorganisms on or in man or other animals, or which the secretary may declare to be a pest.

(n) "Pesticide" means, but is not limited to, (1) any substance or mixture of substances used to prevent, destroy, control, repel, attract or mitigate any pest and (2) any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant.

(o) "Pesticide business" means any individual, partnership, association of persons or corporation which applies pesticides to the property of another for compensation.

(p) "Pesticide business licensee" shall mean an individual, business, association of persons or corporation who is licensed or would be required to be licensed under the provisions of K.S.A. ~~1988~~ 1989 Supp. 2-2440, and amendments thereto.

(q) "Pesticide dealer" means any person who sells a pesticide to another person for application.

(r) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of plants but shall not include substances insofar as they are used as plant nutrients, trace elements, nutritional chemicals, plant inoculants or soil amendments. The term "plant regulator" shall not include any such nutrient mixtures or soil amendments as are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health and propagation of plants, and not for pest destruction if such mixtures or soil amendments, in the undiluted packaged concentration are nontoxic and nonpoisonous.

(s) "Restricted use pesticide" shall mean and include all

pesticide uses designated as such by rules and regulations of the secretary or the board.

(t) "Secretary" means the secretary of the state board of agriculture.

(u) "Under the supervision of" means, unless otherwise provided by the labeling of the pesticide product, acting under the instructions and control of another person who is available if and when needed, even though such other person is not physically present at the time and place the act is done.

(v) "Weed" means any plant or part thereof which grows where not wanted.

(w) "Use of any pesticide in a manner inconsistent with its label or labeling" means to use any pesticide in a manner not permitted by the label or labeling.

(x) "Pest control" means the destruction, prevention, repulsion or mitigation of a population, infection or infestation of a pest.

(y) "Pesticide management area" means a site or area designated by the secretary pursuant to K.S.A. 1989 Supp. 2-2472 within which a pesticide management plan is deemed necessary for the protection of the public health, safety, welfare or natural resources of the state.

(z) "Natural resources" means and includes soils, water and any form of terrestrial or aquatic or animal life.

(aa) "Pesticide rinsate" means the water contaminated with pesticides from the cleaning of the inside of pesticide containers or pesticide tanks.

(bb) "Hormone-type herbicide" means any substance or mixture of substances producing a physiological change in the plant tissue without burning, intended for preventing, destroying, repelling or mitigating any weed.

New Sec. 2. (a) Upon receipt of a petition bearing the signatures of not less than 25 actual occupants of the agricultural lands of a county, the board or an authorized agent of the board shall hold a public hearing in the county to determine whether dates should be established after which no

hormone-type herbicide may be applied by certified commercial applicators. Notice of such hearing shall be published in one issue of a daily, weekly or biweekly newspaper having general circulation in the county. After such hearing, the board may establish dates after which no hormone-type herbicide may be sprayed in the county, or any designated part thereof, for a period specified by the board. The board shall not be required to hold more than one hearing each 120 days concerning any county or part thereof.

(b) The board is hereby authorized to adopt rules and regulations for the administration of this section.

(c) This section shall be part of and supplemental to the Kansas pesticide law.

Sec. 3. K.S.A. 1989 Supp. 2-2438a is hereby repealed.

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

January 18, 1990

The Honorable Frank Gaines
State Capital
Topeka, Kansas 66612

Dear Senator Gaines:

Enclosed is a copy of the proposed 55 retirement bill for the Kansas Wildlife and Parks Law Enforcement personnel. The bill parallels the existing bill for the Kansas Correctional Officers.

The 55 retirement opportunity has for many years been desired by our State Wildlife Enforcement Officers. For a variety of reasons a 55 retirement option has been unattainable for Conservation Officers.

The Secretary of the Department of Wildlife and Parks has indicated the agency will support the proposed bill. Your assistance toward achieving this milestone is greatly appreciated. Your efforts will always be remembered by the Conservation Officers of the State of Kansas.

Sincerely yours,

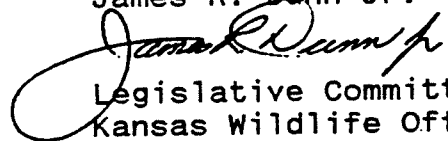
Tim A. Schaid



President

Kansas Wildlife Officers Assn.

James R. Dunn Jr.



Legislative Committee

Kansas Wildlife Officers Assn.

Senate F&SA
2-19-90
Att. 8

**PROPOSED CONSERVATION OFFICER RETIREMENT BILL
-KANSAS WILDLIFE AND PARKS**

NEW SECTION 1.

Retirement date for certain employees of the Department of Wildlife and Parks: law enforcement officer defined. (a) As used in this act and amendments thereto, " law enforcement officer" means any person, as certified to the Board by the Secretary of Wildlife and Parks who is employed on or after the effective date of this act as an employee of the Department of Wildlife and Parks.

(1) Who is in any position in a job class in the law enforcement officer class series including but not limited to conservation officer, assistant regional law enforcement supervisor, or regional law enforcement supervisor, as all such job classes are described on the effective date of this act 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 that have substantially the same duties and responsibilities thereof:

(2) Who is promoted prior to or on or after the effective date of this act from a position in any job class under paragraph (1) to any position in any job class of program specialist I - law enforcement training officer, program specialist II- special investigations, or program administrator - division chief, or to any position as described in paragraph (3) as such job classes are described on the effective date of this act 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 that have substantially the same duties and responsibilities, if the person was employed and had at least ten 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 (2):

(3) Who is in any law enforcement position in a job class series including but not limited to field supervisor I, field supervisor II, manager, or assistant manager as all such job classes are described on the effective date of this act 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 duties and responsibilities thereof.

(b) The words and phrases used in this act and amendments thereto, shall have the meanings ascribed thereto in K.S.A 74-4902 and amendments thereto, unless a different meaning is plainly required by the context.

NEW SECTION 2.

Same: application of this act, except as otherwise provided in and amendments thereto, the provisions of K.S.A. 74-4901 to 74-4929, and any acts amendatory thereof or supplemental thereto, shall apply to all law enforcement officers.

NEW SECTION 3.

Same: normal and early retirement dates; early retirement benefit reduction. (a) Notwithstanding the provisions of KSA 74-4914, 74-4915, and subsection (23) of KSA 74-4902, and any amendments to such statutes, the normal retirement date for all officers, as defined by paragraphs (1) or (2) of subsection (a) of new section 1 and any amendments thereto, with at least three consecutive years of service as such law enforcement officer immediately preceding the date of retirement, shall be the first day of the month coinciding with or following the attainment of age 55 and any such law enforcement officer may retire before such normal retirement date of the first day of any month coincident with or following the attainment of age 50 or completion of 10 years or credited service, whichever occurs later.

(b) (1) Except as otherwise provided in paragraph (2) of this subsection (b), any law enforcement officer, as defined by paragraph (1) or (2) of subsection (a) of New Section 1 and any amendments thereto, who retires before the normal retirement date shall receive an annual retirement benefit equal to the annual retirement benefit payable had such law enforcement officer retired on the normal retirement date but based upon such law enforcement officer's final average salary and years of participating and prior service credited to the date of actual retirement reduced by an amount equal to the product of (i) such annual retirement benefit payable had such law enforcement officer retired on the normal

retirement date, multiplied by (ii) the product of .2% multiplied by the number of months difference, to the nearest whole month, between such law enforcement officer's attained age at the time of retirement and age 55.

(c) Notwithstanding the provisions of KSA 74-4914, 74-4915 and subsection (23) of KSA 74-4902, the normal retirement date for all law enforcement officers, as defined by paragraph (3) of subsection (a) of New Section 1 and any amendments thereto, with at least three consecutive years of service as such law enforcement officer immediately preceding the date of retirement, shall be the first day of the month coinciding with or following the attainment of age 60 and any such law enforcement officer may retire before such normal retirement date on the first day of any month coinciding with or following the attainment of age 55 or completion of 10 years of credited service, whichever occurs later.

(d) (1) Except as otherwise provided in paragraph (2) of this subsection (d), any law enforcement officer, as defined by paragraph (3) of subsection (a) of New Section 1 and any amendments thereto, who retires before the normal retirement date shall receive an annual retirement benefit equal to the annual retirement benefit payable had such law enforcement officer retired on the normal retirement date but based upon such law enforcement officer's final average salary and years of participating and prior service credited to the date of actual retirement reduced by an amount equal to the product of (i) such annual retirement benefit payable had such law enforcement officer retired on the normal retirement date, multiplied by (ii) the product of .2% multiplied by the number of months difference, to the nearest whole month, between such law enforcement officer's attained age at the time of retirement and age 60.

NEW SECTION 4.

Same: employer contribution rate for Department of Wildlife and Parks, any additional cost resulting from the normal retirement date and retirement before such normal retirement date for law enforcement officers as provided in section (1) and amendments thereto and disability benefits as provided in section (5) shall be added to the employer rate of contribution for the Department of Wildlife and Parks as otherwise determined under KSA 74-4920.

NEW SECTION 5.

On July 1, 1989 KSA 1988 Supp. 74-4914e is hereby amended to read as follows: 74-4914e. (a) As used in this section : (1) " law enforcement employee" means any member of the department as described in paragraph (1), (2) or (3) of subsection (a) of New Section 1:

(2) "disability" means the total inability to perform permanently the duties of the position of a law enforcement employee in which the law enforcement employee was employed at the time of disability;

(3) "service-connected" means any physical or mental disability resulting from external force, violence or disease occasioned by an act of duty as a law enforcement employee and includes, for such employee after five years of credited service, any death or disability resulting from a heart disease or disease of the lung or respiratory tract, except that in the event that the law enforcement employee ceases to be a contributing member except by reason of a service-connected disability for a period of six months or more and then again becomes a contributing member the provision relating to death or disability resulting from a heart disease or disease of the lung or respiratory tract, shall not apply until such law enforcement employee has again become a contributing member for a period of not less than two years or unless clear and precise evidence is presented that the heart disease or disease of the lung or respiratory tract was in fact occasioned by an act of duty as a law enforcement employee: and

(4) "final average salary" means the average highest annual compensation paid to a law enforcement employee for any three of the last five years of participating service immediately preceding the date of disability, or if participating service is less than three years, then the average annual compensation paid to the law enforcement employee during the full period of participating service or if a law enforcement employee has less than one calendar year of participating service the law enforcement employee's final average salary shall be computed by multiplying the law enforcement employee's highest monthly salary received in that year by 12.

(b) If any active contributing law enforcement employee becomes totally and permanently disabled due to service-connected causes as defined in subsection (a), such law enforcement employee shall be retired and the following benefits shall become payable and shall continue until the law enforcement employee's death or until the law enforcement employee recovers from the disability if a report of the event in a form acceptable to the Board is filed in the office of the Executive Secretary of the Board within 220 days after the date of the event or act of duty causing such disability and an application for such benefit, in such form and manner as the board shall prescribe, is filed by the law enforcement employee or the law enforcement employee's authorized representative in the office of the Executive Secretary of the Board within two years of the date of disability.

(1) The law enforcement employee shall receive a retirement benefit equal to 50% of the law enforcement employee's final average salary. Such benefit shall accrue from the day upon which the law enforcement employee ceases to draw compensation.

(2) Each of the law enforcement employee's unmarried children under the age of 18 years or each of the law enforcement employee's children under the age of 23 years who are full-time students as provided in section 31 shall receive an annual benefit equal to 10% of the law enforcement employee's final average salary. Such benefit shall accrue from the day upon which the law enforcement employee ceases to draw compensation and shall end on the first day of the month in which each such child or children attains the age of 18 years, die or marry, whichever occurs earlier or in which each such child or children attains the age of 23 years; if such child or children are full-time students as provided in section 31.

(3) In no case shall the total benefits payable under paragraphs (1) and (2) of this subsection (b) be in excess of 75% of the law enforcement employee's final average salary.

(4) In the event a law enforcement employee who is retired under paragraph (1) of this subsection (b), dies within two years after the date of such retirement, then benefits may be payable under subsection (2) of KSA 74-4916 and amendments thereto.

(5) In the event a law enforcement employee who is retired under

paragraph (1) of this subsection (b), dies more than two years after the date of such retirement, and the proximate cause of such death is the service-connected cause from which the disability resulted, then benefits may be payable under subsection (2) of KSA 74-4916 and amendments thereto.

(c) If any law enforcement employee who is an active contributing member prior to such law enforcement employee's normal retirement but after five years or more of credited service becomes totally and permanently disabled for a period of 180 days from causes not service-connected, and not as the result of a willfully negligent or intentional act of the law enforcement employee, such law enforcement employee shall be retired and the following benefit shall become payable and shall continue until the law enforcement employee's death or until the law enforcement employee recovers from such disability whichever occurs first if a report of the disability in a form acceptable to the Board is filed in the office of the Executive Secretary of the Board within 229 days after the date of the commencement of such disability and if an application for such benefit in such form and manner as the board shall prescribe is filed in the office of the Executive Secretary of the Board within two years of the date of disability:

A retirement benefit equal to 2% of the law enforcement employee's final average salary multiplied by the number of years of credited service, but not to exceed the amount of the retirement benefit provided in paragraph (1) of subsection (b). Such benefit shall not become payable until satisfactory evidence is presented to the Board that the law enforcement employee is and has been for a period of 180 days totally and permanently disabled, but benefits shall accrue from the day upon which the law enforcement employee ceases to draw compensation.

(d) Any law enforcement employee who is employed for compensation by an employer other than the Department of Wildlife and Parks and whose disability is incurred in the course of such other employment shall not be eligible for any of the benefits provided in subsection (3).

(e) If a law enforcement employee becomes totally and permanently disabled and no benefits are payable under subsection (b) or (c), the sum of the law enforcement employee's accumulated contributions shall be paid to the law enforcement employee.

(f) Any law enforcement employee receiving benefits under this section shall submit to medical examination, not oftener than annually, by one or more physicians or any other practitioners of the healing arts holding a valid license issued by Kansas State Board of Healing Arts, as the Board of Trustees may direct. If upon such medical examination the examiners report to the Board that the retiree is physically able and capable of resuming employment with the participating employer from whose employment the law enforcement employee retired, the disability benefits shall terminate. A retiree who has been receiving benefits under the provisions of the section and who returns to employment of a participating employer shall immediately commence accruing service credit which shall be added to that which has been accrued by virtue of previous service.

(g) Any retiree who has been receiving benefits under the provisions of this section for a period of five years shall be deemed finally retired and shall not be subject to further medical examinations, except that if the Board of Trustees shall have reasonable grounds to question whether the retiree remains totally and permanently disabled, a further medical examination or examinations may be required.

(h) Refusal or neglect to submit to examination as provided in subsection (f) shall be sufficient cause for suspending or discontinuing benefit payments under this section and if such refusal or neglect shall continue for a period of one year, the law enforcement employee's rights in and to all benefits under the system may be revoked by the Board.

(i) Any retirement benefits payable under the provisions of this section shall be in lieu of all other benefits under the system.

(j) Each law enforcement employee shall report to such member's participating employer any event or act of duty causing disability within 200 days after such event or act of duty. The Department of Wildlife and Parks shall file in the office of the Executive Secretary of the Board, in a form acceptable to the Board, a report of the event or act of duty causing disability within 220 days after the event or act of duty.

(k) Benefits payable under this section shall be reduced by the amount of any disability benefits received under the Federal Social Security Act or the Workmen's Compensation Act. In no case shall a law

enforcement employee who is entitled to receive benefits under this section receive less than \$100 per month.

(l) The provisions of this section shall apply to disabilities occurring after June 30, 1990, and prior to July 1, 1995. At the direction of the Board of Trustees, the actuary shall conduct an experience evaluation of benefits payable under this section and the Board shall provide copies of such study to the Governor and members of the legislature.

(m) The provisions of KSA 74-4927 and amendments thereto relating to insured disability benefits shall not be applicable to law enforcement employees subject to the provisions of this section.

Fiscal Year-1991 Law Enforcement Officer Salaries	\$2,574,434
Normal Retirement percent paid by Department-3.20%	81,383
Age 60 retirement age-add 1.30% per year	33,468
Age 55 retirement age-add 2.10% per year	54,063

MARTIN E. SEGAL COMPANY
CONSULTANTS AND ACTUARIES

730 FIFTH AVENUE
NEW YORK, NEW YORK 10019
(212) 586-5600

DEC 13 9 01 AM '89

FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

December 15, 1989

Mr. Jack L. Hawn
Deputy Executive Secretary
Kansas Public Employees Retirement System
Capitol Tower - 2nd Floor
400 West 8th
Topeka, Kansas 66603

Re: Department of Wildlife & Parks

Dear Jack:

We have determined the additional contribution rate that would be required if the Department of Wildlife & Parks employees would receive the same benefits as correctional officers.

Based on the data that you provided, the additional required contribution would be as follows:

<u>Normal Retirement Age</u>	<u>Additional Contribution Rate</u>
60	1.3%
55	2.1%

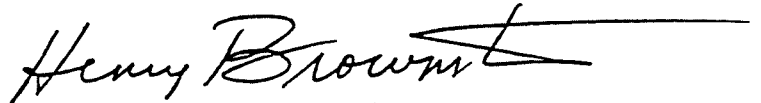
The demographics of the Wildlife and Park employees are summarized below:

	<u>Retirement Age 60</u>	<u>Retirement Age 55</u>
Number of Employees	56	81
Average Age	39.9	44.3
Average Service	12.0	14.7
Average Salary	\$24,800	\$27,100

It should be noted that each group has considerably more service than the corresponding current group of correction officers (i.e, service values corresponding to the 12.0 and 14.7 shown above are 8.3 and 6.8 for the correction officers); therefore, it is more expensive to provide benefits for these employees.

If you have any questions or need more information, please call.

Sincerely,

A handwritten signature in cursive script that reads "Henry Brownstein". The signature is written in black ink and is positioned above the typed name and title.

Henry Brownstein, A.S.A., M.A.A.A.
Associate Actuary

HB:ns